

Valley County Planning & Zoning Commission

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Bryan Cooley, Chairman
Scott Freeman, Vice-Chair

Ed Allen, Commissioner
Ray Cooper, Commissioner
Johanna Defoort, Commissioner

MINUTES

Valley County Planning and Zoning Commission

September 12, 2019

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

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

Commissioner Allen moved to amend agenda to include Facts and Conclusions for C.U.P. 19-19 Powell Mechanic Shop. Commissioner Defoort seconded the motion. Motion carried unanimously.

B. MINUTES: Commissioner Defoort moved to approve the minutes of August 8, 2019. Commissioner Cooley seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 18-08 Eagle Nest No. 3 - Final Plat:** Eagle Nest LLC is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat and conditional use permit. The preliminary plat approval was for a 21-lot residential subdivision on 100 acres. The site is located in Sections 17 and 20, T.14N, R.4E, Boise Meridian, Valley County, Idaho. **[Not a public hearing.] Action Item**

Chairman Cooley introduced the item. Chairman Cooley asked for the Staff Report. Administrator Herrick presented the staff report. Staff believes the final plat significantly complies with the approved preliminary plat. In response to a question from Commissioner Defoort, Staff explained how changes in the plat (e.g. number of lots) that would comply/not comply with the approved preliminary plat. The Valley County Cartographer approval, Valley

County Surveyor approval, and engineer certification will be completed prior to submittal of the plat to Board of County Commissioners.

Commissioner Allen moved to approve final plat for C.U.P. 18-08 Eagle Nest No. 3 and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

D. NEW BUSINESS:

- 1. C.U.P. 19-22 Collins Multiple Residence:** Brent Collins is requesting a conditional use permit for two residences on one parcel. The homes would share a driveway. There is currently a 1,564 sq. ft. apartment being constructed above a shop. In the future a 3,000 sq. ft. house will be constructed, with construction beginning in the summer of 2020. The property is addressed at 43 Joshua DR. The 4.63 acre parcel is Lot 9, Block 4 of the Eagle Nest Subdivision No. 2, Boise Meridian, Valley County, Idaho. *Action Item*

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

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

Chairman Cooley asked for the applicant's presentation.

Brent Collins said the extra living space will be for guests. Well and septic have been permitted.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated. There was discussion on whether rental should be prohibited by condition of approval.

Commissioner Freeman moved to approve C.U.P. 19-22 Collins Multiple Residence with the stated conditions. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[06:16:26 PM \(00:14:32\)](#)

- 2. C.U.P. 19-23 Binnion Multi-family Dwelling Unit:** Dianna Binnion is requesting approval to convert a bedroom into an apartment on the second floor of an existing home. The rental unit would include a full bath and kitchen. The site is 0.5 acres, addressed at 1907 Lone Tree Road, and is in Northlake Subdivision No. 1, Lot 14 in the SW ¼ Section 8, T.15N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

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

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

Chairman Cooley asked for the applicant's presentation.

D. Binnion said that the previous delay was due to difficulties getting subcontractors.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated.

Commissioner Cooper moved to approve C.U.P. 19-23 Binnion Multi-family Dwelling Unit with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

06:23:16 PM (00:21:22)

3. C.U.P. 19-25 Mountain Top Produce: Colt Brown is requesting approval to operate a you-pick produce patch, i.e. pumpkin patch. It would include annual events with vendors and games at the site. The site would be approximately three acres of a 114-acre parcel located southeast of the Davis Creek Lane and Koskella Road intersection, in the NW ¼ Section 36, T.16N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item and opened the public hearing. Chairman Cooley asked if there was any *ex parte* contact or conflict of interest.

Commissioner Defoort excused herself due to a conflict of interest.

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

A temporary sign has been posted near Highway 55; not a typical 32" sign. Directional signs can be approved on a case-by-case situation as part of the conditional use permit.

