



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Flood Plain Coordinator

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STAFF REPORT

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

HEARING DATE: July 8, 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

BACKGROUND:

Commissioner Benton and Commission Thompson were not present during the previous public hearing; however, if they are inclined to participate in this public hearing they have received all of the written materials in the record and can view the previous public hearing on the Valley County YouTube channel accessed through the Valley County website.

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. This matter was heard by the Planning and Zoning Commission on June 17, 2021. The public hearing was closed. The matter was tabled to July 8, 2021, in order to receive additional information from McCall Fire District.
2. Attached is an email sent to Ben Hart on June 11, 2021. I asked Chief deJong some specific questions and he stated the following:
 - a. He is aware of the 10,000 gl tank adjacent to Hart residence. It is not enough water to fight one house.
 - b. 10,000 gl tank lasts 5 to 10 minutes.
 - c. Need 1,000 gl/minute for an hour for a house of this size with this number of people.

(previous letter)

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)

3. Additional Staff Comments:

The applicant made a comparison with the previous approval of a home with 18 guests allowed.

- There is no legal precedence set by the P&Z Commission decision.
- The Hayes house was existing and the ordinance was imposed on an activity he had been doing for a number of years.
- Parking limits the number of people at the Hayes house since you cannot park in a

- right-of-way; the Hart house CCR's state only 4 cars are allowed.
- The Wagon Wheel subdivision area and the Payette Subdivision area are different types of neighborhoods, especially in regards to activity. Wagon Wheel is congested and has a number of similar types of uses and RVCs.
- Hart is asking for 20, Hayes was approved for 18.

Ordinance 20-10 Short Term Rentals was properly adopted and published in May of 2020 with the following considerations:

“WHEREAS, the Idaho legislature passed Idaho Code § 67-6539 LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS which states, “a county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.”;

WHEREAS, Valley County has approximately 78% second home ownership and 772 short-term rentals, the affect to neighborhoods is considerable;

WHEREAS, Valley County has health concern with over use of septic systems in rural areas;

WHEREAS, Valley County has safety concerns with occupancies that exceed the limitations and capacities of a single family residential use and operate in a manner similar to a commercial hotel or motel;

WHEREAS, Valley County strives to strike a balance between short-term rentals and traditional single family use;

WHEREAS, this ordinance is not intended to negate CCR's and or homeowner's associations. “

During the adoption process there was much discussion concerning how the integrity of the neighborhood would be protected and health concerns. The majority of the conversation was concerning the number of guests. After much discussion the P&Z Commission recommended and the Board of County Commissioners determined that 12 guests for a short term rental was reasonable and also allowed for full use of larger homes. The discussion concerning allowing more people through the conditional use permit process was mostly centered around impacts to the neighborhood and would most likely be on large acre parcels. The Commission believed that more than 12 guests was use similar to that of a motel/hotel or lodge.

The Planning and Zoning Commission considers the following:

- **Ordinances** – does it comply with the ordinance?
- **Agency Input** – is the use in compliance with requirements or recommendations of agencies such as Central District Health, fire departments, irrigation districts, etc.
- **Compatibility** with surrounding land uses and the impact and possible mitigation to the neighborhood, with protection of the integrity of the neighborhood in mind.

ATTACHMENTS:

- Input from McCall Fire
- Ordinance 20-10
- P&Z Meeting Minutes and Exhibits– June 17, 2021

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

Fwd: Cup 21-12

Garrett de Jong <garrett@mccallfire.com>

Wed 6/23/2021 10:01 AM

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

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

Correspondence with Mr. hart.

Garrett

Begin forwarded message:

From: Garrett de Jong <garrett@mccallfire.com>
Date: June 11, 2021 at 7:47:46 AM MDT
To: Ben Hart <benhart76@gmail.com>
Subject: RE: Cup 21-12

Hi Ben,

Thank you for reaching out. I am aware of the water tanks near there. Unfortunately, they are not big enough to satisfy the fire code's requirements, the Idaho Survey and Rating Bureaus insurance qualification, or our standard suppression and response model. They are helpful for wildfire structural protection, but they are not big enough to support house fire operations.

