

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. 22-42: 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 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.

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.

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

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

F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING QUESTIONS 1, 2, and 3

1. AGRICULTURAL

2. RESIDENCE, S.F.

3. SUBDIVISION, S.F.

4. M.H. or R.V. PARK

5. RESIDENCE, M.F.

6. SUBDIVISION, M.F.

7. P.U.D., RES.

8. REL, EDUC & REHAB

9. FRAT or GOVT

10. PUBLIC UTIL. (1A-3.1)

11. PUBLIC REC.

12. CEMETERY

13. LANDFILL or SWR. PLANT

14. PRIV. REC. (PER)

15. PRIV. REC. (CON)

16. NEIGHBORHOOD BUS.

17. RESIDENCE BUS.

18. SERV. BUS.

19. AREA BUS.

20. REC. BUS.

21. LIGHT IND.

22. HEAVY IND.

23. EXTR. IND.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	-2	-1	-1	+1	+2	+2
2	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
4	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9	+1	+1	+1	+1	+1	+1	+1	+1		+1	+1	+1	-2	+1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+2	-1	+1	+1	+1	+1	+1	+1	+1	+1	-1	+1
11	+1	+2	+2	+2	+2	+2	+2	-1	-1	-1		+2	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
12	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	-1	-2	-2	-2	-2	-1	+2	+2	+2
13	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1								
14	+1	+1	+1	+1	+1	+1	+1	-1	-1	-1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	-1	+1		-2	-2	-2	-2	-2	-2	-1	-1
16																							
17																							
18																							
19																							
20																							
21	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+1	+1
22	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1	+1	-1	-1	-1	-1	-1	-1	-1	-1	-1
23	+2	-2	-2	-2	-2	-2	-2	-1	-2	-2	+1	+1	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	+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)
S.F. Subdivision (#3)

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

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

See 142 with same 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

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

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones? they have planted 200+ trees

(+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 - other large homes in area

