

Valley County Planning and Zoning

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Cascade, ID 83611-1350



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STAFF REPORT: C.U.P. 21-29 Purdom Multiple Residences and Short-Term Rental
HEARING DATE: October 14, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT/: Purdom Kenneth R II Trust
OWNER 6217 Hill Ave
Whittier CA 90601
REPRESENTATIVE: John Russell
P.O. Box 945
McCall, ID 83638
LOCATION/SIZE: 13337 and 13381 Nisula Road
RP17N03E317205
SE ¼ Section 31, T.17N, R.3E,
Boise Meridian, Valley County, Idaho.
80 Acres
REQUEST: Multiple Residence (3) and a Short-Term Rental
EXISTING LAND USE: Single-Family Residential – Home Plus Outbuildings

Kenneth R Purdom II Trust is requesting a conditional use permit for:

- three residences on one parcel and
- short-term rental of one of the three residences.

The 80-acre parcel currently has an 834-sqft residence built in 1920 and a 1526-sqft residence built in 1960. A new 2000-sqft home would be built on the property.

The applicant is also requesting to use the 1526-sqft home as a short-term rental. Maximum occupant number is eight based on Central District Health review; the application asks for 10 people. A conditional use permit is required, instead of a short-term rental permit, as there is more than one residential use on a parcel (VCC 9-5)

Each residence will have an individual well and septic system.

The homes would be accessed via a shared driveway from Nisula Road, a graveled, public road.

FINDINGS:

1. The application was submitted on September 8, 2021. Additional information for the short-term rental was received September 27, 2021.
2. Legal notice was posted in the *Star News* on September 23, 2021, and Sept. 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 received an application for a new 3-bedroom residence. This applicant is currently monitoring ground water for approval. The home built in 1960 would be sized for a maximum of 8 people if used as a short-term rental. (Sept. 17, 2021)

Jess Ellis, Donnelly Fire Department, listed requirements from the International Fire Code for driveways and address posting. Driveways shall be inspected and approved by the Donnelly Rural fire Protection District prior to certificate of occupancy being issued. The short-term rental shall comply with Ordinance 19-09 Liquified Petroleum Gas. (Sept. 27, 2021)

4. Neighbor comment received: none
5. Physical characteristics of the site: Flat agricultural land with some timber.
6. The surrounding land use and zoning includes:
 - North: Agricultural
 - South: BLM – public lands
 - East: Agricultural
 - West: BLM – public lands State of Idaho Land (Timber)
7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
 - 2. Residential Uses (j) Multiple Residences on One Parcel
 - 5. Commercial Uses (c) Service Business (3) Motel, hotel, apartments, resort, bed and breakfast, or lodge.

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

Short-term Rental or “vacation rental”: means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rentals do not include a unit that is used for any retail, restaurant, banquet space, event center, hotel/motel type lodging, or another similar use. This does not include multiple family groups that are camping on holiday type of weekends. (VCC Title 9-1-10)

9-4-10: SHORT-TERM RENTALS:

One STR unit is allowed on a parcel with an administrative permit. More than one STR or more than one residential use on a parcel requires a conditional use permit in accordance with Valley County Code 9-5.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +14.

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

STAFF COMMENTS:

1. All new and existing outside lighting must meet Valley County Code. No pictures were submitted of the existing or proposed lighting fixtures.
2. Question # 3 on the STR application was not initialed. Will RVs or tents be used at the short-term rental?
3. The maximum number of guests at the short-term rental must not exceed 8 per CDH unless the septic system is enlarged. It cannot be advertised to accommodate more than 8 guests.
4. The short-term rental will be managed by VACASA.
5. Address numbers of the homes may need to change based on location and access.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Assessor Plat – T.17N R.3E Sec. 31
- Site Plan Showing Location of the Three Homes
- Pictures Taken October 5, 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 by December 31, 2022, or a permit extension will be required.
3. 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.