As adopted by Idaho, the international fire code calls for 1,000 gallons of water per minute for 60 minutes (60,000 gallons) for any house between 0-3,600 square feet. For larger homes, the requirement increases unless an automatic fire sprinkler system is installed in the home. The Idaho Survey and Ratings Bureau requires 250 gallons per minute for 2 hours (30,000 gallons) to meet the lower protection class standard. The fire department regularly uses between 30,000 – 100,000 gallons of water to extinguish house fires. In the Payette River Subdivision, we would shuttle water with 3,000-gallon water tenders from the city of McCall's water system, as it is the most efficient means of supplying water. Even when doing that, we can continuously provide approximately 600 gallons of water per minute, supporting 2-3 hose lines. Our engines can support 1,500 gallons of water, so it is still a considerable reduction.

I understand the limitations in the rural district with water supply. With new developments, commercial and residential, we require 30,000-gallon tanks or fire sprinkler systems in place of water supply. The benefit is that insurance premiums are reduced. In addition, it gives us an adequate amount of water to extinguish most house fires or enough water to support search and rescue operations for 15-30 minutes.

I hope that makes sense. I attached the fire code requirement and linked the Idaho Survey and Rating Bureau's relevant web page below.

Please let me know if you have any questions.

Garrett

<https://www.isrb.com/Idaho/ISRB/FireMinFD>

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



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This message has been sent to you as official business of the McCall Fire Protection District. If you have a concern about the authenticity of this communication, including any attachments, please contact the sender directly for confirmation, either by telephone or separate e-mail. Unencrypted e-mail is inherently insecure and should be treated with caution.

Electronic Privacy Notice. This e-mail, and any attachments, contains information that is, or may be, covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

From: Ben Hart <benhart76@gmail.com>
Sent: Thursday, June 10, 2021 9:37 PM
To: Garrett de Jong <garrett@mccallfire.com>
Subject: Cup 21-12

Hi Garrett,

I am the owner of the cabin on the CUP application 21-12. I wanted to let you know we have an 8000 or 10000 gallon fire suppression tank next to our property. I'm not sure on the exact size. It appears your fire department is unaware of it. But the small neighborhood has water available at each lot piped from the tank. So ample water is available at our house for any fire suppression needs. If you would like to meet at the property I can show you the neighborhood system. We will be up there this weekend and on and off next week and weekend. Or feel free to go view it yourself. It is located directly south of our home about 15 feet from the road on that side. You'll see the tank lid and pipes. It also appears there are white pipes at each lot with water.

Ben Hart
208-484-7251

TABLE B105.1(1)
REQUIRED FIRE FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
0–3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0–3,600	Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i>	500	$\frac{1}{2}$
3,601 and greater	Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i>	$\frac{1}{2}$ value in Table B105.1(2)	1

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

APPENDIX B-4

2018 IFC® CODE and COMMENTARY

ORDINANCE NO: 20-10
Short-Term Rentals

AN ORDINANCE TO IMPLEMENT REASONABLE REGULATIONS TO SAFEGUARD THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE IN ORDER TO PROTECT THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS BY REQUIRING ADEQUATE WATER, SEWER, AND GARBAGE COLLECTION; ADDRESSING PARKING; ALLOWING USE AS SOLELY RESIDENTIAL AND NOT COMMERCIAL; LIGHTING; CAMP FIRE MANAGEMENT; NOISE; LIMITS ON OCCUPANCY NUMBERS; LOT COVERAGE; ENFORCEMENT AS AN INFRACTION; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.

WHEREAS, the Idaho legislature passed Idaho Code § 67-6539 LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS which states, “a county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.”;

WHEREAS, Valley County has approximately 78% second home ownership and 772 short-term rentals, the affect to neighborhoods is considerable;

WHEREAS, Valley County has health concern with over use of septic systems in rural areas;

WHEREAS, Valley County has safety concerns with occupancies that exceed the limitations and capacities of a single family residential use and operate in a manner similar to a commercial hotel or motel;

WHEREAS, Valley County strives to strike a balance between short-term rentals and traditional single family use;

WHEREAS, this ordinance is not intended to negate CCR’s and or homeowner’s associations.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, AS FOLLOWS:

9-1-10: DEFINITIONS:

Except as defined hereafter, any terms not defined herein shall be given the meanings ordinarily applied to such words as used in zoning terminology:

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.

