## Valley County Planning and Zoning

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STAFF REPORT: C.U.P. 22-32 Esplin Glamping and Short-Term Rentals

HEARING DATE: October 20, 2022

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM

Planning and Zoning Director

APPLICANT/ Harmon Esplin PROPERTY OWNER: 6344 SE 3rd Ave

New Plymouth, ID 83655

LOCATION: 2440 Palladin RD

Parcel RP16N03E191508 and Smiling Julie Subdivision Lot 33A, located in the NE ¼ Sec. 19, T.16N R.3E, Boise Meridian, Valley

County, Idaho

SIZE: 2.9 acres

REQUEST: Glamping and Short-Term Rental Sites

EXISTING LAND USE: Bare Land

Harmon Esplin is requesting approval of a conditional use permit for a camping facility for short-term rentals.

Phase 1 includes an existing rental cabin, three RV camping sites, and five yurt campsites. Completion date is 2023. Phase 2 would replace the campsites and existing cabin with a total of seven residences available for short-term rentals. Phase 2 construction would occur from 2023 through 2030. The applicant expects to convert the yurts and RV sites to homes by Dec. 31, 2032.

The existing rental cabin has a short-term rental permit (STR 2021-87).

Three individual wells and storage tank would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District.

Access will be multiple driveways from West Mountain RD (public) and Palladin RD (public). There is a landscaping plan to improve the pond, reduce dust, and provide wildfire mitigation.

The 2.9-acre site is addressed at 2440 Palladin RD.

Proposed Density Phase 1 = 3.1 dwelling units per acre if tents are considered a dwelling unit. Proposed Density Phase 2 = 2.4 dwelling units per acre.

## FINDINGS:

- 1. The applications were submitted on July 15, 2022. Additional application materials were submitted on Sept. 26, 2022.
- Legal notice was posted in the Star News on August 18, 2022, and August 25, 2022.
  Potentially affected agencies were notified on August 9, 2022. Property owners within 300 feet
  of the property line were notified by fact sheet sent August 9, 2022. The site was posted on
  August 26, 2022. The notice and application were posted online at www.co.valley.id.us on
  August 9, 2022.

There was an error in a map included with the public notice fact sheet. Thus, the public hearing was postponed to October 20, 2022; the applicant and neighbors were sent an update on August 29, 2022. A new sign was posted on September 7, 2022. Legal notice was posted in the *Star News* on September 29, 2022, and October 6, 2022. Potentially affected agencies and neighbors were notified by fact sheet sent September 20, 2022. The website was updated on August 29, 2022. Additional application materials were posted on Sept. 28, 2022.

## 3. Agency comment received:

Central District Health stated the applicant will need to contact Tyler Jordan at CDH to determine if wells will be required to meet public water system requirements. A proposal of multiple wells on the same parcel will be looked at as one water system. (August 11, 2022)

Paul Ashton, Parametrix and Valley County Engineer, stated that review and approval of the site grading and drainage plans, drainage calculations, erosion control measures, and best management practices will be required. (September 7, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, ground water contamination, and best management practices. (August 10, 2022)

Jess Ellis, Donnelly Rural Fire Marshal, stated requirements. (September 26, 2022)

## 4. Neighbor comment received:

Lisa Mohler, 47 Johnson Lane, is opposed. Reasons include high density; time-line length; increased traffic, loose dogs, and lack of water, showers, trash, and caretakers. This should meet subdivision codes and requirements. Do not approve both Phase 1 and Phase 2 at this time. (October 9, 2022)

Art and Linda Stevens, 2430 Palladin Road, are opposed. The tent lot on 2440 Palladin is already generating loud noises and degrades the pleasant cabin neighborhood fell. More tents, yurts, and RVs mean more noise and congestion, and a continual degradation of the neighborhood that was not meant for high density housing nor congestion. Traffic is also a concern. (October 11, 2022)

5. Physical characteristics of the site: Slightly sloping topography with trees, streams, and a pond.

6. The surrounding land use and zoning includes:

North: Single-Family Residential - Smiling Julie Subdivision

South: Single-Family Residential - Smiling Julie and Rural Residential Parcel

East: U.S. Forest Service and Lake Cascade

West: Single-Family Residential – Smiling Julie Subdivision

- 7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 5. Commercial Uses (c) Service Business (Motel, hotel, apartments, resorts, bed and breakfast, or lodge
  - 5. Commercial Uses (e) Recreational Business (4) Campgrounds and facilities

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

## 9-5-3: STANDARDS:

## B. Setbacks:

- 1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
- 3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
- Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the
  property line, to the nearest corner or face of the building including eaves, projections, or
  overhangs.

