

ORIGINAL

BLAINE COUNTY PLANNING AND ZONING COMMISSION  
Public Hearing Date: May 5, 2016

<b>REGARDING THE APPLICATION OF: Heather McMahan for a conditional use permit application for commercial riding stables and an outdoor recreational facility at Winter Sun Ranch located at 26 Townsend Gulch Rd.</b>	<b>Findings of Fact, Conclusions of Law and Decision</b>
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**Requested Action:** Public hearing and consideration of a conditional use permit application for commercial riding stables and an outdoor recreational facility for Heather McMahan of Winter Sun Ranch located at 26 Townsend Gulch Rd. The properties proposed for the uses are Lots 1-4, Block 1, Rhythm Ranch Subdivision and are owned by four LLC's as noted below of which Heather McMahan or Judd B. McMahan are managing members. The combined properties total 50 acres in the Residential/Agricultural District (R-5), Floodplain and Wetlands Overlay and Riparian Setback Districts.

- Lot 1: Solanaceae, LLC
- Lot 2: Townsend Ranch, LLC
- Lot 3: Broadford Ranch, LLC
- Lot 4: Twenty Acres of Freedom, LLC

**Applicable Regulations:** Blaine County Zoning Ordinance Chapters 1-4, 7, 17, 19 and 25; Blaine County Comprehensive Plan.

**Representative:** James R. Laski of Lawson Laski Clark & Pogue, PLLC

**Disclosures:** Commissioner Martin recused herself from hearing the application because the applicant is family.

Commissioner Fosbury disclosed that his wife is the vice president of the Idaho Horse Riding Association and that he has retained Jim Laski's services before. He states that neither one of those will affect his decision making on the application.

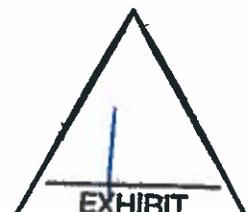
**I. Application, Notice, Exhibits & General Facts**

**A. Application:**

A conditional use permit application was received by the Administrator on August 24, 2015 and was determined to be generally complete on April 14, 2016.

**B. Notice** for this application was as follows:

1. Legal notice was sent to the Idaho Mountain Express for publication on 4-20-2016;
2. Notice was mailed on 4-19-2016 to landowners within 300 feet of the exterior boundary of the subject property;



3. The P&Z determined on 10-8-2015 that expanded notice for this application shall be required as recommended by staff. The expanded notice map is in the record and the expanded notice was mailed on 4-19-2016 and 4-27-2016;
4. Notice was mailed on 4-18-2016 all Blaine County political subdivisions;
5. An on-site notice was posted on 4-25-2016, at least 7 days prior to hearing, as evidenced by the Posting Notice Affidavit;
6. The application was posted on the Blaine County web site.

► **Finding for notice:** Upon motion by Commissioner Pynn, second by Commissioner Murphy, and by a vote of 6 to 0 (Martin is recused), the Commission finds notice to be adequate for the May 5, 2016 hearing and in compliance with state and county codes.

**C. Exhibits:** The following Exhibits are attached hereto and were submitted on August 24, 2015 unless otherwise noted:

**A Exhibits: Applicant submittals**

- A-1 Completed application including responses to the Standards of Evaluation on pgs. 3-6
- A-2 Governing plat and plat notes for Rhythm Ranch Subdivision
- A-3 Warranty deeds for the four subject lots within Rhythm Ranch Subdivision
  - Lot 1: Solanacaea, LLC
  - Lot 2: Townsend Ranch, LLC
  - Lot 3: Broadford Ranch, LLC
  - Lot 4: Twenty Acres of Freedom, LLC
- A-4 Authorizations for Heather McHahan to represent the Lots 1-4 of Rhythm Ranch Sub.
- A-5 Rhythm Ranch Sub. Preliminary Jurisdictional Determination by Sawtooth Env. Consulting
- A-6 Site map showing existing layout of Lot 1, Rhythm Ranch Sub.
- A-7 8 1/2x11, proposed layout of the horse park on the four lots in Rhythm Ranch Sub.
- A-8 11x17 and large size, proposed Trails Exhibit with Easements, Broadford Slough, Wetlands and their 25' setback and the 100 year Floodplain per 2010 FEMA Study

**B Exhibits: Agency Comments**

- B-1 South Central Public Health District; rec'd July 30, 2015
- B-2 Wood River Fire and Rescue

