

# MINUTES

## ADAMS COUNTY PLANNING & ZONING COMMISSION

### Regular Meeting

October 15, 2018, Adams County Courthouse

7:00 p.m.

**Members Present:** Royce Bauer, Julie Burkhardt, Rich Laine, Dennis Nau, Joe Warner

**Members Absent:** Mark Peterson, Al Becker

**Others Present:** P&Z Administrator Wendy Green

**Public Present:** Don Parker, Lynn Parker, Rob Fitch, Connie Kesler, Margaret Starn

1. **Call to Order:** Chairman Rich Laine called the meeting to order at 7:02 p.m.
2. **Review Agenda:** Julie Burkhardt moved to approve agenda as presented; seconded; passed.
3. **Approval of Minutes:** Dennis Nau moved to accept the minutes of the September 17, 2018 regular meeting; seconded; passed.

#### 4. New Business

Administrator Green asked if Commissioners had any questions or requests of the administrator. Julie Burkhardt posed questions having to do with conduct of P&Z public hearings. She had reviewed Jerry Mason's training videos online and wondered whether it would be appropriate for the administrator to conduct the hearings in order to leave the Chair freer to participate in discussion. Mason advocates suspending Roberts Rules of Order, especially for conducting public hearings. There was discussion of the pros and cons of adhering strictly to Roberts Rules versus using some alternative or amalgam. Green noted that the outline of the public hearing process she provided for commissioners tonight came from the county ordinance and follows state code.

Green reported that she attended the Idaho Chapter of American Planning Association conference and training in Boise last week. She asked if the Commission is thinking about tackling the update of the County Comprehensive Plan and Ordinances. It will involve a public process and require public hearings. The Commission agreed that they would begin reviewing those documents as time permits at upcoming monthly meetings.

Dennis Nau asked about the conference session regarding the new and confusing legislation on regulating short-term vacation rentals. Nau reported that the Meadowcreek Homeowners Association invited Senator Abby Lee and Representative Ryan Kerby to speak to the HOA about regulating short-term rentals.

Administrator asked the Commission if they had feedback on the materials she has been providing for meetings. They said they were happy with the volume and timing of materials they had been receiving and thanked Green for providing adequate preparation for meetings and hearings.

#### **Public Hearing, Parker Conditional Use Permit Application**

Chairman Laine opened the public hearing at 7:15. He asked if any Commissioners wished to disclose any conflict of interest in this application; none did. Administrator Green affirmed that proper public notice had

been provided in the paper of record (September 26, 2018); notice was posted at the courthouse and on the County website (September 26, 2018); notice was mailed to adjoining landowners (September 25, 2018); and signs were posted at the subject property (October 3, 2018). The Administrator noted the sections of the Comprehensive Plan and Zoning Ordinance that allow accessory use of a residence in the ATG Zone, as well as those sections that require a permit for a change of use of a structure, such as adding an accessory business to a single-family residence. Because this residence is accessed from U.S. Highway 95, Green informed the Idaho Transportation Department of the CUP request. ITD's District 3 Development Services responded that they had no objections to the application.

Chairman Laine invited the applicants to present their proposal. Lynn Parker, 1480 Highway 95, Council, stated that Parkers built their home with the idea that they might want to operate a bed & breakfast. The home was designed with two guest rooms, a den and a bathroom in one wing of the house. The marketing will be done online and prospective guests are vetted when they make reservations. Guest rooms can accommodate up to four adults. Parkers believe the bed & breakfast would be an economic benefit to the county and would provide lodging for visitors to the county. There are very few lodging options in the county at present. The home features spacious kitchen, dining and living rooms. Breakfast will be provided to guests. Parker said entrance to the property is from US95 and does not affect other roads or driveways. Surrounding lands are used for livestock grazing, and this home business will not affect that land use.

Royce Bauer asked for a description of the length and width of the driveway. The house is .2 mile off the highway. Bauer's concern was whether there was adequate means of egress in case of fire. Home was built in 2017 and applicant believes it conforms to county driveway standards. There's also a large graveled turnaround near the house.

Dennis Nau inquired about the existing septic capacity and whether there were plans to add any septic systems. Parkers explained that there is a 1000-gallon septic tank and the system was designed for a four-bedroom residence. Jeff Batten with Southwest District Health was not present at this hearing. He had stated at the September meeting that he would review the existing septic system at the property to see that it was adequate for the proposed b&b use. That information was lacking at the time of the hearing.

Administrator Green read an inquiry received via telephone from neighbor Nancy Yantis, 2235 Middlefork Road, who wanted to know whether the applicants intend to increase the use of RVs on the property, or whether this CUP pertains only to room rentals within the house. Yantis also noted that Parkers do recreational target shooting on the property and wanted to know if guests would be shooting. Parkers answered that target shooting is for their personal use only, not for guests. They said they have no plans at this time to expand use of RVs for rental/camping.

Rob Fitch and Connie Kesler, 1496 Shaw Lane across the highway from parcel, stated that they had no objections to the operation of a bed and breakfast at this location.

Chairman Laine closed the hearing at 7:31 and opened the meeting for discussion by the Commission. Royce Bauer pointed out that, given the limited increase in use of the property, the applicant is not significantly changing the type of use of the property from residential. Commissioners noted the septic had been sized for the four-bedroom house, so it should be adequate for the proposed use.

Dennis Nau moved to recommend that the Board of County Commissioners approve the conditional use.

Royce Bauer seconded. Passed.