## 9-5A-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

## E. Site Grading Plan:

- 1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

## 9-5A-2: ROADS AND DRIVEWAYS:

B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.

## 9-5A-4: LANDSCAPING:

- B. Purpose And General Regulations:
- 1. Minimum Requirements: Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:
  - b. Service/Commercial Use: Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.
  - d. Additional Landscaping: In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.
- 2. Future Commercial And Industrial Development: Future commercial and industrial development sites shall be landscaped in the first phase of construction, unless a phased plan is approved by the commission.
- 4. Use Adjacent To Single-Family Residential Development: Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single- family residential development, such trees shall be planted at ten feet (10") on center, with every other tree being a minimum twenty four inch (24") box size.
- 5. Commercial, Office Or Industrial Use Adjacent To Residence: Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a residence, the landscape buffer described in subsection B3 of this section shall be increased to fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.
- 6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:
  - a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;
  - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
  - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
- Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section 9-5-4 of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
- 8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:
  - The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;
  - b. All retention areas shall maintain slopes no steeper than three to one (3:1).
- 9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).
- 10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.
- 11. Landscape Designs: Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate or shall be from native stock.

## 9-5B-7: FIRE PROTECTION:

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

## 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.

## 9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS

- A. Minimum Lot Area:
  - 1. The minimum lot area shall be unlimited herein except for the provisions of subsection 9-5-3A2 of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
  - 2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.
  - 3. No frontage is required for recreation business.

### B. Minimum Setbacks:

- 2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
- C. Maximum Building Height And Floor Area:
  - 1. Building heights shall not exceed thirty-five feet (35') above the lower of the existing or finished grade.
  - 2. The building size or floor area shall not exceed the limitations of subsections <u>9-5-3</u>A and C of this chapter and title 6, chapter 1 of this code.
  - No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.
- D. Site Improvements:
  - Parking spaces for service businesses shall be provided as follows:
     Motel, hotel, etc.: 1 per sleeping room, plus 1 for each 2 employees
  - 4. Parking spaces for recreation businesses shall be provided at the rate of one per each four (4) occupants or as determined by the commission.

## **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +19.

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. Northlake Recreation Sewer and Water District provides sewer services. It is not within a herd district nor an irrigation district.
- 2. Any work or activity in streams or the pond should have approval from Idaho Dept. of Water Resources and the U.S. Army Corps of Engineers, including cleanup.
- 3. Will need engineering for stormwater management and the berm to ensure compliance with Title 9 of the Valley County Code.
- 4. What fire protection is provided around fire pits?

- 5. Should work with the fire department.
- 6. How will trash be managed?
- 7. What will be the bathroom facilities for the yurts?
- 8. The physical addresses must be posted on the existing cabin and at the entrance from West Mountain Road.

## ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Wetland Map
- Assessor Plats T.16N R.3E Section 19
- Smiling Julie Subdivision Assessor's Plat
- Pictures Taken September 7, 2022, and August 26, 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.
- 1. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
- 2. 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.
- 3. The use shall be established as stated in the phasing plan, or a permit extension will be required.
- 4. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
- 5. Must comply with requirements of the Donnelly Fire District.
- 6. Shall place addressing numbers at the driveway entrance and unit numbers on each specific site.

- 7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. This includes the pathway lighting.
- 8. Shall obtain approval of a public water system if required by Idaho Department of Environmental Quality.
- 9. Shall obtain building permit for the structures.
- 10. Shall obtain a sign permit prior to installation of a sign.
- 11. All noxious weeds on the property must be controlled.
- 12. Quiet hours are 10:00 p.m. to 7:00 a.m.
- 13. Shall mark property lines so guests do not enter other private lands. A fence should be considered.
- 14. Guests must restrain animals.
- 15. Snow must be stored on-site.
- 16. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36.
- 17. All yurts/RV sites must be converted to homes by December 31, 2032, or an extension request will be required.
- 18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.