**C Exhibits: Blaine County supplements-**none as of the date of this report



#### D Exhibits: Public Comments-

- D-1: Sarah Berkowitz, 20 Prairie Sun East, Bellevue, ID; rec'd 4-25-2016
- D-2: Gay Miremont, 54 Townsend Gulch Rd, Bellevue, ID; rec'd 4-25-2016
- D-3: Jodie Willow Maguire, Sawtooth Pony Club member; rec'd 4-25-2016
- D-4: George Martin, 54 Townsend Gulch Rd, Bellevue, ID; rec'd 4-25-2016
- D-5: Leslie and Allen Luray, 94 Townsend Gulch Rd, Bellevue, ID; rec'd 4-25-2016
- D-6: Elizabeth Smith, 6 Fox Hollow Gulch, Bellevue, ID; rec'd 4-25-2016
- D-7: Erin Storey, 1070 Rolling Hill Dr., Meridian, ID 83642; rec'd 4-26-2016
- D-8: Wendy Chase, 110 Lees Gulch Rd., Bellevue, ID; rec'd 4-26-2016
- D-9: Lisa Arbogast, M.Ed., J.D., United States Pony Club member; rec'd 4-27-2016
- D-10: Jennifer M. Card VMD, neighbor of Winter Sun Horse Park; rec'd 4-27-2016
- D-11: Mary Mills, 98 Townsend Gulch Rd; rec'd 4-28-2016
- D-12: John D. Mills, 98 Townsend Gulch Rd; rec'd 4-28-2016
- D-13: Julie Flolo, neighbor of Winter Sun Horse Park; rec'd 5-2-2016
- D-14: Wendy McCully, Magic Valley Pony Club; rec'd 5-2-2016
- D-15: not used
- D-16: Mary Ellen Card, 48 Townsend Gulch Rd., rec'd 5-2-2016
- D-17: Debra Warnick, Doug Plaisted, Kate Plaisted, 7273 Moon Valley Rd., Eagle, ID; rec'd 5-3-2016
- D-18: Leslie and Maurice Hornocker, 40 Lower Broadford Rd., Bellevue, ID; rec'd 5-3-2016
- D-19: same as above
- D-20: Tom Blanchard, 33 Lower Broadford Rd.; rec'd 5-4-2016
- D-21: Florence Blanchard, 33 Lower Broadford Rd.; rec'd 5-4-2016
- D-22: Julie Lawson, 105 Lower Broadford Rd.; rec'd 5-4-2016
- D-23: Larry Warner, 155 Townsend Gulch Rd.; rec'd 5-4-2016
- D-24: Merrily and John Wright, neighbor; rec'd 5-5-2016

Two comments rec'd after the hearing on 5-9-2016, and therefore, not considered by the P&Z

- Marilyn and Larry Plott, 23 Lower Broadford Rd.
- Kristen and David Riemann, 62 Townsend Gulch Rd.

#### **II. 9-25-3: CONDITIONAL USE PERMIT STANDARDS FOR EVALUATION:**

► **Comment:** The applicant's responses to the Standards of Evaluation are found in Exhibit A-1, pages 3-6.

*Review: The commission or the board shall review the particular facts and circumstances of each proposed conditional use in the terms of the following standards and shall find adequate evidence showing that such use at the proposed location:*

1. *Will, in fact, constitute a conditional use as established for the zoning district involved;*  
▶ **FINDING:** Compliance. The combined four lots in Rhythm Ranch Subdivision total 50 acres in the Residential/Agricultural District (R-5), Floodplain and Wetlands Overlay and Riparian Setback Districts. Proposed are commercial riding stables and an outdoor recreational facility; both conditional uses in the R-5.

The stables, shown in Exhibit A-6, Site map showing existing layout of Lot 1, Rhythm Ranch Sub., are set back at *least one hundred feet (100') from all property lines.*

**9-7: RESIDENTIAL/AGRICULTURAL DISTRICT (R-5)**

...

**9-7-5: CONDITIONAL USES:**

*Conditional uses for this district are limited to the following:*

... B. *Outdoor recreational facilities.*

... E. *Commercial riding stables when set back at least one hundred feet (100') from all property lines.*

**9-2: Definitions:**

**COMMERCIAL USE:** *The purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and tradespeople rendering services.*

**OUTDOOR RECREATIONAL FACILITY:** *Facilities such as golf courses, marinas, shooting ranges, rod and gun clubs, and dude ranches whose use is primarily outdoor rather than indoor recreation, for which buildings are incidental and accessory.*

2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;*  
▶ **FINDING:** Compliance with conditions as stated under Section III. The purpose of the R-5 zoning district is as stated below. Preserving rural character is discussed throughout the Comprehensive Plan. The proposal will preserve the county's rural character. No additional buildings are proposed to be constructed so the visual open space would not be impacted by new buildings.

**9-7-1: PURPOSE:** ... *The purpose of this district is to ensure that residential uses are located in an optimally compatible manner with respect to agricultural uses, to preserve the county's rural character and to protect the scenic value of open space. ...*

3. *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 will not*

*change the essential character of the same area. All outdoor lighting shall comply with chapter 29A of this title;*

- ▶ **FINDING:** Compliance with conditions as stated under Section III. The applicant has provided a thorough response to this standard. See Exhibits A-1, pages 3-5, A-6, A-7 and A-8.

