

Cynda Herrick, AICP, CFM VALLEY COUNTY IDAHO

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Planning & Zoning Administrator Floodplain Coordinator

STAFF REPORT

Conditional Use Permit Application 20-34 RHP RV Site

HEARING DATE:

February 11, 2021

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM

APPLICANT/OWNER:

RHP LLC

c/o Shelley McCoy 4018 N. Whitehead ST

Boise ID 83703

LOCATION/SIZE:

12750 Skain Road on RP001810020140 in

McLeod & Edwards Wagon Wheel #8, Lot 14, Block 2

NW ¼ Sec. 34 T.16N R.3E, Boise Meridian, Valley County, Idaho.

0.77-acre lot

REQUEST:

Private Recreational Vehicle Campground

EXISTING LAND USE:

Single-Family Residential – Bare Lot

BACKGROUND:

RHP LLC is requesting approval of a conditional use permit for a Recreational Vehicle campground to allow four RVs to be used for recreational purposes for more than 30 days in duration.

The campsite will be for personal use and will not have any commercial use.

There is an individual well, central sewer, and electrical service. A pump shed and a fire pit are on the lot.

The proposed exterior lighting consists of LED horizontal lighting on each trailer mounted under the awnings and will not project outward. Each trailer has a small 20-watt incandescent yellow porch light by the door. Any additional lighting not attached to an RV will meet all dark sky requirements.

There is one fire pit constructed of a concrete floor and a metal tractor rim incased with gravel

Staff Report C.U.P. 20-34

and rock surrounded by an exterior 3 x 3 metal ring, with gravel and rock extending out about three feet from the base of the metal ring. Water and fire extinguishers will be available.

The 0.77-acre lot is addressed as 12750 Skain Road. Access is from Skain Road and Lodgepole Lane, both public roads.

The applicant previously applied for Recreational Vehicle Campground (RVC) permit which allows a maximum of three RVs.

FINDINGS:

- 1. Application was made to Planning and Zoning on Nov. 25, 2020. Additional information was received on Dec. 24, 2020.
- 2. Legal notice was posted in the *Star News* on January 21, and January 28, 2021. Potentially affected agencies were notified on January 12, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent January 15, 2021. The site was posted on February 1, 2021. The notice was posted online at www.co.valley.id.us/public-hearing-information on January 12, 2021.
- 3. Additional Information Received:

Central District Health has no objections since RVs will be connected to central sewer. Any sewer lines installed should be inspected by the State plumbing inspector. (Jan. 13, 2021)

Donnelly Rural Fire Protection District replied with a list of requirements. (Jan. 17, 2021)

- Fire rings should be no larger than 3-feet in diameter and have a 10-ft diameter of non-combustible material around the fire pit.
- Vegetation that is capable of being ignited shall be cut down and removed by the owner or occupant of the premises in accordance with the International Wildland-Urban Interface Code.
- Recreational fires shall not be conducted within 25 feet of a structure or combustible material.
- Fires shall be constantly attended until extinguished. Shall be a portable fire extinguisher or other approved on-site fire-extinguishing equipment on site.
- Closed burning season is May 10 thru Oct. 20th. [this is not a camp fire]

Casey Pozzanghera, Idaho Department of Fish and Game Staff Biologist, stated that IDFG has no comments. (Jan. 12, 2021)

4. Neighbor comments received:

Mike Fein replied in opposition to RVC 2020-03. This is a residential area. The number of people using the RVs on a lot can be more than the 12 allowed at short-term rentals. Maximum lot coverage should be limited to the same as a permanent residence. Other negatives are dusty roads, "toys", and declining property values. Who will enforce the regulations? (August 6, 2020)

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- 5. Physical characteristics of the site: Relatively flat
- 6. The surrounding land use and zoning includes:

North: Single Family Subdivision South: Single Family Subdivision East: Single Family Subdivision West: Single Family Subdivision

- 7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
 - 4. Private Recreation Uses (e) Campgrounds and facilities, including tent camps

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

8. The following is the code that specifically applies to Recreational Businesses and Private Recreation Uses:

ARTICLE E. PRIVATE RECREATION USES

9-5E-1: SITE OR DEVELOPMENT STANDARDS:

Private recreation uses requiring a conditional use permit shall meet the following site or development standards:

A. Minimum Lot Area:

- 1. The minimum area for any use in this category shall be sufficient to accommodate the use, associated activities or uses, and to adequately contain adverse impacts.
- 2. Frontage along a public or private road shall not be required.
- B. Minimum Setbacks: The minimum <u>building</u> setbacks shall be fifty feet (50') from front, rear, and side street property lines, and thirty feet (30') from side property lines.
- C. Maximum Building Heights and Floor Areas:
 - 1. The maximum building height shall be thirty five feet (35').
 - 2. Maximum floor areas shall not exceed the limitations of subsections <u>9-5-3</u>A and C of this chapter.
 - 3. No building or combination of buildings may cover more than one percent (1%) of the lot or parcel.
- D. Site Improvements: Parking spaces shall be provided at the rate of one per every four (4) persons of total occupancy or attendance. (Ord. 10-06, 8-23-2010)

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a + 16.

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

Staff Questions/Comments:

The site plan shows parking located in the 20-ft setback area from Skain Road.

RECREATIONAL VEHICLE CAMPGROUND: A parcel of land under one ownership which has been planned and improved for the placement of two (2) or three (3) transient recreational vehicles for dwelling purposes, including placement on parcels where single family residential uses have also been established. It is specifically for the recreational use of the parcel by friends and family of the property. An administrative permit in accordance with VCC Title 9-4-8 Recreational Vehicle Campground is required. This does not include multiple family groups that are camping on holiday type of weekends. (Valley County Code 9-1-10)

When the ordinance was amended in May of 2020, the matrix and private recreation use standards were not changed. The ordinance allows for Recreational Vehicle Campgrounds as permitted uses. It was never determined what standards would be for uses beyond the 3 RVs, which require the conditional use permit versus other recreation uses that require increased setbacks. Setbacks are measured for buildings; RV's are not buildings. The same thoughts should be applied to the matrix.

The Commission should determine if the mitigation of trees and placement of the RV's should allow for the setbacks to be the same as residential (Recreation Vehicle Campground) or as a Private Recreation Campground.

On August 13, 2020, for a similar type of application, the Commission determined the single-family residential setbacks were adequate.

	Front	Rear	Side Street	Side
Single Family Residential and Recreational Vehicle Campground	20'	20'	20'	7 ½'
Private Recreation Campground	50'	50'	50'	30'

This site has roads along two of the four sides of the property.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff's Compatibility Evaluation

- Vicinity Map
- Aerial Map
- Site Plan dated Dec. 24, 2020
- Pictures taken October 22, 2020 and February 1, 2021
- Responses

Conditions of Approval

- 1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
- 2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
- 3. The use shall be established within one year of the date of approval.
- 4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
- 5. Must comply with Central District Health requirements.
- 6. All lights shall be fully shielded so that there is no upward or horizontal projection of lights.
- 7. Shall have a fire extinguisher stored near the fire pit. Fire pit shall comply with fire department standards. Fire pit shall not be within setbacks.
- 8. Cannot park in the public right-of-way or in setback areas.
- 9. Shall not rent site or RVs.
- 10. All guests shall park on-site.
- 11. Setbacks are 20 feet from the two sides along roads and 7.5 feet from the southern property line.
- 12. New structures must comply with residential setbacks.

END OF STAFF REPORT

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9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or 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).
 - 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
- 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.

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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	2. Is the proposed use compatible with the other adjacent land uses (total and average)?
(+2/-2) X 1	3. Is the proposed use generally compatible with the overall land use in the local vicinity?
(+2/-2) X 3	Site Specific Evaluation (Impacts and Proposed Mitigation) 4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?
(+2/-2) X 1	5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones?
(+2/-2) X 2	6. Is the traffic volume and character to be generated by the proposed use 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.

