



Staff Report
Klingback Special Use Permit for a Short-Term Rental, SUP-23-006

Hearing Date: February 12, 2024
Department

Development Services

Applicant:

Kennie Lynn Klingback

Property Owner:

Roger and Kennie Lynn Klingback
Trust

Representative:

Same

Planner:

Jennifer Kharrl

Parcel Number:

RP07N01W010000

Parcel Address:

5340 Butte Road

Lot Size/Project Area:

½ +/- acre out of 251 acres

Impact Area:

N/A

Current Zone:

"A-1" (Prime Agriculture)

Comprehensive Plan:

2023 Comprehensive Plan
Future Land Use: Agriculture
and Ranching – Large Lot

Current Uses:

Bare Land

Applicable Zoning Land Use

Regulations: GCC 11-7

Notification:

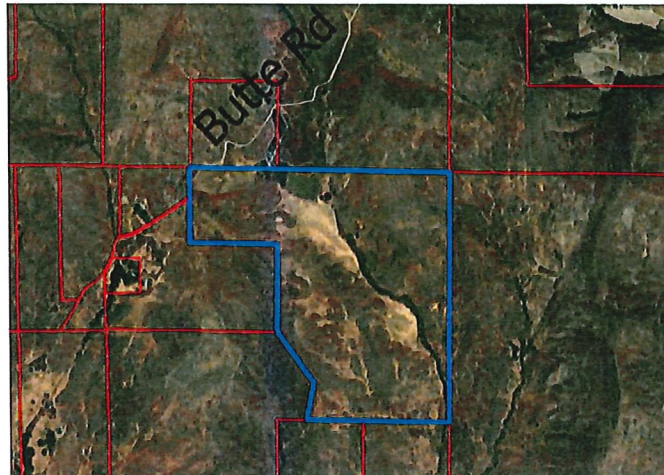
1/18/24-Agency
1/18/24-Mailing
1/24/24-Publication
1/18/24-Posting

Exhibits:

1. SUP Application

Brief Summary of Request

The applicant, Kennie Lynn Klingback, on property owned by the Roger and Kennie Lynn Klingback Trust, is requesting approval of a Special Use Permit (SUP) to allow the operation of a short-term vacation rental. The use is proposed at 5340 Butte Road on property that is zoned A-1, Prime Agriculture. "Short Term Rental" is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is "bed and breakfast" which requires a SUP in the A-1 zone. GCC 11-5-3 states that "uses not specifically listed or not deemed similar to allowed uses shall require a special use permit." The property lies within the "Agriculture and Ranching – Large Lot" land designation of the Future Land Use Map.



Description of Character of Surrounding Area

The immediate vicinity includes a combination of sparse rural residential and dry grazing land.

	COMP PLAN	ZONING	LAND USE
North	Agriculture and Ranching – Large Lot	A-1	Single-family residence, native, dry land vegetation with seasonal grazing
South	Agriculture and Ranching – Large Lot	A-1	Native, dry land vegetation with seasonal grazing
East	Agriculture and Ranching – Large Lot	A-1	Native, dry land vegetation with seasonal grazing
West	Agriculture and Ranching – Large Lot	A-1	Single-family residence, native, dry land vegetation with seasonal grazing

COMPREHENSIVE PLAN POLICIES & GOALS [Staff comments and analysis are shown in *italics*.]

The Comprehensive Plan defines the “Agriculture and Ranching – Large Lot” category as follows:

“This category includes agricultural and rangeland uses on primarily non-irrigated, dryland that allow for diverse agricultural and ranching uses. These areas may be restrained by topography, infrastructure, and/or vehicular access and are intended to remain rural in nature. Gem County recognizes these areas as foundational to maintain the rural heritage and character of the County. Minimum lot sizes of 40 acres”

This property is located in an A-1 zone and within the Agriculture and Ranching – Large Lot designation of the Future Land Use Map.

ZONING ORDINANCE [Staff comments and analysis are shown in *italics*.]