- **Exhibit 1** – Idaho Transportation Department response on Sept. 6, 2019. ITD needs more information to determine how this proposed use will impact the State Highway system. ITD requests the applicant submit traffic generation numbers. Once traffic concerns have been addressed with ITD staff, ITD will withdraw all objections to the proposed application.

Administrator Herrick added that turn lanes already exist at Highway 55 and Davis Creek Lane.

Chairman Cooley asked for the applicant's presentation.

Colt Brown said this would be a good event for families. There will be two porta-potties. He wants permission for a temporary large sign (30 x 4.5 ft) to direct people from the highway; the sign is posted on land under the same ownership. In the future, he would like to include all of October and add summer hours.

Chairman Cooley asked for clarification. Mr. Brown replied that he is currently asking for the pumpkin patch, fall use, and the temporary sign. The sign would be up from Labor Day weekend through Halloween.

Chairman Cooley asked for proponents. There were none.
Chairman Cooley asked for uncommitted. There were none.
Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated. The temporary sign “event banner” was discussed. If summer hours are added, an amendment to the C.U.P. will be required.

Commissioner Allen moved to approve C.U.P. 19-25 Mountain Top Produce with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

06:36:31 PM (00:34:37)

4. C.U.P. 19-26 CM Equipment Storage: Cody and Shelby Monroe, CM Backcountry Rental Storage, are requesting a conditional use permit for an equipment storage site for their recreational vehicle rental business, ie. snowmobiles and jet skis. A single-family residence and shop currently exist; no new construction is planned. The 6-acre site is addressed as 14050 Pioneer Road located in the SESE Section 27, T.18N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item.*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

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

- **Exhibit 1** – Idaho Transportation Department requires more information to determine how this proposed use will impact the State Highway system. ITD requests trip generation numbers (daily trips). Once traffic concerns have been addressed with ITD staff, ITD will withdraw all objections to the proposed application.
- **Exhibit 2** – email from Lucille Reville, property owner within 300 feet of the subject parcel. She objects to the proposal.
- **Exhibit 3** – Glen & Kim Carley, 14138 Pioneer Road, objected to the business request. Reasons given include application submitted only after initial complaints to the County; is

actually a year-long business; would set precedent of commercial storage in quiet residential neighborhood; roads; maintenance and repairs already occurring in addition to storage; unscreened; and applicant has history of conflict with same use in the McCall area.

- **Exhibit 4** – Lori MacNichol, owner of Carefree Lot 38 across the street from proposed site, is opposed. The use is not appropriate for this location due to neighboring homes and a rural setting, would be an eyesore, and make Pearson Lane hazardous. The response includes an aerial map of Rogers Lane area where an equipment storage site was allowed.
- Mel & Sherie Mohr, Carefree Subdivision 4, Lot 57, are opposed. The noise and traffic would be best placed in a commercial area that is near the highway.

Chairman Cooley asked for the applicant's presentation.

Cody Monroe wanted to stress that the business is Backcountry Rentals, not storage. He rents out ATVs, snowmobiles, and 2 jet skis and does backcountry guiding. The business office is in McCall. Customers do not come to the home on Pioneer Road. During the summer, there is one employee plus him and wife; four employees plus him and spouse in winter. They purchased the home in November 2018; reasons for buying this location include lot size, no HOA's, minimal CCRs, and place to park a handful of trailers used for personal and business use.

The application is for two enclosed trailers, one gooseneck trailer, eight small utility trailers, a trailer with two jet-skis, and some other seasonal equipment when not in use. He is not running the business from home; just needing parking area for equipment for the business. Some equipment at the site is personal, not business related. Some equipment is staged for U.S. government contracts (flatbed and ATV/trailer). They leave around 7 a.m. and get back around 7 p.m. Rarely is equipment unloaded at the house; if so it is worked on inside the shop. In regards to complaints about sled noise, it is from personal use of snow machines, not business use. He is a sponsored professional backcountry snowmobiler and hill climb racer. He has read the objection letters and hateful things said online; much is lies, slander, and gossip. Prior to purchase, they did research, spoke with land use attorneys, and did not find anything in the CCRs that did not allow trailers. They overlooked the need for a conditional use permit, but are now applying.