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

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

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

Sub-Total (+) 27

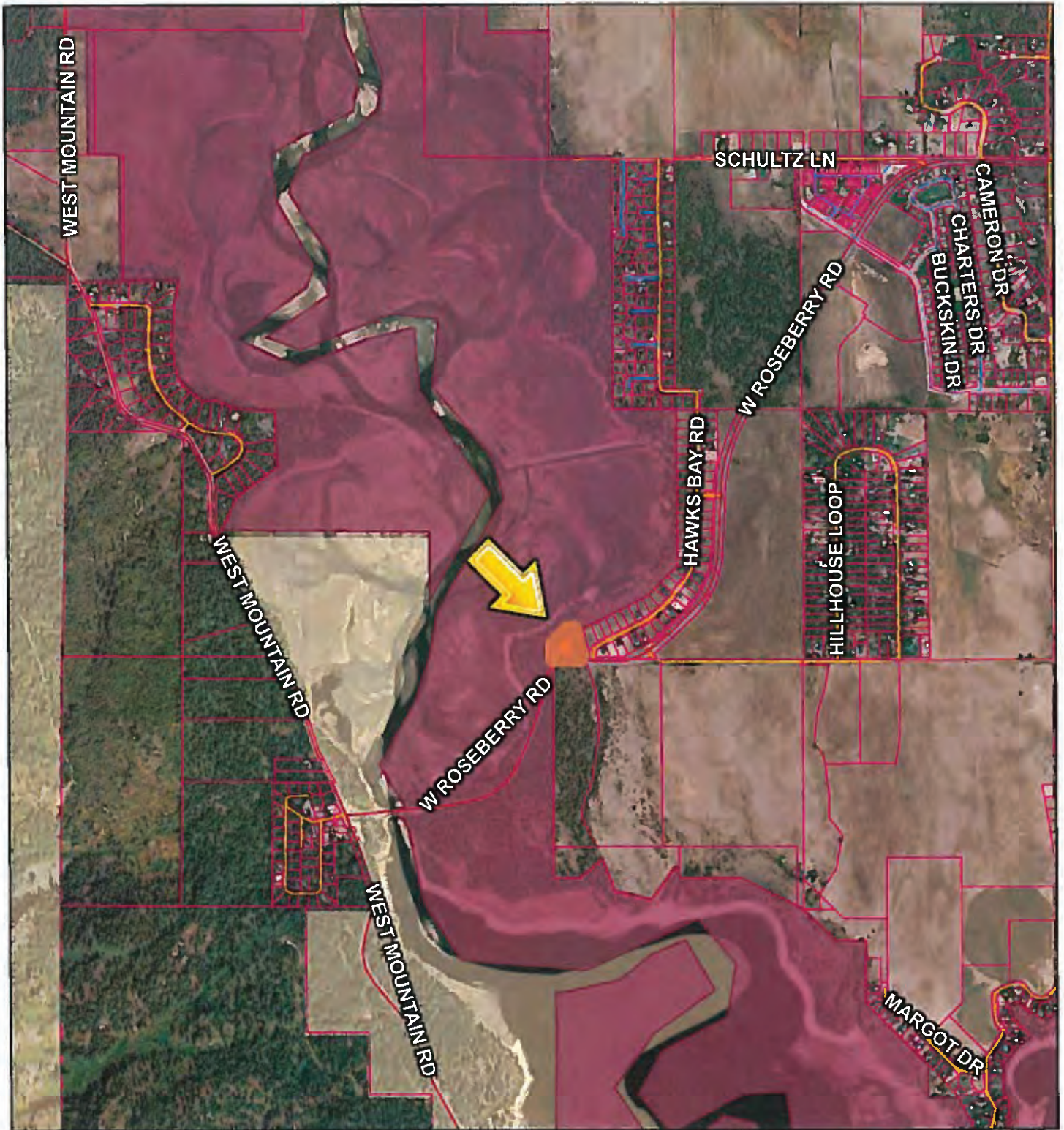
↑ Taxes

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.

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

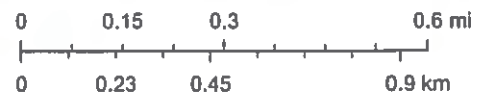
VALLEY COUNTY

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

1:1,567



Maxar, Microsoft

RP 00520

Book 10, Page 4

NOTES

1. 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 EASEMENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND DRIVEWAYS TO EACH LOT.
2. UNLESS OTHERWISE SHOWN OR DESIGNATED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE THIRTY (30) FEET EASEMENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND DRIVEWAYS TO EACH LOT.
3. 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.
4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
5. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION. 293886
6. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION. 293886
7. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION. 293886
8. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION. 293886
9. SEE AMENDED RECORD OF SURVEY NO. 281949 FOR ADDITIONAL DATA OF RECORD.
10. UTILITIES HAVE NOT BEEN INSTALLED AT THE TIME OF RECONSTRUCTION OF THIS PLAT. 293885
11. NO SEPTIC FACILITY SHALL BE CONSTRUCTED WITHIN 100 FEET OF ANY WELL IN LOT 20, BLOCK 2.

PLAT OF
HAWKS BAY SUBDIVISION

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17
T. 16 N., R. 3 E., B. 14
VALLEY COUNTY, IDAHO
2005

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SAVED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN AND CONSTRUCTION OF THE SANITARY FACILITIES. THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SANITATION OF THE SANITARY FACILITIES WERE CONSIDERED. ENTER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRAINAGE WATER OR SEWAGE/SEPTIC WASTEWATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS UNWILLINGLY CONSTRUCTING THOSE FACILITIES, IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF THE SANITARY FACILITIES, THE DEVELOPER MAY BE REMOVED, IN ACCORDANCE WITH SECTION 50-13-10, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DECONTAMINATION AND NO CONSTRUCTION OF ANY BUILDING OR SHEDDING REMAINING ORIGINALLY OF SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

John P. Reas, RZ, 3/24/2005
DEPT. HEALTH DEPARTMENT
292909

CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	AREA	CHORD BEARING	CHORD LENGTH	ARC LENGTH	AREA
1	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
2	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
3	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
4	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
5	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
6	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
7	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
8	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
9	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
10	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
11	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
12	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
13	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
14	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
15	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
16	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
17	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
18	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00
19	N 89° 27' 05" E	100.00	100.00	100.00	N 89° 27' 05" E	100.00	100.00	100.00
20	S 89° 27' 05" E	100.00	100.00	100.00	S 89° 27' 05" E	100.00	100.00	100.00

LEGEND

- 1. POINT OF BEGINNING, FOUND
- 2. FOUND BRASS OR ALUMINUM CAP (AS NOTED)
- 3. SET 5/8" X 30" REBAR WITH PLASTIC CAP
- 4. SET 1/2" X 24" REBAR WITH PLASTIC CAP
- 5. FOUND 5/8" REBAR
- 6. BOUNDARY LINE
- 7. RIGHT-OF-WAY LINE
- 8. CENTERLINE
- 9. LOT LINE
- 10. EASEMENT LINE



