



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

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STAFF REPORT
Conditional Use Permit Application No. 20-18
Byrne's RV Site

HEARING DATE: August 13, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Geno Byrne
7317 W Danbury CT
Boise, ID 83709
OWNER: Bob & Delores Byrne Family Trust
520 Chaparro ST
Caldwell ID 83605
LOCATION/SIZE: The 0.24-acre site is addressed at 12951 Patty Drive, located in Big Smoky No. 2 Subdivision Lot 32, in the SE ¼ Sec. 21, T.16N R.3E, Boise Meridian Valley County, Idaho.
REQUEST: Private Recreational Vehicle Park
EXISTING LAND USE: Single-Family Residential lots

BACKGROUND:

Geno Byrne is requesting approval of a conditional use permit for a Recreational Vehicle Park 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.

Water is hauled to the site, central sewer is used, and electrical power exists.

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

FINDINGS:

1. Application was made to Planning and Zoning on June 27 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 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.

3. Agency comment received:

Central District Health has no objections. (July 9, 2020)

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

4. Neighbor comments received:

David Kerrick, is opposed. He states that the requested use exceeds allowed site density and the application is lacking details. Furthermore, the use does not qualify as a recreational vehicle campground (RVC) due to setbacks and owner-occupied requirements. (July 27, 2020).

5. Physical characteristics of the site: Relatively flat

6. The surrounding land use and zoning includes:

- North: Single Family Subdivision – Big Smoky #2
- South: Single Family Subdivision – Big Smoky #2
- East: Single Family Subdivision – Big Smoky #2
- West: Single Family Subdivision – Big Smoky #2

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:

Title 9-1-10 Dwelling Unit: The Descriptive unit of measure for determining residential use and density. It may be single building or part thereof which provides for the full living facilities of one or more persons. Includes:

- a) Single family detached dwelling.
- b) Single family attached or clustered multi-unit component such as a duplex or condominium.
- c) Mobile home, travel trailer, recreational vehicle or pre-constructed modular unit on a temporary foundation, which meets the above criteria.

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.

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 Questions and Comments:

- 1) Do you own the property?
- 2) How many weekend visitors do you expect? Will there be additional RV's on weekends or special occasions?
- 3) What do you do with your grey water?
- 4) Are you connected to sewer?
- 5) Will you remove RV's prior to winter?

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. Noise shall be kept to a minimum after 10:00 p.m.
7. Shall have a fire extinguisher handy near the fire pit.
8. Cannot park in the public right-of-way or setback areas.

END OF STAFF REPORT

Compatibility Questions and Evaluation

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

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -1 X 4 -4

1. Is the proposed use compatible with the dominant adjacent land use?
S.F. Residential lots

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

2. Is the proposed use compatible with the other adjacent land uses (total and average)?
See #1

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

3. Is the proposed use generally compatible with the overall land use in the local vicinity?
See #1

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +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?
The site is .2448; there are established trees. see pics.

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

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?
No Structures

(+2/-2) +1 X 2 +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?
Yes - residential type of traffic... only in the summer

