



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

Planning & Zoning Administrator  
Flood Plain Coordinator

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## STAFF REPORT

### Conditional Use Permit Application No. 20-26 Hayes Short-Term Rental

**HEARING DATE:** January 14, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Chris Hayes  
348 W Cub ST  
Meridian, ID 83642  
**LOCATION/SIZE:** The 0.46-acre site is addressed at 28 Pointe at Goldfork CT, located on Lot 7, Block 1 of The Pointe at Goldfork, in the NW ¼ Section 34, T.16N, R.3E, Boise Meridian, Valley County, Idaho.  
**REQUEST:** Short-term Rental for 18 Guests  
**EXISTING LAND USE:** Single-family Residential

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## BACKGROUND:

Christopher Hayes is requesting a conditional use permit for a short-term rental with 18 guests. The home is approximately 2,692 sq.ft. with a 2-car attached garage. There are seven outside parking spots for additional vehicles and trailers. Central sewer and water are provided.

The 0.46-acre site is accessed from Pointe at Goldfork Court, a public road.

Short-term Rental or "vacation rental": means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rentals do not include a unit that is used for any retail, restaurant, banquet space, event center, hotel/motel type lodging, or another similar use.

Short-term rentals requesting greater than 12 guests per night require a conditional use permit.

This home was used a short-term rental prior to the passage of the Short-Term Rental Ordinance in May 2020.

## FINDINGS:

1. Application was made to Planning and Zoning on Sept. 8, 2020, with additional submittal in October 2020.

2. Legal notice was posted in the *Star News* on Nov. 19, Nov. 25, Dec. 24, and Dec. 31, 2020. Potentially affected agencies were notified on Nov. 10, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent Nov. 10, 2020. The site was posted on Dec. 29, 2020. The notice and application were posted online at [www.co.valley.id.us/public-hearing-information](http://www.co.valley.id.us/public-hearing-information) on Nov. 10, 2020. The public hearing was scheduled for Dec. 10<sup>th</sup> and postponed to Jan. 14, 2020

3. Agency comment received:

Central District Health has no objections; the house is connected to sewer. (Nov. 16, 2020)

Jess Ellis, Donnelly Fire Department, responded with requirements regarding fire apparatus access roads and Liquefied Petroleum Gas Systems (LPG). (Nov. 30, 2020)

4. Neighbor comments received:

Chris Lombardo is opposed. Two of 10 homes in their subdivision are used for short-term rentals and are a nuisance to the neighbors. There is not enough room for parking. The Hayes' house is not designed to accommodate 18 individuals. The Commissioners should consider the entire neighborhood more than the financial gain of a few. (Dec. 11, 2020)

James and Renee' Lovejoy, 172 Lodgepole Lane, have lived across the street from the Hayes' for over 10 years. Living with the VRBO has not been pleasant; these are some example of negative impacts to the neighborhood:

- Not enough parking. The home has a 2-car garage with a 10' wide driveway. The garage is used for storage not parking. The renters park on the street, in the yard, or on someone else's property. The carport on the site plan has not yet been placed.
- Traffic congestion and excessive speeds.
- Current condition of the property exterior is poor due to lack of maintenance.
- Trash is a problem.
- The neighborhood includes private pathways and private docks for each property owners; they are being overused by the renters of the two short-term rentals in the neighborhood.
- 22 people in this house is unacceptable for renters and neighbors. (Dec. 12, 2020)

Chris and Roberta Watson live next door to the Hayes' house and are opposed. Renters use their driveway and property because there is not enough room on the rental property. Renters are also using the dock. The owner has not been monitoring the guests or the number of people using the site. Who would monitor the number of guests per night? (Dec. 11, 2020)

Mike and Colleen Fein, 32 Pointe at Gold Fork Court, are next-door neighbors and are strongly opposed to a CUP for 18 people. The revised short-term rental rules approved in May 2020 have yet to be enforced. They were put in place to protect both the individuals in the rental home and also the neighboring properties. Negative impacts include lights, noise, late night arrivals, and not knowing who is in the neighborhood. If any VRBO in Valley County is allowed to obtain a C.U.P., then all VRBO properties can and will follow suit. (Nov. 13, 2020)

Greg Plummer is opposed. Common sense dictates 18 people will not fit in a 3-bedroom, 2400 sq.ft. house. He included the link advertising the home on vrbo.com. The printout of the rental ad is attached. (Nov. 23, 2020)

Steven Miller, 15 Pointe at Gold Fork CT, is opposed to any use above the 12-person occupancy allowed. The renters at this home do not follow the rules for the subdivision's private dock. Renters park vehicles and trailers on the street and the yard. The residence does not include added safety features that a commercial structure would require. Concerns include fire safety, exits, increased sewer and water load, and noise. (Dec. 19, 2020)

Orson and Charlotte Woodhouse, 27 Pointe at Gold Fork Court, own a residence directly across the street from the site and are opposed. He is also the original developer of the subdivision and serves on the Gold Fork Pointe HOA Board of Directors. In 2017, the subdivision amended the CCRs by majority vote due to problems with short-term rental properties. The amendment restricted rental periods to a minimum of six months and gave the HOA board the right to review leases. There are 20 property owners and 17 voted in favor of the amendment. Lack of parking, noise, vehicles, music, and late nights are issues. (Dec. 23, 2020)

Mike and Colleen Fein did not like the location of the public hearing notice sign. The application refers to an attached carport that they do not see at the site. There is a covered patio on the back of the house. There are no designated parking spots on the ground. (Jan. 1, 2021)

5. Physical characteristics of the site: relatively flat with existing single-family residence.

6. The surrounding land use and zoning includes:

North: Single-family Residential  
South: Single-family Residential  
East: Single-family Residential  
West: Single-family Residential

7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:

- 2. Residential Uses (f) Condominium, townhouse, or other multi-family residence.

Review of Title 9, Chapter 5 Conditional Uses should be done.

### **Valley County Code:**

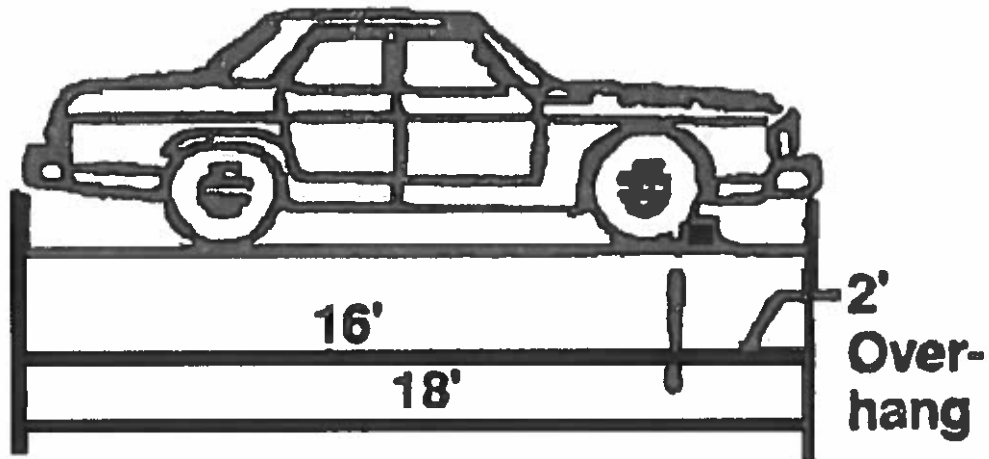
Short-term Rental or "vacation rental": means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rental or vacation rental does not include a unit that is used for any retail, restaurant, banquet space, event center, hotel/motel type lodging, or another similar use. This does not include multiple family groups that are camping on holiday type of weekends. (VCC Title 9-1-10)

One STR unit is allowed on a parcel with an administrative permit. More than one STR or more

than one residential use on a parcel will require a conditional use permit in accordance with chapter 5 of this title (VCC 9-5).