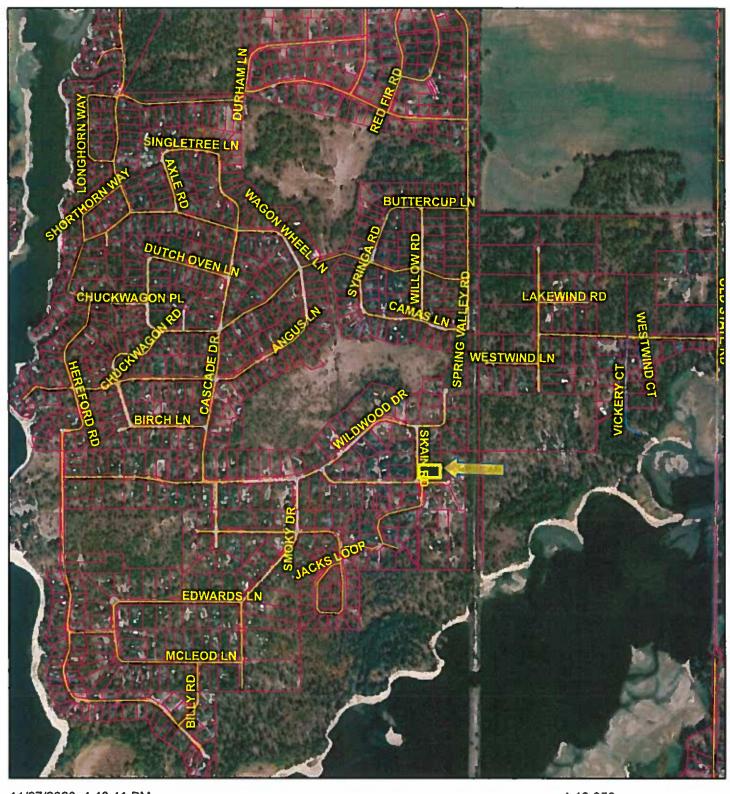
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Compatibility Questions and Evaluation

Matrix Line # / Use:	Provets Campground Prepared by:
Response YES/NO X Value	Use Matrix Values:
(+2/-2) _/ X 4 4	1. Is the proposed use compatible with the dominant adjacent land use?
(+21-2) <u>+/</u> x 2 <u>+2</u>	2. Is the proposed use compatible with the other adjacent land uses (total and average)? **Recorded Total Control of the Cont
(+2/-2) <u>O</u> X 1 <u>O</u>	3. Is the proposed use generally compatible with the overall land-use in the local vicinity? **The proposed use generally compatible with the overall land-use in the local vicinity? **The proposed use generally compatible with the overall land-use in the local vicinity?
(+21-2) <u>+2x</u> 3 <u>+6</u>	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? A lot of Treas & Mafami Mystation
(+2/-2) <u>+2</u> x 1 <u>+2</u>	5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones?
(+21-2) +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? Ves - residential type: Occasion - paly for the months.
(+21-2) +2× 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?
(+21-2) +2x-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?
(+2/-2) -/x 2 -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 (+) 22	No Change - No Taxes Impact or Lervices
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Total Score +16	

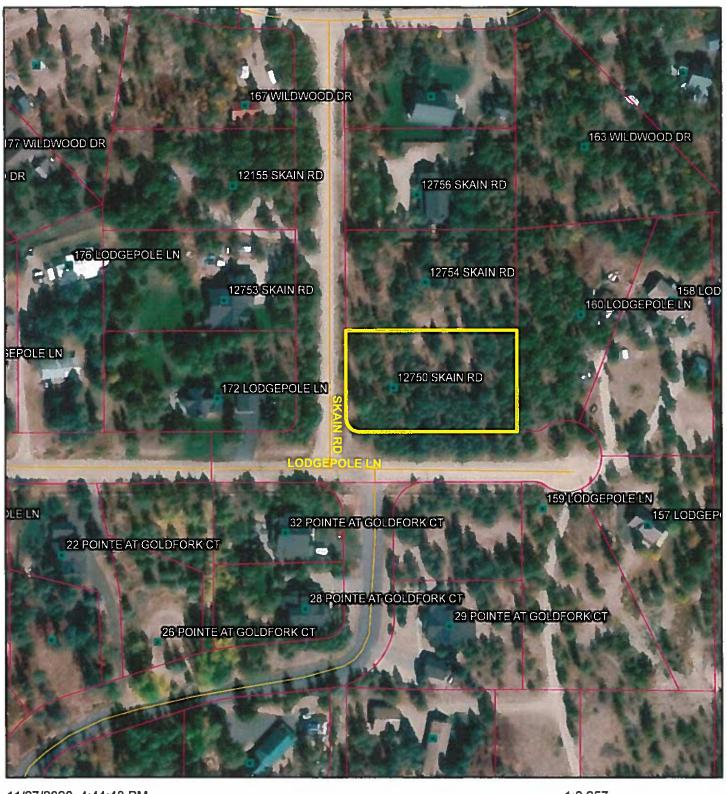
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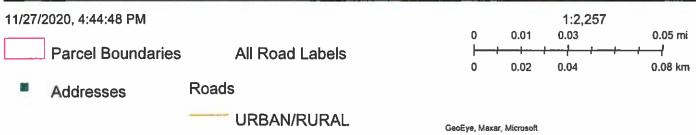
C.U.P. 20-34 RHP RV Site