4. Must comply with Central District Health requirements.
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. All lighting must comply with the Valley County Lighting Ordinance.
6. Driveways shall be constructed to meet current Donnelly Fire Codes.
7. Shall clearly post the address(es) at the driveway entrance and on all residences.
8. Only the one home may be rented as a short-term rental. Renting any of the other buildings for less than 30 days will require a separate conditional use permit.
9. Quiet hours for the short-term rental shall be 10:00 p.m. to 8:00 a.m.
10. Smoke detectors and carbon monoxide detectors should be installed throughout the short-term rental home.
11. There should be fire extinguishers on each level of the short-term rental home and one near any outside LPG grills.
12. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
13. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36, for the short-term rental.
14. The short-term rental management company shall file the required annual report with Valley County.
15. Shall post rules, emergency exit info, and emergency contact information at the short-term rental.
16. There is a maximum occupancy of 8 guests in the short-term rental home unless the septic system is enlarged (not to exceed 12 guests); the maximum occupancy must be reflected in all advertisements.

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) _____ X 4 _____

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2) _____ X 2 _____

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2) _____ X 1 _____

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) _____ X 3 _____

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 lots and/or 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:

1. 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.
2. 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).

2. 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 ($\frac{1}{2}$) of the adjacent uses and one-fourth ($\frac{1}{4}$) 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:

1. 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

MATRIX FOR RATING QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	-1	+2	-1	-2	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13. LANDFILL or SWR PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	-1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2		+2	+2		+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1		+1	+2	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	+2	+1	+2	-1	-1	-1	-1	-1	-1	-2	+1		+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2		+1	-1	-1	-1	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: 5

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -2 X 4 -8

1. Is the proposed use compatible with the dominant adjacent land use?

Agricultural

(+2/-2) +2 X 2 +4

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Public Lands

(+2/-2) 0 X 1 0

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Agricultural - few residential

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +2 X 3 +6

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?

Yes - 80 acres, fringe of trees on West

(+2/-2) +2 X 1 +2

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

Yes -

(+2/-2) +2 X 2 +4

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?

Yes - still Ag use with residential

(+2/-2) +2 X 2 +4

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?

Yes

(+2/-2) -1 X 2 -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?

Roads are rough and quite away from services

(+2/-2) +2 X 2 +4

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?

