# Valley County Planning & Zoning Cynda Herrick, Director

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## STAFF REPORT

Conditional Use Permit Application 21-24 Needs RV Park

**MEETING DATE:** September 9, 2021

**TO:** Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM

**APPLICANT:** Steven & Kathy Needs Family Trust

3786 E Florence DR Meridian ID 83642

**LOCATION/SIZE:** 3 Miller Lane – 0.35-acre Lot

RP000990030710, Gratton-Barnard No. 2, Lot 71, Block 3

NE 1/4 Section 10, T.13N, R.3E, Boise Meridian,

Valley County, Idaho

**REQUEST:** Rental of RV Sites

**EXISTING LAND USE:** Single-family Residential – Bare Lot

### BACKGROUND:

Steve and Kathy Needs are requesting approval of a conditional use permit for the rental of two RV sites on one parcel. No tent camping would be allowed.

The lot currently has three RV hookup sites. Three sites have electricity and two have septic hookups. Water is hauled to the site.

The applicants are asking for a rental season from May 1st to September 30th of each year.

The 0.35-acre lot is addressed at 3 Miller Lane. The lot is accessed from both Miller Lane and Ann's Avenue; both are public roads

The applicants also own the adjacent home addressed at 1 Miller Lane and two adjacent bare lots to the south and southwest of the proposed site.

### **FINDINGS:**

- 1. The application was received on August 6, 2021.
- 2. Legal notice was posted in the *Star News* on August 19, 2021, and August 26, 2021. Potentially affected agencies were notified on August 10, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent August 10, 2021. The site was posted on August 31, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on August 10, 2021.
- 3. Agency comment received:

Central District Health has a record of a septic system installed in 1994 for a 1-bedrrom home. This system is not sized to accommodate the flows from more than one RV site. If two RV sites are connected to the system, one of them must be disconnected until a septic permit is obtained to increase the size of the drainfield. (August 12, 2021)

4. Neighbor comment received:

William Platts, 460 Bill-Beth Road, is opposed. The road system is maintained by the subdivision property owners. The dirt roads have no drainage facilities and cannot take additional pressure. Adding commercial use will increase the traffic concerns at the West Mountain Road x Miller Lane intersection. Other concerns are noise, dust, vandalism, and theft due to strangers in the area.(August 14, 2021)

- 5. Physical characteristics of the site: Relatively flat on north end at RV sites and sloped on southern portion of lot.
- 6. The surrounding land use and zoning includes:

North: Single Family Residential Subdivision South: Single Family Residential Subdivision East: Single Family Residential Subdivision West: Single Family Residential Subdivision

- 7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
  - 5. Commercial Uses (e) Recreation Business (4) Campgrounds and facilities

Review of Title 9, Chapter 5 Conditional Uses and Title 12 Mobile Homes should be done.

## **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +31.

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

## **Staff Questions/Comments:**

- 1. Per CDH, the septic is only sized for one RV. Would the applicant only rent to one RV or increase the septic system?
- 2. Has the dirt covering the septic lines washed away? Are there any pipes/lines showing?
- 3. Will these be long term rentals for workers or recreationists with changing people every day/week?
- 4. In 1971, an ordinance was adopted regulating the development of "Mobile Homes", including recreational vehicles (RV). Mobile Home parks and developments may be classified as residential uses, but in this situation, I believe the use is categorized as a commercial recreation use. These requirements consider the following: reasonable frontage; separation from traditional residential uses; not located near marshes; central water, sewer, and power; harmonious appearance; community facilities; circulation; facilities and amenities; open areas; site views; topography; size of sites; parking areas; lighting; walkways; hardened surfaces for the RV and driveways, etc.

## **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff's Compatibility Evaluation
- Vicinity Map
- Aerial View
- Gratton & Barnard No. 2 Plat Block 3
- Record of Survey 12-149
- Proposed Site Plan
- Pictures August 31, 2021
- 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, or a permit extension will be required.
- 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 not upward or horizontal projection of lights.
- 6. Shall clearly post the address at the site.
- 7. Noise shall be kept to a minimum after 10:00 p.m.
- 8. The third RV site should only be used by friends and/or family, not as a rental.
- 9. Must have approval from Central District Health for a second hookup to the septic system.