W&S INVESTMENTS INC.
DEVELOPER
BOISE, IDAHO
W&S ENGINEERING, INC.
CONSULTING ENGINEERS
BOISE, IDAHO
SHEET 1 OF 2
JULY-14-06 W-07/14/05

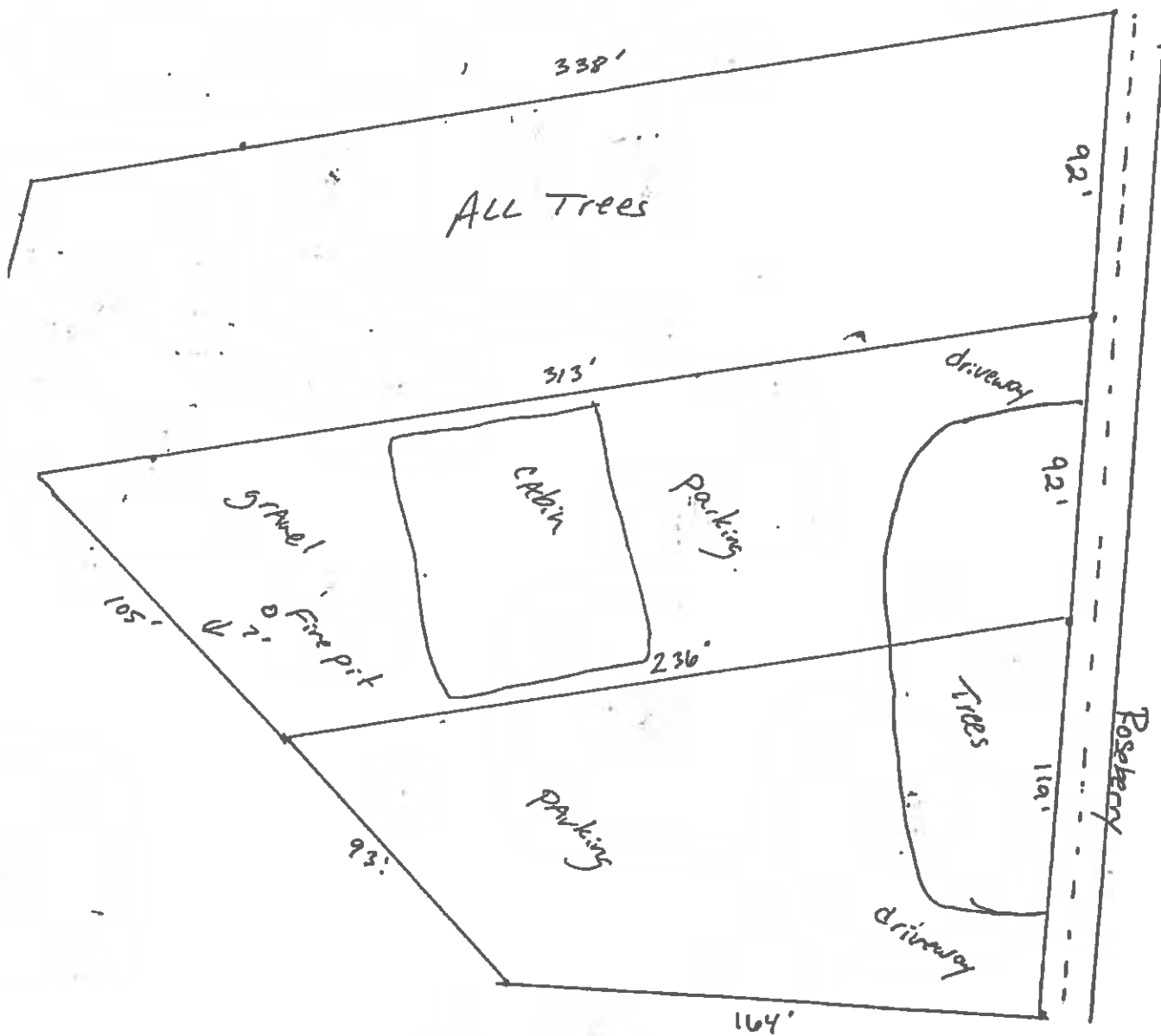
T W P . 1 6 N R O 3 E S E C . 1 7

