

# 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](mailto:cherrick@co.valley.id.us)

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**STAFF REPORT:** Appeal of Planning and Zoning Commission Denial of C.U.P. 22-42: Brutsman Lodge

**HEARING DATE:** January 17, 2023

**TO:** Valley County Board of Commissioners

**STAFF:** Cynda Herrick, AICP, CFM, Planning and Zoning Director

**APPELLANT / APPLICANT / PROPERTY OWNER:** Ron and Tamara Brutsman  
332 E Mikyl Ridge Loop,  
Nampa, ID 83686

**LOCATION:** 1888 W Roseberry RD,  
Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho

**SIZE:** 1.7 acres

**REQUEST:** Short-term Rental to Accommodate 26 Guests

**EXISTING LAND USE:** Single-Family Residence with Short-Term Rental Permit

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Ron and Tamara Brutsman requested a conditional use permit for a short-term rental with a maximum of 26 guests. Short-term rentals requesting greater than 12 guests per night require a conditional use permit so impacts can be identified and mitigated with conditions of approval, if possible.

There is an approximately 6,000-sqft single family residence with a 2,000-sqft deck. The site includes three contiguous lots within Hawks Bay Subdivision. The home sits on the western lots and there is one lot in between the home and the next bare lot under a different ownership. The "in between" lot has been landscaped. The entire site has been landscaped with over 200 trees and leveled for proper drainage.

Central sewer and water are provided by North Lake Recreational Sewer and Water District. The kitchen is on the second floor. The ground floor has a kitchenette with sink and microwave adjacent to the game room; no stove or oven is located in the kitchenette.

Access is from a looped driveway off West Roseberry Road, a public road. There is a large parking area to accommodate multiple vehicles, trailers, and recreational toys as well as a 3-car garage. No internal subdivision roads are used for ingress/egress.

A short-term rental permit (STR 2020-06) currently allows for 12 guests. The residence is also used by the applicant's extended family. Rules are posted in the cabin and on the property line with the U.S. Bureau of Reclamation.

Events and guest weddings are not allowed or requested to be allowed by applicant.

According to the State of Idaho Business listing, the Hawks Bay Homeowner Association was dissolved in 2019. The CCRs state “No building ...other than residential structures...This covenant does not, however, restrict the rental of the premises...” (Instrument 293886).

The site is adjacent to Bureau of Reclamation property that is designated as the North Fork Payette Wildlife Management Area.

The Bureau of Reclamation does not prohibit use of the adjacent property for recreation activities, including snowmobiling.

#### **FINDINGS:**

1. The Valley County Planning and Zoning Commission denied C.U.P. 22-42 Brutsman Lodge at a public hearing on November 10, 2022.
2. **Appeal:** The applicant has appealed the decision. The appeal was received in a timely manner on November 21, 2022, with the appropriate \$500 fee. The appeal is attached. Summarized reasons for appeal are listed below:
  - The appellants question the due process of the public hearing and decision.
  - The property should be based on a site-specific location. The site includes three lots, each with private entrance, ample parking, and landscaping.
  - The only opposition was from people that do not have homes or live in Hawks Bay Subdivision. The closest neighbor was in favor.
  - Hawks Bay subdivision does not have active CCRs; they were dissolved in 2019 and are irrelevant to the application.
  - The short-term rental is for one group at a time and is not the same as a motel.
    - The residence is typically rented by families with children. Thus, the desire for more beds by one group.
  - There is room for 26 people in beds; 10 of these beds are single bunkbeds for kids.
  - The impact on the neighborhood has been reduced with additional landscaping, less lighting, and driveway access on to West Roseberry instead of Hawks Bay Road.
3. **STAFF RESPONSE TO APPEAL based on the Application, Presentation at the Public Hearing, Required as Conditions of Approval, and Laws of State of Idaho and Valley County:** (See the Minutes and Facts & Conclusions of the P&Z Commission)

Valley County Code (VCC)

#### **Facts:**

|                                       |  |
|---------------------------------------|--|
| Hawk's Bay Subdivision recorded on:   | March 29, 2005, at Book 10, Page 4         |
| Brutsman's Building Permit issued on: | May 3, 2018 (attached)                     |
| VCC STR Ordinance published on:       | May 28, 2020                               |
| Short-term Rental Permit issued on:   | STR #2020-06 permitted on January 21, 2021 |

## VCC 9-5H-12: APPEALS:

.... Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

(Appellants identify themselves as aggrieved individuals.)

Definition of Aggrieved Person: a person sufficiently harmed by a legal judgment, decree, or order to have standing to prosecute an appellate remedy. (Merriam-Webster)

## VCC 9-4-1:DEFINITIONS:

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.

## Idaho State Statute 67-6539.

LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the county or city. A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. **A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements applicable thereto.**

## Staff Comments:

When the STR ordinance was adopted in 2020, no specific category was created in the Land Use Classification table or in compatibility rating matrix for short-term rentals. So, staff categorized, and the P&Z Commission concurred that short-term rentals that require a conditional use permit should be categorized as the following:

Valley County Code (Table 9-3-1) is as: *5. Commercial Uses (c) Service Uses (3) Motel, hotel, apartments, resort, bed and breakfast, or lodge*

**After further review and consideration of the Idaho State Statutes I recommend STR be categorized in**

*Valley County Code (Table 9-3-1) as: 2. Residential Uses (a) Single Family Residence*

If the Board of County Commissioners agree that STRs should be categorized as residential uses, then staff recommends they reconsider the compatibility rating and come to new conclusions that do not deny the application because "a commercial use should not be in a residential subdivision".

Various compatibility ratings are attached.

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(End of Appeal and Staff Comments)

4. Legal notice for the Appeal was posted in the *Star News* on December 22, 2022, and December 29, 2022. Potentially affected agencies were notified on December 15, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent December 15, 2022. Additional people who previously commented were notified by fact sheet sent December 15, 2022. The appeal letter, notice, and the application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on December 19, 2022. The site was posted on December 23, 2022

**5. Additional Information:**

- **Facts and Conclusions:**

- Attached are the Facts and Conclusions that were approved by the Planning and Zoning Commission.

- **The following are the Conclusions of the Planning and Zoning Commission:**

1. That the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare.
2. That the proposed use is not consistent with the Valley County Comprehensive Plan which directs us to retain rural characteristics and protect quality of life within Valley County. The proposed use conflicts with Chapter 8 Goal 4 which encourages industrial and commercial services to locate within the cities and their areas of impact or areas with similar use.
3. Valley County has one mixed use zone that promotes mitigation of potential impacts; however, impacts of this specific use could not be mitigated.
4. The proposed use is a commercial use of a large short-term rental which would have a different impact than use by family or a maximum of 12 guests.
5. The use is a commercial use and thus should meet commercial construction and safety standards.
6. Rental guests have used the home for family reunions which are events that are not allowed by the short-term rental ordinance.
7. This is a single-family residence that will be used as a commercial use.

- **Minutes with Exhibits - Attached**

- **Planning and Zoning Commission Staff Report is attached for review.**

**6. All Agency comment received:**

Central District Health has no objections. The structure is served by North Lake Recreational Sewer and Water District. (Oct. 14, 2022)

Jess Ellis, Donnelly Fire Marshal, responded with requirements. (Oct. 27, 2022; July 27, 2020)

Wendy Howell, Development Services Coordinator, Idaho Transportation Department District 3, stated the project does not abut the State Highway system, thus ITD has no further comments at this time. (Dec. 19, 2022)

Jason Dobis, U.S. Bureau of Reclamation Field Manager, stated that the BOR does not prohibit snowmobiling on their property or in the Wildlife Management Area until after March 1st, annually. (Nov. 8, 2022)

7. All public comment received:

Responses Received After the PZ Commission Meeting on November 10, 2022

1. Sergei and Elena Kashirny, owners of 13101 Hawks Bay Road, are opposed. Twenty-six people renting a home will have more of an impact than a smaller group. The applicant planted small trees which do not yet provide screening. Concerns include noise, smoke, traffic, an increase in people near their property, the adjacent bird nesting area, overburdening of public services, and a change in the desired character of the area. The purpose of the Short-term Rental Ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods. The lot was sold for a single-family home not a mini hotel. They would be directly negatively impacted if the use is approved. (Dec. 17, 2022)
2. Jill Casal, Valley County Resident, is opposed. Reasons for opposition are: traffic; strained water and sewer systems; out-of-control gatherings requiring Sherriff response; rights of future homeowners in area; and setting a precedent allowing large short-term rental operations. (Dec. 19, 2022)
3. Michael and Toni Murphy, 13138 Hawks Bay Road, are opposed. They wish to maintain the character of the existing neighborhood and do not desire the impact of the higher density the proposal would cause. The use is not consistent with the neighborhood. The 12-person limitation should be adhered to. Having extended family over is not the same as a 26-person rental. The flood lights in the front of the home are generally left on most of the night. Short-term rentals have caused issues in the neighborhood. Traffic is a concern. Valley County created the short-term rental limitations for good reasons. (Jan. 10, 2023)

Exhibits – November 10, 2022

Exhibit 1 – Jason Dobis, U.S. Bureau of Reclamation Field Manager, stated that the BOR does not prohibit snowmobiling on their property or in the Wildlife Management Area until after March 1st, annually. (Nov. 8, 2022)

Exhibit 2 – Amber and Mark Hughes, are in favor of the proposal. They have never had issues with lights or noise. (Nov. 4, 2022)

Exhibit 3 – Therese Gibboney is opposed. (Nov. 10, 2022)

## Responses Included in the PZ Commission Staff Report for November 10, 2022

Lisa Wanner Magoon, owner of Hawks Bays Subdivision Lot 3 which is directly adjacent to the site, states the increase from 12 to 26 people will have negative ramifications. These may include, more noise, violations in the Bureau of Reclamation lands, impact to residential area, increase in traffic and vehicles, and reduction of adjacent property values. An impact should be completed. (Sept. 28, 2022)

Sergei and Elena Kashirny, 13101 Hawks Bay RD, are opposed as they purchased their property because of location and quietness. The lot was sold for a single-family home, not a mini hotel. The presence of so many people will have negative consequences for the neighborhood due to constant noise, smoking issues, quantity of cars, decreased property values, impacts to the bird nesting area, and increased burden to public services. (Nov. 1, 2022)

### **8. STAFF RECOMMENDATIONS:**

- Part of the Valley County Board of Commissioners deliberation and decision should be a “reasoned statement that explains the criteria and standards considered relevant; state the relevant facts relied upon, and explain the rationale for the decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record, ‘all of which’ should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting.” (VCC 9-5H-11.8)
- **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
  - (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.
  - (5) **Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:**
    - (a) The ordinance and standards used in evaluating the application;
    - (b) The reasons for approval or denial; and
    - (c) The actions, if any, that the applicant could take to obtain approval.
- If the Board of County Commissioners uphold the Planning and Zoning Commission DENIAL, they should remove or add to the Planning and Zoning Commission Facts and Conclusions so that a separate document can be prepared for their approval at a later date.
- If the Board of County Commissioners approve the appeal, proposed Conditions of Approval are attached.

### **ATTACHMENTS:**

- Proposed Conditions of Approval **if** Conditional Use Permit Approved by the Board of County Commissioners

- Staff Compatibility Ratings as Commercial and as Residential
- PZ Commission Facts and Conclusions
- PZ Commission Meeting Minutes – November 10, 2022
- PZ Commission Staff Report – November 10, 2022
- Appeal Letter
- Vicinity Map
- Aerial Map
- Hawks Bay Subdivision – Assessors Plat
- Assessor Plat– T.16N R.3E Section 17
- Site Plan
- Pictures Taken October 21, 2022, and December 23, 2022
- Information from Airbnb Website on Oct. 11, 2022
- All Responses, Including Exhibits
- Building Permit 18-45
- Applicant's Response – Nov. 15, 2022
- Applicant's Response – Oct. 31, 2022
- Application Submittal

**Proposed Conditions of Approval if Conditional Use Permit Approved by the Board of County Commissioners**

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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
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 requirements of the Donnelly Fire District. A letter of approval is required.
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. This includes any pathway lighting.
6. Quiet hours are 10:00 p.m. to 7:00 a.m.
7. All noxious weeds on the property must be controlled.
8. Shall obtain a sign permit prior to installation of a sign.
9. Shall mark property lines and post Bureau of Reclamation Rules.
10. No events are allowed; this includes small weddings, etc. that would create noise impacts and increased traffic.
11. Smoke detectors and carbon monoxide detectors should be installed throughout the home and inspected by Donnelly Rural Fire.
12. There should be fire extinguishers on each level of the home and one near any outside LPG grills. LP gas detectors shall be installed.
13. Must comply with payment of sales tax in accordance with Idaho State Code Title 63 Chapter 36.
14. Shall post rules and emergency contact information in the home.
15. There is a maximum occupancy of 26 rental guests; the maximum occupancy must be reflected in all advertisements. The maximum number of guests includes day guests and/or visitors.
16. Bear-proof trash cans are recommended.
17. No parking in the setback areas or easement areas.
18. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
19. Must mark Bureau of Reclamation property lines and post rules of use with dates of closures.

**END OF STAFF REPORT**



Compatibility Questions and Evaluation

# / Use: 18

Prepared by: CH

Service  
Business

| NO            | X         | Response Value     |
|---------------|-----------|--------------------|
| (-2/-2)       | <u>+1</u> | <u>4</u> <u>+4</u> |
| (+2/-2)       | <u>-1</u> | <u>2</u> <u>-2</u> |
| (+2/-2)       | <u>0</u>  | <u>1</u> <u>0</u>  |
| (+2/-2)       | <u>-1</u> | <u>3</u> <u>-3</u> |
| (+2/-2)       | <u>-1</u> | <u>1</u> <u>-1</u> |
| (+2/-2)       | <u>+1</u> | <u>2</u> <u>+2</u> |
| (+2/-2)       | <u>+1</u> | <u>2</u> <u>+2</u> |
| (+2/-2)       | <u>+1</u> | <u>2</u> <u>+2</u> |
| Sub-Total (+) |           | <u>14</u>          |
| Sub-Total (-) |           | <u>6</u>           |
| Total Score   |           | <u>+8</u>          |

Use Matrix Values:

1. Is the proposed use compatible with the dominant adjacent land use?  
S. F. Subdivision
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?  
Same as 1 & 2

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?  
No - it is a small residential lot with no trees
5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?  
No, it is much larger
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?  
Not when there are 30 guests, but when used as a residence
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 - may be noise
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?  
Very little impact.
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?  
Increase taxes.