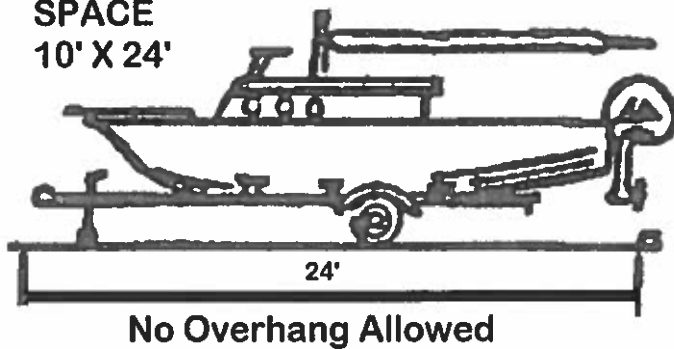
## STANDARD PARKING SPACE

### 8'6" X 18'



### C. VEHICLE OVERHANG

#### RECREATIONAL VEHICLE PARKING SPACE 10' X 24'



**9-5A-3: PARKING AND OFF STREET LOADING FACILITIES:**

A. Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including firetrucks and refuse collection trucks, snow storage, and drainage.

B. Accessory Parking And Loading Facilities Required: Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established after the effective date hereof; unless the commission or the board determines that the proposed parking is adequate.

C. Required Spaces: The minimum number of spaces required is specified herein under the site and development standards for the specific use.

D. Parking Space, Maneuvering Area And Aisle Dimensions: All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes 1 :

1. Parking Area Dimensions:

a. Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').

b. All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').

c. Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').

2. End Parking Space Maneuvering: A three foot (3') wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.

3. Vehicle Overhang:

a. Recreational Vehicles And Parking Spaces: Recreational vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.

b. Standard Size Parking Spaces:

(1) Landscaped Areas: Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percentage of lot to be landscaped.

(2) Sidewalks: Standard size parking spaces are allowed to overhang sidewalks only where the sidewalk is a minimum of six feet (6') in width.

c. Access To And From Streets: Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten feet (10') wide nor more than forty feet (40') wide that extends onto the private property at least twenty feet (20') beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter streets in a forward direction.

d. Driveways: All driveways shall be designed and constructed in accordance with the county approach policies.

e. Surface: Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust free, durable material.

f. Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.

g. Screening: Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four feet (4') in height.

**h. Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.**

i. Off Street Loading Facilities: Off street loading facilities shall be provided separately from parking spaces for commercial, industrial, and institutional uses. The facilities shall be adequate to provide loading and unloading without obstruction to the street or parking areas.

## **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +8.

**The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).**

## **Staff Questions/Comments/Recommendation:**

How many vehicles can be parked on this site? Where are they located? There is no parking area on the SW corner of the property? Are you going to remove all the trees for the additional parking area? Do people park in the setbacks or on the yard?

Do you pay sales tax?

Do you contract with Lakeshore Disposal for garbage pickup?

Do you have a fire pit?

Do you have outdoor lights?

Are your rules and emergency contact numbers posted?

Do you have a property manager?

Attached is the original site plan approved with the building permit. Why is it so different then current plan?

## **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation Form
- Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Assessor's Plat – T16N R3E Sec. 34
- Pictures taken Dec. 29, 2020
- Site Plan from Building Permit
- Responses

## **Conditions of Approval**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use must be established within one year or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lighting must comply with the Valley County Lighting Ordinance.
6. Shall obtain a sign permit prior to installation of a sign.
7. Quiet hours shall be 10:00 p.m. to 8:00 a.m.
8. Smoke detectors and carbon monoxide detectors should be installed throughout the home.
9. LP gas detectors shall be installed.
10. There should be fire extinguishers on each level of the home and one near any outside LPG grills.
11. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
12. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36.
13. Parking shall be in designated parking spots and not in the right-of-way.

**END OF STAFF REPORT**

## Compatibility Questions and Evaluation

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response  
Value

Use Matrix Values:

(+2/-2)      X      4      \_\_\_\_\_

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2)      X      2      \_\_\_\_\_

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2)      X      1      \_\_\_\_\_

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

### Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)      X      3      \_\_\_\_\_

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2)      X      1      \_\_\_\_\_

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2)      X      2      \_\_\_\_\_

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2)      X      2      \_\_\_\_\_

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2)      X      2      \_\_\_\_\_

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2)      X      2      \_\_\_\_\_

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (--)      \_\_\_\_\_

Total Score      \_\_\_\_\_

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.



Matrix Line # / Use: 5Prepared by: CH

YES/NO      X      Response Value

Use Matrix Values:(+2/-2) +1 X 4 +4

1. Is the proposed use compatible with the dominant adjacent land use?

S.F. Subdivision(+2/-2) +1 X 2 +2

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Same as #1(+2/-2) +1 X 1 +1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See #1Site Specific Evaluation (Impacts and Proposed Mitigation)(+2/-2) -1 X 3 -3

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

There are some trees, airport is above in location of trees. Too small for lots of cars(+2/-2) +2 X 1 +25. Is the size or scale of proposed lots and/or structures similar to adjacent ones?Yes(+2/-2) -1 X 2 -2