**END OF STAFF REPORT** 

# **Compatibility Questions and Evaluation**

Matrix Line # / Use:	Prepared by:
Response YES/NO X Value	Use Matrix Values:
(+2/-2) X 4	1. Is the proposed use compatible with the dominant adjacent land use?
(+2/-2) X 2	Is the proposed use compatible with the other adjacent land uses (total and average)?
(+2/-2) X 1	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 similar to the uses on properties that will be affected by proximity to parking lots, onsite 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 <i>j</i> -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 effect 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.
- 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:

- 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

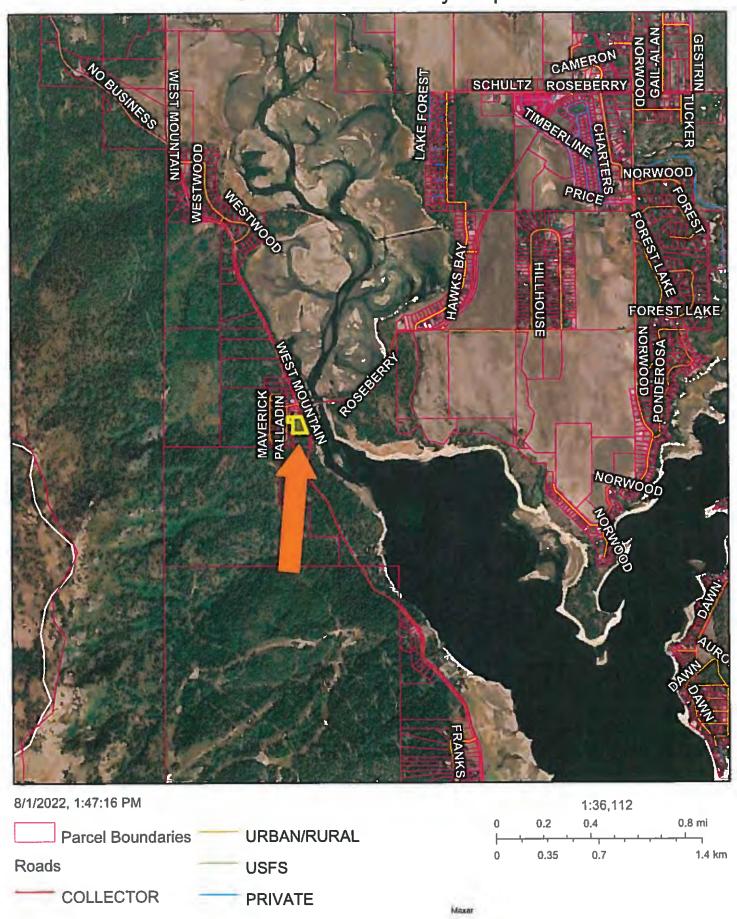
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CUP22-32	Compatibility Questions and Evaluation
Matrix Line # / Use: 184/	Prepared by: CH
Service	+ Recreation Busines
YES/NO X Value	Use Matrix Values:
(+2/-2) 4/X 4 +4	1. Is the proposed use compatible with the dominant adjacent land use?
(+21-2) +2 x 2 +4	2. Is the proposed use compatible with the other adjacent land uses (total and average)?  **Real Basiness**  **Real Basiness**
(+2/-2) # X 1 +/	3. Is the proposed use generally compatible with the overall land use in the local vicinity?  A 2 with Recreation
(+2/-2) -1 x 3 -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?  **There are free free free free free free fr
	from road, but is close to neighbor. Lat
(+2/-2) <u>+/</u> x 1 <u>+/</u>	5. Are Very Small, Is the size or scale of proposed lots and/or structures similar to adjacent ones?  Size of Structure are small
(+2/-2) +2x 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, onsite roads, or access roads?  He fronts on the road- Little traffic
(+2/-2) <u>#/</u> x 2 <u>+2</u>	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?  There will be proise
(+2/-2) <u>+2</u> x 2 <u>+</u>	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?  Ves - very little infact
(+2/-2) <u>4/</u> X 2 <u>+2</u>	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 (+) 22	Very little charge
Sub-Total () 3	