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

Pg 2

Compatibility Questions and Evaluation

Matrix Line # / Use: #2

Prepared by: CH

S.F. Residence

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?

S.F. Subdivision

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

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

Public Recreation or Ag

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

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

See 1 & 2 with some Ag

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?

Smaller lots but have placed lots of landscaping (owns 3 lots)

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

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

Large buildings, but single family

(+2/-2)     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?

(+2/-2)     X 2 +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 +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 +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?

Sub-Total (+) 27

Sub-Total (-) -

Total Score +27

See previous matrix

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

(New) Current

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE  
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT:** Conditional Use Permit No 22-42  
Brutsman Lodge

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on November 10, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Scott Freeman, Ken Roberts, and Chairman Neal Thompson.

Ron Brutsman was present and requesting approval of a conditional use permit for a short-term rental with a maximum of 26 guests. The 1.7-acre site is addressed at 1888 W Roseberry RD. It is Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated November 10, 2022, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is a Single-Family Residence with Short-Term Rental Permit.
3. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
  - 5. Commercial Uses (c) Service Uses (3) Motel, hotel, apartments, resort, bed and breakfast, or lodge
4. That the surrounding land uses are Single-Family Residences, Agriculture, and U.S. Bureau of Reclamation.
5. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the *Star News* on October 20, 2022, and October 27, 2022. Potentially affected agencies were notified on October 11, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent October 13, 2022. The site was posted on the property on October 21, 2022. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on October 4, 2022.

6. Other persons in attendance expressed disapproval of the proposed use.

**CONCLUSIONS**

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes

as follows:

1. That the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare.
2. That the proposed use is not consistent with the Valley County Comprehensive Plan which directs us to retain rural characteristics and protect quality of life within Valley County. The proposed use conflicts with Chapter 8 Goal 4 which encourages industrial and commercial services to locate within the cities and their areas of impact or areas with similar use.
3. Valley County has one mixed use zone that promotes mitigation of potential impacts; however, impacts of this specific use could not be mitigated.
4. The proposed use is a commercial use of a large short-term rental which would have a different impact than use by family or a maximum of 12 guests.
5. The use is a commercial use and thus should meet commercial construction and safety standards.
6. Rental guests have used the home for family reunions which are events that are not allowed by the short-term rental ordinance.
7. This is a single family residence that will be used as a commercial use.

### **ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Ron and Tamara Brutsman for Conditional Use Permit No. 22-42 Brutsman Lodge as described in the application, staff report, correspondence, and minutes of the meetings be denied.

### **NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS**

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

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

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

END FACTS AND CONCLUSIONS



Valley County  
Planning and Zoning Commission Chairman

Date: 12/8/22

# Valley County Planning and Zoning Commission

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



Phone: 208-382-7115  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Neal Thompson, Chairman  
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner  
Sasha Childs, Commissioner  
Scott Freeman, Commissioner

## MINUTES

Valley County Planning and Zoning Commission  
November 10, 2022  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

A. **OPEN:** Meeting called to order at 6:00 p.m. by Acting Chairman Roberts. A quorum exists.

|                                     |         |
|-------------------------------------|---------|
| PZ Director – Cynda Herrick:        | Present |
| PZ Commissioner – Katlin Caldwell   | Present |
| PZ Commissioner – Sasha Childs:     | Excused |
| PZ Commissioner – Scott Freeman:    | Present |
| PZ Commissioner – Ken Roberts:      | Present |
| PZ Commissioner – Neal Thompson:    | Present |
| PZ Assistant Planner – Lori Hunter: | Present |

B. **MINUTES:** Commissioner Freeman moved to approve the minutes of October 20, 2022. Commissioner Roberts seconded the motion. Motion passed unanimously.

### C. OLD BUSINESS:

1. **C.U.P. 21-44 Hidden Valley Subdivision – Final Plat:** Clay Szeliga is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 4-lot single-family residential lots on 20 acres. Access would be from a new private road onto Norwood Road (public); a shared access easement is proposed. The site is addressed at 14108 Norwood Road and is parcel RP18N03E284055 in Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item

Chairman Thompson introduced the item and asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson introduced the item. Director Herrick presented the staff report, displayed the plat on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Revised plat with corrections and addition of the water tank for fire

Rob Pair of Crestline Engineers represented the applicant. He answers questions from the Commissioners regarding water rights from Lake Irrigation District and Idaho Dept of Water Resources. The easement is noted on the plat.

Commissioner Roberts moved to approve final plat for C.U.P. 21-44 and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:00 p.m.

**D. NEW BUSINESS:**

1. **C.U.P. 22-41 Griffiths Multiple Residences:** Michael Griffiths is requesting a conditional use permit for three residential homes on one parcel. Two existing homes were permitted by C.U.P. 08-13. Individual wells and septic systems are proposed. A shared driveway accesses the existing residences. The 80-acre site, addressed at 12960 Farm to Market RD, is RP16N03E244806 located in the in the SW ¼ Sec. 24, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Roberts did state that he has known this family for a very long time.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Chairman Thompson asked for the applicant's presentation.

Mike Griffiths, 12960 Farm to Market Road, stated the ranch has been in family since 1800's. The new home would be used by family members working as ranch managers.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing. The Commission deliberated.

Commissioner Caldwell moved to approve C.U.P. 22-41 Griffiths Multiple Residences with the stated conditions. This is a good application for a large acreage property. Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:07 p.m.

2. **C.U.P. 22-42 Brutsman Lodge:** Ron and Tamara Brutsman are requesting a conditional use permit for a short-term rental with a maximum of 26 guests. There is an approximately 6,000-sqft residence with a 2,000-sqft deck. Central sewer and water will be used. Access is from a looped driveway off W Roseberry Road, a public road. The 1.7-acre site is addressed at 1888 W Roseberry RD. It is Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- Exhibit 1 – Jason Dobis, U.S. Bureau of Reclamation Field Manager, stated that the BOR does not prohibit snowmobiling on their property or in the Wildlife Management Area until after March 1<sup>st</sup>, annually. (Nov. 8, 2022)
- Exhibit 2 – Amber and Mark Hughes, are in favor of the proposal. They have never had issues with lights or noise. (Nov. 4, 2022)
- Exhibit 3 – Therese Gibboney is opposed. (Nov. 10, 2022)

Commissioner Roberts asked staff about the compatibility matrix, use classification, and determining the dominant surrounding land use.

Staff referred to Valley County Code, Title 9-3-1, Table 3-A:

- Service businesses include gas stations, restaurants, hotels, apartments, resorts, bed-and-breakfasts, and lodges.
- Area businesses include auto sales, banks, and wholesale and retail sales of building materials, etc.

The Commissioners discussed the matrix and how to classify the land managed by the U.S. Bureau of Reclamation (BOR). Commissioner Roberts did not include the BOR Wildlife Management Area land as public recreation; he thought it was more compatible to an agriculture rating. He does not believe the compatibility rating matrix works for the adjacent public land. Staff stated these are public lands with a lot of public recreation. Commissioner Caldwell stated most agricultural lands would be private; the BOR land is public. Commissioner Roberts is concerned about turning single-family residential lots into a commercial operation.

Chairman Thompson asked for the applicant's presentation.

Ron Brutsman, Nampa, Idaho, tried to be very thorough in the application. The home was built for his large extended family which is over 20 people. The home was planned and constructed prior to the short-term rental ordinance. He only rents to one family at a time, not multiple groups. It is not operated like a lodge that has a front desk and rents to multiple groups. Webcams are onsite for security. He personally meets guests to review rules and do a walk-thru. The nearest neighbor is in favor.

Chairman Thompson asked for proponents. There were none.  
Chairman Thompson asked for undecided. There were none.  
Chairman Thompson asked for opponents.

Linda Eddy, 13104 Hillhouse Loop, lives near this large home. This home was originally permitted for a 6-bedroom home for one family. It was permitted for a short-term rental with a maximum of 12 guests. This is in a subdivision developed as a single-family residence with a homeowner association that has been dissolved. Where will 26 people sleep? Where will cars park? This is a dangerous road during the winter. This is a commercial venture in a residential subdivision.

David Gallipoli, 200 Scott Street, McCall, asked about safety and fire suppression systems. He believes the use would be a health and safety risk.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Brutsman has fire extinguishers on every floor and by the barbeque.

Chairman Thompson closed the public hearing.



The Commission deliberated. The Valley County adopted a short-term rental ordinance after thorough discussions regarding number of people allowed. Idaho Code allows us to guide short-term rentals but not prohibit them. Valley County decided that over 12 people would require a conditional use permit to allow for public review and requirements for safety, parking, etc. The short-term rental allows four people per bedroom. Commercial use versus residential use was discussed. It is a single-family residence. The applicant stated that only one group/family rents the home at one time. The Valley County Building Inspector has inspected the building. Commissioner Freeman asked at what level does a residence become a hotel and thus require different construction and safety standards? Staff stated that the Commission has approved multiple conditional use permits for homes with greater than 12 people. The Commissions should determine if impacts are mitigated. Commissioners discussed if this use would make this a mixed-use subdivision. Staff stated that this application does not meet the requirements for a Planned Unit Development (P.U.D.). The home is a 6-bedroom single-family residence with a short-term rental permit for a maximum of 12 guests. Commissioner Freeman said the home was built to different standards than would have been required for a commercial hotel or lodge housing large groups of people. Commissioners Freeman and Roberts stated that the use would be commercial and outside the scope of the residential neighborhood. Commissioner Caldwell stated that it is a commercial use in a single-family residential area; there are numerous concerns regarding short-term rentals in this area. Commissioner Freeman stated that the positives are that the home has good access to West Roseberry Road and is not located in the middle of the subdivision. Currently 12 people can rent the site; however, there can be more than 12 of his personal family and friends on the property. The voided CCRs were discussed. The application states that weddings are prohibited. However, Commissioner Caldwell believes that family reunions are events, thus, the home has been used for commercial uses. If the lots were removed from the subdivision by the vacation process, the CCRs would no longer be valid (there are no CCRs).

Commissioner Roberts referred to Valley County Comprehensive Plan Chapter 8 Goal 4 which encourages industrial and commercial services to locate within the cities and their areas of impact or areas with similar use. Commissioner Roberts does not believe this proposal would be a "similar use". The commercial use is not compatible with the surrounding area. Commissioner Roberts referred to the questions on the second part of the compatibility matrix. The traffic volume would be greater than surrounding properties [Q6]. The potential impact on adjacent properties due to the consuming or emission or any resource or substance is about the same [Q7]. The property taxes on the house would be comparable with surrounding homes but this use may need more services and public agency response than the surrounding homes. [Q8, Q9].

Commissioner Roberts moved to deny C.U.P. 22-42 Brutsman Lodge based on conflicts with the Comprehensive Plan, compatibility with the area, and the commercial nature. Commissioner Caldwell seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

*8:50 p.m. – short recess*

*Commissioner Roberts is excused from the remainder of meeting due to travel concerns to the valley. A quorum still exists.*

## 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

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**STAFF REPORT:** C.U.P. 22-42: Brutsman Lodge  
**HEARING DATE:** November 10, 2022  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT /  
PROPERTY OWNER:** Ron and Tamara Brutsman  
332 E Mikyl Ridge Loop  
Nampa, ID 83686  
**LOCATION:** 1888 W Roseberry RD,  
Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW  
Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho.  
**SIZE:** 1.7 acres  
**REQUEST:** Lodge for 26 Guests  
**EXISTING LAND USE:** Single-Family Residence with Short-Term Rental Permit

---

Ron and Tamara Brutsman are requesting a conditional use permit for a short-term rental with a maximum of 26 guests. Short-term rentals requesting greater than 12 guests per night require a conditional use permit.

There is an approximately 6,000-sqft residence with a 2,000-sqft deck. The site includes three adjacent lots within Hawks Bay Subdivision. The home sits on the western lots and there is one lot in between the home and the next use.

Central sewer and water will be used. The kitchen is on the second floor. The ground floor has a kitchenette with sink and microwave adjacent to the game room; no stove or oven is located in the kitchenette.

Access is from a looped driveway off West Roseberry Road, a public road. There is a large parking area to accommodate multiple vehicles, trailers, and recreational toys as well as a 3-car garage.

The site has been landscaped with over 200 trees and leveled for proper drainage.

A short-term rental permit (STR 2020-06) currently allows for 12 guests. The residence is also used by the applicant's extended family. Rules are posted in the cabin and on the property line with the U.S. Bureau of Reclamation.

Events and guest weddings would not be allowed.

According to the State of Idaho Business listing, the Hawks Bay Homeowner Association was dissolved in 2019. The CCRs state "No building ...other than residential structures...This covenant does not, however, restrict the rental of the premises..." (Instrument 293886).

The site is adjacent to Bureau of Reclamation property that is designated as the North Fork Payette Wildlife Management Area. Bears were seen repeatedly in the subdivision area in 2022.

The 1.7-acre site is addressed at 1888 W Roseberry RD.