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

increases above S.F. Residence - lack of parking on-site(+2/-2) -1 X 2 -2

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

impact of noise -(+2/-2) +1 X 2 +2

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

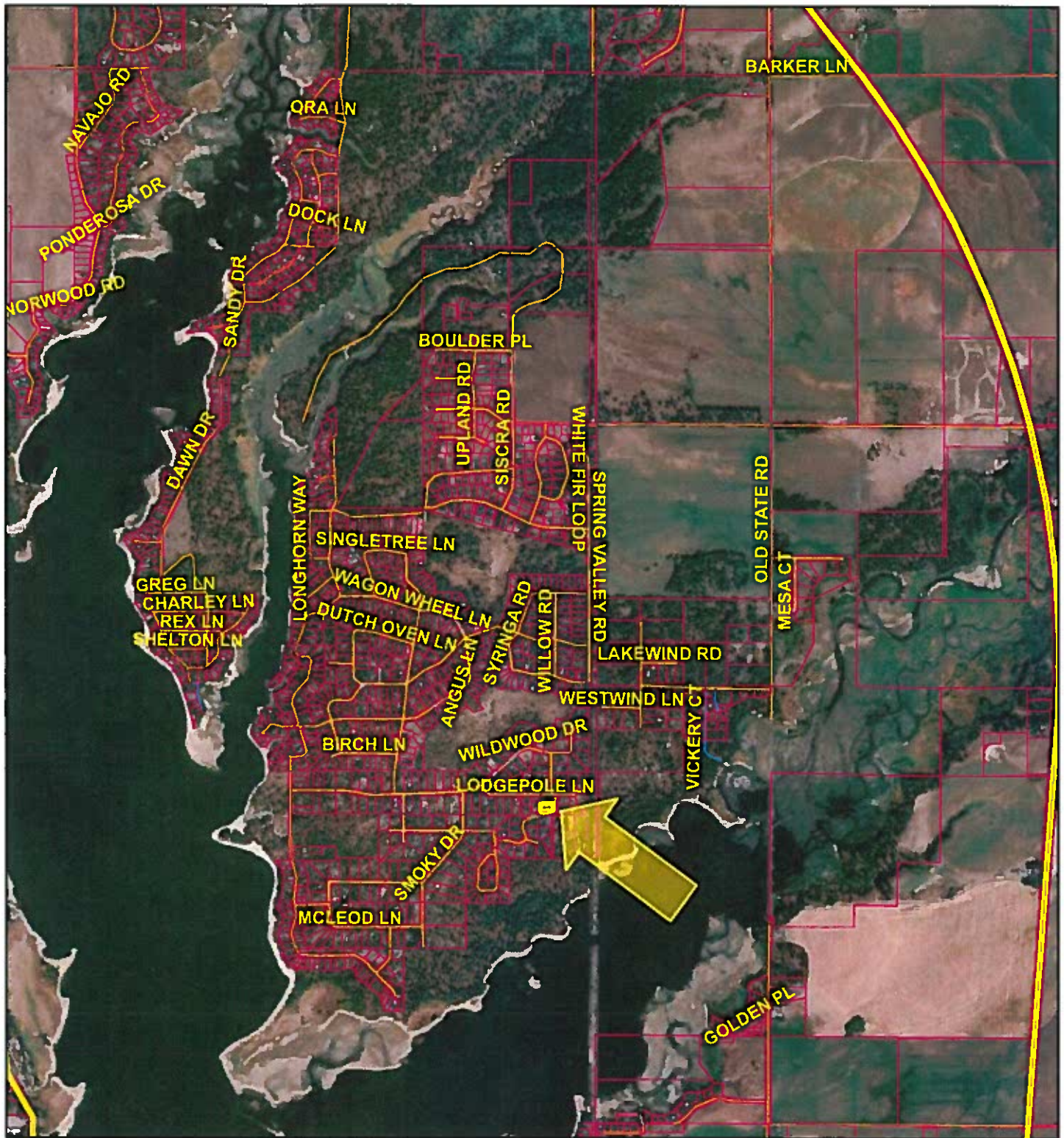
increase, but acceptable(+2/-2) +2 X 2 +4

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

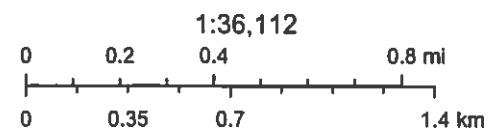
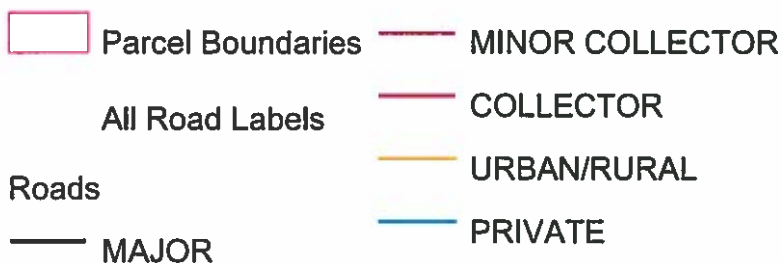
No ChangeSub-Total (+) 15Sub-Total (--) 7Total Score +8