- A. Schedule of Zoning Regulations: Gem County Code 11-5-5 permits a bed and breakfast within the A-1 zone with a special use permit which is the most similar use to short term rental.
- B. Purpose Statement of Zone: Zone Purpose: Gem County Code (GCC) 11-4-1, Zone Uses, describes the purpose of the A-1 zone as follows: “Lands lying in unincorporated portions of Gem County which should not undergo urban development. The purpose of this zone is to protect these areas for cultivation, floriculture, horticulture, tree farming, grazing, greenhouses, vineyards, orchards, general farming, truck farming, dairying, rabbitry, poultry and stock raising and other agriculture uses.”

The Commission must find that the proposed use is consistent with the purpose of the zone.

REQUIRED FINDINGS & STAFF ANALYSIS [Staff comments and analysis are shown in *italics*.]

- A. Will in fact, constitute a special use as established on the Official Schedule of District Regulations for the zoning district involved;

Staff finds that the subject property lies within the A-1, Prime Agriculture zone. “Short Term Rental” is not a land use that is listed in Gem County Code (GCC) 11-5-5, Zoning Matrix. It is a unique category. The most similar land use in the Zoning Matrix is “bed and breakfast” which requires a SUP in the A-1 zone. GCC 11-5-3 states that “uses not specifically listed or not deemed similar to allowed uses shall require a special use permit.”

- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;

Staff finds that the proposed use, if operated according to the proposed conditions of approval, will be in accordance with the objectives and policies of the “Agriculture and Ranching – Large Lot” designation on the Future Land Use Map of the Comprehensive Plan, as outlined above.

- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

Staff finds the existing character of the area is remote, hillside topography with various public lands and rural residential and agricultural uses. The intended character of the area (as defined by the Comprehensive Plan) is to remain rural in nature. The construction of a short-term rental will not change the character of the area.

Staff finds that determining what is “harmonious” in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after hearing from both existing residents and the applicant and their plans to address any compatibility concerns.

- D. Will not be hazardous or disturbing to existing or future neighboring uses;

Staff finds that the proposed use will not be disturbing to neighboring uses with the construction of a short-term rental. The Commission should review this finding in relationship to the proposed conditions and other evidence presented at the hearing.

- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such services;

Staff finds that the proposed use could be adequately served by the Gem County Sheriff's Department, Mosquito Abatement District, Emmett Sanitation and Gem Rural Fire District #1. The Commission should also refer to any comments submitted from impact agencies during the course of the open public hearing.

- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Staff finds that the proposed use will not significantly increase demands on public facilities or services, assuming all conditions of approval are met. No public service providers raised this as a concern during the public comment period. The applicant is responsible for paying all improvement and other costs associated with ensuring the operation complies with public requirements. There are no anticipated negative impacts on the public facilities and services. If operated in accordance with county regulations, it should not be detrimental to the economic welfare.

- G. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Staff finds that the use will not be detrimental to persons or property if operated in accordance with Gem County laws and the conditions below.

Staff finds that determining what is "detriment" in a particular neighborhood relies strongly on the residents of that neighborhood. As such, the Commission should review this finding after hearing from existing residents and the applicant and their plans to address any such concerns.

- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

The Road and Bridge Department didn't have any comments or concerns for the access so the approach shouldn't create an interference with traffic and public thoroughfares.

- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff finds that the application would not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Comments

Public Comments

Public hearing notices were mailed to two (2) parcels in the immediate vicinity. At the time of this report staff had not received any letters of support or concern regarding the proposed rezone.

County Agency Comments

Staff informed applicable agencies of the proposed development and the responses are attached as exhibits.

Decision Options

- The Commission may **approve** the SUP; or
- The Commission may **approve with modified conditions of approval**; or
- The Commission may **deny** the SUP.

Staff Recommendation

The Commission must consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application. Should the Commission make positive findings of fact and vote to approve this application, staff recommends that the approval be subject to the Site-Specific Conditions of Approval attached in Exhibit A.

STAFF REPORT EXHIBIT

Exhibit A – Site Specific Conditions of Approval

EXHIBIT A

PRELIMINARY SITE-SPECIFIC CONDITIONS OF APPROVAL KLINGBACK FILE #SUP-23-006

1. This permit is subject to an annual review by the Development Services Department.
2. The permit is non-transferable to another property and is only valid at 5340 Butte Road.
3. The applicant shall obtain approval from Fire District #1 for the driveway. A copy of the approval letter shall be sent to the Development Services Department.
4. The applicant shall obtain a Building Permit from the Development Services Department prior to the start of any building of structures more than 120 square feet in size. This includes obtaining a valid septic permit through Southwest District Health prior to issuance of any building permit.
5. The applicant is responsible to keep all refuse and trash on their property.
6. All outdoor lighting used shall be fully contained within the property boundaries and not cause a nuisance or distraction to neighboring properties or to drivers.
7. No permanent off-premise signs are permitted with this permit and all on-premise signs shall comply with the Gem County Sign Ordinance.

