

MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

September 21, 2020, Adams County Courthouse

Members Present: Al Becker, Julie Burkhardt, Kip Kamerdula, Dennis Nau, Mark Peterson, Joe Warner

Members Absent: None

Others Present: P&Z Administrator Wendy Green

Public Present: Jeff Luff; Nancy Smith; Kerry Nyce; Applicants Rene'e Hill; Dixie & Thomas Hall via teleconference; Heidi & Ryan Schneider & counsel, Josh Leonard

1. **Call to Order:** Chairman Dennis Nau called the meeting to order at 7:00 p.m.
2. **Review Agenda:** Julie Burkhardt moved to accept agenda as presented; Al Becker seconded; passed.
3. **Approval of Minutes:** Julie Burkhardt moved to approve the minutes of the August 17, 2020 regular meeting as presented; Joe Warner seconded; passed.
4. **New Business:** Chairman Nau opened the public hearing on Rene'e Hill Request for Variance at 7:05 p.m.. Chair stated the purpose of the hearing and meeting protocols to the public and asked if any commissioner had a conflict of interest in this matter; there were none. Administrator Green read the staff report (attached) and explained the situation with the subdivision that was vacated in 1913. Rene'e Hill presented her reasons for requesting a variance from the 5-acre minimum lot size in order to end joint ownership of property that had belonged to her late husband and his brother, Steven Smith. Hill read a letter from Smith requesting the variance based on the survey done by Joel Droulard to divide the property into parcels of 3.28 acres and .669 acres with no future reduction in lot sizes. Applicants stated this will not fundamentally change the nature of the area, as many lots are an acre or less. **Chair invited comments from the public.** Nancy Smith, 3217 Main Street, New Meadows, expressed concern about accessing property she owns adjacent to the parcel in question on the south. A septic system located between her two parcels prevents her from driving onto the south parcel. Historically, she has accessed the property through the Hill/Steven Smith property and fears this split will prevent her access. Administrator Green explained that the county is not vacating any existing roads; those were vacated in 1913. After discussion, the Commission agreed that the perimeter of the Hill/Steven Smith parcel will not change if the variance is granted. Access to Nancy Smith's property should not be affected by the proposed variance. The access question is between the affected landowners and beyond the county's purview, as there exists legal access to Nancy Smith's property. Granting of the variance will not create a landlocked parcel. Chair closed the public hearing at 7:33 p.m.. After consideration, Joe Warner moved to recommend granting the

variance based on the special circumstances demonstrated by the applicant; Julie Burkhardt seconded; passed with none opposed. Commission instructed administrator to make note of the access issue in the Findings of Fact.

At 7:37, Chair opened the public hearing on Dixie & Thomas Hall application for a Conditional Use Permit to operate a short-term rental in a condominium they own in Meadowcreek at 2981 Kimberland Drive, #201, New Meadows. Chair asked if any commissioners had a conflict of interest in this matter; there were none. The administrator read the staff report (attached). Dixie Hall stated their intent to use Vacasa in McCall to manage short-term rental of a one-bedroom condominium. Halls have operated an AirBnB at a property in Montana and at their current home in Post Falls, Idaho. They also own the adjoining condo that they use for themselves and do not intend to rent. They will continue to use the rental condo in Meadowcreek for family and friends when it is not rented. Halls have spoken to some of the neighbors in Meadowcreek to make them aware of their plans. There are 19 other dwellings being used for short-term rental, according to the Meadowcreek Property Owners Association. Samantha Chaquette with Vacasa explained the company's policies for managing rentals, including explaining parking restrictions and "quiet hours" to all guests. **Chair asked for public comment.** Jeff Luff of New Meadows asked why a Conditional Use Permit is required for short-term rentals. Administrator and Chair explained the ordinance and county precedent. Chair closed the public hearing and reviewed standards and criteria for CUPs. After discussion, the Commission concluded that the proposed use conforms to county code and precedent and does not pose a nuisance to neighboring landowners or create undue burden on county resources. Kip Kamerdula moved to recommend approval of the CUP; Al Becker seconded; passed with none opposed.

At 7:56, Chair opened discussion of the preliminary plat for Valley Knolls subdivision. He asked administrator to review items the BOCC had discussed with the applicant earlier in the day that will be required conditions for granting the variance from the two points of egress requirement. BOCC outlined these conditions but postponed a vote to a later date.

