

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. 22-01 Bitton Multiple Residence and RV Site Rental
HEARING DATE: March 10, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT / OWNER: Jeffrey & Debra Bitton
HC 64 Box 9951
Stanley, ID 83278
LOCATION: 13706 & 13708 Highway 55
RP17N03E151805
NE ¼ Section 15, T.17N, R.3E
Boise Meridian, Valley County, Idaho
SIZE: 25 acres
REQUEST: Multiple Residence and RV Site Rental
EXISTING LAND USE: Multiple Residences – Expired C.U.P. 19-17 and
Agriculture - Irrigated Grazing

Jeffrey and Debra Bitton are requesting a conditional use permit for two residences plus living quarters above a garage on one parcel. They are also requesting the ability to rent two RV sites on the property. The RV sites would be used by friends and for long-term rentals greater than 30-day increments. Septic, water, and power are available at the RV sites.

The 25-acre site is addressed at 13706 Highway 55 and 13708 Highway 55. The homes and RV sites would share a driveway.

The driveway, electrical lines, septic systems, and wells have been installed. The foundation has been completed for the 1600 sq-ft modular home. Placement is expected in 2022; supply and worker shortages have delayed the delivery.

C.U.P. 19-17 Bitton Multiple Residence was approved by the Planning and Zoning Commission in 2019 but expired in December 2021. This approval was for two residences plus living quarters above a garage on one parcel. During the public hearing on April 2017, it was noted that there were a few RVs currently on the property.

The Planning and Zoning Director approved a pond permit for the property in 2019.

The applicant intends to plant trees and shrubs adjacent to Highway 55, along the driveway, and around each house site to minimize and soften visual impacts.

FINDINGS:

1. The application was submitted on January 20, 2022. Additional application materials were submitted on February 14, 2022.
2. Legal notice was posted in the *Star News* on February 17, 2022, and February 24, 2022. Potentially affected agencies were notified on February 8, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent February 8, 2022. The site was posted on February 23, 2022. The notice and application were posted online at www.co.valley.id.us on February 8, 2022. The additional submittal from the applicant was added to the website on February 17, 2022.

3. Agency comment received:

Central District Health stated that two septic systems were installed on this property for a four-bedroom home and a six-bedroom home. CDH has no record of approval for a residence above the garage or approval of any septic systems for the RV sites. (Feb. 8, 2022)

Jess Ellis, Donnelly Fire Department Fire Marshal, replied with requirements for driveways and address posting (Feb. 23, 2022)

Jeff McFadden, Valley County Road Department Superintendent, has no comments. (Feb. 11, 2022).

4. Public comment received:

Larry, Scott, and Jeff Teufel own 13722 Highway 55, adjacent to the proposed site. To minimize the impact, they request:

- Relocating RV sites behind the mobile home sites,
- Disallow renting the RV sites,
- Require landscaping screening on north side of RV sites and the new mobile home,
- Require a date specific construction timeframe. (Mar. 2, 2022)

Jonathan Rentzsch, 51 Trabert Lane, has deep concerns about potential lighting affecting a pilot's ability to safely land on the adjacent airstrip at night. Other concerns include additional traffic, location of RV sites, and allowing 5-dwelling units on one parcel. (Mar. 2, 2022)

Carrie O'Rear and Barry Shane Snyder, 13712 Highway 55, are owners of property located directly adjacent to the north of the proposed site. They request the Commission either find the application is not sufficient for consideration under Valley County Code or be denied. The current proposal would result in an undue adverse impact on the adjoining properties. They object to the proposed number, location, and commercial use of the RV sites. There is a lack of clarity with regard to the location and plans for the apartment and mother-in-law quarters. There is insufficient screening and mitigation of impact. The construction timeline is too long, adversely impacting neighbors. Photographs are attached. (Mar. 2, 2022)

5. Physical characteristics of the site: relatively flat pastureland with pond
6. The surrounding land use and zoning includes:
 - North: Single-family Residential
 - South: Agricultural
 - East: Single Family Residential (Elk Haven Subdivision)
 - West: Agricultural

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
 - 2. Residential Uses (e) Mobile Home or Recreational Vehicle

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

9-5C-3: MINIMUM SETBACKS:

The minimum building setbacks shall be thirty feet (30') from front, rear, and side street property lines and fifteen feet (15') from all side property lines. Setbacks for mobile homes in subdivisions or parks shall be in accordance with title 12, chapter 1 of this code. A PUD, condominium or other cluster development may include

zero lot line development and other reduced setbacks in accordance with the approved development plan or plat. (Ord. 11-5, 6-6-2011)

9-5C-6: DENSITY:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
-

SUMMARY:

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

STAFF QUESTIONS AND COMMENTS:

1. The applicant submitted additional information on February 14, 2022, including improved site plans, septic, lighting, and landscaping information, and clarification of request.
2. The site is not within an irrigation district
3. The parcel is within a herd district.
4. The parcel is within the Donnelly Fire District.
5. What are the setbacks to the property line for the RV sites?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Site Plan
- Assessor Plat – T17N R3E Sec 15
- Pictures Taken February 23, 2022
- 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, 2023, 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 lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
6. Shall obtain Central District Health approval prior to issuance of building permits.
7. Shall obtain Central District Health approval of the septic system for the RVs.
8. Driveways shall be constructed to meet current Donnelly Fire Codes. Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued.
9. Addresses shall be clearly posted at driveway entrance and on all homes.
10. None of the residences can be used as a short-term rental unless a new conditional use permit is approved. Two units can be used as long-term rentals.
11. The RV sites shall only be used by friends, family, or as rentals in greater than 30-day durations.