GCC 11-7-11: LAND USE TIME LIMITATIONS:

- (1) Commencement: When a special use permit is granted, the land use or construction of its facility proposed in the application must have commenced within one (1) year of the date of the final decision by the Commission, or the Board or a court of appropriate jurisdiction (if appealed) and completed within two (2) years of the same date. Upon expiration of the use or the approval of that use as provided by this section, the applicant can seek approval of the use only by filing a new initial application for review by the Commission.
- (2) Expiration: After the one (1) year period has expired, if any person, including staff or member of the Commission, files a written notice presenting sufficient evidence, as determined by the Administrator, to establish that the land use or construction of its facility provided for in the special use permit, has not commenced, or after the two (2) year period that said use has been abandoned or has ended, the Commission may find that the use has not been implemented or has been abandoned or has ended. If so, the Commission shall set aside the prior approval and order the property to revert to its prior status. An aggrieved person may appeal any Commission decision made under this section to the Board pursuant to Chapter 11-7-9 of this chapter.

GCC 11-7-12: REQUEST FOR EXTENSION:

- (1) Request: An applicant may request extension of the time period provided by this section by filing an application for extension with the Administrator. Such application must be filed at least sixty (60) calendar days prior to expiration of the one (1) year period for commencement of the land use or sixty (60) calendar days prior to the expiration of the two (2) year period for completion of the project. The matter shall be heard at a public hearing before the Commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of this chapter. If the application is not timely filed, it shall be denied. A renewal extension, if granted, may be limited to three hundred sixty-five (365) calendar days, which shall commence at the expiration of either period.

- (2) Decision: The Commission or the Board may extend the commencement period or the completion period as provided above upon proof of good cause by the applicant. The burden of proof as to the showing of good cause for the extension shall be on the applicant, and good cause shall be determined at the discretion of the Commission or the Board.

Stephanie Crays

From: Mike Welch <mwelch@gemfireems.org>
Sent: Wednesday, January 24, 2024 12:53 PM
To: Stephanie Crays
Subject: Re: SUP 23-006 Klingback

Hi Stephanie, I have reviewed the Klingback special use permit. The driveway / road leading into the rental would have to meet GCFD #1 requirements for fire / ems apparatus access.

Thank you

On Fri, Jan 19, 2024 at 2:34 PM Stephanie Crays <scrays@co.gem.id.us> wrote:

Please see attached.

Be Blessed

Stephanie Crays

Development Services Coordinator

109 South McKinley

Emmett, Id 83617

(208)365-5144

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Stephanie Crays

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Monday, January 22, 2024 10:11 AM
To: Stephanie Crays
Subject: SUP 23-006 Klingback

Hi Stephanie,

After reviewing the Special Use Permit, the property owner may need to groundwater monitor prior to approval for a septic system. If that is the case, groundwater monitoring pipes should be installed by February 15th.

Let me know if you have any questions or need clarification.

Thank you,



Anthony Lee, RS/BS | Land Development Senior
o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
13307 Miami Ln., Caldwell, ID 83607

Stephanie Crays

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, January 31, 2024 7:33 AM
To: Stephanie Crays
Subject: RE: SUP 23-006 Klingback

Good Morning, Stephanie –

After careful review of the transmittal submitted to ITD on January 19, 2024, regarding SUP 23-006 Klingback, the Department has no comments or concerns to make at this time. This application is outside of the impact area for SH-52 and will not affect the state facility.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Stephanie Crays <scrays@co.gem.id.us>
Sent: Friday, January 19, 2024 2:34 PM
To: Road & Bridge Office <gcrb@co.gem.id.us>; Neal Capps <ncapps@co.gem.id.us>; Donnie Wunder <dwunder@co.gem.id.us>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Mike Welch <mwelch@gemfireems.org>; Kiester, Mitch SWDH (Mitch.Kiester@phd3.idaho.gov) <Mitch.Kiester@phd3.idaho.gov>
Subject: SUP 23-006 Klingback

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see attached.