Almost daily, large trucks with rocks or livestock use the road. His business use is small in comparison. Other people also pull snowmobile trailers on the road. He does have a CDL and has a good driving record.

He disagrees that his storage would decrease property values in the area.

He gave info on his guiding business. He is a professional guide and has a permit from the U.S. Forest Service. Some of the negative responses are untrue slander. Many homes in the area have recreational equipment. Many people in the area have commercial type equipment on their property, i.e. semis, dump trucks, backhoes. He questions if these people have gone through the conditional use permit process. Other recreational rental companies in town store off-season equipment at their personal residences.

He does have water rights to the irrigation ditch which a neighbor was contesting. The ditch watermaster has been involved in settling this matter. They will be fixing up the yard and property and improve the landscaping. They have only lived at this house for 10 months and are a young couple with a growing family. They are trying to make an honest living while raising their boys in the McCall area.

This is a seven- year old business. Not receiving this permit would be devastating. They cannot afford to purchase commercial property to park their trailers. He estimates that during 2019, 1000 people have come to McCall to use their business; these people spend money in McCall and help the local economy. They want to be good neighbors.

Chairman Cooley asked for proponents.

Shana Monroe spoke as the previous owner of CM Backcountry Rental. She also owns the home that has been mentioned in the comments at 1084 Valley Rim. She discussed the issues that occurred at this site. The information that has been online is not true, is gossip, and is hateful. This could damage their business.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents. He mentioned that each person is limited to three minutes, should state name and address, should only address the Commission, not the audience; you are able to say that you concur with previous comments.

Cynthia Berkley, 13968 Wrangler Road, said Pearson Road is terrible in winter, particularly for large trailers. Having 12-16 trailers is not a "handful". The site was sold as residential property and is being used as an equipment yard with a house opposed to a house with few trailers and equipment. He should have gotten permission first versus asking for commissioners' pity.

Linda Fleetwood, Carefree subdivision, said that at 4 p.m. today, there were eight assorted trailers of various sizes. The current garage does not provide much area to do maintenance and test driving. This affects the ambiance and quietness of neighborhood.

Lori MacNichol owns Carefree Lot 38 which is directly across the street from this site. She concurs with previous two speakers regarding the nature of property and the community. She purchased the lot with idea to build a home for retirement. The site is not zoned commercial. Her concerns include winter driving, trailers, and safety on the road. She previously owned on Rogers Lane and discussed the additional noise, etc due to the Mile High Power Sports. The proposed use is not appropriate for the area.

Jeff Neble, 170 Pearson Lane, previously owned this property and sold in early 1990's. When he sold it, he added CCRs with the intent that only a single family residence be allowed. The site was not to be an extension of a business. The CCRs specify "No trailers", no aggravation, no noise, and no upset neighbors. He has recently spent money with his attorney to determine that the CCRs are enforceable.

Vern Farris, Comfort Lane, is representing the 22 property owners of Carefree Subdivision and the HOA. They are strongly opposed to the use of this site for a commercial property. The area has single-family residence and a rural environment. There are only two accesses [Pearson Road and Rogers Lane]. This would set a precedent for more commercial use. The property is already in violation of the CCRs for the property. Commercial use should be in sites already designated for commercial use. This use is not compatible with surrounding residential use.

Wilson Quarre & Peggy Wilay, 140 Pearson Lane, live about 400 feet away. This directly impacts them. CCR issues were previously mentioned. Their land also has those same restrictions. The title will show easements, etc. and the purchasers have to sign. The applicants are ignoring the CCRs. There are noise and visual impacts. As the business grows, the applicants will want to store more equipment at this site. Any fluids from maintaining the equipment will flow to pond on property, then to their grazing land, and eventually the river.

