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IDAHO

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STAFF REPORT

Conditional Use Permit Application No. 20-13
Ted's Place

HEARING DATE: September 10, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Theodore & Sherry Zahradnicek
9676 Robinson
Nampa ID 83686
LOCATION/SIZE: 217 Wildwood Drive
McLeod & Edwards Wagon Wheel Subdivision No. 6, Lot 7 Block 7
NW ¼ Sec. 33, T.16N R.3E, Boise Meridian, Valley County, Idaho.
0.82-acre site
REQUEST: Private Recreational Vehicle Park
EXISTING LAND USE: Single-Family Residential – Bare Lot

BACKGROUND:

Theodore & Sherry Zahradnicek are requesting approval of a conditional use permit for a Recreational Vehicle Campground to allow four 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. The RVs are used by the owner and their daughter and two sons.

There is an individual well, central sewer, and electrical power. A storage shed is on the property.

The existing driveway access is from Wildwood Drive, a public road.

FINDINGS:

1. Application was made to Planning and Zoning on June 22, 2020.
2. Legal notice was posted in the *Star News* on July 23, and 30, 2020. Potentially affected agencies were notified on July 9, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent July 20, 2020. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on July 9, 2020.

3. Due to the wrong site being posted in August, the hearing was postponed to September 10, 2020. Legal notice was posted in the *Star News* on August 20 and 27, 2020. The site was posted on August 26, 2020.

4. Agency comment received:

Central District Health has no objection if sewage waste will be discharged to sewer. If proposing discharge to an existing septic system, an accessory use authorization from CDH will be required. (July 9, 2020)

Jess Ellis, Donnelly Fire Department, stated requirements for open burning, fire rings, and vegetation control. (July 15, 2020)

5. Neighbor comments received:

Paul Dodge of Down Home LLC owns 215 Wildwood Drive, adjacent to the subject property. He has no objections to the proposal. (August 7, 2020)

6. Physical characteristics of the site: Relatively flat

6. The surrounding land use and zoning includes:

North: Single Family Subdivision – Mcleod & Edwards Wagon Wheel 6

South: Single Family Residential & Timber

East: Single Family Subdivision – Mcleod & Edwards Wagon Wheel 6

West: Single Family Subdivision – Mcleod & Edwards Wagon Wheel 6

7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:

- 4. Private Recreation Uses (e) Campgrounds and facilities, including tent camps

Review of Title 9, Chapter 5 Conditional Uses should be done.

8. The following is the code that specifically applies to Recreational Businesses and Private Recreation Uses:

ARTICLE E. PRIVATE RECREATION USES

9-5E-1: SITE OR DEVELOPMENT STANDARDS:

Private recreation uses requiring a conditional use permit shall meet the following site or development standards:

A. Minimum Lot Area:

1. The minimum area for any use in this category shall be sufficient to accommodate the use, associated activities or uses, and to adequately contain adverse impacts.

2. Frontage along a public or private road shall not be required.
- B. Minimum Setbacks: The minimum **building** setbacks shall be fifty feet (50') from front, rear, and side street property lines, and thirty feet (30') from side property lines.
- C. Maximum Building Heights and Floor Areas:
1. The maximum building height shall be thirty five feet (35').
 2. Maximum floor areas shall not exceed the limitations of subsections 9-5-3A and C of this chapter.
 3. No building or combination of buildings may cover more than one percent (1%) of the lot or parcel.
- D. Site Improvements: Parking spaces shall be provided at the rate of one per every four (4) persons of total occupancy or attendance. (Ord. 10-06, 8-23-2010)

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +8.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).

Staff Comments:

RECREATIONAL VEHICLE CAMPGROUND: A parcel of land under one ownership which has been planned and improved for the placement of two (2) or three (3) transient recreational vehicles for dwelling purposes, including placement on parcels where single family residential uses have also been established. It is specifically for the recreational use of the parcel by friends and family of the property. An administrative permit in accordance with VCC Title 9-4-8 Recreational Vehicle Campground is required. This does not include multiple family groups that are camping on holiday type of weekends. (Valley County Code 9-1-10)

When the ordinance was amended in May of 2020, the matrix and private recreation use standards were not changed. The ordinance allows for Recreational Vehicle Campgrounds as permitted uses. It was never determined what standards would be for uses beyond the 3 RVs, which require the conditional use permit versus other recreation uses that require increased setbacks. **Setbacks are measured for buildings; RV's are not buildings.** The same thoughts should be applied to the matrix.

The Commission should determine if the mitigation of trees and placement of the RV's should allow for the setbacks to be the same as residential (Recreation Vehicle Campground) or as a Private Recreation Campground.

