

Valley County Planning & Zoning Commission

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Scott Freeman, Vice-Chair

Ed Allen, Commissioner
Ray Cooper, Commissioner
Johanna Defoort, Commissioner

MINUTES

Valley County Planning and Zoning Commission

April 11, 2019

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

P&Z Administrator – Cynda Herrick:	Present
P&Z Commissioner – Ed Allen:	Excused
P&Z Commissioner – Bryan Cooley:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort :	Present
P&Z Commissioner – Scott Freeman:	Present
P&Z Technician – Lori Hunter:	Present

B. FIRE WORKING GROUP – Discussion (6:00 – 6:15 p.m.)

Stephanie Nelson and John Lillehaug of the Valley County Fire Working Group distributed both hard and digital copies of the 2018 Valley County Wildland Urban Interface Fire Protection Plan Manual. The Fire Plan Manual is also located on the County website. The Fire Working Group has members from response agencies and land management agencies, meets quarterly and has four subcommittees: education, lands, legislative, & response. There is a relationship between structural fire departments, wildlife response departments, planning and zoning departments, and developers. In 2014 the Fire Plan was added to Title 10 Subdivision Regulations. They request that the Fire Plan requirement be added into Title 9 Chapter 4 Permitted Uses and Chapter 5 Conditional Uses. Building codes can be updated to require both fire-resistant materials and landscaping. All jurisdictions should have a standardized approach with consistency. The Working Group held a workshop in 2019 on cohesive strategy. Homeowner responsibility is important and requires assistance and education. Administrator Herrick mentioned the recent news article regarding the 2018 Pioneer Camp Fire; homes built with fire resistant material (post-2008 construction) had over 50% survival while older homes had only 15%. Mobile homes had 0% survival rate. Fire resistant shingles are required in Valley County.

C. MINUTES: Commissioner Defoort moved to approve the minutes of March 14, 2019. Commissioner Cooper seconded the motion. Motion carried unanimously.

D. OLD BUSINESS:

[06:13:57 PM \(00:14:52\)](#)

1. **C.U.P. 19-04 Sands RV Campsite:** Jeff and Karen Sands are requesting approval of a conditional use permit for a Recreational Vehicle Park to allow multiple RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. A home, garage, well, septic system, and power exist at the site. The 0.848 acre site is addressed at 501 West Mountain Road, located in West Mountain Subdivision 4, Lots 101, 102, & 103, Block 1, in the SE ¼ Sec. 3, T.13N R.3E, Boise Meridian, Valley County, Idaho. *Action Item. Tabled from March 14, 2019*

Chairman Cooley introduced the item. Commissioner Defoort moved to remove from the table; seconded by Cooper. Motion passed unanimously.

Chairman Cooley asked for the Staff Report. Staff presented additional information:

- **Exhibit 1** – Tom White, CDHD, confirmed that the CDHD does not permit holding tanks except in case of emergencies.
- **Exhibit 2** – Ed Allen, replied via email on March 29, 2019, as he is unable to attend tonight's meeting.

Chairman Cooley asked for the applicant's presentation.

Jeff Sands, 501 West Mountain Road, spoke. The CDHD letter is in response to the discussion on waste tanks during the Mach meeting.

- **Exhibit 3** – Six pictures of site and of neighbor's home & deck, to show setbacks and existing trees. Neighbor's deck does not face applicant's property. Applicant is making an effort to keep trailers away from property line.

He confirmed with Clear Creek RV and the State Park; both have camp trailers that don't have dumps in them. He is allowed one trailer on each of his three adjacent lots. He wants seasonal use. On July 4th, he made an average vehicle count of 28 vehicles per minute by his home.