Lissa Beebe, 100 Magnetic Rock Road, lives within 300 feet of the property. She wrote a letter which is included in staff report. Northing blocks the light from the CM site to her home. The activity awakens her before dawn. The applicant takes an hour to load trailers before 7 a.m. with loud noises and bright lights. She was not aware that other neighbors also had the same issues she has until she saw the staff report. This use should be in commercial area.

David Weiss lives a couple hundred yards south of the application site. This morning there were 11 trailers on the property. On a daily basis, large cattle trucks and well drilling vehicles do not use the road. At 6 a.m. the diesel engines are started while the equipment is readied. He understands that the PZ Commission does not enforce CCRs but should take into account that the applicant is ignoring the CCRs and thus may be willing to ignore the conditions of approval if the application is approved. As the business grows, he expects there would be more encroachment on the conditions of approval and they would be difficult to enforce.

Ed Parker, 14060 Pioneer Road, lives 200 yards to the north of the applicant. The trailers are in his view. The applicant has underestimated the number of trailers on the property. Noise begins by 6 a.m. during the winter. In summer, the applicant pressure washes multiple vehicles. He has lived in area since 1983; it is a quiet neighborhood. It is one mile from Highway 55 to Pioneer Road. The road is hazardous in the winter.

Hugh Conley lives on Sandhill Lane. Applicant stated they bought the property because there were no CCRs. He should have been provided those when the property is bought. His business trailers are not comparable to private recreational equipment used occasionally stored at private homes.

Lana Lundgren, 105 Carefree Lane, said the applicant bought property under the assumption that they would be able to park their business equipment. The property is owned by a family company. There are places that have storage area rentals for equipment that are more suitable.

Kathy Deinhardt Hill, 14068 Pioneer Road, said Pioneer Road has only one access. She personally has been blocked on two occasions by the applicant's business vehicles.

Larry Shake, 1612 S Samson Trail, said that Valley County needs to change the zoning regulations to have specific zones so people can expect residential areas to stay that way. If this use is allowed, what commercial use would next arrive in the area?

Amy Leaf, 14059 Pioneer Road, purchased her home in July 2019. When researching properties, they asked about CCRs and HOAs so they would know the guidelines required in an area. The surrounding community has set a precedent with the CCRs. She did notice the trailers at the applicant's property but did not realize these multiple trailers would be there permanently. She works from her home and is concerned about noise impacting her conference calls. This will likely negatively impact property values in the area.

Felix "Johnny" Hernandez doesn't have an issue with storing equipment. Recreational vehicles are common in the area. The water right issue remains ongoing. He is concerned that the applicant is not being truthful and does not work well with the neighbors.

Bradrick Farrar, 109 Carefree Lane, concurs with what has been said. He has been a small business owner; zoning issues are a cost of doing business. Equipment should be stored in a more appropriate area.

Chairman Cooley asked for rebuttal.

Mr. Monroe said he had stated that the property has no HOA and minimal CCRs. CCRs are being taken out of context; the "no trailers" reference means that no trailers should be used as a residence. He referred to the water issue. There are two trailers with 12 snowmobiles each. Other personal equipment is on site. Most ATVs are washed at the office site in McCall. They are honest, ethical people. They shuttle equipment. Personal equipment is worked on inside the existing shop/garage.

Shana Monroe said that other people in the area have trailers and equipment and all use it. This is his personal property that he can use. She refuted many of the comments made in opposition. Trailers are kept in neat, orderly rows.

Commissioner Defoort asked for clarification of the number and type of equipment.

Mr. Monroe replied: 1 gooseneck (fire contract), 18 ft trailer that holds 2 UTVs, 6 small trailers for ATVs (fire contract), and 2 snowmobile trailers

The drainfield is to the east of the property. Storage is not on the drainfield. He occasionally uses pressure washer for personal and commercial use. He operates seven days per week
The property is not in a subdivision

In reply to a question from Commissioner Defoort, Mr. Monroe said it would not be detrimental to his business if he did not start making noise before 7 a.m.

Commercial limits for noise are 40 decibels between 7 a.m. – 7 p.m.