On August 13, 2020, for a similar application, the Commission determined that single family residential setbacks are to be used.

	Front	Rear	Side Street	Side
Single Family Residential and Recreational Vehicle Campground	20'	20'	20'	7 ½'
Private Recreation Campground	50'	50'	50'	30'

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation Form
- Staff's Compatibility Evaluation
- Vicinity Map
- Site Plan (received July 29, 2020)
- Pictures taken August 26, 2020
- Responses

Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use shall be established within one year of the date of approval.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lights shall be fully shielded so that there is no upward or horizontal projection of lights.
6. Shall have a fire extinguisher handy near the fire pit. Fire pit shall not be within setbacks.
7. Cannot park in the public right-of-way or in setback areas.
8. Shall mark property lines.
9. Shall not rent site or RVs.
10. All guests shall park on-site.
11. Setbacks are 20 feet from the front and rear property lines, 7.5 feet on both sides. No other uses shall be in the setback areas.

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: 15 Private Prepared by: CH
CH Recreation
Conditional Use

YES/NO X Response Value

Use Matrix Values:

- | | | | | | |
|---------|-----------|---|---|-----------|--|
| (+2/-2) | <u>-1</u> | X | 4 | <u>-4</u> | 1. Is the proposed use compatible with the dominant adjacent land use?
<i>S.F. Residential Lots</i> |
| (+2/-2) | <u>-1</u> | X | 2 | <u>-2</u> | 2. Is the proposed use compatible with the other adjacent land uses (total and average)?
<i>Same as 1</i> |
| (+2/-2) | <u>-1</u> | X | 1 | <u>-1</u> | 3. Is the proposed use generally compatible with the overall land use in the local vicinity?
<i>Same as 1</i> |

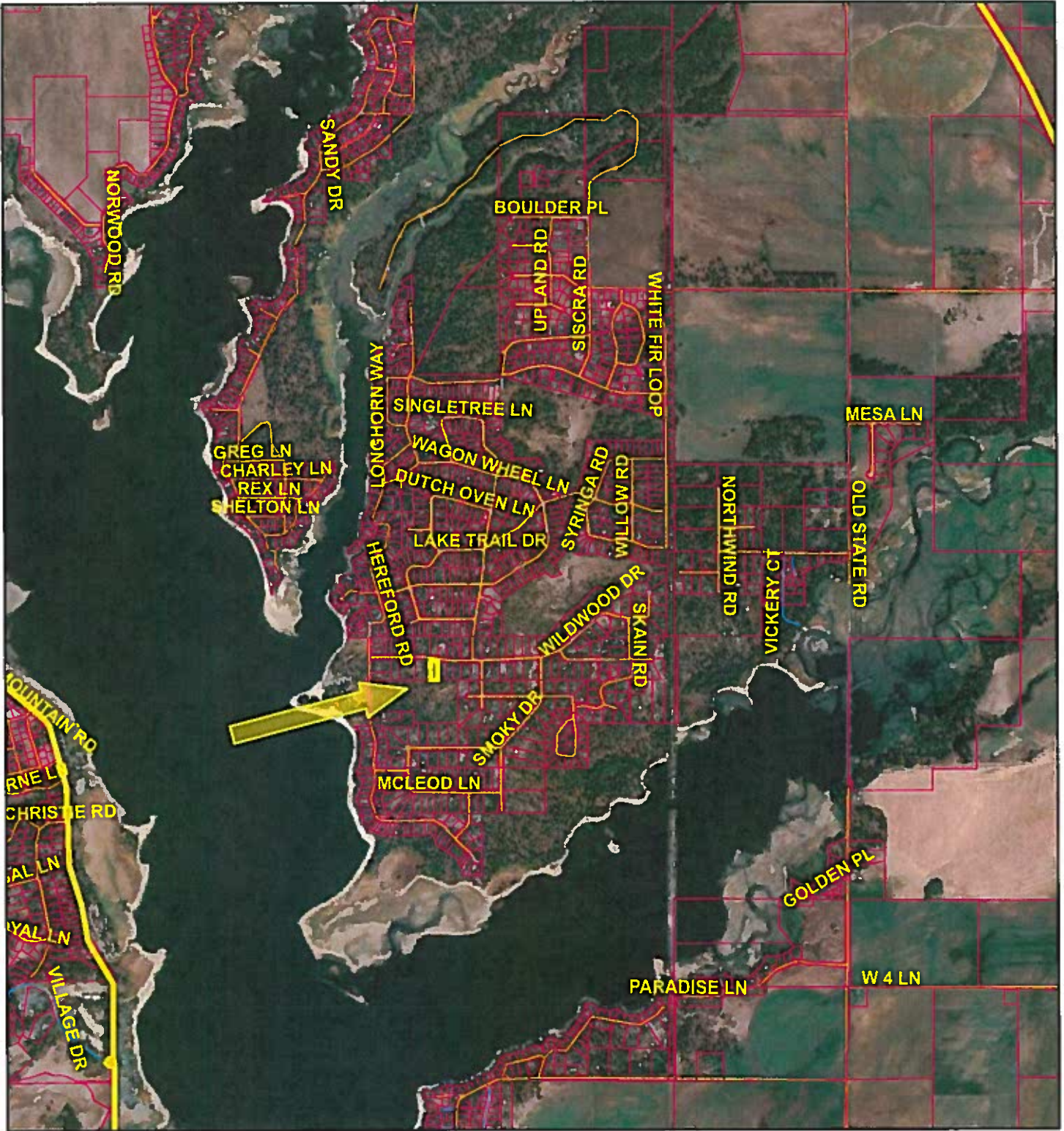
Site Specific Evaluation (Impacts and Proposed Mitigation)

