Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street Cascade, ID 83611-1350



Phone: 208-382-7115 Fax: 208-382-7119 Email: cherrick@co.valley.id.us

STAFF REPORT:

C.U.P. 20-14 RMC / Pinetop Office - Extension Request

HEARING DATE:

October 14, 2021

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM Planning and Zoning Director

APPLICANT /

Rocky Mountain Crane and Equipment Rental LLC

OWNER:

PO Box 2888

McCall, ID 83638

LOCATION/SIZE:

14032 Highway 55

Karsyn Business Park Lot 1 NENE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

3.6-acre Lot

REQUEST:

Extension Request for Office Expansion

EXISTING LAND USE:

Commercial Business

Rocky Mountain Crane and Equipment Rental LLC is requesting a two-year extension of the conditional use permit. The new office space, shop, parking lot, and covered parking structure were to be established by December 31, 2021.

A 55-ft x 80-ft parking lot, a 60-ft x 70' office, and a 80-ft x 100-ft steel shop would be built west of the existing building. A 50-ft x 208-ft covered parking structure would be built along the southeast portion of the property. All buildings would be outside the 100-ft setback from Highway 55.

A new septic drainfield is proposed within the 100-ft setback from Highway 55.

The 3.6-acre site is addressed as 14032 Highway 55. Access would continue to be from the existing shared approach for Rocky Mountain Crane and Kesler Storage.

The applicant requested the extension due to current building costs and sub-contractor availability. During 2021-2022, he would like to move the fence to the 100-foot setback line and build the pad for the future addition. The pad would be used for parking equipment and snow storage until building construction begins in 2023. He anticipates a year to complete the construction.

FINDINGS:

Staff Report C.U.P. 20-14 - Extension Page 1 of 2

- 1. The extension request was submitted on September 2, 2021.
- 2. Legal notice was posted in the Star News on September 23, 2021, and September 30, 2021. Potentially affected agencies were notified on September 14, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent September 16, 2021. The site was posted on October 5, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on September 14, 2021.
- 3. Agency comment received:

Central District Health has no objection to the extension. (September 17, 2021)

- 4. Neighbor comment received: none
- 5. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
 - 5. Commercial Uses (d) Area Business

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

SUMMARY:

Staff Questions/Comments/Recommendation:

- Compatibility Rating: Staff's compatibility rating was a +32 (August 13, 2020).
- 2. The additional landscaping was to be installed by September 30, 2021. Has the landscaping been placed?
- 3. Will there be any vegetative screening between the highway and the equipment parked on the pad?
- 4. What type of fencing is proposed? It appears that the chain-link fence with a top wire has already been constructed. How tall is this fence? Fencing greater than 6-feet high requires a building permit as stated in the recorded conditional use permit (#10)

ATTACHMENTS:

- Extension Request
- Conditional Use Permit Instrument #431616
- Facts and Conclusions
- PZ Meeting Minutes August 13, 2020
- Vicinity Map
- Site Plan Stamped Feb. 18, 2021
- Site Plan Exhibit 3, August 13, 2020
- Submitted Drawings
- Pictures Taken October 5, 2021
- Responses

END OF STAFF REPORT

Staff Report C.U.P. 20-14 - Extension Page 2 of 2 RE: Request for Extension of CUP 20-14

To Whom It May Concern:

I am writing regarding CUP 20-14 for RMC/Pinetop Office and Equipment Storage. Our original plan was to add additional parking and an office to our existing building located at 14032 HWY 55 in McCall. The use is set to be established by December 31, 2021. I am requesting a two-year extension to December of 2023. Due to the current building costs and sub-contractor availability, I am not able to proceed forward currently with building the addition to our current shop.

What I would like to continue to do this year is move the fence off the 100' setback and build the pad for the future addition to our current shop. With building the new pad, I would like to use that this year for parking equipment and use it for additional snow storage.

I am hoping to start this project in the spring of 2023 and timeline to finish would be a year from that.

Please let me know if there is anything additional you need from me to file this extension.