Chairman Cooley closed the public hearing.

The Commission deliberated.

Commissioner Defoort supports local business. This county is zoned mix-use. There are areas that are more commercial. The Commission can only enforce County Code not CCRs. Crawford Landscaping within a subdivision was permitted. If this business was to grow, with more equipment, then the impact would be greater. They could allow the use until growth of the business or add a sunset clause. She does not want to harm a local business. Personal equipment needs to be disregarded.

Commissioner Allen concurs to some extent. However the real issue is the nature of the business; it must start early and is loud. Unlike Lake Fork area, it is a non-compatible use for this particular neighborhood. Primary issues are noise and daily traffic. Some of the things like power washing could be mitigated with set hours. This is a business moving into a residential area. Snowmobiles are not quiet.

Commissioner Cooper agreed that future growth would increase amount of equipment which is not a good fit for a residential area.

Commissioner Freeman wants to see small business grow. Noise is an issue. Traffic and trailers are a part of being in Valley County; people need to be courteous.

Chairman Cooley also wants to see small businesses be successful. Lots of emotions exist about this application but the Commission must narrow it down to what they can do. The use is not compatible with the surrounding area and all the impacts cannot be mitigated. He mentioned the daily traffic of this business.

There was discussion of personal use and commercial use on this site and the resulting required standards required if the permit was approved. The neighborhood would perceive all use/noise/equipment as commercial even if actually personal use.

Staff's compatibility rating was negative 4.

Incompatibility with surrounding uses cannot be mitigated with conditions.

There was discussion on enforcement if denied. What would be the time frame to remove equipment; would there be a grace period? There is a 10-day appeal period of a PZ Commission decision. If the decision is appealed, it would probably heard by the Board of County Commissioners in mid-November. Currently the applicant is in violation. If decision is not appealed, they would have to remove equipment before the 10 day period is up.

Commissioner Allen moved to deny C.U.P. 19-26 CM Equipment Storage with the stated reasons. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period. The appeal requirements are in Valley County Code Title 9-5H-12. The application fee is \$300 due by 5 p.m. on September 23, 2019.

Short recess

08:40:19 PM (02:27:52)

5. Ordinance Amendment - Accessory Dwelling Unit: This proposal would modify the definition of Accessory Dwelling Unit and remove the definition of the defunct Valley/Adams Regional Housing Authority within Valley County Code 9-3-1. Chapter 9-4-7 Accessory Dwelling Units would be modified. Requirements for long-term and short-term rental property would be specified as to whether they would be administratively approved or conditionally approved. Parking for accessory dwelling units will not be allowed in public right-of-ways. *Action Item*

Chairman Cooley introduced the item and opened the public hearing.

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

This would fine-tune the existing ordinance. ADU's are a complete residence.

Changes include:

- Parking space requirement
- No parking in public right-of-way
- Designation of long-term and short-term rental property requirements
- Objection process
- Fees (currently free but does take time and postage)
- Removal of requirement that an ADU permit shall not be issued until the building permit for the second structure is permitted by the building department. Instead, ADU permit will be a condition of the building permit.

Chairman Cooley asked for comments from the public. There was none.

The Commission deliberated.

Commissioner Defoort moved to table the discussion of Ordinance Amendment - Accessory Dwelling Unit to the regular meeting on November 14, 2019. Commissioner Allen seconded the motion. Motion carried unanimously.

08:48:47 PM (02:36:20)

6. Ordinance Amendment - Recreational Vehicle Campground: This proposal would define Recreational Vehicle Campground and Recreational Vehicle Park in Valley County Code 9-3-1 and create Chapter 9-4-8 Recreational Vehicle Campground. Administrative permits would be required for two or three RV units. Other requirements include sewage disposal, garbage, setbacks, rentals, lighting, camp fires, quiet hours, lot coverage, and notification of adjacent property owners. *Action Item*

Chairman Cooley introduced the item and opened the public hearing.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized

the following exhibits:

- **Exhibit 1** – Suggested edits and questions from Dave O’Brien:
 - Reword M. 2
 - A. Number of Units – be more specific than “for more than an occasional weekend”
 - Will RV’s be required to hook up to sewer if available?
 - What will quiet hours be?
 - What about 4 or more RVs?