Commissioner Defoort asked if he had any discussion with opposing neighbors. Mr. Sands replied that the neighbors did not want to chat after the meeting. There has never been a complaint to the sheriff for this lot. Leaving camp trailers on the lots reduces traffic on the roads.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated. Commissioner Cooper drove by the property; the neighbor's deck does not overlook these lots. He agrees that waste disposal issue has been resolved. Commissioner Freeman discussed the right of owners to have family/friends visit and stay on property. Commissioner Defoort agrees but does not want to establish RV campsites

throughout the county. She also agrees with Ed Allen's comments. Each one of the sites is unique and needs dealt with individually. RV use does need to be included in an updated County ordinance. Chairman Cooley had concerns particularly with waste issue. Our process allows a case by case decision; he appreciates the applicant's pictures. The waste issue has been resolved. Other concerns are fire danger, number of people on the site, and possible increase of ATV use. Commissioners must ensure affects are mitigated while still maintaining private property rights.

This conditional use permit limits the site to three trailers plus additional use for less than 30 days. There was discussion on possible future ordinance changes.

Staff read all conditions from previous staff report (March 2019).

COA 10: Cannot be used for commercial use, only family and friends.

COA 11: Shall comply with an ordinance specific to this use if adopted, rendering this conditional use permit null and void.

COA 12: Approval of C.U.P. does not grandfather the use.

Commissioner Freeman moved to approve C.U.P. 19-04 Sands RV Campsite with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. NEW BUSINESS:

[06:38:58 PM \(00:39:53\)](#)

- 1. C.U.P. 09-01 Blackhawk Lake Estates Phases III & IV – Extension Request:** LB Industries is requesting a two-year extension of the conditional use permit and preliminary plat that expire in April 2017. The original approval was for nine residential lots and 1 common lot. The 25.87 acre site is located on the west side of Blackhawk Lake in N ½ Section 2, T.17N, R.2E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Cooley asked for the Staff Report. Staff presented the Staff Report.

Chairman Cooley asked for the applicant's presentation.

Joe Pachner, 9233 West State Street, Boise, represents the owner. They have no objections to the staff's comments. The issue with these nine lots is fractured basalt soil so standard septic methods are not acceptable as the sewage would discharge to lake before suitably treated. Therefore a common drainfield has been approved by Idaho DEQ. DEQ requires standards to be met as if all nine lots were used all the time even though these lots will likely be part-time users. The owner has been working with the HOA regarding the fire prevention plan; it should be completed in May 2019. A 2020 completion date of the development is expected.

Chairman Cooley asked for proponents. There were none.
Chairman Cooley asked for undecided. There were none.
Chairman Cooley asked for opponents. There were none.
Chairman Cooley closed the public hearing.

The Commission deliberated. The development is progressing; there is no reason to not extend the approval.

Commissioner Defoort moved to approve the extension request for C.U.P. 09-01 Blackhawk Lake Estates Phases III & IV. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[06:49:19 PM \(00:50:14\)](#)

2. **V-1-19 Odle Front Setback Variance:** Michael and Becky Odle are requesting a variance to relax the front yard setback from the required 20 feet to five feet in order to build a carport on one side of the existing driveway and a storage shed on the other side. Buildings would be built in the existing flat spots. The applicant asserts that steep topography limits the buildable area on the lot. The site is Tax #31 in Lots 25 and 26 of Cascade East Subdivision No. 2. The 2.33 acre lot is addressed at 1618 Crown Point Parkway in Section 1 & 12, T.14N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** –Bradley Shelden, Crown Point, replied via email on April 4, 2019. He does not want to see sheds and carports close to the road. This will also cause issues with snow removal. There are other alternatives. He agrees with Christine Bender’s email [included in staff report].
- **Exhibit 2** – Mark Echeverria, Crown Point, is opposed. He is concerned about parking overflow into the roadway and negative impact of cluttered vehicles, RVs, etc. He is concerned with impact to the nice homes being built in this area.
- **Exhibit 3** –David and Kellie Gough, Crown Point, are opposed due to road safety, snow storage, precedence, and property values decreasing.
- **Exhibit 4** –Rick and Teresa Townsend, Crown Point, are opposed. It would negatively impact the appearance and set a precedent of storage and junk along the roadway. Owners were aware of limitations when property was purchased.
- **Exhibit 5** –Bob Tracy is opposed as it would detract from the beauty of the area. Also having buildings in such close proximity to the road may reduce the ability for snow plows to effectively keep the roads clear.