#### FINDINGS:

1. The application was submitted on September 26, 2022.
2. Legal notice was posted in the *Star News* on October 20, 2022, and October 27, 2022. Potentially affected agencies were notified on October 11, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent October 13, 2022. The site was posted on the property on October 21, 2022. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on October 4, 2022.
3. Agency comment received:

Central District Health has no objections. The structure is served by North Lake Recreational Sewer and Water District. (Oct. 14, 2022)

Jess Ellis, Donnelly Fire Marshal, responded with requirements. (Oct. 27, 2022; July 27, 2020)
4. Neighbor comment received:

Lisa Wanner Magoon, owner of Hawks Bays Subdivision Lot 3 which is directly adjacent to the site, states the increase from 12 to 26 people will have negative ramifications. These may include, more noise, violations in the Bureau of Reclamation lands, impact to residential area, increase in traffic and vehicles, and reduction of adjacent property values. An impact should be completed. (Sept. 28, 2022)

Sergei and Elena Kashirny, 13101 Hawks Bay RD, are opposed as they purchased their property because of location and quietness. The lot was sold for a single-family home, not a mini hotel. The presence of so many people will have negative consequences for the neighborhood due to constant noise, smoking issues, quantity of cars, decreased property values, impacts to the bird nesting area, and increased burden to public services. (Nov. 1, 2022)
5. Physical characteristics of the site: Relatively flat with numerous young trees.
6. The surrounding land use and zoning includes:

North: Bureau of Reclamation and Lake Cascade  
South: Agricultural (grazing)  
East: Single-family Residential (Hawks Bay Subdivision)  
West: U.S. Bureau of Reclamation and Lake Cascade
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 5. Commercial Uses (c) Service Uses (3) Motel, hotel, apartments, resort, bed and breakfast, or lodge

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

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## Valley County Code:

### 9-4-1:DEFINITIONS:

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.

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## SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +26.

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

## STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District, the Northlake Recreational Sewer and Water District, and a herd district. It is not within an irrigation district.
2. Who will be the management company? What contact phone number can we provide to neighbors and dispatch?
3. There is a 10-ft access easement along the western boundary as shown on the subdivision plat. Is this area blocked by landscaping, fences, or parked vehicles? ***The Applicant stated that nothing is parked in the 10-ft area; picture included. (Oct. 31, 2022)***
4. Please submit a picture of the rules posted on the property border with U.S. Bureau of Reclamation.
5. The application states there have been no complaints. However, the short-term rental has received complaints about lighting, snowmobile use in the non-motorized portion of U.S. Bureau of Reclamation lands, and advertising for over 12 people.
  - **I believe their lights comply with the ordinance. Do recommend floodlights are pointed down, removed, or not used. Applicant should confirm and submit pictures.**
  - **They are applying for conditional use permit for use by over 12 people.**
  - **I have nothing from the Bureau of Reclamation stating they cannot run snowmobiles in the winter; applicant should verify this with the BOR.**

## ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map

- Hawks Bay Subdivision – Assessors Plat
- Assessor Plat– T.16N R.3E Section 17
- Site Plan
- Pictures Taken October 21, 2022
- Information from Airbnb Website on Oct. 11, 2022
- Applicant's Response – Oct. 31, 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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
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 requirements of the Donnelly Fire District. A letter of approval is required.
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. This includes any pathway lighting.
6. Quiet hours are 10:00 p.m. to 7:00 a.m.
7. All noxious weeds on the property must be controlled.
8. Shall obtain a sign permit prior to installation of a sign.
9. Shall mark property lines and post Bureau of Reclamation Rules.
10. No events are allowed; this includes small weddings, etc. that would create noise impacts and increased traffic.
11. Smoke detectors and carbon monoxide detectors should be installed throughout the home and inspected by Donnelly Rural Fire.
12. There should be fire extinguishers on each level of the home and one near any outside LPG grills. LP gas detectors shall be installed.
13. Must comply with payment of sales tax in accordance with Idaho State Code Title 63 Chapter 36.
14. Shall post rules and emergency contact information in the home.
15. There is a maximum occupancy of 26 rental guests; the maximum occupancy must be reflected in all advertisements. The maximum number of guests includes day guests and/or visitors.
16. Bear-proof trash cans are recommended.
17. No parking in the setback areas or easement areas.
18. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.

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

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

### F. Questions 4 Through 9:

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



Compatibility Questions and Evaluation

Matrix Line # / Use: #18 - Service Business Prepared by: CH  
- Lodge

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?

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

2. Is the proposed use compatible with the other adjacent land uses (total and average)?  
*Bureau of Reclamation (#11 on Matrix)*

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

3. Is the proposed use generally compatible with the overall land use in the local vicinity?  
*S.F. Subdivision (#3)*

*See 142 with some Ag Use*

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?  
*It is large enough and they have planted 200+ trees*

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

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?  
*Yes - other large homes in area*

(+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 - access onto W. Roseberry, a major road to Tamarack. STR is subdivision*

(+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 - they have one fire pit located away from neighbors. Other STR in area.*

(+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?  
*Yes - no impact to schools/parks/open areas*

(+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?  
*↑ Taxes*

Sub-Total (+) 27

Sub-Total (-) 1

Total Score +26

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

# Valley County Planning and Zoning

## Appeal Letter



We are Appealing the board's decision to deny us for a C.U.P. for a few reasons and we would like to explain our situation.

#1 We think Ken Roberts had his mind made up before our case was called. We did not have a chance to say anything, and he was already saying why we should not get passed. He did not agree with Cynda and her team's point system, their research, and he had several reasons of why we should not get passed. Cynda had to finally ask the board if I could speak and present our case. The board heard me out and discussed our situation in a quick manner, possibly because they had a large agenda and wanted to move on, or they had previously already made their decision. We feel Ken controlled the board, spoke the most and really didn't give the others a chance to voice their ideas. His biggest issue was, since we call it Brutsman Lodge, that it should be classed in the same category as a motel. We tried explaining that it is not even close to the same thing, but he didn't want to hear it.

#2 We think this property should be based on a site-specific location, not as a normal short-term rental. We have 3 lots, with each one having their own private entrance, we have ample parking, and landscaping. There are other short-term rentals in Hawks Bay already

#3 The only people that opposed our short-term rental were from people that don't have homes or live in Hawks Bay. One was from a developer, and another was from a couple that own a lot in Hawk's Bay and has been trying to sell that lot for 6 months and they do not live in Idaho. Our closest neighbor wrote in and was in favor of us and had no complaints and not any other homeowners had any issues.

#4 Hawks Bay subdivision does not have any CCR's, they were dissolved in 2019. It also does not have an HOA. Ken Roberts, who is on the board, kept trying to refer back to the CCR's but Cynda kept telling him it can't be referred to as it was dissolved and irrelevant.

#5 Of the 26 guests that we are applying for, half are usually kids. From our experience, mom and dad and 3 or 4 adult children with spouses and the rest are kids, but when people search for a place to stay with more than 12, our cabin does not come up on the internet. Kids are counted as a person so 12 adults and 10 to 12 kids turn into 26 pretty quick. We have room for 26 people in beds, 10 of these beds are single bunk beds for kids and per Jodi, who works with Cynda, said this cabin is very capable of having that many guests, as she came and inspected the cabin when she was posting the signs for the C.U.P.

We own the last 3 lots to the west, lots one, two and three, we have our driveways off Roseberry, we do not use Hawks Bay Road.

We would like to explain our situation a little:

In 2018 we started our retirement dream cabin, we have plans to live in it one day once it's paid for. For now, we both work full-time and stay in it when it is not occupied.

My wife and I both come from large families and currently we have the largest house that can fit us all for a family get together, family time is especially important to us.

We overbuilt knowing we could rent it and help subsidize it along the way.

Then the county changed the rules of the game midstream. We tried to do the correct thing and went through a hearing. After our first meeting, knowing they were going to deny, we pulled out and worked on all the things we heard that night, as far as feedback. We implemented what we heard and tried to cover what they would ask for.

In 2020 we finished and in October opened it up.

We have run our cabin for 2 years, advertising 26 guests. I know your saying to yourself well that's wrong, and I agree, however, we have no choice. We are unable to afford our cabin without help from renting, then you say why did you overbuild, because the rules changed after we were about done and had no choice but to finish as planned. Then you ask, why not drop the price of the per night rent amount, well my answer is easy, we don't want the rift raft of renting to people who won't respect the work that's been put into this cabin, or the rules, and also the surrounding neighbor's. We tried this and what we found was when a younger group rented, they were partying, being noisy and breaking things in the cabin. We do much better when mom and dad have a few adult kids and grandkids. We have been invited to many dinners with our guests and they ask all kinds of questions, such as how it was built, how long it took to build and etc. We meet almost every renter and during this interaction they invite us back, we have taken many out on our pontoon boat. We tell them we are just around the corner if they need anything to call. We have at least 100 comments from people that have come and signed our guest book on how this place has brought their family back together again. People have spent money on local businesses' rafting, zip line, rope course, and many buy food locally and support the local restaurants. We have attached a few letters from some guests that we copied from our story book.

Something I heard at the last meeting was that a family reunion is considered an event. Anything with a scheduled time is considered an event. Families coming together is a family reunion and people renting a house is an event, no matter how many people are there. But the question is, what are we after? We don't want weddings or other larger gatherings that create extra noise for the neighbors. We don't want the extra traffic wearing our place out either.

So here we are 2 years later, not one complaint from anyone, our neighbors are not stupid they know we have more than 12 guests, we have more than 12 cars in the driveway many times. We do get out and speak to our neighbors. We are one of 4 members on the Architect committee for Hawks Bay that approves new homes coming in.

We have flood lights on our place that I used for when I would snowplow and work after dark. I didn't realize how bright they were when you added snow on the ground. We had a complaint from Allison, a neighbor back in 2020, and we resolved that, and we are now friends. We do not use these anymore unless it's an emergency and someone lost a kid, lol

We have planted several trees, over 200, and 100 of them are over 20 feet tall or more, many smaller and one day we will have a wall of trees for privacy that no one can see past.

Our traffic does not affect Hawks Bay Road one bit, since our guests don't use that road. Regarding our renters, and cars entering onto Roseberry, and the issue of having more guests, causing more traffic, we have the best view to see both directions leaving our driveway, no issues and remember, half of the people there are little kids and don't drive. Also on a side note, we have not had one accident or anyone that has been hurt in a crash on that corner due to our cabin being rented. From what we have seen, they happen mostly in winter and most of the traffic is coming to or from Tamarack just going too fast for the 15-mph corner on slick roads and they just slide into a snowbank, which 90% of the wreck's end up on our property and they get pulled back on. I have pulled at least 5 vehicles back on the road last year alone, with my backhoe.

So, to get to the point of my rambling:

We need help in finding a way to allow more guests to come to our place legally.

I know the word "Lodge" stumped some people on the board and they could not get past it. We named it that because it's just a big cabin, with 40 taxidermies of animals and looks like a lodge but for one family, who wouldn't want to go stay at a lodge? But it is truly a one-of-a-kind, hand-crafted cabin.

We could give it a new name if it would help, it could sound better to some and not be so confusing or misleading.

"Single Family Vacation Home for the larger families that want to stay and play together and make Memories" which this is really what it is.

I heard Cynda make a comment that they came up with 12 people because that would be 12 people in a 3-bedroom house. So, if we have 6 bedrooms then we should be allowed 24 people, if the rule is, 4 to a bedroom. If we have 5 bedrooms with adult parents and a couple kids, 4 people in a room, that's 20 and if the mom and dad are in the 6th that would be 22 people.

We would like to get 26, but open to 20 or whatever you suggest? Our cabin is very capable of accommodating that many people, with beds for everyone, and that was stated in the comments of the application from Jodi, from your office.

Please help us to know what direction we need to go from here. We are at a loss and really have put our heart and souls into this cabin and we really don't want to lose it.

Since we changed the advertising back to 12 people, 2 months ago, we have had no bookings. When people are searching online for a large enough place to fit the family, we don't pop up anymore as being one of the options because of the number of people they have in their party is more than 12.

Here is an example of the calendar on how the cabin rented from December 2021 thru current:

January 2022:

\*Rented from 12/31/21 thru 1/7/22

\*1/27/22 thru 1/30/22

February 2022:

\*3<sup>rd</sup> thru 9<sup>th</sup>

\*16<sup>th</sup> thru 21<sup>st</sup>

\*23<sup>rd</sup> thru 28<sup>th</sup>

March 2022:

\*4<sup>th</sup> thru 7<sup>th</sup>

\*18<sup>th</sup> thru 20<sup>th</sup>

\*24<sup>th</sup> thru 29<sup>th</sup>

April 2022:

\*17<sup>th</sup> thru 24<sup>th</sup>

\*28<sup>th</sup> thru 5/2/22

May 2022:

\*6<sup>th</sup> thru 9<sup>th</sup>

\*27<sup>th</sup> thru 30<sup>th</sup>

June 2022:

\*3<sup>rd</sup> thru 6<sup>th</sup>

\*16<sup>th</sup> thru 24<sup>th</sup>

\*29<sup>th</sup> thru 7/3/22

July 2022:

- \*4th thru 8<sup>th</sup>
- \*9th thru 16<sup>th</sup>
- \*18th thru 23<sup>rd</sup>
- \*27th thru 31<sup>st</sup>

August 2022:

- \*8<sup>th</sup> thru 12<sup>th</sup>

September 2022:

- \*2nd to 6<sup>th</sup>
- \*8<sup>th</sup> thru 11<sup>th</sup>
- \*16<sup>th</sup> thru 19<sup>th</sup>
- \*30<sup>th</sup> thru 10/2/22

October 2022:

- \*17<sup>th</sup> thru 21<sup>st</sup>

November 2022:

- \*17<sup>th</sup> thru 21<sup>st</sup>
- \*23<sup>rd</sup> thru 28<sup>th</sup>

December 2022:

- \*22<sup>nd</sup> thru 29<sup>th</sup>
- \*30<sup>th</sup> thru 1/2/23

Groups vary from 12 guests to 26, but for a typical month it averages about 3 different families. We will block out a few weeks during the year for our families to come and be together.