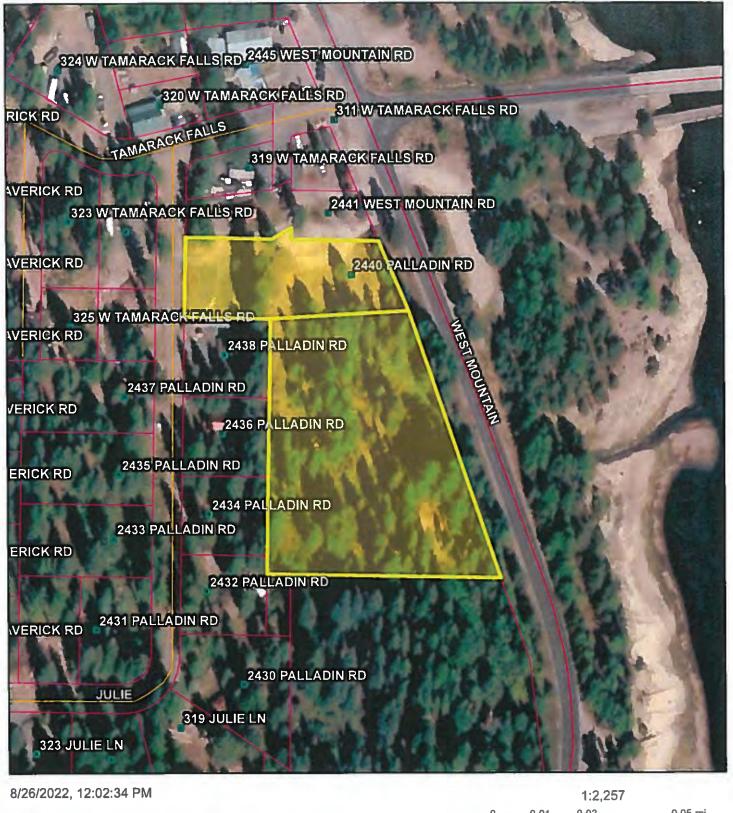
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

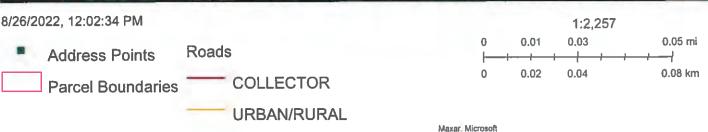
**Total Score** 

# C.U.P. 22-32 Vicinity Map



# C.U.P. 22-32 Aerial Map - Corrected

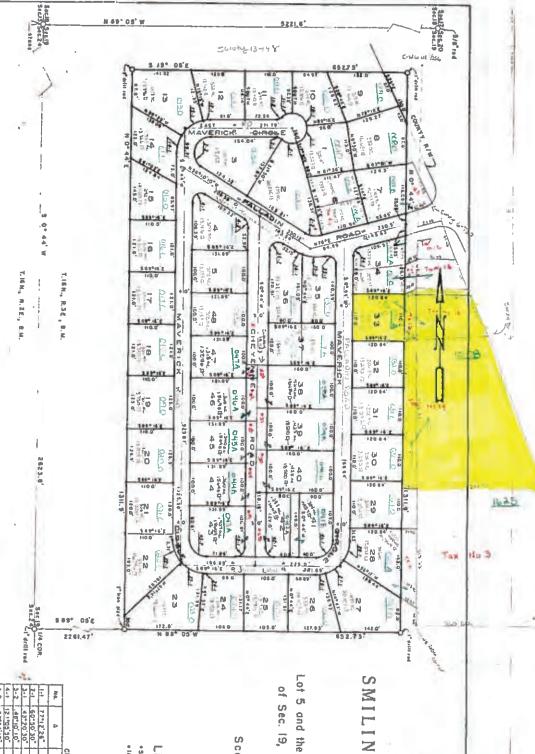




# C.U.P. 22-32 Wetlands



Filename: Valler County Base Map Scale:  $l^* = 400 \text{ ft}$ . Date: 11/12/2021VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611 TITLE Drawn by: L Frederick L≽d· 40Z KORH NHO· 40 PLAT Gar's Los 10 Survey 9-145 Gee't Lat 7 14.90 ec USA LAKE CASCADE Gor't Lat 6 (6.00 err) 6-709 Servey 13-148 Gen't Lat 1 (8.73 pc) USA Gor'l Lat 2 (25,76 ac) 2859 2469 2414 4370 Tax No. 16 12,401 oc 17.474 oc Tax No. 17 Tar No 15 5.928 oc 30,000 00 IDAHO WI6N P 3005 76.690 ac Gariffee 3 (18.17 ac) Gen's Lot 11 (38,32.ac) Cov'( Lot 4 (38.32 ac) Cor's Lat 9 (38.27 or



# SMILING JULIE SUB.

Strain, cons and Enganums distincted for Public use county acceptantion in the County acceptantion in the County of resolution with another use and used Plat of

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part of

of Sec. 19, T.16N., R.3E., B.M.