Administrator Herrick responded to questions from Commissioners. The traveled way of Crown Point Parkway is not adjacent to the property. The buildings would be 27 feet from the

traveled way. The property line and the road as-built do not touch. The site is on a corner. The County plows the roadway. There are neither CCRs nor an active HOA for this site.

Chairman Cooley asked for the applicant's presentation.

Michael Odle, 9646 W Tributary Lane, Garden City, bought property. Due to topography, they need to use all available space. The property line is 22 feet from actual roadway. The existing entry posts have never been damaged from snowplowing. The building site is 27 feet from road with a 12-foot drop down from Crown Point Parkway. From our lot, one cannot see existing residences.

Commissioner Deefort asked about if they would be able to back onto road safely. Mr. Odle responded that they would not back onto the road. Due to the drop from the roadway, vehicles would back from carport into the driveway and then drive forward onto Crown Point Parkway.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents.

Mark Echeverria, 1569 Crown Point Parkway, said that snow storage is quite high this year and is concerned where snow would go if approved. Other concerns are aesthetics and property value reduction. There is another alternative through excavation at the site.

Chairman Cooley asked for rebuttal. Mr. Odle clarified that the buildings would be 27 feet from built road, not five feet. The variance would allow a slightly bigger building for vehicles.

Chairman Cooley closed the public hearing.

The Commission deliberated. Landscaping as screening from road is possible mitigation; however, that doesn't seem feasible to require at this location. It is a wooded subdivision. The Commissioners reviewed the site plan drawing and discussed the five feet from property line versus the 27 feet and the actual road location. They referenced a picture in the application showing the pad location. Topography does make this lot difficult to build on as it is steep and rocky.

Commissioner Defoort moved to recommend approval of V-1-19 Odle Front Setback Variance. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period. The vote was unanimous; therefore, there will not be another public hearing at the Board of County Commissioner level unless the P&Z Commission decision is appealed.

3. **C.U.P. 19-07 Brutsman RV Campsite:** Ron Brutsman is requesting approval of a conditional use permit for a Recreational Vehicle Park to allow multiple RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. A shed, deck, sewer, water, and power exist at the site. Trees have been planted for screening. The 0.492 acre site is addressed at 2547 Westwood Drive, located in Westwood Subdivision No.1 lot 2 block 2, in the NW ¼ Sec. 18, T.16N R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Jess Ellis, Donnelly Fire, replied via letter dated April 5, 2019. The District approves the use so long as vegetation is removed and recreational fires must be attended and be 25 feet from structures. The letter had specific details from the statutes.
- **Exhibit 2** – George & Angela Post, Garrett & Trish Post, and Dan & Patty Sayre replied via letter dated April 3, 2019. They are opposed due to depreciating property values if approved. Tax implications are drastic between a lot with a house and a bare lot. Setbacks are a concern and CCRs do not allow the use.
- **Exhibit 3** – Kris and Dan Cox replied on April 4, 2019. They are opposed. Covenants do not allow multiple RV dwellings long term. Approval would decrease property values and lead to more RVs in the area.
- **Exhibit 4** – Joe Wilhelm, responded by letter dated April 11th and submitted CCRs stating trailers are not allowed for more than five years. He believes the deed restriction will override the variance. If this application is approved, he may do the same with his property.

Commissioners asked for warranty deed clarification. Administrator Herrick replied that CCRs are not enforceable by Planning & Zoning. She read the restrictions in warranty deed; however, those restrictions are not enforceable by Planning & Zoning. Commissioners must enforce Valley County Ordinances.

Chairman Cooley asked for the applicant's presentation.

Ron Brutsman, 332 E Mikyl Ridge Loop, Nampa, spoke. He has paid to have road oiled on both sides of lot. His parents spend the summer and his siblings visit with their families. The CCRs refer to trailer houses (manufacture homes) not a camp trailer. He has maintained and improved the property. His parents' camper is hooked directly to the community sewer.

- **Exhibit 5** – pictures of the site taken during 2018.

