



 ORIGINAL

**Boise County Planning and Zoning Commission  
THE H5 RANCH EVENT VENUE, CUP #2022-004  
Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

July 21, 2022

The Boise County Planning and Zoning Commission (Commission”) held a public hearing on June 16, 2022 to consider The H5 Ranch Event Venue application for a Conditional Use Permit (CUP), application number CUP #2022-004, pursuant to Boise County Amended Unified Land Use Ordinance #2016-001 (ULO) Section 2.5.

**FINDINGS OF FACT**

Based upon the file, hearing, and evidence received in the above-noted matter, the Commission issues the following Findings of Fact and Conclusions:

**A. Documents Received Into the Record**

1. The Planning and Zoning Department’s file and record in this matter:
  - a. The H5 Ranch Event Venue application.
  - b. Exhibits 1-23.
  - c. Planning and Zoning Staff Report dated June 16, 2022.

**B. Procedural History**

1. The Commission held a public hearing on June 16, 2022. The H5 Ranch Event Venue (“Applicant”) and the public provided testimony regarding the CUP.
2. After hearing all testimony from the applicant and the public, the Commission approved the CUP with site-specific conditions.

**C. Facts**

1. The public had the opportunity to provide testimony at the June 16, 2022 public hearing. No member of the public was prevented from testifying.
2. The property subject to this CUP is located at 94 Middlefork Rd., just north of Garden Valley, RP09N04E104121, RP09N04E096653, RP09N04E096651, RP09N04E096652.
3. The property is owned by H5 Ranch LLC.
4. The property consists of 185 acres of private lands.
5. The surrounding property uses consist of rural residential and BLM lands.
6. Applicant is seeking a CUP to operate an event center and guest house.

**CONCLUSIONS OF LAW**

Based on the facts contained in the record, including the facts identified above, the Commission makes the following conclusions of law:

The record contains sufficient facts for the Commission to make the following findings and conclusions regarding the Required Findings in the Boise County Amended ULO Ordinance, Section 4.3.

1. The Commission finds it will in fact, constitute a conditional use as specified in Table 4.1.D.1 through 4.1.D.7, or as determined by the Planning and Zoning Commission.

- (Sec. 4.3.E.1).
2. The Commission finds it is more likely than not in accordance with the goals and policies of the Boise County Comprehensive Plan. (Sec. 4.3.E.2).
  3. The Commission finds it will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use may not change the essential character of the same area. (Sec. 4.3.E.3).
  4. The Commission finds it will not be hazardous or will not be in conflict with existing neighboring uses. (Sec. 4.3.E.4).
  5. The Commission finds it will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost. (Sec. 4.3.E.5)
  6. The Commission finds it will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. (Sec. 4.3.E.6)
  7. The Commission finds it will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. (Sec. 4.3.E.7)
  8. The Commission finds it will have vehicular approaches to the property which are designed as not to create an interference with traffic on surrounding public thoroughfares. (Sec. 4.3.E.8).
  9. The Commission finds it will not result in the destruction, loss or damage of a natural, scenic or historic feature. (Sec. 4.3.E.9).

### **SITE-SPECIFIC CONDITIONS OF APPROVAL**

The Commission approves the CUP with the following site-specific conditions:

1. This conditional use permit is non-transferable to another property and is only valid at 94 Middlefork Rd., Garden Valley, ID 83622.
2. The days and hours of operation shall be set as: 7 days a week, 10 am to 12 am only when rented for an event.
3. Noise shall not emanate from the subject property onto neighboring parcels between the hours of 10pm to 8am Sunday through Thursday, and 11pm to 10am Friday and Saturday.
4. Lighting shall be shielded to prevent glare, be inward facing and dark-sky compliant, and shall not create glare that extends onto other properties or Middle Fork Road.
5. For the purposes of these Conditions of approval, a “Large Event” shall be defined as any event taking place at the subject property, whether paid or not, that will bring more than 100 people to the property for one event, including but not limited to staff (both of the H5 Ranch or those hired by guests) and guests.
6. Applicant shall be limited to holding a maximum of 15 Large Events per year. Events smaller than 100 people shall not be limited.
7. Applicant shall develop a traffic control plan for Large Events, to be approved by the Boise County Emergency Manager and Road and Bridge Superintendent, which shall include that for Large Events, temporary signs on Middlefork Road shall be erected alerting drivers to an “Event Ahead,” certified traffic control flaggers shall be stationed at the entrance to the venue directing traffic for motorist safety. If there are significant,

credible complaints or issues (such as backups or accidents) with or without flaggers, the County, in conjunction with the Applicant, have the ability to re-visit this condition and discuss turn lanes or other traffic mitigation deemed appropriate by Boise County.

