

MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

August 19, 2019, Adams County Courthouse

7:00 p.m.

Members Present: Joe Warner; Dennis Nau; Kip Kamerdula; Mark Peterson; Al Becker joined at 7:25.

Members Absent: Royce Bauer, Julie Burkhardt

Others Present: P&Z Administrator Wendy Green

Public Present: Shawna Hale, Nampa; David & Deana Hockman, Eagle; Randall & Lynette Marquard, Bear; Dan McGahey, Bear; Mike & Karen Snodgrass, New Meadows.

1. **Call to Order:** Chairman Dennis Nau called the meeting to order at 7:02 p.m.
2. **Review Agenda:** Joe Warner moved to approve the agenda as presented; seconded; passed.
3. **Approval of Minutes:** Kip Kamerdula moved to accept the minutes of the July 15, 2019 regular meeting as presented; seconded; passed.

New Business: Administrator Wendy Green apprised the commission of three Conditional Use Permit hearings scheduled for September 16th. She asked the commissioners if they can agree on a date for the October P&Z meeting, as she will be out of town for floodplain manager training the third week of October. The commission agreed to wait until the September meeting to see what might be on the October agenda before deciding whether to hold a meeting that month. Green shared data from the Idaho State Tax Commission on some housing statistics for the county. In 2019, of the 2,714 parcels with improvements, 1,391, or 51%, have homeowner's exemptions; 1,323 do not. This is an indication of how many homes in the county are primary residences vs. second homes. Also, in 2018, the Tax Commission did a statewide analysis of homes valued over \$200,000 in each county. This analysis did not include mobile homes. In Adams County 30% of homes had assessed values over \$200,000 (386 out of 1,275 parcels). That compares to the state average of 48%. Values in surrounding counties: Valley, 65% were over \$200,000; Washington, 16%; Boise, 61%; Gem, 37%; Payette, 20%; and Idaho, 25%. Green relayed a request from the Board of County Commissioners that the commission review the County's zoning ordinance as it pertains to splitting property. She outlined the process for amending county code. Commissioners agreed to review the section and discuss at a future meeting. Green shared information from a recent workshop she attended regarding the importance of following proper procedures in quasi-judicial proceedings such as Conditional Use Permit hearings. Three key elements that lead to a sound, fair and defensible decision include: Considering adequate **evidence**; articulating **reasoning** as to how the application complies with county code and why a decision was reached; and providing **due process** through proper legal notice and ensuring an opportunity for affected persons to be heard.

At 7:16, Chairman Nau opened the public hearing on the Hale Conditional Use Permit application for short-term rental at 4092 Meadow View Road, New Meadows. Administrator Green gave the staff report (attached). Chairman Nau reviewed conditional uses in the R-1 Rural Residential Zone and noted that state statute allows counties to implement reasonable regulations on short-term rentals to safeguard public health and safety and protect the integrity of residential neighborhoods. Shawna Hale of 11623 McGraw Drive, Nampa, Idaho said she inherited the cabin at 4092 Meadow View Road that her parents built in about 2000 and wished to keep it in the family. **Al Becker joined the meeting at 7:25.** Hale plans to contract with a management firm to manage short-term rentals and upkeep. The Hale family will continue to use the residence for a private vacation/recreation cabin. Al Becker asked how neighbors might be affected by the proposed use as a rental. Hale said the management company will regulate and monitor activities of renters to minimize any impact on neighbors. Hale recently had the septic system inspected by Ned Crossley, who said he found no problems and the 1000-gallon tank does not need to be pumped at this time. In response to a question from Mark Peterson about emergency access in winter, Hale said she will continue to arrange to have snow plowed as needed. Dennis Nau asked if there is adequate parking space to ensure there is no parking on the subdivision road. Hale said there is ample room for more than six vehicles. There were no written or oral comments. **Chairman Nau closed the public hearing at 7:33.** The commission and administrator reviewed Section 4-2 of the zoning ordinance and permitted uses, standards and criteria for issuing conditional use permits, and discussed minimizing adverse impacts of the proposed use. Al Becker noted the increased demand for recreational rentals in the New Meadows area. Finding the proposed use complies with the Comprehensive Plan and Zoning Ordinance, is compatible with surrounding uses, is not expected to place undue burden on county services, and meets criteria for conditional use, Mark Peterson moved to recommend that the Board of County Commissioners approve the application; Kip Kamerdula seconded; passed with none opposed.

