# Valley County Planning and Zoning

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



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

STAFF REPORT: C.U.P. 22-23 Keller Multiple Residence

HEARING DATE: July 14, 2022

TO: Planning and Zoning Commission

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

APPLICANT / Brett & Marcie Keller

PROPERTY OWNER: 79 Lounsbury RD

Ridgefield CT 06877

**REPRESENTATIVE:** Heather Susemihl & Courtney Snyder

McCall Design & Planning

P.O. Box 729 McCall, ID 83638

LOCATION: 3737 West Mountain Road and 3743 West Mountain Road

RP18N02E247206 and RP18N02E247265

N ½ of SE ¼ Sec. 24, T.18N R.2E, Boise Meridian, Valley County, Idaho

SIZE: 46 acres

**REQUEST:** Multiple Residences on One Parcel

**EXISTING LAND USE:** Single-Family Residence

Brett and Marcie Keller are requesting a conditional use permit for two residential homes on one parcel. A bunk area on the upper level is also planned for a barn. The residences are for family and guests The attached site plan shows proposed building sites for the primary residence, the guest house, and the barn. Construction of the smaller home will begin in 2022; construction of the larger home will begin in 2023.

Individual wells and septic systems are proposed. A shared driveway would access both residences.

The applicant plans to combine parcels RP18N02E247206 and RP18N02E247265.

The 46-acre site is addressed at 3737 West Mountain Road and 3743 West Mountain Road.

### FINDINGS:

- 1. The application was submitted on May 4, 2022.
- 2. Legal notice was posted in the Star News on June 23, 2022, and June 30, 2022. Potentially affected agencies were notified on June 14, 2022. Property owners within 300 feet of the

Staff Report C.U.P. 22-23 Page 1 of 3 property line were notified by fact sheet sent June 17, 2022. The site was posted on July 5, 2022. The notice and application were posted online at www.co.valley.id.us on June 14, 2022.

3. Agency comment received:

Central District Health has received septic applications and test holes have been conducted. Applicant must submit ground water monitoring before CDH can evaluate for issuance of septic permits. (June 17, 2022)

Garrett de Jong, McCall Fire Department Fire Marshall, stated if the driveway is ever gated, the owner shall provide the Fire District with an emergency means of operation. (June 21, 2022)

- 4. Neighbor comment received: none
- 5. Physical characteristics of the site: Slopes up from West Mountain Road; partially treed.
- 6. The surrounding land use and zoning includes:

North: Single-family Residential Rural Parcel

South: Single-family Residential Rural Parcel and Agricultural (Productive Timber)

East: Agricultural (Grazing)

West: Agricultural (Productive Timber)

- 7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 2. Residential Uses (j) Multiple Residences on One Parcel

#### 9-5C-4: MAXIMUM BUILDING HEIGHT AND FLOOR AREA:

- A. Maximum Height: Building heights, except as may be modified by a PUD, shall not exceed thirty five feet (35') above the lower of existing or finished grade.
- B. Building Size Or Floor Area: The building size or floor area, except as may be modified by a PUD, shall not exceed the limitations of subsections 9-5-3A and C of this chapter.
- C. Lot Coverage: No structure or combination of structures, except as may be modified by a PUD, may cover more than forty percent (40%) of the lot or parcel. (Ord. 11-5, 6-6-2011)

#### 9-5C-5: SITE IMPROVEMENT:

- A. Off Street Parking Spaces: Two (2) off street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.
- B. Utility Lines: All utility lines, including service lines, that are to be located within the limits of the improved roadway in new residential developments must be installed prior to placing the leveling coarse material. (Ord. 11-5, 6-6-2011)

# 9-5C-6: **DENSITY**:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12, 7-6-2020)

### SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +23.

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

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#### STAFF COMMENTS:

- 1. The property is within the McCall Fire District, within a Herd District, and not within an irrigation district.
- Maximum allowed density is 2.5 dwelling units per acre; proposed density is 0.06 dwelling units per acre.