Sincerely,

Ph:(208) 315-0090

Email: dusty@pinetopmccall.com



Planning and Zoning Commission VALLEY COUNTY IDAHO

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Phone: 208.382.7115 FAX: 208.382.7119

Insteument#/ 431616

VALLEY COUNTY, CASCADE, IDAHO
8-25-2020 09:10:13 AM No. of Pages: 3

Recorded for: 1 OPI HINTER

Recorded for : LORI HUNTER

DOUGLAS A. MILLER
Ex-Officio Recorder Deputy

Index to: COUNTY MISC

CONDITIONAL USE PERMIT NO. 20-14

RMC / Pinetop Office and Equipment Storage

Issued to:

Rocky Mountain Crane & Equipment Rental

PO Box 2888

McCall, ID 83638

Property Location:

The 3.6-acre site is addressed at 14032 Highway 55 and is Lot 1 of

Karsyn Business Park located in the NENE Section 33, T.18N,

R.3E, Boise Meridian Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of August 13, 2020. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. 20-14 with Conditions for expanding the office and equipment storage yard as described in the application, staff report, and minutes.

The effective date of this permit is August 25, 2020.

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 by December 31, 2021, or this permit shall be null and void.

Conditional Use Permit Page 1

- 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. The lights can only be a maximum of 20' in height.
- 6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
- 7. Must comply with Central District Health requirements.
- 8. Must comply with requirements of the McCall Rural Fire District.
- 9. Parking must comply with setback standards: 10' side, 30' rear, and 100' from property line along Highway 55.
- 10. New structures, including fencing greater than 6-feet tall, must have building permits and be approved as part of a conditional use permit.
- 11. The site must be kept neat and orderly.
- 12. Shall obtain a sign permit prior to installation of a sign.
- 13. Landscaping shall be installed prior to September 30, 2021. If landscaping dies, it must be replaced. Landscaping must be irrigated and maintained.
- 14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
- 15. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- 16. A stormwater management plan shall be approved by the Valley County Engineer prior to excavation.

END CONDITIONAL USE PERMIT

| Date |
|---|
| Approved by |
| *** |
| On this 2579 day of 1094 , 2020, before me, a notary public in and for |
| said State, Cynda Herrick personally appeared, and is known to me to be the person whose name |
| is subscribed to the within instrument, and acknowledged to me that he executed the same. |
| IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this |
| certificate above written. |
| Notary Public Residing at: Valley (Lunty) Commission Expires: 8/30/25 |
| NOTARY |

FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE THE VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS

ET E

SUBJECT: Conditional Use Permit No. 20-14 RMC / Pinetop Office and Equipment Storage

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on August 13, 2020. The Commission reached a quorum. Commission members in attendance were Brian Benton, Ray Cooper, and Chairman Johanna Defoort.

The applicant, Dusty Bitton, Rocky Mountain Crane and Equipment Rental, was present and requesting approval to expand his current facility which includes his office and storage areas. The 3.6-acre site is addressed at 14032 Highway 55 and is Lot 1 of Karsyn Business Park located in the NENE Section 33, T.18N, R.3E, Boise Meridian Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearings, which are summarized in the Minutes of the Valley County Planning and Zoning Commission's minutes dated August 13, 2020, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

- 1. That the existing use of the property described in the Petition is currently an area business and will continue to be categorized under: 5. Commercial Uses (d) Area Business.
- 2. That the surrounding land uses are rural parcels and commercial/industrial uses.
- 3. That the proper legal requirements for advertisement of the hearings have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.
 - 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 site was posted on July 22, 2020. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on July 9, 2020.
- 4. Other persons in attendance expressed neither approval nor disapproval of the proposed application.

CONCLUSIONS

Based on the foregoing findings, the Valley County Board of Commissioners conclude as follows:

- 1. The proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.
- 2. That the proposed use is consistent with the Valley County Comprehensive Plan.
- 3. Valley County is one Mixed Use Zone Performance Based Planning which allows different uses adjacent to each other.
- 4. The new structures will help screen the storage area from Highway 55, a scenic byway.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Dusty Bitton, Rocky Mountain Crane & Equipment Rental, for Conditional Use Permit No. 20-14 RMC/Pinetop Office and Equipment Storage, as described in the application, staff report, and minutes of the meetings be approved with the following conditions of approval:

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 by December 31, 2021, or this permit shall be null and void.
- 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. The lights can only be a maximum of 20' in height.
- 6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
- 7. Must comply with Central District Health requirements.
- 8. Must comply with requirements of the McCall Rural Fire District.
- 9. Parking must comply with setback standards: 10' side, 30' rear, and 100' from property line along Highway 55.
- 10. New structures, including fencing greater than 6-feet tall, must have building permits and be approved as part of a conditional use permit.
- 11. The site must be kept neat and orderly.
- 12. Shall obtain a sign permit prior to installation of a sign.
- 13. Landscaping shall be installed prior to September 30, 2021. If landscaping dies, it must be replaced. Landscaping must be irrigated and maintained.
- 14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
- 15. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- 16. A stormwater management plan shall be approved by the Valley County Engineer prior to excavation.

NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such request must be in writing, and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

Please take notice that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

END FACTS AND CONCLUSIONS

Valley County

Planning and Zoning Commission,

Chairman

2. C.U.P. 20-14 RMC / Pinetop Office: Rocky Mountain Crane is requesting a conditional use permit for a new office space, shop, parking lot, and covered parking structure. This would be in addition to the existing C.U.P. 18-06 Rocky Mountain Crane. Access would be via the existing driveway for Rocky Mountain Crane at 14032 Highway 55. The 3.6-acre site is addressed as 14032 Highway 55 and is Lot 1 of Karsyn Business Park located in the NENE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report.

Chairman Defoort asked for the applicant's presentation.

Dusty Bitton, 7 Boulder View Place, represented Rocky Mountain Crane, and submitted the following:

- Exhibit 1 Picture of current site, looking southward
- Exhibit 2 Picture of current site, looking eastward
- Exhibit 3 Updated Site Plan

Dusty spoke regarding proposed buildings, setbacks, and lighting. There will be an 80% lot coverage including parking, storage, etc. No employees will live on site. There is a well with frost-free spigots for fire suppression. Construction would start spring 2021 after engineering and building permits are approved. Construction would finish by end of 2021. No lights on covered parking area. Doors on the new shop will open to the east, not towards the highway. Lights are the existing shop are downward-facing LEDs. Lights on the fuel island are downward facing halogen lights. Mr. Bitton will check and fix if the lights are not compliant in regard to lumens (staff stated there is a limit of 3000 Kelvin). The lights on the new office will be on from dusk to dawn. There are two buried fiberglass diesel tanks that are in concrete and are inspected by Donnelly Fire and ID DEQ. They were put in by Knife River when they used the site.

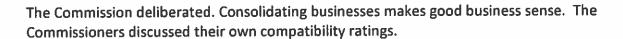
Administrator Herrick clarified that the lot coverage of the buildings is under the 40% required by Valley County Code. Lot coverage is determined by structures.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-15.

Joe Swinford, Rio Vista, said his EnergySeal company is directly across highway from RMC site. He supports the project. It is difficult to sustain businesses and stay efficient and productive. This makes good business sense.

Chairman Defoort asked if there was anyone who wished to speak telephonically. There was none.

Chairman Defoort closed the public hearing.



COA #3: Must be established by December 31, 2021.

Commissioner Benson moved to approve C.U.P. 20-14 with the stated conditions and additional time as stated. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

3. C.U.P. 20-15 Brutsman Lodge: Ron and Tamara Brutsman are requesting approval to establish a lodge that is approximately 7,753 sqft, including garage and covered porch. Central sewer and water will be used. Access is via two existing driveways off W. Roseberry Road, a public road. The 1.01-acre site is addressed at 1888 W. Roseberry RD. It is Hawks Bay Subdivision Lots 1 and 2, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report. Landscaping plan is required for anything determined to be commercial. Short-term rentals are residential, not commercial use. If the Planning and Zoning determines that C.UP. 20-15 is a commercial use, more requirements must be met. Events such as weddings will expand the nature of the use to commercial.

Chairman Defoort asked for the applicant's presentation.