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

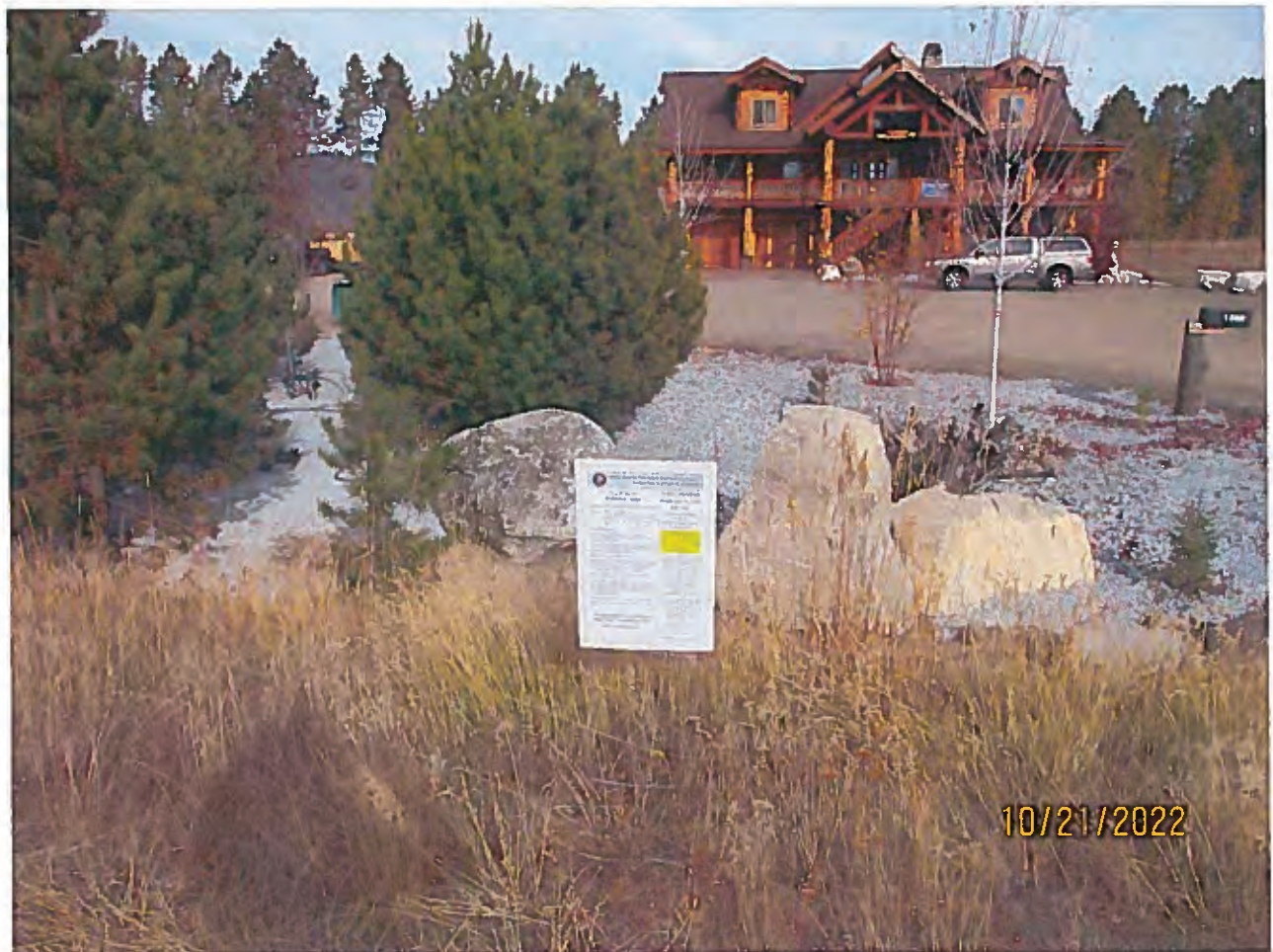
Filename: Valley County Base Map
Scale: 1" = 400 ft.
Date: 10/25/17
Drawn by: L Frederick