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	+1
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2		+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	+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	-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	-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	-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	-2	-2
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2		-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	-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	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-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	+2	+1	+1
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-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	+1	+2	+2	+1	+1	+2
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	+2	+1	+2	+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2		+2	+2	+2	+1	+2	+2	+2	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2		-1	-1	-1	-2	-1	-2	+1	+2	+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2		+1	+1	-1	-2	-1	-2	+1	+2	+2

Compatibility Questions and Evaluation

Matrix Line # / Use: 5

CUP 22-0V

Prepared by: CH

YES/NO	X	Response Value
(+2/-2)	<u>+1</u> X 4	<u>+4</u>
(+2/-2)	<u>-2</u> X 2	<u>-4</u>
(+2/-2)	<u>+1</u> X 1	<u>+1</u>
(+2/-2)	<u>-1</u> X 3	<u>-3</u>
(+2/-2)	<u>+2</u> X 1	<u>+2</u>
(+2/-2)	<u>+1</u> X 2	<u>+2</u>
(+2/-2)	<u>+2</u> X 2	<u>+4</u>
(+2/-2)	<u>+2</u> X 2	<u>+4</u>
Sub-Total	(+)	<u>21</u>
Sub-Total	(-)	<u>7</u>
Total Score		<u>+14</u>

Use Matrix Values:

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

S.F. Residential

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

Agricultural

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

See 1 & 2 with Commercial to the north

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?

It is a large parcel with very few trees.

5.

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

Yes

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, but more than neighbors

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

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?

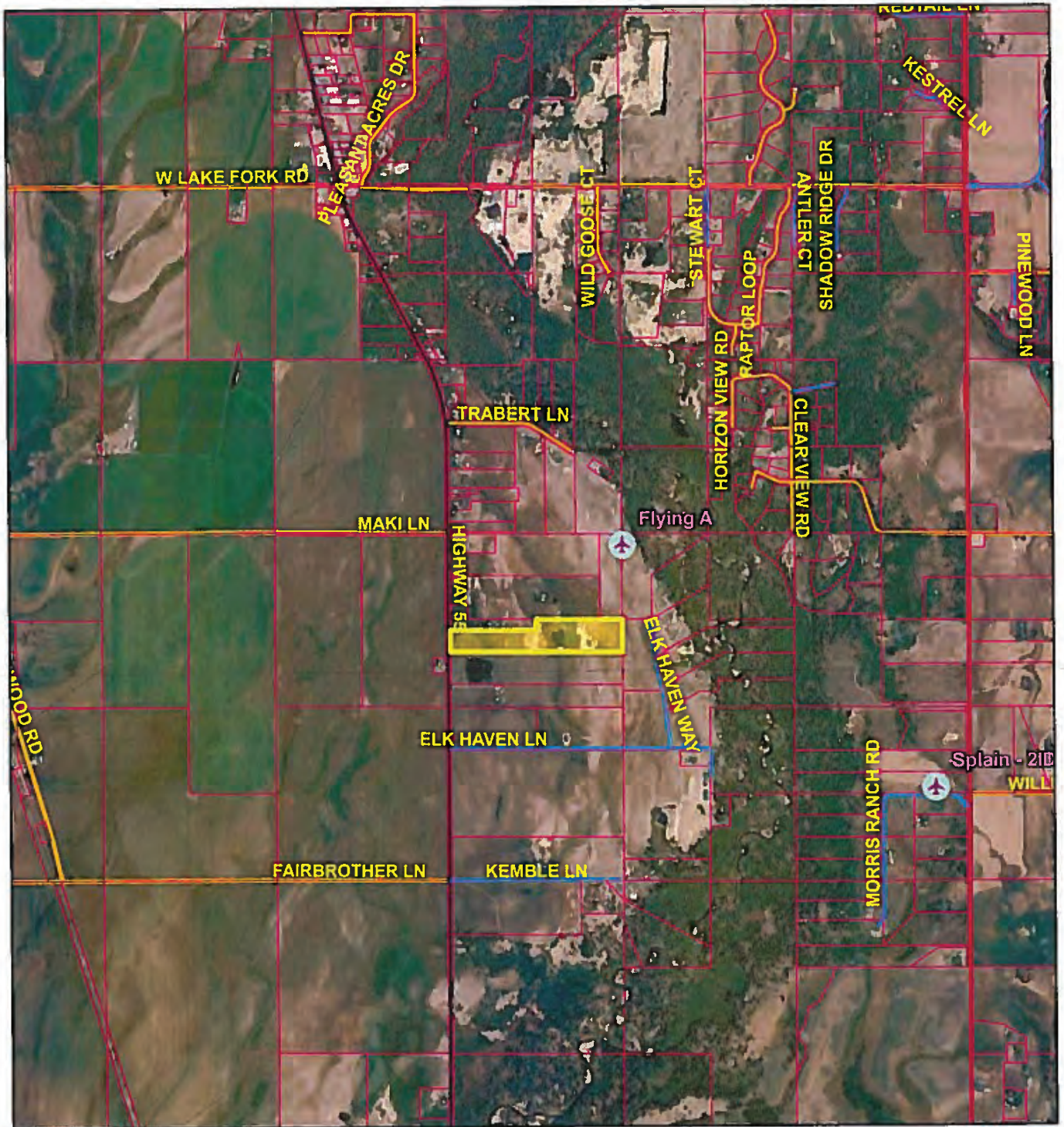
Yes - very close to Lakeland

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?