## **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff's Compatibility Evaluation
- Vicinity Map
- Aerial Map with Wetland Layer
- Assessor's Plat T.18N R.2E Section 24
- ROS 13-253
- Site Plan
- Pictures taken July 5, 2022
- Responses

# **Conditions of Approval**

- 1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
- 2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
- 3. The use shall be established by December 31, 2024, or a permit extension will be required.
- 4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
- 5. Must comply with requirements of Central District Health Department.
- 6. Driveways shall be constructed to meet current McCall Fire Codes. If the property is gated they must comply with requirements of the McCall Fire Department.
- 7. Shall clearly post the address(es) at the driveway entrance and on both residences.
- 8. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
- 9. Neither unit can be used as a short-term rental unless a new conditional use permit is approved. One unit can be used as a long-term rental. If this property is sold this will need to be a deed restriction.
- 10. This property is not approved for commercial use.

**END OF STAFF REPORT** 

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## 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 latinge on a desired lifestyle. To ensure that the country 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.
- 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 compalibility (adjacency not acceptable).
  - 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:

- 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.

APPENDEXA

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# **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?
(+2/-2) X 3		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?
(+2/-2) X 1		5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones?
(+2/-2) X 2		6. Is the traffic volume and character to be generated by the proposed use simila 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 :		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		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		

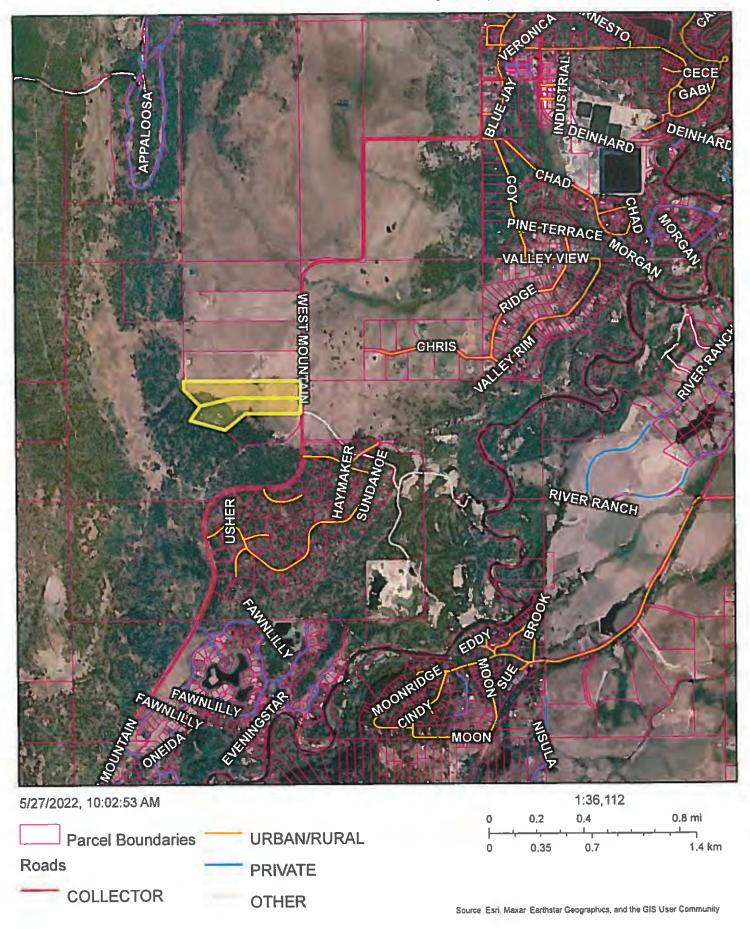
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