# **END OF STAFF REPORT**

# **Compatibility Questions and Evaluation**

Matrix Line # / Use:	Prepared by:
Response YES/NO X Value	Use Matrix Values:
(+2/-2) X 4	1. Is the proposed use compatible with the dominant adjacent land use?
(+2/-2) X 2	<ol><li>Is the proposed use compatible with the other adjacent land uses (total and average)?</li></ol>
(+2/-2) X 1	Is the proposed use generally compatible with the overall land use in the local vicinity?
(+2/-2) X 3	Site Specific Evaluation (Impacts and Proposed Mitigation)  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?
(+2/-2) X 1	5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones?
(+2/-2) X 2	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?
(+2/-2) X 2	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?
(+2/-2) X 2	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?
(+2/-2) X 2	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?
Sub-Total (+)	
Sub-Total ()	
Total Score	

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

#### 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

#### B. Purpose; Use:

- The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
- Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.
- C. General Evaluation: Completing the compatibility questions and evaluation (form):
  - 1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
    - Plus 2 assigned for full compatibility (adjacency encouraged).
  - Plus 1 assigned for partial compatibility (adjacency not necessarily encouraged).
  - 0 assigned if not applicable or neutral.
  - Minus 1 assigned for minimal compatibility (adjacency not discouraged).
  - Minus 2 assigned for no compatibility (adjacency not acceptable).
  - Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
  - x4 indicates major relative importance.
  - x3 indicates above average relative importance.
  - x2 indicates below average relative importance.
  - x1 Indicates minor relative importance.
- D. Matrix Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3) Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed, and

- 1. Comprises at least one-half (1/2) of the adjacent uses and one-fourth (1/4) of the total adjacent area; or
- 2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
- 3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero

LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

## F. Questions 4 Through 9;

- In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and
  objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and
  information gathered by the staff.
- 2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

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# Compatibility Questions and Evaluation

Prepared by:

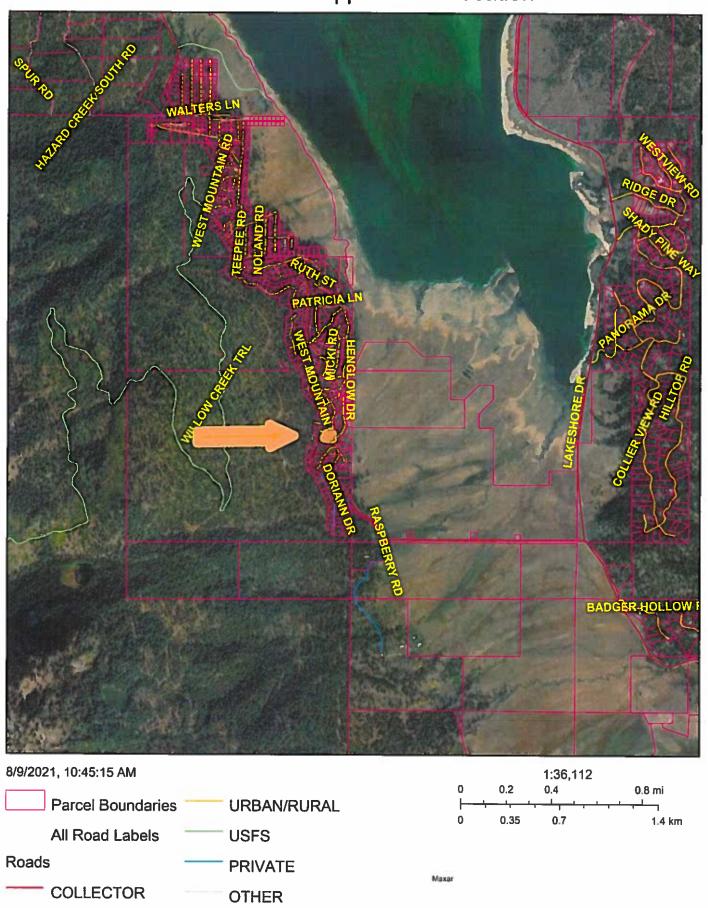
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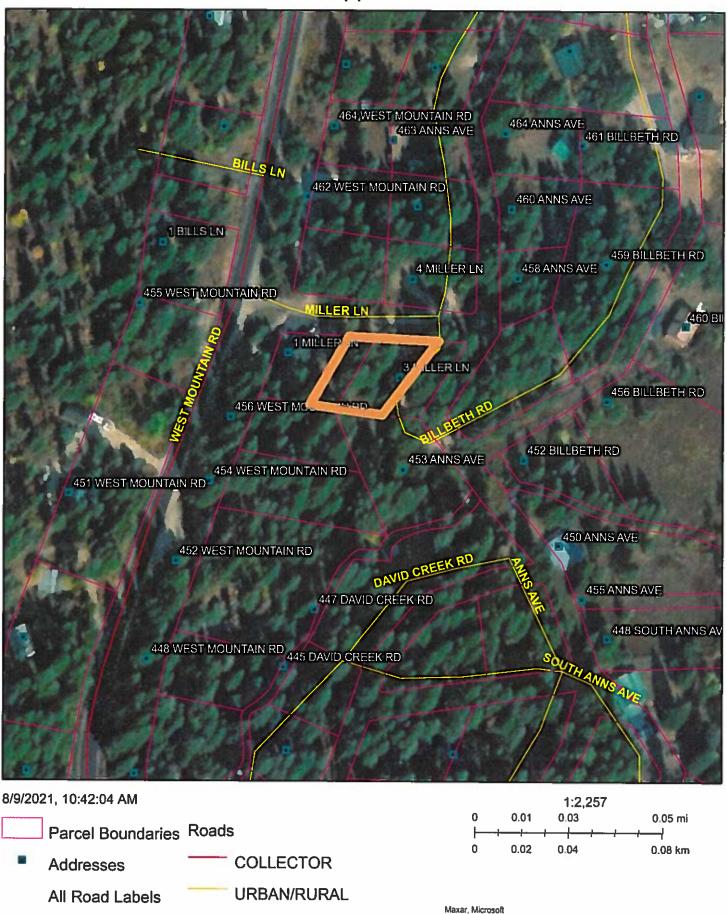
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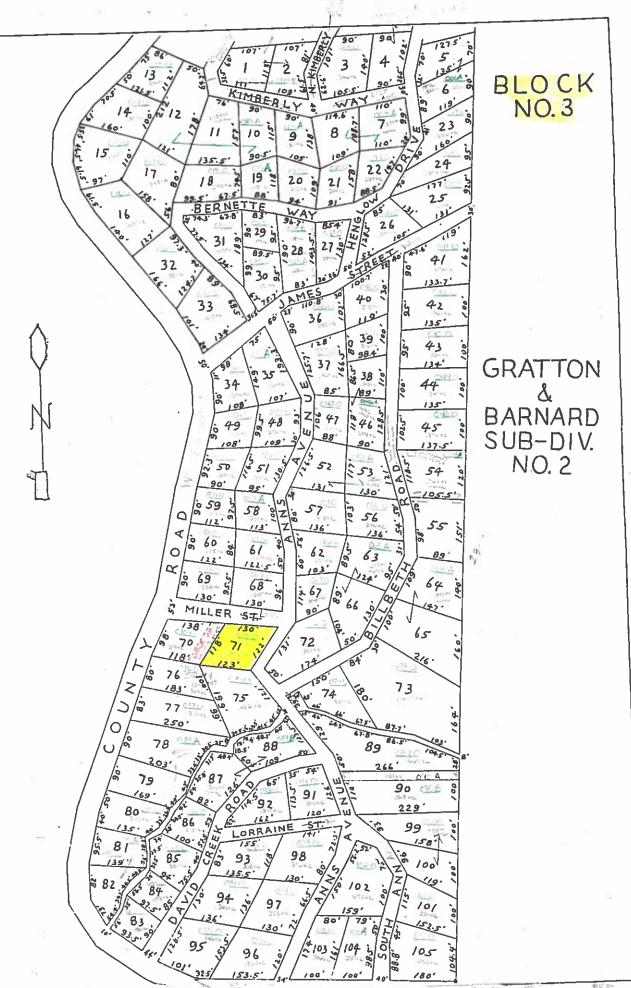
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C.U.P. 21-24 approximate location

