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### STAFF REPORT

#### Conditional Use Permit Application No. 21-12 Hart Lodge - Short-Term Rental

**HEARING DATE:** June 17, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Benjamin Hart  
3208 N Linda Vista PL  
Boise, ID 83704  
**LOCATION/SIZE:** The 1.5-acre site is addressed at 43 Tranquility Lane  
Moonridge Subdivision Lot 3  
SE ¼ Sec. 30, T.18N R.3E Boise Meridian,  
Valley County, Idaho.  
**REQUEST:** Short-term Rental for 20 Guests  
**EXISTING LAND USE:** Single-family Residential

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#### BACKGROUND:

Benjamin Hart is requesting a conditional use permit for a short-term rental with a maximum of 20 guests. The home is approximately 4300 sqft and uses an individual well and individual septic system. The driveway and parking area is paved. The applicant plans on installing a 2-rail or 3-rail fence around the property during the next two years. Aspen trees will be planted on the south side of the property to act as a partial screen from the road.

The applicant expects to rent the home a maximum of 120 nights per year and a maximum of 30 weekends.

The 1.5-acre site is accessed from Tranquility Lane, a private road. Tranquility Lane is owned and maintained by the Moonridge Subdivision Homeowners Association as provide in the Private Road Declaration Instrument # 320764.

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 as a short-term rental prior to the passage of the Short-Term Rental Ordinance in May 2020.

Moonridge Subdivision Homeowners Association amended and recorded Covenants, Conditions, and Restrictions (CCRS) on November 10, 2020. The CCR state: "This covenant does not however restrict the rental of the premises or improvements upon the premises for residential purposes. Short Term Rentals will follow the Valley County Ordinance 20-10 and may be revised at times in accordance with Valley County."

#### **FINDINGS:**

1. Application was made to Planning and Zoning on May 6, 2021. Additional information was received on May 14, 2021.
2. Potentially affected agencies were notified on May 11, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent May 11, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on May 11, 2021.
3. The meeting date was changed to June 17, 2021. The applicant was notified and agreed to the meeting date change. Legal notice was published in the Star News on May 27, 2021 and June 3, 2021. Potentially affected agencies were notified on May 26, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent May 26, 2021. The site was posted on May 27, 2021. The revised agenda was posted on the Valley County website "Public Hearing Information" on May 26, 2021.
4. Agency comment received:

Central District Health has no objections; the septic drainfield was expanded to accommodate a 20-person short-term rental in 2017. (May 12, 2021)

Garrett de Jong, McCall Fire & EMS Fire Chief, described the differences in buildings containing sleeping units between R-1 and R-3. The building would require 1,000 gallons of water for one hour, for fire protection. The nearest municipal water supply is located 2.25 miles away. The fire department would be unable to supply the property with the needed water for a fire in the structure. Recommendations are:

- An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout the building. The automatic fire extinguishing system shall be monitored by the building fire alarm system.
- A monitored fire alarm system should be installed.
- There should be a 2-A fire extinguisher on each level of the home. (June 4, 2021)

5. Neighbor comments received:

Tom Yergovich, President of Payette River Subdivision No. 2 Property Owner's Association, INC, is opposed. This home is surrounded by single-family residences that have experienced excessive noise problems at all hours of the day and night caused by the excessive numbers

of renters using this property. The home has the capacity and practice of renting to over 30 people at a time. (May 19, 2021)

Lisa and Mike Zeiter, 32 Tranquility Drive, are opposed. They will be building a home on their property this year. Tranquility Drive is a private road. During the past ownership of the “Party House”, parking was a huge problem and not just contained to the lot. Noise, fire safety, and security are also concerns. The CCRs allow 12 guests. (May 13, 2021)

Darcy Reese, 361 Moon Drive, is opposed. Their residence is part of the Payette River Subdivision #2 and is within sight and earshot of this property. She is opposed to short-term rentals. This “motel” was previously listed as housing 30 people. The roads are not equipped to handle the traffic. Renters often bring ATVs, UTVs, and snowmobiles and speed through the subdivisions ignoring rules set by HOAs and the County. Off-leash dogs have been a problem at this location. (May 22, 2021)

Daniele and Bolek Masiak, own Lot 4 at 56 Tranquility Lane which is across the cul-de-sac from Mr. Hart’s property. They were hesitant on purchasing this lot because of the reputation of the existing house as the “party house” with constant large noisy gatherings. The new Valley County STR ordinance limiting the number of guests to 12 is what convinced them to buy the lot. One homeowner should not be allowed to infringe upon other homeowners right to enjoy their property for the sake of extra profit. Many of the new owners are planning to build a home on the bare lots surrounding this home. The property is not suitable for 20 guests due to concerns with noise, parking, wear and tear on Tranquility Lane, online listing as an event center, violation of county ordinance, and CCRs, and home will be used as a full-time rental for 20 people. (May 23, 2021)

Mike and Wendy McGowan, 450 Moon Drive, are opposed. Issues include lack of parking, excessive traffic and speed in neighborhood, trash, noise, and fire. (May 24, 2021)

Odet Chavez-Saldivar and Miguel A Martinez-Guerra, owners of 109 Moon Drive, are opposed. The rental should be limited to a maximum of 12. (May 24, 2021)

Steve Spickler, 130 Cindy Court, is opposed. This house is behind his house, located in a quiet subdivision in which sound travels very well. Residents of the neighborhood refer to the home as “party house”. During the winter months renters have ridden snowmobiles across all the lots in the neighborhood. Nobody is monitoring the renters. (May 26, 2021)

Samantha Chiquette lives in Payette River Subdivision #1, one street over from the site. She is opposed. Previously large gatherings have disrupted this community with speeding vehicles, noise, trash, trespassing, and security of nearby properties. (May 27, 2021)

Michael and Cynthia Romans own Lot 1 on Tranquility Drive plus adjoining property and are opposed. Over the last nine years they have seen a total disregard for the residential neighborhood on many occasions including large wedding venues and sound systems, multiple RVs and campers, 25+ tents pitched around the property, cars parked along the street, trespass on nearby lots, frequent loud noise and late-night partying, and increased traffic. CCRs are violated. The parking schematic is not to scale. There is no one available

to enforce the rules. (May 28, 2021)

Travis Reese is opposed. The owners have advertised and operated at 26 or greater guest occupancy. The site is used as a motel. He is opposed to short-term rentals and their impact on the housing crisis. (June 1, 2021)

Brandon and Jennifer Sizemore are opposed. They intend to build their residence behind the 43 Tranquility Lane site. Often rental arrangements to large parties result in drunkenness, trespassing, destruction of property and increased community/HOA maintenance cost. The owners are currently in violation of the County ordinance by advertising for 16-28 guests. (June 2, 2021)

Larry Binder, 14080 Morell Road, is opposed. The only true benefactor is the owner of the property. The damage to the neighborhood soon becomes irreversible and outweighs any long-term benefit to the community. Issues include traffic, partying, trash, affordable housing, trespassing, law enforcement, and emergency services. The rights of others should be considered. (June 3, 2021)

Jenny Mendiola represents Whiteman LLC, the developer of Moonridge Subdivision, who opposes the request. Noise and trespass have been issues at this site within a small subdivision. The proposal is in direct conflict with the subdivision CCRs which state a maximum of 4 vehicles parked overnight outside of garaged areas and no parking on the main road or common area. Boats, snowmobiles, tent trailers, motorcycles, etc. are to be stored in an enclosed garage or storage shed. The VRBO advertisement states it can be used as wedding venue and events center. (June 7, 2021)

Dan Russell, McCall, is opposed. The septic system and well were not designed and permitted for hosting that many persons on a consistent basis. It is unreasonable to increase the noise and traffic in a residential area. A fire suppression system should be required. The short-term rental trend is increasing the lack of housing in the area. (June 9, 2021)

Mary and Rocky Bogert, 155 Eddy Circle, are opposed. The nearby families will be directly impacted by noise, traffic, and the sewer system that is not designed for this level of usage. The increase amount and speed of traffic will impact a very walkable and pet-friendly neighborhood. (June 9, 2021)

Dan and Sarah Thiry, owners of Moonridge Subdivision Lot 8, are opposed. They purchased the property in 2020 for the quiet, private, views, nice neighbors with plenty of space, and limited traffic and to avoid large groups rotating in and out causing noise and chaos. (June 10, 2021)

Mert and Roxanne Burns, 134 Cindy Lane and owners of Moonridge Subdivision Lot 2, are opposed. Their lots are adjacent to the proposed Hart's Lodge. For the most part, the owners and their renters have been courteous and respectful. However, they are concerned about the impact of up to 20 guests staying at the house on parking, noise, trash, traffic, and property values. (June 8, 2021)

6. Physical characteristics of the site: slightly sloping with existing single-family residence.

7. The surrounding land use and zoning includes:

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

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

- [constructed as] 2. Residential Uses (f) Condominium, townhouse, or other multi-family residence
- [proposed use as] 5. Commercial Uses (c) Service business (3) Motel, hotel apartments, resort, bed and breakfast, or lodge.

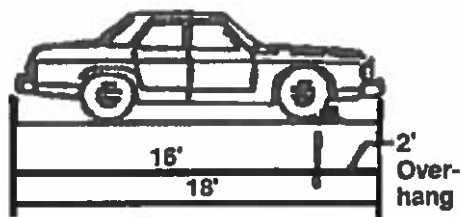
Review of Title 9, Chapter 5 Conditional Uses should be done.

### 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)

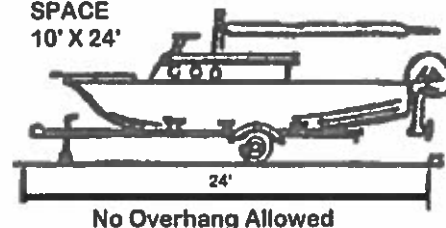
One STR unit is allowed on a parcel with an administrative permit. More than one STR or more than one residential use on a parcel will require a conditional use permit in accordance with chapter 5 of this title (VCC 9-5).

### 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:**

The "rules" submitted by the applicant on May 14, 2021, encompass many of the concerns regarding noise, ATV/snowmobile use, fires, parties/events, and parking.

How to you plan on complying with requirements of McCall Fire and EMS? Their response requires a sprinkler system.

How will you limit the guests to 20 people? I see different advertisements advertising more people.

Can we provide neighbors with a contact number if there are more guests than 20, if they are riding snowmobiles, ATVs, etc.?

I cannot clearly see the outdoor light fixture. The bulb should not be seen through the glass. Please provide a better picture.

Will RV's be allowed on-site? Will tents be allowed on-site?

## **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation Form
- Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Pictures taken May 27, 2021
- Additional Information Submitted by Applicant on May 14, 2021
- Moonridge CCRs – Instrument # 434480, November 10, 2020
- 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. There shall be no more than 20 guests on-site.
7. Shall obtain a sign permit prior to installation of a sign.
8. Quiet hours shall be 10:00 p.m. to 7:00 a.m.
9. Smoke detectors and carbon monoxide detectors should be installed throughout the home.
10. LP gas detectors shall be installed.
11. There should be fire extinguishers on each level of the home and one near any outside LPG grills.
12. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
13. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36.
14. Parking shall be in designated parking spots and not in the right-of-way.
15. Bear-proof trash cans are recommended.