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

# C.U.P. 20-26 at 28 Pointe at Goldfork Court



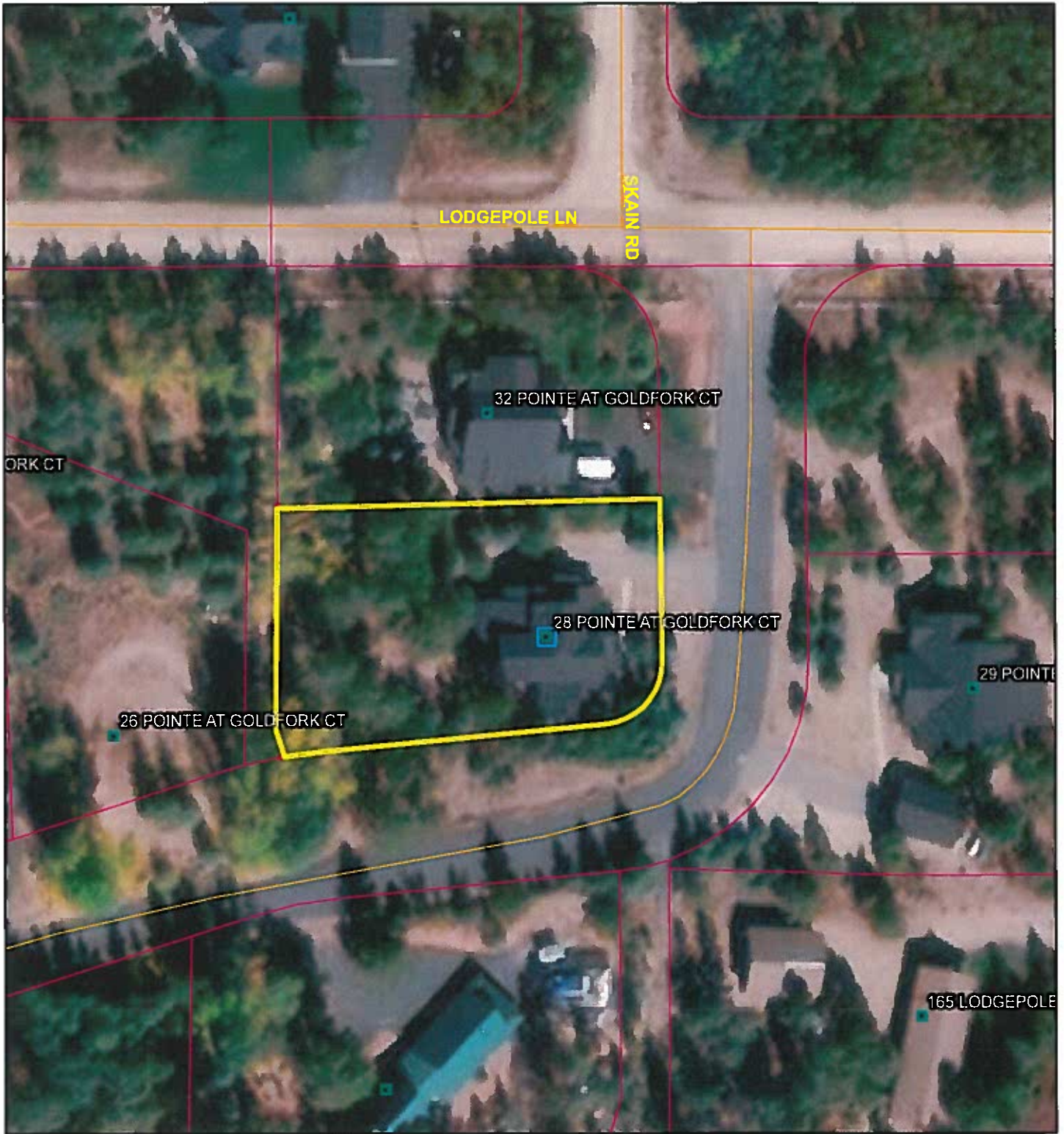
10/27/2020, 11:29:15 AM



USDA FSA, GeoEye, Maxar



# C.U.P. 20-26 at 28 Pointe at Goldfork Court



10/27/2020, 11:08:26 AM



Parcel Boundaries

All Road Labels

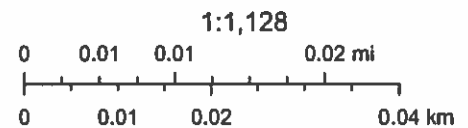


Addresses

Roads



URBAN/RURAL



GeoEye, Maxar, Microsoft

TWP. 16N ROSE SEC. 34

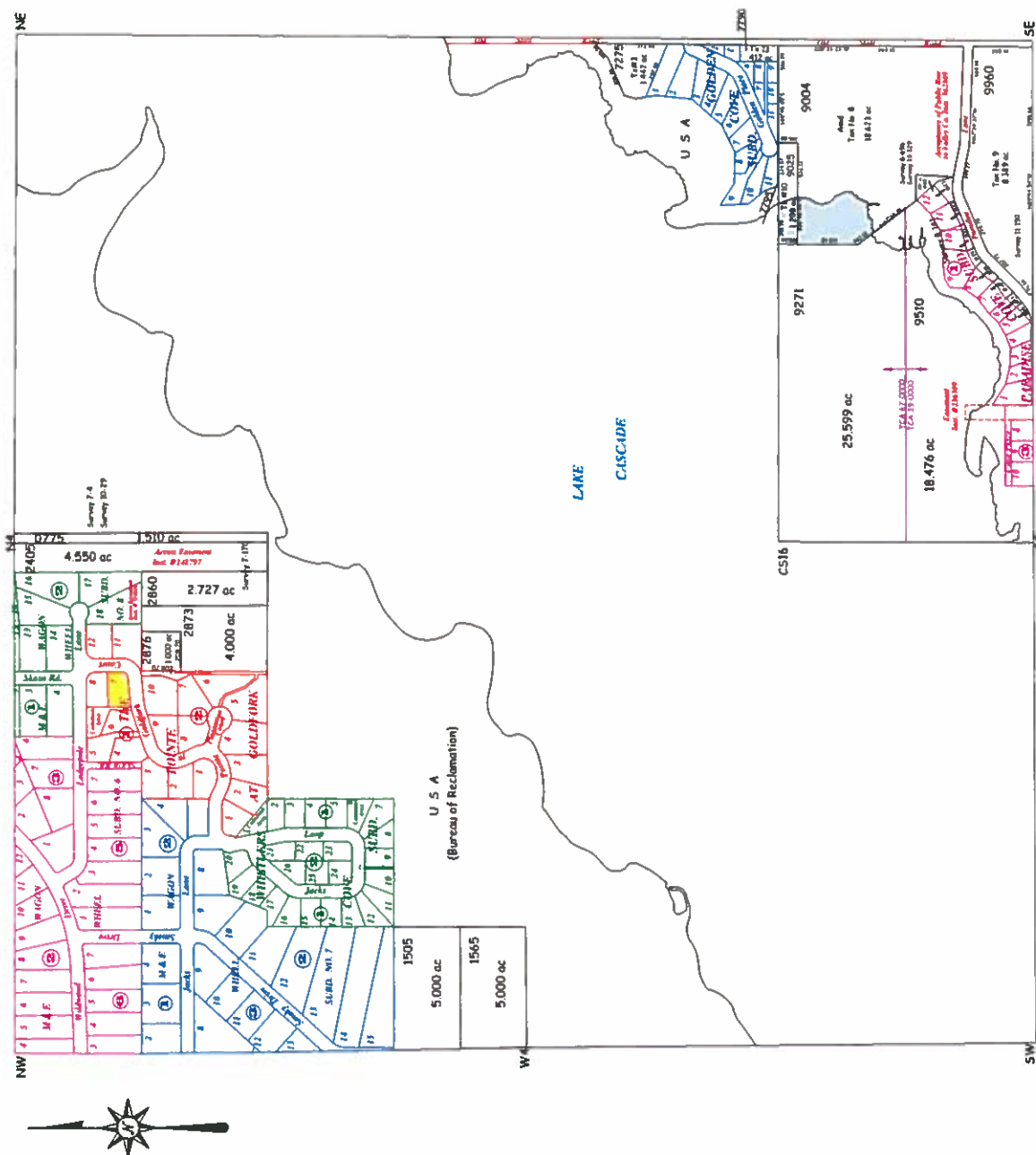
**VALLEY COUNTY**  
Assessor's Office  
Cartography Dept.  
Cascade, ID 83611

**Filename:** H:\archival\Valley County Base Map\

**Scale:** 1" = 400 ft

**Date:** 3/27/19

**Drawn by:** L. Frederick







12-29-2020





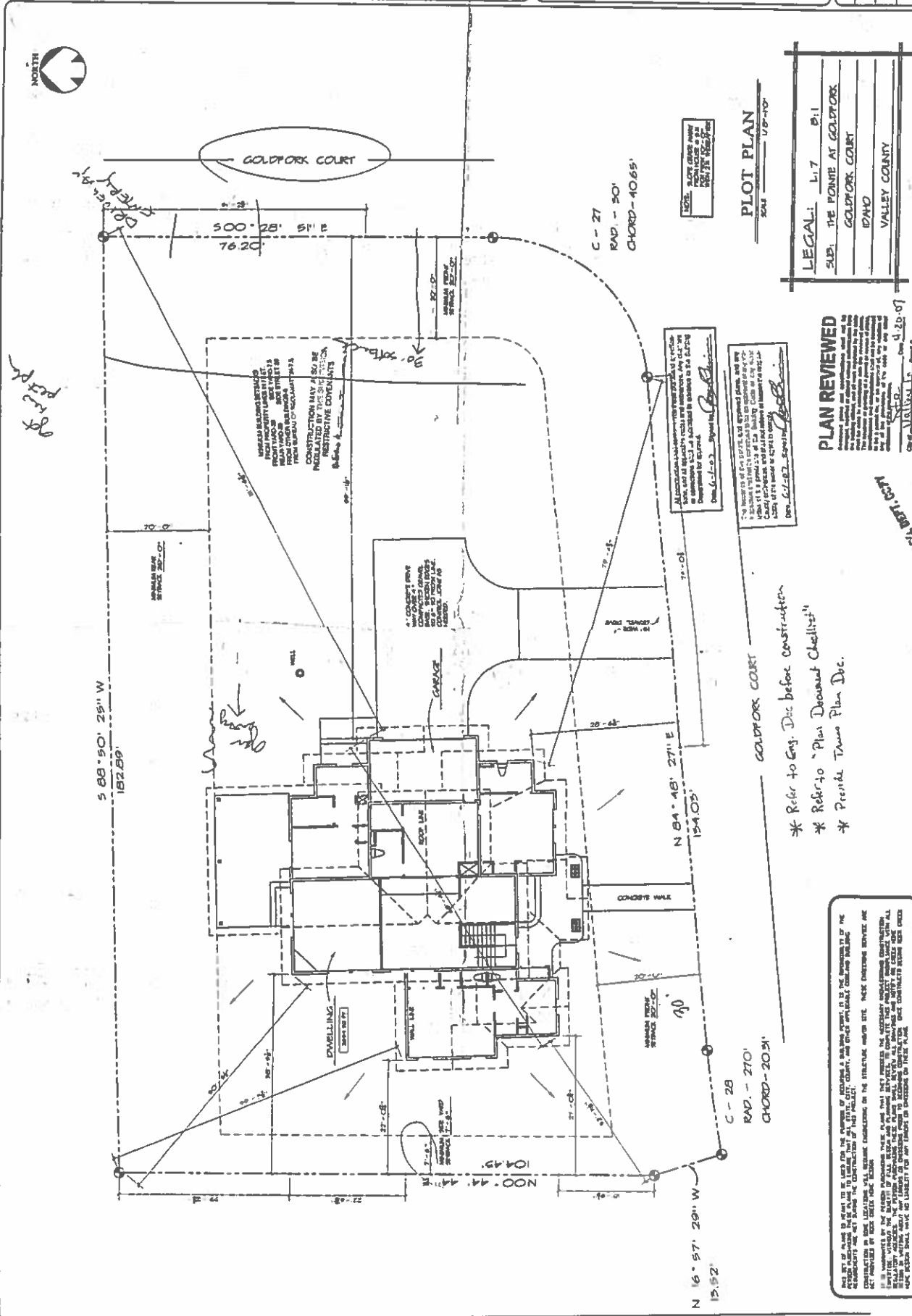
12-29-2020 Front of house (east side)





