



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Bryan Cooley, Vice-Chair

Ed Allen, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

August 24, 2017

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

P&Z Administrator - Cynda Herrick:	Present
P&Z Chairman - Rob Garrison:	Present
P&Z Commissioner - Ed Allen:	Present
P&Z Commissioner - Bryan Cooley:	Present
P&Z Commissioner - Scott Freeman:	Present
P&Z Commissioner- Johanna Defoort:	Present
P&Z Assistant - Lori Hunter:	Present

B. OLD BUSINESS:

- C.U.P. 17-04 Blackhawk on the River Event Venue:** McCall Associates LLC is requesting approval to establish an event venue at the Blackhawk River Lodge. The site would be available to rent by the public between 8 a.m. and 10 p.m. The existing buildings, parking lot, and lawns would be used. The 2-acre site is Blackhawk on the River Phase 2, Lot 99, Block 3 located in the SE ¼ Section 25, T.18N, R.2, Boise Meridian, Valley County, Idaho. ***[Postponed from August 10, 2017. – Public hearing has been closed and no new information will be accepted in to the record.]***

Chairman Garrison stated that the public hearing has been closed, the discussion was postponed, and this meeting is for deliberation and a decision by the Commissioners. He asked for a staff report.

Administrator Herrick replied that at the last meeting, the P&Z Commission choose to take time to consider all the information and think about the proposed land use activity. Commission Allen [absent from August 10th meeting] took time to listen to the recording of the last meeting. Administrator Herrick read from Idaho Statute 67-6535; “approval or denial of any application to be based upon express standards and to be in writing.” The P&Z Commission must clearly deliberate and give reasons for approval or denial after deliberations.

Chairman Garrison asked if there were any questions for staff.

Administrator Herrick stated that the current application is C.U.P. 17-04 which is a site-specific application. In 2005, Blackhawk on the River plat was approved. This specific site was contained in that approval as a private recreational use. In 2006, a P.U.D. for The Bend, a 12-unit fractional ownership housing, was approved within the Blackhawk on the River plat. In 2013, P.U.D. 13-01 was approved, making all the Blackhawk developments into a comprehensive community. So now the P&Z Commission is reviewing C.U.P. 17-04 for a site specific change in land use.

Commissioner Defoort asked what a “comprehensive community” means. Administrator Herrick replied that a planned unit development is a comprehensive plan that allows multiple use. It was done for the ease of the County to administer and to make sure the different subdivisions were working together. Commissioner Defoort asked if this C.U.P. would remove the Lodge from the P.U.D. Administrator Herrick replied that “No, this is another layer”. It would be in addition to previous approvals. The request is to change from private recreation use to a commercial recreation use.

Commissioner Allen asked what would this conditional use permit specifically allow and what changes would occur. Lots of things have been discussed but what exactly would change?

Administrator Herrick read from the original C.U.P. 05-03 application, which states:

“This development will include a Recreation Center that will be for the use of the Blackhawk On The River residents and their guests. The facility will be a gathering place for social events, such as weddings, family parties, homeowner association meetings and general development activities....”

[Exhibit 1 from P&Z meeting of August 10, 2017].

This describes the private recreational uses. Immediately below, the application stated there are “no commercial uses for this development” [Blackhawk on the River]. What the applicant wants to do is change the private recreational use to a commercial recreational use.

Administrator Herrick also read from a portion of the CCRs that were included in the original application [Exhibit 2 from P&Z meeting of August 10, 2017]. This states that any common area may be leased to a commercial operator.

Therefore, the original application contradicted itself on whether commercial activities were allowed. Planning and Zoning staff have not received complaints regarding activities at the Lodge in the past. However, Administrator Herrick had called the Lodge owners/management multiple times in the past to remind them they need a conditional use permit. The applicant submitted this application to comply. Neither Administrator Herrick nor Assistant Hunter can recall any complaints regarding the Lodge until after the current Event Venue application was noticed.

The Commissioners deliberated.

Commissioner Allen said that essentially stuff has been going on without a permit but now they are asking if commercial use should be allowed. The P&Z Commission does not settle disputes between Home Owner's Associations and developers; and, we are determining what will happen in the future, not what has happened in the past.

Chairman Garrison said the initial use of the building was for what they are trying to do. The question is, "shall the use be private vs commercial". Had that been caught in the original application, the P&Z Commission would have looked at mitigating factors at that time. Does this fit? Does it need conditions? Applicant has volunteered self-composed conditions. Would these be adequate if the C.U.P. is approved or are more conditions needed to mitigate? Commissioner Allen added that first we must determine if this use is mitigatable?

Commissioner Freeman asked if the use is changed from private to commercial use, "when would the homeowners get to use the Lodge?", especially if it is booked for commercial purposes. Chairman Garrison said the applicant's condition limiting events to two per month would allow time for homeowners to use the Lodge.

There was further discussion on outdoor use for events, the number of events, and 2018 scheduled events.

The Commissioners discussed if this use can be made compatible with conditions. Commissioner Cooley said that it appears that there was some original intent to have some commercial use to pay for upkeep and ongoing maintenance of the Lodge operation. This application is not requesting a change in the type of events. For example, it is not asking to add a motorcycle track or sawmill. The application is taking the existing planned use (e.g. weddings) and determining if the "outside" public can use it for the same type of events. This is not a big change of use. Is there a way to make it tolerable and mitigate impacts on neighbors? The same restrictions should apply for both property owners and the public. It is the same impact whether it is a property owner or the public.