**END OF STAFF REPORT**



## 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

### B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

### C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

**DOMINANT ADJACENT LAND USE:** Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ( $1/2$ ) of the adjacent uses and one-fourth ( $1/4$ ) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

**LOCAL VICINITY:** Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

### F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

# APPENDIX A

## MATRIX FOR RATING QUESTIONS 1, 2, and 3

MATRIX FOR RATING QUESTIONS 1, 2, and 3																								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1		-1	+2	-1	-2	+1	+2	+2	1
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1		+1	+1	+1	-1	+1	-2	-2	2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1		+1	+2	+1	-1	+1	-2	-2	3
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1		+1	+1	+1	-1	+1	-2	-2	4
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1		+1	+1	+1	-1	+1	-2	-2	5
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1		+1	+1	+1	-1	+1	-2	-2	6
7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1		+1	+1	+1	-1	+1	-2	-2	7
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1		+2	+2	+1	+1	+1	-2	-1	8
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1		+1	+1	+1	+1	+1	-2	-2	9
10. PUBLIC UTIL. (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1		+1	-1	+1	+1	+1	+2	+2	10
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1		+1	+2	+1	+1	+1	-1	+1	11
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1		+1	+1	+1	+1	+2	+1	+1	12
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1		-2	-2	-2	-2	+2	+2	+2	13
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1		+1	+1	+2	+1	+2	-1	+1	14
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1			-2	-2	-1	-2	+2	-1	+1	15
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2			+1	+2	+2	+1	-1	-1	16
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1	+1		+1	-1	+1	-2	-2	17
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+1		+2		+1	+1	21
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2			+2	-2	-2	19
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1	20
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+2	+1	+2	+2		+1	+1	21
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	-1	-1		-1	-2	-1	-2	+1		+2	22
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	+1	-1	-2	-1	-2	+1	+1	+2	23

## 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.

# Compatibility Questions and Evaluation

Matrix Line # / Use:

*CUD*  
*21-12 - (18)*  
*Service Business*

Prepared 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. Residential*

(+2/-2) *+1* X 2 *+2*

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

*S.F. Residential*

(+2/-2) *+1* X 1 *+1*

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

*See 1+2, some recreation*

## Site 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?

*Large enough, but no trees*

(+2/-2) *+2* X 1 *+2*

5. 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?

*Similar use but more traffic.*

(+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?

*Noise will be largest impact. There are quiet areas. Dust on road.*

(+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?

*Impacts on fire, police, roads & traffic. Also impacts housing.*

(+2/-2) *+1* X 2 *+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?

*Will ↑ service costs*

Sub-Total (+) *14*

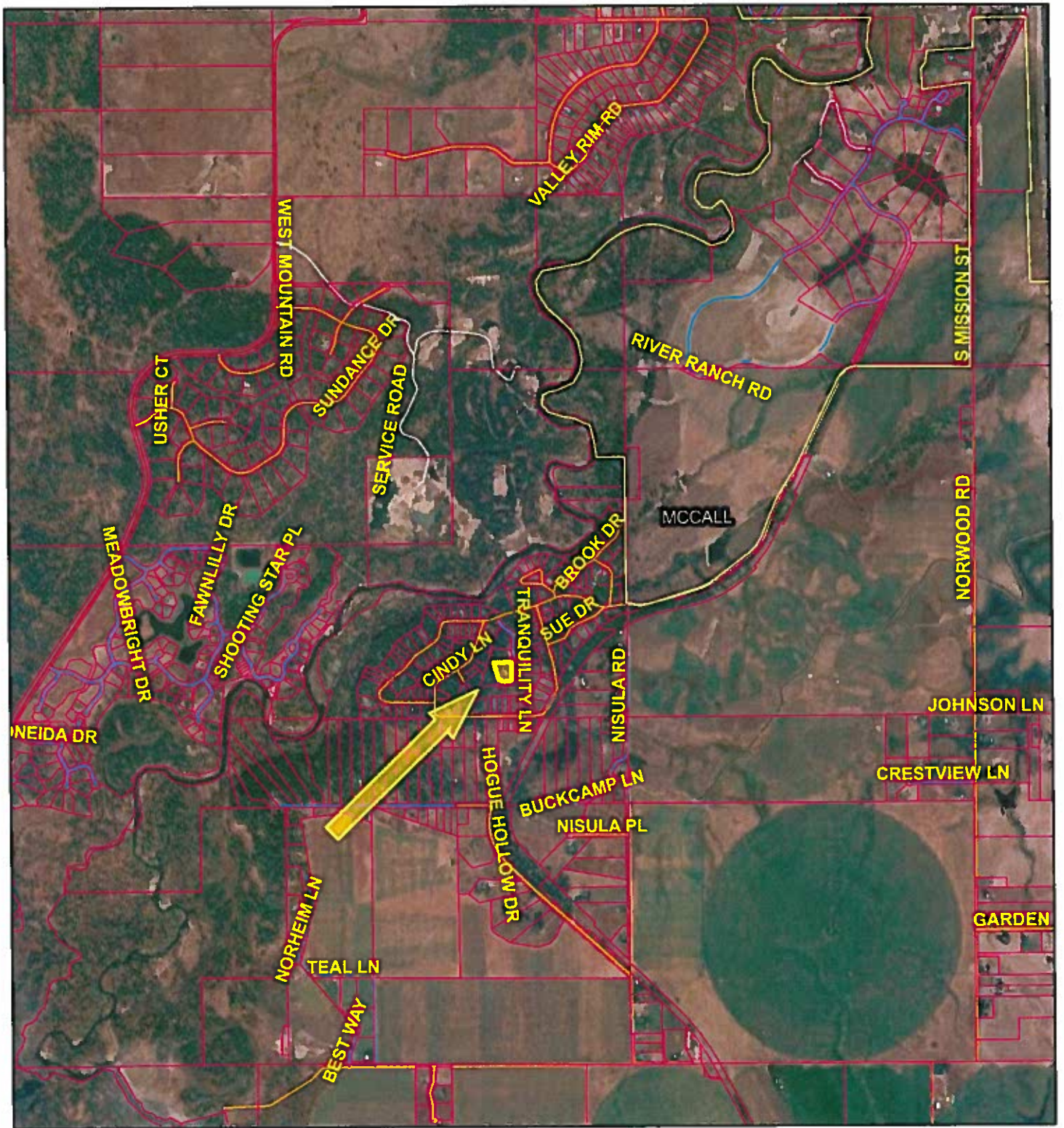
Sub-Total (--) *6*

Total Score *+8*

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

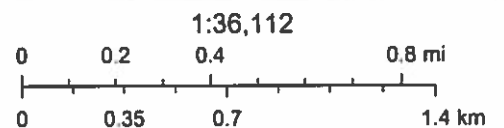


# C.U.P. 21-12 at 43 Tranquility Lane



5/7/2021, 9:36:13 AM

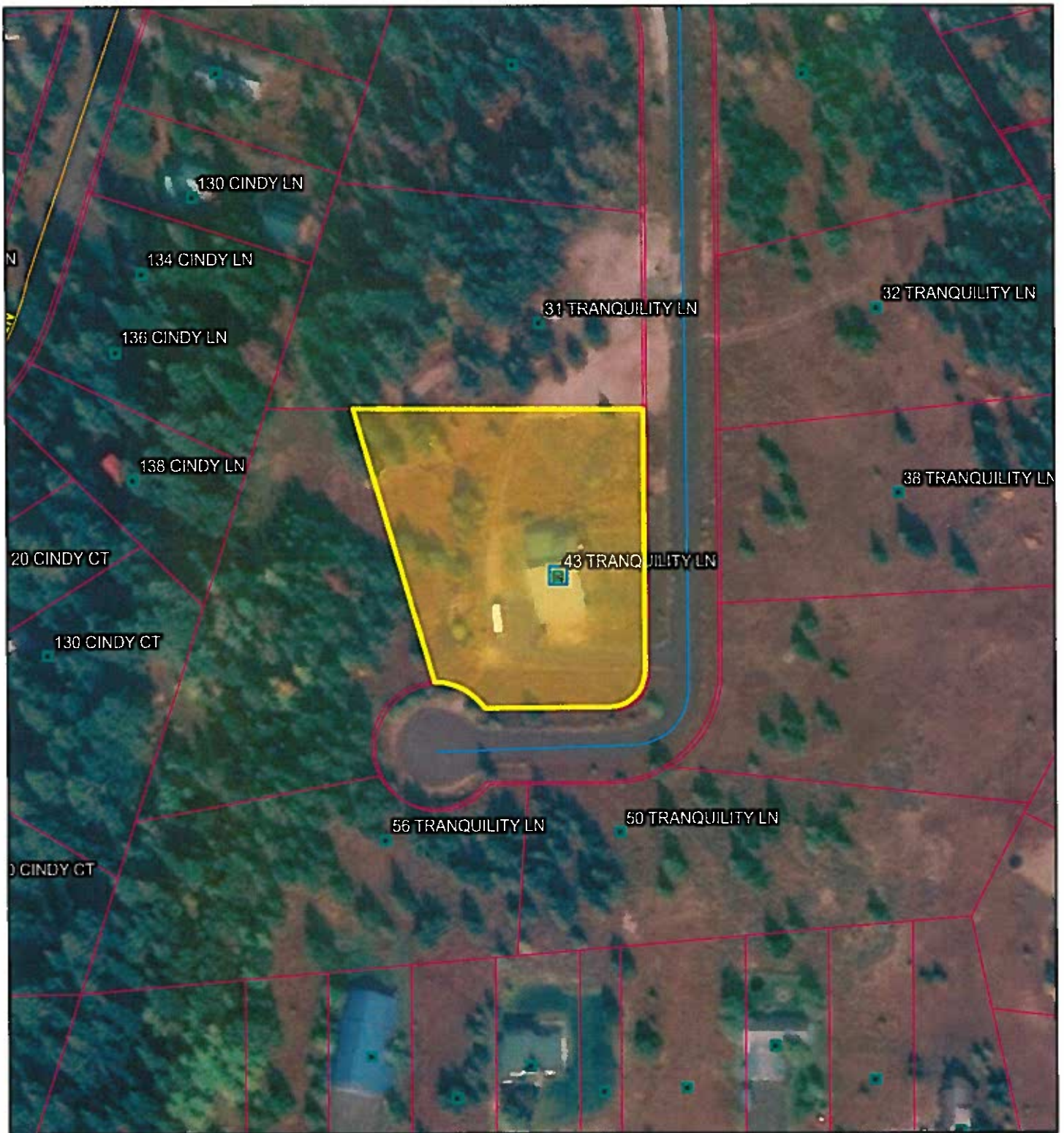
- Municipalities
- Parcel Boundaries
- All Road Labels
- Roads
  - COLLECTOR
- URBAN/RURAL
- PRIVATE
- OTHER



Maxar

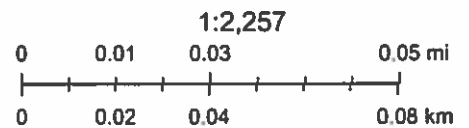


# C.U.P. 21-12 at 43 Tranquility Lane



5/7/2021, 9:25:38 AM

- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL
- PRIVATE



Maxar, Microsoft













**From:** Hart Family <hartfamily76@gmail.com>  
**Sent:** Friday, May 14, 2021 9:36 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Hart Lodge CUP application

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.

Hi Cynda,

I received your letter about our CUP application. Attached are the requested missing files. If you need hard copies just let me know and I will mail them.