Commissioner Defoort asked if he intended to build a permanent structure. In response, Mr. Brutsman said that he did not; this is a place for his family to come and stay. The RVs are not rentals. His parents use the lot as their summer home. The maximum number of RVs on the site is four. The neighboring cabin is used as a vacation rental; it is very noisy. North Lake

Recreational Sewer and Water District said three campers are allowed. Two dump-outs exist on the lot with one connection; the parents' camper is hooked up. The applicant added a cedar shed on property. The trailers are present for more than 30 days even though not occupied continuously.

North Lake Recreational Sewer and Water District allows three trailers to equal one residential unit. A regular residential lot is allowed one house and one RV; a conditional use permit is needed if 2 or more RVs for over 30 days, regardless if a house exists on the lot or not.

Administrator Herrick read definitions of Recreational Vehicle Park and Temporary Use. The 30 day limit is what requires the conditional use permit at this site.

Chairman Cooley asked for proponents.

Gordon Brutsman, 1868 West South Slope Road, Emmett, spoke. Bill Eddy of North Lake said three campers all summer long is allowed per Idaho State Rule. He confirmed that today. The lot is kept very clean with no litter. Sewer has been inspected by CDHD. They got a building permit for the shed. This is not a business for renting RV sites.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents.

Katherine Takasugi, 3341 N Mountain View Drive, Boise, said that CCRs exist for Westwood Subdivision. The proposed use would violate the County's density restrictions of 2.5 dwelling units per acre (Valley County Code 9.5.6); he should be limited to one RV on the lot based on lot size of 0.49 acres. She read the County Code definitions of an RV and of a parcel. The parcel definition refers to non-subdivided land; therefore, this use is in conflict with a subdivided plat. She read the definition for restrictive covenants and said that County Code says a private legal restriction on use of land contained in deeds to property or otherwise formally recorded restrictive covenants are enforceable by the County if used during the conditional use permit process.

Charles Villi, 5299 West Mountain Road, owns the adjacent property. The applicant is a pleasant gentleman. However, the renter of Villi's property has issues with the application and said there were more than four RVs and tents on the lot. Mr. Villi's concern is that he plans to sell the property and a RV park would reduce property value. He mentioned CCRs. If multiple owners in the area do a similar proposal, it would make the area look like an RV park.

George Parham owns 2537 West Mountain Rd, across the road. He personally has no problems with the applicants. However, he is concerned about property value loss and increase in number of RVs in the subdivision versus an upscale subdivision. The County has a duty to enhance the property values in the county. He built a \$5000 berm to attempt to hide the site from his property. The application is not complete; several questions are noted "Not Applicable". The RVs should not be used for personnel or employee use.

Steve Kober, 2241 North 4100 E Filer, owns Westwood Subdivision Lot 9, 320 feet from the applicant's lot. He just built a home. There are CCRs; people don't respect what they agreed to when purchased. He agrees with Mr. Parham's points.

Ron Platt, 15521 Pride Lane, Caldwell, stated that his parents are the original developers of subdivision. He also discussed CCRs. He is concerned about setting a precedent by approving a conditional use permit within a subdivision. He discussed how the lot owners have been, possible new CCRs, and potential of forming an HOA.

Chairman Cooley asked for rebuttal. Ron Brutsman said he bought the property as recreational use property. He could pull the RVs on and off the lot but he is trying to avoid this.

Chairman Cooley closed the public hearing.

The Commission deliberated. There is not an active HOA for this subdivision; CCRs are a civil issue. Unlike the previous RV campsite C.U.P., there is not a precedent in this subdivision for RV use. The pictures show multiple RVs plus other vehicles stored there at times. Chairman Cooley said the Commission looks at these on a case by case basis; this lot does look out of place. He questioned if the use is a good fit for this neighborhood. Without a C.U.P., the owner could pull trailers on and off; he can have one there permanently and remove others.