- | | | | | | |
|---------|-----------|---|---|-----------|--|
| (+2/-2) | <u>+1</u> | X | 3 | <u>+3</u> | 4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?
<i>The site is 0.82 acres, wooded and flat. Has some visual & noise impacts.</i> |
| (+2/-2) | <u>+2</u> | X | 1 | <u>+2</u> | 5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones?
<i>No Structures - perhaps a shed.</i> |
| (+2/-2) | <u>+1</u> | X | 2 | <u>+2</u> | 6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?
<i>Yes - residential, but is familiar only during summer</i> |
| (+2/-2) | <u>+2</u> | X | 2 | <u>+4</u> | 7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?
<i>Yes - no consumption or emission</i> |
| (+2/-2) | <u>+2</u> | X | 2 | <u>+4</u> | 8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?
<i>No Impact</i> |
| (+2/-2) | <u>0</u> | X | 2 | <u>0</u> | 9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?
<i>No Change</i> |

Sub-Total (+) 15
 Sub-Total (-) -7
 Total Score +8

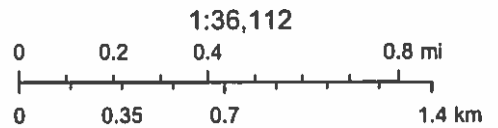
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 20-13 at 217 Wildwood Drive



7/8/2020, 1:19:31 PM

- Parcel Boundaries
- MINOR COLLECTOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- All Road Labels
- Roads
- MAJOR