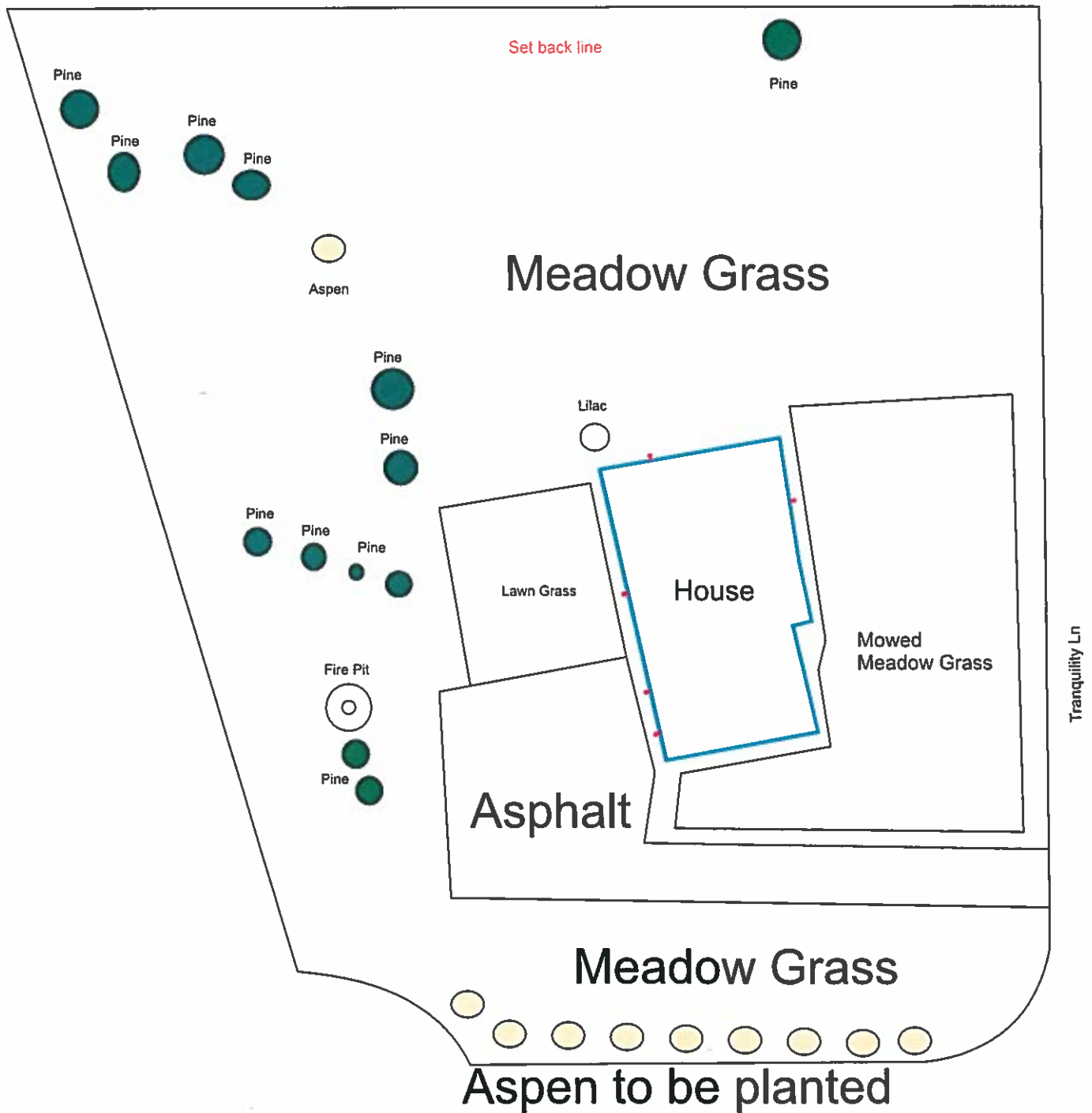
As per your questions.

1. No we won't be adding screening fences. Normal fences do not fit in with the area. We do plan on planting some aspen trees on the south side of the property which will act as a partial screen from the side road. The main parking area is blocked from the front street by the house. We do plan on installing a 2 or 3 rail fence around the property this year or next.
2. The parking spaces are all there. The parking area is paved.
3. We expect up to 120 nights per year rented and up to 30 weekends max. We plan on using it for our personal use a good amount during the spring, summer and fall.
4. Attached are the posted house rules with quiet hours.

We also have a security camera out front to monitor activity at the cabin.

-Ben Hart

We plan to install a 3 rail fence around the property. Either this year or next spring depending on wood prices and contractor availability. We also plan to plant some aspen trees on the south side of the property this spring/summer.



## Project Description.

We are proposing to use our home at 43 Tranquility Ln as a part time short term rental. The home features 4200+ sq ft. 5 bedrooms, a kids bunk room, and 4.5 bathrooms on 1.5 acres. There is parking for 7+ in the paved parking area and garage. Each bedroom is large with over 200 sq ft. with 2 queen size beds. The master has a king bed and a sofa sleeper. The bunk room has 6 twin beds and a futon.

There is no new construction planned for this property. Just a permit for vacation rental use for 20 people.

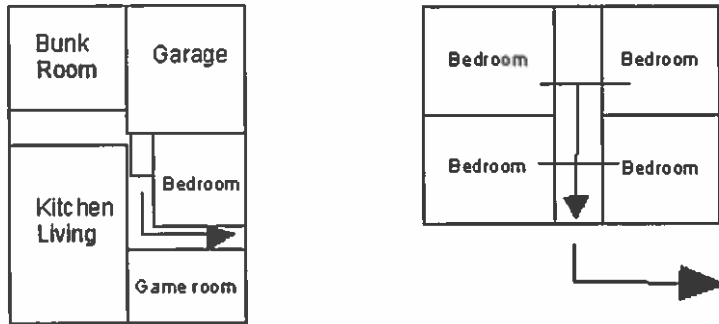
We do plan to plant some aspen trees on the south side of the property eventually. We also plan on installing a 3 rail fence around the property this year or next depending on contractor availability.

The house has a large septic system that was recently expanded to accommodate large groups.

We plan on renting the cabin out during the winter months and part time in the spring through fall. The rest of the time we will be using it for our large family (We have 6 boys) and friends. I would estimate that it will be rented around 120 days total and 30 weekends per year max with the other weekends/weeks being used by us and friends. We plan on residing there a good amount over the summers.

Rules are attached that are posted in the cabin and given to guests before booking. Quiet hours are 10pm to 7am.

### Cabin Rules and Exit Map



1. No Smoking in or around house
2. Quiet Hours are from 10 PM to 7 AM. No outside music or loud activities during this time.
3. No loud music outside at any time. Bluetooth speakers are ok during the day at reasonable volumes.
4. Check in time is 4:00 PM
5. Check out time is 10:00 AM
6. No ATV's, Snowmobiles, etc allowed on the property or in the neighborhood.
7. No shooting firearms on the property.
8. Parking is allowed only in the garage, driveway and parking area. No street parking is allowed per county code.
9. No outside guests are allowed unless approved by the owners beforehand.
10. No parties, weddings or events are allowed. Breaking this rule will result in renters being asked to leave the property.
11. All fires in the firepit must be attended and then extinguished with the hose before leaving.
12. Please follow these rules as they are not just ours. They are neighborhood and local ordinances for vacation rentals. Which means fines may be levied to guests who break local rules for renters.
13. Please respect the neighbors that live here full time, keep activities to our property, and have a wonderful time.

#### Emergency Contacts.

Owners - Ben 208-484-7251

Danielle 208-860-6897

Cleaners - Tara - 208-740-0252

**Instrument # 434480**

**VALLEY COUNTY, CASCADE, IDAHO**

**11-10-2020 03:38:23 PM No. of Pages: 8**

**Recorded for : JENNY MENDIOLA**

**DOUGLAS A. MILLER**

**Fee: 31.00**

**Ex-Officio Recorder Deputy**

**Index to: RESTRICTIVE COVENANT**

**AMENDED AND RESTATED DECLARATION OF  
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
MOONRIDGE SUBDIVISION HOMEOWNERS ASSOCIATION, INC.**

THIS AMENDED AND RESTATED DECLARATION is made as of the \_\_\_\_ day of \_\_\_\_ 2020 by David Howell and Michelle Howell, and Whiteman LLC., hereinafter referred to as GRANTORS.

WHEREAS Grantors are the owners of all that certain real property situated in Valley County, Idaho, more particularly described in the plat of Moonridge Subdivision, (hereafter Referred to as the "Subdivision"), recorded on the day of April 26, 2007, as Instrument No. 320761 In Book 11 of Plats at Page 29 records of Valley County, Idaho; And,

WHEREAS, the Declaration of Protective Covenants, Conditions and Restrictions for Moonridge Subdivision dated July 2, 2015 and covering the above described real property was recorded July 8, 2015 as Instrument No., 392337 in the records of Valley County, Idaho (hereinafter the Original Declaration); and

WHEREAS, Section 25. Amendments of the Original Declaration provides that the owners of legal title may amend said restrictions which shall become effective upon filing of such instrument or instruments for record in the office of the Recorder of Valley County, Idaho; and

WHEREAS, it is the desire and intent of the Grantors to create a residential community in which certain standards shall be established for the mutual protection of all residents, with due regard for the preservation and protection of the environment and the restrictions and covenants established in the Declaration are intended to serve such objectives.

NOW THEREFORE, Grantors hereby declare that all property in the subdivision (as herein defined) is and shall be held, conveyed, encumbered, leased, and used subject to the following uniform covenants, restrictions, and equitable servitudes in furtherance of a plan for the subdivision, improvement and sale of said property, and to enhance the value, desirability and attractiveness of such property. The restrictions set forth herein shall run with the real property included within the Subdivision; shall be binding upon all persons having or acquiring any interest in such real property or any part thereof; shall inure to the benefit of every portion of such real property and any interest therein; and shall inure to the benefit of and shall be binding upon Grantors, their successors in interest, and may be enforced by Grantors, by an Owner or such Owner's successors in interest.

**DEFINITIONS**



1. In construing this instrument, the following definitions shall be applied:

Subdivision means SUBDIVISION, according to the official plat thereof now on file in the office of the county Recorder of Valley County, Idaho.

"Lot" means an officially designated and numbered lot on the official plat of the Subdivision. No lot as shown on said official plat shall be re-subdivided into two or more tracts of land, under different ownerships, and then each separate tract into which said original lot was re-subdivided shall constitute a separate Lot within the meaning of this instrument. The terms "Grantee" or "Owner" shall mean the record title holder or holders of any "Lot" together with the heirs successors and assigns of such party or parties.

#### GENERAL PROVISIONS

2. By acceptance of any conveyance of any property in the Subdivision the Grantee and Grantee's heirs, personal representatives successors and assigns, covenant with the Grantors, and their successors and assigns and with all other Grantees or subsequent owners of property in said subdivision that these covenants shall inure to the benefit of and be binding upon all such parties.

#### RE-SUBDIVISION

3. In consideration of the approval of the plat of the Subdivision in accordance with subdivision standards applicable to Valley County subdivisions, all structures shall be for noncommercial usage, and property may not be subdivided into smaller parcels.

#### USE OF LAND

4. The Grantee herein, his heirs, successors and assigns shall use the above described real property for residential purposes exclusively. No buildings shall be erected, altered, placed or permitted to remain on any Lot other than residential and garage buildings and outbuildings used in connection with said residences. This covenant does not; however restrict the rental of the premises or improvements upon the premises for residential purposes. Short Term Rentals will follow the Valley County Ordinance 20-10 and may be revised at times in accordance with Valley County.

#### ARCHITECTURAL CONTROL COMMITTEE (ACC)

5. To protect the quality and value of the homes built in the Moonridge Subdivision, an Architectural Control Committee shall be established consisting of three (3) members. The initial committee shall be the Grantors. In the event there are no volunteers for the ACC, the members of the Board of Directors shall serve in that capacity. No building, structure or improvements shall be built, constructed, erected placed or materially altered within the property unless and until the plans, specifications and site plan have been reviewed in advance and approved by the Architectural Control Committee (ACC). All requests shall be reviewed, and a final determination shall be sent to the Lot owner within thirty (30) days. The

Moonridge Subdivision Design Guidelines shall be incorporated into this Declaration as if fully rewritten herein. The ACC shall have the ability to grant variances regarding specific cases. The ACC nor any of its members shall be liable to the Association, any owner, or any other party so long as the ACC or the members acted in good faith and based on information they then possessed.