Much of the discussion has dealt with weddings but there are other types of events such as anniversaries, birthday parties, etc.

Chairman Garrison believes that the use is compatible as it is the original Intended use. Neighbors would use it in the same way.

There was discussion on the complaints received; noise was the primary complaint. There was also discussion on what constitutes homeowner association issues. The P&Z Commission can't resolve Home Owners Association (HOA) issues such as the unmet promises; the P&Z Commission does not have the authority to regulate HOAs.

Commissioner Defoort said that the intended use of the Lodge was to hold events. Property owners within Blackhawk on the River knew it was there when they purchased. However, all

the people who live outside of Blackhawk (e.g. Buckcamp Subdivision) didn't buy their property knowing about that amenity.

There was further discussion that sound seems to be the biggest issue, including the "after-event" noise. The after hour event noise is a Valley County Sheriff issue.

Commissioner Allen stated that the decision must be defensible.

There was further discussion on conditions for mitigation. All amplified music should be inside. There was discussion on if the number of event was an average per month or total per month.

Commissioners and staff reviewed and discussed the applicant's suggested conditions. They discussed whether all events or just outside events should have a time limit. Hours of operations shall be limited to 8 a.m. – 10 p.m. This does not include a time limit for staff cleanup, etc.

Conditions 1 through 7 would be same as those proposed by staff in the staff report for August 10, 2017.

COA 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.

COA 2 Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.

COA 3 The use must be established within one year or this permit will be null and void.

COA 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.

COA 5 All lighting must comply with the Valley County Lighting Ordinance.

COA 6 A letter from McCall Fire Department is required.

COA 7 Hours of operation are limited to 8:00 a.m. to 10:00 p.m.

Disregard the spa time limits from the applicant's list of conditions as this is not something the P&Z Commission should govern. It would not mitigate effects.

There was discussion on limiting the time of outside events vs. limiting the amplified music/intercom/microphone use. A non-amplified ceremony can be held outside.

COA 8 No intercom systems or amplified music outside the Lodge.

Meals will be allowed on the lawn. There was further discussion on the number of events allowed monthly. Only two commercial (non-homeowner) weddings events per month total; not averaged. There was discussion on limiting homeowner event and commercial event use. By limiting the conditions to commercial use only, the P&Z Commission is not regulating homeowner amenities. There was agreement to not limit homeowner use. There was discussion regarding the size of events.

COA 9 Only two commercial weddings allowed per month.

Other commercial events allowed in addition to the commercial weddings.

COA 10 Traffic for events will be directed in and out of the north gate. Road blocks will be placed preventing traffic from proceeding past the Lodge

The north entrance is the low-impact route. It leads directly to the Lodge.

COA 11 Staff and security personnel will be on site until everyone has left the Lodge and parking area.

The applicant was trying to mitigate the after-parties such as at The Bend by requiring security until 2 a.m. However, this is beyond the P&Z Commission's purview. If the applicant volunteers security, than that is between the applicant and the HOA. Security should be present any night of the week that events are scheduled. The site must be well-kept.

COA 12 The River Lodge wedding locations will be limited to three areas: lower Lodge lawn, upper Lodge lawn, and inside the Lodge.

Wedding locations will not include the grotto, etc.

The applicant's suggested condition regarding current contracts will be discussed later.

COA 13 No overnight-lodging in the parking lot during events.

COA 14 Overflow parking from The Bend shall be allowed at the Lodge or the designated cul-de-sac.

COA 15 The C.U.P. will be reviewed by the Planning & Zoning Commission in July 2018. Thereafter, reviews will be done if needed.

COA 16 If it is determined during the review that impacts have not been adequately mitigated, additional conditions can be put in place.

There was further discussion on measuring noise levels and determination of whether the noise

does impact neighbors. The landscape is a natural amplifier. There are impacts to property owners outside of Blackhawk.

There was further discussion on the scheduled 2017 events still scheduled. There are nine outdoor events scheduled, including a wedding in two days. There was discussion on allowing next three events as planned. Then everything beginning with the September 16th event must comply with current conditions of approval. There can still be outside events but no amplified music outside allowed after September 9, 2017.

Staff read conditions as proposed (1-16).

[07:05:39 PM \(01:04:42\)](#)

There was discussion on staff vs. security personnel and the scheduled events for 2017. The intended use for the Lodge was to hold events. The P&Z Commission is to determine if commercial use fits the site. It can be mitigated with conditions. This is a Multiple Use zone. The County does not have separate zones such as residential, commercial or industrial zoning. The C.U.P. allows mitigation of impacts in the Multiple Use Zone

Administrator Herrick said that this decision is for land use. The applicant has been paying commercial tax rate as they have been assessed by the Valley County Assessor as a commercial use. This decision will bring the land use and assessment in line, since the Assessor looks to the CCRs for guidance on use.

Commissioner Cooley moved to approve C.U.P. 17-04 Blackhawk on the River Event Venue with the conditions as stated by staff; and, allow the current contracted events submitted on record through September 9, 2017; thereafter, all events must comply with all stated conditions of approval. Commissioner Allen seconded the motion. No further discussion. Motion carried, unanimously.

Chairman Garrison explained the 10-day appeal process.

Chairman Garrison adjourned the meeting at 7:15 p.m.