Compatibility	Questions	and	Evaluation

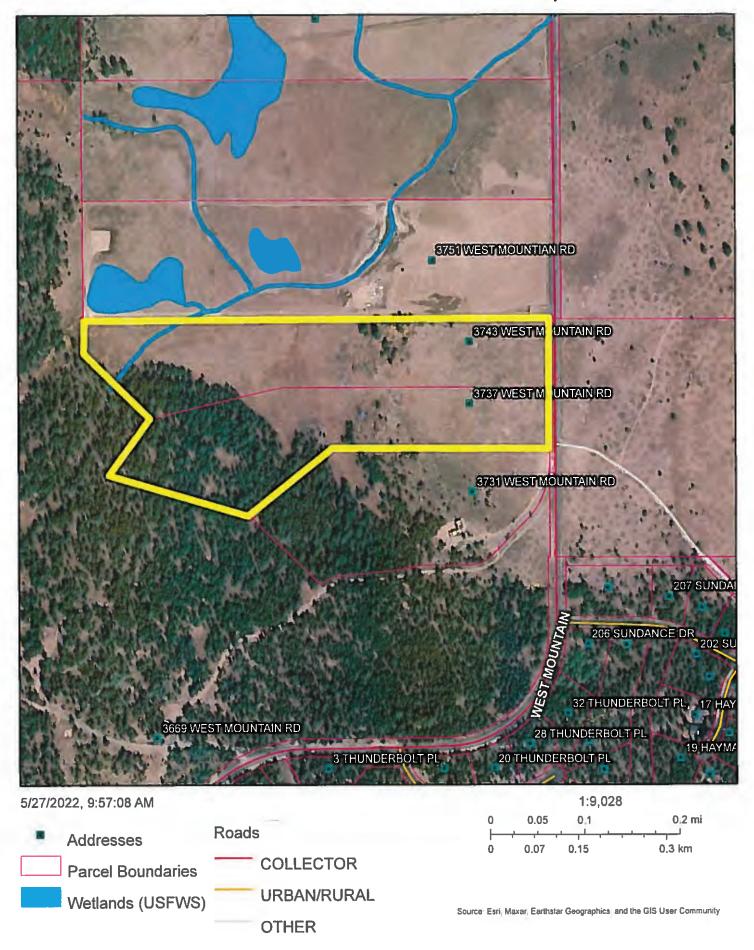
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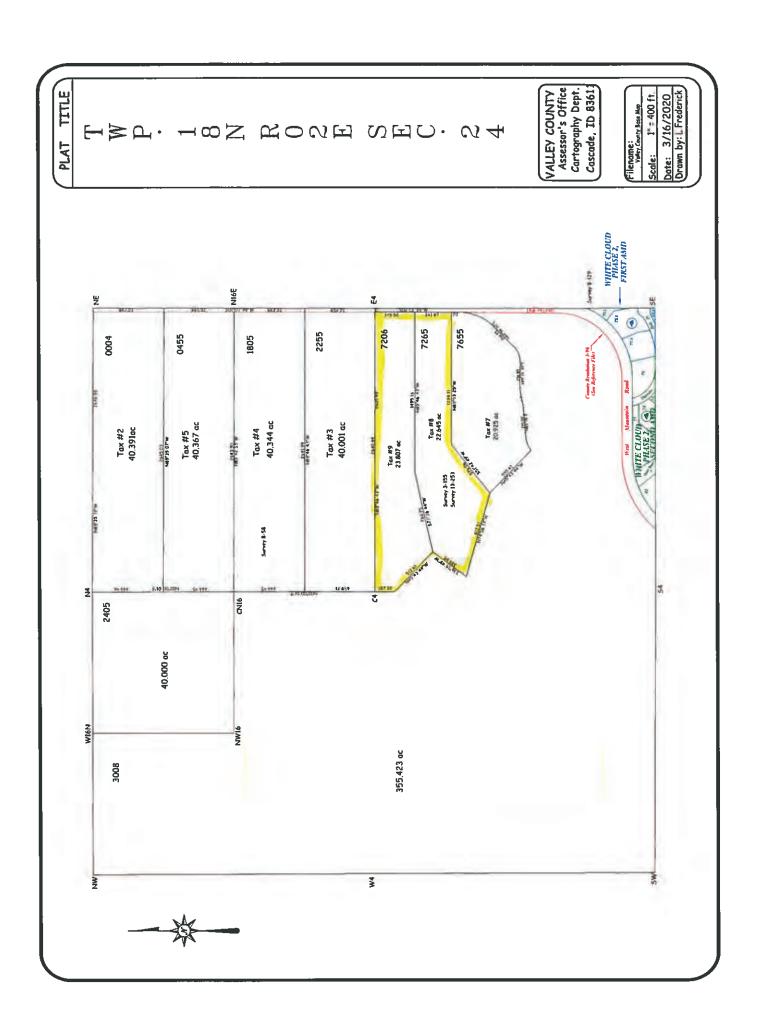
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