8. Applicant shall apply to the Road and Bridge department for and construct a second egress (in conformance with Boise County standards) onto Middlefork Road from the parking field, to be gated and only used for emergencies.
9. With exception of the entry drive that goes through the entry barn by the Middlefork Road, the entry drive shall be widened to a 24' traveled way from Middlefork Road to the event barn.
10. An on-site water source for firefighting shall be installed by the end of 2023; this may include a standpipe at a pond (deep enough to not be frozen), a gravity fed system, or underground cistern, as approved by the Garden Valley Fire Chief.
11. Applicant shall provide notice of each Large Event to the Emergency Manager, preferably a minimum of 90 days ahead of each Large Event, to the extent possible.
12. No Large Events shall be allowed during the winter, or when snow removal operations are ongoing.
13. The maximum number of persons, including staff, allowed in the event barn shall be limited to 250 persons. Maximum occupancy signs displaying said number shall be permanently affixed near the event barns man doors (on the interior).
14. The guest house and event barn shall conform to the International Fire Code.
15. Applicant shall comply with the requirements contained in the letter (via email) from the Garden Valley Fire Chief and State Fire Marshal dated May 10, 2022.
16. Applicant shall comply with the requirements contained in the State of Idaho Department of Environmental Quality letter dated April 22, 2022.
17. Applicant shall comply with the requirements contained in the Central District Health email comment dated May 3, 2022.
18. Applicant shall keep all structures and grounds in a clean and orderly condition.
19. Applicant shall apply for a sign permit, if a sign(s) is to be installed, with the applicable fees paid; and, any on-site signage shall comply with the ULO, Chapter 3.6. No signs are permitted within any public right-of-way.
20. Applicant shall provide the Planning and Zoning Department with a copy of their current paid insurance policy suitable to this type of business, and maintain insurance each year.
21. Applicant shall obtain from the Planning and Zoning Department a Certificate of Completion of Conditions prior to the opening of the business.
22. Applicant shall maintain all structures and parking area to conform to Firewise Standards along with a fire beak to other properties

### **REQUIRED STANDARD CONDITIONS OF APPROVAL**

Approval of the CUP is subject to the Required Standard Conditions of Approval identified in ULO Section 4.3.D. In the event a Required Standard Condition of Approval conflicts with a Site-Specific Condition of Approval contained herein, the Site-Specific Condition of Approval shall control. The Required Standard Conditions of Approval are:

- 4.3.D.1** The property must be in compliance, or brought into compliance by this action, with all applicable Idaho State Statutes and Boise County Ordinances prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval.

- 4.3.D.2** Applicant must provide proof of property ownership or valid leasehold from the property owner.
- 4.3.D.3** All property taxes, including current year (prepaid) taxes, shall be paid in full.
- 4.3.D.4** Prior to commencement of work, applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance services.
- 4.3.D.5** Fire Department vehicular access shall meet the standards as set forth in this Ordinance.
- 4.3.D.6** The applicant shall comply with any required conditions imposed by Central District Health Department.
- 4.3.D.7** The applicant shall identify the days and hours of operation of the conditional use permit activity.
- 4.3.D.8** Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41.
- 4.3.D.9** Applicant shall prepare and present to the Planning & Zoning Department its Emergency Services Action Plan, specifically, but not limited to, fire and ambulance services.
- 4.3.D.10** The conditional use shall be considered null and void if not started within a period of twelve (12) months from the date of approval by the Commission.
- 4.3.D.11** Prior to the expiration of the conditional use permit, the Administrator may, upon written request by the holder, grant a one (1) year time extension. Any extension request beyond one (1) year shall be subject to the review and approval by the Commission. A review before the Commission shall be scheduled for public hearing and with public notice. The hearing shall be for the purpose of modifying, amending or revoking approval of the Applicant's Conditional Use Permit. A maximum of three (3) extensions may be granted if good cause is shown. The Commission shall make the final decision on the extension request.
- 4.3.D.12** CUP approval does not include approval of any signage. A separate Sign Permit will be required from the Boise County Planning and Zoning Department prior to installation of a sign(s).
- 4.3.D.13** The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers.
- 4.3.D.14** No change in the terms and conditions of the conditional use approval shall be valid unless in writing and signed by the applicant or an authorized representative. Any change in the terms and conditions shall be reviewed and approved or denied by the Commission.
- 4.3.D.15** Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the County of its intent to change the planned use of the property;
- 4.3.D.16** All development authorized by this conditional use approval must be completed within four (4) years from the date of the Commission's approval; and
- 4.3.D.17** Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Commission.
- 4.3.D.18** The Applicant shall comply with all local, state and federal rules and regulations.

### **ORDER**

Based upon the Findings of Fact, Conclusions of Law, Site-Specific Conditions, and Required Standard Conditions of Approval contained herein, the Planning and Zoning Commission approves

The H5 Ranch Event Venue, a conditional use permit located on 94 Middlefork Rd., Garden Valley, ID 83622

APPROVED this 21 day of July, 2022.

PLANNING AND ZONING COMMISSION  
BOISE COUNTY, IDAHO

  
Nathan Greenway, Chair

**APPEAL OF PLANNING AND ZONING DECISION**

**ULO SECTION 2.10 APPEALS PROCEDURES:**

Any decision or action may be appealed as set forth in this Ordinance. The appellant shall be an affected person as defined in Idaho Code §67-6521(1) (a). Any request for reconsideration or appeal must be filed on an application as provided by the P&Z Department such request for reconsideration or appeal must identify specific deficiencies in the decision for which reconsideration or appeal is sought, and must otherwise comply with Idaho Code §67-6535(b).

**2.10.B APPEAL OF PLANNING AND ZONING COMMISSION DECISION:**

- 2.10.B.1** An affected person aggrieved by a decision of the Commission that was made pursuant to the provisions of this Ordinance may appeal to the Board.
- 2.10.B.2** A request for reconsideration or appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the Findings, Conclusions and Order were signed by the Commission or the Findings, Conclusions and Order were reconsidered and a final reconsidered decision is made.
- 2.10.B.3** For an appeal, the Board shall hold a public hearing to consider the decision of the Commission and any additional evidence that may be offered by the public, applicant or Administrator.
- 2.10.B.4** The Board may affirm, reverse or modify, in whole or in part, the Commission's decision.