12-29-2020  
Side of house (south)

DATE	08-08-06
REVISION	08-08-06
LAKE	LAKE
OWNER	LAKE
PROJECT	LAKE
LOT 7A	LAKE
1 of 11	LAKE



THIS SET OF PLANS IS TO BE USED FOR THE CONSTRUCTION OF A BUILDING. IT IS THE RESPONSIBILITY OF THE ARCHITECT AND ENGINEER TO PROVIDE ALL NECESSARY INFORMATION, INCLUDING BUT NOT LIMITED TO, THE LOCATION OF THE BUILDING, THE TYPE OF CONSTRUCTION, THE MATERIALS TO BE USED, AND THE METHOD OF CONSTRUCTION. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION FURNISHED AND FOR THE PROPER INTERPRETATION OF THE SAME. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE RESULTS OF THE CONSTRUCTION.

\* Refer to Eng. Dec before construction  
 \* Refer to "Plan Document Checklist"  
 \* Provide Trench Plan Doc.

LIST 887, 657, 157





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

- ☐ Cascade  
☐ Donnelly  
☐ McCall  
☐ McCall Impact  
☒ Valley County

Rezone # \_\_\_\_\_

Conditional Use # CUP 20-26

Preliminary / Final / Short Plat \_\_\_\_\_

Hayes Short term Rental  
Lot 7 B1K1 The Pointe @ Gold Fork

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☐ high seasonal ground water ☐ waste flow characteristics  
☐ bedrock from original grade ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☒ 14. Residence is connected to city sewer.

Reviewed By: [Signature]

Date: 11/16/20



**Donnelly Rural Fire Protection District**  
P.O. Box 1178 Donnelly, Idaho 83615  
208-325-8619 Fax 208-325-5081

November 30, 2020

Valley County Planning & Zoning Commission  
P.O. Box 1350  
Cascade, Idaho 83611

**RE: C.U.P. 20-26 Hayes Short-Term Rental**

After review the Donnelly Rural Fire Protection District approves C.U.P 20-26 Hayes Short-Term Rentals with the following Requirements.

- In accordance with **Section 503.4 IFC 2015** Fire apparatus access roads shall not be obstructed in any manner, including the parking vehicles. The minimum widths and clearances established in **Section 503.2.1 IFC 2015** shall be maintained at all times
- **Section 503.2.1 IFC 2015** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 13 feet and 6 inches
- Rental shall be in compliance with Valley County ordinance **19-09 Liquefied Petroleum Gas Systems at all times**

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis".

Fire Marshal  
Donnelly Fire Department

**From:** Chris Lombardo <cplombardo@fcsboise.com>  
**Sent:** Thursday, December 10, 2020 3:36 PM  
**To:** Valley County Commissioners  
**Subject:** CUP 20-26 Hayes Short Term Rental

Dear Commissioners,

I would like to voice my concern with the application by Mr. Hayes for C.U.P. 20-26 short term rental application. Currently there are 20 home sites in our small subdivision. 2 out of 10 homes that are built currently rent their homes via BRBO. To say the least this has caused great stress within our community. We are a quite community with close ties to our neighbors...under currently laws the 2 short term rentals are a complete nuisance to say the least. There is no respect for the individual owners. All that matters to these two individuals is how many people can we shove into our rentals and how much money can we make. Our development was not designed to accommodate the overflow of vehicles in the street no to mention the disrespect that the renter show to those who actually live there. How can we enjoy our own backyards when you have renters hooting and hollering acting like children, they come up to the Valley acting like they own the place and create havoc along the way. My. Hayes's house is certainly not designed to accommodate 18 individuals. I can't see how the Fire Marshall could allow this anyways. Where do these individuals park? What safe guards are in place when it comes to extra vehicles on the street, or fireworks control or number of individuals within our common areas. This makes no sense....I hope you will consider the entire neighborhood and the concerns more so then the financial gain of others.

Regards,

Chris Lombardo



Office 208-939-6762  
Cell 208-371-5981  
Fax 208-321-2552  
[www.fcsboise.com](http://www.fcsboise.com)

**CUP 20-26 HAYES SHORT TERM RENTAL****James and Renee' Lovejoy <JLOVEJOY0697@msn.com>**

Sat 12/12/2020 5:19 PM

To: Cynda Herrick &lt;cherrick@co.valley.id.us&gt;

Cc: Valley County Commissioners &lt;commissioners@co.valley.id.us&gt;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Cynda,

My name is James Lovejoy. My wife Renee' and I are contacting you regarding the conditional use permit request for 28 Pointe at Gold Fork subdivision. We have lived across the street, less than 100 yards away from the Hayes property for over ten years, and it has not been a pleasant situation living with this VRBO. We request that the CUP be DENIED without any further consideration. The following are some examples of impact to us, and surrounding neighbors.

1. Parking for this property cannot support additional occupant's; this residence has a 2-car garage with a 10' wide attached driveway. The garage is used for storage by renters, not for parking, and the driveway will hold 4 cars maximum if you line them up end to end. Often, the renters park on the street, in the yard, or on someone else's property {without permission}. Mr. Hayes has stated that there is a carport on site in his application, but at the time of this letter, it does not exist.
2. The congestion that this VRBO creates around our neighborhood is difficult to imagine. The "renters" drive through our neighborhood at excessive speeds, without regard for children, pets, or other neighbors. They have no consideration for other people, other properties, or anything but their uninterrupted vacation time.
3. Condition of the Hayes property exterior is in poor condition due to the number of renters they accommodate now, and the lack of owner maintenance. The renters leave trash over the front and back areas, the trash cans are always out, and the property is in a constant state of upheaval with trash and debris. On average the renters change out every three days or so, and more people come in by the next day. The number of renters on a normal stay from our perspective is 10-12 people and an average of 4-5 cars, respectively. Mr. Hayes has stated that he thinks this property has around 100 days of rental per year. This number seems absurd to us. By our observations, you could easily double that number. The impact on the sanitary sewer system alone should prevent any consideration of increasing an already crowded residential home.
4. Our neighborhood includes private pathways and private docks for each property owner. Our trails and docks are maintained by most of the property owners and all homeowners show pride of ownership. We receive vast amounts of overuse by renters from both VRBOs in our subdivision. If additional occupants are allowed, it will do nothing but increase our maintenance cost and increase vandalism.
5. Considering the size of this single-family dwelling, jamming 22 humans(not counting pets)into this house is unacceptable for renters, and accompanying neighbors.