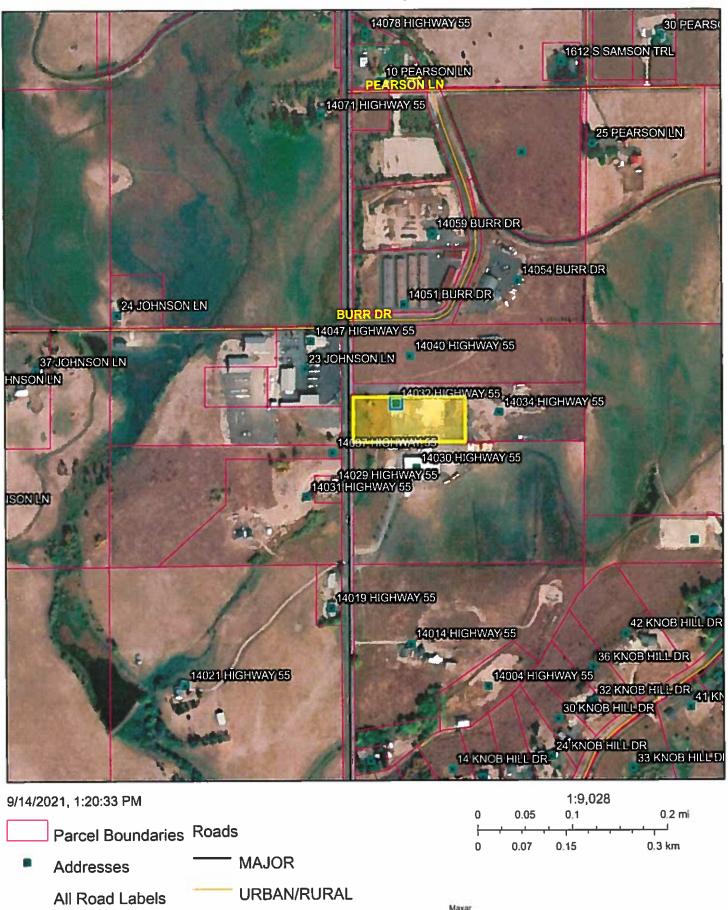
Ron Brutsman, 1888 W Roseberry, is building a retirement home which he wishes to rent out in the meantime to help subsidize costs. It will also be used for extended family visits. He started building 2 ½ years ago, prior to the new short-term rental ordinance. It is a home where family groups can stay together at one site.

He will not promote company retreats. There will be no extra campers nor RVs for rental purposes/additional guests. Thirty people maximum per night. Maximum number of RV per site is one. When the house is being rented to guests, no RVs will be parked outside. He and family members may park their RVs there.

The site plan shows both lot 1 and 2 being used. Mr. Brutsman is agreeable to including both lots in the C.U.P. This would limit the use of lot 1, e.g. no new home on lot 1.

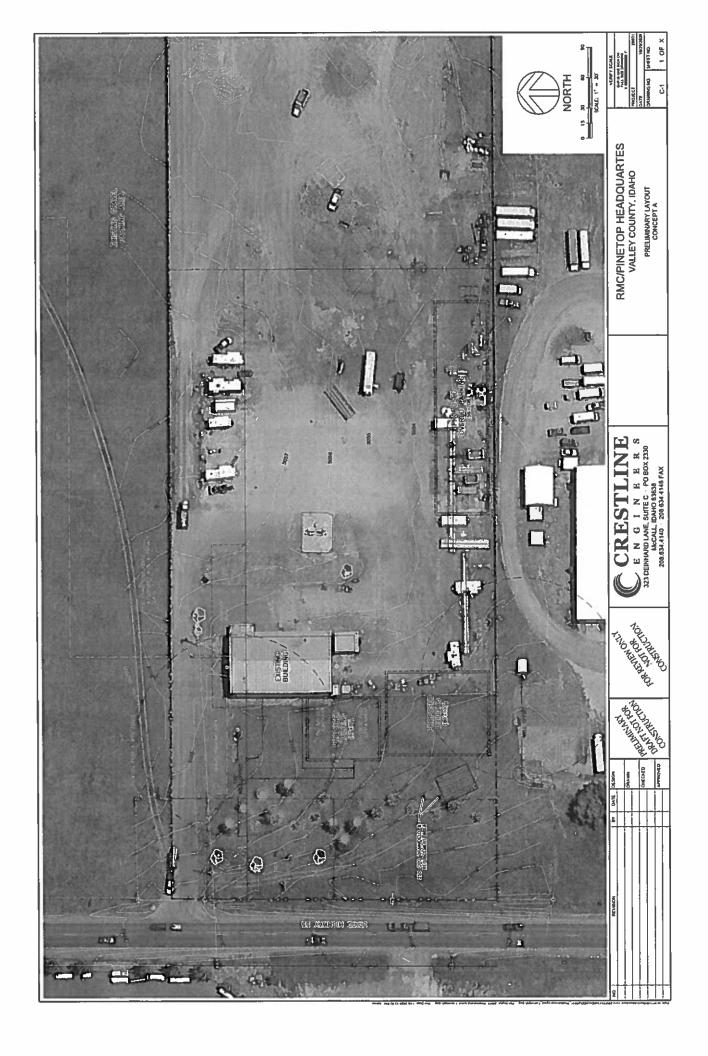
There was discussion on required setbacks for single-family residence vs residential use versus commercial. This home was built to meet the single-family residential setbacks (7.5 ft from sides). Idaho State Statute states that short-term rentals are a single-family residential use. Event venues are commercial use.