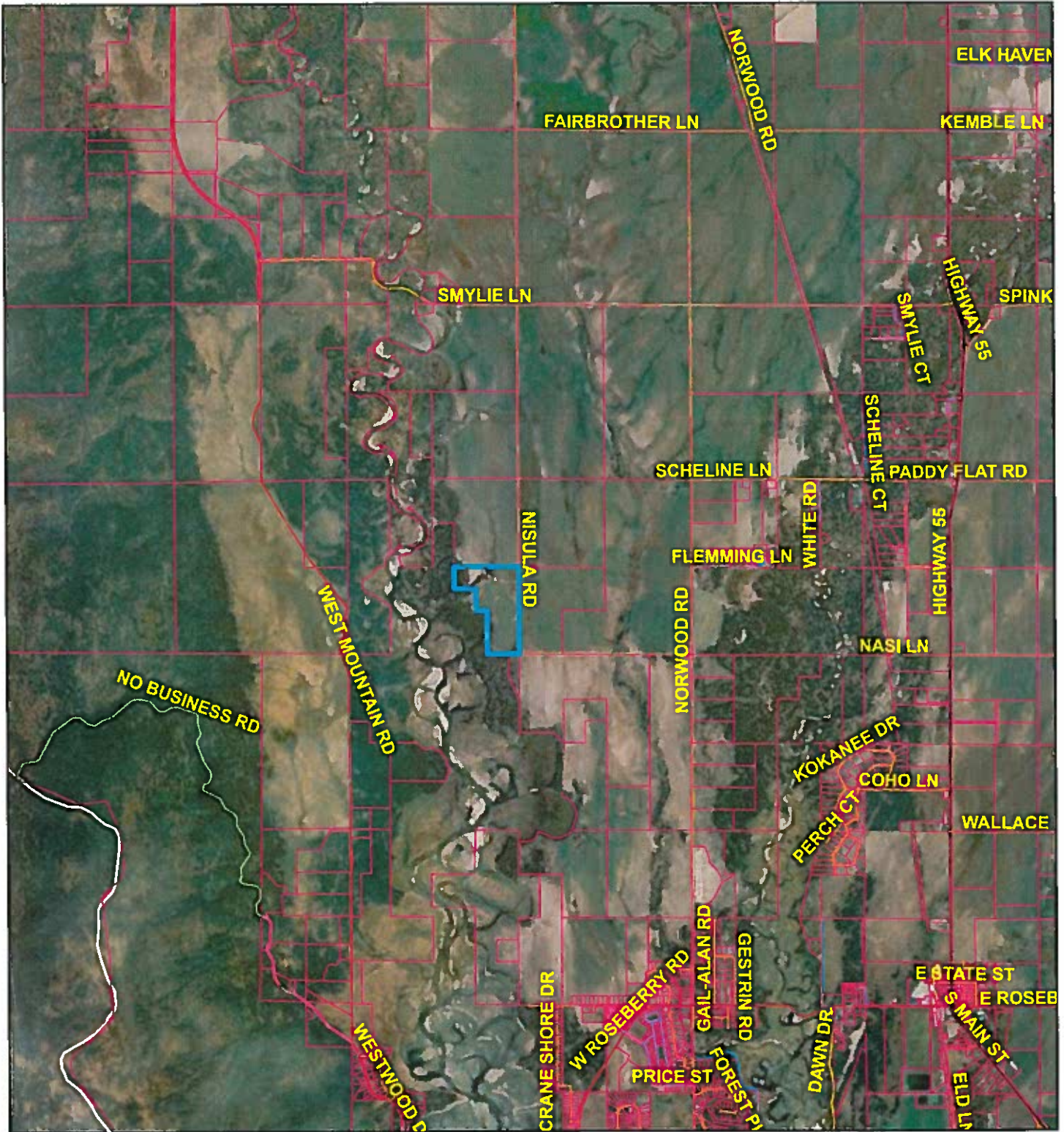
Will ↑ taxes, provide some housing

Sub-Total (+) 24

Sub-Total (--) 10

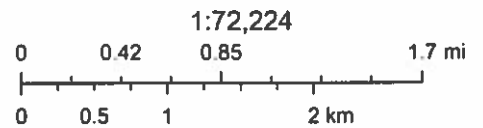
Total Score +14

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



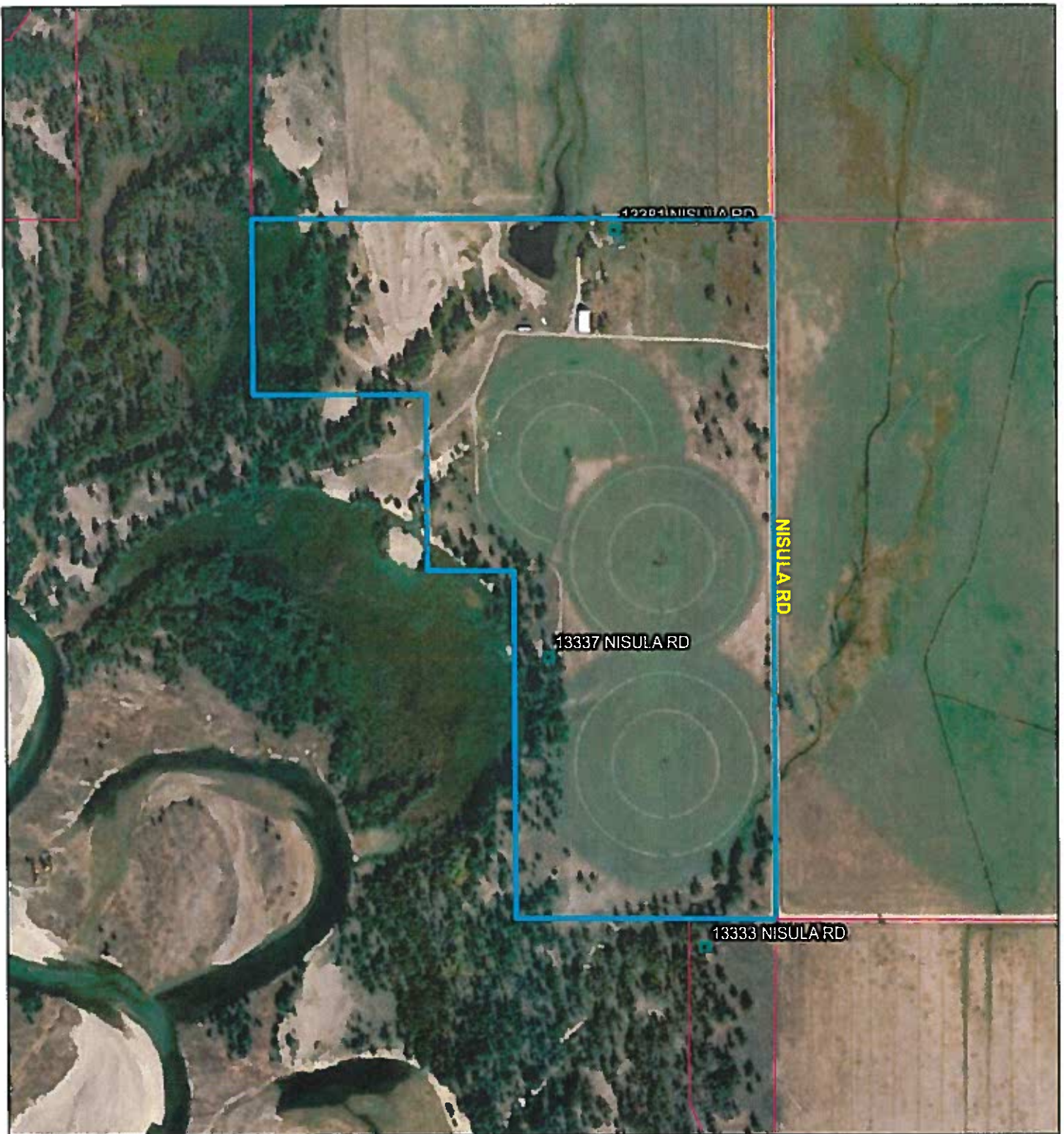
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| All Road Labels |  URBAN/RURAL |
| Roads |  USFS |
|  MAJOR |  PRIVATE |



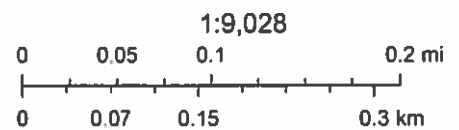
Earthstar Geographics

C.U.P. 21-29



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- Parcel Boundaries
- Addresses
- Roads
- URBAN/RURAL
- All Road Labels

