

MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

July 15, 2019, Adams County Courthouse

7:00 p.m.

Members Present: Joe Warner; Dennis Nau; Julie Burkhardt; Kip Kamerdula; Mark Peterson

Members Absent: Al Becker, Royce Bauer

Others Present: None

Public Present: None

- 1. Call to Order:** Chairman Dennis Nau called the meeting to order at 7:06 p.m.
- 2. Review Agenda:** Julie Burkhardt moved to approve the agenda as amended to remove the public hearing; passed.
- 3. Approval of Minutes:** Julie Burkhardt moved to accept the minutes of the June 17, 2019 regular meeting as presented; seconded; passed.
- 4. New Business:** Vacasa LLC, the applicant for a Conditional Use Permit for short-term rental of the Shawna Hale property in Granite View, called at 5:10 this evening to ask that the hearing be rescheduled. Administrator Green informed the representative, Julie Wilde, that the county would have to charge the \$100 application fee to cover administrative costs to reschedule and publicize the hearing. **Mark Peterson joined the meeting at 7:15.** The Commission discussed whether it was customary and logical for someone other than the property owner to apply for the CUP. Green noted instances of CUPs for rock pits and crushing operations being issued to the operator, with the signed consent of the landowner. But in the case of short-term rentals, it might make more sense for the landowner to apply for the CUP and then contract with a management company to handle the rentals. Then if the landowner wishes to change management companies, the CUP would not need to be amended. The Commission recommended that the Administrator have this conversation with Shawna Hale, the property owner. The homeowner or Jeff Batten with Southwest District Health should also be prepared to report on the age and size of the septic system and when it was last serviced and inspected. Commissioners directed Administrator that if someone other than a landowner applies for a CUP, the landowner should be present at the public hearing. A question arose as to whether a short-term rental in a residence that is not occupied except on occasion constitutes a home-based occupation under our zoning ordinance. Would short-term rental qualify as a cottage industry? However, state statute now limits the authority of cities and counties to regulate short-term rentals except to safeguard public health and welfare (Title 63, Chapter 18 and 67-6539). Toward that end, the Commission may recommend to the Board of County Commissioners certain conditions, such as limiting the number of vehicles that can be parked on a property without blocking emergency access and

egress, or a requirement to maintain fire defensible space around structures. Some commissioners said they are aware of property owners operating short-term rentals and other cottage industries in the county without permits. Dennis Nau said the Meadowcreek Homeowners Association is aware of at least 20 homeowners who are operating short-term rentals in that subdivision, including two homes that were converted into lodges. The HOA attorney advised Meadowcreek that they can stipulate limits on noise, lights, parking, etc., but the HOA cannot prohibit short-term rentals.

With regard to the DeGroat application for a CUP for a dog grooming business near Council, Green explained that Southwest District Health would have required a new septic system because the one designed for that residence was small. The applicant decided not to proceed with the business at this time. Jeff Batten had informed Green and DeGroat that dog hair is especially hard on septic systems and requires an effluent filter. Mark Peterson noted that he is aware of grooming services being offered at homes in the New Meadows area.

Green reported that two landowners have inquired about permits for rock pits in the Indian Valley area. One has completed a reclamation plan with Idaho Dept. of Lands and expects to submit his completed CUP application in time to be on the September P&Z agenda. One inquiry involved a site that does not meet the zoning requirement for a one-mile buffer between new rock pits and residences. Joe Warner said he thought there was also a restriction on how close rock pits could be to other rock pits, but Green does not believe that is in the current zoning ordinance. She will research it.

Green reported that Deputy Prosecutor Jedediah Bigelow had researched the county's split guidelines with regard to takings without compensation. Bigelow informed the county commission that the ordinance and split guidelines do not constitute illegal takings. During that commission meeting, Commissioner Mike Paradis noted the ordinance had withstood a legal challenge several years ago. DF Development has asked the commission to consider amending the ordinance to allow more splits of large tracts, as DF owns ~60,000 acres in Adams County, including blocks over 10,000 acres. Under current ordinance, each original parcel can be split up to three times for a total of four parcels without going through the subdivision process. By state statute, amending a zoning ordinance requires a public process, including a public hearing before the P&Z. Any amendments would need to comply with the county comprehensive plan. Mark Peterson mentioned the concern about loss of public access to national forest land since DF Development purchased the property and locked gates on some roads, including roads that may have been built with public funds for logging purposes.

5. **Old Business:** Administrator Green shared a survey that Owyhee County created to solicit public input in the process of updating its comprehensive plan. The commissioners offered input on the survey and asked Green to draft a version for Adams County, along with a cover letter of explanation, for discussion at the August P&Z meeting. Green has talked with Treasurer Christy Roach about inserting the planning survey in the mailing of property tax notices that will go out in early November. Mark Peterson suggested utilizing publicity about general and special elections to call attention to the survey, as election time is an opportune time to remind citizens that they have a voice in county planning. Commission asked that the survey include separate questions as to whether respondents were Adams County residents or non-resident landowners. It should also include an invitation to become involved in the process of updating the comp. plan and ordinances. Commissioners agreed that the questions and results should be county-wide, not by precinct or area.

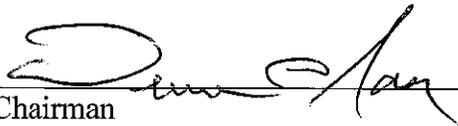
Green reported that the Board of Commissioners had approved the Simpson Conditional Use Permit to operate an erosion control staging business on Highway 55 east of New Meadows. The BOCC opted not to attach any conditions on hours of operation nor make the permit non-transferrable. The commissioners felt the permit was specific enough that if someone purchased the property and wished to continue an identical business, the CUP could transfer to the new owner/operator.

6. Upcoming Meetings:

Next Regular Meeting: August 19, 2019 at 7:00 p.m.. Public hearings at 7:15 for Hale CUP and at 7:30 for Hockman CUP, both for short-term rentals.

7. Adjournment

Meeting adjourned at 9:05 p.m.


Chairman

Date 8/16/19