Yes - State Highway

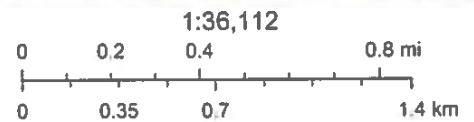
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 22-01



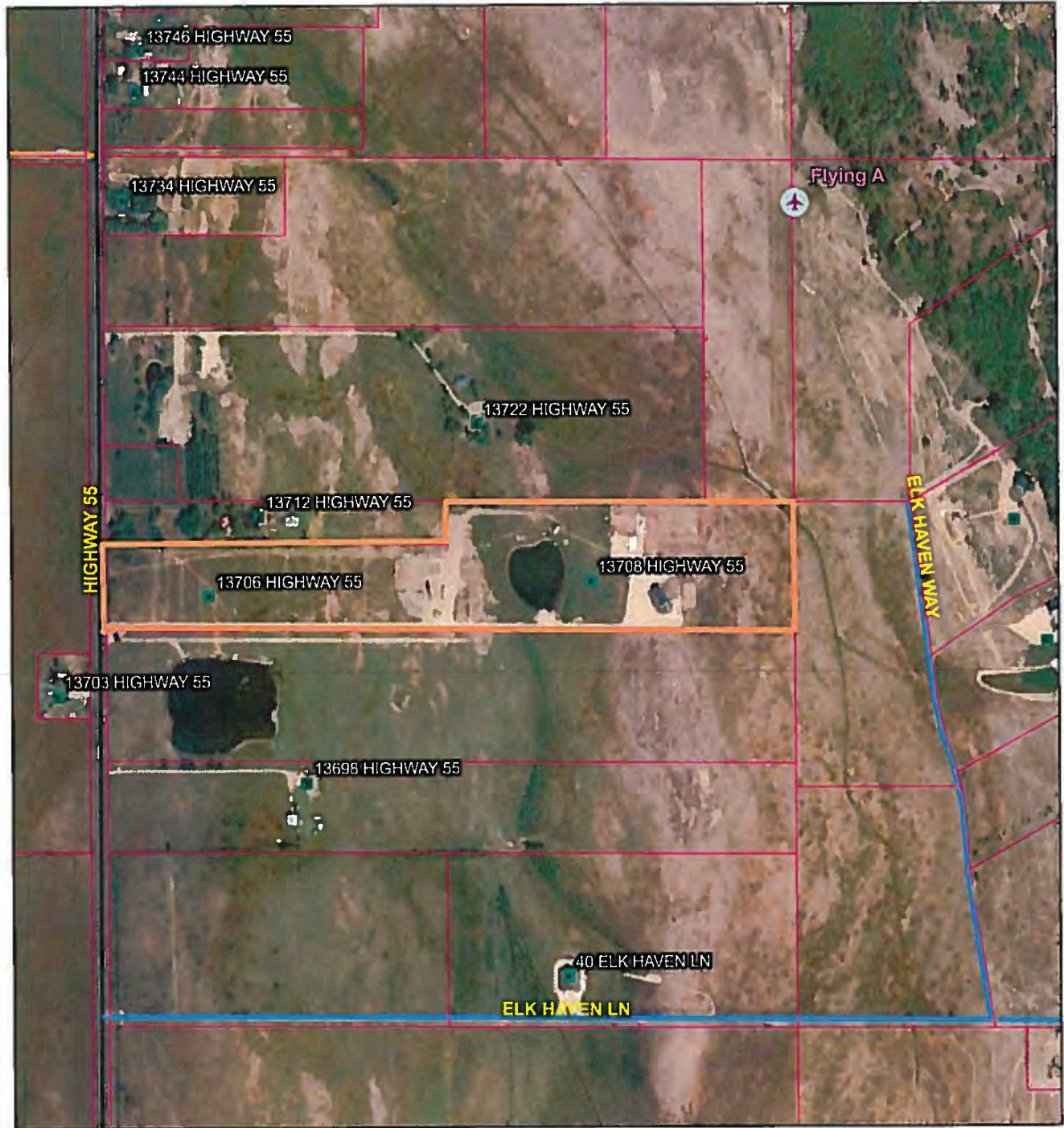
1/25/2022, 10:31:59 AM

-  Airstrips
-  Parcel Boundaries
- All Road Labels
-  COLLECTOR
-  URBAN/RURAL
-  PRIVATE
- Roads
-  MAJOR



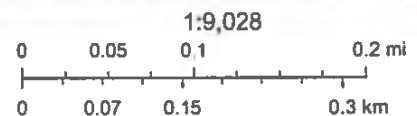
Maxar

C.U.P. 22-01



1/25/2022, 10:29:37 AM

- | | | | |
|---|-------------------|---|-------------|
|  | Airstrips |  | Roads |
|  | Parcel Boundaries |  | MAJOR |
|  | Addresses |  | URBAN/RURAL |
| All Road Labels | |  | PRIVATE |



