



**Boise County Planning and Zoning Commission  
CASTLE MOUNTAIN HOMES, LLC - CUP #2022-005  
Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

August 2, 2022

The Boise County Planning and Zoning Commission (Commission”) held public hearings on June 16, 2022, and July 21, 2022 to consider Castle Mountain Homes, LLC’s (“Applicant”) application for a Conditional Use Permit (CUP), application number CUP #2022-005, 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. Applicant’s Conditional Use Permit Application #2022-005.
  - b. Exhibits 1-45.
  - c. Planning and Zoning Staff Report dated June 16, 2022.

**B. Procedural History**

1. The Commission held a public hearing on June 16, 2022. Applicant and the public provided testimony regarding the CUP. The Commission tabled the hearing in order to allow the Applicant and the public to provide additional information.
2. The Commission held a public hearing on July 21, 2022. Applicant and the public provided testimony regarding the CUP.
3. After hearing all testimony from 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 and July 21, 2022 public hearings. No member of the public was prevented from testifying.
2. The property subject to this CUP is located at the intersection of Middle Fork Road and Veterinary Way in Garden Valley, Idaho, Parcel # RP00173001001A (“Property”).
3. The Property is owned by Packer John Holdings, LLC.
4. The Property consists of 6.1 acres.
5. The Property is part of Lot 1 of the Davis Subdivision. Previously, Lot 1 of the Davis Subdivision was divided into three parcels pursuant to a one-time administrative division. The subject Property is one of the three parcels created by the one-time administrative division.
6. The Property is not subject to any Conditions, Covenants, & Restrictions, or any other relevant legal restrictions.
7. The surrounding property uses consist of a veterinary clinic to the north and residential uses to the east, south, and west.
8. Applicant is seeking a CUP to use two acres of Parcel # RP00173001001A to operate Castle Mountain Homes, LLC, which is a construction company specializing in disaster mitigation, restoration, remodeling, and new home builds.

9. Packer John Holdings, LLC intends to lease, or otherwise permit Applicant to use the Property for this purpose.
10. Applicant currently operates Castle Mountain Homes in the Garden Valley area and intends to move the business to the Property.
11. Applicant intends to use the Property in the following manner:
  - a. Applicant will move an existing office and steel maintenance shop to the Property.
  - b. Applicant will move an existing garage/shop to the Property.
  - c. Applicant will move two existing sheds to the Property.
  - d. Applicant will construct a new 50x60 foot steel maintenance shop and office building on the Property.
  - e. Applicant will install up to five pads for RVs or mini houses for employees and out-of-area subcontractors to temporarily use on the Property.
  - f. Applicant will use a portion of the Property for equipment parking.
12. Applicant's business personnel include office employees and construction-related employees.
13. Office employees will work Monday – Friday from 8:00 a.m. to 5:00 p.m.
14. Construction-related employees will work as the season and weather dictate. For example, in summer, construction-related workers may start working at 5:00 a.m. and end at 3:00 p.m. in order to avoid excessive heat. Additionally, since Applicant provides emergency services, construction-related workers may work outside of typical work hours in order to provide emergency services.
15. Applicant's business operations do not require it to perform construction services on the Property. Instead, Applicant's construction services are provided off-site at the location of the construction project being performed.
16. Access to the Property will be accomplished by turning off of Middle Fork Road onto Veterinary Way, and then turning off of Veterinary Way onto the Property's driveway.
17. Veterinary Way is a private road that travels through approximately six different parcels. Each parcel owner owns the portion of Veterinary Way that travels through their respective parcel.
18. In order to access the Property, a person will need to travel on Veterinary Way through Parcel RP00197002004A, and then turn into the Property's driveway.
19. Parcel RP00197002004A is owned by Keith Ruble.
20. Mr. Ruble has granted written permission for Applicant to install driveway access points on Veterinary Way in order to access the Property. The written permission is recorded as Instrument No. 277427 in the records of Boise County.
21. In exchange for written permission to use Veterinary Way for access, Applicant has agreed to pave and widen a 15-25 feet portion of Veterinary Way, as to be determined by the selected paving contractor.
22. Applicant's owner owns the parcel immediately to the east of the Property and is currently constructing a residence on the parcel.
23. The site plan and drainage reports in the record, as well as testimony by Applicant's engineer, indicate that drainage on the property naturally flows east.
24. Applicant has divided the property into two drainage areas.
25. The first drainage area ("Drainage Area 1") will be comprised of parking lots, driving isles, and certain buildings. Drainage Area 1 will retain all drainage onsite through the design and construction of a permeable driving surface. Applicant intends to use a TruGrid permeable paver system, or an equivalent system, which will capture all drainage on-site.
26. The second drainage area ("Drainage Area 2") will be comprised of equipment parking, driving isles, landscaping, and certain buildings. Drainage Area 2 will have all drainage and runoff captured in a retention basin located on the eastern boundary of the property.
27. Applicant intends to construct a landscaped berm on the northern boundary of the property, along Veterinary Way.