We also have a lot at 2531 Westwood Drive that we have our 5<sup>th</sup> wheel on in the summer. When the cabin is rented, we will stay in our 5<sup>th</sup> wheel but when it is not being rented, we will stay at the cabin or go back to Nampa, where we own a home. In the winter months, if the cabin is rented, I will stay with a friend, James Knight, who owns a cabin off of Westwood Drive.

We ask that you please consider everything we have stated in this appeal and please grant us the C.U.P., not only for our families but the others that come together to make everlasting memories.

Thank you for your time.

Thank you,  
Ron & Tamara Brutsman



A handwritten signature in blue ink that reads "Ron Brutsman".

11/21/2022

5/23/21

We had the best time in this beautiful lodge! We had lovely conversations by the fire, adventures on the side-by-side, hot tub parties, and lake swims (dares of course!) Our family was long over-due for some quality time, and this was a fantastic place to make some new memories. We will be back with more people!

Thank you!

~ The Countryman / Lynch family

May 31, 2021

Thank you for sharing your lodge with us! It was the perfect place for four families to meet up after 9 long years. We spent hours on your beautiful beach, played games all night, and made tons of new memories. We loved your beautiful and accommodating home, and we're already scheming future Memorial Day Weekends here.

- The Hutchisons, Gibbons,  
Miles & Shafers (H.G.M.S)

GORSKI FAMILY JUNE 29 to July 3 2021  
THANK YOU VERY MUCH. WE HAD A WONDERFUL TIME.  
LOVE YOUR HOUSE AND THE AREA. HOPE TO RETURN ONE DAY.

Orais Family, July 6 - July 13

Thank you for the opportunity to enjoy your beautiful lodge. The beach and the game room were great hits with the kids. The kitchen was roomy and we loved having the portable tables we could set up on the deck for meals together. The laundry room became snack head quarters where we filled the entire counter with chips, crackers, candy in all varieties, nuts, coolers with drinks and watermelon. It worked out so well.

The area was a great playground where we did a zipline, a ropes course and a water raft trip.

It has been a great reunion for our family and having such a fantastic lodge made it so memorable. Thanks again.  
Diane P. Ellis

SAFARI 44

8/15/21

To Ron + Tamara,

THIS WAS THE LOCATION FOR THE 44<sup>th</sup> REUNION OF A LIFE LONG FRIENDS (3 COULD NOT ATTEND). WE HAVE TRAVELED ALL OVER THE U.S. AND WE TO A MAN WANT YOU TO KNOW THAT WE FOUND YOUR ACCOMMODATIONS TO BE FIRST CLASS, TOP SHELF!!

AS WE FIRST DROVE UP THE FIRST WORD WAS "WOW". FROM THERE WE MOVED INSIDE AND WERE ABSOLUTELY STUNNED BY THE BEAUTY, CARE AND CRAFTSMENSHIP.

EVERYTHING WAS LAID OUT PERFECTLY FROM THE KITCHEN, DECKS, BEDROOMS + GAME AREA. ONCE YOU TOSSED IN THE MAGNIFICENT SCENERY + VIEWS WE HAD THE PERFECT TIME.

YOU GAVE US THE PERFECT LODGE + LOCATION FOR A FABULOUS TIME.

WELL DONE,

MANY THANKS

THE SAFARIERS!!



July 9-16, 2022

Best house we've stayed in! So many things to see and do, great view, great location, very comfortable for our group of 24. Ron and Tamara were so awesome - best hosts ever!

Thank you for sharing your wonderful home!

Hales Reunion

PS-we love the "high" bed in the upstairs room! 😊

July 16<sup>th</sup> 2022

We have made so many memories here that we will cherish forever. The games, bedtime stories, family challenges, time on the lake, the animals and hidden money, the food, and of course the time we had together. Thank you for providing us a place to gather

- Deborah Call

July 16<sup>th</sup> '22

The cabin was excellent! We can tell how much work you put into building it with a personal touch unparalleled. Great to see the history and appreciate all of the suggestions and advice on the Payette River and water activities. Hope to be back for a future reunion - Darren

10-16-21

Bonnie Harrahas 80<sup>th</sup>  
Birthdays

10-15 thru 10-17-

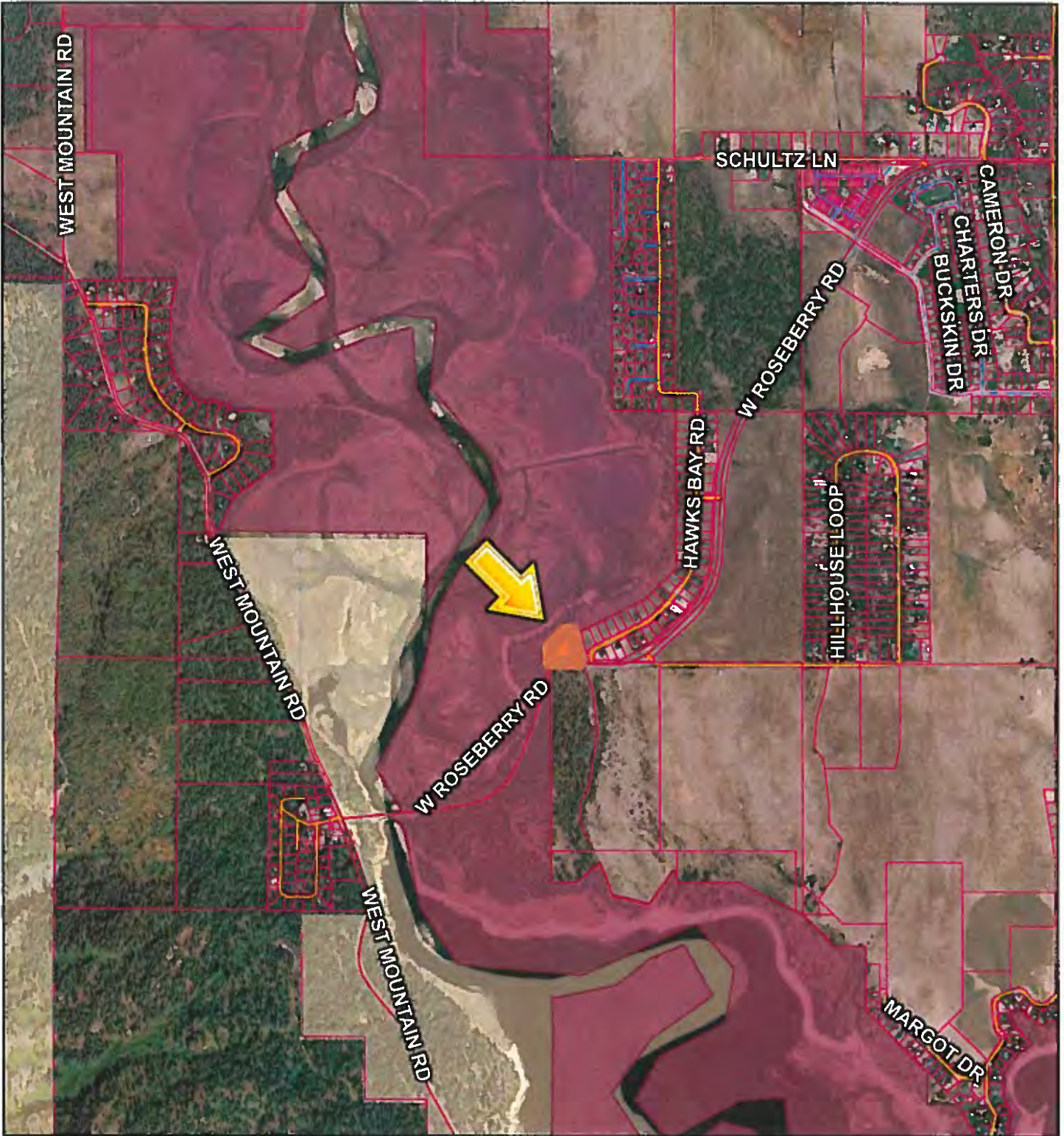
This was one of the best weekends. We all loved this place. It is beautiful, comfortable and the best place to visit. Ron & I were so personable and sweet. Thank you so much for making us so welcome. Thank you for taking Bonnie up in your airplane and having dinner with us. We hope to come back soon and have you visit us. God bless.

Stella & Billy  
Rutler  
Rosedale  
MT  
& Rocky

Chuck & Joann Rutler Shoshone, ID




the plane ride was the greatest thanks so much.  
Bonnie





# C.U.P. 22-42 Vicinity Map



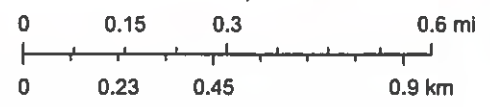
September 28, 2022

1:25,078

-  Override 1
-  Override 1
-  Parcel Boundaries

- Roads**
-  COLLECTOR
  -  URBAN/RURAL
  -  USFS
  -  PRIVATE

- County Boundaries**
-  VALLEY COUNTY
  -  Bureau of Reclamation
  -  USFS Surface Ownership
  -  Payette National Forest









Maxar

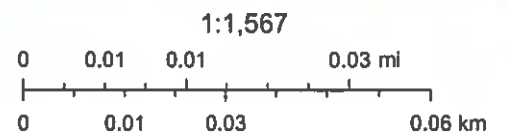
# C.U.P. 22-42 Aerial Map



September 28, 2022

-  Override 1
-  Override 1
-  Address Points
-  Parcel Boundaries

- Roads
-  COLLECTOR
  -  URBAN/RURAL
- County Boundaries
- VALLEY COUNTY



Maxar, Microsoft

RP 00520

Book 10, Page 4

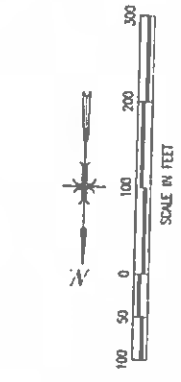
# HAWKS BAY SUBDIVISION

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17  
T. 16 N., R. 3 E., B.M.  
VALLEY COUNTY, IDAHO  
2005

Instrument # 233884  
VALLEY COUNTY, CASCADE DISTRICT  
Recorded by County Recorder  
Date of Recording: 11/11/05  
Book 10, Page 4

## NOTES

- UNLESS OTHERWISE SHOWN, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, STREET LIGHTS, IRRIGATION, LOT DRAINAGE, AND LANDSCAPE OVER THE THIRTY (30) FEET ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HAND-SURFACED DRIVEWAYS AND DRIVEWAYS TO EACH LOT.
- UNLESS OTHERWISE SHOWN OR DESIGNATED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT OR SUBDIVISION BOUNDARY.
- BUILDING SETBACKS IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCE IN EFFECT AT THE TIME OF THE ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- RESTRICTIONS CONTAINED HEREIN SHALL BE IN EFFECT FOR THIS SUBDIVISION 293886.
- ALL LOTS TO BE OWNED AND MAINTAINED BY THE HAWKS BAY HOMEOWNERS ASSOCIATION SHALL BE USED AS UNDESIGNED LOTS.
- ALL LOTS TO BE OWNED AND MAINTAINED BY THE HAWKS BAY HOMEOWNERS ASSOCIATION SHALL BE USED AS UNDESIGNED LOTS. ALL LOTS TO BE OWNED AND MAINTAINED BY THE HAWKS BAY HOMEOWNERS ASSOCIATION, 5400 LOT IS ALSO COVERED BY A TEN (10) FOOT PUBLIC PATHWAY EASEMENT.
- SEE ADJACENT RECORD OF SURVEY NO. 281949 FOR ADDITIONAL DATA OF RECORD.
- UTILITIES HAVE NOT BEEN INSTALLED AT THE TIME OF RECORDING OF THIS PLAT 293885.
- NO SEPTIC FACILITY SHALL BE CONSTRUCTED WITHIN 100 FEET OF ANY WELL IN LOT 20, BLOCK 2.