Lastly, we were pleased to see that the county put into place an ordinance limiting the occupants of short-term rental properties to 12. This was a step in the right direction! Why would a CUP, effectively asking to not be held accountable to the standard of occupants (any and every day they choose) be given serious consideration? We are firmly AGAINST the Planning and Zoning Committee granting this CUP request.

Sincerely,

Christopher Hays Short-Term Rental C.U.P. 20-26

chris@my3sons.com <chris@my3sons.com>

Fri 12/11/2020 11:57 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: 12-11-2020

To: Valley County Commissioners

From: Chris and Roberta Watson

Subject: Chris Hayes Use Permit

28 Ponte at Goldfork CT

Lot 7 Block 1 of the Point at Goldfork NW ¼

Section 34 T.16N, R.3E

Boise, Meridian, Valley County, Idaho

We live next door to Chris Hayes and oppose the conditional use permit for a short-term rental with 18 guests.

Quite frankly against any type of VRBO let alone a small hotel next door with 18 guests on top of any other visitors that may swing by.

We have to deal with renters parking in our driveway, using our driveway or just simply park close to our residence instead of parking on Chris Hayes property because there is not enough room

On top of that we deal with issues on the dock in the past as well. For example: Guests sitting our boat, spilling drinks and food on our boat and hitting golf balls out into the lake to sink to the bottom

Plus, it's not our job to monitor and enforce the issues of the renters. This is Chris Hayes' job and this and this is not being done. So, expanding to more guests is only going to add more issues and problems.

Who is going to monitor that they only have 18 guests on site? Not him.

We would have never built in this area if we had any indication of a VRBO next door. Especially since the home was not purchased this way.

I do appreciate Valley County finally stepping up and establishing a VRBO policy recently.

But I question who will enforce the policies if modifications are made from home to home?

And how will anyone ever keep track of how many guests are permitted if the current rules continue to be modified from home to home.

Thank you for your time,

Chris and Roberta Watson.

From: Mike and Colleen Fein <mcfein23@msn.com>

Sent: Friday, November 13, 2020 8:36 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: CUP REQUEST - HAYES PROPERTY, DONNELLY, IDAHO. POINTE AT GOLD FORK COURT.

We are next door neighbors to this property. We are strongly opposed to granting a CUP for 18 people.

The revised VRBO rules put in place May 28 have yet to be enforced. These rules were put in place to protect not only the individuals in the rental home but also to protect the neighboring properties as discussed in many Commissioner's meetings on this very subject last year. Head count, parking, noise, outside fire safety, sewer related issues, dust abatement, parties, 4 wheelers racing down the roads and trails at high speed, snowmobiles doing the same, inside fire code..... all these elements come to mind within the scope of 18 people. You add this on top of the CUP allowances for RV use within the same proximity, 300 feet away and you've got a recipe for disaster.

We chose to build and live in a "residential community" zoned as a residential community. This is NOT a commercial community. There are two rental homes in our very small neighborhood, both are VRBO, both advertise multiple bedrooms and high head counts. Both are merely commercial investment properties and when both are rented out at this high level head count it's like being next door to a busy K-Mart parking lot. Lights, noise, late night arrivals.... we never know who's next door, good folks or bad coming to our neighborhood. And with the large influx of more and more people it's only going to get worse. You have to stop it. We must manage it within the guidelines that were put in place May 28.

If any VRBO in Valley County is allowed to circumvent the rules by merely applying for a Conditional Use Permit, then all VRBO properties can and will follow suit.

Please manage the VRBO home rental properties in accordance with the rules that were adopted to protect and preserve all property owners.

Mike and Colleen Fein  
32 Pointe at Gold Fork Court  
Donnelly, Idaho

From: Gregory Plummer <Gregory.Plummer@ppdi.com>  
Sent: Monday, November 23, 2020 10:48 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Cc: Mike Fein <mcfein23@icloud.com>  
Subject: COP in Donnelly

Hi Cynda

Below is a listing of A VRBO in Donnelly that already is advertising for 18 which is a violation as you know, They have filed for a CUP and I certainly would hope that you would urge the commission to turn this down. Common sense dictates that 18 people will not fit in a 3 bedroom 2400' house. These are the same folks giving mike and Coleen fits over their disregard for the ordinance and the use of their "owners only" dock.

None the less, please do not set president by allowing these folds the CUP and set the entire county up for CUPs which make the ordinance useless.

Thanks for considering, and just to clarify, I am against approval of any CUP including this one which violates the current ordinance.

Hope you are doing well

G

<https://www.vrbo.com/439320>

Greg

Gregory Plummer  
PRINCIPAL CRA  
Clinical Management  
Phone: +1 480-371-9934  
mRNA-1273-P301 / COVE Safety Contacts:  
SAE Mailbox: Safety\_Moderna@iqvia.com  
SAE Hotline: (866) 599-1341  
SAE Fax Line: (866) 599-1342



Where  
McCall, Idaho, United States of Am...

Check In  
Nov 15

Check Out  
Nov 18

Search

♡ Trip Boards

👤 Login

👤 Sign Up

🔗 Help

📄 Feedback

USD (\$)

🌐 EN



+24 photos

\$210 /night  
★★★★★  
Wonderful 4.9/5

📅 Your dates are available

Check In Nov 15	Check Out Nov 18
Guests 2 guests	

Total  
\$992.56  
Total includes taxes and fees  
[View details](#)

Request to Book

Ask owner a question

Property # 439320

Overview Amenities Policies Reviews Map Owner Rates & Availability

Beautiful, Family ready, spacious cabin with boat mooring dock, access to Lake



Chris Hayes  
Property # 439320

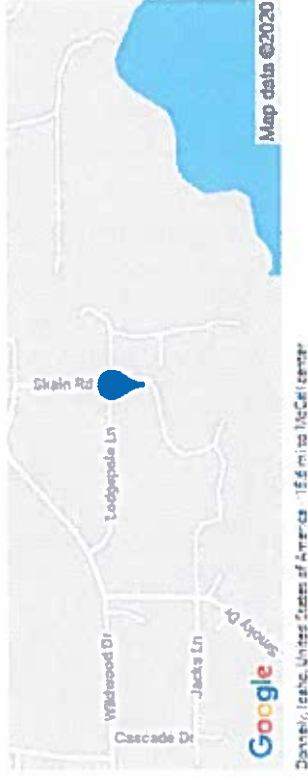


## Beautiful, Family ready, spacious cabin with boat mooring dock, access to Lake



Chris Hayes  
Premier Host

- Cabin - 3000 sq. ft.
- Sleeps: 18
- Bedrooms: 3
- Bathrooms: 3
- Half Baths: 1
- Min Stay: 2 nights



No Smoking Internet TV Fireplace Washer & Dryer

### 3 Bedrooms + Bunk room + Convertible Bed(s), 3.5 Baths (Sleeps 8-18)

House, 3 Bedrooms – Convertible Bed(s), 3.5 Baths (Sleeps 8-18)

Welcome to our vacation home southwest of Donnelly, ID. We are excited to share our beautiful home with you and are confident you will be happy with your choice. This is a custom, well maintained home just a short walk to Lake Cascade. All furnishings are modern and comfortable.