1. Valley Knolls Road will include a 60-foot right-of-way with 26-foot travel way and 3-foot shoulder on each side, except that the portion of road from Highway 95 to the first curve, approximately 350 feet, will be 20 feet of travel surface with 2-foot shoulders;
2. The developer will clear brush to create defensible space within the ROW and the CC&Rs will include a requirement that lot owners maintain the defensible space within the road ROW.
3. The cul-de-sac will have 96-foot radius. Ryan Schneider stated he believed the requirement to be a 96-foot diameter. Administrator Green noted the Clerk's minutes of the BOCC meeting will capture the correct dimension from Table D.103.1 of the International Fire Code, 2015 edition, prior to the Board's vote to adopt the conditions for final plat approval.
4. The BOCC instructed P&Z Commission to develop conditions for final approval in addition to road requirements, including water storage for firefighting, residential sprinkler systems, fencing, and others as Commission deems necessary.

The Chair asked the Commission's consent to proceed through the list of four items previously requested of the developer to see if these have been satisfied; agreed.

1. Maintenance Agreement: Applicants submitted a draft agreement, Exhibit A of September 11, 2020 submittal, that they propose to record against deeds to lots in Valley Knolls. Attorney Josh Leonard, on behalf of applicants, agreed to edit the Agreement with the

following: “Amendments to the Maintenance Agreement affecting road and water storage maintenance must be approved by a two-thirds (2/3) majority of all parcel owners and the Adams Board of County Commissioners.”

2. Water Rights, Exhibit B: The applicant asked the Commission to state a preference for one of the two suggested deed restrictions. The Commission reached consensus that Version 1 was preferable. Applicants will also add language that “lot owners shall allow access for ditch maintenance pursuant to State law.” A plat note will be added to the final stating that water right holders have access to lots where there are ditches and/or diversions. Applicant agreed to strike the first sentence in 4.08 of the draft CC&Rs from final version.
3. Regarding access, applicant shall comply with BOCC’s conditions for granting variance from two points of egress. Valley Knolls Road shall be engineered and constructed to meet BOCC conditions and the Design Standards of the Adams County Road Ordinance 2008-01.
4. Applicant has removed Lot 9 because of unsuitability for septic system. Valley Knolls final plat will consist of 11 lots. A plat note will be added stating there shall be no further division of platted lots.
5. Applicant shall implement fire protection measures as submitted in Proposed Plat Notes (September 11, 2020 submittal). Applicant may choose alternative 2(a) or 2(b) together with items 1 and 3. Design and location of water storage tank must be approved by Meadows Valley Fire Chief, and his name will be added as signatory to final plat. Water storage system will be installed and approved prior to sale of any lots in Valley Knolls.
6. A maximum of two single-family dwellings shall be permitted on each lot, including a primary dwelling and not more than one accessory dwelling that shall not exceed 1500 square feet.
7. Applicant shall fence the entire perimeter of Valley Knolls subdivision according to County ordinance and State statute prior to approval of final plat.
8. Applicant shall provide additional survey data as requested by county engineer Trevor Howard and meet the hydrology and grading requirements per Howard’s July 15, 2020 letter to Schneiders. Plat notes will indicate areas where existing slope exceeds 29% and additional geotechnical evaluation is required prior to obtaining a building permit.
9. Applicant shall review Idaho Department of Fish and Game recommendations for Valley Knolls and revise CC&Rs to address wildlife issues.

Al Becker moved to approve the preliminary plat for Valley Knolls with these listed conditions to be met prior to approval of the final plat; Julie Burkhardt seconded; approved with none opposed.

4. Old Business

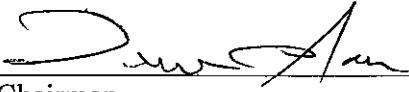
The Commission resumed discussion of amendments to zoning and subdivision ordinances. After discussion and revision of a draft provided by the administrator, Mark Peterson moved to forward the proposed language in Draft 92020 to BOCC, Julie Burkhardt seconded; passed with none opposed. They instructed the administrator to make further edits to delete references to “Joint Planning & Zoning Commission” and make other minor corrections before submitting to BOCC.

5. Upcoming Meetings:

Next Regular Meeting: October 19, 2020 at 7:00 p.m. at the Adams County Courthouse

6. Adjournment

Meeting adjourned at 9:20 p.m.


Chairman _____ Date 11/2/2020