



Boise County Planning and Zoning Commission
CAMP EDEN - CUP #2024-001
Findings of Fact, Conclusions of Law, Conditions of Approval and Order

April 18, 2024

The Boise County Planning and Zoning Commission (Commission”) held a public hearing on March 21, 2024 to consider Joan & Norm Newby Wild’s (collectively, “Applicant”) application for a Conditional Use Permit (CUP), application number CUP #2024-001 (“Application”), pursuant to Boise County Amended Unified Land Use Ordinance #2024-001 (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 #2024-001.
 - b. Exhibits 1-32.
 - c. Planning and Zoning Staff Report dated March 21, 2024.

B. Procedural History

1. On January 23, 2024, 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 February 21, 2024 and February 28, 2024, notice of the CUP application and public hearing was published in The Idaho World in accordance with the ULO and applicable law.
3. On March 8, 2024, 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 March 21, 2024. 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 March 21, 2024 public hearing. No member of the public was prevented from testifying.
2. The property subject to this CUP is located at 44 Ophir Creek Road, Idaho City, Idaho, Parcel # RP07N04E260603.
3. The property consists of 11.76 acres of land.
4. The surrounding property uses consist of rural residential uses, a national forest, state land, and Centerville Road.
5. Applicant is seeking a CUP to use the property for private, non-commercial camping limited to hosting family and friends.
6. The property consists of ten (10) sites for RV and tent camping.
7. Applicant intends to host periodic large gatherings of family and friends at the property.
8. Applicant agrees to limit large gatherings consisting of 45-70 people to six (6) times per

- year, with a maximum duration of five (5) days for each large gathering.
9. The property contains a location for up to four (4) RVs to dispose of waste prior to leaving the property. Additional RVs will be required to dispose of waste off-site.
 10. The property has five structures: a tool shed, two storage sheds, a non-permanent bathroom, and a pump house.
 11. The property has a well and five spigots providing water to camp sites.
 12. The property has power that is provided to the camp sites.
 13. The property has one (1) above ground metal fire pit.
 14. The camp sites are protected from view by neighboring properties by the surrounding topography, hills, and trees.
 15. Applicant will post "Rules" on the property that contain the following:
 - a. Invited guests only (family, friends, and guests will be met upon arrival);
 - b. Stay on our property boundary or the public land just north of the boundary;
 - c. Bring your own wood supply;
 - d. No individual campfires at RV sites;
 - e. Fires must be put out each night (water hose at fire site available);
 - f. Please pick up after your fur babies and your children. No littering;
 - g. There is no trash pick-up on site. Pack in & Pack out rule applies;
 - h. Use pathways to prevent erosion of our horseshoe pit and RV sites;
 - i. There are pathway trails going up to the common area at site 4, 6, & 8;
 - j. Please, no motorized or wheels (bikes) on grassy areas...Please stick to the roads;
 - k. No use of illegal substances;
 - l. Quiet hours apply from 11:00 p.m. to 7:00 a.m.
 16. The property is accessed from Centerville Road by turning north on Ophir Creek Road.
 17. Ophir Creek Road is a private road running north/south from Centerville Road through Applicant's property.
 18. Neighboring properties also take access using Ophir Creek Road.
 19. Applicant will not open the property for commercial camping.
 20. Centerville Fire Department will provide emergency fire response services to the property.
 21. East Boise County Ambulance District will provide emergency medical services to the property.

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 civic uses identified as "Camps" and "Retreat Center" in Table 4.1.D.4 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 property is protected from neighboring views as a result of the topography, hillsides, and trees. The “Rules” posted and enforced on the property will assist the property in maintaining its natural appearance.

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. The site-specific conditions 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 Applicant to fence, sign, gate, or otherwise delineate the property boundaries to prevent trespassing. The site-specific conditions also require Applicant to post all “Rules” on the property. These site-specific conditions will ensure that the use will not be hazardous or in conflict with existing neighboring 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 Applicant to improve Ophir Creek Road to allow fire apparatus and emergency vehicles to respond to the property. The Centerville Fire Department and the East Boise County Ambulance District will provide fire and emergency medical services. Accordingly, the Commission finds that the proposed use, with site-specific conditions imposed, 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 use of the property as a private, non-commercial camp for family and friends will have limited or no additional costs to the public.
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 limit the number of large gatherings of 45-70 people that can be held at the property to 6 gatherings per year with a maximum duration of 5 days per gathering. 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 Applicant to fence, sign, gate, or otherwise delineate the property boundaries to prevent trespassing.
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 44 Ophir Creek Rd, Idaho City, ID.
2. Lighting shall be shielded to prevent glare, be inward facing and dark-sky compliant, and shall not create glare that extends onto other properties.
3. Restrictions proposed by the applicant in the application shall be considered conditions of approval, including, but not limited to, restricting the use to ten (10) RV and tent sites, limiting large gatherings to a maximum of six (6) per year for a maximum duration of five (5) nights per gathering, instituting quiet hours, and enforcing general camp rules. All rules shall be posted.
4. Only one fire pit is allowed for the campground. Running water, a fire extinguisher, and shovel shall all be located at the pit. No fires shall be allowed during burn bans.
5. No fireworks of any kind at any time.
6. Applicant shall improve Ophir Creek Road to the PCU Local Road Standard and shall obtain written approval of the road from the Centerville Fire Chief and the Boise County Engineer prior to hosting guests.
7. Applicant shall comply with the requirements contained in the Central District Health email comment dated February 1, 2024.
8. Applicant shall either fence, sign, gate or otherwise delineate the property boundary so that guests do not trespass on neighboring lands (not applicable to the Federal lands to the north).
9. Applicant shall keep all structures and grounds in a clean and orderly condition.
10. Applicant shall maintain the property in conformance with WUI standards set forth in the ULO

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 Camp Eden CUP #2024-001, a conditional use permit located at 44 Ophir Creek Road, Idaho City, Idaho, Parcel # RP07N04E260603.

APPROVED this 18th day of April, 2024.

PLANNING AND ZONING COMMISSION
BOISE COUNTY, IDAHO



Douglas Bergey, Chair

MATTHEW MILLS, VICE

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.