- **Exhibit 2** – Questions and comments from Melanie Holmes
 - Septic questions
 - Garbage pick-up
 - Owner-occupied
 - Lot coverage

- **Exhibit 3** – Dwight Jividen said that quiet hours should be from 7 p.m. to 7 a.m., not 11 p.m.

- **Exhibit 4** – Ed Allen’s written comments from March 29, 2019.

Staff and the commission discussed proposed definitions of Recreational Vehicle Camp and Recreational Vehicle Campground. There was discussion on “occasional use” and enforcement of the ordinance. Commissioners will consider specific wording to use instead of “occasional”. This ordinance and permit is an attempt to educate people and let people enjoy their property.

One RV can be placed without a permit. Northlake allows 3 RV’s per one dwelling unit. Two or three RVs would require an administrative permit. Staff will edit the draft to state that four or more RVs would require a C.U.P.

If the sites are rented than it is a Recreational Vehicle Park and requires a conditional use permit. There was discussion regarding only one RV on lot/parcel. There was discussion on garbage pickup requirement and waste fees included in taxes for lots/parcels with buildings but not those with only RVs. There was discussion regarding setbacks, parking, rentals, owner-occupation, lighting, campfires, lot coverage, and notification to adjacent property owners. Staff will make requested changes to the draft including that quiet hours will be 7 a.m. to 10 p.m.

Chairman Cooley asked for comments from the public.

Patrick Fox, 7 Laguna Place, wanted clarification if RV Parks would be administrative permit or a conditional use permit. He has concerns for enforcement and prefers a specific number of days instead of “occasional”. There should be specific details such as setback distance from property lines for porta potties. There should be consequences, not ambiguities. Permit should include checklist. He has concerns about sewage from RVs.

Staff stated that enforcement is under Valley County Code 9-2. Chairman Cooley said that ordinance needs to be enforceable. There was discussion on proof of requirements met, such as trash pickup service and sewage.

Commissioner Allen moved to table the discussion of Ordinance Amendment - Recreational Vehicle Campground to the regular meeting on November 14, 2019. Commissioner Freeman seconded the motion. Motion carried unanimously.

09:21:15 PM (03:08:49)

7. Ordinance Amendment – Short Term Rental: This proposal would create Chapter 9-4-9 Short Term Rentals. Short Term Rentals would require an Administrative Permit with specific standards regulating sewage disposal, garbage, setbacks, rules of operation, lighting, camp fires, quiet hours, and notification to adjacent property owners. *Action Item*

Chairman Cooley introduced the item and opened the public hearing.

Chairman Cooley asked for the Staff Report. Staff presented the staff report. There was discussion on “short-term rental marketplace” definition in State Code. The percentage of second-homes is greater than a majority of the total homes in Valley County.

Staff summarized the following exhibits:

- **Exhibit 1** – Suggested edits and questions from Dave O’Brien:
 - Change wording regarding notice to neighbors
- **Exhibit 2** – Questions and comments from Melanie Holmes, particularly on garbage pickup, quiet hours, and Lot coverage.
- **Exhibit 3** – Tony Curtis, owner of Mountain Living Management, who is in favor of regulations for short-term rentals.
- **Exhibit 4** – Steamboat Springs Vacation Home Rental Ordinance
- **Exhibit 5** – Kathy Deinhardt Hill is concerned with noise, RV parking, on-street parking, outdoor fire pits, and garbage collection.
- **Exhibit 6** – Wm Scott Morgan, 194 Buckcamp Lane, questions how ownership of the access road(s) factor into approval process. Do easements allow the commercial use and the increased traffic and maintenance that short-term rentals will cause?
- **Exhibit 7** – Randy and Jenny Mead of Cascade Property Management state that the Vacation Rental regulations and administrative fee proposed contains many conditions and regulations that appear to be in conflict with Idaho House Bill 216.