(+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) +2 X 2 +4

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?
No Impact

(+2/-2) 0 X 2 0

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?
No Change

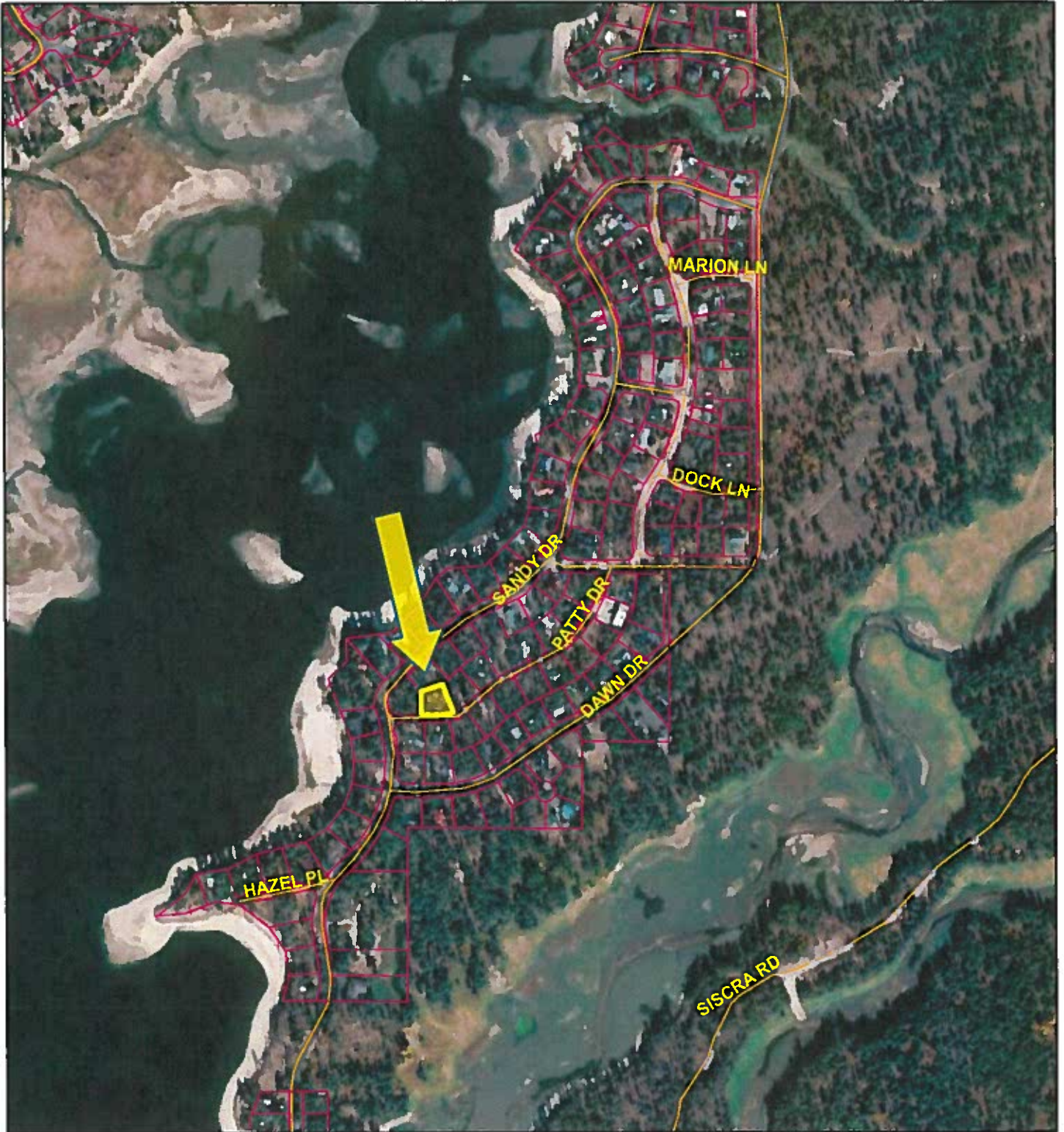
Sub-Total (+) 15

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. 20-18 at 12951 Patty Drive



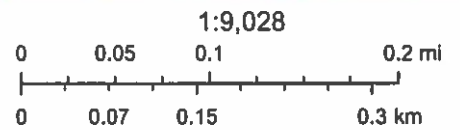
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 Parcel Boundaries

All Road Labels

Roads

 URBAN/RURAL



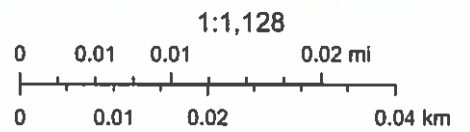
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