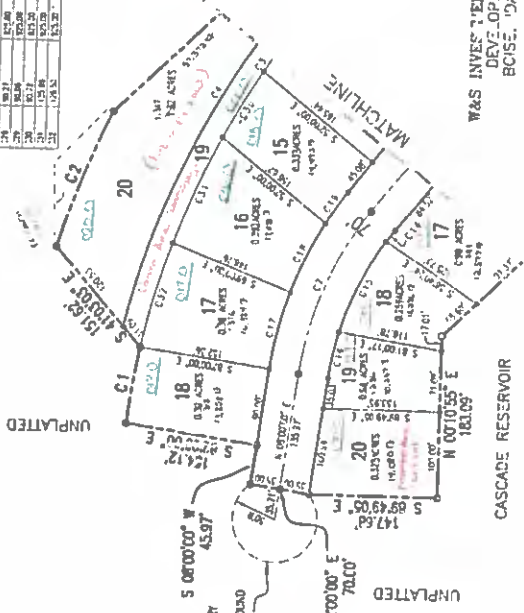
## HEALTH CERTIFICATE

SUMMARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SIGNED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DEED, ZONING AND RESTRICTIONS AND THE CONDITIONS IMPROVED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE RESTRICTIONS. HOWEVER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS. CONSTRUCTING THESE OTHER FACILITIES SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SHARING THE COSTS OF THE FACILITIES. THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF THE HEALTH CERTIFICATE, THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) SHALL REVOKE THE HEALTH CERTIFICATE AND NO CONSTRUCTION OF ANY BUILDING OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

*Joseph Heath Department*  
DATE: 3/24/2005  
# 292969

**CURVE TABLE**

| STATION | CHORD BEARING | CHORD LENGTH | ARC LENGTH | AREA     | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
|---------|---------------|--------------|------------|----------|---------------|--------------|------------|
| 1       | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 2       | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 3       | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
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| 6       | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
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| 32      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
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| 34      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 35      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 36      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
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| 39      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
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| 41      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 42      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 43      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 44      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 45      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 46      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 47      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 48      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 49      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |
| 50      | S 89°27'03" E | 268.68       | 161.10     | 10,382.1 | S 89°27'03" E | 268.68       | 161.10     |



- LEGEND**
- REAL POINT OF BEGINNING, FOUND
  - FOUND BRASS OR ALUMINUM CAP (AS NOTED)
  - SET 5/8" DIA REBAR WITH PLASTIC CAP
  - SET 1/2" DIA REBAR WITH PLASTIC CAP
  - FOUND 3/8" REBAR
  - BOUNDARY LINE
  - SECTION LINE
  - RIGHT-OF-WAY LINE
  - - - CENTERLINE
  - - - LOT LINE
  - - - EASEMENT LINE

WAS INVESTMENTS INC. P.O. BOX 1000  
BOISE, IDAHO 83720  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 14544  
STATE OF IDAHO  
SHEET 1 OF 2  
11/11/05

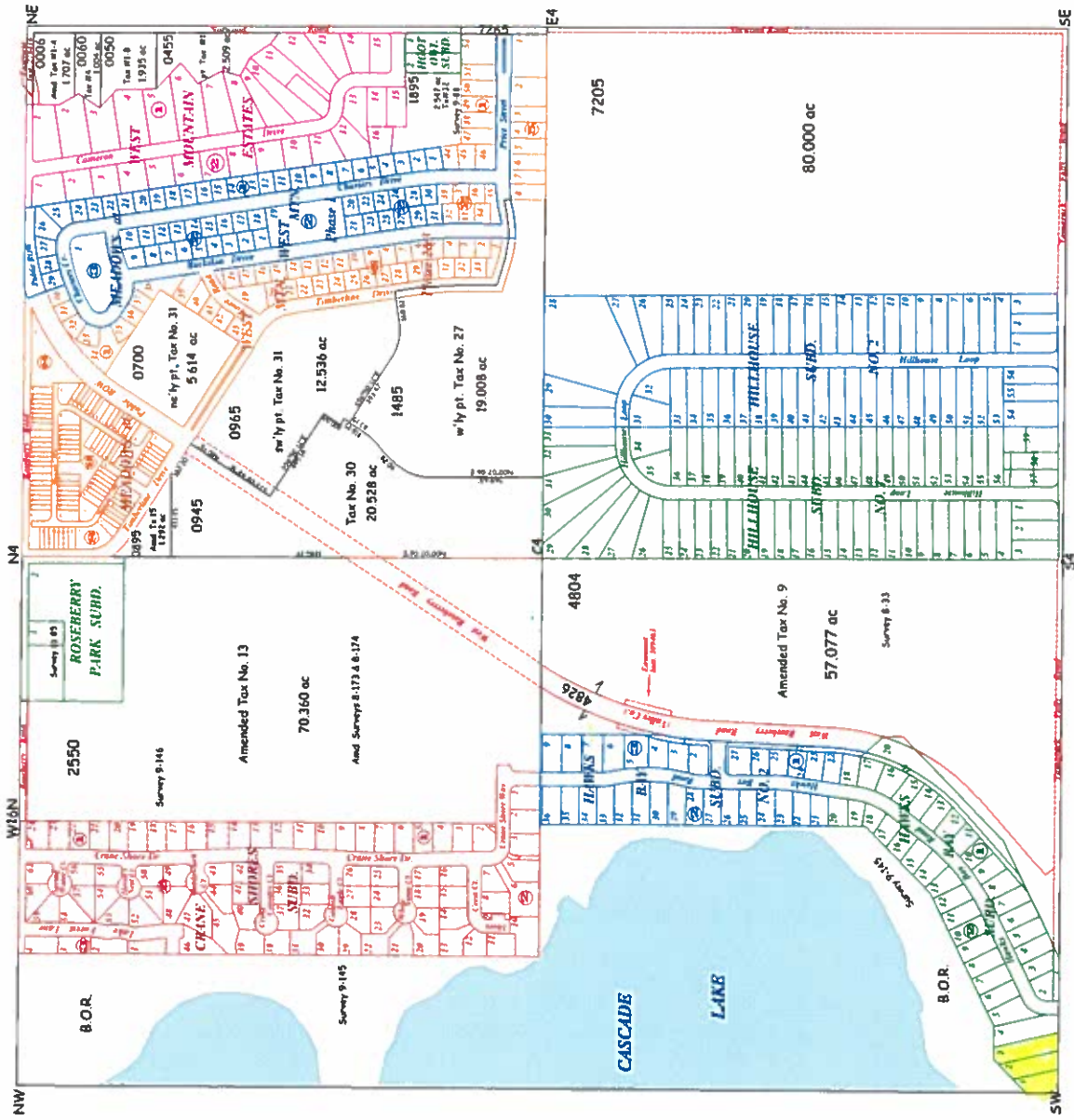
WAS INVESTMENTS INC. P.O. BOX 1000  
BOISE, IDAHO 83720  
REGISTERED PROFESSIONAL ENGINEERS  
NO. 14544  
STATE OF IDAHO  
SHEET 1 OF 2  
11/11/05

PLAT TITLE

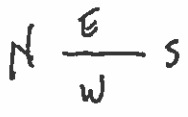
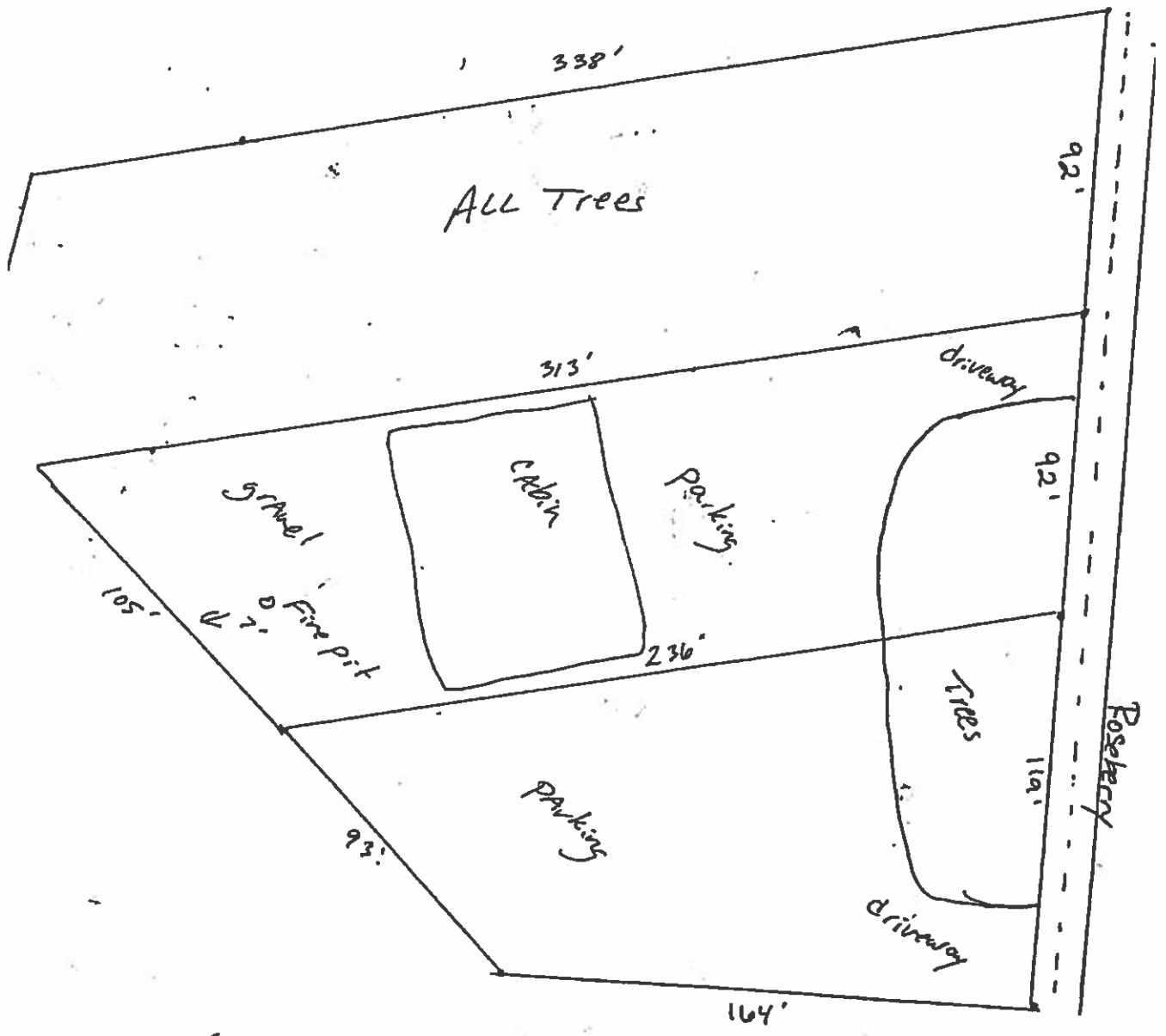
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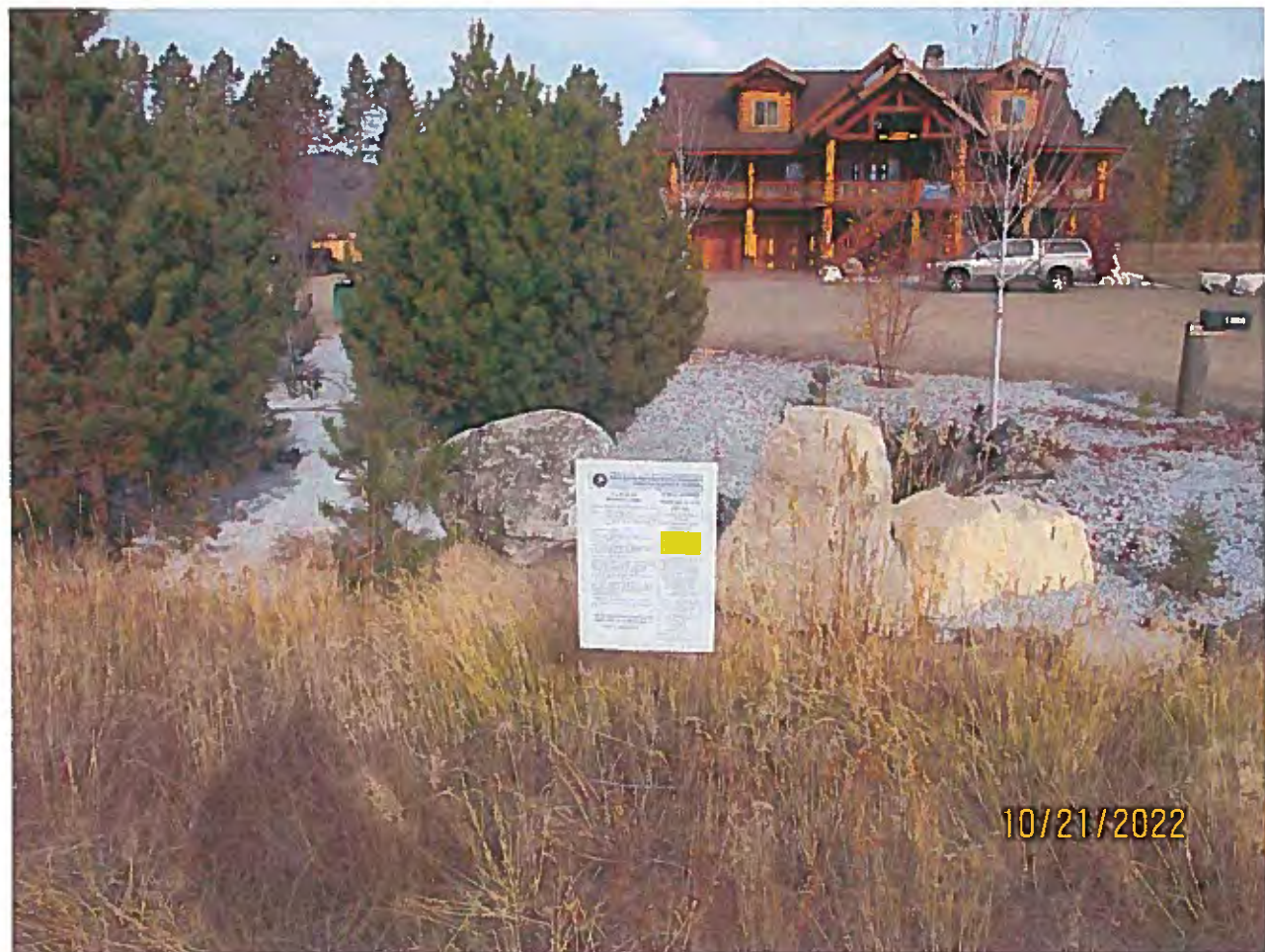
VALLEY COUNTY  
Cartography Dept.  
Assessor's Office  
Cascade, ID 83611

Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 10/25/17  
Drawn by: L. Frederick



This Platmap is to be used for reference purposes only. The County is NOT responsible for any inaccuracies contained herein.











12/23/2022



12/23/2022

# From Airbnb website – Oct. 11, 2022

## About this space

6,000 sq ft Juniper Log home, hot tub, Granite Stairs, Donnelly, Cascade, McCall

This Mega Lodge with over 8000 sq ft covered cabin and huge walk around deck has 360 degree views. Fast Wifi, room for snowmobile parking.

Some GPS do not give correct location, Directions from the Stinker station in Donnelly go West towards Tamarack 3 miles, look to the right, cant miss it.

### The space

Located just minutes south of the city of McCall. Payette Lake, Ponderosa State Park, McCall Golf Course, Brundage Mountain Ski Resort, just west of Jug Handle Golf Course, and north of Tamarack Resort.