There was discussion on short-term rental versus the short-term marketplace. Commissioner Defoort said Valley County has an opportunity to create revenue to pay for impacts. Short-term rentals pay lodging tax to the State. There was discussion on a local-option tax at the County Valley County Planning & Zoning

level. Safety requirements, such as Fire Code, and septic permit limits were discussed. The city of McCall requires a permit for over 20 people. Specifics of the proposed code were discussed. Insurance of homeowners was discussed. House Bill 216 was discussed.

Chairman Cooley asked for comments from the public.

Trudy Silvers manages a vacation rental business in Valley County with VACASA. Safety is her primary concern. As a management company, they deal with insurance, number of bathrooms, smoke alarms, furnace, chimney, etc. They provide owners, guests, and neighbors with rules. She is concerned about the time it would take to get the required permits. Self-managed homes are likely the problem sites. She discussed extra fees already existing (Tamarack, etc.). The permit process can be efficient but shouldn't be too restrictive.

Maggie Brilz, 64 Vista Point Loop, said that for most part short term rentals are good. She supports the ordinance. Weddings, events, and corporate things should not be allowed in a residential neighborhood. She has concerns with septic and wells. The permit should differentiate between occupancy on the property versus at the residence. She discussed septic system capabilities and "legal bedrooms".

Laura Plummer, 63 Vista Point Loop, is adjacent to the rental home at 55 Vista Point Loop. There was a wedding this previous weekend; the party went from 2 p.m. to early morning hours. Guests blocked the private road with hammocks. Regulations are needed.

Brett van Paeppegem, Vista Point Subdivision, said that this summer was a shocking change due to this new short-term rental. He concurs with comments and letters about the short-term rental in their neighborhood and supports this ordinance.

Bill Borg, 45 Knob Hill Drive, supports a permit process for short-term rentals. He lives adjacent to a large home rented for short-term use which has raised a lot of issues. Renters are there to have fun. He wants to know how the ordinance will be enforced; what should he do if neighbors are not in compliance.

Randy Mead, Cascade, moved here about a year ago. He manages property rentals and is in real estate. Property management needs rules. But, his company is legally registered and pays taxes. Perhaps a better solution is to enforce violators of regulations regardless of who is in home, renters or owners. He referenced House Bill 216. As a property manager, he doesn't want to have to submit an application and permit fees for every property he manages; he already submits the information to the State. He is in support of punishing violations for safety. Everyone, including owner-occupied homes, should have to comply, not just short-term rentals. Mentioned private property owners who have weddings. He is opposed to the fee and that those who are doing it right are being punished. Since property management businesses are already filing with the State, they shouldn't have to do extra permits. He doesn't want this to prohibit vacation rentals.

There was discussion on what regulations exist that can be enforced and how. At this time there is no regulation that can be used to enforce the issues that are occurring.

Commissioner Allen said that owner-occupied homes occasionally have weddings and lots of guests but not on a weekly basis.

The property management businesses are not being regulated by this proposed ordinance; the individual home-owner is being regulated.

There was discussion on how sales tax, etc. are collected from the homeowners. Individual units/homes are now being used as a business will need to pay sales tax.

Ms. Silvers says owners will likely have the property management businesses do the permitting paperwork.

Patrick Fox added that consistency is important. There should be precise rules.

Permitting process lays out rules.

Administrator Herrick will edit and make changes to the draft proposal.

Chairman Cooley closed the public hearing.

Commissioner Defoort moved to table discussion of Ordinance Amendment – Short Term Rentals to the regular meeting on November 14, 2019. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 19-18 Nickels Multiple Residence
- C.U.P. 19-19 Powell Mechanic Shop
- C.U.P. 19-20 Asphalt Plant
- C.U.P. 19-21 Grace Bible Church Camp

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

Chairman Cooley adjourned the meeting at 10:30 p.m.