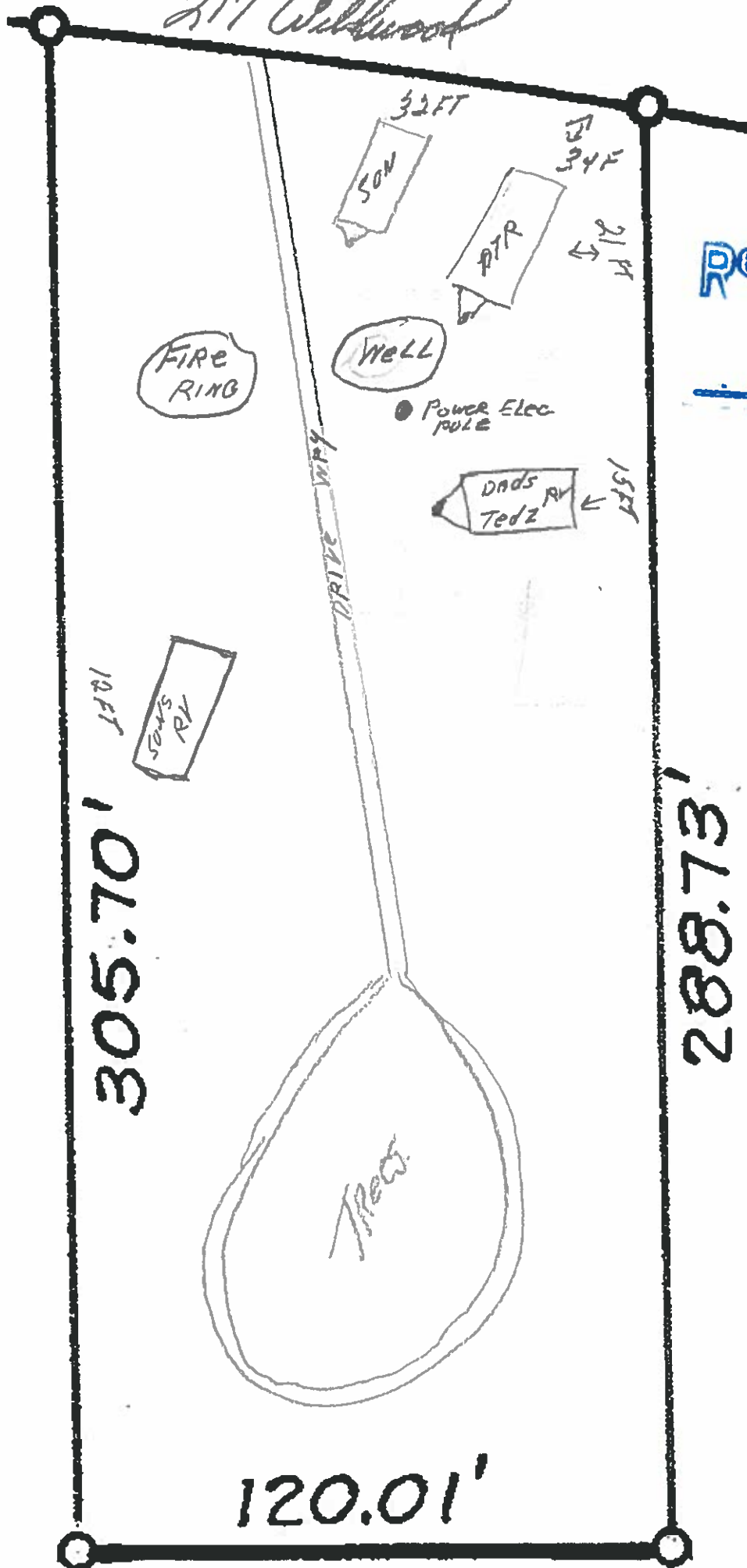


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

217 Willow

NORTH

RECEIVED
JUL 29 2020



305.70'

288.73'

120.01'

FIRE RING

Well

Power Elec. pole

Dads Tedz RV

DRIVE W/RY

SONS RV

Trees

SON 32 FT

PTR 34 FT

21 FT

15 FT

1401

1551



8/26/2020



8/20/2020



Valley County Transmittal
Division of Community and Environmental Health

- Return to:
- Cascade
 - Donnelly
 - McCall
 - McCall Impact
 - Valley County

Rezone # _____

Conditional Use # CUP 20-13

Preliminary / Final / Short Plat Ted's RV Site

Lot 7 Blk 7 Wagon Wheel Sub #6
217 Wildwood Dr.

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water
 - bedrock from original grade
 - waste flow characteristics
 - other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center

14. We have no objection if sewage waste will be discharged to City Sewer
If proposing discharge to an existing septic system, an Accessory use
Authorization from COH will be required. Reviewed By: Mr. KK

Date: 7.19.20



Donnelly Rural Fire Protection District
P.O. Box 1178 Donnelly, Idaho 83615
208-325-8619 Fax 208-325-5081

July 15, 2020

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 20-13 Ted's RV Site

After review, the Donnelly Rural Fire Protection approves C.U.P. 20-13 Ted's RV Site with the following requirements.

- The Donnelly Rural Fire Protection District requires all fire rings to be of an approved nature, no larger than 3 feet in diameter. All fire rings shall also have a ten foot diameter of non-combustible material around fire pit
- Section 304.1.2 IFC 2015 Weeds, grass, vines or other growth that is capable of being ignited and endangering the property, shall be cut down and removed by the owner or the occupant of the premises. Vegetation clearance requirements in urbane-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code
- Section 307.4.2 IFC 2015 Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- Section 307.5 IFC 2015 Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- Closed burning season is May 10th through October 20th and may be subject to burn restrictions as required by the State of Idaho. Check the daily status at www.burnpermits.idaho.gov or call SITPA at 208-634-2268

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in blue ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department

RE: Public Hearing August 13, 2020 RE: C.U.P. 20-13 Ted's RV site

Paul Dodge <paulwdodge@yahoo.com>

Fri 8/7/2020 1:29 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

Cc: Kimberly Loveland <kimberly.loveland7214@gmail.com>; William Loveland <bloveland69@gmail.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From :

Down Home LLC
5969 S 450 E
SLC Utah 84107

RE: C.U.P. 20-13 Ted's RV site

We currently own the property at 215 Wildwood Drive next to the subject property of Theodore and Sherry Zahradnicek.

Our daughter and her family who reside there have met the Zahradnicek's.

Our daughter having talked to the Theodore and Sherry understand their request and we wish to go on record as having no objection to the proposed RV Site and conditional use permit.

If you need to contact us please do so at this email address or my cell phone at 801 514 7749

Best Regards
Paul W. Dodge
Down Home LLC.