#### STRUCTURES

6. The following buildings shall be permitted to be erected or maintained on any parcel; one detached residence, a private garage, one building for guest or caretaker quarters and one outbuilding which is strictly incidental and appurtenant to a residence. Each dwelling unit shall have an attached or detached fully enclosed garage adequate for a minimum of two (2) standard size automobiles with a minimum of a two-car driveway which may be concrete or asphalt. No driveways servicing more than one lot will be allowed. The design, exterior color scheme, and exterior building materials shall blend with the natural surroundings and approval will be subject to compatibility with the overall architectural style and design. Once construction begins the property owner has one (1) year to complete the exterior construction and two (2) years to complete the interior construction. No manufactured homes will be allowed on the property; prefabricated home will be allowed. All buildings must comply with the applicable ordinances of the city of McCall and the county of Valley.

#### BUILDING MATERIALS

7. All buildings (including outbuildings) erected upon any building site in this subdivision shall be, at all times, finished, painted and maintained in good repair so as to be inoffensive or objectional to any other property owners in the Subdivision. All buildings (including outbuildings) will have roof of a material approved by the ACC so long as it blends with natural surroundings. Non-colored metal roofs and gravel roofs are not permitted.

#### LOCATION

8. The placement of all buildings on the property shall meet with the current Setback requirements as set by Valley County Ordinance. The subdivision setbacks are 25 feet front 20 feet rear and 25 feet side of lots.

#### SQUARE FOOTAGE

9. The square footage requirements will require no less than one thousand (1,000) square feet on the ground floor on a two-story building, and a minimum of no less than fifteen hundred (1500) square feet per dwelling. The square footage of the living area shall be based on the finished interior living space at or above the grade of the Lot exclusive of any basement, porches, patios and garages. Basements and walk-out basements will be considered by the ACC during the initial review of the plans.

#### TEMPORARY STRUCTURES



10. No pick-up campers, motorhomes, trailer homes, or mobile homes of any kind shall be placed permanently on any lot or parcel of said land. During construction of a permanent dwelling, the homeowner may keep one pick-up camper, motorhome, or camp trailer during the first 12 months of construction on their lot.

#### NUISANCES

11. No nuisances, offensive, unsafe, hazardous or illegal activities shall be carried on upon any property nor shall anything be done thereon which may be or may become an annoyance or nuisance to the subdivision including but not limited to snowmobiles, ATVs and/or motorcycles. The use of any firearms shall not be permitted on said property. All owners shall conform to the Valley County ordinances and State laws relating to ownership of said property. Open fires must be in designated fire pits with gravel perimeter in accordance with Valley County burn requirements, burning of brush must be done with a burn permit.

#### ANIMALS

12. Household pets (dogs, cats, etc.) may be kept if they are not raised for commercial purposes. These household pets must be cared for and restrained so they are not a nuisance to other residences in the subdivision. A combination of 4 dogs and or cats is allowed. 2 dogs and 2 cats or 3 dogs and 1 cat or 1 cat and 3 dogs. Sheep, cattle, swine, fowl shall not be permitted. No roosters or peacocks shall be allowed. Six egg laying hens may be permitted.

#### REFUSE AND DUMPING

13. No lot shall be used or maintained as a dumping ground for rubbish trash garbage, abandoned automobile bodies, or other waste material. All such materials shall be kept in closed, sealable sanitary containers, resistant to the depredation of dogs, and bears, etc. All incinerators (if permitted by law) and other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. All trash cans shall be stored and screened from public view except for a temporary period before and after the day of trash collection. No junk machinery, trailers, automobiles, trucks, appliances, or unsightly material of any sort or nature shall be kept on any said premises. Machinery, construction equipment and building materials shall be stored at locations where the same are not visible from the roadways within the Subdivision, except during the time of actual construction of buildings and improvements wherein the same are used. Builders shall always keep each job site clean of excess debris. Lot owners are prohibited against dumping any materials of any kind into the drainage feature which runs along the east boundary of the property. Burning of natural wood is permitted; burning of trash is not permitted.

#### PERMITTED USE OF VEHICLES AND RECREATIONAL EQUIPMENT

14. An owner shall not park any business or commercial vehicle greater in size than one (1) ton unless the same is fully garaged. An Owner shall not park on any lot or adjacent street a vehicle which is not operable, or which is non-working or unsightly. An Owner may store (long term) recreational equipment such as boats, snowmobiles, tent trailers, motorcycles and the like, in a garage or storage shed with the door closed. Each lot shall have no more than four vehicles parked overnight. No parking on the main road or common areas.

#### MOTOR HOMES/RECREATIONAL VEHICLES

15. Motorhomes and RVs owned or leased and enjoyed by the Lot Owner for personal use or enjoyment may not be kept on the street. All motorhomes and recreational vehicles, if parked for a period exceeding 72 hours, must be concealed from sight of traffic along subdivision roads by appropriate fencing, enclosure or other year-round screening. No motorhome or recreational vehicle shall be permitted to park on a rented property.

#### FENCES

16. No fence, hedge or boundary wall situated anywhere upon a lot shall have a height of greater than six (6) feet above the ground graded surface where such fence, hedge or wall is situated. All fences built within the subdivision shall be kept and maintained in good repair and appearance as to be inoffensive or objectionable to other property owners in the Subdivision and shall be built to local standards. All fences shall be made of material that will blend with surroundings and shall be approved by the ACC prior to installation.

#### SIGNS

17. No signs, billboards, or political endorsements of any kind shall be erected, posted or displayed upon any building site with the exception of "no trespassing" or "private property" signs not to exceed 2ft x 2ft. Resident's name and property address may be displayed upon a name or address plaque. The Grantors reserve the right to display signs upon lots or building sites remaining in the ownership of the Grantors during the period that those building sites are for sale by the Grantors or its agents. Real Estate signs for the sale of that piece of property can be displayed.

#### ROADWAYS

18. As part of the developer's agreement signed as a condition of approval of this plat described above, Valley County will never assume maintenance duties or ownership of the roads. The roads within the development are private and shall be maintained by the Association. Snow plowing shall be the financial responsibility of the Lot owners who have existing dwellings in the Moonridge Subdivision. Each owner will be responsible to maintain proper drainage to ensure that no damage is caused to the road by improper drainage of water or buildup of ice and snow. Lot owners will be solely responsible for any damage to the road during construction on their individual Lot. A reserve fund shall be maintained by the Association for the future maintenance of the road. HOA assessments shall be adjusted periodically

18.1 Utility Easement: Tranquility Lane, a private road, shall be subject to a perpetual, non-exclusive public utilities easement for the purpose of permitting the installation and continued maintenance of above and below ground public utilities.

#### VEGETATION, LANDSCAPING, EXCAVATAION

19. Each lot owner may landscape his lot by doing improvement landscaping, ornamental trees, and shrubs, and/or leaving it in its natural state or a combination thereof. All landscaping plans shall be approved by the ACC. It is the intent of this provision to ensure that each lot owner does maintain a vegetation cover. Landscaping improvements shall be watered and maintained. There is no expectation that natural vegetation will be watered by the owner. Mining, excavation, boring or exploring shall not be permitted on any Lot.

#### WOOD BURING APPLICANCES

20. All wood burning appliances installed by or for owners shall be approved and meet EPA standards regarding particulate emissions.

#### LIGHTS AND SOUND, GENERALLY

21. Exterior lighting shall comply with all Valley County ordinances and the Moonridge Subdivision Design Guidelines. The light shall be a maximum of 100 watts and be non-obtrusive. The lighting shall not reflect vertically into the night or be pointed towards neighboring homes. No sound shall be emitted from any Lot which is unreasonably loud or annoying, and no odors shall be emitted on any Lot which are noxious or offensive to others.

#### RECONSCTRUTION

22. In any case where it is necessary to reconstruct a residence or make any improvement to a residence on a lot, that reconstruction or improvement shall be prosecuted diligently, continuously and without delay from time of commencement there until such structure is fully completed, unless prevented by cause beyond control and only for such time as such cause continues.

#### INVALIDATION

23. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other covenants or provisions hereof all of which shall remain in full force and effect.

#### AMENDMENTS

24. These restrictions shall run with the land described herein and shall be binding upon the parties hereto and all successors in title or interest to said real property or any part thereof; until July 1, 2020 at which time said restrictions shall be automatically extended for successive periods often (10) years unless the owner or owners of the legal title to a majority of owners of property within the Moonridge Subdivision, shall then terminate or amend said restrictions, and such

termination or amendment shall become effective upon filing of such instrument of instruments for record in the office of the Recorder of Valley County, Idaho. Such instrument or instruments shall contain proper references by volume and page numbers to the record of the plats and the record of this deed in which these Protective Restrictions and Covenants are set forth and all amendments thereof.

Where any restrictions, easement of dedication herein varies from the requirements of the subdivision or other ordinances of Valley County having jurisdiction and the requirements of the county ordinances relating to the subdivision are more restrictive, said more restrictive requirements shall be deemed to be a part of these restrictive covenants. This limitation shall apply in particular to locations public easements and ways where the same are particularly required by such ordinances but not set forth herein.

#### ENFORCEMENT

25. If any party shall violate or attempt to violate any of the covenants herein contained, and shall persist in such violation or attempt after ten (10) days-notice in writing served or delivered upon such party, then any other person or persons owning any real property in said subdivision may prosecute any proceedings at law or in equity against such party, either to prevent such violation or to recover damages therefore, and in any such proceedings the prevailing party shall be entitled to recover attorney fees and court costs from the other party or parties.

Right to enforce. The right to collect and enforce payment of assessments made by the Association is vested in the Association. Each owner of a lot hereby agrees to the enforcement of the payment of all Assessments, whether by suit or otherwise, or to enforce compliance with our specific performance of any of the terms and conditions of this declaration, the Owner against whom such enforcement is sought shall pay reasonable attorney's fees in connection therewith. The Association upon complying with this Article 10 and any additional provisions of Idaho Code, shall have a lien upon the individual Lot for such unpaid Assessments accrued in the previous twelve (12) months.

#### LIABILITY OF BOARD MEMBER AND OFFICER

26. Neither any member of the Board nor any officers of the association or any member of the ACC shall be personally liable to any Owner, or the any other party, for any damage, loss or prejudice suffered or claimed on account of any act or omission of the Association, the Board, its officers, a manager or any other representative or employee of the Association, or the ACC, provided that such Board Member, officer, manager or other person has, upon the basis of such information as was available, acted in good faith without willful or intentional misconduct.

IN WITNESS WHEREOF, The Grantors have caused their hands to be subscribed hereunto on the dates noted below.

David A. Howell  
David A. Howell

11/6/2020  
dated

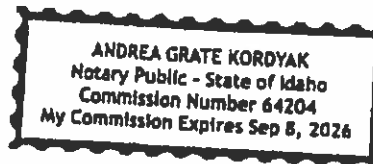
Jeff Mendiola  
Jeff Mendiola

dated

Jennifer Mendiola  
Jennifer Mendiola

11.3.20  
dated

Jennifer Mendiola  
Subscribed and sworn to before me in my  
Presence, this 3rd day of November  
2020, a Notary Public in and for the  
County of Ada State of Idaho  
Andrea Grate Kordyak Notary Public  
(Signature)  
My commission expires Sept 8, 2026



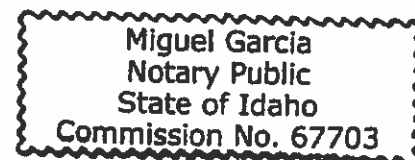
Michelle Howell  
Michelle Howell

11-6-2020  
dated

State of Idaho, Ada County SS:

On this 6 day of Nov, 2020, before me, Miguel Garcia, a Notary Public in and for said county and state, personally appeared David A. Howell, Michelle Howell, known or proven to me to be the person(s) who executed the foregoing instrument.