Short-term rental marketplace means a person that provides a platform through which a lodging operator, or the authorized agent of the lodging operator, offers a short-term rental or vacation rental to an occupant.

9-4-9: SHORT-TERM RENTALS:

Purpose: This ordinance shall be called the "Short-term Rental Ordinance". The purpose of the Short-term Rental Ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in Valley County, Idaho, as allowed by IC 67-6539.

Short-term Rental (STR), as defined in section 9-1-10 of this title, shall obtain an administrative permit and shall be a permitted use in all zones within the county subject to the following conditions and standards listed in this section (VCC 9-4-9). At no time shall an existing STR be considered a "grandfathered" use.

A. STR Conditions and Standards:

1. Number of Units: One STR unit is allowed on a parcel with an administrative permit, along with a fee as adopted by resolution that meets the requirements described in this section. 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).
2. Water, Sewer, and Garbage:
 - a. The STR must meet all requirements of Idaho Central District Health (CDH) with respect to the provision of individual potable water (approved water system) and sewage disposal facilities or have a permit from an approved central sewage treatment facility.
 - 1) The number of occupants cannot exceed the allowable limits of the septic system as approved by Central District Health.
 - 2) An Accessory Use Authorization or septic permit from Central District Health identifying the maximum occupancy of the STR based on the size of the septic system shall be required. Maximum occupancy shall not be exceeded.
 - b. The STR cannot be serviced by porta potties for any portion of the approval including overflow in the number of occupants.
 - c. The STR must contract for garbage pickup with the local provider, unless in a multi-family complex or have provided for other arrangements as stated in the application package in (2-f).
3. Parking: Parking of vehicles shall not be in a road right-of-way or in a setback area. The parking areas must be clearly defined so that there is not haphazard parking over landscaped areas.
4. The STR may be used for residential purposes only. It cannot be used as a wedding venue, corporate retreat, seminars, team-building events, or other use that requires a conditional use permit in Table 1A.

5. On-site Lighting: Must comply with Valley County Lighting Ordinance (VCC 6-2)
6. Camp Fire Management: All campfires must be in an approved fire pit as determined by the Fire Department. A fire extinguisher and/or water hose must be accessible. Fire pits shall comply with all setbacks. Consideration should be given to smoke impacting neighbors.
7. Safety Monitors and Information: Each STR shall have smoke detectors, carbon monoxide detectors, liquefied petroleum detector, etc. for the occupancy type on the property.
8. Outdoor amplified sound, other than household speakers, shall not be allowed at any time.
9. Occupancy: There shall be no associated RV's or tents used to supplement the maximum occupancy. It will be limited to legal bedrooms with proper egress windows or Central District Health limitations. At no time shall occupancy exceed 4 people/bedroom up to a maximum of 12 people unless a conditional use permit is obtained.
10. Lot Coverage: All structures, parking lots, fire pits, parking areas, and impervious areas cannot cover more than 35% of the lot, unless in a multi-family complex.
11. Outbuildings are allowed, but shall not be used for sleeping or any human habitation.
12. Posting of Rules On-site: Rules covering regulations within this section and emergency contact numbers shall be posted on-site, including an emergency exit plan.

B. STR Administrative Permit Process:

1. Application package shall be submitted to the Valley County Planning and Zoning Administrator with the appropriate fee as adopted by resolution.
2. Application package shall include the following:
 - a. Completed Valley County application form.
 - b. Site plan showing structures, parking, lighting, fire pits, etc.
 - c. Operation Plan that includes Compliance with Tax Requirements: Shall submit with the application proof of compliance with payment of sales tax through the STR marketplace or provide the Employee Identification Number for the self-managed STR. Sales tax paid will need to be in accordance with Idaho State Code, Chapter 36, Title 63.
 - d. Central District Health approval showing maximum occupancy.
 - e. Local Contact Phone Number and E-mail Address (if possible).
 - f. Rules that will be posted on-site including fire exist plan.
 - g. Garbage pick-up agreement.