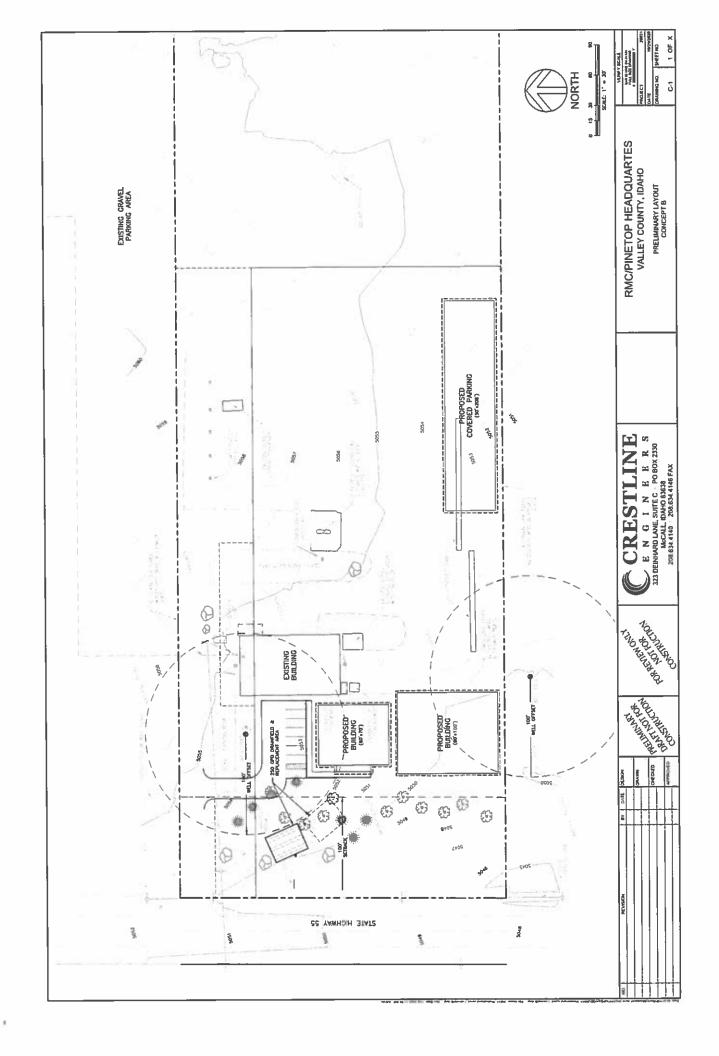
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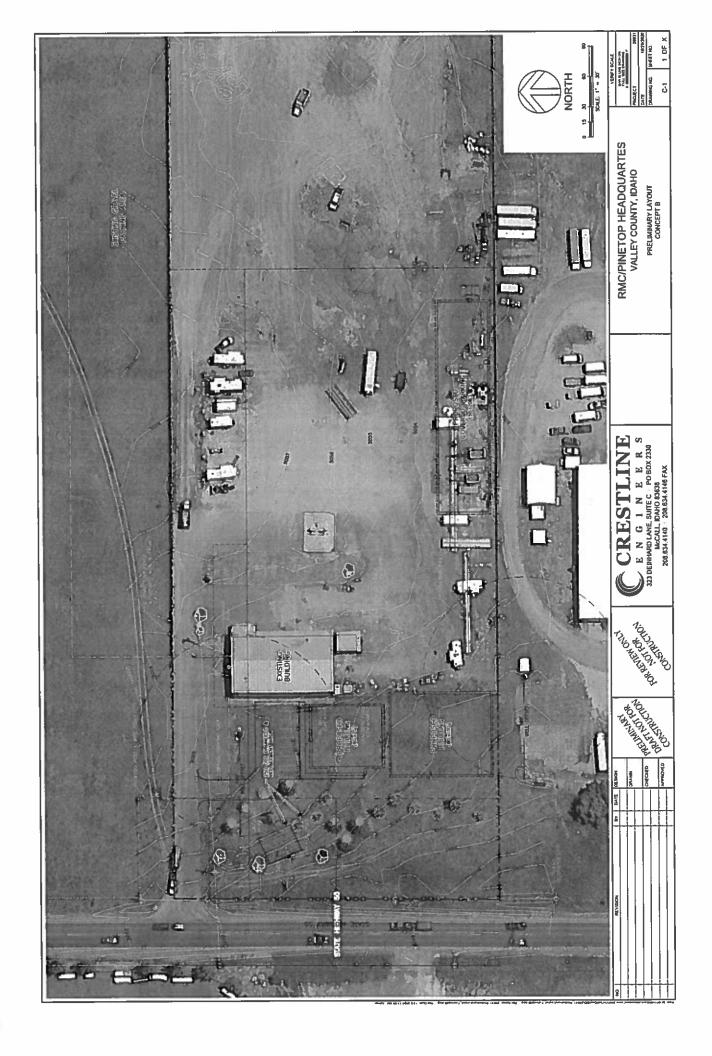