4. *Will not be hazardous or disturbing to existing or future neighboring uses;*

- ▶ **FINDING:** Compliance with conditions as stated under Section III. The proposed facility will be located on the 50 acres that encompasses the Rhythm Ranch Subdivision. The applicant has stated that there is expected to be an average of eight cars per day visiting the facility on a normal day and that the immediate area is a popular spot for horse recreation.

5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;*

- ▶ **FINDING:** Compliance with conditions as stated under Section III. See Exhibits B-1 and B-2 for Fire and Health District comments. The Fire District has stated in their letter that the following condition should be placed on the CUP if approved:
  - The owner shall provide clear and unobstructed access to as many horse riding areas for access of Ambulances and first responders if they are needed.
  - The applicant shall work with the Co. Sheriff's Department to establish a plan to control traffic speed in the area for large events. The plan shall be provided to Land Use staff. The plan shall be provided within 30 days of the signed Findings.

6. *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;*

- ▶ **FINDING:** Compliance with conditions as stated under Section III. There is no evidence that the proposal will create excessive additional requirements at public cost for public facilities and services. The applicant has stated in their responses that the proposal is expected to contribute to the economic welfare of the equestrian business community.

7. *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, dust, odors, vibration, water pollution or safety hazards. Water pollution includes impact to surface and ground water and potable water sources. When the proposed use involves a potential contaminant source or potential contaminant as set forth in appendix A of this title, on file in the county, and is located within a wellhead protection area, the commission shall consider the impact of the project on potable water sources and determine whether there is sufficient information in the record to demonstrate that the project has been designed to mitigate adverse impact to potable water source(s);*

- ▶ **FINDING:** Compliance with conditions as stated under Section III. The property is not within a wellhead protection area.

8. Will have vehicular approaches to the property which shall be designed as not to create an interference with traffic on surrounding public thoroughfares;

- ▶ **FINDING:** There is no change in vehicular approach proposed. The approach to the property is existing.

9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance;

- ▶ **FINDING:** The proposal is in keeping with the rural character of the area. There are no known historic or archeological features on the property.

10. Shall take into account the plans and needs of the state. . . Not Applicable

### III. Decision and Conditions

▶ **Motion:** Upon motion by Commissioner Murphy, a second by Commissioner Bailey and a vote of 6-0 (Commissioner Martin recused), the Commission approves the application as discussed with conditions as amended for Winter Sun Horse Park, located on the four lots in Rhythm Ranch Subdivision as they find it conditionally complies with all of the required standards of evaluation.

#### Conditions:

1. The owner shall provide clear and unobstructed access to as many horse riding areas as possible for access of Ambulances and first responders if they are needed.
2. Hours of operation shall be 7AM to 9PM Monday through Sunday, May through October. November through April, there shall be no riding activity on Lots 2, 3 and 4. Lot 1 is not restricted.
3. The Wetlands and their 25' setback, as indicated on site map Exhibit A-8, shall remain undisturbed. This includes camping.
4. The project shall comply with all applicable zoning, building, fire and health district regulations.
5. Any modifications to the approved plans shall require further zoning review, and may be subject to additional regulations pursuant to the Blaine County Zoning Ordinance. Any change in the location of the items designated on the site plan shall require additional review by Blaine County Land Use and may require additional administrative process, which may or may not include a new CUP application and a public hearing, at the discretion of Blaine County Land Use.
6. The Planning and Zoning Commission shall review the Conditional Use Permit in November of 2016.
7. The applicant shall work with the Co. Sheriff's Department to establish a plan to control traffic speed in the area for large events. The plan shall be provided to Land Use staff. The plan shall be provided within 30 days of the signed Findings.

8. The following uses have been conditionally approved:

- a) Private and small group lessons
- b) On-site clinics
- c) The boarding of 50 horses or less
- d) Manure will be composted and spread on fields.
- e) A horse 4-H club may meet once or twice a week.
- f) The cross-country course and obstacle course will be open to the public for a fee.
- g) Hosting up to 6 schooling shows per year. Each show will include up to 40 riders along with their support team. Temporary bathrooms for restroom facilities during the shows, adequate for the anticipated number of people, will be provided.

9. There shall be no parking in any public right-of-way.

IT IS SO ORDERED.

DATED this 15<sup>TH</sup> day of June, 2016

BLAINE COUNTY PLANNING AND ZONING COMMISSION

By: Michael O'Sullivan  
Mike O'Farrell, Chairman

**Certificate of Mailing**

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above-entitled action, certifies that on the 16<sup>th</sup> day of June, 2016, she served a true and correct copy of the foregoing document by depositing the same in the United States mail or other service as noted.

**BLAINE COUNTY PLANNING & ZONING STAFF**

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by: *Lina Lewis*