Enormous Game room with 75 inch TV, Pool table, Ping pong, Shuffleboard, Foosball, card table. Three 75 inch TV's and one 86 inch. through out the cabin. Outdoor area complete with Fire pit, additional dining tables. Large hot tub.

1st floor consists of huge game room, living room with 75 inch TV, full size kitchenette, full bathroom with 2 bedrooms that have 4 queen beds that can accommodate 8 people.

Take notice of the Granite slab stairs as you walk to the next level.

Next level up is a large open living room with 20 foot high ceilings that capitalize on the breathtaking views of Cascade Reservoir, non motorized section, great for paddle boards and kayaks. Large reclining sectional sofa set in front of huge 86 inch Flat Screen TV, Gas fireplace and record Moose. Additional seating in the front sitting room. Dining table seats up to 10 people and additional bar stools surround that kitchen. Open gourmet kitchen, with 36 inch gas cook top and double oven with 2 dishwashers. Large Laundry with two double stack washer and dryer with wrap around granite counter for easy folding. Half bath off the kitchen with above granite rock sink, Large pantry, on the other side of the 2nd level is the master suite accommodated with a 75 inch TV with a Magnificat view from the queen bed and twin Trundle, could accommodate 3 people. Master bath with Granite Slab shower, counter and above hand carved rock sinks. Tons of deck space with high bar stools that allow seating capacity for tons of people.

As you walk to the third floor take a moment to look at the hand carved half log steps.

Third floor, West wing bedroom with beautiful views of west mountain, has 4 hand made log bunk beds, can accommodate 8 people, connected to a Full bathroom with Granite slabbed surround bath tub - shower

Loft has large open floor space overlooking the the great room connected to the half bath.

East Wing bedroom has one queen with a pull out twin trundle and Full bed. can accommodate 5 people.

The 5 bedrooms are spread out in this huge home so that you can still get away from everyone and have privacy in your luxury lodge. All bathrooms possess top notch finishes from granite, rock and tile. All bedrooms appointed with top of the line linens and bedding.

All 3 floors are radiant heat with extra electric heaters to accommodate those chilly nights.

Plenty of parking for snowmobile trailers or boats or UTV's

Boat launch is one mile away and snowmobile and UTV from the front door, 2 miles to the trail-head

True High Speed Internet through Sparklight

No smoking

No pets

A true masterpiece that must be seen to be believed.

We disinfect between every stay and we have disinfecting wipes on hand.

Exterior Perimeter cameras in use at all times for the protection of our lodge and our guests.



Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # CUP 22-42

Preliminary / Final / Short Plat Rosenman Lodge

Hawks Run Sub Lots 1, 2, & 3 Blk 2  
1888 Roseberry Rd

- 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. STRUCTURE IS SERVED BY NORTHLAKE SECURE DISTRICT.

Reviewed By: [Signature]  
Date: 10/14/22



**Donnelly Rural Fire Protection District**  
P.O. Box 1178 Donnelly, Idaho 83615  
208-325-8619 Fax 208-325-5081

October 27, 2022

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

RE: C.U.P. 22-42 Brutsman Lodge

After review, the Donnelly Rural Fire Protection District (DRFPD) will require the following.

- A compliance inspection for smoke/CO and combustible gas detectors shall be required prior to occupancy
- All previous requirements shall remain in effect

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



## **Donnelly Rural Fire Protection District**

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

July 27, 2020

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

RE: C.U.P. 20-15 Brutsman Lodge

After review, the Donnelly Rural Fire Protection District approves C.U.P. 20-15 Brutsman Lodge with the following requirements.

- **907.2.11 IFC 2015** Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.6 and NFPA 72.
- **907.2.11.1 Group R-1 IFC 2015** Single or multiple station smoke alarms shall be installed in all of the following locations in Group R-1:
  - 1) In sleeping areas
  - 2) In every room in the path of means of egress from the sleeping area to the door leading from the sleeping unit.
  - 3) In each story within the sleeping unit, including basements. For sleeping units with split levels and without and intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- The Donnelly Rural Fire Protection District requires all short term rentals comply with the **Valley County Ordinance 19-09 Liquefied Petroleum Gas System**
- **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.

- 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
- Closed burning season is May 10<sup>th</sup> through October 20<sup>th</sup> and may be subject to burn restrictions as required by the State of Idaho. Check the daily status at [www.burnpermits.idaho.gov](http://www.burnpermits.idaho.gov) or call SITPA at 208-634-2268

Please call 208-325-8619 with any questions.

Jess Ellis



Fire Marshal  
Donnelly Fire Department



**Ordinance 19-09**  
**Liquified Petroleum Gas (LPG) Systems**

**Chapter 3**  
**LIQUIFIED PETROLEUM GAS (LPG) SYSTEMS**

**6-3-1 : SHORT TITLE:**

**6-3-2 : PURPOSE:**

**6-3-3 : APPLICABILITY:**

**6-3-4 : PERFORMANCE STANDARDS and PROCESS:**

**6-2-1 : SHORT TITLE:**

This chapter shall be known and may be cited as the *VALLEY COUNTY LIQUIFIED PETROLEUM GAS (LPG) SYSTEMS ORDINANCE*.

**6-2-2 : PURPOSE:**

The general purpose is to protect and promote the public health, safety and welfare of the general public, by establishing regulations and a process for implementing best LPG practices. This chapter establishes standards in order to accomplish the following and shall apply to all new liquified petroleum gas (LPG) installations, residential and commercial systems, and to existing installations when LPG service is reconnected after service is interrupted.

- A. Provide safe use of LPG products;
- B. Protect against dangerous and improper installation of LPG systems;
- C. Provide consistency in the construction industry;
- D. Provide for construction in our local weather conditions;
- E. Provide for a process that lessens the inattention of installers;
- F. Provide for a process that protects against overlooking of safety precautions;
- G. To work with other jurisdictions within the county to meet the purposes of this chapter.

**6-2-3 : APPLICABILITY:**

This subsection shall apply to all new liquefied petroleum gas (LPG) installations, residential and commercial systems, and to existing installations when LPG service is reconnected after service is interrupted.

#### **6-2-4 : PERFORMANCE STANDARDS and PROCESS:**

- A. Propane providers shall install systems following NFPA 54 & 58, including;**
- 1. Two-stage regulator systems, or twin packing regulators underneath the tank lid, shall be installed on all LPG installations, with twin packing preferred.**
  - 2. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank.**
    - a. The atmospheric pressure aperture of the regulator shall point downward.**
    - b. The first stage regulator shall be plumbed to the riser of the yard piping with a flexible riser to allow flexibility should tank shifting occur.**
    - c. The riser from the yard piping shall be located not more than 12 inches from the walls of the tank.**
  - 3. The second stage regulator and riser pipe shall be installed on the gable end of the building, in an approved location (flat roofs, bonnet roofs, etc.).**
    - a. The penetrating building nipple shall be schedule 80.**
    - b. The outside hookup to the nipple shall also be schedule 80.**
    - c. This riser shall be a flexible riser pipe and shall be securely supported/braced to the wall approximately ten (10) inches below the regulator to prevent bending of the pipe by lateral snow/ice loads.**
  - 4. A protective cover, approved by the gas supplier and the fire district, shall be installed over all second stage regulators/ or meters and riser piping, and securely supported to the ground or diagonally to the building wall.**
  - 5. The riser pipes for the yard piping shall not be embedded in concrete. Concrete placed around such riser shall be held back at least one inch (1") from all sides of the pipe.**
  - 6. Location of the centerline of LPG tanks shall be permanently marked using a snow stake.**
    - a. Such stake shall be of sufficient height to be visible through anticipated maximum snow depth at the respective location.**
    - b. Installation and maintenance of the snow stake is the responsibility of the LPG user.**
  - 7. Propane appliances shall not be permitted in any new installation in an attic or crawl space, effective May 1, 2020, unless a combustible gas detection is built into a system that shuts down the supply of propane in the event of a leak.**

8. A combustible gas detector shall be installed in the lowest livable level of any building with an LPG appliance at the time of installation. Maintenance of the combustible gas detector shall be the responsibility of the LPG user.

9. Propane tanks shall be kept clear of snow so that quick access can be made to turn off the propane in emergencies. Keeping snow clear of the tank shall be the responsibility of the LPG user.

B. Submittal to Fire District: The propane company shall submit an LPG permit application and an LPG system plot plan to the appropriate fire district in the following circumstances:

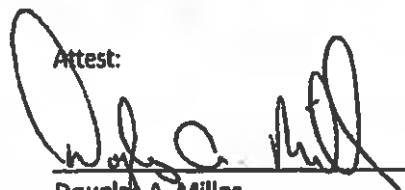
1. After installation of a propane system
2. If service is interrupted and a new tank is being set

The LPG plot plan shall include, but not limited to, the tank location, tank capacity in U.S. gallons, route of yard piping, location of the riser pipe at the building, property boundaries, an outline of all existing/proposed building on the lot and a depiction of the ridgeline of any building to be supplied with LPG.

C. Submittal to Building Department: After installation by the propane company for new construction and inspection by the appropriate fire district, an approval shall be transmitted to the appropriate Building Department. The Building Department will not issue a certificate of occupancy until receipt of the inspection/approval is received.

**NOW, THEREFORE, BE IT ORDAINED AND APPROVED** by the Valley County Board of Commissioners, Idaho this 30<sup>th</sup> day of September, 2019.

  
Gordon Cruickshank, Chairman

Attest:  
  
Douglas A. Miller  
Valley County Clerk

**Public Hearing Notice - Appeal of C.U.P. 22-42 Brutsman Lodge  
Wendy Howell <Wendy.Howell@itd.idaho.gov>**

Mon 12/19/2022 4:29 PM

To: Lori Hunter <lhunter@co.valley.id.us>

Good Afternoon Lori,

Idaho Transportation Department (ITD) appreciates this opportunity to comment on Brutsman Lodge's appeal. This project does not abut the State Highway system thus ITD has no further comments at this time.

Have a Merry Christmas.

Best Regards,

*Wendy Howell*, PCED  
Development Services Coordinator  
Idaho Transportation Department, District 3  
8150 W Chinden Blvd  
Boise, ID 83714  
Phone No: (208) 334-8338  
Email: [wendy.howell@itd.idaho.gov](mailto:wendy.howell@itd.idaho.gov)



**YOUR Safety ••• ► YOUR Mobility ••• ► YOUR Economic Opportunity**

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**From:** Lori Hunter <lhunter@co.valley.id.us>

**Sent:** Thursday, December 15, 2022 3:18 PM

**To:** Jason Dobis <jdobis@usbr.gov>; cdillon@usbr.gov; IDFG - Brandon Flack <brandon.flack@idfg.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; North Lake Sewer & Water <nlssewer@northlakesewerwater.com>; NLRSWD Travis Pryor <travis@northlakesewerwater.com>; June Fullmer <jfullmer@co.valley.id.us>; Marsha de Lanee de Betrancourt <mmead@co.valley.id.us>; Brian Oakey <boakey@co.valley.id.us>; Jeff Mcfadden <jmcfadden@co.valley.id.us>; Patti Bolen <pbolen@co.valley.id.us>; Mike Reno @ CDH <mreno@cdh.idaho.gov>; Suzanne @ CDH <smack@cdh.idaho.gov>

**Subject:** Public Hearing Notice - Appeal of C.U.P. 22-42 Brutsman Lodge

Please read, distribute, and comment on the attached public hearing notices. Relevant maps, site plans, etc., will also be attached. More information, including applications and staff reports, will be available at [www.co.valley.id.us](http://www.co.valley.id.us)

Send comments to: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Lori Hunter  
Valley County Planning & Zoning Assistant Planner  
208-382-7115  
219 N. Main Street • P.O. Box 1350  
Cascade, ID 83611

**S**ervice **T**ransparent **A**ccountable **R**esponsive

## Brutsman Lodge

Cynda Herrick <cherrick@co.valley.id.us>

Tue 11/8/2022 10:34 AM

To: Lori Hunter <lhunter@co.valley.id.us>

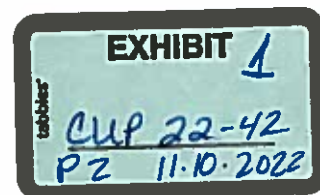
Jason Dobis, Bureau of Reclamation, phoned on November 8 at 10:30 a.m.

The BOR does not prohibit snowmobiling on their property or in the Wildlife Management Area until after March 1 (approximately).

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Director  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7116

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

**S**ervice **T**ransparent **A**ccountable **R**esponsive



## **Objection to Appeal of PZ Commission Denial of C.U.P. 22-42 Brutsman Lodge/Objection to Conditional use permit**

**From:** Elena Kashirny [REDACTED]

**Sent:** Saturday, December 17, 2022 10:53 PM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** Objection to Appeal of PZ Commission Denial of C.U.P. 22-42 Brutsman Lodge/Objection to Conditional use permit

Dear Ms. Herrick,

Me, Elena Kashirny and my husband Sergei Kashirny are writing to you again to object to appeal, to object approval of the conditional use permit for the property owners Ron and Tamara Brutsman, for a short-term rental with a maximum of 26 guests. We would like to mention again that we are the closest neighbors to the applicants Ron and Tamara Brutsman. We are the owners of the property located at 13101 Hawks Bay Rd, Donnelly. If you will approve this conditional use permit it will be not the one group of 4-6 people present at the same time, it will be 26 people present at the same time. It will be sufficiently more people than is considering for single family house according to the Idaho Law. Brutsman family planted small trees but they did not cover all area between us completely, and we need to wait 10-15 years for trees to grow, to cover lighting impact and noise impact, and it is not a guarantee that sit will help with noise. We need to wait 10-15 years for trees to grow to be sure.