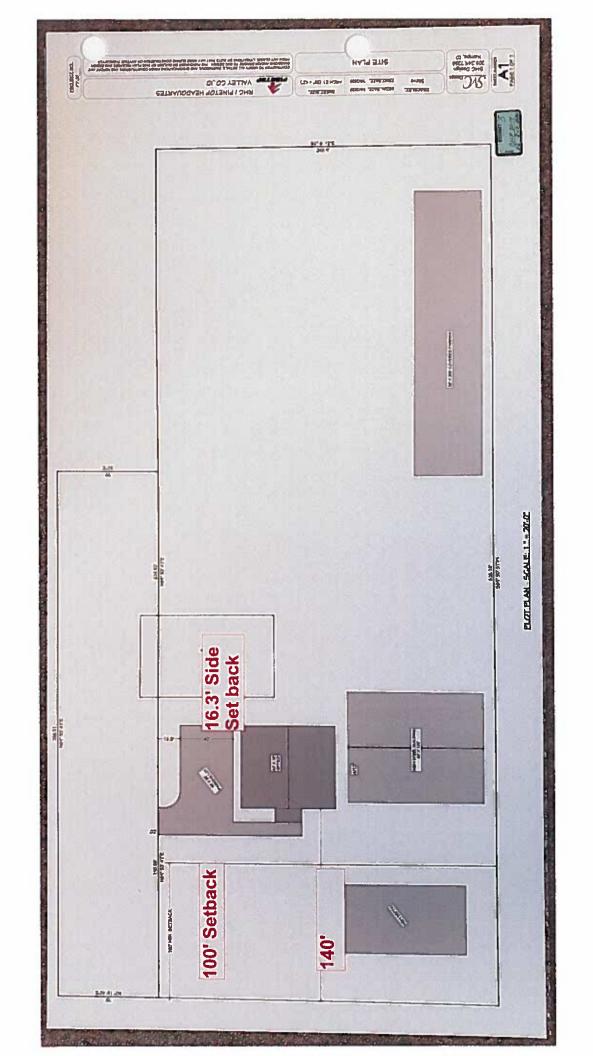


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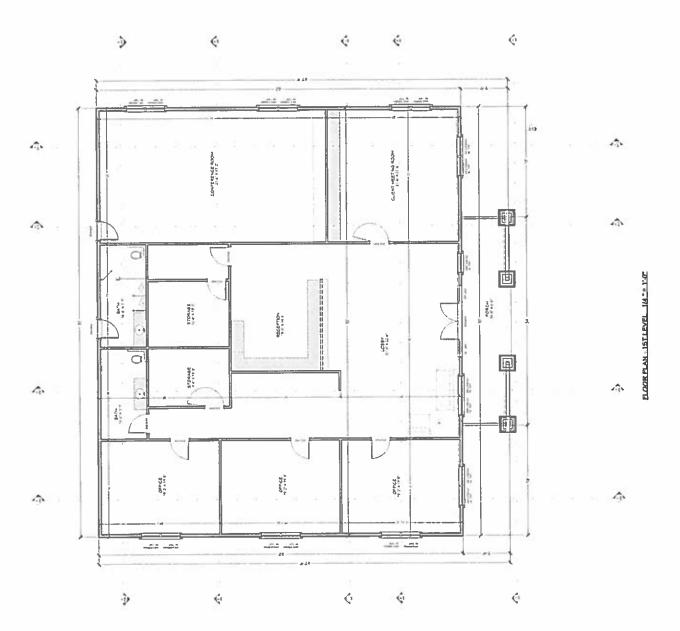






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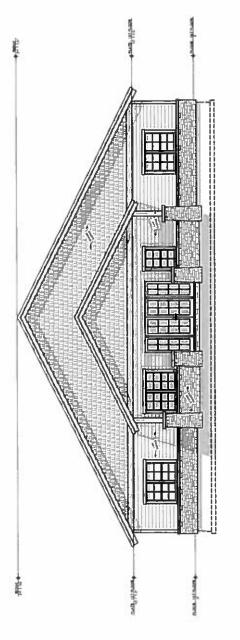
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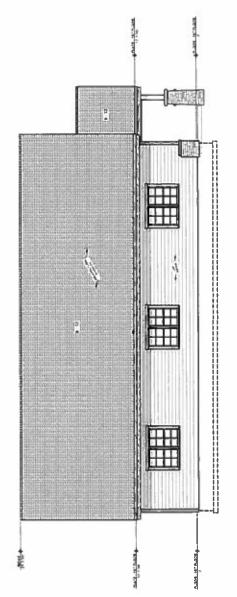
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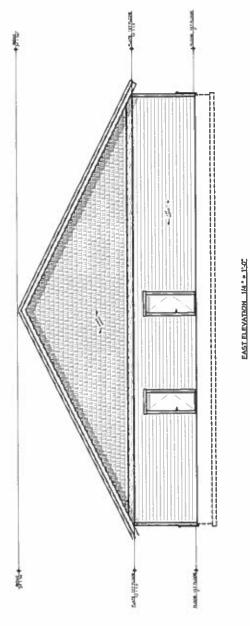