- h. Declaration as to whether this is a part-time STR or a full-time STR. If part-time, number of months it will be used as a rental.
 3. Notice To Adjacent Property Owners: The administrator shall notify property owners within three hundred feet (300') and/or active home owner's association upon issuance of the administrative permit.
 4. Property manager or owner shall file an annual report with the fee as adopted by resolution, as follows:
 - a. Due date (renewal date) is the date of the issuance of the permit each year.
 - b. Shall show compliance with all requirements of original permit.
 - c. State intent for the current upcoming year.
 - d. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new permit will be required with the updated information.
 - e. Shall be revoked if not submitted within 30 days of the renewal date.
 5. Staff can inspect the interior and exterior of the STR if neighbor complaints are received or there is reason to believe the structure has been modified to accommodate a greater occupancy than allowed.
- C. Failure to obtain an Administrative Permit for an STR or violation of the Administrative Permit shall be cause for revocation of the permit and shall be subject to the following:
1. Infraction citation that will be issued by the Valley County Sheriff.
 2. If after 3 infraction citations violations continue to occur then enforcement and penalties in accordance with VCC 9-2-5 through VCC 9-2-8.
 3. Costs of enforcement may be applied.

NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this __ day of _____, 2020.

Elting Hasbrouck, Chairman

Attest:

Douglas A. Miller
Valley County Clerk

Valley County Planning & Zoning Commission

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



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

Johanna Defoort, Chairman
Scott Freeman, Vice-Chair

Brian Benton, Commissioner
Ray Cooper, Commissioner
Neal Thompson, Commissioner

MINUTES

Valley County Planning and Zoning Commission

June 17, 2021

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

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

P&Z Director – Cynda Herrick:	Present
P&Z Commissioner – Brian Benton:	Excused
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort:	Present
P&Z Commissioner – Scott Freeman:	Present
P&Z Commissioner – Neal Thompson:	Excused
P&Z Technician – Lori Hunter:	Present

B. MINUTES: Commissioner Cooper moved to approve the minutes of May 13, 2021. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 21-11 Valley Wide Country Store:** Valley Wide Cooperative is requesting approval of a conditional use permit for a mixed retail store, fuel sales, convenience store, farm store, and restaurant. The building would be approximately 23,900 sqft on the first floor. There would be fenced open storage. A covered storage area may be added. Underground power, a public well, and a septic system are proposed. Two access points are proposed from Highway 55. The 18-acre site is RP18N03E331807 addressed at 14014 Highway 55 and located in the SENE Sec. 33, T.18N R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Commission decisions. Employee housing is a County-wide problem and should not be a requirement for this applicant.

Chairman Defoort sees issue with traffic due to a blind spot and highway speeds. Turn lanes would be large and a huge financial burden. Noise would carry a long ways into residential areas. This would add too much noise and light pollution in a rural area. This is a good company and contributes to local communities. It is a needed business in Valley County but should be located somewhere with a reduced speed limit and less residential housing nearby.

Commissioner Cooper moved to deny C.U.P. 21-11 Valley Wide Country Store with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Defoort explained the ten-day appeal period to the Valley County Board of Commissioners.

7:30 p.m.

2. **C.U.P. 21-12 Hart Lodge:** 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 1.5-acre site is addressed at 43 Tranquility Lane, located on Moonridge Subdivision Lot 3, in the SE ¼ Section 30, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

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

- **Exhibit 1** – Samantha and Jeff Westendorf, 321 Moon Drive, are opposed.
- **Exhibit 2** – Kim Zeydel, 295 Moonridge Drive, is opposed.
- **Exhibit 3** – Mark and Cheryl Brownell and Karl and Jan Focke, 171 Cindy Lane, are opposed.
- **Exhibit 4** – Chris and Jo Sours, 320 Moon Drive, are opposed.

Director Herrick clarified that a short-term rental permit would be required for the property for up to 12 guests, not a conditional use permit. She displayed the GIS map with the property and adjacent properties on the large projector screen.

Chairman Defoort asked for the applicant's presentation.