Maxar



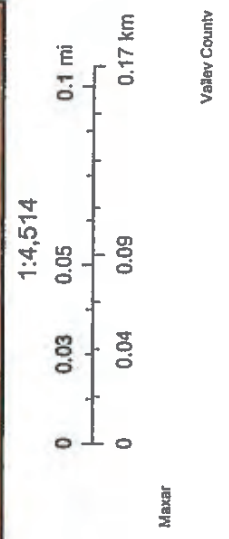
2/10/2022, 9:47:46 AM

● Wells

□

Parcel Summary & Improvement Report

Property Overview
A = Garages
B = Houses
RV = Recreational Vehicle

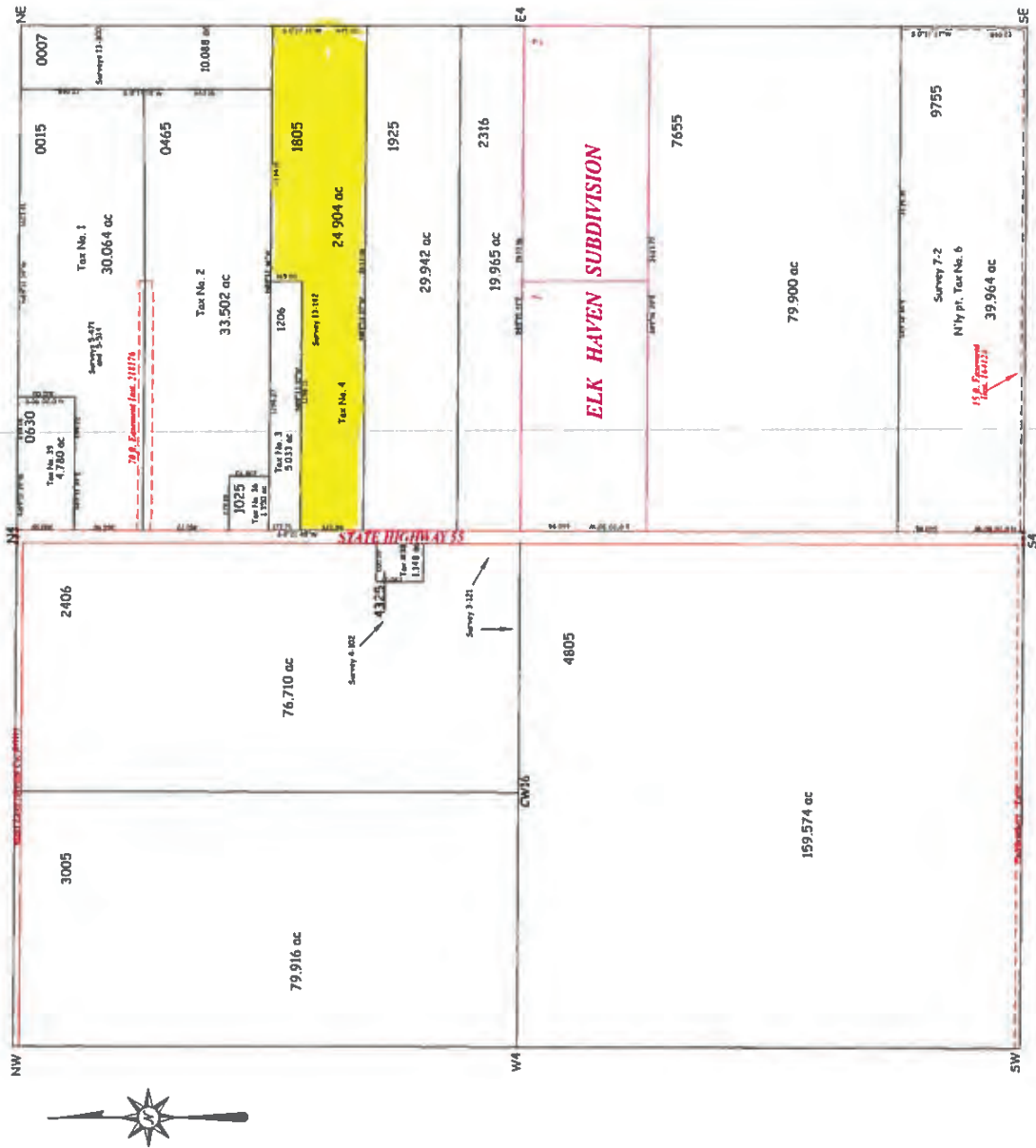


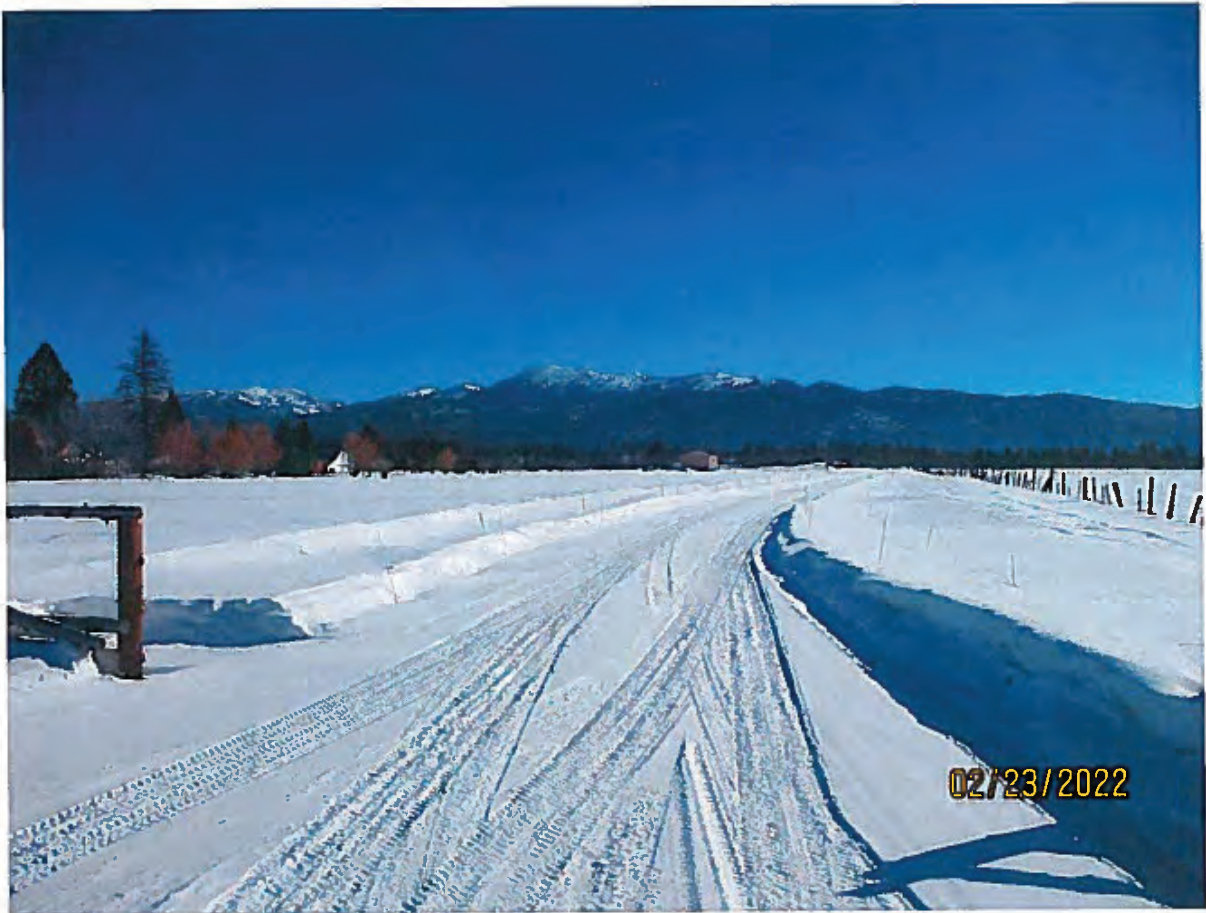
Valley County

TWP. 17N ROSE SEC. 15

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

Filename: H:\project\Valley Center Base Map\
Scale: 1" = 400 ft.
Date: 1/10/2020
Drawn by: L. Fredenck







Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP-22-01

Preliminary / Final / Short Plat Button Multiple Residence & RV Rental

Sec 15

13706 & 13708 Hwy 55

- ☐ 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. *We have no record of a permit for residence over garage or RV sites*
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
- | | |
|--|---|
| <input type="checkbox"/> high seasonal ground water | <input type="checkbox"/> waste flow characteristics |
| <input type="checkbox"/> bedrock from original grade | <input type="checkbox"/> 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:
- | | | |
|--|--|---|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water well |
| <input type="checkbox"/> interim sewage | <input type="checkbox"/> central water | |
| <input type="checkbox"/> individual sewage | <input type="checkbox"/> individual water | |
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- | | | |
|---|--|--|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water |
| <input type="checkbox"/> sewage dry lines | <input type="checkbox"/> 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:
- | | | |
|---|---|--|
| <input type="checkbox"/> food establishment | <input type="checkbox"/> swimming pools or spas | <input type="checkbox"/> child care center |
| <input type="checkbox"/> beverage establishment | <input type="checkbox"/> grocery store | |
- ☒ 14. There were two septic systems installed on this property, 1 for a four bedroom home & 1 for a six bedroom home. There We have no record of approval for the residence Above the garage or approval of any septic systems for the RV sites.

Reviewed By: M. H. R.

Date: 2.18.22



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

February 23, 2022

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 22-01 Bitton Multiple Residence and RV Site Rental

After review, the Donnelly Rural Fire Protection District will require the following rule
IDAPA 18.08.01.

- **Section 503.7 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 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 503.7.6 2018** the gradient for driveways shall not exceed 10 percent unless approved by the fire code official.
- **Section 503.7.7 2018** where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times.
- **Section 503.7.8 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 Fire Department personnel prior to final plat

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

CUP's

Jeff Mcfadden [REDACTED]

Fri 2/11/2022 9:53 AM

To: [REDACTED]

Cc: [REDACTED]

My thoughts and recommendations.

1. CUP 17-03 No comments
2. CUP 22-01 No comments
3. CUP 22-02 No comments
4. CUP 22-03 The driveway has already been approved and constructed in the last 5 years. Good visibility coming onto Warm Lake Highway. The pavement striping through that area is marked in both directions for passing (dashed lines). I would require some signage posted in both directions for "Turning Traffic Ahead". I would have to do some investigating to determine where these signs would be placed according to the MUTCD manual, or better yet, have them do the investigating for legal placement and have them installed. It is marked as a 50 MPH road but traffic through that area can be upwards of 60 MPH.
5. CUP 22-04 I have approved one approach already off of Johnson Lane for this site. This section of Johnson Lane is a gravel road. The approach for the private road onto Norwood will have to be constructed in an area where visibility is the greatest. There are a couple of vertical curves on Norwood in that area where visibility could be an issue. Speed limit on Norwood Road is 45 MPH.
6. CUP 22-05 Davis Creek road is paved to Gold Fork Road. Gold Fork Road is gravel and is wide enough to pass two vehicles. There is a narrow cattle guard about where the southern property boundary crosses Gold Fork Road. This could cause some issues with the added traffic on that road. The cattle guard necks the road down to one lane. This either needs to be removed or a new, wider guard needs to be installed. I am not sure if it is still needed to control cattle in the area. The developer will need to apply for a driveway permit/approach permit through the road dept.
7. CUP 22-06 I have spoken with the applicant on the accesses that will use Spink Lane. I told him it would be advisable to apply dust control/stabilizer on Spink between the highway and the corner on Spink. He was willing to do this. The driveways will be installed where the visibility is good in both directions. I told him that the county only plows this road once a day and the snow drifting can be bad on this section of Spink. We would enter into an agreement with him so he can keep this section of road clear from snow when needed.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department



The following are comments and objections to C.U.P 22-01 from Larry Teufel, Scott Teufel, and Jeff Teufel, owners of the located at 13722 Highway 55, which adjoins the Bittons' parcel to the North.

If the Valley County Planning and Zoning Commision decides to approve C.U.P. 22-01, we request that the following conditions of approval be applied to the permit to minimize the impact of the development on our property:

- Relocation of R.V. sites to the areas approved in C.U.P. 19-17
 - In the previously approved and expired C.U.P 19-17, the Bittons' R.V. sites were located behind the mobile home sites. In the current version of C.U.P 22-01, these sites are located at an unspecified, but close distance to our Southern property line. We request that the Planning and Zoning Commision require the R.V. sites to be relocated to the approved locations in C.U.P 19-17.
- Disallowing commercial use of the R.V. sites
 - We request that the Planning and Zoning Commission disallow renting of the R.V. sites as condition of approval.
- Landscape screening
 - We request that the Planning and Zoning Commission require landscape screening be installed on the North side of both the R.V. sites and the new mobile home site prior to construction.
- Construction timeline
 - We request that the Planning and Zoning Commission implement a date specific construction timeframe to ensure that the project is completed as soon as possible without prolonging the adverse impacts associated with construction.

Thank you for your consideration of these conditions of approval.