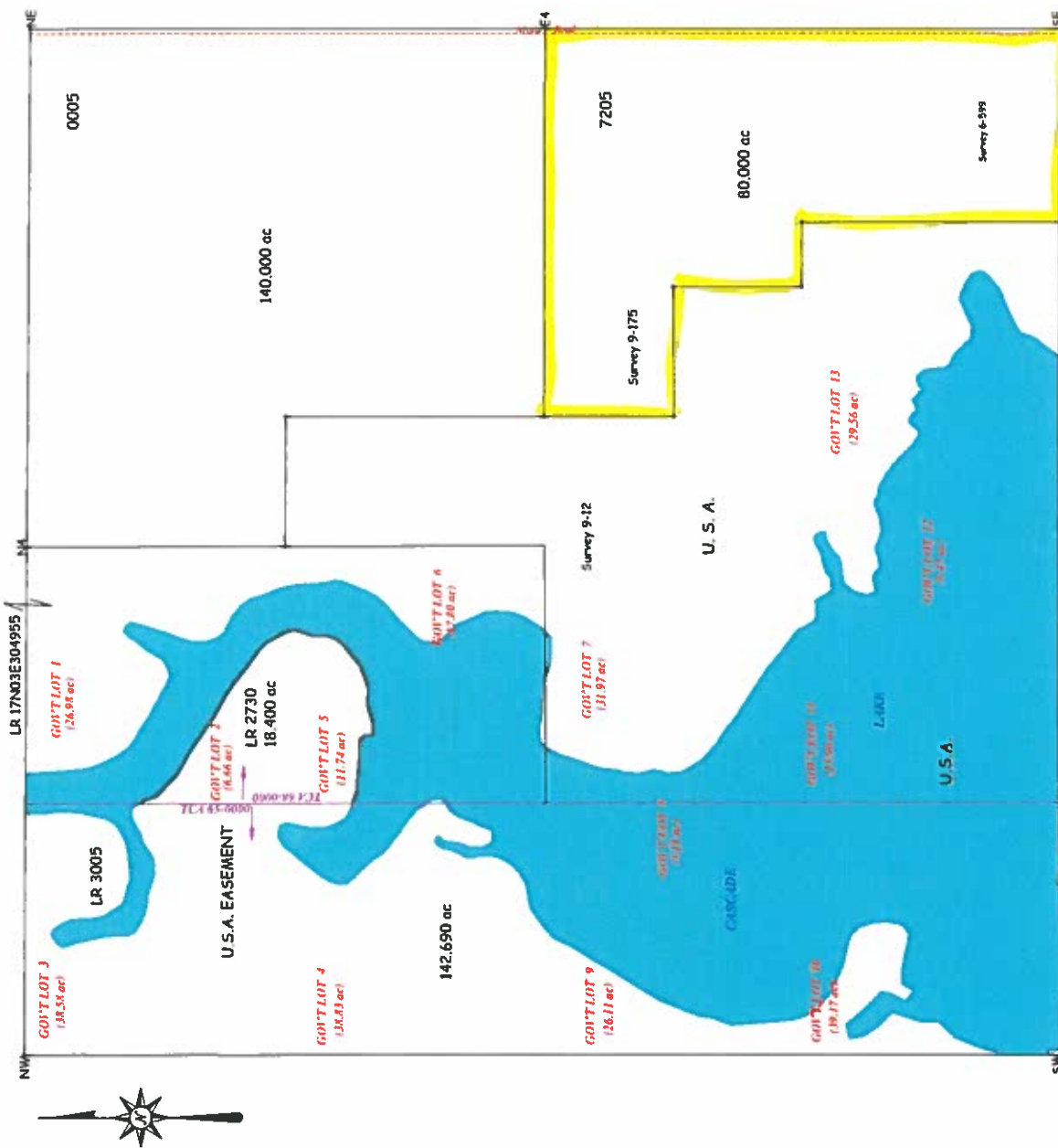


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T W P . 17 N R O S E SEC . 31