It is only a 7 minute walk down a private trail to Lake Cascade. There you can enjoy the beach for shade covers and group gatherings and the dock for embarkation and disembarkation, and also leave your boat overnight in our private boat slip.

The interior is spacious with 3000 square feet and includes 3 bedrooms, a loft, a bunk-room and 3.5 baths. All together you can comfortably sleep 18 people or three families. On the main level is the master bedroom with a king-size bed and futon also a beautiful en suite bathroom with separate soaker tub and tile shower. Also on the main level is a guest suite with private bathroom, a queen bed and futon. Upstairs is the third guest suite with shared bathroom, queen bed and futon. Also upstairs is a small room with a full over queen bunk bed with a trundle underneath. The Loft upstairs has two triple bunk beds and a slide bed. All linens and towels are included. The main level living space has a half bath, storage closet and a small toy room under the stairs, large dining and family room with gas fireplace. The beautiful well equipped kitchen has granite counter tops, 5 burner gas range and stainless steel appliances. Radiant floor heating throughout. The covered patio has a gas grill and 2 picnic tables. There is a fire pit right off the patio. ---Please no tents on the property---

The heated, two-car garage easily stores your ski equipment and gear but will not accommodate your vehicle. The driveway is large enough for up to 4 cars, and a boat trailer or snowmobile trailer. Additional trailer parking in the back of the property.

We are located 90 miles from Boise, Idaho, and just minutes from the new Tamarack Resort and Lake Cascade. Its 15 miles to McCall and beautiful Payette Lake. Brundage Mountain Ski Resort is about 15 minutes past McCall.

Visit once and you will want to return year after year.

---Washer & Dryer

\*Washer & Dryer

\*Free Wi-Fi

\*Plenty of drive-way parking

\*2 Flat Screen Smart TVs for streaming, with DVD players and NO DISH/Direct TV

[View less](#)

Bedrooms

 Bedrooms: 3  Sleeps: 18

Bedroom 2

 queen

Loft + Den

 bunk bed (3)  
full over queen plus trundle and two triple bunk beds

Bedroom 1

 king

Bedroom 3

 queen

King size beds (1), Queen size Beds (2), Baby Cribs (1) pack n play, Sleep Sofa or Futons (4), Bunk Beds (1) full over queen plus trundle and (2) triple bunk beds

Amenities

Featured

 Washer & Dryer

 No Smoking

 Children Welcome

 TV

 Heater

 Internet

 Parking

 Fireplace

Bathrooms

Eastrooms 2, Has 2 Bath 1

- Bathroom 3  
toilet, shower
- Bathroom 4  
toilet

- Bathroom 1  
toilet, tub, shower
- Bathroom 2  
toilet, shower

35

Safety features

- Carbon-monoxide detector
- Fire extinguisher

- Smoke detector
- Fire-stroke

Detachable lock

Location Type

Mountain

Mountain View  
New York

General

- Heating  
radiant floor heat
- Linens Provided
- Washing Machine
- Clothes Dryer
- Fireplace  
gas fireplace

- Parking  
On the paved area next to parking behind the yard.  
There is an adjacent gravel parking area and the driveway towards the property line.
- Garage
- Internet  
WiFi Internet, the cable, dishes are included as checked. Computer not provided.
- Toys: Provided

- Wireless Internet
- Hair Dryer
- Paper Towels
- Basic Tools
- Toilet Paper

Kitchen

- Dishwasher
- Refrigerator
- Stove  
gas range
- Oven

- Coffee Grinder
- Pantry Items
- Dishes & Linens
- Kitchen
- Knife

Dining

Seating for 12 people

Dining Area

Dining  
Table seats 12, chairs, chairs 6, stools and chairs, bar stools.

Entertainment

Television

Series

Other TV and TV equipment

DVD Player

Top:

5.0 (41) / 4.0 (11) / 4.0 (11) / 4.0 (11)

Video Library

Other DVD's

Video Games

Wii / Gamecube / PS3

Outside

Lawn / Garden

Porch / Veranda

Deck / Covered porch

Deck / Patio

1.0 (1) / 4.0 (1) / 4.0 (1) / 4.0 (1)

Outdoor Furniture

Fire pit

Notes

Summer time - The private boat slips to port your boat and the beach, for fun in the sun, as a short walk away! Tamarack has mountain biking trails and a spine course.  
Winter time - There is nearby Elk feeding that starts the December to early spring. There is an awesome experience using horse and sleigh pulling carts of hay and visitors. You will never get this close to wild elk. Snow machine while pulling tubes behind cars  
country all the fish

From: Steven Miller <idahomillers52@gmail.com>

Sent: Saturday, December 19, 2020 10:11 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: C.U.P. 20-26 Hayes Short-Term Rental

As a homeowner in the Pointe at Gold Fork Ct. subdivision I would like to voice my opposition to the CUP 20-26 request.

We built our home in order to enjoy the numerous amenities Valley County has to offer. One favorite activity is boating. Our subdivision has a private dock with specific written rules in the CC&R's. It is very annoying to find renters either seemingly unaware or totally defying these rules. Parking has also become an issue with boat, ATV and snowmobile trailers parked on the street or in the yard as there is certainly not ample driveway parking now, let alone adding potentially another family to this property. When you consider this is a residence, not a commercial structure which would provide all the added features to include fire safety, exits, increased sewer and water load, not to mention the increased noise factor, it would only add to the frustration of the other 10 plus home owners that do not rent.

As the current county ordinance is 12 person occupancy, I would be opposed to any increase beyond that number.

Sincerely,

Steven Miller

15 Pointe at Gold Fork Ct.

Donnelly, Idaho 83615

9850 Grand Teton Trail

Middleton Idaho 83644

idahomillers52@gmail.com

RECEIVED

DEC 23 2020

To whom it may concern,

Our names are Orson and Charlotte Woodhouse and we have a residence directly across the street from the Subject Hayes property. I am also the original developer of the neighborhood and currently serve on the Gold Fork Pointe HOA Board of Directors.

We are strongly opposed to the Hayes Short Term Rental C.U.P. Application.

When the neighborhood was developed, Short Term Rentals were not active as part of the Real Estate landscape and our CCR's were not set up to address the Short Term Rental situation that neighborhoods are now confronted with. We did however approve, implement and record an Amendment to our Gold Fork Pointe CCR's by majority vote of the property owners a few years back as problems with the Short Term Rental properties became apparent. The Amendment restricted rental periods to a minimum of 6 months and gave the board the right to review lease agreements. There are 20 property owners in the neighborhood and 17 voted in favor of the Amendment which is an 85% majority. The Amendment also stipulates that if any of the 3 properties that were not in favor of the Amendment changes ownership, then that property will be subject to the Amended CCR's and not be able to operate as a Short Term Rental at any time beyond the ownership change.

There is definitely a lack of parking for the proposed application. There have been numerous instances where Renters have parked vehicles, boats and trailers on the property in non Architectural Control Committee approved parking areas. The Applicant has made mention that there are sleeping accommodations for up to 22 persons in the home.