In witness wherefore, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.



Miguel Garcia  
Notary Public Residing at: Ada County  
Commission Expires: 05/12/2022



Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 21-12

Preliminary / Final / Short Plat Hart Lodge

Lot 3 Moorridge Sub  
43 Tranquility Lane

- ☒ 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:
- |  |   |
|--|---|
| <input type="checkbox"/> high seasonal ground water  | <input type="checkbox"/> waste flow characteristics |
| <input type="checkbox"/> bedrock from original grade | <input type="checkbox"/> 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:
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> central sewage    | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water well |
| <input type="checkbox"/> interim sewage    | <input type="checkbox"/> central water           |   |
| <input type="checkbox"/> individual sewage | <input type="checkbox"/> individual water        |   |
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> central sewage   | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water |
| <input type="checkbox"/> sewage dry lines | <input type="checkbox"/> 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:
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> food establishment     | <input type="checkbox"/> swimming pools or spas | <input type="checkbox"/> child care center |
| <input type="checkbox"/> beverage establishment | <input type="checkbox"/> grocery store          |  |

- ☒ 14. The septic drainfield was expanded to accommodate a  
20 person short term rental in 2017

Reviewed By: [Signature]

Date: 5/12/21

**From:** Garrett de Jong <garrett@mccallfire.com>  
**Sent:** Friday, June 4, 2021 8:25 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 21-12 Hart Lodge

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.

Hi Cynda,

**Re: CUP 21-12 Hart Lodge, 43 Tranquility Lane, McCall, ID**

The fire code defines occupancies containing sleeping units where the occupants are primarily transient in nature as being classified as R-1, which includes boarding houses with more than ten occupants, congregate living facilities with more than ten occupants, hotels, and motels. A traditional home, where the occupants are primarily permanent in nature, are classified as R-3 and were constructed under the Residential Code vs. the Building Code. The main difference between the two classifications as far as fire code, is that R-1 occupancies require automatic fire sprinkler systems, R-3 does not.

Because of the use classification, the comments below are recommendations to Valley County Planning and Zoning, the County Building Official, and the homeowner. They are recommendations as the fire district does not have the authority to inspect or enforce fire code on one-and-two family dwellings. Based on the fire code, I do not support sleeping more than ten people in a vacation rental home that does not have a monitored fire sprinkler system and fire alarm system.

This property is 4,300 square feet. Based on the 2018 International Fire Code, the building would require 1,000 gallons of water for one hour, for fire protection. The nearest municipal water supply is located 2.25 miles away. The fire department would be unable to supply the property with the needed water for a fire in the structure.

**Recommendations:**

- An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout the building. (IFC2018 903.2.8). The automatic fire extinguishing system shall be monitored by the building fire alarm system in accordance with NFPA 72 (IFC2018 904.3.5).
- A monitored fire alarm system should be installed (IFC2018 907.2.8).
- There should be a 2-A fire extinguisher on each level of the home (IFC2018 906.1).

Thank you,

Garrett

**Garrett de Jong**  
**Fire Chief - McCall Fire & EMS**  
**"Excellence Driven – Impactful Service"**



**PAYETTE RIVER SUBDIVISION NO. 2  
PROPERTY OWNER'S ASSOCIATION, INC.**



P.O. Box 1398

McCall, ID 83638

May 19, 2021

Ms. Cynda Herrick, AICP, CFM  
Valley County Planning & Zoning Administrator  
PO Box 1350  
Cascade, ID 83611

Subject: C.U.P. 21-12 Hart Lodge

Dear Ms. Herrick:

The Payette River Subdivision #2 POA strongly opposes C.U.P. 21-12. This home is surrounded by single family residences that have historically experienced excessive noise problems at all hours of the day and night caused by the excessive numbers of renters using this property. The owner is seeking Valley County approval for rental practices that they have been in violation. This is a nuisance home that consistently disrupts our quite residential neighborhood. The owner is requesting approval for up to 20 renters when they have the capacity and practice of renting to numbers in excess of 30 people at one time.

Thank you for your consideration to honor the peace and quite of our residential neighborhood by rejecting this request to legalize this historically problematic "party house."

Sincerely,

Tom Yergovich, President  
Board of Directors



May 13, 2021

Valley County Planning and Zoning Commission  
219 North Main Street  
Cascade, Idaho 83611

Dear Commission Members,

I am writing in opposition of the approval of C.U.P 21-22 "HART LODGE". My husband and I bought 32 Tranquility Dr last summer and will be building our Dream Home in less than a month. Our lot sits across the street from Mr. Hart's property. When we were buying, we heard Horror stories about the "Party House (43 Tranquility Dr.). We were tickled to see it went up for sale and sold. We were in great hopes that a family would move in. Tranquility Dr. is a private road, and we are responsible for maintaining the asphalt road as an HOA (this is NOT a County Rd). It will be years before the HOA has the kind of money necessary to do any repairs to the road, so it is essential that we keep traffic to a minimum.

During the past ownership of the "Party House" parking was a HUGE problem. People parked everywhere, not just on Lot 3. We are building in McCall to enjoy the beautiful views of the outdoors not to stare at a bunch of cars.

Noise is also a concern for us, we chose this street because of its name "Tranquility". Not Lodge Row.

We also have a concern for fire safety and security for our home and our neighbors. If C.U.P. 21-22 is approved, we will need to put in additional security on our property.

We feel twelve guests is more than sufficient and is what is approved in our CCNRs.

**Please, Please DENY C.U.P 21-22.**

Thank you for time,

*Lisa and Mike Zeiter*

Lisa and Mike Zeiter (owner of 32 Tranquility Dr.)

223 W Claire St.

Meridian, ID 83646

208-365-7506/Lisa@LisaZeiter.com

May 22, 2021

Cynda Herrick, AICP, CFM  
Planning & Zoning Administrator  
P.O. Box 1350  
Cascade, ID 83611

Attention: Valley County Planning & Zoning Commission

Dear Cynda:

SUBJECT: CUP 21-12 HART LODGE ~ 43 Tranquility Lane, McCall, ID

I am writing this letter in **OPPOSITION** for approval of the C.U.P. for Benjamin Hart and the HART LODGE.

My husband and I moved to our current residence at 361 Moon Drive, which is part of Payette River Subdivision #2 (PRS#2), almost 7 years ago. We had previously lived in Adams County, in the Meadow Creek Subdivision north of New Meadows for 13 years, and have been part of HOA's in both subdivisions. For those 21 years, we have lived here fulltime, and both work within the community. We have seen lots of changes concerning housing within those 21 years; both the highs and the lows.

Short-term property rentals like this (allowing more than 4-6 people), are destroying communities. These properties are run as MOTELS...or in this case, a "LODGE" seeking approval for 20+ PEOPLE! I have verified (Airbnb.com and VRBO.com) that this facility has been listed as housing 26! It currently states there are 22 beds. The previous owner listed it as housing 30! So, I know it's capable of housing 30! It's unacceptable to call this anything but a motel.

When you have more than 10-12 people in a home in the middle of a subdivision, you deal with over use of services. The roads are not equipped to handle the traffic, leading to high speeds and careless actions. People visiting this "LODGE" often bring ATV's, UTV's, snowmobiles, etc., and feel is OK to speed through our subdivisions, ignoring rules set by our HOA's (PRS #1 & PRS #2) and the speed limits set by the county. They see they are in the mountains and think its ok! It's NOT! Who wants this type of facility/motel in their backyard or in their subdivision?

We are within sight and ear shot of this property. When this "LODGE" is rented, it's LOUD and very disruptive. This property also allows dogs. On numerous occasions, we see dogs from this property chasing the wildlife. We can hear the owners yelling for their off-leash dogs...chasing the deer or fox. I'm aware of other Moon Drive neighbors, which are even closer to this facility, having to call the Sherriff's Department due to the excessive noise and actions coming from this property. This is unacceptable!! Please reject this request for a C.U.P. 21-12.

Sincerely,



Darcy Reese  
361 Moon Drive  
McCall, ID 83638

May 23rd, 2021

Valley County Planning and Zoning Commission  
219 North Main Street  
Cascade, Idaho 83611

Dear Commission Members,

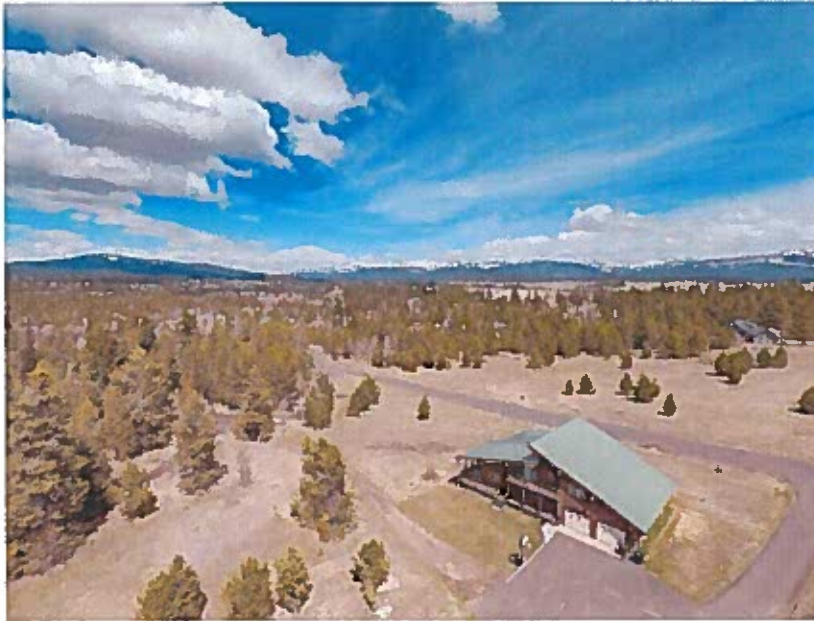
My wife and I own Lot 4 at 56 Tranquility Lane which is across the cul-de-sac from Mr. Hart's property. We look forward to building a house in the Moonridge Subdivision and making it our permanent home. We understand the need for tourism that brings money to the area and supports local businesses. However, we also support Valley County's goal to increase permanent residents that contribute to the work force and economy throughout the year. We were hesitant on purchasing this lot because of the reputation of the existing house as the "party house" with constant large noisy gatherings. It was the main reason why Moonridge Subdivision lots did not sell in the past few years. What convinced us to buy the lot was the new Valley County STR ordinance to limit the number of guests to 12. One homeowner should not be allowed to infringe upon other homeowners right to enjoy their property for the sake of extra profit. In addition, allowing this house to host 20 plus guests will negatively impact property values of the homes around it.

We believe the previous and current owners have taken advantage of the empty lots around them, but that is about to change as many of new owners are planning to build a home in the near future. We want to live in McCall to enjoy nature and have respectful neighbors. We do not want to deal with 20 people gatherings every weekend 50 yards away from our property.

Mr. Hart claims there are not many rentals that can accommodate large groups. Quick search on rental sites shows 14 properties offering 16 plus guests. Many of those properties are on much larger lots with natural separation from the neighbors making them suitable for hosting larger groups.