Benjamin Hart, Boise, purchased the home in late August 2020, primarily for the use by his six sons and large extended family in Boise and southern Idaho. It was bought for a place for his family and friends to gather, not for a rental. The property had been a rental previously and the purchase agreement including honoring the previous bookings. The neighbors' issues are from problem renter from the previous owner. The home, on 1 ¼ acres, works well as a rental for multi-generational groups and families. They are not absentee owners. They are using the money from renters to upgrade the home and property. The north side of the house is drainfield area and stays pretty green. They are choosy about whom they rent to. The home is

only listed on Airbnb and VRBO. They personally use they house with groups of 25+ family and friends. They have installed a security camera on the front of the house. The snowmobiling and trespassing on neighboring properties will not be allowed. Renters have to agree to the rules prior to reserving the property. The fire chief made recommendations, not requirements. There is a 10,000-gallon water tank for fire near the home. There are both hard-wired and battery-operated smoke detectors and carbon monoxide detectors in the home. Retrofitting sprinklers systems is cost prohibitive. They do want to add a fence to the property for dogs and kids. The HOA and property owners in the subdivision have their phone number. Outside lights are LED and are shielded. Tents are not allowed by renters. They have three bear-proof trash cans. The average number of guests has been 10-14; the next two rental groups are both family celebrations (anniversary and birthday). The septic is big enough. There are currently groups in July who reserved two years ago. He previously submitted an application for a STR but was told a conditional use permit was required.

Mr. Hart is not familiar with the ads listed on other websites referenced in the comment letters; perhaps the previous owner submitted ads. They only advertise using Airbnb and VRBO. Since they took ownership, there has been only one complaint from a neighbor regarding friends' use of an ATV on the adjoining properties. This activity was also seen on their security camera, and they contacted the friends to stop the use and fix any damage.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents.

Bill Borg, 45 Knob Hill Drive, is opposed. The applicant seems to mean well; however, Mr. Borg feels very strongly about maintaining integrity of residential neighborhoods. He has had firsthand experience with a party-house in his neighborhood. Noise, traffic, and disregard of the neighbors are issues that affect the neighbors who are then charged with policing the use. Twelve people are groups of one or two families; more people equal a party atmosphere.

Jennifer Sizemore owns Lot 3B which is directly to the west of this home. They purchased the lot within the last three months and will be building a home there. She is also from a large family and knows there are other ways to entertain family than just renting one residence. The use of the home by large groups ruins the neighborhood and the neighbors end up policing it. Mr. Hart already mentioned many violations of the HOA requirements; the applicant is not available to police the use. The 10,000-gallon water tank is for fire response for the entire neighborhood, not just one house.

Lisa Zeiter owns Lot 7 across the street and are in process of building a home. She did submit a letter. Parking is an issue. Per the CCRs, a maximum of four cars can be parked outside on the property overnight.

Bolek Masiak, owner of 56 Tranquility Lane, Lot 4, said many points have been brought up. If not purchased for profit, then why not limit it to 12 guests per night. Expanding to 20 people opens up to another market for parties. Security camera doesn't solve the problem. There are no noise or visual barriers; noise travels. It is different when it is your own family and friends

versus rental groups. Violations of CCRs include number of guests, parking, and boats/ATVs visible. Although most of the complaints are from the previous owners, the issues do not go away. This would allow one recreational use to negatively impact others. Allowing 20 plus guests discourages full-time residential use of the neighborhood.

Chairman Defoort asked for rebuttal from the applicant.

Mr. Hart reiterated that the complaints are from previous owner's use. There are nine vacation rentals in the neighborhood. There is a high demand for the larger groups. Limiting to 12 is different market; renting to large families is better than 12 from multiple families. We are involved with the house compared to those owners using a property management group. McCall's limit is 19 people before an additional permit is required.

State law requires that an HOA have each owner agree to not use their home as a short-term rental; he has not agreed to such a stipulation. The HOA nor the other owners do not do snow removal at this time. The renters are basically paying for Mr. Hart to plow the road free of snow.

Chairman Defoort closed the public hearing.

The Commission deliberated. Commissioner Cooper is concerned about the impact on the surrounding neighborhood by allowing rentals to large groups. It seems most of the complaints were during the previous ownership. It is easier to keep a handle on 12 people even if the home is capable of holding more.

Chairman Defoort said the new owner has had to deal with previous digressions. More people lead to more problems. Enforcement is difficult. Fire and safety are concerns. When the Short-Term Rental ordinance was created, the two main issues were septic systems and guest safety. Unfortunately, the fire chiefs can only make recommendations for short-term rentals, not requirements. Central District Health has approved this home for 20 people.