Scale 1" = 100'

LEGEND

CURVE DATA

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COUNTY OF ADT. | \$5
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1959

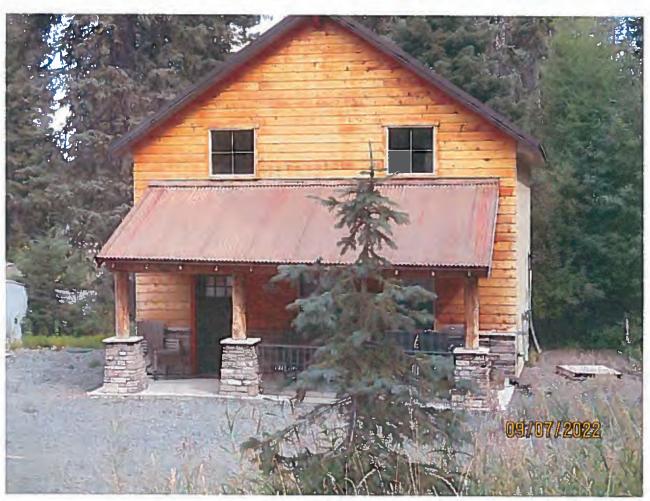
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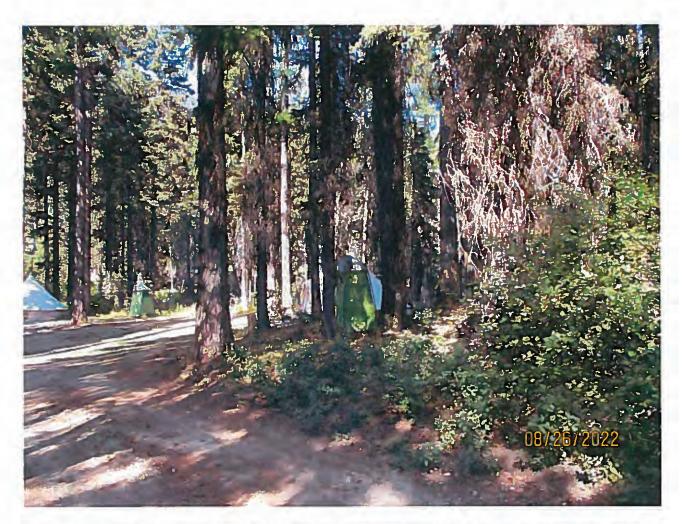
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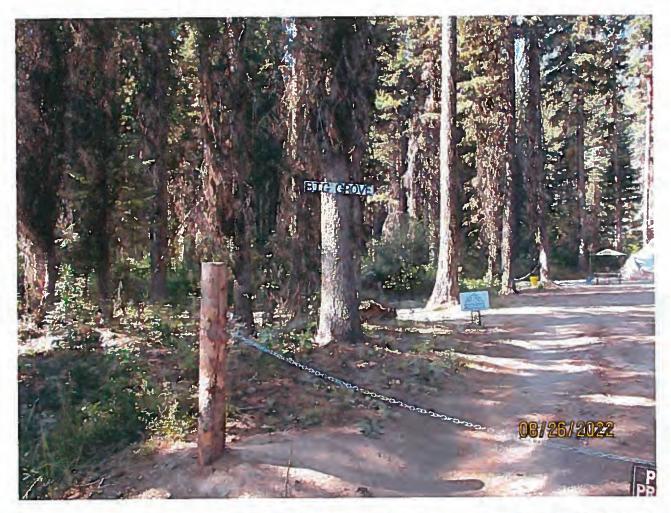
DILL MARRIS, being duly sworn, says that he is a Registered Professional Engineer, that he prepared the final map of the foregoing plat, and that his tracing is an exact copy of said final map.