We ask that the county enforce the STR ordinance and **deny Hart Lodge C.U.P 21-12** based on the fact that Mr. Hart's property is not suitable for 20 guests due to the following concerns:

- **Noise** – Mr. Hart's property is on a 1.5 acre lot in the middle of the subdivision surrounded by the other 10 lots. The home is fully exposed to the surrounding pending home sites and existing homes nearby. It is on one of the lowest elevations in the entire subdivision, fully viewable by all homeowners. There are no natural barriers to block sight and sound such as trees or fencing. CC&R's don't allow boundary fences, walls or hedges that are taller than 6 feet and they must be approved by architecture committee prior to installation.



- Parking** – 20 guests would result in a large number of vehicles that this property cannot accommodate. Additional vehicles will end up parking on the grass and our private road. Mr. Hart is requesting 7 car/truck parking spots and one additional spot for boat parking. 5 of these spots plus the boat parking spot are fully exposed on an open driveway. CC&Rs only allow a total of 4 vehicles to be parked overnight on a single property and parking on the road or common area is not allowed. CC&Rs also require that owners must store long term recreational equipment such as boats, snowmobiles, tent trailers, motorcycles and the like in a garage or storage shed with door closed. What Mr. Hart is requesting is in violation of the subdivision CC&Rs.
- Wear and tear on Tranquility Lane road** – Our road is a private road and homeowners are responsible for maintenance. Additional traffic of guests will contribute to wear and tear of the road. There are many vehicles coming with trailers loaded with snowmobiles and ATVs which puts additional stress on the private road. Mr. Hart indicates guest traffic would be no more than his regular family use traffic. That is simply not true since groups of 20 people will result in significant additional traffic on the private road.
- Event center** – House was marketed and sold in 2020 as a large volume rental and event center. The house is equipped with 2 fridges, 3 ovens, 2 dining rooms, 2 washer, 2 dryers etc. Airbnb, Expedia, and VRBO listings are well documented as being advertised as such and reviews confirm weddings, large reunions etc. After Mr. Hart purchased the property, the listings on Airbnb and VRBO have not changed touting the ability to house large groups of people for gatherings. Additionally, there are reviews that confirm groups of well over 12 people continue stay in this home. Allowing 20 guests opens the door for events and large gatherings. Previous owners allowed a catered wedding at this location for 100 people. You can see the details here: <https://www.autumnlynnphotography.com/moonridge-cabin-wedding-mccall-idaho/>

- **Violation of county ordinance and CC&Rs** – Since Mr. Hart has taken possession of the property, he has continued to operate the home as a rental without applying for an STR or C.U.P. until now. The home is advertised indicating it sleeps 20 people. However, it goes on to describe how many beds are available letting all potential renters know it can accommodate more. It calls out 5 bedrooms PLUS the “bunk room” which has 5 bunk beds, 1 single bed, and 1 sofa bed. That brings the total number of beds to 32. Our CC&Rs specify that short term rentals will follow the Valley County Ordinance 20-10 for short-term rentals which has been in place since May 2020. The property is already being used for more than 12 guests which is in violation of the county ordinance. Here are couple examples from online reviews:
  - Stayed Jul 2020 - Loved staying at this cabin. We went for a family reunion with 27 of us and we did not feel cramped. Minutes away from downtown McCall, but far enough away that you feel secluded. The cabin was the best stocked that I have seen. Everything we needed to have a great time.
  - Stayed March 2021 - This cabin has such unique areas catered to different ages. The younger kids loved the playroom and slide. The teenagers relished their time in the game-filled basement. The adults enjoyed the kitchen and game table. There were 22 people in our party, and everyone had plenty of space to spread out and play!
- **Home is a full-time rental** – Mr. Hart’s application states the home will only be rented 6 months a year and the remaining 6 months would be for personal use at these same levels. This would imply all year usage of 20 inhabitants. Based on the comments from booking sites this home is rented multiple times a month almost every month. We are concerned that will continue especially when pandemic travel restrictions are relaxed.

Thank you for time,

**Daniele and Bolek Masiak**

From: Mike McGowan <firelightranch@yahoo.com>  
Sent: Monday, May 24, 2021 7:54 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: 43 Tranquility Lane

Writing in opposition to a change in Conditional Use Permit at 43Tranquility Lane, McCall.

Not enough parking to accommodate 20 people so they will be parking on neighbors property.

Excessive traffic and excessive speed in the neighborhood.

Trash problems will occur for sure.

Large gatherings will create excess noise that we do not need.

In the event of any fire issues, evacuation would be a huge problem.

We purchased our cabin there for a quiet get away not to put up with large gatherings and all that it would bring.

Thank you for hearing our opposition concerns.

Mike/Wendy McGowan 450 Moon Drive McCall

From: odet cc <odetcs@gmail.com>  
Sent: Monday, May 24, 2021 3:07 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: Fwd: Valley County C.U.P 21-12 Hart Lodge

----- Forwarded message -----

From: PRS#2 Board <board@payetteriversubno2.com>  
Date: Thu, May 20, 2021, 3:11 PM  
Subject: Re: Valley County C.U.P 21-12 Hart Lodge  
To: odet cc <odetcs@gmail.com>

Thank you for sending your comments on this CUP. You will need to send it to Cynda Herrick at Planning & Zoning. Her email address is:

cherrick@co.valley.id.us

Tom Yergovich  
Payette River Subdivision No. 2  
Property Owner's Association, Inc.

On May 20, 2021, at 2:31 PM, odet cc <odetcs@gmail.com> wrote:

I, Odet Chavez-Saldivar and Miguel A. Martinez- Guerra, owners of 109 Moon Drive in McCall, oppose the Valley County C.U.P 21-12 Hart Lodge petition. If the current number of people (12) is creating excessive noise and disrupting the neighborhood, increasing the number of renters will only make matters worse. I understand people are entitled to party and have fun but violating rental practices and disrupting the peace of the neighborhood should not be tolerated, they should be respectful and considerate. You have our vote opposing the owner's ridiculous petition to increase the number of renters to 20 and should remain 12 (which in my opinion, is still too many).

Let's keep the neighborhood a tranquil and respectful environment to live in. Thank you for keeping us informed.

If you need anything further, please let me know.

Sincerely,

Odet Chavez-Saldivar  
208.880.2265

From: Steve Spickler <steve@gowikiwiki.net>  
Sent: Wednesday, May 26, 2021 11:51 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: CUP 21-12 Hart Lodge

May 26, 2021

Steve Spickler  
130 Cindy Court  
McCall, ID 83638

Cynda Herrick AICP, CFM  
Planning and Zoning Administrator  
PO Box 1350  
Cascade, ID 83611

RE: CUP 21-12 Hart Lodge

Ms Herrick:

I received your material that describes Benjamin Hart's request for a conditional use for 43 Tranquility Ln.

This house is behind my house. It is located in a quiet subdivision in which sound travels very well. The residents of this neighborhood refer to the Hart Lodge as the "party house".

Most of the time the vacationers at this house are respectful and quiet down after 10pm. Not all of the renters are respectful and the noise can be loud in the summer months. In the winter months there are renters who ride their snowmobiles across all the lots in that neighborhood and have come onto my property a couple of times. Nobody is there to monitor these renters.

I am convinced that if the allowable number of guests are increased to 20, the noise is going to be far too great for a residential neighborhood. The residents here have jobs to go to and late night parties are not acceptable.

I urge the commission to deny this request.

Sincerely,

Steve Spickler



From: Samantha Chiquette <samanthachiquette@gmail.com>

Sent: Thursday, May 27, 2021 4:25 PM

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

Subject: 43 Tranquility Lane Opposition

Hi Cynda,

My name is Samantha, and I live in Payette River Subdivision #1. My house is located one street over from 43 Tranquility Lane. I really appreciate you taking the time to hear my concerns regarding this property being used as a large vacation rental. I have listed several reasons below as to why I am strongly against it:

1. This property has already attracted several large gatherings that have disrupted this community.
  - \* This involves speeding vehicles.
  - \* Cars or quads or side by sides being driven around the neighborhood late at night.
  - \* Loud music until early morning hours.
  - \* Trash being left out irresponsibly (owner does not have a bear-proof trash can) and animals get into it. No one picks this trash up and becomes litter.
  - \* Due to the size of the property, many guests bring snowmobiles. On numerous occasions, these guests, having no familiarity with property lines, trespass. This has also happened on numerous occasions with other off-roading vehicles. These issues have been brought up to the current homeowner and he has been less than supportive or apologetic as if this is something we must deal with.
2. This homeowner has indicated that he will be managing the property himself all the way from Boise. His distance to the property is very concerning. As a neighbor, how can we trust that he can respond to our concerns regarding a certain group of people in a reasonable time if he lives 2.5 hours away.
3. A property of this size is difficult to control, and has accommodated more than 20 people on several occasions. This is shown through the property's reviews on VRBO. I have attached one example where a guest said that they had a 27 person family reunion.
4. Even if this homeowner suggests in his rental listing that parties are prohibited, it can be assumed that a gathering of 20 people will not be a quiet group looking to enjoy the quiet and peaceful pace of this neighborhood.
5. A large rental like this will attract a diverse group of people that may not always have the best intentions. ~~We are used to leaving our doors unlocked, taking walks in the evenings, and feeling safe.~~ When this rental has had gatherings in the past - it never goes unnoticed, and there is a deep unease.

Lastly, I moved to Valley County to enjoy the peace and quiet that I know so many others enjoy too. This is a wonderful neighborhood filled with great people. I hope it doesn't change for us.

Thank you for your time and consideration.

Warmest regards,

Samantha

---

### Great place for a lot of people

5/5 ★★★★★ Stayed Jul 2020

Michael G.

Loved staying at this cabin. We went for a family reunion with 27 of us and we didn't feel cramped. Minutes away from downtown McCall, but far enough away that you feel secluded. The cabin was the best stocked that I have seen. Everything we needed to have a great time.

Published Aug 19, 2020

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**From:** Michael Wayne <michael.romans@gmail.com>

**Sent:** Friday, May 28, 2021 11:41 AM

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

**Subject:** C.U.P.21-12 Hart Lodge public hearing

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.

Valley County Planning and Zoning Commission

219 North Main Street

Cascade, Idaho 83611

Dear Commission Members,

We respectfully submit to the Commission that we are unquestionably and unconditionally in opposition of the approval of C.U.P 21-22 "HART LODGE".

Please see the attached PDF for background on our opposition position.

**Michael and Cynthia Romans**

(owner of lot #1 Tranquility Dr.)

896 W Bacall St.

Meridian, ID 83646

[208-921-0306/Michael.Romans@gmail.com](mailto:208-921-0306/Michael.Romans@gmail.com)

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May 28, 2021

Valley County Planning and Zoning Commission  
219 North Main Street  
Cascade, Idaho 83611

Dear Commission Members,

We respectfully submit to the Commission that we are unquestionably and unconditionally in opposition of the approval of C.U.P 21-22 "HART LODGE". To provide some history, my wife and I bought Lot #1 on Tranquility Dr. in the Moonridge subdivision in 2015. Lot #1 abuts our existing cabin and additional lot located at 255 Moonridge Dr. in Payette River Subdivision 1. We have occupied this property since 2012. Our future plans include the possibility of building our retirement home on Lot #1 which puts us in direct proximity to the Hart Lodge property.

