



**Boise County Planning and Zoning Commission**  
**MAJESTIC MOUNTAIN RANCH - CUP #2023-004**  
**Findings of Fact, Conclusions of Law, Conditions of Approval and Order**

September 12, 2023

The Boise County Planning and Zoning Commission (“Commission”) held a public hearing on August 17, 2023 to consider O Triple R, LLC and Shelly Heffington’s (collectively, “Applicant”) application for a Conditional Use Permit (CUP), application number CUP #2023-004 (“Application”), 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 (“Department”) file and record in this matter:
  - a. Conditional Use Permit Application #2023-004.
  - b. Exhibits 1-12.
  - c. Planning and Zoning Staff Report dated August 16, 2023.

**B. Procedural History**

1. On July 11, 2023, the Department sent notice of the CUP application and public hearing to agencies and surrounding properties in accordance with the ULO and applicable law.
2. On July 19, 2023 and July 26, 2023, notice of the CUP application and public hearing was published in The Idaho World in accordance with the ULO and applicable law.
3. On August 4, 2023, notice of the CUP application and public hearing was posted on the subject property in accordance with the ULO and applicable law.
4. The Commission held a public hearing on August 17, 2023. Applicant and the public provided testimony regarding the CUP.
5. After hearing all testimony from Applicant and the public, the Commission deliberated the application and approved the CUP with site-specific conditions.

**C. Facts**

1. The public had the opportunity to provide testimony at the August 17, 2023 public hearing. No member of the public was prevented from testifying.
2. The property subject to this CUP is located at 9 Lodgepole Lane, Idaho City, Idaho, Parcel # RP06N05E344351.
3. The property consists of 5.52 acres of land.
4. The surrounding property uses consist of rural residential uses, a church, and State Highway 21.
5. Applicant is seeking a CUP to use the property for commercial lodging and as an event center.
6. The property currently consists of three structures that are used as short-term rentals: two manufactured homes converted into suites for rental; and one event barn that has a sleeping area.
7. Applicant proposes to construct eight luxury wood sided structures (small cabins) that will

- be used as short-term rentals. Each structure will consist of one bedroom, one bathroom, and a kitchenette.
8. The eight short-term rental structures will be constructed in two phases with four structures constructed during each phase.
  9. Applicant also is in the process of constructing an addition to the barn, which includes a large attached patio and a garage/storage area.
  10. Applicant proposes to use the property to provide short-term rental opportunities for the public.
  11. Applicant also proposes to use the property as an event center for events, reunions, and retreats.
  12. Ingress and egress to the property is accomplished using Lodgepole Lane.
  13. Lodgepole Lane is a private road that is open to the public. The road is maintained by the Bavarian Village Homeowners Association.
  14. Applicant has agreed to provide financial assistance to the Bavarian Village Homeowners Association or to otherwise contribute to the maintenance of Lodgepole Lane.
  15. A secondary ingress and egress to the property is accomplished using McIntyre Gulch Road. The use of McIntyre Gulch Road is limited to emergency use. McIntyre Gulch Road is a private road that has a recorded easement dedicating the road to public use.
  16. Applicant has received approval from Central District Health to install septic tanks to serve the eight short-term rental structures.
  17. No public agency opposed the CUP application.

### **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 Section 4.3.E.
  1. The Commission finds that the proposed use meets the commercial uses identified as “Motel, Hotel, Resort, Lodge,” “Campground,” and “Guest Ranch” 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, specifically those goals and policies identified in Chapter 1, “Private Property Rights,” Chapter 4, “Economic Development,” Chapter 8, “Public Services and Utilities,” and Chapter 10, “Recreation and Open Space,” in addition to other goals and policies therein.
  3. The Commission finds that, with site-specific conditions imposed, the proposed use will 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 will not change the essential character of the same area. The appearance of the barn and property will fit in with the essential character of the area, as it will largely look residential similar to surrounding uses and nearby Idaho City. The property is large enough to support large events and short-term rental activities.

4. The Commission finds that, with site-specific conditions imposed, the proposed use will not be hazardous or in conflict with existing neighboring uses. With site-specific conditions imposed, the proposed use will be compatible with the general area and will not produce any significant conflict with adjacent land uses.
5. The Commission finds that, with site-specific conditions imposed, the proposed use will be served adequately by essential public facilities and services. Particularly, the site-specific conditions of approval require the Idaho City Fire Chief to approve all fire pits and the EMS plan. With such approval, the Commission finds that the proposed use will be served adequately by essential public facilities and services.
6. The Commission finds that, with site-specific conditions imposed, the proposed use will not create excessive additional costs on public facilities and services and will not be detrimental to the economic welfare of the community. The proposed use will benefit the economic welfare of the community by increasing the tourism industry.
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 site-specific conditions require Applicant to shield the property to prevent headlights from shining into homes located on McIntrye Gulch Road. Additionally, the site-specific conditions limit the amount of events that can be held at the property to 10 events per year. The site-specific conditions also require Applicant to use lighting that will be shielded to prevent glare, be inward facing, and dark-sky compliant. The site-specific conditions also require all fire pits to receive approval from the Idaho City Fire Chief. With these conditions, the proposed uses 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.
8. The Commission finds that, with site-specific conditions imposed, the proposed use will have a vehicular approach that will not create an interference with traffic on surrounding public thoroughfares.
9. The Commission finds that the proposed use will not result in destruction of a natural, scenic, or historic feature.

### **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 9 Lodgepole Lane, Idaho City, Idaho, Parcel # RP06N05E344351.
2. The days and hours of operation shall be set as: 7 days a week for rentals; for events, 10 am to 10 pm Sunday through Thursday, and 10 am through 11 pm Friday and Saturday.
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 or Highway 21.
4. Applicant shall be limited to holding a maximum of 10 events per year (weddings, retreats, family reunions, etc.). General rentals without events shall not be limited.
5. Primary access to the property shall be from Lodgepole Lane. Applicant shall cooperate with or contribute to the road association that generally maintains Lodgepole Lane to ensure

compliance with county road standards and general upkeep. Applicant shall have an emergency ingress and egress onto McIntyre Gulch Road.

6. Applicant shall comply with the requirements contained in the State of Idaho Department of Environmental Quality letter dated July 12, 2023.
7. Applicant shall comply with the requirements contained in the Central District Health email comment dated July 24, 2023.
8. Applicant shall either fence, sign, or otherwise delineate the property boundary so that guests do not trespass on neighboring lands.
9. Applicant shall keep all structures and grounds in a clean and orderly condition.
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 business.
12. The Idaho City Fire Chief shall approve all fire pits and the EMS plan.
13. Applicant shall screen the property boundary that borders McIntyre Gulch Road in order to prevent headlights from shining into homes located on McIntyre Gulch Road.

### **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 Majestic Mountain Ranch CUP #2023-004, a conditional use permit located at 9 Lodgepole Lane, Idaho City, Idaho, Parcel # RP06N05E344351.

APPROVED this 12<sup>th</sup> day of September, 2023.

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 and 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.