28. The purpose of the landscaped berm is, in part, to act as a barrier to prevent excessive light and sound from disturbing neighboring properties.
29. Applicant's owner also intends to construct a landscaped berm on the easterly adjacent property to shield the owner's property from light and noise disturbances. This berm will be constructed entirely on the owner's private property and is not subject to the conditions stated in this Order.
30. Applicant will use dark sky-friendly lighting, which will restrict lighting from being directed upwards.
31. Applicant owns three pieces of large equipment: a skid steer, back hoe, and fork lift.
32. Applicant will clean the equipment on-site on a gravel parking location. Removal of pollutants will be in accordance with a Best Management Practice ("BMP") created by the United States Environmental Protection Agency. In accordance with the BMP, pollutants will drain from the gravel parking location in an eastern direction through grasses and vegetation and into the retention basin. As pollutants move easterly, the pollutants will be removed and filtered by the grasses and other vegetation.

### CONCLUSIONS OF LAW

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

- A. The record contains sufficient facts for the Commission to make the following findings and conclusions regarding the Required Findings in ULO • 4.3.E.
  1. The Commission finds that the proposed use meets the industrial use identified as "Contractors Yard or Shop" in Table 4.1.D.6 of the ULO and the recreational use identified as "Recreational Vehicle Park" in Table 4.1.D.5 of the ULO.
  2. The Commission finds that the proposed use meets the goals and policies of the Boise County Comprehensive Plan, particularly Chapter 1, "Private Property Rights," Chapter 4, "Economic Development," and Chapter 8, "Public Services and Utilities."
  3. The Commission finds that the proposed use may be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the proposed use may not change the essential character of the same area. The site-specific conditions prohibit industrial production that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The site-specific conditions also require Applicant to keep all structures and grounds in a clean and orderly condition. These site-specific condition will limit the impact the proposed use will have on the harmonious appearance and character of the vicinity.
  4. The Commission finds that the proposed use will not be hazardous or in conflict with existing neighboring uses. The site-specific conditions prohibit industrial production that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The site-specific conditions also require Applicant to keep all structures and grounds in a clean and orderly condition. Additionally, the site-specific conditions require Applicant to provide a detailed plan from a landscape architect showing the specific landscaping and/or fencing to be placed on the property to address light, sounds, and pollutants. Further, the site plan demonstrates that water runoff and drainage will be self-contained or will drain into a retention basin on the eastern boundary of the property. With these site-specific conditions imposed, the proposed use will not be hazardous or in conflict with existing neighboring uses.
  5. The Commission finds that the proposed use will be served adequately by essential public facilities and services.