Our purchase of lot #1 in Moonridge was inspired by the "tranquility" of the private road and limited residential home sites. That said, over the last 9+ years we have seen and unfortunately heard the many renters at the 43 Tranquility HOME and witnessed a total disregard for the residential HOME neighborhood on many, many occasions. We have seen:

- large wedding venues with commercial audio equipment sending sound throughout the community
- multiple RVs and campers parked in the driveway,
- more than 25+ tents pitched all around the property
- 40+ cars parked in the street and cul-de-sac
- four-wheelers, snowmobiles running on our lot and the neighboring lots with total disregard of private property creating destruction of the land and road which required repairs
- pillaging of firewood on our lot and others lots in the community
- frequent loud music and late-night partying around the campfire
- increased traffic during all hours of the day and night

If all this happened with a limit of 12 guests, it is extremely disheartening to imagine what will happen if a variance is approved for 20 guests (66+% increase) which is what the HART LODGE is currently marketing on rental websites in clear violation of the current code. The current owners of the HART LODGE appear to follow a similar pattern to the previous owner as the advertisements and social media posts do not set a limit to 12, but 20+. This blatant disregard for the ordinances currently in place and further imposed by the Moonridge CC&Rs applicable to *all* Moonridge subdivision property owners, should be enough for the Commission to deny the request for a variance. Obviously, the HART LODGE owners don't believe that the rules apply to them and it's completely appropriate to push the limit to 66+%. With this total disrespect for the rules currently in place, it is clear that there is simply nothing that would prevent them from marketing the *home* to groups in excess of 20. I would further like to note that the HART LODGE application contains many misleading points

- The parking schematic is not to scale and the paved parking area is irregular and can only accommodate 5 cars on the South/Western side if they park in the dirt/mud. The boat parking area is also not level with the driveway and cannot be accessed easily with parked cars in driveway.
- An increase of guests will result in excessive road wear and tear that will present a serious burden on the other Moonridge lot owners who all pay to maintain the private road.

- Noise is, without question, an issue. When the Hart Lodge is rented to short term renters, it often spells "party" for those parties of 12 (that often turns into 20+ as the HART LODGE boasts that it can handle) that are only there for a few days and don't have any regard for the neighbors. Large groups rent it to party and cut loose because there is no patrol or landlord on site to enforce disrespectful, disruptive behavior.

Without question, many of the past renters/occupants and events violated not only our current CCR's but also the county ordinance for 12 guests with no repercussions by our HOA or the county. If the C.U.P 21-22 "HART LODGE" were approved for 20, we firmly believe it would not only continue to operate as it has in the past, but there is a high likelihood it would only get worse. We believe that twelve guests is more than sufficient and is what is currently in place and approved in our CC&Rs which the owner agreed to abide by when he purchased his property.

**We ask that the commissioners consider the residents of the entire neighborhood as opposed to the disregard for the "tranquility" of the community and the financial gain of one owner .**

Please, Please DENY C.U.P 21-22.

Respectfully submitted,

**Michael and Cynthia Romans**  
(owner of lot #1 Tranquility Dr.)  
896 W Bacall St.  
Meridian, ID 83646  
[208-921-0306/Michael.Romans@gmail.com](mailto:208-921-0306/Michael.Romans@gmail.com)

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**From:** T R <reaset208@gmail.com>  
**Sent:** Tuesday, June 1, 2021 8:30 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** C.U.P. 21-12 Hart Motel

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.

Attention: Valley County Planning and Zoning Commission

**I am absolutely opposed to C.U.P. 21-12 and have several points to be addressed in this meeting:**

1. It is widely known that the owners of this Hart Motel have blatantly advertised and operated at 26 or greater guest occupancy. So please, determine what their penalty will be and make it known in this meeting, tonight. The only reason their violation is being addressed after years of abuse is because neighbors have spoken. This request is the result of someone that's finally been called out for breaking the law. So, what is their penalty?
2. This property is on an individual septic system. Is this system rated for 20 people (x) 24 hours (x) 365 days per year? That is the potential, so that is the need. If that need is not met then this CPU request fails on that requirement alone.
3. Shame on Valley County for not pushing back harder against the state as it relates to controlling short term rentals. The state does not understand, or care to understand, our unique county issues. Individual freedom is fine but not at the peril of a functional community. Short term rentals have been eroding the social balance for too long already. As a latest example, McCall has lost the Cottages Assisted Living facility for lack of staff. This housing crisis is not going away and any discussions about converting homes to motels is absolutely ridiculous. It makes no sense to allow commercial enterprises to operate in residential subdivisions. BTW, most are poaching taxpayer-backed mortgages intended, not for commercial business, but for single family homes. The point being, these are self-serving, often unscrupulous, greed-driven enterprises.

So, at the very least, please stick to the original zoning and quit making these careless, shortsighted, and obnoxious exemptions for owners who, in most cases, do not even live here! Finally, can we please dispense with calling these things anything like cabins, lodges, or cutesy this's or that's. Call them what they are. They are motels.

---

Thank you,  
Travis Reese

June 2, 2021

Regarding C.U.P. 21-12 Hart Lodge

To the Members of the Valley County Planning & Zoning Commission,

We hope you are enjoying your day. Our names are Brandon and Jennifer Sizemore and we own the 1.5 acre property directly behind 43 Tranquility Lane. We wish to add our names to the rapidly growing list of property owners who strongly **oppose** the conditional use permit currently under consideration (C.U.P. 21-12 Hart Lodge). We beg the members of the commission to deny the conditional use permit submitted by Benjamin Hart. The permit submitted by Mr. Hart would allow 20+ guests and 7 cars to occupy their property. The property is part of a cul-de-sac subdivision. The other neighbors who we have spoken to are looking forward to building their family homes and plan to live at their property full time and they also very much **oppose** this conditional use permit.

We also intend to live on our property full time. The work to prep our land has already begun and we expect to build next summer. As the parents of a baby who just turned one and with the expectation of another little one joining the family when we move to McCall, we would ask you to think of your families and your own homes as you make this decision. Having just visited our property and seeing that the neighboring property at 43 Tranquility Lane was in use by renters we can truthfully attest that the sound from the house carries around the neighborhood and having an ever-revolving group of 20+ strangers wandering the neighborhood and potentially trespassing onto our property every day is objectionable in every way! We would have been much more vocal on this issue had we known about it earlier however we only just purchased our property this year.

We purchased our property with the hope that we would be able to raise our son in a less busy environment. We've seen firsthand the issues caused by such large parties cycling through private residences in our current neighborhood and it's not something we want to see happen again, especially right outside our front door! Often rental arrangements to large parties result in drunkenness, trespassing, destruction of property and increased community maintenance costs. This has been documented and reported all too often. Large parties of renters tend to use and abuse the property they stay at as well as the neighboring properties knowing that the owners of the rental property are rarely around to follow up. Prior to purchasing our land, we were encouraged when we read through the HOA rules and hopeful that the other owners in the subdivision would also be seeking out a quieter, community-based neighborhood. Now, however, we are very concerned that the action by the owners of 43 Tranquility will not fall in line with the quieter, neighborhood feel which the majority of owners in the subdivision are seeking and the changes the Harts are proposing will be nothing but an irrevocable burden to the rest of the subdivision.

Currently the Harts are already in violation of the county ordinance. They are advertising well above the current county ordinance maximum of 12 guests per rental property. Current online rental listings for the property advertise availability for between 16-28 guests! Surely 12 people, the current number allowed by Valley County is enough. Please do not reward their clear disregard of the rules already in place. (Please find the screen shots attached for AirBnB, VRBO, TripAdvisor, HiChee and RentByOwner).

As you make your decision on this conditional use permit, please ask yourselves if you would like to live and raise your children next door to 20+ new strangers cycling through every week. We very much hope that you will see the inappropriateness and blatant disregard for the safety of the neighboring properties and deny this permit.

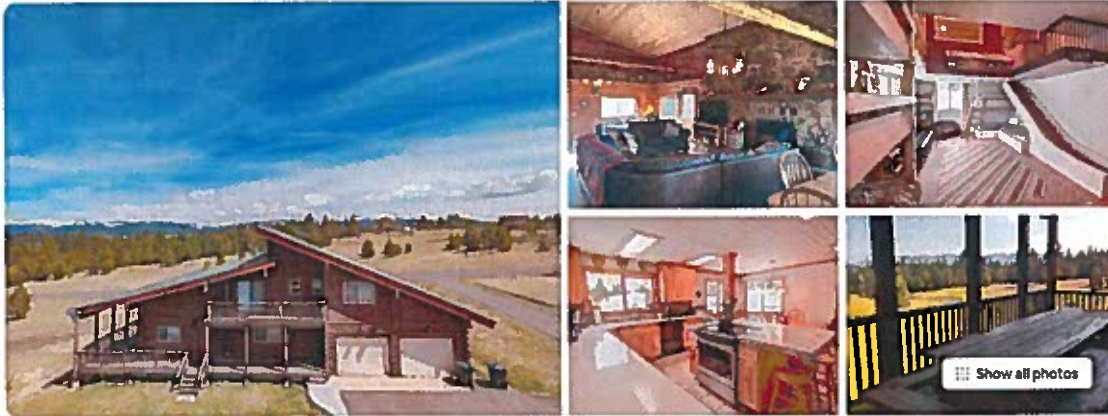
Thank you for your time and consideration,  
Brandon & Jennifer Sizemore

## AirBnB Listing:

### Moonridge McCall Cabin - Full of Fun

★ 4.98 (42 reviews) · McCall, Idaho, United States

Share Save



Entire cabin hosted by Danielle And Ben

16 guests · 6 bedrooms · 22 beds · 4.5 baths



\$585 / night

★ 4.98 (42 reviews)

CHECK-IN  
Add date

CHECKOUT  
Add date

Entire cabin hosted by Danielle And Ben

16 guests · 6 bedrooms · 22 beds · 4.5 baths



#### Entire home

You'll have the cabin to yourself!

#### Self check-in

Check yourself in with the keypad.

#### Clean and tidy

7 recent guests said this place was sparkling clean.

#### Great location

100% of recent guests gave the location a 5-star rating.

#### House rules

The host doesn't allow pets, parties, or smoking. [Show more](#)

\$585 / night

★ 4.98 (42 reviews)

CHECK-IN  
Add date

CHECKOUT  
Add date

GUESTS  
1 guest

Check availability

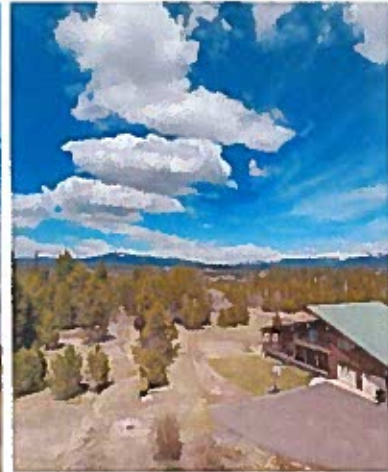
Report this listing

The gathering place! Roomy cabin perfect for all of your group needs. Just 10 min away from town and a short walk away from the Payette River. There are beds for 20 people, 6 bedrooms, 4.5 baths, 2 dishwashers, 3 ovens, 2 fridges, 2 washers/dryers, TV/VCR/DVD/Sat., BBQ, pool table, football, air hockey, xbox 360, a variety of winter and summer toys to use in the 2 car garage, plenty of parking and room to turn around... [read more](#)

## VRBO Listing

← → ↻ 📄 [vrbo.com/1141894?adultsCount=1&arrival=2021-11-11&departure=2021-11-18&infantsCount=0](https://vrbo.com/1141894?adultsCount=1&arrival=2021-11-11&departure=2021-11-18&infantsCount=0)

📶 Share



About Rooms & beds Amenities Policies Reviews Map Host Rates & Availability



### About this rental

#### Cabin

4200 sq. ft.