Be Blessed

Stephanie Crays
Development Services Coordinator
109 South McKinley
Emmett, Id 83617
(208)365-5144

Gem County
Road & Bridge Dept.
402 N. Hayes Ave.
Emmett, ID 83617



Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: gcrb@co.gem.id.us

January 30, 2024

Jennifer Kharri
Development Services
109 S. McKinley Ave.
Emmett, ID 83617

RE: Special Use Permit (Event Center)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the Special Use Permit Application of Kennie Lyn Klingback, property located at 5450 Butte Road. GCRB has no comments in regards to this application.

If you have any questions, please contact our office at 208-365-3305.

Thank You,

A handwritten signature in blue ink, appearing to read "NC", is written over a horizontal line.

Neal Capps, Director
Gem County Road & Bridge



MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- | | | |
|--|--|---|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> PLANNED COMMUNITY | <input type="checkbox"/> SUPPLEMENTAL AMENDMENT |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input type="checkbox"/> REZONE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT | <input checked="" type="checkbox"/> SPECIAL USE PERMIT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> DESIGN REVIEW | <input type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SUBDIVISION, PRELIMINARY | |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> SUBDIVISION, MODIFICATION | |

PROJECT NAME: 5340 Butte Road

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: _____ Section: 1 Township: 7 Range: 1W Total Acres: 1/2-4
Subdivision Name (if applicable): _____

Site Address: _____ Lot: _____ Block: _____
City: Emmett IDAHO
Tax Parcel Number(s): RP 07A 01W 01000 Current Zoning: AG Current Land Use: AG

PROPERTY OWNER:

Name: Kennie Lynn Klingbech TTE
Address: 5450 Butte Rd
City: Emmett State: ID Zip: 83617

APPLICANT:

Name: SAME
Address: _____
City: _____ State: _____ Zip: _____

Telephone: 208-407-4686
Email: KennieLyn@gnail.com

Telephone: _____
Email: _____

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

Kennie Lynn Klingbech
Signature: (Owner)

Signature: (Applicant)

Date

SUP 23-006

OFFICE USE ONLY

File No.: _____ Received By: SV Date: 7-11-23 Fee: 250.00 Receipt No: 2023-00310

new Comp. plan

Special Use Permit

Gem County Zoning Commission

Kennie Lyn Klingback is applying for a special use permit for a short term vacation rental on her ranch on Butte Rd, Gem County Idaho

This will be a vacation rental which will contribute to the local economy and will not impact neighboring property.

^{16 KLIK}
The rental will be a 12x38 ft log cabin built near Salmon, Idaho by Amish craftsmen. It will be delivered and set on a hilltop overlooking Emmett Valley, Sweet, Black Canyon Reservoir, and over the top of Freezeout hill to the Boise Valley. It will have a metal roof and be surrounded by a fenced, graveled yard, for fire protection. The roof may be visible from the County Rd. This will be a short term rental only. The area outside the fence will still be cow and horse pasture. There will be a small sign on the gate from the County Rd. Wild flowers abound at this site, Sego lilies, yarrow, lupine and mules' ears daisies, are just a few of the flowers. There is power near the cabin site. We will include information on local history, events and businesses. We are five miles from Sweet, and 5 miles from Black Canyon Reservoir, and twelve miles from Emmett.

~~This will not disturb the neighbors, it is out of sight over a ridge.~~

The county road serves the property, we are in Gem Fire District ¹, We will provide needed services. Southwest District Health guidelines will be followed for water and septic systems.

The rental will have a positive influence on the local economy and community.

The rental will not involve uses detrimental to the neighbors or the community as a whole,

The approach to the driveway will not impede traffic. There are good site lines from both directions, as it is the top of a hill.

There will be no destruction, loss of damage to any scenic or historic feature, but will only bring more people to appreciate the wonderful character of our beautiful Gem County.