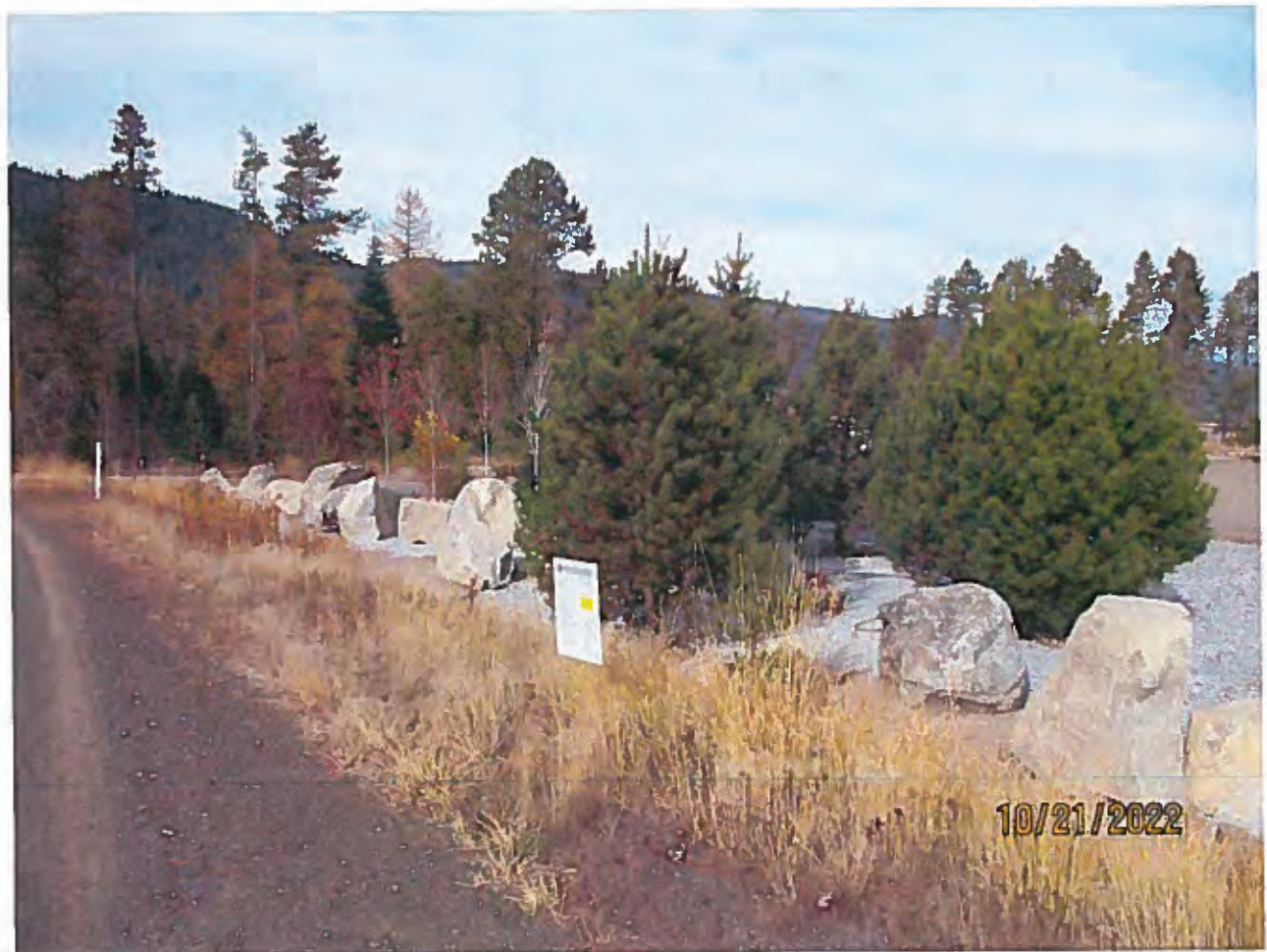


The Service is not for Sale to Subsequent Purchasers ONLY. The Company is NOT Responsible for any Damages (including Mental)



N
3
S





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.

Brutsman cup 22-42 west side 10 foot easement

From: Ron Brutsman [REDACTED]

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

To: Cynda Herrick [REDACTED]

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

Nothing parked within the 10 feet.





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 Routeman Lodge

Hawks Bay 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 North Lake Secore 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 black 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 10th through October 20th and may be subject to burn restrictions as required by the State of Idaho. Check the daily status at www.burnpermits.idaho.gov or call SITPA at 208-634-2268

Please call 208-325-8619 with any questions.

Jess Ellis



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 andPROCESS:

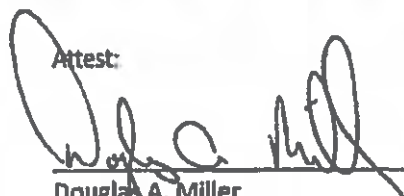
A. Propane providers shall install systems following NFPA 54 & 58, including;

- 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 30th day of September, 2019.


Gordon Cruickshank, Chairman

Attest:

Douglas A. Miller
Valley County Clerk

Brutsman Lodge/Hawks Bay

From: L WANNER [REDACTED]
Sent: Wednesday, September 28, 2022 3:42 PM
To: Cynda Herrick [REDACTED]
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 [REDACTED]

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