Commissioner Freeman said motels must meet certain standards. This is a commercial venture, and more safety features should be required than for a residential home.

The Commissioners agree they are not experts on fire requirements and rely on the expertise of the Fire Departments. If fire conditions are met and an automatic sprinkler system added, Chairman Defoort would be willing to revisit a new application for this use.

The 10,000-gallon in the subdivision exists from previous requirements when the subdivision was approved. The three fire departments [Cascade, Donnelly, McCall] currently have different requirements for new subdivisions.

Director Herrick read State Code regarding short-term rentals which allows regulations to protect the integrity of the neighborhood.

Commissioner Freeman asked if the McCall Fire Department knew that there an existing 10,000-gallon tank exists nearby when the Fire Chief made his recommendations. Do the Fire Departments track the water tanks that are put into subdivisions? Would the existing water tank negate the recommendation for sprinklers? According to the McCall Fire Department's response, R-1 occupancy (for example a hotel) requires automatic fire sprinklers; R-3 does not.

Commissioner Freeman moved to table C.U.P. 20-12 to July 8, 2021, for more information from the Fire Department. Commissioner Cooper seconded the motion. Motion carried unanimously.

8:57 p.m.

D. OTHER:

1. Are yurts and containers single family residences that are eligible for STR permits? Action Item.

The Commissioners deliberated and discussed short-term rental and dwelling definitions. Short term rental for a yurt at Silver Fox Spur was submitted. The site has no power, no refrigerator, and no well. There is a pit privy. On a nearby property, the owner is renting a shipping container. Short-term rental applications require parking on-site. The access to both sites is not plowed in the winter, thus, people park in the public right-of-way.

If a site does not meet the definition of a short-term rental, then a conditional use permit for a rustic guest experience will be necessary. Dwelling units require a kitchen. A conditional use permit application fee would be \$300 for this type of use. Safety (fire), septic, and access were discussed. Chairman Defoort believes the use should require a conditional use permit, not a short-term rental permit. Yurts are valued as out-buildings, not a single-family residence, by the Valley County Assessor's Office.

The Commissioners agreed that yurts and containers are not single-family residences; therefore, they are not eligible for short-term rental permits.

2. Storage for asphalt at Gilbert Gravel Pit. Action Item

Idaho Transportation Department is beginning the Highway 55 project between Donnelly to McCall. There is a request to stockpile the asphalt millings from this project at the Gilbert's Pit on East Lake Fork Road. There would be approximately 5000 tons of materials stockpiled for reuse on future projects. This site is within the Quarry Run Subdivision which is an industrial subdivision south of East Lake Fork Road. Director Herrick displayed the GIS map with the property and adjacent properties on the large projector screen. The site is hidden by trees and topography. Idaho Code, State agencies, and local planning ordinances were discussed (Idaho Code 67-6528).

Commissioner Freeman moved to approve the use. Commissioner Cooper seconded the motion. Motion carried unanimously.

From: Samantha Westendorf <samanthawestendorf@gmail.com>

Sent: Thursday, June 10, 2021 6:13 PM

To: Cynda Herrick <cherrick@co.valley.id.us>; Jeff Westendorf <jwestendorf6@gmail.com>

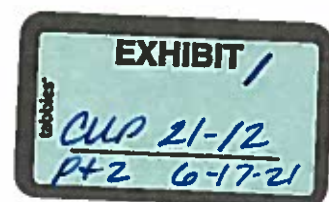
Subject: comments on CUP 21-12 Hart Lodge

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.

To the Valley County Planning and Zoning Commission,

We live at 321 Moon Dr. in McCall, immediately southeast of the Hart Lodge . We have lived here since 2018, and we are year round residents. We have noticed noise problems at the Hart Lodge on many occasions in the summer and winter. It seems like renters are using the location for large parties and possibly weddings or other events with DJs and loud music. We oppose the application to increase the number of guests per night. The property is already a noise issue, and we hope the P&Z Commission will deny the conditional use permit. We have made complaints to local law enforcement in the past. We have small children, and the noise and traffic, especially in the evenings, is not conducive to family life. Thank you for your time.