Commissioner Cooper moved to table C.U.P. 19-07 Brutsman RV Campsite to June 13, 2019. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[08:04:33 PM \(02:05:28\)](#)

4. **C.U.P. 19-08 Housley RV Campsite:** Charles and Renee Housley are requesting approval of a conditional use permit for a Recreational Vehicle Park to allow multiple RVs to be used as dwellings for more than 30 days in duration on 0.5 acres. The campsite will be for personal use and will not have any commercial use. Water is hauled to the site, a porta-potty is used, and electrical power exists. The two adjoining lots are addressed at 4 Miller Lane and 461 Anns Avenue, located in Gratton-Barnard No.2 lots 61 & 68 block 3, in the NE ¼ Sec. 10, T.13N R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Site plan submitted by the applicant
- **Exhibit 2** – Mark & Cheryl Richardson, 467 Billbeth Road. Not aware a conditional use permit was required. There have been multiple trailers parked on the indicated lots for most of the summer for the past several years. The permit does not appear to have a limit on the number of RVs that can be used. Two RVs are ok, more are not. They have had past problems with people driving fast in the area; concerned this will worsen.

- **Exhibit 3** – Paula Weber Valentin would like limits on the number of RVs that can be parked. She wants to preserve the peaceful environment, her investment, and her ability to enjoy the outdoors in the mountains.

Chairman Cooley asked for the applicant's presentation.

Renee and Charles Housley, 2865 Cherry Circle, Emmett, said they received a possible violation letter during August 2018. The RV use was their intention when they purchased the lots in 2008. The RVs are used by them and their three adult children when possible. No one is living full time on the property. Use is from May through late September. They have empathy for neighbor concerns; however, they are not establishing a recreational vehicle park. It is for family use and they are not renting RV sites. At the most, they will have four campers on the two lots. They try to be good neighbors and want to enjoy the mountain setting in their retirement. Millers Lane at Anns Avenue is a major intersection. They do not intend to build on lots. Built homes on lots are sporadic throughout the subdivision. The porta-potty is pumped every two weeks. Gray water is dumped into the porta-potty.

Administrator Herrick referred to a map in staff report that noted dwellings or mobile homes in the area. Septic issues limit building in this area.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided.

Jeff Sands, 501 West Mountain Road, said this application fits into a similar category as his application. Any new ordinance should consider seasonal use versus yearlong RV use.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated. Lot of camp trailers exist in this subdivision. The area is fairly wooded. It is hard to get a septic system in and still be able to build a home. Lots are small. Camp trailer use is very common in this subdivision. Primary concerns are sewage and gray water which have been addressed. The site will have occasional use; allowing the campers to remain will reduce traffic.

COA: Cannot be used for commercial use, only family and friends.

COA: Shall comply with an ordinance specific to this use if adopted, rendering this conditional use permit null and void.

COA: Approval of C.U.P. does not grandfather the use.

Commissioner Defoort moved to approve C.U.P. 19-08 Housley RV Campsite with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

- 5. C.U.P. 19-09 The Retreat McCall:** Colby Rampton is requesting approval to establish a year-round event venue to include weddings, retreats, reunions, etc. There would be a main venue space and five cabins for overnight guests; buildings will be on the eastern portion of the property which borders State of Idaho lands. Temporary tents are requested for functions. Septic systems and an individual well would be used. Proposed quiet hours are from 10 p.m. to 8 a.m. Access is via an existing driveway off Boulder Lake Road, a public road. The 40-acre site is RP18N04E198403 and RP18N04E198555 in the SWSE Section 19, T.18N, R.4E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Cooley introduced the item. Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – The applicant submitted additional info regarding the road leading to Lots 1 and 2. They believe it is a cost share road. The easement is controlled by the U.S. Forest Service, not Idaho Dept. of Lands. The Forest Service would like a FRTA easement; the easiest thing would be for the County to take over the road.
- **Exhibit 2** – Idaho Transportation Department replied via letter dated April 9, 2019. They do not object so long as there are only 35 parking spaces.
- **Exhibit 3** – “A long-time Valley County resident” responded by letter received April 10, 2019. A small minority is very vocal and they oppose many uses; the vast majority who do not attend meetings should be considered “not opposed”.
- **Exhibit 4** – Ron Stillman is concerned with the dam breaking upstream. A fire would result in the power turned off and then the sprinklers won’t work.
- **Exhibit 5** – Nancy Coffin is opposed due to road safety, fire potential, and the use is wanted, not needed.
- **Exhibit 6** – John & Lisa Seevers are opposed. Citizens of Valley County that were born here and stayed here along with others who came because they value what Valley County is and do not want to change it for others’ financial motives at the expense of others. This was purchased as a single family lot and it should stay that way. The proposal will impact emergency services. The Seevers’ attached an analysis of the Comprehensive Plan.