At 7:34, Chairman Nau opened the public hearing for the Hockman Conditional Use Permit application for Bear Den cabin rental and RV parking at 4015 and 4017 Council-Cuprum Road. Joe Warner recused himself. Chairman Nau reminded those present that comments on the application need to pertain to whether the proposed use complies with the Comprehensive Plan and Ordinance. Administrator Green gave the staff report (attached). David Hockman stated the home/lodge, “Tin Room” dining hall, and four small cabins have been used as a recreation retreat by family and friends, as well as for short-term rental, since 2006. Hockman provided several photos of the buildings and grounds. The rental season is primarily spring, summer, and fall, although there is some rental activity in winter for hunters and snowmobilers. There is an outfitter or guide—Hockman was uncertain as to the type of license he has—who rents the property as a base camp for about ten days a year for taking hunters into Units 22 and 23. Deana Hockman said Idaho Fish & Game has also rented the property for staff for about the last seven years. Hockman stressed the owners keep the property in a neat, safe and fire-wise condition; that no shooting is allowed on the property; the posted speed limit on private roads is 5 mph; there is adequate parking space for two to three vehicles at each cabin. The property owners or their representatives are not always on site when renters are present. There are 3 RV parking spaces with power and water but no septic; RV users must use their vehicles’ holding tanks and take them to a dump station, the nearest such facility being in Council. The house has a septic tank and drain field, with two additional tanks and drain fields shared by the

cabins and Tin Room. Jeff Batten with Southwest District Health is scheduled to meet the owner on site and inspect the septic and other facilities on August 30th at 2:00 p.m.. Dennis Nau asked if the property is in the Bear Fire Protection District. Joe Warner, speaking on behalf of the fire district, confirmed that it is and said he had no particular concerns about the proposed use.

Chairman Nau asked for public comment.

Dan McGahey of 4033 Landore Road testified that he lives just around the corner from the property and complained about the loud partying during hunting season. He questioned the validity of the license of the outfitter/guide who rents the property during buck season. McGahey said he had complained about renters riding snowmobiles across his property. He pointed out there is a public campground a few miles up the road that is farther from residences, whereas Bear Den is very close to neighboring homes. He said renters often disturb the peace of the area. Lynn Marquard, 4019 Council-Cuprum Road, expressed concerns about noise from renters and fire danger. She observed ATVs driving through tall, dry grass the previous weekend. She and her husband retired to Bear for peace and quiet and believe their property value could be diminished by the operation of the rental business.

Randall Marquard, 4019 Council-Cuprum Road, said he worries about the fire danger when no owner's representative is on site to enforce safety rules.

Chairman Nau offered the applicant an opportunity to rebut opposing comments. David Hockman reiterated that the owners have rules for speed limit on the property, including for ATVs. He said he couldn't prevent renters from using alcohol or playing music, but if neighbors would alert him to nuisance behavior, he would take action to enforce the rules. Deana Hockman said hunting season and the 4th of July are busy times, with renters coming and going, but other than a few weeks a year, the gate is kept locked and there is no activity or disturbance. She said she and her family also come to Bear for the peace and quiet.

Administrator Green asked if the opponents wished to offer suggestions that would make the proposed use more acceptable. Dan McGahey said an owner's representative would be needed on site to enforce rules whenever the facility is rented. Randall Marquard complained of the speeding on the county roads by renters. **Chairman Nau closed the public hearing at 8:10 p.m..** Nau reviewed permitted uses in the Agriculture, Timber and Grazing Zone and criteria for Conditional Use Permits. Nau suggested that rental of a lodge, cabins, and RV spaces differs from short-term rental of a home and this application should be viewed as a resort or RV park. Mark Peterson expressed concern that Jeff Batten with Southwest District Health had not yet visited the property or signed off on the adequacy of septic systems. Al Becker explained that there is a difference between a licensed outfitter and a licensed guide; the type of license held by the person renting the cabins could be verified with the Idaho Outfitters and Guides Association. The commissioners concluded that that question is beyond their purview. Due to lack of input from Southwest District Health, the commission rescheduled a second hearing on this application for Monday, September 16, 2019, and instructed the Administrator to encourage Jeff Batten to be present.

Joe Warner rejoined the meeting at 8:36. In order to deal with all the hearings on the September agenda, the commissioners instructed the Administrator to schedule the first hearing for 7:05 and postpone any items that are not time-sensitive until the October or November meeting.

- 4. Old Business:** Green provided the commissioners with the draft of the community survey and cover letter. Commissioners did not recommend any changes. Green reminded them that the

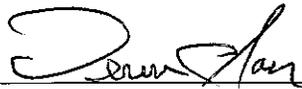
letter and survey will need to be finalized by late October in order to be included in the mailing of property tax notices in early November. She will work on making the survey available online, too.

5. Upcoming Meetings:

Next Regular Meeting: September 16, 2019 at 7:00 p.m.. Public hearings at 7:05 for Schwenkfelder rock pit CUP; 7:20 for Nez Perce/Zims CUP; 7:40 for Al Duncan/Quail Hollow RV Park CUP; and 7:55 for second hearing on Hockman/Bear Den CUP.

6. Adjournment

Meeting adjourned at 8:50 p.m.



Chairman



Date