C.U.P. 20-18 at 12951 Patty Drive



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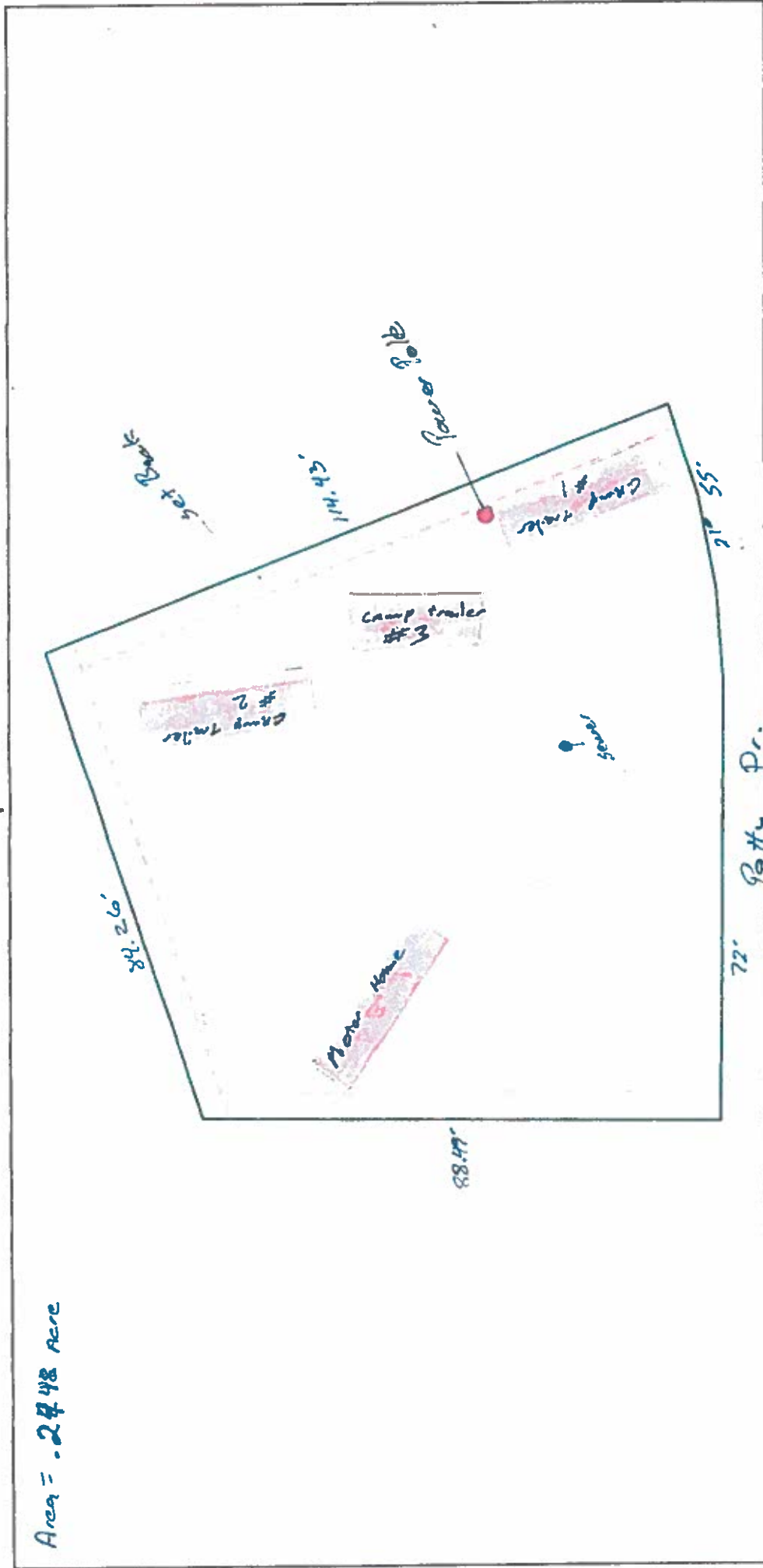
- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL



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

Assessor's map & parcel viewer

Area = .2448 Acre



6/26/2020, 9:33:09 AM
Valley County Boundary





7-22-2010



7-22-2020



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____

Conditional Use # CUP 20-18

Preliminary / Final / Short Plat Byrnes' RV Site

Lot 32 Big Smoke #2 Sub
12951 Patty Drive

- 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. _____

Reviewed By: [Signature]

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. 20-18 Byrne's RV Site

After review, the Donnelly Rural Fire Protection District approves C.U.P 20-18 Byrne'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 bum 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

David Kerrick

—Attorney—

1001 Blaine Street
Post Office Box 44
Caldwell, Idaho 83606

Area Code 208
Telephone 459-4574
Fax 459-4573

July 27, 2020

Cynda Herrick
Planning & Zoning Administrator
P.O. Box 1350
Cascade, ID 83611

Geno Byrne
Applicant
7317 W. Danbury Court
Boise, ID 83709

Re: ***Conditional Use Permit Application
Byrne's RV Park
C.U.P. 20-18***

To Whom It May Concern:

With all due respect, I write in opposition to the application for conditional use permit filed by applicant, Geno Byrne, requesting a conditional use for Lot 32 in Big Smoky No. 2 Subdivision. The application seeks approval of a conditional use permit for a Recreational Vehicle Park on the subject lot. This request violates several Valley County Ordinances.