6. The Commission finds that the proposed use will not create excessive additional costs on public facilities and services. The Commission also finds that the proposed use will not be detrimental to the economic welfare of the community. The record contains no studies or factual evidence conclusively demonstrating that home values will decrease as a direct result of the proposed use.
7. The Commission finds that, with site-specific conditions imposed, the proposed use will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The facts in the record demonstrate that Applicant will use and install dark-sky lighting, which will restrict upward-facing lights and prevent excessive glare. Applicant will also construct a landscape berm along Veterinary Way to shield adjacent properties from excessive light and noise. Applicant's site plan also indicates that pollutants will be disposed of by having drainage run through grass or vegetation into a retention basin. This plan complies with EPA's approved BMPs. The Applicant currently operates the business in the Garden Valley area and is simply relocating to a new location within Garden Valley. Therefore, the relocation will not add additional traffic to the Garden Valley area as a whole. Further, the site-specific conditions prohibit industrial production that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The site-specific conditions also require Applicant to keep all structures and grounds in a clean and orderly condition. As a result, the Commission finds that the facts in the record and the site-specific conditions imposed will limit the proposed use's impact on persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. The Commission finds that the proposed use will have a vehicular approach that will not create an interference with traffic on surrounding public thoroughfares. The facts in the record demonstrate that access to the proposed use will be accomplished by turning off of Middle Fork Road and onto Veterinary Way, and then turning off of Veterinary Way onto the Property's driveway. Written permission has been recorded with Boise County allowing this type of access across Veterinary Way.
9. The Commission finds that the proposed use will not result in destruction of any natural, scenic, or historic feature. The record does not contain any evidence suggesting that the location is a historic feature or contains a natural feature that will be destroyed by as a result of the proposed use.

### **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 Middle Fork and Veterinary Way, RP0017301001A.
2. The days and hours of operation shall be set as: 8:00 am – 5:00 pm, Monday through Friday. However, emergency services after hours will be permitted on a limited basis.
3. Lighting shall be shielded to prevent glare, be inward facing and dark-sky compliant, and shall not create glare that extends onto other properties.
4. RV Pads and mini homes shall not be available to the general public.
5. Applicant shall keep all structures and grounds in a clean and orderly condition.
6. Applicant shall not allow for industrial production that would be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Applicant shall comply with the requirements contained in the State of Idaho Department of Environmental Quality letter dated April 22, 2022.

8. Applicant shall comply with the requirements contained in the Boise County Solid Waste Department/Boise County Noxious Weed Department letter dated April 18, 2022.
9. 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 Boise County Unified Land Use Ordinance #2016-01, as Amended by Resolution #2018-57 dated September 25, 2018, Chapter 3.6. No signs are permitted within any public right-of-way.
10. 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.
11. Applicant shall obtain from the Planning and Zoning Department a Certificate of Completion of Conditions prior to the opening of the business.
12. Applicant shall address all issues and concerns contained in the Forsgren Associates, Inc. letter dated July 19, 2022, to the satisfaction of the Boise County Engineer.
13. Applicant shall provide the Planning and Zoning Department with a detailed landscape plan from a licensed landscape architect showing: (1) the specific landscaping for the storm water retention basin and its surrounding area for the purpose of mitigating pollutants; and (2) the specific landscaping of all berms for the purpose of mitigating light and sound.

### **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.

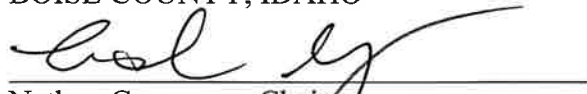
- 4.3.D.12** CUP approval does not include approval of any signage. A separate Sign Permit will be required from the Boise County Planning and Zoning Department prior to installation of a sign(s).
- 4.3.D.13** The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps 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 Castle Mountain Homes, LLC CUP #2022-005, a conditional use permit located at the intersection of Middle Fork Road and Veterinary Way in Garden Valley, Idaho, Parcel # RP00173001001A.

APPROVED this 2<sup>nd</sup> day of August, 2022.

PLANNING AND ZONING COMMISSION  
BOISE COUNTY, IDAHO

  
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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.