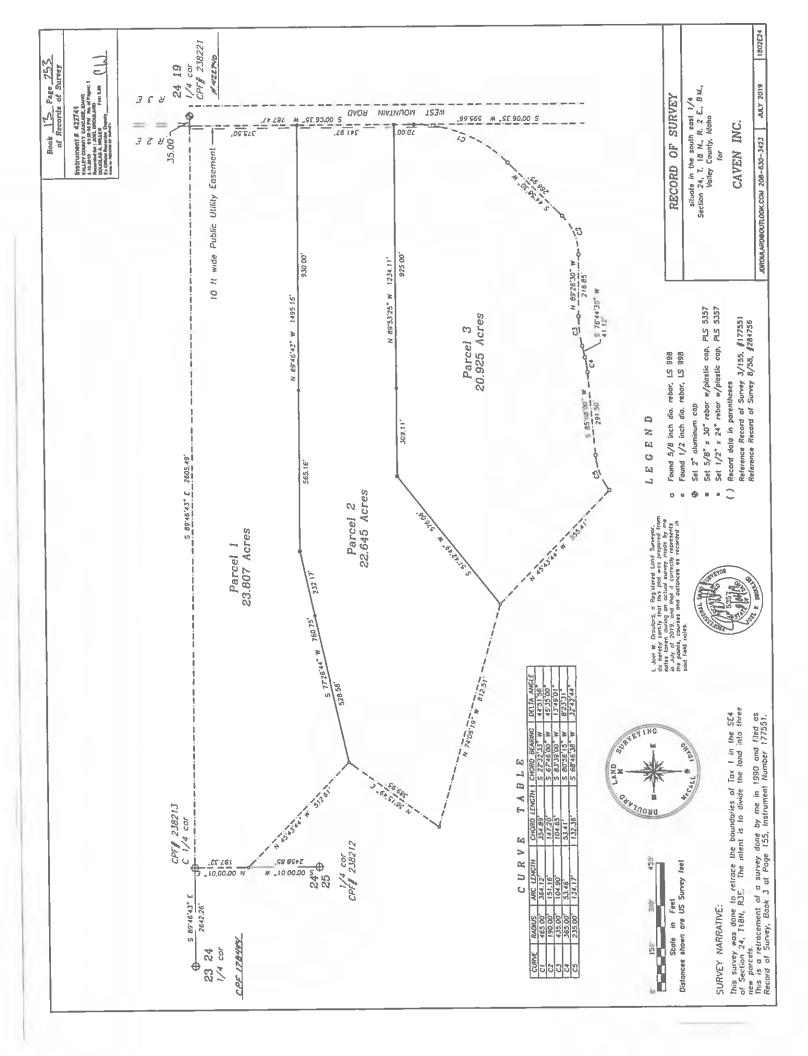
# CUP 22-23 Vicinity Map

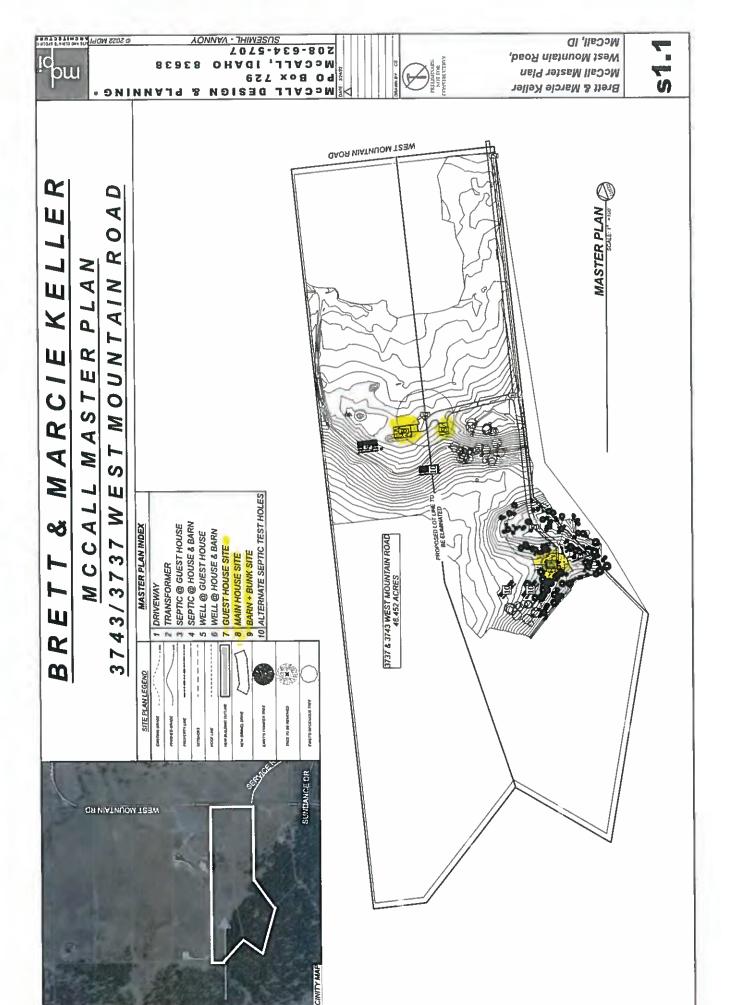


# CUP 22-23 Aerial and Wetland Map



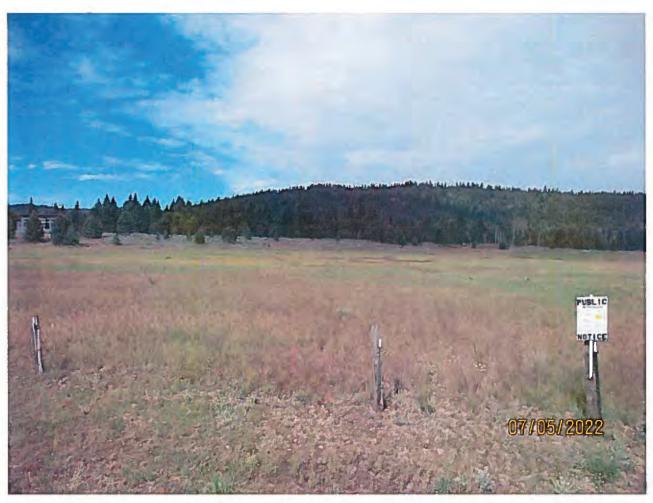














CENTRAL DISTRICT HEALTH  Rezone #	Valley County Transmitta	tal Health Cascade Donnelly
Conditional Use #	CUP 22-23	McCall
Preliminary / Final / Short Plat		McCall Impact Valley County
Tremmary / Final / Short Plat		
	Ste 24	autan Rd.
		ow far 1cs.
1. We have No Objections to this Prop	osal.	
2. We recommend Denial of this Propo		
3. Specific knowledge as to the exact t	ype of use must be provided before we can c	omment on this Proposel
4. We will require more data concerning	g soil conditions on this Proposal before we c	an comment.
5. Before we can comment concerning of: high seasonal ground bedrock from original	Individual sewage disposal, we will require m	ore data concerning the dapth
6. This office may require a study to asswaters.	sess the impact of nutrients and pathogens to	preceiving ground waters and surface
	Idaho Department of Water Resources conce	
8. After written approvals from appropri	riate entities are submitted, we can approve t	this proposal for
☐ central sewage ☐ interim sewage ☐ individual sewage	Community sewage system	community water well
9 The following plants) must be submitted	And Anna L	ē.
central sewage sewage dry lines	ted to and approved by the Idaho Departme  community sewage system  central water	nt of Environmental Quality;  Community water
10. Run-off is not to create a mosquito bre	eding problem	
II. This Department would recommend of considerations indicate approval.	laferral until high seasonal ground water can	be determined if other
12. If restroom facilities are to be installed Regulations.	d, then a sewage system MUST be installed to	o meet Idaho State Sewage
	swimming pools or spas at grocery store	Child care center
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From: Garrett de Jong

Sent: Tuesday, June 21, 2022 12:00 PM

To: Cynda Herrick

Subject: CUP 22-23 Keller Multiple Residences

# Hi Cynda,

I do not have any comments regarding the application for CUP 22-23. In the event that the driveway is ever gated, the owner shall provide the Fire District with an emergency means of operation.

Thank you,

Garrett

Garrett de Jong Fire Chief McCall Fire & EMS 201 Deinhard Lane McCall, ID 83638