Applicant has a due process right to hearing and we have a due process right to object to the conditional use permit. As the owner we have a right of the quite enjoyment of our property. The fact that we did not build our house yet did not exempt us from our right for quite enjoyment of our property without interference now, or when we visit with family our site or will be living there in the close future. We are on the premises often and already were dealing with people driving in our property on 4 wheelers and walking around on our property and past the fence. The fence was broken two times. Not sure what issues we will be having if it will be additional 26 people around. We plan to build a house and did not start it yet for personal reasons. If conditional permit would be granted we will be dealing with continuous nuisances, we will be needed to file multiple complains as our house will be in close proximity to 26 people party. It is not only noise, but also smoke from people and gas from the cars, continuous walking as the only way to get to the water just in the back of our lot. We also worry about safety of our children. **The purpose of the Short-term Rental Ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in Valley County, Idaho, as allowed by IC 67-6539.**

For the regular residential business regular permit is issued. For the motel, hotel, apartments, resort, bed and breakfast, or lodge conditional use permit required as Brutsman family is asking. The lot was sold according to the requirements for building of single family home and no one mentioned that we will have in future 26 people (like mini hotel) close to us. The

presence of so many people will have negative consequences for us and for all our neighbors. The problem from constant noise, smoking issues, quantity of cars driving nearby will have effect like we live close to hotel or in big town. Not sure how owners will keep all 26 guests inside of their house all the time when they have a big balcony and their guests already always present there in evening.

**The short term rental may be used for residential purposes only. It cannot be used as a wedding venue, corporate retreat, seminars, team-building events, or other use that requires a conditional use permit. Using short-term rental for 26 people sounds more like a corporate retreat or mini wedding and not for residential purpose.**

**According to the code of Valley County the comprehensive plan states in part that the rural atmosphere of the valleys be protected, that recreation should be encouraged, and that the economic value of privately owned land be increased.**

If you will approve a conditional use permit for the property owners Ron and Tamara Brutsman, for a short-term rental with a maximum of 26 guests it will have direct negative impact on us and our property value and our property enjoyment. As we mentioned earlier we purchased this land because of location, it is beautiful and very quiet place. Not many people around, not much noise and no smoking issues.

The possibility to have 26 people at the same time will only cause nuisances and will make it impossible to have quite enjoyment of our property. The issue of this permit will destroy character of single family neighborhood. It will also cause increase in traffic and density. Additionally, it will cause diminish of value of the property as no one will want to purchase a property close to neighbor who can have 26 people constantly.

This land has a unique characteristics, we have a federal land on the back of our lots that preserved for the bird nesting. The potential impact on that land will be highly negative, distractive. Mr. and Mrs. Brunsman already has missing part of their fence which will cause 26 people walking around. It will not only destroy nature, but we and all our neighbors will lose all their right of privacy in our own backyards.

If you will issue this conditional use permit it will cause significant adverse effects on the environment, overburden public services, change the desired character of an area, and create major nuisances.

Considering all of the above we object to issue a conditional use permit for a short term rental with a maximum of 26 guests, for Ron and Tamara Brutsman. We ask to deny the appeal of Ron and Tamara Brutsman.

Sincerely,  
Sergei and Elena Kashirny  
Owners of Pine Shore Retreat LLC

## Appeal of PZ Commission Denial of C.U.P. 22-42 Brutsman Lodge

From: [REDACTED]

Sent: Monday, December 19, 2022 10:34 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: Appeal of PZ Commission Denial of C.U.P. 22-42 Brutsman Lodge

To whom it may concern,

No, I do not live near the address on Roseberry Rd. But I do live in Valley County and approving the Conditional Use Permit would have consequences to all of Valley County. Here are some of my concerns with allowing a short term rental for 26 people.

1. Traffic on West Mountain Rd. and all other local roads near the home.
2. Will put a strain on our already strained water and sewer systems.
3. What guarantee will the county have that there won't be parties or out of control gatherings that will need the Sheriff's to be involved? How are the owners going to police their guests?
4. It says the closest neighbor is in favor, what about the numerous vacant parcel owners that are close by? Have they been notified? If they build a home on their lots, are they going to have issues with the parties/gatherings at their neighbors house?
5. Once you approve 1 C.U.P. for a short term rental for 26 people, where does it stop? Other large homes will want to do the same. The short term rentals in Valley County are completely out of control and approving more C.U.P.'s for letting them do more and more will only get worse.

I do not see this being in anyone's best interest, except Ron and Tamara Brutsman's wallets.  
Please do not approve this C.U.P. for all of us full time residents.

Sincerely,

*Jill Casal*



January 10, 2023  
Michael and Toni Murphy  
13138 Hawks Bay Road  
Donnelly, Idaho 83615

Valley County Board of Commissioners  
C/O Cinda Herrick  
Director of Planning and Zoning  
P.O. Box 1351  
Cascade, Idaho 83611  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)  
Sent by email

RE: CUP 22-42 Brutsman Lodge Appeal Hearing Written Comment

Dear Commissioners:

Toni and I are writing this letter in opposition to the appeal CUP 22-42 Brutsman Lodge. We are property owners and part time residences of Hawks Bay Subdivision, as well as close neighbor to the property of the proposed appeal. We have reviewed Mr. Brutsman appeal letter and do not completely agree with his position and certainly do not want the precedent of allowing this conditional use in the Hawks Bay Subdivision, or the neighborhood in general.

We certainly agree that the Brutsman's have built a beautiful residence and have done a good job of trying to maintain their relationship with our neighborhood. The Valley County Code certainly allows them to operate the residence without this permit within the requirements of the 12 person restriction. We do not agree with allowing the CUP that will more than double the impact to the neighborhood. It is our opinion that the approval of this CUP will certainly lead to others and could substantially change the whole character of the Hawks Bay Subdivision and general area. Mr. Brutsman is trying to reduce that impact in his statements, but there is certainly no guarantee that once a CUP is approved that the operator will self restrict. They are only legally limited to the requirements of the County Code and any restrictions included in the CUP approval.

In response to Mr. Brutsman's appeal we would like to address them individually.

1. Mr. Brutsman's concern that Valley County Planning Commission decision seemed be predetermined. We know that the Commission has had several actions recently in this neighborhood and those public hearings have certainly has educated all the members with the concerns that our neighborhood has presented. We want to maintain the character of the existing neighborhood and do not desire the impact of the high density that this and other proposals will cause.
2. The CUP process certainly allows for a site specific review. This proposal, if approved, is not consistent with the large parcel residential neighborhood and is not a desirable precedence to create in the area, if the current character is going to be maintained.
3. We are opposed to this proposed CUP and we certainly live in the Hawks Bay Subdivision. We are not opposed to the allowed Short Term rental provided as long as the 12 person limitation is adhered to.
4. We understand that the CCRs have been dissolved; this makes it more important that we maintain the restrictions afforded through the Valley County Regulations.
5. We agree that Brutsman's could accommodate 26 people in the structure, but statements that proposed renters would only be "this or that" are just generalizations not facts. The fact is they can all be adults, they can bring 26 different cars, trailers, UTVs, snowmobiles and all the other unadvertised features that come

with short term rentals. Having your extended family over to your house is one thing and is not the same as having 26 people in a short term rental.

In the appellants general statements we have the following concerns:

The owner is admitting that he has operated in violation. What is going to stop him from continuing this operation? He also supposedly wants to restrict rentals to a certain type of client, but the CUP could not require those same personal restrictions that has allow him to operate thus far without huge impact to the neighborhood.

The floods lights in the front of the house are not operated as stated. They are generally left on most of the night. The short term renters have caused issues in the neighborhood, it is just that the neighborhood has not filed a complaint every time an incident occurs. We live it and accepted that is all we can do. These type of problems are certainly not worth wasting limited law enforcement resources to address, but who else can someone complain too?


The proposed increase in lodge renters will create extra traffic for everyone. Mr. Brutsman's traffic generation estimates are not real. Institute of Transportation Engineers - Trip Generation Report is better source of actual traffic impacts and based on it, this proposal could result in a hundred or more vehicles trips per day in the area. Then, what happens when two or three more of these CUPs are approved because the precedents have been created. The increased traffic will impact Hawks Bays residents, as a large portion of those trips will undoubtedly be on Roseberry Drive, on which half the Hawks Bay Subdivision lots have frontage on also. It is also a dream to believe that short term renters will not bring UTV, ATVs, snowmobiles, motorcycles or similar items and that those vehicles will not show up on Hawks Bay Road or other residential roads in the area.

We understand that Valley County created the short term rental limitations for very good reasons. The primary concern was to protect the residential character of existing neighborhoods. Property owners do not have short term rental rights and everyone is responsible to research existing laws and regulations to insure that their plans/operations are in compliance with them. We feel for the Brutsman's, but their lack of planning and failure to understand the marketing restrictions that the Valley County Regulations have caused, is not a reason for approval.


In conclusion, Toni and I appreciate the Brutsman's situation and hope that they can find a marketing method that will allow them to be successful, but we cannot support the approval the proposed CUP to do it. We believe that the precedent that this approval would create would be devastating to the character to entire subdivision, as wells as this general neighborhood.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Michael Murphy



Toni Murphy

## Brutsman Lodge Review

From: Amber Malhas [REDACTED]  
Sent: Friday, November 4, 2022 4:38 PM  
To: Jody Green <jgreen@co.valley.id.us>  
Subject: Brutsman Lodge Review

Hi Jody,  
I hope you are well.  
Could you please pass on my review for Brutsman Lodge.

We have been neighbors for almost a year and have never had issue with lights or noise. The Brutsman Lodge is a great landmark for Donnelly and represents beautiful places to stay.

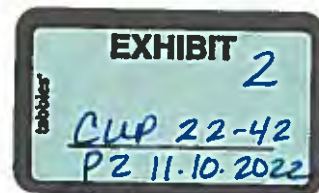
Having more people staying at Brutsman will help the local economy. The Lodge highlights the beauty of Donnelly and really highlights Donnelly.

The local restaurants, stores and gas station will benefit from people coming to stay at the Lodge.

We fully support the application.

Best,  
Amber and Mark Hughes  
Hawks Bay

Thanks Jody!  
Amber



## CUP 22-42 Brutsman Lodge

From: Therese Gibboney [REDACTED]

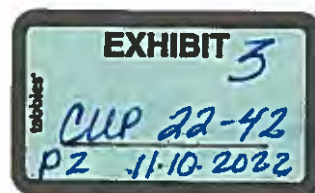
Sent: Thursday, November 10, 2022 3:01 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: CUP 22-42 Brutsman Lodge

We ask that you deny this CUP since it will set a bad precedence for this "residential" neighborhood. This will add vehicles, people, noise and light pollution to an extremely quiet area, which is Hawks Bay. Please deny this application.

Respectfully,  
Therese Gibboney



## **Brutsman Lodge/Hawks Bay**

**From:** L WANNER [REDACTED]

**Sent:** Wednesday, September 28, 2022 3:42 PM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** Brutsman Lodge/Hawks Bay

Hello Cynda,

I write in reference to the possibility of the Brutsman Lodge being granted a CUP allowing for 26 people per night as short term renters.

As an owner/trustee of Lot 3, directly next door to the Brutsman's, allowing a short term rental to increase from 12 to 26 people will have negative ramifications, which may include:

1. **MORE NOISE.** As the population increases, so does the noise. While some people are indoors, others are very active and seeking outdoor recreation. In the winter time, additional noise from snowmobiles immediately comes to mind as this is a prime staging location for West Mountain riding. In the summertime, 26 people having a great time outside sounds like a commercial hotel.
2. **BOR AREA.** One of the draws of Hawks Bay is the BOR area, specifically the non motorized portion of the lake, which is protected during nesting season. Short term renters may not understand the rules and regulations to the extent property owners do, and 26 certainly increases the chances for damage/violations to the pristine qualities of this area. There were violations last summer, from unknown sources, but a testament to the increased human traffic in the area.
3. **LOCATION.** Higher density areas are usually located within or on the perimeter of towns, villages, hubs, etc. This would seem a more likely location for a small short term hotel or larger bed and breakfast. 26 people is a relatively big business to provide for, in terms of health and safety, as well as impact to the neighbors. Hawks Bay is a residential subdivision, miles away from Donnelly city center or Tamarack Resort. Code 9-5-2 speaks to this and the aforementioned items.
4. **TRAFFIC.** I do not have concerns with vehicles on Hawks Bay Road as Ron has done a great job with a separate entrance and a parking area which is landscaped. My only issue would be the turn in/off on Roseberry Road which all vehicles would use to enter and exit the property. The turning area is very close to the tight curve on Roseberry Road and it is heavily treed. I do object to more vehicles overall, from the 12 to 26 number.
5. **PROPERTY VALUATION.** While this may increase profits for the Brutsman's, I do not believe the same will hold for myself. In fact, this will devalue my lot for a single family purpose. As a lot owner, my value should not have diminished possibilities because of the use of another.

In summary, I would hope that an impact study would be conducted in the county as it has been more than 10 years since one was completed. The county has seen many changes. My vote would be to abstain from granting conditional use permits for 26 people on a nightly basis until more is known and studies are concluded about the impacts of these kinds of decisions, in this location.

Lisa Wanner Magoon  
Lot 3 Owner/Hawks Bay Subdivision

## Objection to C.U.P 22-42 Brutsman Lodge

**From:** Elena Kashirny [REDACTED]  
**Sent:** Tuesday, November 1, 2022 10:42 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Objection to C.U.P 22-42 Brutsman Lodge

Dear Ms. Herrick,

My name is Elena Kashirny. Me and my husband Sergei Kashirny are owners of the property located at 13101 Hawks Bay Rd, Donnelly, and we are close neighbors of the applicants. If you will approve a conditional use permit for the property owners Ron and Tamara Brutsman, for a short-term rental with a maximum of 26 guests it will have direct negative impact on us and our property enjoyment. We purchased this land because of location, it is beautiful and very quiet place. Not many people around, not much noise and no smoking issues.