#### 6 bedrooms

17 beds · Sleeps 20

#### 5 bathrooms

4 full baths · 1 half bath

#### Spaces

Kitchen · Living Room · Deck/Patio

## Trip Advisor Listing

[tripadvisor.com/VacationRentals-g35526-Reviews-McCall\\_Idaho-Vacation\\_Rentals.html](https://tripadvisor.com/VacationRentals-g35526-Reviews-McCall_Idaho-Vacation_Rentals.html)

☆ 📷 🗺️ ⭐ 📱

Check in  
- / - / -

Check out  
- / - / -

Guests  
0 rooms, 2+ guests

Summer  
Adventure  
AWAITS



#### Moonridge McCall Cabin - Sleeps 24 - Family Fun

★★★★★ 54 reviews

6 bedrooms

5 bathrooms

Sleeps 24

Match: Sleeps

More info

**Vrbo**

Check in

Check out

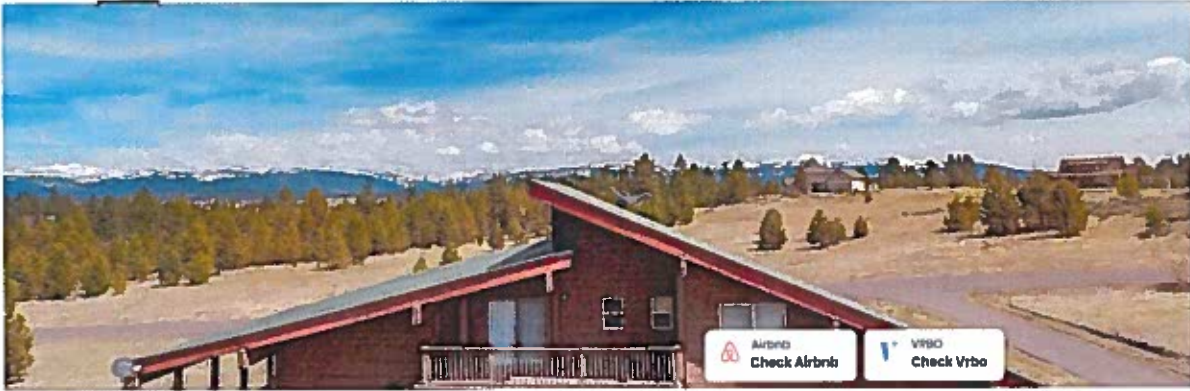
Show Prices

## HiChee Listing

hichee.com/listings/155526

Summary Deals Amenities Photos Location Reviews

Favorite



Airbnb Check Airbnb VRBO Check Vrbo

Entire home/apt in McCall > Idaho 5.0/5.0 (98 reviews)

### Moonridge McCall Cabin – Family Fun

6 bedrooms 4.5 bathrooms 20 guests

Our Cabin is the perfect place for your family retreat. Fun and Room for All!

Come and experience the tranquility at Moonridge McCall Cabin on Tranquility Dr in McCall, ID. Just off of Moonridge Dr you turn into Moonridge Estates, that at the moment has only one house in it, ours! Only 10 minutes from

## Rent By Owner Listing

RENT BY OWNER

Top Cabin in McCall, Idaho, USA

Cabin

### Moonridge McCall Cabin-sleeps 28

★★★★★ 30 Reviews

16 Guests 6 Bedrooms 4 Bathrooms 1 Night Min. Stay

Bedding/linens Child Friendly Internet Kitchen Laundry Parking

Moonridge McCall Cabin-sleeps 28. 6 bedrooms, 5 bathrooms Airbnb Cabin in McCall, ID, United States. Max Occupancy of 16 persons. Minimum nightly stay 1 night. Amenities include:

- Bedding/linens
- Child Friendly
- Internet
- Kitchen
- Laundry
- Parking
- Pet Friendly
- Tv

Read Less

\$ 600/night

We have 176 Properties Nearby

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## CUP 21-12 Hart Lodge

Dede Binder <dlbinder43@gmail.com>

Thu 6/3/2021 9:07 PM

To: Lori Hunter <lhunter@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.

To Valley County Commissioners:

Having experienced a short term rental in my neighborhood, I would point out that the only true benefactor of this CUP proposal is the owner of the property mentioned. There may be some side benefit to the community in terms of the short term visit but I can offer that the damage to the neighborhood soon becomes irreversible and outweighs any long term benefit to the community.

Some of the issues become ever greater amounts of traffic by groups of people who may of had a little too much party under their belts. Trash generated not only on site but down the street is not a good way to treat anyone. Think of Kirkham Hot Springs as a recent example. Pressure for service labor to find affordable housing is already over the top and is likely to increase. The city of McCall itself has not been able to solve the lower income housing problems let alone the county. Trespassing becomes a very real problem. What about law enforcement and emergency services? Once granted the one short term rental soon becomes leverage for others to follow suit..And the beat goes on.

As a last issue, the people living in the vicinity and along the roadways did not, for the most part, sign up to tolerate and accept the burdens generated by others seeking to maximize a profit for the individual proposing this change. The rights of others should be considered prior to just granting one more unwelcome change. I do not live close to this property but I recommend for the sake of all who came wanting something different, that CUP 21-12 be denied.

Larry Binder  
14080 Morell Road  
McCall, ID 83638

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From: Jeffrey Mendiola <j.mendiola@att.net>  
Sent: Monday, June 7, 2021 4:21 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: Ben Hart CUP Opposition

Cynda,

This is Jenny Mendiola and I am representing the Whiteman LLC. We are the developers of Moonridge Subdivision. We are contacting you in regards to the Conditional Use Permit that Ben Hart has submitted. We strongly oppose it and request that the CUP be DENIED without any further consideration.

Ben Hart is requesting a conditional use permit for a short term rental for 20 guests, 7 vehicles, and a boat parking area. All of these are in direct conflict with the Moonridge Subdivision CC&R's. The Valley County Ordinance that only allows for 12 guests needs to be enforced.

We developed this subdivision to be used for families desiring to live in a beautiful community. This is a very small subdivision with only 11 lots. 43 Tranquility is on 1.5 acres and lies in the middle of the subdivision. Allowing 20 people to stay in the house allows for many problems. Unfortunately guests do not abide by rules and we have had nothing but problems in the past with this VRBO. People do not conform to designated parking areas and end up in the road and everywhere else on the lot. There is loud noise along with people riding ATV's up and down the road, partying and loud behavior. The enforcement of any rules is difficult especially with Ben Hart living in Boise. Who is going to manage this?

Our CC&R's clearing state a MAXIMUM of 4 vehicles parked overnight outside of garaged area's, and no parking on the main road or common area. This was established at the request of the homeowner/lot owners that feel very strongly about this. Has anyone checked to see if Ben Hart's garage is even cleaned out?

Ben Hart has also proposed a boat parking spot.. Our CC&R's do not allow for long term boats to be stored outside in direct sight of other owners. When this VRBO is rented out 6 months of the year and during the summer months it is rented out for weeks at a time, it clearly becomes a long term condition. Our CC&R's require boats, snowmobiles, tent trailers, motorcycles and the like to be stored in an enclosed garage or storage shed with a closed door.

We oppose this request based on the VRBO advertisement which states it can be used as a wedding venue, and events center. We have contacted Ben Hart asking him to revise his VRBO and he has NEVER acknowledged this issue. He is absolutely as close to hoteling that there can be.

For all these reasons, we oppose his CUP and would like it denied. Thank you for your time and consideration in this matter.

Jenny Mendiola

**From:** danrussman@aol.com <danrussman@aol.com>  
**Sent:** Wednesday, June 9, 2021 10:34 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** C.U.P. 21-12 Hart Lodge

Attention: Valley County Planning and Zoning Commission

I am **opposed** to C.U.P. 21-12 Hart Lodge.

I just don't see the plausibility of a single residence having the capacity to host that many persons on a consistent basis. The septic system and well were not designed and permitted for that activity. That alone should deny the C.U.P.

It is unreasonable to have such an increase of noise and traffic in any subdivision where people choose to live.

Also of concern is Life Safety. The occupancy load of this overnight rental would normally require a fire suppression system. Other businesses have to invest in these safety measures, why should someone else get to bypass these requirements.

Valley County is constantly growing in the area of short term rentals but obviously has a problem with housing for permanent residents. At what point do we run out of employees for the services people use when they vacation here. I've heard many businesses having trouble with hiring staff. This is usually because of lack of housing, whether for purchase or for renting. The trend of turning homes into short term rentals is not helping the problem in any way.

Rejection of this C.U.P. is needed to set a precedence to discourage this type of 'business' venture from getting ungovernable.

Thank you for your time.

Dan Russell  
McCall, ID

From: Rocky Bogert <rmbogert@icloud.com>  
Sent: Wednesday, June 9, 2021 11:37 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: Hart Lodge Occupancy/23 Tranquility Lane, McCall

Commissioners, We are writing to share our concerns regarding the proposal to increase the occupancy level for the residence @ 43 Tranquility Lane to 20. We realize that the families nearby will be directly impacted by noise, traffic and the sewer system that is not designed for this level of usage.

Our personal issue is with the potential for increased traffic, and the impact this will have on a very walkable and pet-friendly neighborhood. We have approached the Roads Dept on possible speed mitigating fixes, but understandably, there is nothing they can do. The posted 25mph sign is treated as a suggestion and we know that increased traffic will make Moonridge Dr. more dangerous. Especially with visitors from out of town that aren't familiar with McCall's speed limits.

Thank you for your consideration in this matter.

Mary & Rocky Bogert  
155 Eddy Circle  
McCall, Idaho

Dan and Sarah Thiry  
June 7, 2021  
208.860.6452 /208.850.9944  
Danrthiry@gmail.com



*Letter of Opposition*

I write this letter in firm opposition of the proposed rental property that would allow 20+ guest within the Moonridge sub. My wife and I recently purchased lot 8 in December 2020 with the goal of building our vacation home which could likely be our future forever-home on that property 20+ years from now. Quiet, private, beautiful views, nice neighbors with plenty of space, limited traffic in and out- that is why we made the purchase. The idea of having a group of vacation guest rotating in and out (groups up to 20+) is exactly the type of noise and chaos that we are hoping to avoid by making this investment. In my personal experience these large groups are typically made up of teens to young adults that are co-opting their vacation by combining multiple small groups into one larger party to limit the cost per person. I know, because I DID IT when I was that age. Make no mistake, that is the demographic that this rental property will attract, and those will be your neighbors for the week- no thank you! Sarah and I are in our early 30's so not too far removed honestly and I'm not against that type of strategy and behavior, we've had some fantastic weekends employing a similar shared cost scenario, however, when it's in my neighborhood and directly affecting my happiness and peaceful retreat, I strongly oppose. The traffic in and out will likely double on a weekend when the property is rented and the noise that you can surely expect is also a big factor in my firm opposition. If this is approved, it sets a precedent that others may soon follow, which could snowball into turning this cozy little street into an AirBnb cash cow, but a place I no longer view as a retreat- which was the intention of our purchase.

Thanks for your consideration- yours in opposition.

~Dan and Sarah Thiry

June 8, 2021

RECEIVED  
JUN 10 2021

Valley County Planning and Zoning Commission  
219 North Main Street  
Cascade, Idaho 83611

Dear Commission Members

The purpose of this letter is to voice our opposition to the approval of C.U.P. 21-22 "Hart Lodge". We are the owners of Lot # 2 in the Moonridge subdivision in addition to having a cabin on 134 Cindy Lane in the Payette River Subdivision # 1. This put our lots adjacent to the proposed Hart's Lodge. We have not had a problem with the current use of the cabin as a vacation rental. For the most part, the owners and their renters have been courteous and respectful of our properties.

However, we are concerned about the potential impact of having up to 20 guests staying at the house. We believe that many guests in such a small, quiet neighborhood can only result in parking issues, noise pollution, trash, increased traffic, and ultimately, diminish the values of the neighboring properties.

We respectfully request that the proposal to expand the capacity of 'Hart's Lodge' be denied.

Sincerely,



Mert and Roxanne Burns  
134 Cindy Lane  
McCall, Idaho