

GOODING COUNTY PLANNING AND ZONING

March 29, 2022

The Commission met at 5:30 p.m. for a hearing in the Gooding County Planning and Zoning Meeting Room with the following members present: Miles Hall, Chairman, Curtis Merrill, Tom Bingham, Rand Bergstrom, Kathleen Goicoechea, Tom Bingham, Connie Flinders. Gooding County Prosecutor, Trevor Misseldine, Cathy Harris, P&Z Administrator, and Cynthia Scott, P&Z Ordinance Officer were also present.

Hearing Officer Rand Bergstrom called the hearing to order at 5:42 p.m. Introductions were given. Rand asked for any conflicts with the Commission, there were none.

The first hearing is a Special Use Permit: *application made by:* Kathy and Tony Nice, 381 Hagerman Ave. W., Hagerman, Idaho. Request to live in an RV for longer than 45 days while home is being built. The property is in the Transitional-2 Zone. It is Section 14, Township 7, Range 13.

Kathy Nice, 381 Hagerman Ave. W, Hagerman, ID 83332. They have a lot in the Sand Creek Subdivision. The CC&R's that were developed 25 years ago do not allow temporary structures to be lived in on the property. They had hoped to have a house and a barn by now, but due to COVID they have not been able to get their property developed. Also, due to cost of building supplies they are not able to build now and are having to buy a manufacture home instead. When they read the CC&R's, they assumed that a manufacture home was just like a stick built home and they would be able to put that on the property. They know they have upset their neighbors by living in their RV and have tried to explain the situation. They have put power and a well on the property. And will get a septic and foundation on next. They are asking for a 2 year special use permit to live in their RV.

Cathy read in the staff report.

Written testimony:

Hagerman Fire Dept. – Tim Peterson has no concern with living in the RV, however, he is concerned with the RV being housed inside of the barn.

GE Lowerhammer: 921 E 2700 S, Hagerman, ID. He is in support of the Nice' to live in their RV while their home is being constructed.

Supporters: None

Uncommitted: None

Opponents:

Jens Steffensen, PO Box 770, Hagerman, ID. His only concern is the CC&R's specifically state no living in RV's. It also states that the pallet fence is not an approved fence material.

Sue Carlson, 481 W Salmon St., Hagerman, ID. Her first concern is that she did not receive notice of this meeting. Second, some of the requirements of the special use permit needs to be harmonious with the neighborhood.

Rebecca Nebeker, 913 E 2700 S, Hagerman, ID. She does not want the RV there for 2 more years. Also, she does not want a manufactured home. She also does not approve of the pallet fence.

Terry Mode, 2751 S 850 E, Hagerman, ID. He wants to know what power the P & Z Commission has to over rule over the CC&R's? He stated that he sells a lot of property and he wants to know where the P & Z Commission stand not only on this subdivision, but all subdivisions and their CC&R's.

Zoom:

Opposed:

Tracy and Marilyn Hawes, 3526 N 800 W, Pleasant View, UT 84414. They have the property adjacent to Kathy & Tony Nice. Their objection is that the Nice' have lived on their property for over a year without a permit. The fence constructed does not comply with the CC&R's. Tracy, in his opinion, a manufactured home is not a permanent structure. He is totally against it taking 2 years.

Rebuttal from the applicants. With regards to the fence they put up was meant to be a tumbleweed block. She went on to explain that the manufactured home will be on a permanent foundation.

Close the hearing at 6: pm.

The second hearing is a Fee Waiver Request: *application submitted by*. Joanna Leavens, 113 Clear Lake Ln., Buhl, Idaho. Request to waive part of the fees related to an amended subdivision plat. Property is in the Recreational Zone. It is Section 1, Township 9, Range 14.

The applicant was unable to attend the meeting.

Chairman opened the meeting at 6:25 p.m.

The commission went through all of the criteria for the Special Use Permit.

Curtis moved to approve the Special Use Permit, with conditions, Tom 2nd.

Conditions:

- The applicant has to have a building permit obtained and is ready to start construction by September 1, 2022.
- The applicant has to have a septic system be installed on the property by September 1, 2022
- The RV will not be put in the barn as a residence.
- Special Use Permit expire 12 months from 3/29/2022. Expiration date 4/1/2023. The P & Z Commission's decision does not supersede the subdivision's CC&R's.
- The Nices' must move out of the RV one the Certificate of Occupancy is issued.

Fee Waiver Request. The P & Z commission discussed setting presence about waiving fees. Curtis moves to table, Kathleen 2nd.

New Business:

- Discuss reasoning for approval from the Commission relating to Item #3.

- Upcoming Hearings
- Complaint regarding costs of surveyors

Meeting adjourned

Submitted by Missy Shurtz