THE REQUESTED USE EXCEEDS ALLOWED SITE DENSITY.

VCC 9-5C-6 provides: "The density of any . . . use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre." This type of use can , therefore, never be allowed where the lots are approximately one-fourth of an acre. The application correctly states that the subject property is .2448 acres. Under VCC 9-5C-6, the subject property cannot be granted a conditional use permit if the density on the subject lot exceeds .612 dwelling units. It seems logical that this level of density, an RV Park, should not be allowed in a single family residential neighborhood with small lots.

APPLICANT'S APPLICATION FAILS TO PROVIDE ANY MEANINGFUL DETAILS OR DESCRIPTION.

Some examples of applicant's detailed project description and plan are the following: "I do not have a project description." "We do not have a landscape plan." "There is no lighting plan." Density of Dwelling units per acre "NA". Setbacks "NA". "As for parking cars, we just park anywhere on the property."

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VCC 9-5A-3A states: "Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks . . ."

"D. Parking Space, Maneuvering Area and Aisle Dimensions. All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes:

1. Parking Area Dimensions:

- a) Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').
- b) All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').
- c) Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').

. . .

- h) Prohibited in Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard."

The minimum setbacks are set forth in VCC 9-5C-3: "The minimum building setbacks shall be thirty feet (30') from front, rear, and side street lines and fifteen feet (15') from all side property lines."

VCC 9-5C-5A provides: "Off street parking spaces: two (2) off street parking spaces shall be provided for each dwelling unit."

The application for conditional use permit diagram shows the location of three "camp trailers" and one "motor home". These dwelling units are clearly in the setback zones. The diagram does not show the other vehicle(s) on the property or the fire pit which are also located in the setback

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zones. The diagram does not show the required 8+ parking spaces which are also in the setback zone.

Instead of using the center of the lot for the dwellings, vehicle parking, and the fire pit, these are all placed in the setback zones.

THE APPLICATION ALSO FAILS AS A RECREATIONAL VEHICLE CAMPGROUND.

VCC 9-4-8 allows for "Recreational Vehicle Campgrounds". VCC 9-4-8A3 states: "Setback Requirements: The RV and any other structures over three (3) feet in height shall be subject to single family residential setback requirements, including porta potties." 9-4-8A4 states: "Parking space: Parking of vehicles shall not be in a road right-of-way or in a setback area."

An application for an RVC will also require a "site plan showing the location of RV, structures, parking, lighting, fire pits, etc." VCC 9-4-8B2b. Even under the RVC requirements, applicant's use of the subject lot has not been legal, as the RVs, the parking, and the fire pit, are all against the lot lines in violation of the setback requirements.

THE SUBJECT PROPERTY IS NOT OWNER OCCUPIED.

Further, a Recreational Vehicle Campground must be owner occupied. VCC 9-4-8A6 states: "Occupation By Owner Required: RVCs are permitted only when one of the RV units on the property is owner-occupied, which includes immediate family members. Ownership cannot be fractional or time-share ownerships." The property is not owner occupied. The property is owned by a trust which is an entity that, by definition, cannot occupy property. Conversely, the applicant is an occupant who is not the owner. As long as ownership remains in the Bob and Delores Byrne Family Trust, or some other manner of fractional or time-share ownership, the property cannot be permitted as a RVC.

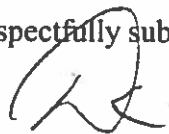
Conclusion

Applicant's application for conditional use should be denied because the subject lot, like most lots in Big Smoky No. 2, is not big enough to lawfully accommodate an RV Park. Similarly, the applicant cannot maintain an RV Campground on the subject lot because the property is not owner occupied and the application specifies that the RV parking spaces, the vehicle parking spaces,

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and the fire pit are all located in the setback zones. Applicant's request for an administrative permit for a Recreational Vehicle Campground should also be denied for lack of a detailed site plan that comports with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Kerrick", written over the text "Respectfully submitted,".

David E. Kerrick

cc: neighboring owners