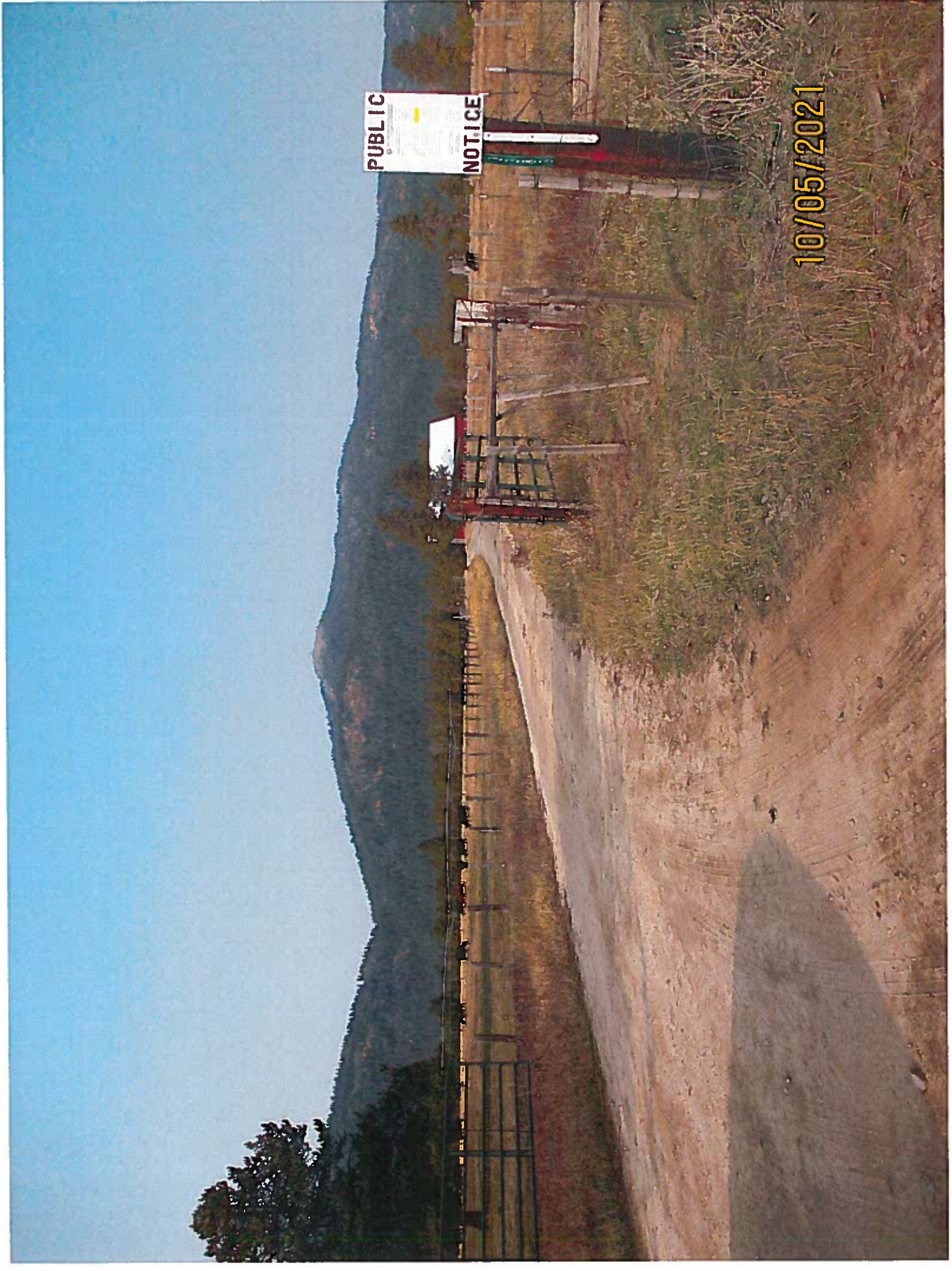
VALLEY COUNTY
Assessor's Office
Cartography Dept.
Cascade, ID 83611