Green explained to applicants that the BOCC will hear the application and issue its decision. She will notify applicants when this matter is placed on the County Commissioners' agenda.

Chairman recessed the meeting for ten minutes until time for the next public hearing.

Seconded; passed.

### **Public Hearing, Kesler Conditional Use Permit Application**

Chairman Laine opened the public hearing at 7:45 on the request from Connie Kesler to install a third septic system and a manufactured home on 5 acres at 1496 Shaw Lane. Chair asked if any Commissioners wished to disclose a conflict of interest; there were none.

Administrator Green affirmed that proper public notice had been provided in the paper of record (September 26, 2018); notice was posted at the courthouse and on the County website (September 26, 2018); notice was mailed to adjoining landowners (September 25, 2018); and signs were posted at the subject property (October 3, 2018). The Administrator noted the sections of the Comprehensive Plan and Zoning Ordinance that allow one additional residence for family members or employees on a parcel in the ATG Zone. The County Comprehensive Plan states the County should limit development in areas that could cause pollution to rivers and streams. It goes on to say the County should identify flood plains where building and developments should be minimized (p. 35). The Flood Plain Map from the Federal Emergency Management Agency shows most of this 5-acre parcel lies within the flood plain of the Middle Fork Weiser River.

The applicant used maps provided by staff to show Commissioners where manufactured home and septic and drain field will be located. Julie Burkhardt and other Commissioners expressed concerns about the presence of multiple drain fields in the flood plain of the Middle Fork Weiser River. The new septic system will be beyond the required 200-foot setback from the river, near the base of a rocky bluff, but existing drain fields are within the flood plain. Burkhardt added that infrastructure itself in the flood plain presents a concern.

Rich Laine stated that Commission needs assurance that Southwest District Health approves the additional septic system. All we have at this time is the site report for possible septic system. Applicant stated that Jeff Batten with SWDH had visited the property at least twice. Batten was not available to attend this hearing to answer Commissioners' questions.

Dennis Nau asked for clarification about adding the third system and what the options might be, i.e. if the Commission could recommend conditional approval, pending detailed report from SWDH. Or, if the septic system for the bunk house were disconnected, no CUP would be required for the new manufactured home, new septic and drain field.

Connie Kesler and her fiancé, Rob Fitch, 1496 Shaw Lane pointed out to the Commission that they had obtained a building permit and the manufactured home had already been set on the property. They explained the sense of urgency to move her mother from the Treasure Valley and to get the construction done before winter. Fitch stated there is a 1000-gallon septic tank for the guest room/bunk house and that facility only gets used on occasion. It consists of a 143-square-foot bedroom and bathroom.

Administrator noted that she and Don Horton had numerous conversations with the applicant, explaining that a CUP would not be needed if they eliminated the septic system on the bunk house. Applicants chose to move ahead with the request for the third system and to put in the manufactured home. Fitch reiterated that they need the system on the bunk house now while Connie's mother is living in there. If the Commission decides the system on the bunk house needs to be eliminated, that's what the applicant will do. It will have to be done at the same time the new septic system is put in place for the manufactured home so that Connie's mother will have a place to live.

Burkhardt asked why they couldn't tap the new home into one of the existing septic systems or tie the bunkhouse plumbing into the new septic system. Applicant responded that both the excavator and SWDH felt those were not viable options.

Commissioners discussed recommending approval of allowing all three systems to remain, conditioned upon approval by SWDH; without endorsement from SWDH, the system on the 146-room guest house will be disconnected.

Royce Bauer asked for clarification about the CUP: It is for the septic system, but is it also for the additional dwelling? Or does the 146-square-foot guest room not constitute a residence; it is just a bedroom and bathroom.

Fitch expressed interest in being able to rent the mobile home at some future date if it is not needed by a family member. Bauer suggested the property would need to be rezoned Commercial to change it to rental

property. Nau concurred that three or more family residences constitutes commercial property and requires rezoning.

Burkhardt reiterated her concern about adding infrastructure to areas within flood plains.

Fitch noted that the building permit required 32-inch stem walls under the manufactured home.

Chair closed the public hearing at 8:20. Commission discussed concerns about the existing septic system within the flood plain and the increase in infrastructure on that property.

Dennis Nau moved to recommend approval contingent upon receiving a supporting report from SWDH to BOCC before the Board approves. Approval would also be conditioned on personal residential use only, not commercial use. Julie and Royce stressed the need to observe flood plains and limit development within flood plains. Julie Burkhardt seconded; passed.

Commission discussed challenges of timing of approvals required from SWDH and building inspector prior to coming before the P&Z for approval of conditional uses. In this case, Keslers received a building permit and SWDH site report *before* they came before P&Z for the CUP. That may be something the Commission wants to recommend clarifying when updating the Comprehensive Plan and Ordinances. The Commission also asked Administrator Green to invite Don Horton to attend an upcoming P&Z meeting to discuss how to improve the process. There may be things that we can do administratively within existing Comp Plan and Ordinances, just as the county staff working group instituted new forms for splits and other land change requests.

Commission stressed that they need all necessary reports or approvals from other agencies and departments prior to placing an item on the agenda or scheduling a public hearing. They also expressed a desire to not allow the public process to drag on longer than necessary and to provide due process to all.

**5. Upcoming Meetings:**

Next Regular Meeting: November 19, 2018 at 7:00 p.m.

**6. Adjournment**

Meeting adjourned at 8:40 p.m.

  
Chairman

Date November 19, 2018