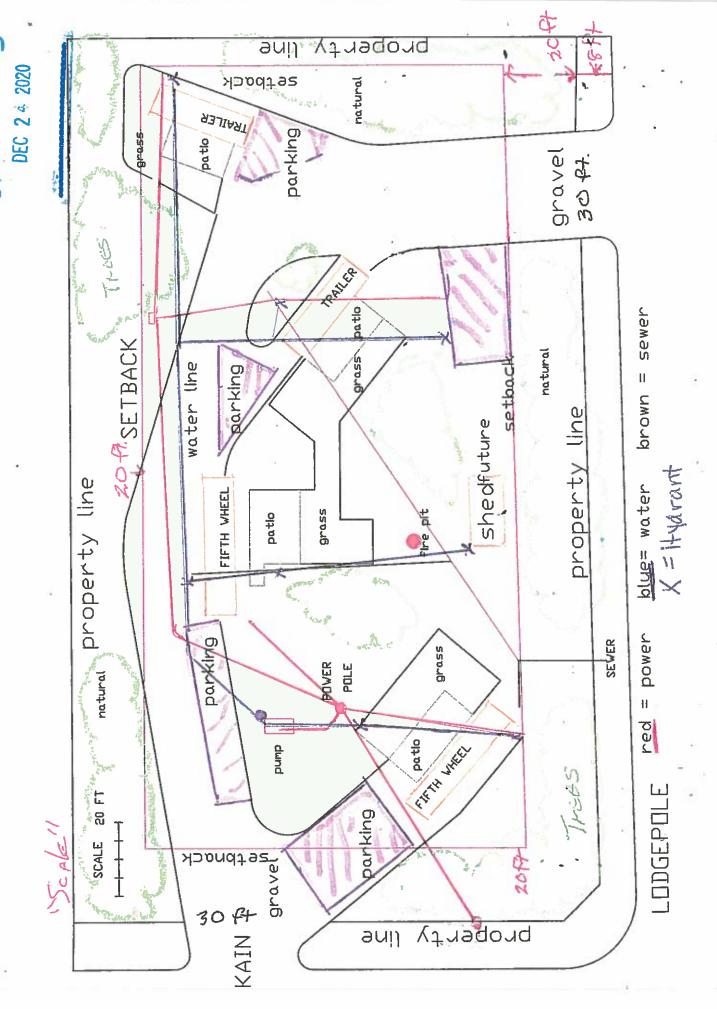




C.U.P. 20-34 RHP RV Site











29-2020 Ladgepole Lene



Looking east from Skain Road

2-29- 2020



		CENTRAL Valley County Transmittal DISTRICT Division of Community and Environmental Health HEALTH	Return to: Cascade Donnelly
F	Rez	one #	☐ McCall
	Con	ditional Use # CUP 20-34 RHP RV Site	McCall Impact
	Pref	iminary / Final / Short Plat	Valley County
`		Lot 14 McLeod & EDWARDS WAGON Wheel #8	
L		12750 Skaw Rd	
	,	We have No Ohio stiens to this Proposal	
	۱,	We have No Objections to this Proposal.	
	Z. 	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 Pr	oposal.
Ц	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 of: high seasonal ground water waste flow characteristics other other	ng the depth
	6.	This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters.	waters and surface
	7.	This project shall be reviewed by the Idaho Department of Water Resources concerning well construe availability.	uction and water
	8.	After written approvals from appropriate entities are submitted, we can approve this proposal for:	
		central sewage community sewage system community interim sewage central water inclividual sewage individual water	water well
	q	The following plan(s) must be submitted to and approved by the Idaho Department of Environment	eal Oualite
	٠.	central sewage Community sewage system Community sewage dry lines Contral 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 considerations indicate approval.	other
	12.	If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho Stal Regulations.	e Sewage
	13.	We will require plans be submitted for a plan review for any: food establishment swimming pools or spas child care of the process of t	center
赵	14.	Cout was no objections since Rus will be connected to co	NTRAL SEWER.
		Any Sower lines installed should be inspected by the STATE Plumber	e inspector
		Reviewed By:	-11K
		Date	1 1/3 121



Donnelly Rural Fire Protection District

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

January 17, 2021

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

RE: C.U.P. 20-34 RHP RV Site

After review the Donnelly Rural Fire Protection District approves C.U.P. 20-34 RHP RV Site with the following requirements.

