

*Larry Slake Representative*

Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

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JUN 22 2020

*[Signature]*

Re: Notice of Appeal

On June 11, 2020 the Valley County Planning and Zoning Commission held a hearing on an application for a Conditional Use Permit submitted by BP Properties. This was designated as C.U.P. 20-09, and the decision of the Commission is hereby appealed by appellants pursuant to Section 9-5H-12 of the Valley County Code.

Many residents of Valley County filed objections to the application for a conditional use permit.. Those objections are a matter of record and are incorporated herein by reference. They documented the lack of common sense, engineering studies, traffic analysis, and drainage plans among other errors and omissions of the application. Put simply, the application is for a harmful, unnecessary and conflicting use in a residential and agricultural area. It is not consistent with the Valley County Comprehensive Plan or Idaho Code Section 67-6502. It is not compatible with surrounding land uses. It greatly impacts and diminishes the value and enjoyment of nearby properties. The application never should have been approved by the Valley County Planning and Zoning Commission because the written application was incomplete and the public was effectively excluded from the hearings.

Moreover, the hearing of June 11<sup>th</sup>, 2020 was in violation of Idaho Law and any decision rendered as a result must be regarded as null and void and of no consequence. Idaho Code Sections 74-201 through 71-208 address the necessity of open and honest government.

In particular I.C. Section 74-203 (1) requires that all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting. In this case the public was prohibited from attending the June 11<sup>th</sup> meeting both physically and virtually. The appellants and many others were physically excluded from the place of the meeting in the Valley County Court House. A uniformed member of the Valley County Sherriff's office guarded the locked door. There was no wi-fi reception outside the courthouse and those with laptop computers could not observe or listen to what was happening in the meeting, particularly the presentations of those in favor of the application. Similarly, those with cell phones could not hear what was happening at any time during the hearing. The sound quality was beyond poor. It was simply unavailable. There was no way for the public to hear, to observe or to participate in any meaningful way.

The Valley County Planning and Zoning Commission is a governing body of a public agency as set forth in Idaho Code Section 74- 202 (4) and (5). While Idaho Code Section 74-203(5) allows for telecommunication devices which allow members of a governing body to communicate with each other, there is no similar provision allowing members of the public to be limited to attendance via telecommunication means. Even if the Covid-19 pandemic has somehow allowed a governing body to allow only virtual participation, that system must be effective. In this case it was not. This appeal should be recognized and allowed. The process to should begin anew with due deference to all notice requirements and subsequent, meaningful public participation. Due process and Idaho laws compel this result

Accordingly, the appellants submit that the decision of the Valley County Planning and Zoning Commission on June 11, 2020 is of no force or effect because of the clear violation of mandatory Idaho Law governing meetings of a governing body. It is submitted that this is more than a technical violation of the law. The inability to listen to and evaluate the information presented by the proponents of the CUP application did not permit any meaningful rebuttal by those opposed thus making this Appeal necessary. The nature of the interest of the Appellants in this appeal stems from their private property rights and their interest in following published zoning restrictions in the light of the Valley County Comprehensive Plan.

The appeal fee of \$300 is being submitted with this document and the names, addresses and telephone numbers of the Appellants are set forth below.

Dated this 22nd day of June, 2020

Name	Address	Phone
Anne Carr	14023 Hideaway Ct.	208-315-5499
Cheryl Meunier	175 Pearson Lane	208-634-1950
Kathleen Balda	170 Pearson Ln	634 4714
Alan Sunday	105 CARFEE LN.	208 422-6143
Joe Cornille	157 Carfree	208 880 4148
Vern Farris	13990 Comfort Rd	208-315-0257
Don Lojek D/L	14132 Pioneer	208-484-2292
CELESTINE LOJEC (see Lojek)	" "	" " "
Gene Law	114 Carfree	208-634-5900
Claire Rensberg	14003 Comfort Rd.	208.315.2070
Jeff Lojek	170 Pearson Ln	634 4714
David Weiss DCU	14023 Hideaway Ct.	208.634.2657
Robert P. Meunier	175 Pearson Lane	208-634-1952

LANA LUNDGREN	125 CAREFREE	208-634-7301
JOHN BURKE	130 CAREFREE	208-830-7523
Sherry Smeaug	130 Carefree	208-863-3937
John Humphries	108 MAGNETIC ROCK RD	208-630-4675
Michelle Humphries	108 Magnetic Rock Rd	208-630-3946
<del>Stephen Hill</del>	14006 Comfort Rd	928 274 4560
Katharina Hill	14006 Comfort Road	928 274 0153
Lauri Warren-Petersen	14024 Comfort Road	208-850-1729
Christine Mann	152 Carefree Rd	520-403-270;
JAMES Di BENEDETTO	135 CAREFREE HW.	(408) 234-4930
J. J. Di Benedetto	135 CAREFREE Ln	408-313-760
Emilio Di Benedetto	13996 EAST ST.	208 634-1233
Sherry Avolon	13996 Easy St.	208-634-1233
Maynard Sumbek	13970 Wrangler Rd	208 815 0906
Kathleen J. Sumbek	13970 WRANGLER RD	208-315-0905
Gloria Baker	13965 Wrangler Rd.	208-634-8675
Randal Bob	13965 " "	" " "
Franz Riegeert	13964 Wrangler Rd	208-870-4175
Jae Riegeert	13964 Wrangler Rd	208-870-4189
Cindy Mullett	13983 Easy St	208-634-3357
<del>Jane Mullett</del>	13983 EASY ST NW	" " "
Linda P. Thompson	14030 Hideaway Ct	253-691-6133
Mikha	43 Pearson Ln	208-634-8273
Catherine M. Emsad	43 Pearson Ln	208 634-8273
Pamela Barber	14060 Pioneer Rd	208 631-59
<del>Robert Hill</del>	14068 Pioneer Rd	208 634-28
Kathy Deinhart Hill	14068 Pioneer Rd	208-634-2867
Linda Pittenger	14015 Sage Ct	208 315 1435
Ed Parker	14069 Pioneer Rd	208 631-5922
Pam Parker	14069 Pioneer Rd	208 631-5927

Gary Brutton 14082 Pioneer Road 208861222  
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Amy Leaf 14059 Pioneer Rd. McCall, ID  
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Wilson Garre 140 Pearson Ln.  
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Peggy P. Wiley 140 Pearson Lane  
McCall, ID 83638  
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LARRY Shalce 1612 S Samsom Trail McCall ID 208-315-5

Monica Shalce 1612 S Samsom Trail McCall ID 208-315-5

SCOTT STIRRAAT 14027 HIDEAWAY CT

Lucille Reville XXX Hideaway Court

Shelly Stirrat 14027 Hideaway Court