Sincerely,

Larry, Scott, and Jeff Teufel

March 2, 2022

Ms. Cynda Herrick, AICP, CFM
Planning & Zoning Director
Valley County
PO Box 1350
Cascade, ID 83611

SENT VIA EMAIL (cherrick@co.valley.id.us)

Dear Ms. Herrick,

In response to the legal notice I received for the application for a CUP #22-01 for 13706 & 13708 Hwy. 55 for multiple residences (five) on this one lot, I offer the following concerns.

LIGHTING IN PROXIMITY TO AIRSTRIPE Illusions created by runway lights result in a variety of problems. Bright lights or bold colors advance the runway, making it appear closer. Night landings are further complicated by the difficulty of judging distance and the possibility of confusing approach and runway lights. For example, when a double row of approach lights joins the boundary lights of the runway, there can be confusion where the approach lights terminate and runway lights begin. Under certain conditions, approach lights can make the aircraft seem higher in a turn to final, than when its wings are level.

- What lighting is planned for the area in the rear of the property? No lighting plan was provided, just a cut sheet for wall lighting.

TRAFFIC The County requires two parking spaces per dwelling unit, so at least 10 parking spaces need to be provided at a minimum. Average number of trips per residence is two per day so that's 40 right and left turns for this one lot.

- The cars waiting to turn left into this property will worsen the back up of traffic on this highway, which has been seeing high traffic levels each year (17,000 vehicles per day last year).

AESTHETICS - It is not clear from the site plan submitted, where are the two RV sites located?

- Are these short term rentals?
- Will they be screened (what, where and when?)
- There is a wetland on the eastern part of the property. Will the proposed garage addition meet the wetland setback requirements?

SPOT ZONING This is 5 dwellings unit on a lot, which is not found in this area. Most lots in this area have a single family residence. If RV sites are allowed on this lot, this

will set a precedence for all the nearby lots, creating issues with aesthetics and traffic, unless these additional rental units follow some County approved plan to address this.

- Isn't this spot zoning?

Thank you to you and the P & Z for the hard work you all do to process these requests and make sure that everyone has a chance to be heard. In this situation, I believe this request would set a precedence for similar requests; adding to the traffic and aesthetic issues we as a community are working to address right now. **I have deep concerns about potential lighting affecting a pilot's ability to safely land on the adjacent airstrip at night.**

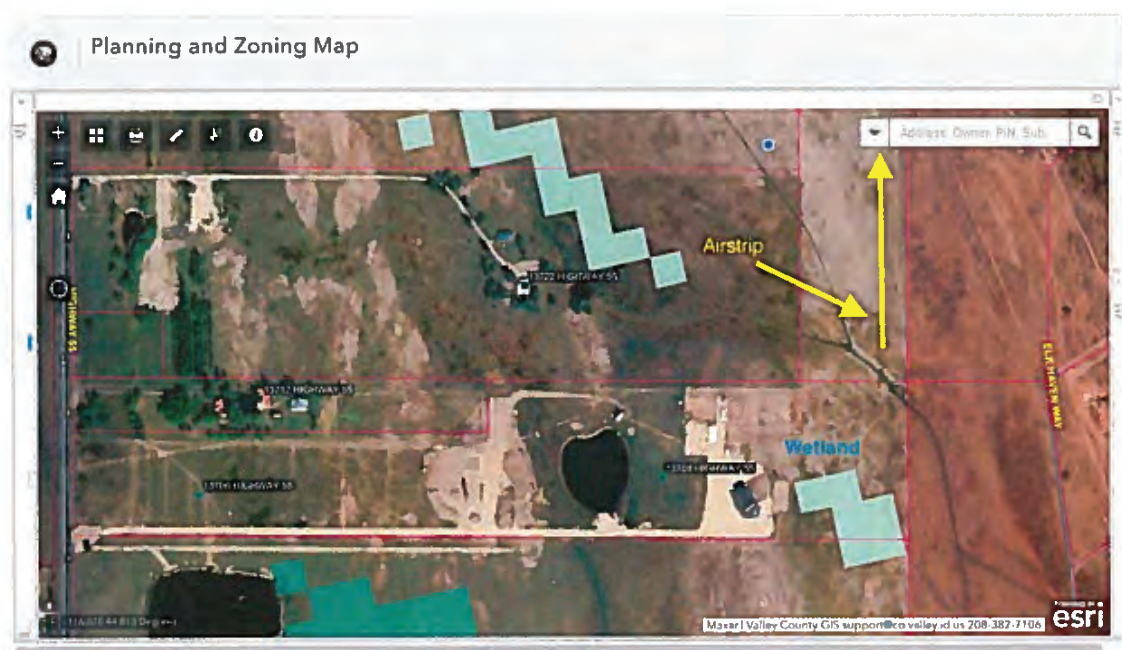
Everyone wants to be neighborly and a property owner should have full use of their property but the impacts of new development must be addressed, which is I'm sure why the County has the protective ordinances in place. If this level of development is to be approved on this site, then additional impact study information is needed and appropriate mitigation measures (addressing lighting, insuring that landscape screening is installed within two year,) must be provided to protect the existing property owners in the area.

Please vote no for this excessive request. Thank you for your consideration.

Sincerely,



Jonathan Rentzsch
51 Trabert Lane, McCall



March 2, 2022

Cynda Herrick, AICP, CFM Submitted via Email Transmittal {cherrick@co.valley.id.us}
Planning and Zoning Director
P.O. Box 1350
Cascade, Idaho 83611

Dear Ms. Herrick:

RE: CUP-22-01 – Hearing March 10, 2022 – Bitton Multiple Residence and RV Site Rental

Please allow this correspondence to serve as the written comments and objections of Barry Snyder and Carrie O'Rear regarding the Bitton Multiple Residence and RV Site Rental, C.U.P. 22-01 submitted by Jeffrey & Debra Bitton for the property located at 13706 and 13708 Highway 55, McCall, Idaho 83638.