It is difficult to understand and hard to imagine that such a strong majority of property owners do not have the ability to manage the neighborhood and provide a safe environment for owners and their guests. The potential for 18 different visitors on a nightly basis to show up at the rental properties is anything but a safe environment for the residents of Gold Fork Pointe. We have no idea who they are or where they are from. A number of them are from out of State. They are renting the homes to have a "Good Time" and noise, vehicles, music and late nights are the recurring result. It is our hope that this type of Commercial use in a designated residential area will be managed closely and that existing ordinance violations will be enforced.

Thank you for your time and consideration of this matter.

Sincerely,

Orson and Charlotte Woodhouse  
27 Pointe at Gold Fork Court

00 

**AMENDMENT #1**

**TO**

**AMENDED AND RESTATED  
MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
THE POINTE AT GOLDFORK**

**(Instrument # 314521, Valley County, Cascade, Idaho)**

**ARTICLE VI: PROPERTY USE RESRICTIONS, Section A, shall be amended to:**

**A. Lot Use**

(1) No Lot shall be used except for such residential uses as are permitted pursuant applicable law.

(2) Each Owner shall use their Lot for single family residential purposes only, and for the common social, recreational or other reasonable uses normally incident to such use, and also for such additional uses or purposes as are from time to time determined appropriate by the Board. Each Lot may be rented to others for single family residential purposes or otherwise used in a fashion that in substance amounts to a rental of a Lot (collectively "Rental Activity") only in strict accordance with the following: (a) a written document shall be executed between the Owner and the person(s) occupying the Lot authorizing such Rental Activity (the "Lease"), which Owner shall provide a copy to the Association within fifteen (15) days of execution; (b) prior to execution, Owner shall submit the form of the Lease to the Association and obtain written approval by the Board of such Lease form; (c) prior to advertisement, Owner shall submit any advertisement soliciting tenants to enter into a Lease to the Association and obtain written approval by the Board of such advertisement; (d) Owner shall not enter into any Lease with a duration or term of less than six (6) months; (e) all Leases submitted to the Association by the Owner for approval must specifically prohibit subleasing; and (f) Owner shall provide and update within fifteen (15) days of any change, the Owner's contact information to the Board. The Board shall have the exclusive authority in its sole and unfettered discretion to: (i) grant, on a case-by-case basis for reasons of hardship or for such other reasons as the Board may deem compelling, a written variance from the requirements of this Article VI, Section A, with respect to a particular Lot; and (ii) adopt, repeal, amend, enact and enforce such other and further rules and regulations as the Board in its sole and unfettered discretion may deem necessary to regulate Rental Activity or the Leases for the common good of all of the Owners. Any Rental Activity or Lease that does not conform with the foregoing requirements in this Section, the requirements set forth in Article VI, Section G, or any other restrictions or requirements set forth in this Declaration, is in violation of this Declaration, in equity, or in law, including but not limited to the Lease being rendered null and void and the Board taking any other action it deems reasonable and necessary to enforce these restrictions, including without limitation, seeking injunctive relief in court. Each Owner shall be responsible for the actions and omissions of its tenants and/or occupants and shall be responsible for curing any violations of its tenants and/or occupants with this Declaration, Bylaws, Articles of Incorporation, and any other rules and regulations promulgated by the Board. Any assessments, fees, fines, and/or damages associated with any

Rental Activity, any Lease, or any violation by an Owner's tenant or occupant shall be the responsibility of the Owner.

(3) No Lot shall be improved unless the plans and specifications for any proposed improvements have been approved in writing by the Architectural Control Committee as provided in this Declaration. Any and all uses of a Lot shall be in accordance with the Lighting Plan. The Architectural Control Committee shall have the authority to impose restrictions on designs and specifications of improvements and landscaping constructed or installed within the Project. Notwithstanding the foregoing, any improvements that have been constructed or for which building permits have been issued prior to the recordation of this Declaration shall be deemed permitted under this Declaration. All Lots and improvements constructed thereon must comply with all applicable governmental rules, ordinances, laws, statutes and regulations.

This Amendment #1 to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for The Pointe at Goldfork (hereinafter "Amendment #1") is made and entered into effective as of the 21st day of July 2017, by the Directors of The Pointe at Goldfork Homeowner Association. This Amendment #1 is based on the results of more than 50% majority vote by the Property Owners within The Pointe at Goldfork.

{Remainder of page intentionally left blank}





ORSON J. WOODHOUSE – DIRECTOR  
THE POINTE AT GOLDFORK HOMEOWNER ASSOCIATION

State of Idaho           )  
                                      : ss  
County of Ada           )

I, KARA SHAW, a notary public do hereby certify that on this 26<sup>th</sup> day of July 2017, personally appeared **ORSON J. WOODHOUSE**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.



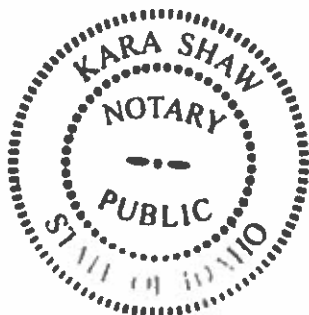
Kara Shaw  
Notary Public  
Commission Expires: 2/24/23



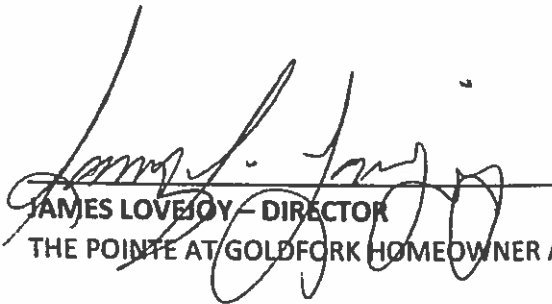
CHRISTOPHER P. LOMBARDO, SR. – DIRECTOR  
THE POINTE AT GOLDFORK HOMEOWNER ASSOCIATION

State of Idaho           )  
                                      : ss  
County of Ada           )

I, Kara Shaw, a notary public do hereby certify that on this 26<sup>th</sup> day of July 2017, personally appeared **CHRISTIPHER P. LOMBARDO, SR.**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.



Kara Shaw  
Notary Public  
Commission Expires: 2/24/23

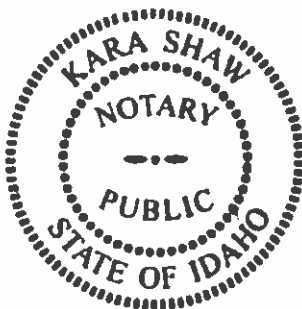
  
JAMES LOVEJOY - DIRECTOR  
THE POINTE AT GOLDFORK HOMEOWNER ASSOCIATION

State of Idaho )

: ss

County of Ada )

I, Kara Shaw, a notary public do hereby certify that on this 26<sup>th</sup> day of July 2017, personally appeared JAMES LOVEJOY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.



Kara Shaw  
Notary Public  
Commission Expires: 2/24/23

From: Mike and Colleen Fein <mcfein23@msn.com>

Sent: Friday, January 1, 2021 2:59:28 PM

To: Valley County Commissioners <commissioners@co.valley.id.us>

Subject: Hayes CUP

There is a sign posted on the Hayes property regarding the CUP request. Why go the the trouble putting up a sign that most people will miss because it's hiding under a tree. By the way, could you all find the attached carport. There is a covered patio on the back of the house but I'm at a loss for an attached carport. The only extra parking is on the

un-landscaped lot, in other words all over the property. I sure hope someone from the county does an inspection and walk-about this property before the 14th.

Mike Fein

32 Pointe at GoldFork Court

Donnelly, Idaho