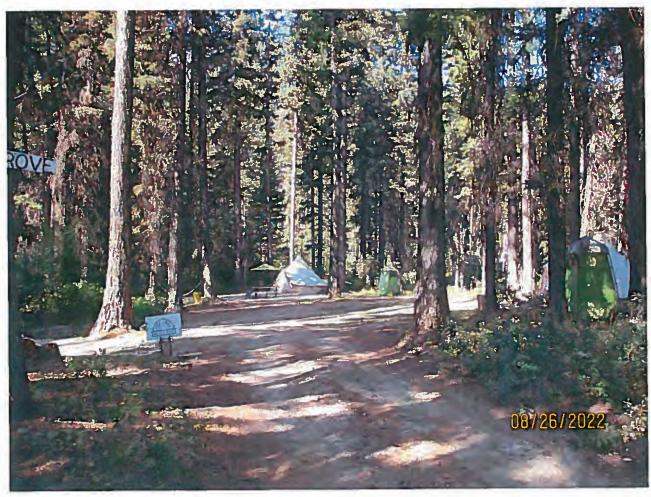












	CENTRAL DISTRICT HEALTH	Valley County Transm Division of Community and Environm	ittal Return to: ental Health Cascade
Rez	zone #		☐ Donnelly
Cor	nditional Use #	CUP 22-32	
Pre	liminary / Final / Shor	t Plat Esplin Glamping & Show	L dern Rendrols Valley County
		2440 Palladin Re	Vigere Jus
1.	We have No Objections to th	nis Proposal.	The second second
2	We recommend Denial of thi	is Proposal.	
☐ 3	Specific knowledge as to the	exact type of use must be provided before we ca	In comment on this Drawn .
4.	We will require more data co	encerning so I conditions on this Proposal before w	Ve Can comment
<u> </u>	Before we can comment cond of high seasonal	cern ng individual sewage disposal, we will require ground water	e more data concerning the depth
☐ 6	This office may require a stud waters.	ly to assess the impact of nutrients and pathogen	s to receiving ground waters and surface
		l by the Idaho Department of Water Resources co	
8.	After written approvals from a	appropriate entities are submitted, we can appro-	va this proposal fac
	☐ central sewage ☐ interim sewage ☐ individual sewa	Community sewage system	community water wel
9.	The following plan(s) must be	submitted to and approved by the Idaho Depart	manh of F
	☐ central sewage ☐ sewage dry line	Continuintly Sewage system	Community water
☐ 10 I	Run-off is not to create a mosqu		
	This Department would recom considerations indicate approv	imend deferral until high seasonal ground water ( val	can be determined if other
12 1	f restroom facilities are to be i Regulations.	installed, then a sewage system MUST be installe	d to meet Idaho State Sewage
□ 13 V	food establishm beverage estab	itted for a plan review for any:  nent	child care center
Ø 1≥	Applicant will System 5HS to water System Y Multiple wells o AT ps / water	recel to contract CDH Tyle of determinents. proposal of my the game parcel will be locked by stem.	reguered to meet public Reviewed By: Asther 8/11/22



## **TECHNICAL MEMORANDUM**

DATE:

September 7, 2022

TO:

Cynda Herrick, AICP

Valley County Planning and Zoning Administrator

FROM:

Paul Ashton, PE

SUBJECT:

September 8, 2022, Planning and Zoning Commission Agenda Items

CC:

Cody Janson, PE

PROJECT NUMBER:

314-4875-011

PROJECT NAME:

**Valley County Engineering Services** 

The following comments are for the item listed in the on the September 8, 2022, Valley County (VC) Planning and Zoning Commission agenda you directed us to review:

#### **New Business:**

## 1. C.U.P. 22-30 Shaw Family Ranch Subdivision - Preliminary Plat

Detailed preliminary site grading and drainage plans and drainage design documentation have not been submitted to Valley County for review. No land development is currently anticipated with this application. Any future development of the property will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to development approval. After reviewing the C.U.P. application, we have no preliminary comments.

## 2. C.U.P. 22-32 Esplin Glamping and Short Term Rentals

Detailed preliminary site grading and drainage plans and drainage design documentation have not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have no preliminary comments.

## 3. C.U.P. 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

Preliminary site plans were submitted to Valley County with the C.U.P. application for review. This project will require review and approval by Valley County of the final site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comment:

 Since the long, narrow shared driveway is essentially serving as an access road for all the proposed cabins for the length of the development (nearly ½ mile) and there is only one access to the property, we recommend that the Applicant provide additional turnarounds to the one shown in the preliminary plan, and at minimum a larger turnaround at the south end of the northern lot.

Please contact me if you have any questions.

Sincerely,

**PARAMETRIX** 

Valley County Engineer

Paul Ashton, PE



# Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615 208-325-8619 Fax 208-325-5081

September 26, 2022

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

RE: C.U.P. 22-32 Esplin Glamping and Short-Rentals

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

- All roads shall be built to Valley County Road Department standards or Section 503.2 IFC 2018 (20' minimum)
- Section D103.4 IFC 2018 Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turn around provisions in accordance with Table D103.4
- All roads shall be inspected and approved by the DRFPD prior to final plat
- Slash, dead timber, ladder fuels and debris shall be removed throughout the Development
- Section 507.1 IFC 2018 An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- The approved dedicated fire protection water supply will be a 10,000 gallon underground water storage tank, water tank shall be connected to a well and have automatic fill capability. Fire Department connections shall be a minimum of 4 inch diameter pipe and have a 5 inch Storz connector
- Water tank shall be installed in an approved location. Tank design and specifications shall be submitted to the Donnelly Fire District for review prior to installation
- Section 503.7 IFC 2018 Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- Section 503.7.5 IFC 2018 all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter.
- Section 503.7.8 IFC 2018 Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- In accordance with Section 503.7.6 IFC 2018 the gradient for driveways cannot exceed 10 percent unless approved by the fire code official

- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued
- Section 3107 IFC 2018 Is specifically for tent and membrane structures
- Section 3107.9 IFC 2018 Approved portable fire extinguishers complying with Section 906 shall be provided and placed in locations as required by the Fire Code Official
- Section 3107.12.1 IFC 2018 Heating or cooking equipment, tanks, piping, hoses, fittings, valves, tubing and other related components shall be installed as specified in the International Mechanical Code and shall be approved by the Fire Code Official
- Section 3107.12.2 IFC 2018 Gas, Liquid, and solid fuel burning equipment designed to be vented shall be vented to the outside air as specified in the International Fuel Gas Code and the International Mechanical Code. Such vents shall be equipped with approved spark arresters where required. Where vents or flues are used, all portions of the tent or membrane structure shall not be less than 12 inches from the flue or vent
- Section 3107.12.3 IFC 2018 Cooking or heating equipment shall not be located within 10 feet of exits or combustible material
- Any solid fuel heating appliance shall be installed in accordance with manufacturers recommendations and shall be inspected prior to occupancy
- Smoke detectors shall be installed in accordance Section 907 IFC 2018
- The Donnelly Rural Fire Protection District requires all fire rings to be of an approved nature, no larger than 3 feet in diameter. All fire rings shall also have a ten foot diameter of non-combustible material around fire pit
- Section 307.4.2 IFC 2018 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 2018 Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- Closed burning season is May 10th through October 20th and may be subject to bum restrictions as required by the State of Idaho. Check the daily status at www.burnpermits.idaho.gov or call SITPA at 208-634-2268
- Any residence utilized as a short term rental shall comply with Valley County Ordinance 19-09 Liquified Petroleum Gas.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

Donnelly Fire Department



1445 N. Orchard Street, Boise ID 83706 (208) 373-0550

Brad Little, Governor Jess Byrne, Director

August 10, 2022

By e-mail: cherrick@co.valley.id.us

Valley County Planning & Zoning Commission PO Box 1350 219 North Main Street Cascade, Idaho 83611-1350

Subject:

September 8, 2022 Public Hearing

C.U.P. Pines by the Lake Subdivision; C.U.P. Saddle Rock Subdivision;

C.U.P. Shaw Family Ranch Subdivision; C.U.P. Esplin Glamping & Short-Term Rentals;

C.U.P. Barton Short-Term Rentals, Barton Shared Driveway

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

## 1. AIR QUALITY

 Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

For new development projects, all property owners, developers, and their contractor(s)
must ensure that reasonable controls to prevent fugitive dust from becoming airborne are
utilized during all phases of construction activities, per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality
permit to construct prior to the commencement of construction or modification of any
facility that will be a source of air pollution in quantities above established levels. DEQ asks
that cities and counties require a proposed facility to contact DEQ for an applicability
determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

## 2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater
  and recycled water. Please review these rules to determine whether this or future projects
  will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface
  disposal of wastewater. Please review this rule to determine whether this or future projects
  will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## 3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <a href="https://www.deq.idaho.gov/water-quality/drinking-water/">https://www.deq.idaho.gov/water-quality/drinking-water/</a>. For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
  - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant
  Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may
  be required if this project will disturb one or more acres of land, or will disturb less than one
  acre of land but are part of a common plan of development or sale that will ultimately
  disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate
  construction best management practices (BMPs) to assist in the protection of Idaho's water
  resources. Additionally, please contact DEQ to identify BMP alternatives and to determine
  whether this project is in an area with Total Maximum Daily Load stormwater permit
  conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <a href="https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html">https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html</a>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
  - For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

# 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- Solid Waste. No trash or other solid waste shall be buried, burned, or otherwise disposed of
  at the project site. These disposal methods are regulated by various state regulations
  including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06),
  Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for
  the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also
  defined in the Solid Waste Management Regulations and Standards
- Hazardous Waste. The types and number of requirements that must be complied with under
  the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and
  Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste
  generated. Every business in Idaho is required to track the volume of waste generated,
  determine whether each type of waste is hazardous, and ensure that all wastes are properly
  disposed of according to federal, state, and local requirements.
- Water Quality Standards. Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- Ground Water Contamination. DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <a href="https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/">https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/</a> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the
  following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal
  facilities, composted waste, and ponds. Please contact DEQ for more information on any of
  these conditions.