The lot was sold according to the requirements for building of single family home and no one mentioned that we will have in future 26 people (like mini hotel) close to us. The presence of so many people will have negative consequences for us and for all our neighbors. The problem from constant noise, smoking issues, quantity of cars driving nearby will have effect like we leave close to hotel or in big town. Not sure how owners will keep all 26 guests inside of their house all the time when they have a big balcony and their guests already always present there in evening.

The possibility to have 26 people at the same time will only cause nuances and will make it impossible to have quite enjoyment of our property. The issue of this permit will destroy character of single family neighborhood. It will also cause increase in traffic and density.

Additionally, it will cause diminish of value of the property as no one will want to purchase a property close to neighbor who can have 26 people constantly.

This land has a unique characteristics, we have a federal land on the back of our lots that preserved for the bird nesting. The potential impact on that land will be highly negative, distractive. Mr. and Mrs. Brunsman already has missing part of their fence which will cause 26 people walking around. It will not only destroy nature, but we and all our neighbors will lose all their right of privacy in our own backyards. If you will issue this conditional use permit it will cause significant adverse effects on the environment, overburden public services, change the desired character of an area, and create major nuisances. Considering all of the above we object to issue a conditional use permit for a short term rental with a maximum of 26 guests, for Ron and Tamara Brutsman.

Sincerely,

Sergei and Elena Kashirny

NEED CALCS. 9  
ROAD DEPT.  
4-23-18  
DBM

# BUILDING PERMIT APPLICATION

Received 4/24/18

Applicant to complete numbered spaces only.

|  |              |   |   |
|--|--------------|---|---|
| 1. PARCEL NUMBER<br>RP005200020020   |              | R. ADDRESS PG.<br>2500, 2515,<br>2517, 2528                                       |   |
| 2. PHYSICAL JOB ADDRESS<br>1888 W Roseberry Rd, Donnelly ID  |              |   |   |
| 3. LEGAL DESCR.  | LOT NO.<br>2 | BLK<br>2  | SUBDIVISION OR TOWNSHIP, SECTION AND RANGE<br>Hawks Bay Sub Phase 1 |
| 4. OWNER<br>Ron Brutsman   |              | MAIL ADDRESS<br>332 E. Mikyl Ridge Loop   | ZIP<br>Nampa  |
| 5. CONTRACTOR<br>Ron Brutsman  |              | MAIL ADDRESS<br>332 E Mikyl Ridge Loop  | ZIP<br>Nampa  |
| 6. ARCHITECT   |              | MAIL ADDRESS  | ZIP<br>PHONE  |
| 7. DESIGNER  |              |   |   |
| 8. ENGINEER  |              |   |   |
| 9. FOR MANUFACTURED HOUSING:<br>INSTALLER AND LICENSE NUMBER   |              |   |   |
| 10. CLASSES OF WORK <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE  |              |   |   |
| 11. Describe work and use<br>A cabin for Personnel residence MAIN FLOOR 2087 <input checked="" type="checkbox"/> 2 <sup>ND</sup> FLOOR 1505 <input checked="" type="checkbox"/><br>BASEMENT 1259 <input checked="" type="checkbox"/> GARAGE 806 <input checked="" type="checkbox"/> COVERD PORCH 2056 <input checked="" type="checkbox"/>  |              |   |   |
| 12. Change of use from<br>Change of use to   |              |   |   |
| 13. Valuation of work \$ 600,000   |              | \$ 847. <sup>00</sup>   | \$ 2,420. <sup>00</sup>   |
| SPECIAL CONDITIONS:  |              | PLAN CHECK  | PERMIT FEE  |
|  |              | \$ 3267. <sup>00</sup>  | TOTAL FEE   |
|  |              | Type of Const. VB   | Occupancy Group R3  |
|  |              | Division 3  |   |
|  |              | Size of Bldg. 5697 (Total Sq. Ft.)  | No. of Stories 2  |
|  |              | Max. Occ. Load  |   |
|  |              | Fire Zone   | Use Zone  |
|  |              | Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| APPLICATION ACCEPTED BY<br>4-23-18 DBM   |              | PLANS CHECKED BY<br>4/24/18 AD  | APPROVED FOR ISSUANCE BY<br>David [Signature]                       |
| NOTICE   |              | No. of Dwelling Units   |   |
| 14. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING VENTILATION OR AIR CONDITIONING.   |              |   |   |
| THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 90 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.   |              |   |   |
| I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION. |              |   |   |
| SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT<br>Ron Brutsman  |              | DATE<br>5-3-18  |   |
| SIGNATURE OF OWNER OR OWNER BUILDER  |              | DATE  |   |
| ZONING <input checked="" type="checkbox"/> 4/25/18   |              |   |   |
| HEALTH DEPT. <input checked="" type="checkbox"/> DBM 4-23-18   |              |   |   |
| SOIL REPORT  |              |   |   |
| FLOOD ORD. <input checked="" type="checkbox"/> Zone X  |              |   |   |
| APPROACH <input checked="" type="checkbox"/> 4-25-18 DBM   |              |   |   |
| RESTR. COVTS. <input checked="" type="checkbox"/> 4-23-18 DBM  |              |   |   |

OWNER: RON BRUTSMAN  
 JOB ADDRESS: 1888 W. ROSEBERRY RD  
 BUILDING PERMIT NO: 18-45

ADD \$50<sup>00</sup> ROAD DEPT.

TOTAL \$3317.<sup>00</sup>

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

PLAN CHECK VALIDATION CK M.O. CASH PERMIT VALIDATION CR 108 M.O. CASH  
 5-3-18 DBM

**Re: Brutsman Ron and Tamara**

Ron Brutsman [REDACTED]

Tue 11/15/2022 8:15 AM

To: Cynda Herrick; Lori Hunter; Jody Green

Cc: Tamara Brutsman [REDACTED]

On Tue, Nov 15, 2022 at 8:00 AM Ron Brutsman [REDACTED] wrote:

We want to start off by thanking you all, Cynda, Lori, and Jody, for all the work that went into the C.U.P. The amount of work that you guys did with a positive outlook was amazing, so thank you very much!

Now to ask for Help, but first I would like to explain our situation a little:

In 2018 we started our retirement dream cabin, we have plans to live in it one day once it's paid for. For now, we both work full-time and stay in it when it is not occupied.

My wife and I both come from large families and currently we have the largest house that can fit us all for a family get together, family time is especially important to us.

We overbuilt knowing we could rent it and help subsidize it along the way.

Then the county changed the rules of the game midstream. We tried to do the correct thing and went through a hearing. After our first meeting, knowing they were going to deny, we pulled out and worked on all the things we heard that night, as far as feedback. We implemented what we heard and tried to cover what they would ask for.

In 2020 we finished and in October opened it up.

We have run our cabin for 2 years, advertising 26 guests. I know your saying to yourself well that's wrong, and I agree, however, we have no choice. We are unable to afford our cabin without help from renting, then you say why did you overbuild, because the rules changed after we were about done and had no choice but to finish as planned. Then you ask, why not drop the price of the per night rent amount, well my answer is easy, we don't want the rift raft of renting to people who won't respect the work that's been put into this cabin, or the rules, and also the surrounding neighbor's. We tried this and what we found was when a younger group rented, they were partying, being noisy and breaking things in the cabin. We do much better when mom and dad have a few adult kids and grandkids. We have at least 100 comments from people that have come and signed our guest book on how this place has brought their family back together again. People spent money on local businesses' rafting, zip line, rope course, and many buy food locally and support the local restaurants. We have attached a few letters from some guests that we copied from our story book.

Something I heard at the last meeting was that a family reunion is considered an event. Anything with a scheduled time is considered an event. Families coming together is a family reunion and people renting a house is an event, no matter how many people are there. But the question is, what are we after? We don't want weddings or other large gatherings that create extra noise for the neighbors. Pretty simple.

So here we are 2 years later, not one complaint from anyone, besides the lights back in 2020, when we first started, from Allison, and we resolved that, and we are now friends. As you know we built at the West end of Hawks Bay, and we are all by ourselves. We have the only 3 driveways off Roseberry, we have planted several trees, many are 20 feet or more, many smaller and one day we will have a wall of trees for privacy that no one can see past.



Our traffic does not affect Hawks Bay one bit, since our guests don't use that road. In regard to our renters, cars entering onto Roseberry, and the issue of having more renters, causing more traffic, we have the best view to see both directions, no issues. Also on a side note, we have not had one accident or anyone that has been hurt in a crash on that corner due to our cabin being rented. From what we have seen, they happen mostly in winter and most of the traffic is coming from Tamarack, and they just slide off at 15 to 25 mph into a snowbank, which 90% of the wreck's end up on our property and they get pulled back on. I have pulled at least 5 vehicles back on the road last year alone, with my backhoe.

So, to get to the point of my rambling:

We need help in finding a way to allow more guests to come to our place legally.

I know the word "Lodge" stumped some people on the board and they could not get past it. We named it that because it's just a big cabin, with 40 taxidermies of animals and it is truly a one-of-a-kind, hand-crafted cabin.

We do have a new name for it and maybe it will sound better and not be so confusing or misleading;

"Single Family Vacation Home for the larger families that want to stay and play together and make Memories" which this is really what it is.

I heard Cynda make a comment that they came up with 12 people because that would be 12 people in a 3-bedroom house. So, if we have 6 bedrooms then we should be allowed 24 people, if the rule is, 4 to a bedroom.

If we have 5 bedrooms with adult parents and a couple kids, 4 people in a room, that's 20 and if the mom and dad are in the 6th that would be 22 people.

I am not sure how long we have to wait to re-file again for another C.U.P., but we intend to fight this fight until the bank takes the house.

Since we changed the advertising back to 12 people, 2 months ago, we have had no bookings. When people are searching online for a large enough place to fit the family, we don't pop up anymore as being one of the options because of the number of people they have in their party is more than 12.

There was mention about removing our place from Hawks Bay subdivision:

If that would be an option to remove ourselves from Hawks Bay, that's fine and we are happy to try, but really is that going to fix anything?

We are asking for your opinion on or off the record. How can we advertise for more people? We would like to get 22, but open to 20 or whatever you suggest? Our cabin is very capable of accommodating that many people, with beds for everyone, and that was stated in the comments of the application from Jodi, from your office.

Please help us to know what direction we need to go from here. We are at a loss and really have put our heart and souls into this cabin and we really don't want to lose it.

Thank you,  
Ron & Tamara Brutsman

5/23/21

We had the best time in this beautiful lodge! We had lovely conversations by the fire, adventures on the side-by-side, hot tub parties, and lake swims (dares of course!) Our family was long over-due for some quality time, and this was a fantastic place to make some new memories. We will be back with more people!

Thank you!

~ The Countryman / Lynch family

May 31, 2021

Thank you for sharing your lodge with us! It was the perfect place for four families to meet up after 9 long years. We spent hours on your beautiful beach, played games all night, and made tons of new memories. We loved your beautiful and accommodating home, and we're already scheming future Memorial Day Weekends here.

- The Hutchisons, Gibbons,  
Miles & Shafers (H.G.M.S)

GORSKI FAMILY JUNE 29 to July 3 2021  
THANK YOU VERY MUCH. WE HAD A WONDERFUL TIME.  
LOVE YOUR HOUSE AND THE AREA. HOPE TO RETURN ONE DAY.

Oras Family, July 6 - July 13

Thank you for the opportunity to enjoy your beautiful lodge. The beach and the game room were great hits with the kids. The kitchen was roomy and we loved having the portable tables we could set up on the deck for meals together. The laundry room became snack head quarters where we filled the entire counter with chips, crackers, candy in all varieties, nuts, coolers with drinks and watermelon. It worked out so well.

The area was a great playground, where we did a zip line, a ropes course and a water raft trip.

It has been a great reunion for our family and having such a fantastic lodge made it so memorable. Thanks again!!  
Diane P. Ellis

SAFARI 44

8/15/21

To Ron + Tamara,

THIS WAS THE LOCATION FOR THE 44<sup>TH</sup> REUNION OF A LIFE LONG FRIENDS (3 COULD NOT ATTEND). WE HAVE TRAVELED ALL OVER THE U.S. AND WE TO A MAN WANT YOU TO KNOW THAT WE FOUND YOUR ACCOMMODATIONS TO BE FIRST CLASS, TOP SHELF!!

AS WE FIRST DROVE UP THE FIRST WORD WAS "WOW". FROM THERE WE MOVED INSIDE AND WERE ABSOLUTELY STUNNED BY THE BEAUTY, CARE AND CRAFTSMENSHIP.

EVERYTHING WAS LAID OUT PERFECTLY FROM THE KITCHEN, DECKS, BEDROOMS + GAME AREA. ONCE YOU TOSSED IN THE MAGNIFICENT SCENERY + VIEWS WE HAD THE PERFECT TIME.

YOU GAVE US THE PERFECT LODGE + LOCATION FOR A FABULOUS TIME.

WELL DONE,

MANY THANKS

THE SAFARIERS!!

July 9-16, 2022

Best house we've stayed in! So many things to see and do, great view, great location, very comfortable for our group of 24. Ron and Tamara were so awesome - best hosts ever!

Thank you for sharing your wonderful home!

Hales Reunion

PS-we love the "high" bed in the upstairs room!!

July 16<sup>th</sup> 2022

We have made so many memories here that we will cherish forever. The games, bedtime stories, family challenges, time on the lake, the animals and hidden money, the food, and of course the time we had together. Thank you for providing us a place to gather

- Deborah Call

July 16<sup>th</sup> '22

The cabin was excellent! We can tell how much work you put into building it with a personal touch unparalleled. Great to see the history and appreciate all of the suggestions and advice on the Payette River and water activities. Hope to be back for a future reunion - Darren

**Brutsman cup 22-42 west side 10 foot easement**

**From:** Ron Brutsman [REDACTED]

**Sent:** Monday, October 31, 2022 1:57 PM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** Brutsman cup 22-42 west side 10 foot easement

Nothing parked within the 10 feet.