Commissioner Defoort asked Staff to clarify the information on the road. During the 1970s, County Commissioners made a declaration stating it was a public road through and past private property. Although the road crosses Idaho State land, the USFS says it controls the land due to the cost-share agreement. The USFS wants a FERTA easement with County and State so the County will maintain the road. The applicant will address this further.

Chairman Cooley asked Staff to explain how the previous application was remanded by the Board of County Commissioners (Board). The conditional use permit was approved by the Planning and Zoning Commission and then appealed. The Board deliberated and decided to deny the appeal while remanding the application back to the Planning and Zoning Commission with specific concerns. These specific concerns have been addressed in the conditions of

approval for this new conditional use permit application. They include specific limits on number of events and number of guests. Other concerns of the Board include overflow parking, fire protection, and dust abatement.

Chairman Cooley asked for the applicant's presentation.

Colby Rampton, 1607 Davis Avenue, McCall, submitted a new application because Geoff [previous owner of adjacent lot] had reached out to sell his adjacent property. This application is similar to previous ones but does include both 20-acre parcels. He discussed changes in this new application. The buildings configuration changed into an arc. The main event venue was tilted to the northeast to direct noise away from private land as buildings are a bigger barrier to sound. There are three fire pits due to the recommendation of fire marshal instead of one fire pit. The pits will be surrounded by green grass. Structures will cover less than 1%; 35 parking sites; limit of 120 guests, a reduction of 30. There are no restrictions on property, no CCRs, no HOA. Very few homes are visible from Boulder Lake Road and his structures will not be seen. The purchase of lot 1 removes shared driveway/new driveway concerns and results in less travel distance on Boulder Lake Road compared to previous application.

- **Exhibit 7** – picture of road before property – relatively flat
- **Exhibit 8** – picture of road after property – steeper portion of the road

The north, east, and west of property is bordered by State of Idaho land. Buildings will not be visible from road. The closest neighbor is ¼ mile away, over two ridges. The zipline on State land borders the property. The two closest homes on Morell Road are vacation rentals; one of which has had multiple weddings.

Currently many events such as weddings are happening within homes in city residential lots in McCall. Not providing commercial rentals pushes people into residential areas. This is a better option. He discussed vacation rentals nearby which are not required to be fire-wise. He could build one large home on each 20-acre lot and advertise them as vacation rentals without the restrictions of a conditional use permit. McCall Fire Chief de Jong and SITPA warden have reviewed the application. Blackhawk and Jug Mountain all hold weddings but are further away from emergency response than the proposed site. Building codes will likely require sprinklers within the buildings. On site, above ground, water storage will provide water for fire suppression. The Fire Department does not recommend underground storage tanks.

He discussed the Forest Service traffic statistics submitted to the Board. He has discussed the application with Jeff McFadden, Valley County Road Department, who stated that the additional use wouldn't make much difference. There are 10-12 logging truck trips per day; not a continual stream of logging trucks. There is only one summer accident listed with the Sheriff. IDL has listed several improvements for the road (see application). The portion of Boulder Lake Road that will be used for this use can be widened without interfering with the creek. He referred to a parcel map; this is the best location north of Lake Fork Road. Other possible land sites are closer to residential homes and have less trees and hills. Those locations would have issues as this application but affecting more people.