- 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 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.
- 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

Lef El.

From: Pozzanghera, Casey < casey.pozzanghera@idfg.idaho.gov>

Sent: Tuesday, January 12, 2021 11:11 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: FW: Agency Notice for Feb. 2021

Hi Cynda,

IDFG does not have any comments regarding the attached notices, and does not intend to participate in the public hearing. Thank you for the opportunity to review.

Casey

Casey Pozzanghera
Staff Biologist, Southwest Region
Idaho Department of Fish and Game
15950 N Gate Blvd
Nampa, ID 83687
(208) 854-8947



https://idfg.idaho.gov

From: Lori Hunter < lhunter@co.valley.id.us> Sent: Tuesday, January 12, 2021 11:04 AM

To: Pozzanghera, Casey < casey.pozzanghera@idfg.idaho.gov>; ITD Development Services < d3development.services@itd.idaho.gov>; Durena Farr < durena.farr@id.nacdnet.net>; Patti Bolen

<pbolen@co.valley.id.us>; Mike Reno @ CDH <mreno@cdh.idaho.gov>; Suzanne @ CDH

<smack@cdh.idaho.gov>; Tom White @ CDH <twhite@cdh.idaho.gov>

Subject: Agency Notice for Feb. 2021

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

Send comments to: cherrick@co.valley.id.us

Lori Hunter, P&Z Technician Valley County Planning & Zoning Dept.

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

The smallest good deed is greater than the grandest intention.

Visit the P&Z GIS map at www.co.valley.id.us/departments/information-technology/gis-maps/

From: Mike and Colleen Fein <mcfein23@msn.com>

Sent: Thursday, August 6, 2020 10:47 AM
To: Cynda Herrick <cherrick@co.valley.id.us>

Cc: Valley County Commissioners < commissioners@co.valley.id.us>

Subject: Skain and Lodgepole RVC permit

Cynda, and Commissioners, thank you for the opportunity to respond to this.

The "permanent" homeowners in Valley County are now between a rock and a hard place with not much wiggle room. While we (permanent) desire a less commercial location in our own subdivision we understand the personal use of private property (RV lots). The recent changes in VRBO rentals are a primary driving force between overuse and balanced use (when they begin to be enforced). Our primary concerns are the numbers of RV's allowed on a parcel of land and the numbers of bodies 3 or 4 RV trailers may bring. That head count constitutes much more than what a VRBO home head count of 12 brings and many permanent homeowners have much more space than the lot size of the Skain/Lodgepole corner. It appears parcel size has not and was not considered in the RV count per lot across Valley County. That is a problem. Homeowners cannot exceed 30% land use for their home footprint. Are RV lot owners held to the same regulations.

Secondly- we are surrounded by dirt roads...i.e., dust control. One car coming to a permanent home makes much less dust than say 4 or 5 cars coming to an RV lot with four RV's. Traffic is already a major headache in the Valley and as the years pass and unfettered land use comes to Valley County you will continue to push long time homeowners out. We already have homeowners moving because of VRBO overuse and now RV land overuse.

Third- noise and toys. Again, 4 RV owners will bring a lot of toys and noise.

Fourth- declining property values. A stick home on the Skain/Lodgepole corner would bring value to our home. An RV lot absolutely WILL NOT add value to us or the neighborhood. We are now surrounded by VRBO homes and RV lots on Skain, Lodgepole, Pointe at GoldFork Court, Plantation- and surrounding roads. It is creeping in day by day. Is there greater economic value in RV lots or permanent home structures? I've heard the comments like "there are no places to camp since DF Development came to the Valley", so we need to make more space for RV's. That is a poor excuse for planting RV lots throughout the neighborhood.

Lastly, who will enforce the regulations on both VRBO homes and RV lots. You know as well as I rules and regulations are only as good as the enforcement. Are you anticipating that all us neighbors are to be the enforcement arm against our neighbors? This will absolutely create hate and discontent. "Guns or knives Butch"! Will our county Sheriffs take on that responsibility?

Thank you for the opportunity to comment. And please give permanent homeowners a little more support over the mass of temporary lot users. Check the corner at Wildwood and Cascade in Donnelly. At last count two semi-permanent structures and 8 RV's were there.

Mike

"Keep the wind at your back and your lines tight"