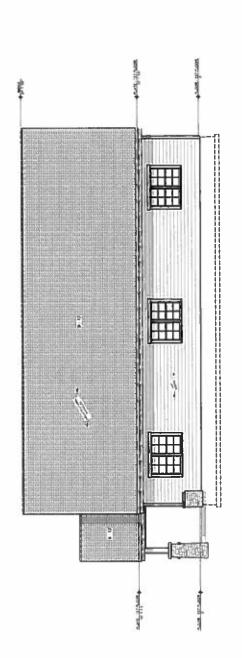


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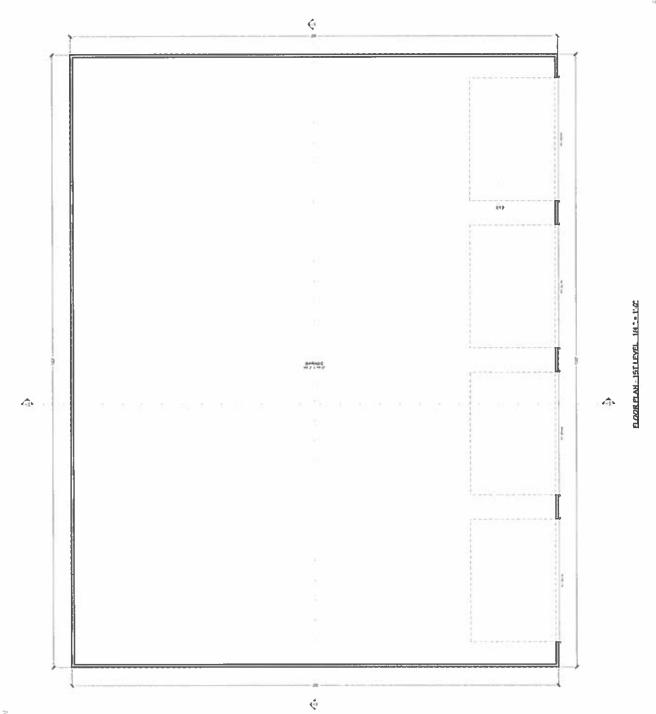
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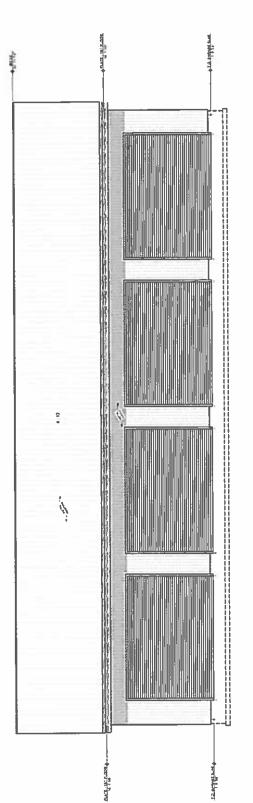
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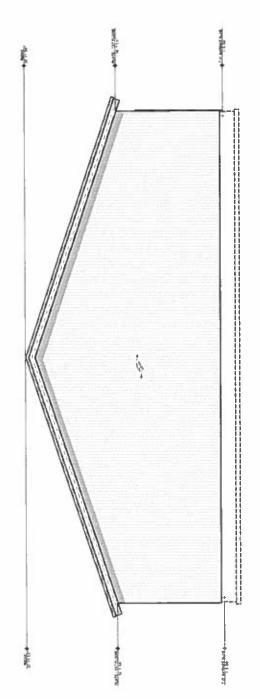
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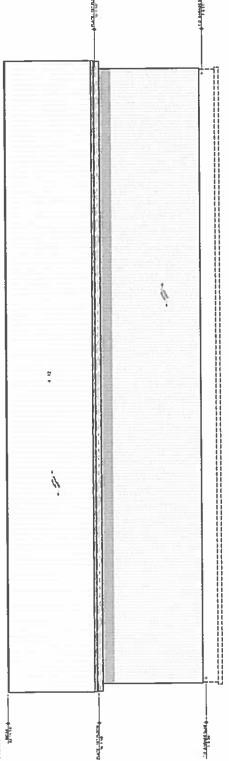
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RMC / PINETOP HEADQUARTES

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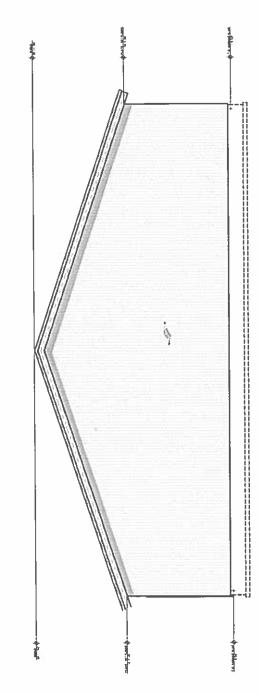






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| (| | CENTRAL Valley County Transmittal DISTRICT Division of Community and Environmental Health HEALTH | Return to: Cascade Donnelly | |
| | Rezo | one # | ☐ McCall | |
| | Con | ditional Use #CUP 20-14 RMC | McCall Impac | |
| 1 | | iminary / Final / Short Plat Portop Office extension Request | Valley County | |
| | | 1.4032 Highung 55 | | |
| Lot 1 KArsyn Rusmess Park | | | | |
| | 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. | | |
| | ع. <u>د</u> | We will require more data concerning soil conditions on this Proposal before we can comment. | pusal. | |
| | 5, | | | |
| | 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 | munity water well onmental Quality: | |
| | 9. | The following plan(s) must be submitted to and approved by the Idaho Department of Environment. central sewage | | |
| | 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 inclicate 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 swimming pools or spas child care of the process of t | enter | |
| M | 14. CDH has No objection to the EXTENSION. | | | |
| | | | | |
| Reviewed By: Jalle | | | | |
| | | Date | 9117121 | |