There will be a limit of 90 decibels. Parking limited to 35 parking spots. There will be quiet

hours, a forest management plan, and a fire plan. The effects of a new driveway on erosion, etc are no longer an issue as the new driveway is no longer needed. He has met Agency requests and requirements. He has signatures and letters in support of the application.

In response to previous Board requests for further info, he said:

- Sound measurement has been added to application
- Annual dust abatement in spring
- Event limitations
- Designated fire turn-around will be the parking lot as suggested by the Fire Department
- Water storage
- Fire pits
- Well logs – average of 27 gallons per minute which is a good flow for the area
- Septic - have met with CDHD and there are no red flags just normal requirements
- Snowmobile parking area – this needs coordination at the County and IDL level as it would not be on the applicant's land. The applicant is willing to plow the area out.
- Road agreement – technically this is a State – Forest Service cost share road. The USFS has an easement. Maintenance cost is split but USFS controls access. USFS would like to turn it over to the County to the private land. At this time, the applicant would apply for an USFS commercial use permit to use the road. He referred to Lisa Klinger's letter.

He believes this a great place for the proposed use.

[09:22:03 PM \(03:12:30\)](#)

Commissioner Cooper asked applicant to clarify the safety zone for fire. Mr. Rampton responded that the plan is to plant green grass in the area around the buildings. Trees are about 60+ ft tall. Secondary power source would be a generator.

Chairman Cooley asked the applicant about proposed road improvements. The County can't require these but can ask for donations. Blading the road is doable. The applicant is willing to participate but should not be expected to contribute above the venue's impact. He referred to IDL plans for improvements to the road. The State needs road maintenance for the timber sales. For winter use, there is an existing maintenance agreement between owners of eight lots and the County to plow during the winter.

Chairman Cooley asked for proponents.

[09:29:01 PM \(03:19:29\)](#)

Sherry Maupin, 376 Verita, McCall, is in favor of this type of business. Recreational businesses within the County need to expand. The existing event venues are full. The venues located in city lots cause many issues. Large gatherings have difficulty finding locations for weddings, business meetings, retreats, etc.

Chance Hobbs, New Meadows, said that the public hearings have allowed input and the project has improved since originally proposed. Venues are needed for the economy of the area.

Stephen Wilkinson manages the Scandia Inn in McCall. He has had several patrons look for something that can accommodate events better than a hotel can. The applicant has done a great job. He can vouch for the applicant's character and integrity and believes the applicant will follow through and be respectful to environment and community.

Tammy Rampton, 1607 Davis Avenue, McCall, said the applicant has put in the work to do a good job. This would be an asset to the community.

Bob Lorimer, 204 Broken Creek St, McCall, said the applicant has improved the application during this process. He will be a good neighbor.

Aaron Jones, 701 Kasper ST, McCall, wants to know if the road is so bad, why hasn't improvements already been addressed. The applicant is a local McCall resident who wants to raise his family here. This proposal will better the community, provide infrastructure, and provide jobs.

Jens Jensen, 223 Ernesto, McCall, understand that people want to guard their home. In his neighborhood alone, the vacation rentals are numerous. A larger event venue is needed.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents.

Margo Conitz, of Morell Road, mentioned the number of people actively speaking against this proposal. Traffic and fire safety are concerns. Allowing commercial use on this road is not good planning.

Brian Drazich , 238 Alta Vista Drive, lives less than two miles from proposed site. This would negatively affect the quality of life, would allow amplified noise ten times per month, and create a nuisance. Quality of life is more important than financial gain. Other sites are available such as Tamarack for venues.

Kris Caza lives in Lake Fork Estates and has many concerns, particularly fire danger, the enforcement of requirements, and likelihood of overflow guests camping in undeveloped areas along the road. It is a poor site choice and should not add to the County's already overloaded road maintenance issues.

Jim Crawford, 14075 Morell Road, has been a resident for 20+ years. There are many reasons for denial. It is not compatible. There is lots of opposition. The road is the busiest IDL cooperative road in Valley County. Peak recreational use will coincide with peak event venue use. Traffic safety is a concern. A better location is needed. The use of many should not be compromised for the financial gain of one.