Response to Request for Comment August 10, 2022 Page 5

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Aaron Scheff

Regional Administrator

EDMS#: 2022AEK



## CUP 22-32 Esplin

From: Lisa Mohler

Sent: Sunday, October 9, 2022 4:59 PM

To: Cynda Herrick

Subject: CUP 22-32 Esplin

Lisa Mohler 47 Johnson Lane McCall ID 83638 Oct. 9,2022

# C.U.P. 22-32 Esplin Glamping & Short-Term Rental 2440 Palladin Rd, Donnelly

To C. Herrick P & Z Director
Planning & Zoning Commissioners:
Katlin Caldwell Ken Roberts
Sasha Childs Scott Freeman

Please DENY C.U.P. 22-32 -

## **Application; Reasons to DENY**

- 1. This application askes for a camping permit for short-term rentals, 3 RV sites and 5 Yurt Sites. And in the same application includes Phase 2-they then state they will be replaced with 7 Large residences starting Dec. 31, 2032. 10 years later. All on 2.9 acres.
- 2. Why does every site have to have a fire pit, are they not trying to encourage a community feel? All so Glamping requires chefs, babysitters, clean-up crew, the Renters does nothing but show up and be cratered to.
- 3. Where is the water, showers, trash, caretaker site open 24/7.
- 4. 10 years is to long of a time between Phases. Much will change in that time.
- 5. They are building a Subdivision; they must follow Subdivision Codes. Like paved roads, Wi-fi, water storage tank for Fire Department.
- 6. It is my understanding short-term rentals do not need 3 stories houses, fire pits at each house, 2 car garages. They show house designs but not all have Sq. Ft. and how close are these houses. If there are over 10 people per site is this not a commercial Motel.
- 7. Is 3 roads enough for all the cars and people to get out in case of forest fire.
- 8. I assume this will be NO PETS or are you fencing the entire property to discourage packs of dogs running thru the neighborhood.
- 9. How much traffic will this increase on West Mtn. Road and the roads into Donnelly, S bridge, etc.
- 10. PLEASE make them reapply and start with Phase 1. Then see what happens in 10 years for all our safety.

Thank you for your time, Lisa Mohler

## Protest C.U.P. 22-32 Esplin

From: Linda Stevens

Sent: Tuesday, October 11, 2022 8:31 PM

To: Cynda Herrick

Subject: Protest C.U.P. 22-32 Esplin

October 11, 2022

Art and Linda Stevens 2430 Palladin Rd Donnelly, ID 83615

ATTN: Cynda Herrick, AICP, CFM Planning and Zoning Director PO Box 1350 Cascade. ID 83611

RE: C.U.P. 22-32 Esplin Glamping and short term rentals - 2440 Palladin Road - Objection to proposed development

Ms. Herrick,

We purchased our property on Palladin Road seventeen years ago. What drew us to this location was the quiet neighborhood that had a remote feel, even though it was three miles from the up and coming Tamarack Resort.

Since that time, we have built our cabin and enjoyed the beauty and quiet of this lovely location. Over the years, other cabins have been built in the area that continue to develop the community while maintaining the secluded, mountain location it was intended to be.

However, in the last few years, the zoning codes for this area have been compromised, with seemingly no consequences. The tent lot on 2440 Palladin is already generating loud noises and degrades the pleasant cabin neighborhood feel. More tents, yurts, and RVs mean more noise and congestion, and a continual degradation of the neighborhood. High density housing is not the intended use for this property.

We are not in favor of the proposed changes to the existing zoning regulations. I want to be clear, we are not opposed to tasteful changes such as the tiny container home that was recently built in Smiling Julie. The proposed development, however, does not bring tasteful, innovative changes to our community, but less attractive congestion that is not appealing to the surrounding neighbors.

In addition, access to a high traffic rental community off of Palladin Road will only make things worse. The heavy congestion will destroy the quiet wilderness of the Smiling Julie subdivision.

Please do not allow this proposed development to degrade the beauty and peaceful neighborhood that was intended for our Smiling Julie neighborhood.

Concerned neighbor & resident,

Art & Linda Stevens