Thank you for hearing our comments,
Samantha and Jeff Westendorf
208-954-6752



RECEIVED

JUN 14 2021

To: Cynda Herrick, AICP, CFM

Valley County Planning and Zoning

From: Kim Zeydel, Payette River Subdivision 1

Topic: C.U.P. Hart Lodge

I am writing in opposition to the Hart Lodge. The neighborhoods in this area are for single family homes not event centers for weddings and large gatherings.

After talking with the home/lot owners adjacent or near Hart Lodge, it seems the owners are not following the rules and guidelines currently in place for their property. Noise, trespassing, multiple cars, more than 12 people, and traffic along Moonridge Dr. have been ongoing issues with this property.

Please do not allow the Hart Lodge to become a business that has negative impacts on the surrounding home/lot owners. This home has five or six bedrooms so please keep their permit at 12 people maximum. If the homeowner wanted to have an event center for weddings and conferences, they should move to a location where they do not have immediate neighbors that bought into a single-family home subdivision.

Please deny this application.

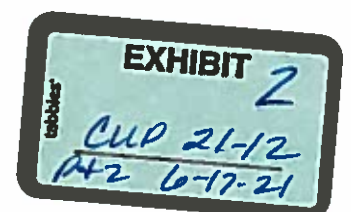
Thank you,

Kim Zeydel

295 Moonridge Dr.

McCall, ID 83638

208-634-8018



From: Mark Brownell <brownell_mark@hotmail.com>
Sent: Monday, June 14, 2021 3:02 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: RE: C.U.P. 21-12 Hart Lodge application to be considered June 17

Valley County Planning and Zoning Commission
RE: C.U.P. 21-12 Hart Lodge

Dear Valley County Planning and Zoning Commission Members,

We are strongly opposed to the approval of this permit application. Valley County's short term rental ordinance only allows 12 guests and there are numerous good reasons for keeping it that way, especially in this instance.

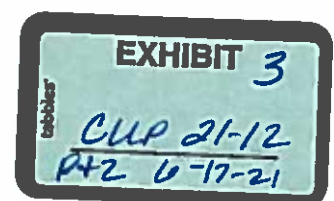
Allowing Hart Lodge (it's really just an overly large residential house, not a "lodge") to have parties of up to 20 people will

To have an unoccupied property that serves as a short term rental property for large transient gatherings in the midst of our neighborhoods will reduce property values throughout all of the Payette River and Buckcamp subdivisions which as you know are two neighborhoods populated by occupied single family homes and second homes. The added noise, extra cars, and the potential for large events in an area that backs up to a large group of existing homes should not be facilitated. And while the road into the Moonridge Estates area is private the general access into our area — the narrow two lane Moonridge Drive — will be carrying additional traffic on our private road that we are required to maintain.

Living next door to properties where exceptionally large numbers of "guests" are allowed to congregate on a short term basis is a nightmare for neighborhood residents who have had to have that experience.

In conclusion we believe that any application that runs counter to the interests of the residents and property owners in the Payette River Subdivisions and the Buckcamp Subdivision — particularly ones that ask to cater to an extraordinarily large number of guests — should be denied. We respectfully ask that you do so in this case.

Sincerely,
Mark & Cheryl Brownell
Karl & Jan Focke
Lone Star Gem, LLC
171 Cindy Lane
McCall, ID 83638



From: christopher sours <christopher.sours@gmail.com>
Sent: Thursday, June 17, 2021 9:27 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: Hart Lodge Tranquility Dr McCall C.U.P 21-12

Dear County Commissioners-

My wife, Joanne, and I live at 320 Moon Dr directly up the hill from this property. We would like to submit a brief comment regarding the use of this rental.

Please limit the occupancy of this rental as it often is the scene of loud gatherings. 20 people in one house is too much to bear for those of us that live close. It isn't fair and frankly making a profit for the owners shouldn't deprive neighbors of the loss of our tranquility. I couldn't resist!

Is the septic system up to specifications for that type of large use?

There is nothing tranquil about this house on Tranquility Lane. Please restrict it's use to the 12 person limit.

Thank you.

Chris and Jo Sours