Carol Shaw, Boulder Lake Road, is opposed. She submitted a letter which compared the Board's concerns with the new application. She supports private property rights, but when the effect of an owner's use extend past the boundaries of the property, then the rights of other

property owners are affected. The unique character of rural area should be protected. Often absentee/offsite owners are not held accountable. The Board agreed that mitigating factors are required as written conditions of approval. The applicant should be required to have a manager on site during events with outside activity. Maintenance of the road will help but not fix the issues. It is a one-lane road with turnout and the Board agreed that it does not meet the County specifications. People would have difficulty escaping during a fire. The number of large events specified in the application is different than the Board's recommendation; this limit is a negative impact on the effects on neighbors and traffic. She submitted a stack of papers [previous opposition letters and petition signatures] which were not accepted by the Commission as an exhibit due to the large size of the submittal. Administrator Herrick explained that the Valley County Code requires written testimony to be submitted seven days prior to the public hearing and that is reiterated in notice letters.

Chairman Cooley asked for rebuttal.

Colby Rampton said that the current peak time of use on the road is approximately between noon and 1 p.m. This time will generally not be the same as the event venue traffic. He talked about noise and distance as well as fire and wind direction. The biggest fire danger will be campers near the lake. Of approximately 120 lot owners nearby, only about 35 submitted opposition letters. The road easement is 66 feet; the County now requires 70 feet. He has provided much more information in the application. He believes in the project. The application addresses the requirement for an on-site management person during events with alcohol or music. Other events will have an on-call person available.

The Commission and staff discussed the seven-day requirement for submittals. Most of submittal by Carol Shaw was reviewed in previous hearings. The Commission will not accept this late submittal.

Chairman Cooley closed the public hearing.

The Commission deliberated. Commissioner Freeman liked the access change. Commissioner Defoort's concerns have been addressed by applicant; some things can't be fixed such as fire from off property. The road is already highly traveled which is a problem not created by this application. There is much information to consider but it weighs on the positive side. The application was very thorough. Commissioner Cooper agreed that it was very thorough compared to the original application. He mentioned shuttling guests. Wildfire is often caused by careless landowners. There is a fire safety zone and the applicant has met his obligations for fire. Sprinkler requirements are a building code issue, not planning and zoning. Chairman Cooley said that some issues have been addressed well (particularly access) but he is still concerned about Boulder Lake Road. The applicant shouldn't bear the burden of fixing the road, but he wants to use the road. Will increased use force governmental agencies to fix the road? The application has improved from original. Commissioner Defoort said the traffic would be a small increase to the existing use. Chairman Cooley agrees but says this would add to the problem. He referred to IDL's list of improvements. The Commissioners agree that this is a highly used area. The State keeps adding to the use in the area but not improving the road. There was discussion on how to encourage governmental agencies to improve the road.

Chairman Cooley said the road issue is the only issue that he still has with the application. Commissioner Cooper can't forecast future development in the area; the shared driveway access was his original concern. This will have minimal impact to surrounding residents. Commissioner Freeman likes this application and doesn't see how the Commission can hinder the applicant due to a road that isn't his, nor the County's. The State will be doing some work on the road. Chairman Cooley said currently maintenance has been done by the State when they need to access the area for logging. The IDL planned road improvements are actually routine maintenance, not improvements.

Commissioner Defoort moved to approve C.U.P. 19-09 The Retreat McCall with the stated conditions. Commissioner Freeman seconded the motion. Commissioners Defoort, Cooper, and Freeman voted for approval; Chairman Cooley opposed the motion. The motion passed.

Chairman Cooley explained the ten day appeal period.

[10:23:59 PM \(04:14:26\)](#)

F. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 19-01 Valley County Quarry – Yellow Pine
- C.U.P. 19-02 Herrick Hills Subdivision 1.1 – Preliminary & Final Plat
- C.U.P. 19-03 Cabarton Shuttle Service
- C.U.P. 19-05 Cornerstone Construction

Commissioner Defoort moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley adjourned the meeting at 10:25 p.m.