Mr. Snyder and I own property located directly adjacent to the north of the Bittons' property under review for proposed multiple residence and RV site rental. Our address is 13712 Highway 55, McCall Idaho 83638. We purchased in October of 2020, after the Bittons received approval of a conditional use permit (No. 19-17) which allowed for multiple residences on one parcel. It is our understanding that the Bittons now wish to add to the scope of their original conditional use, change the location of structures and the location of other aspects of the project that were included in the 2019 submission, and finally to extend the timeframe of their project into 2025. We would request that Staff and the Commission find that the application and supplemental materials are not sufficient for consideration under the requirements of the Valley County Code. In the alternative, we would request that the Bittons' RV Site Rental request be denied, the garage and mother-in-law suite be tabled for submission of more detailed information, and that if any aspects of the requests are granted, the Bittons' conditional use permit be limited to the items, plan, scale and scope provided in the 2019 permit as approved at that time, that further buffer and screening be added as conditions of any permit and that timelines and deadlines for construction are made conditions of the permit.

While we do not oppose the Bittons' request to complete the project as they originally planned and received approval for in 2019, we do have concerns and objections with regard the deficiency of detail in their current application packet in consideration of the requirements set forth in Valley County Code 9-5H-2. We also have concerns and objections with regard to the new items proposed, the change proposed with regard to the location of structures and other aspects of the project, the timeline of the project and the request to add commercial use to the property via RV Rental Sites. It is our position that if permitted the current proposal would result in an undue adverse impact on the adjoining properties which is contraindicated under the applicable Ordinances, and which would justify the Commissions denial of their current request as outlined in more detail below.

As a preliminary matter we would request that the Bittons be required to resubmit an application packet that contains the required information as set forth in the application itself and further by the supporting ordinance. While the Bittons appear to touch on some of the items below, sustentative and specific information required for the application, and that would be pertinent to the Commission's evaluation and decision is not contained in their application and supplemental documents. The following items appear to be absent from their original submission and February 14, 2022 supplement:

- A detailed project description disclosing the purpose, strategy and timeframe of construction, including a phasing plan if appropriate;
- A plot plan drawn to scale, showing the boundaries, dimensions, area of lot, existing and proposed utilities, streets, easements, parking, setbacks and buildings;
- A landscaping plan, drawn to scale, showing elements such as trees, shrubs, ground covers, and vines. Include a plant listing indicating the size, quantity, location and name of all plant material to be used;
- A site grading plan clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes and other site preparation and development; and
- A lighting plan.

Similarly, the Impact Report that is required under Valley County Code 9-5H-2 and Valley County Code 9-5-3-D that was submitted by the Bittons in support of their 2022 Application appears to be deficient in that it does not address the new items requested by the Bittons as compared to their 2019 application, including the RV Rental Sites. The report is nearly verbatim to their 2019 Impact report, and the 2022 Impact Report only mentions the garage and mother-in-law quarters as well as the additional garage that has been proposed, without commenting on the possible impact. The Impact Report does not address the impacts on the neighboring properties or suggest mitigation for the impact of the proposed uses on the neighboring properties. The applicable ordinance requires that the applicant address potential impact and how these impacts are to be minimized, and there is no such acknowledgment or proposed mitigation as to the impact of construction, noise, dust, light, screening, use, and failure to mitigate with screening, fencing, etc. in consideration of the neighboring properties. The Bittons appear to disregard this requirement in their application packet with the following comment, "currently we would have no close neighbors on any side." This is of particular concern given the history of the Bittons' project since 2019. Specifically, the timelines suggested in their original application were not met, the screening, planting and replanting promised in their application has not occurred, and the excavation that occurred and was to be addressed was not timely handled. The attached photos reflect an aerial view of the Bittons property and construction as it relates to the neighboring properties in 2020 and the status of the excavated ground in late 2020, nearly a year after they received approval of their last permit. It is our understanding that prior to our purchase the Bittons excavated significant soil on their parcel. Since we purchased our property, and until recently, the Bittons have maintained a large hill of the excavated soil on their property. While it has been reduced, moved and refined there has been significant construction noise and dust associated with those workings, and regular traffic from outside entities coming to remove truckloads of dirt from the property over the period of time that we have been there. Additionally, no repairs have been made, nor has any revegetation occurred in the areas of the land damaged by these activities. Finally, no planting has occurred for dust reduction or screening along the driveway, around the existing buildings or along Highway 55 as was represented to occur in the 2019 permit.

As the Staff and Commission are aware, the Bittons' permit expired without completion of the proposed projects. To our knowledge, there has been no request for renewal. Instead, the Bittons have submitted the current application requesting completion of their 2019 projects, ratification of their altered plans, and the addition of several structures and uses including RV Rental Sites which would constitute a Recreational Vehicle Park under Valley County Code 9-1-10 twenty feet off of the boundary

line between the east side of our lot and the northwest side of their lot. The dirt pile captured in the second set of photos attached, is now proposed to be the location of a Recreational Vehicle Park. Again, their application and supporting materials provide no detail as to the dimensions, plan, proper set-backs (20 feet does not meet the residence requirement), lighting, compliance with Idaho Center District Health Requirements, etc. and as such do not contain the information necessary for an evaluation of a Recreational Vehicle Campground, let alone to empower the Staff and Commission to make a recommendation or decision with regard to whether not to allow a permit for a Recreational Vehicle Park.

The Valley County Code provides that when uses that may be incompatible with permitted uses in the County, they are subject to review and evaluation by the Commission and the public, and may be allowed only after proper application, review, approval and mitigation of impacts through conformance with the conditions of approval. {Valley Code 9-5-1-A}. In determining whether or not to permit a conditional use, the planning and zoning commission considers the similarity or dissimilarity to the use, particularly with respect to its visual attributes, its demand for public services and facilities and its external impacts or imposition upon the adjacent properties. {Valley Code 9-5-1-A}. As outlined above, it would appear that the Staff and Commission do not have sufficient information in the packet presented by the Bittons to make this evaluation and determination.