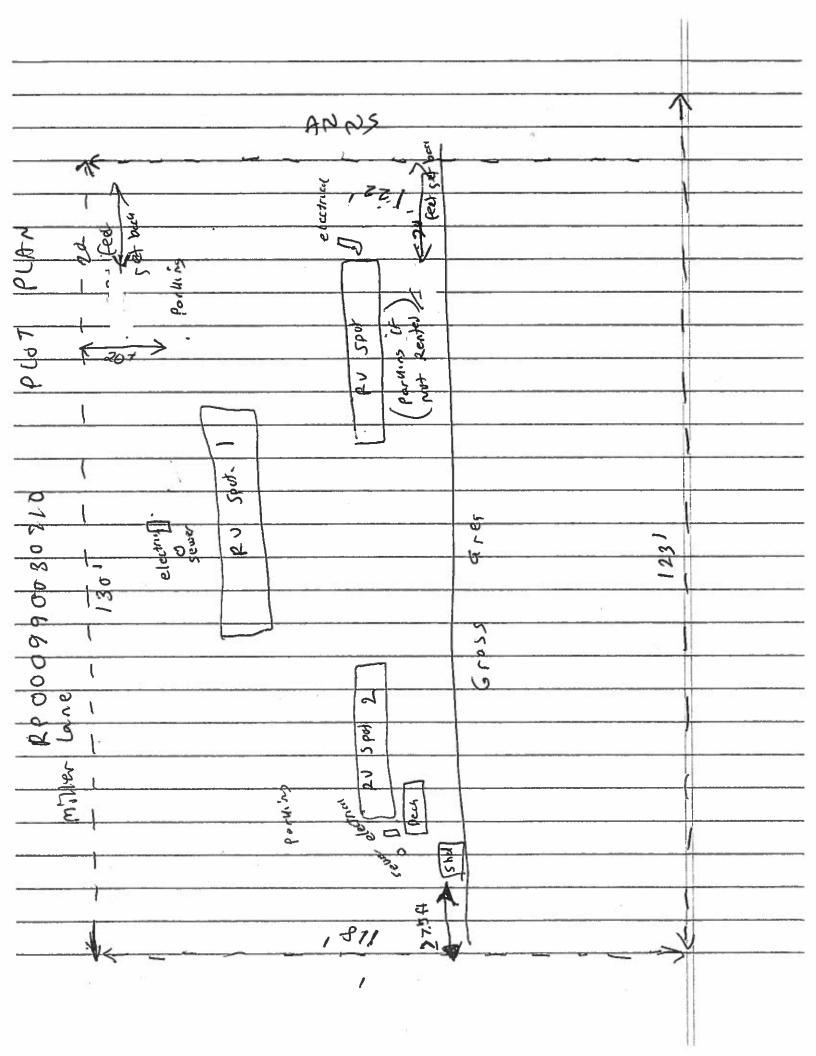


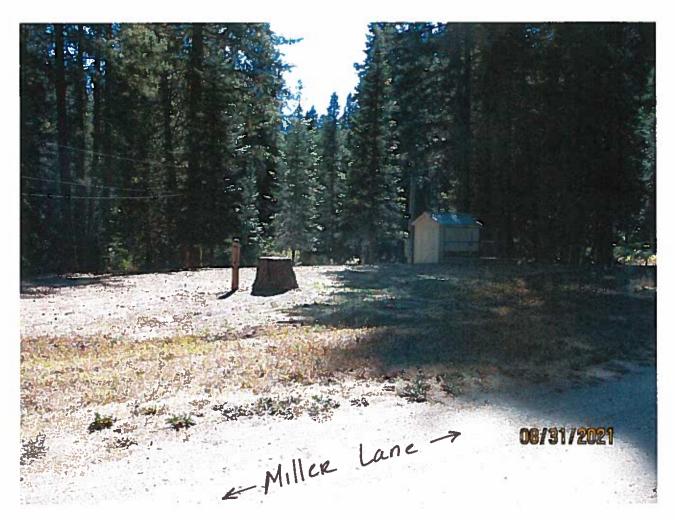


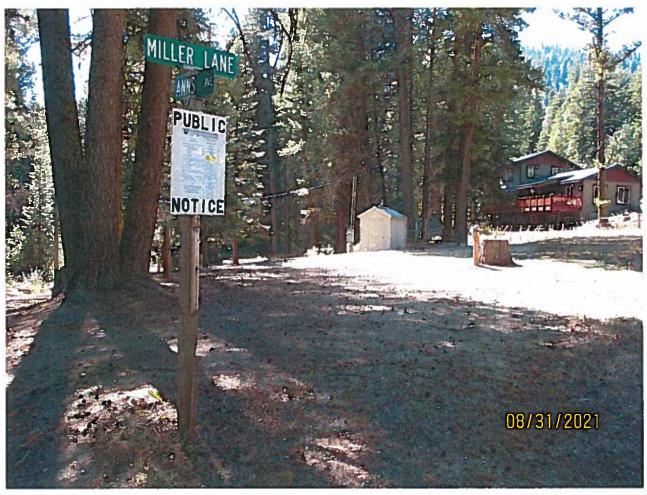
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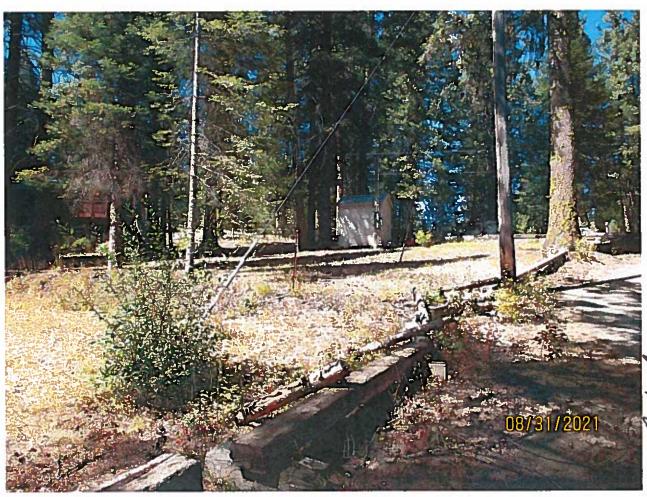
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П	We have No Objections to this Proposal.											
	"	We recommend Denial of this Proposal.										
	7	Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.										
	4	We will require more data 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   waste flow characteristics   bedrock from original grade   other   other										
	6.	This office may require a study to assess the impact of nutrients and pathogens to receiving ground wat waters.	ers and surface									
	7.	This project shall be reviewed by the Idaho Department of Water Resources concerning well constructio availability.	n and water									
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	10.	. Run-off is not to create a mosquito breeding problem										
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	12.	. If restroom facilities are to be installed, then a sewage system MUST be installed to meet idaho State Se Regulations.	wage									
	13.	. We will require plans be submitted for a plan review for any:  food establishment swimming pools or spas child care center beverage establishment grocery store	r.									
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Ms. Cynda Herrick
Director, Valley Planning and Zoning Commission
PO Box 1350
Cascade, Idaho 83611