Hunt Map
Layers

To county Road

NORTH

Driveway
232 yards

SW
43.97744-116.40622
Elevation 4011

Parking

SW
43.97732-116.40656
Elevation 4013

Cabin height 15 ft

12x38 cabin

RP07N01W010000

NE

Cabin
Elevation
4012

43.97718-116.40614
Elevation 4014

43.97720-116.40614

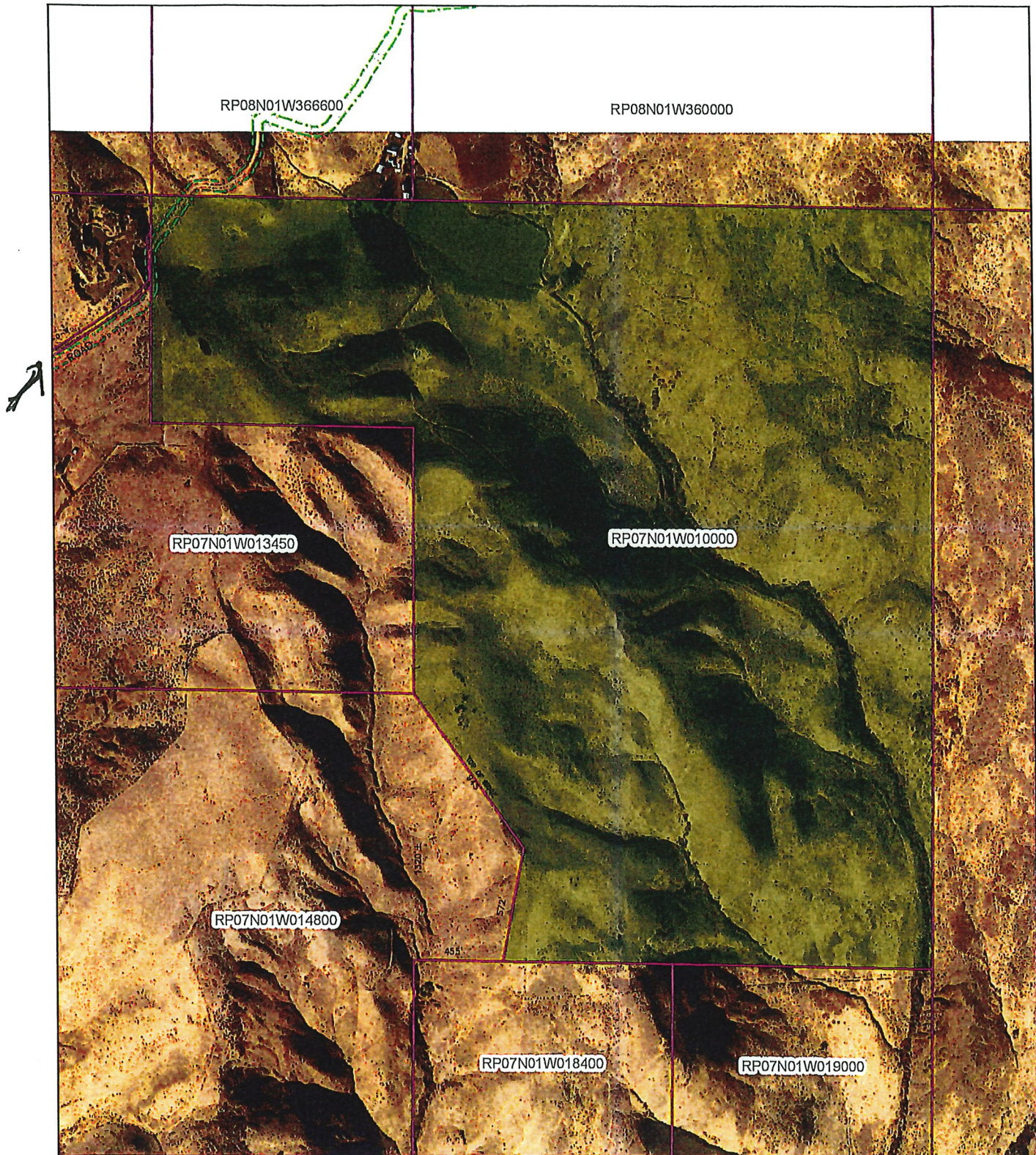
41.6 yards
SE

43.97700-116.40603
Elevation 4010

property line

GEM COUNTY

RP07N01W010000



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