However, if Staff and the Commission determine it is appropriate to proceed, we would request that conduct their evaluation with the Policy delineated in the Code in mind, "The rural atmosphere of the valleys be protected, that recreation be encouraged and that economic value of privately owned land be increased." The Policy also provides that allowing conditional uses in areas and to standards that will increase the value of privately owned property without undue adverse impact on the environment, adjoining properties, or governmental services and where consistent with the county comprehensive plan. This includes the maintenance of agricultural uses and low density development as more acceptable uses in the valley floor. Commercial development is noted to be more acceptable in commercial hubs, villages or near existing established incorporated communities. {Valley Code Policy 9-5-2}.

From the perspective of this adjacent land owner, we would like to attempt to address our specific concerns that we have identified from the application packet and our own observations:

- 1) **RV Sites:** We object to the proposed number, location and commercial nature of the use of the RV Sites. In the 2019 application which was incorporated into the 2019 permit, the Bittons indicated that the RVs on the property would be directly behind each residence they intended to construct. The Bittons used the 2019 map/site plan for their current application, and originally indicated that the two requested RVs on the property would be directly behind each residence constructed, with one RV situated directly behind (east of) each residence. On February 14, 2022 additional documents appear to have been submitted to P&Z which reference, "current RV infrastructure" and also reflect that the RVs will not be located as originally indicated in their 2019 and original applications under CUP 22-01. Instead, the RV sites are proposed to be twenty feet east of the east lot line of our property, and a distance not indicated from the south side of our other neighbor's property line. This results in the RV sites/RV Park being completely separate from their homes, and directly behind our property instead. We are concerned that the Bittons appear to have already created the infrastructure for RV Sites that have not been approved, and that they represented to planning and zoning to


be located directly behind their residences, not directly behind our property. Additionally, in their supplemental documents the Bittons make it clear that they intend to rent the RV sites out, rather than limiting them to personal use. The ambiguity of the size of these proposed sites and the lack of scale and specifics indicated in the site plan, the changed location of these proposed sites and the intent of the Bittons to utilize these sites for rental are issues of concern and would unduly and directly impact the use, enjoyment and value of the adjoining property. Two full size RVs with lights/running lights and accompanying vehicles, boats; ATVs, etc. would create additional noise, light and inconsistent use concerns as well as two additional families at any time on what is intended to be a single family parcel. They would ultimately have a substantial impact on the adjoining properties. The Bittons have a 25 acre lot and we would respectfully request that if the RV sites are approved, that they remain in the location as originally planned and proposed – one directly behind each residence or on the south side of their property nearer the driveway or elsewhere on their property so that there is a lesser impact on neighboring properties. We would also request that the Bittons only be permitted use of RV sites personally, and not be permitted to use the RV Sites for a commercial purpose and/or rentals.

- 2) **Lack of clarity with regard to the location and plans for the garage apartment and mother-in-law quarters.** The timeframe of this project is noted to occur in 2025 which is of concern. Additionally, there is not detail sufficient to understand the potential impact of this proposal other than it is intended to be commercial rental and adds another family what is intended to be a single family parcel. The relative size as to the primary residences is unable to be determined and no objective description has been provided.
- 3) **Insufficient screening/mitigation of impact:** The location changes that have been implemented by the Bittons since their 2019 submission regarding the RVs are discussed above and could be mitigated by permitting the sites at their original location and by prohibiting the commercial use of those sites if approved. Additionally, the Bittons also appear to have moved the location of the shop structure on 13706 to a position that is closer to the adjoining property than was indicated in their original application and permit. These locations have a greater impact to the neighboring properties that could otherwise be mitigated if reverted to the original locations as indicated on the original application. We are also are concerned with and object to the lack of focus on screening from the neighboring properties and on returning the natural vegetation surrounding their homes, structures and proposed RV sites. While they address some screening along Highway 55 and their driveway, they do not address repairing vegetation disrupted during construction, and have presented no specific plan or no plan at all with regard to landscaping and screening the various components of their proposed project. They specifically note that “landscaping and irrigation will follow as money and time allows.” It is our hope that adequate repair, screening and landscaping will be a specific and necessary requirement of any conditional use permit that the Bittons’ receive, particularly in consideration of the history of the parcel and the 2019 Permit.
- 4) **Timeline of project:** In consideration of the timeframe of the progress on the permit approved in 2019 which expired in December of 2021 without completion of the permitted projects, and the lack of follow through with mitigation conditions from that permit, we are concerned with regard to the magnitude of the project currently proposed and the lack of specific timeframes set out in the Bittons’ application. The Bittons are requesting a permit for numerous projects,

but only appear to have a specific start time for one component of the project, the "modular home will be ready to place on foundation April/May 2022". Other projects are noted to start in 2022 or 2023, "to follow as money and time allows" or as late as 2025. To the extent that the Bittons' current application for a special use permit is approved, we would request that specific timeframes are set out for the components approved to determine start date, and completion date as conditions of the permit. Additionally, we would request a bond be considered by the Commission to ensure conditions are met, completion of the projects occur and completion of any mitigation required occurs. A 3 year plus long construction operation located 20 feet to 75 feet away from neighboring properties will unduly and negatively impact the use, enjoyment and value of those properties due to noise, light, dust, etc. Additionally, if the projects are started and abandoned or not completed they will have an adverse impact on the neighboring properties. While the Bittons assert that abandonment will have no impact on the County, they do not acknowledge or address the potential impact of that possible outcome to their neighbors.

Thank you for your efforts, and for your consideration of our comments and concerns including the potential negative impact of this proposed project on the adjoining properties.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carrie O'Rear and Barry Shane Snyder".

Carrie O'Rear and Barry Shane Snyder

Attachments: Photographs