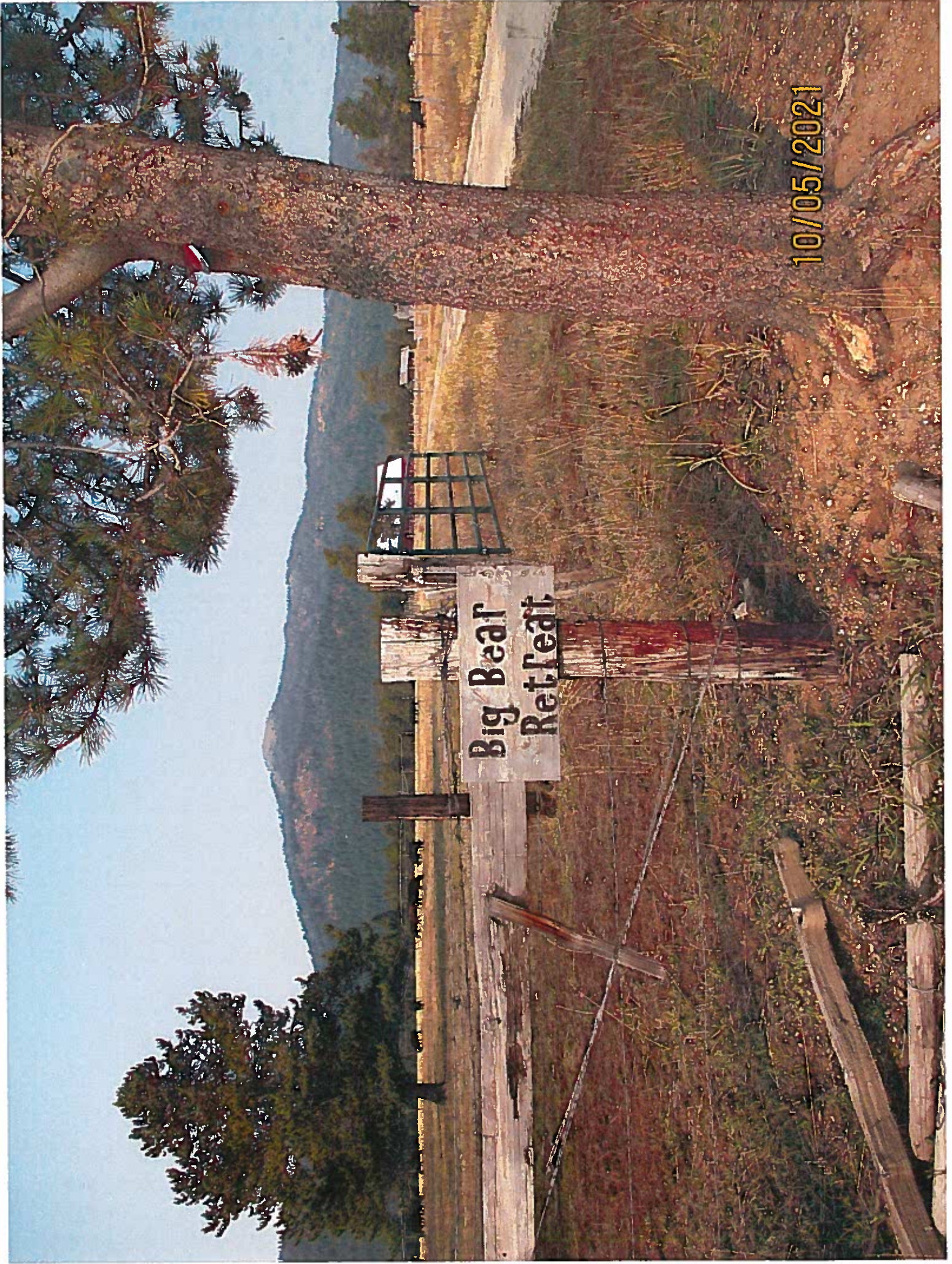
Filename: H:\vanderbilt\Valley Connect\Phase Map\
Scale: 1" = 400 ft.
Date: 6/19/18
Drawn by: I. Fredrick



PUBLIC NOTICE

10/05/2021





10/05/2021



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # CUP 21-29

Preliminary / Final / Short Plat Purdum Multiple Residence

& Short Term Rental

13337 & 1338 Nicola Rd Sec 31

- ☐ 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 ☐ waste flow characteristics
☐ bedrock from original grade ☐ 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 ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central 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 ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store

- ☒ 14. ~ Application received 6/15/21 for new 3 bedroom residence. This applicant is currently monitoring ground water spring 2022 for approval
- ~ Home built in 1960 would be sited for a maximum of 8 people if used as a short term Rental

Reviewed By: McH Remy

Date: 9/17/21



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

September 27, 2021

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 21-29 Purdom Multiple Residence and Short-Term Rental

After review, the Donnelly Rural Fire Protection will require the following.

- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter.
- **Section 503.7.8 IFC 2018** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued
- Any residence utilized as a short term rental shall comply with **Valley County Ordinance 19-09 Liquified Petroleum Gas (LPG)**

Please call 208-325-8619 with any questions.

Jess Ellis

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

Fire Marshal

Donnelly Fire Department