## **REGARDING:**

My request for NON-APPROVAL of a proposal for a conditional use permit for the rental of two RV sites on 3 Miller Lane (RP0900099003) within the Gratton-Barnard Subdivision in Valley County.

## **REQUEST**

I request that my reasoning and experience that follows supporting a request for a Non Approval decision of a use permit to rent RV sites on 3 Miller Lane in the Gratton-Bernard Subdivision be accepted as testimony and inserted into the September 9, 2021 Public Hearing of the Valley County Planning and Zoning Commission meeting minutes. I strongly disagree the Gratton-Barnard Subdivision should be commercialized for the following reasons:

## LACK OF SUPPORTING INFRASTRUCTURE

The Gratton-Barnard Subdivision Road system is not maintained by Valley County. This is the responsibility of the Subdivision home-owners. They are just dirt roads that constantly need to be maintained by the home-owners. These roads have no adequate surface material, no flood water drainage facilities, not borrow areas and cannot take any additional pressure. They do function quite well for the small use they receive under present conditions. Commercializing the area would place more pressure on these roads and place an increasing burden and expense on all present home-owners.

Valley County does not maintain or monitor the Miller Lane access road to the main highway (West Mountain Road). The present home-owners know this access needs and know how to safely enter the main highway. Commercialization would only increase the on-off access and in turn increase the chance that accidents would increase on the highway that could lead to injury and death circumstances. The access structure does not have a stop sign, there are no directional warnings on the highway by the County, no lighting, nor other factors that strangers would have to build into their decision-making. Present home-owners understand this. A constant flow of strange drivers would decrease the safety of others within and outside of the Sub-Division. The County should not increase the chance of serious safety problems within the Sub-Division and especially accidents that could occur on the highway.

## AESTHETICS AND COMPATIBILITY

I have resided in the Gratton-Barnard Subdivision for over a half-century. It has provided the ideal place to have a family and enjoy the peacefulness and great esthetics of the area. The quietness, the laid-back lifestyle, and all the friendly neighbors have been signature features building the quality of life. Commercializing the area will only lead to more noise, more dust, more vandalism, more infrastructure deterioration, and more theft of property. This would all occur with the constant increase in the number of strangers constantly entering the area.

## IT WOULD BE THE FIRST STEP TO DEGRADATION

To provide the first step to commercializing the Gratton-Bernard Subdivision opens the door to future commercialization's. This has happened all over the Nation and there are millions of examples to prove what happens next. Later on, you have a bar on one end and a tattoo parlor on the other end and you have to move somewhere else because the quality of life becomes shambles. It all starts with just one small step

## **SUMMARY**

Please protect the great quality of life the Gratton-Bernard Subdivision has provided over the last half century. A half-century of success by content home-owners justifies the protection of the present style of life now and into the future. Do not be a party to the degradation of such an ideal place. Protect this area for those who are to bring up the next generation of children that will follow us. Valley County has provided us with a great place to be and it can all go to pieces with just one little misstep.

William S. Flatts 8-24-2021

William Platts

460 Bill-Beth Road

Cascade, Idaho 83611