

BLAINE COUNTY PLANNING AND ZONING COMMISSION

Public Hearing Date: Nov. 17, 2016

REGARDING THE CUP REVIEW OF: Heather McMahan for a review of the conditional use permit issued June 15, 2016 for commercial riding stables and an outdoor recreational facility at Winter Sun Ranch located at 26 Townsend Gulch Rd.

**Staff report
10-27-2016
Nancy Cooley**

Requested Action: Public hearing for review of a conditional use permit issued June 15, 2016 for commercial riding stables and an outdoor recreational facility for Heather McMahan of Winter Sun Ranch located at 26 Townsend Gulch Rd. The properties approved 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

Any Disclosures (i.e. conflicts of interest, site visits or *ex parte* contact with the applicant or any representative)?

I. Application, Notice, Exhibits & General Facts

A. Application:

A conditional use permit was issued on June 15, 2016 for commercial riding stables and an outdoor recreational facility. Condition number 6 states: *The Planning and Zoning Commission shall review the Conditional Use Permit in November of 2016.*

B. Notice for this application was as follows:

1. Legal notice was sent to the Idaho Mountain Express for publication on Nov. 2, 2016;
2. Notice was mailed on 11-2-2016 to landowners within 300 feet of the exterior boundaries of the subject property;
3. The P&Z required an expanded notice area for the initial CUP permit application. The same expanded notice was used for this review. Expanded notice was mailed on 11-2-2016;
4. Notice was mailed on 10-31-2016 all Blaine County political subdivisions;

5. An on-site notice was posted on _____ 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.

► **Motion for notice:** Upon motion by Commissioner ____, second by Commissioner ____, and by a vote of __ to __, the Commission finds notice to be adequate for the Nov. 17 2016 public hearing and in compliance with state and county codes.

C. Exhibits: The following Exhibits are attached hereto:

EXHIBIT 1: Findings of Fact for CUP issued June 15, 2016

EXHIBIT 2: Traffic Plan for Winter Sun Horse Park; rec'd June 28, 2016

EXHIBIT 3: Email correspondence between Florence Blanchard, neighbor and Jim Laski, council for McMahan and Heather McMahan, applicant, with a copy sent to Nancy Cooley, county staff.

EXHIBIT 4: Email from Kristine Hilt, Code Compliance, regarding wetlands on the property

D. Applicant's submittal in response to the conditions of approval.

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.*
 - **APPLICANT:** The horse park had no problems providing clear and unobstructed access to all riding areas. The entire property is easily accessed by vehicles and there are 6 possible entries onto the property. All areas to horse riding areas were kept clear and unobstructed. First responders were provided for the Pony Club Rally as their rules require. However, there were no accidents that required their services.
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.*
 - **APPLICANT:** The hours of operation being 7am-9pm Monday through Sunday, May through October on lots 2, 3 and 4 with Lot 1 being unrestricted is still agreeable to the park.
3. *The Wetlands and their 25' setback, as indicated on site map Exhibit A-8, shall remain undisturbed. This includes camping.*
 - **APPLICANT:** No wetlands have been disturbed. There is no camping allowed anywhere near the wetlands
4. *The project shall comply with all applicable zoning, building, fire and health district regulations.*
 - **APPLICANT:** It was determined that there was no wetlands disturbance, but that there was a disturbance within the 25' riparian setback. This area has been regraded to its original grade and is scheduled to be seeded on November 1st (weather permitting). Once the seeding is completed, a visible border and signs will indicate this is a horse-free zone.

▶ STAFF: Applicant shall provide verification (photos) of reseeding taking place, border and signs indicating a horse-free zone at the Nov. 17, Public Hearing. Please contact the Land Use office with any questions.

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.*

▶ APPLICANT: No modifications needed.

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.*

▶ STAFF: Received June 28, 2016. On file as Exhibit 2.

8. *The following uses have been conditionally approved:*

a) *Private and small group lessons*

▶ APPLICANT: *about 15 per week*

b) *On-site clinics*

▶ APPLICANT: *Two this year*

c) *The boarding of 50 horses or less*

▶ APPLICANT: *Currently, 25 horses boarded*

d) *Manure will be composted and spread on fields.*

▶ APPLICANT: *Spreading scheduled for November*

e) *A horse 4-H club may meet once or twice a week.*

▶ APPLICANT: *4H meets on Monday nights, occasionally we will have a second meeting within the week.*

f) *The cross-country course and obstacle course will be open to the public for a fee.*

▶ APPLICANT: *Yes.*

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.*

- ▶ **APPLICANT:** The horse park hosted three shows this year. These shows never exceeded 40 riders. Restroom facilities and parking was more than adequate for the resulting attendance.

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

- ▶ **APPLICANT:** Organizers and show producers are made aware of this restriction and help to enforce it. Additionally, there is always a horse park representative on call at shows to address issues such as these. After some discussion, organizers also re-designed the activities so that there was less focus on the areas near the road. This encouraged passers-by to enter the property and park rather than stop on the road. As a result, I think we only had one vehicle try to park on the road. They were immediately asked to move and did so.

E. Decision and Amendments (if required)

- ▶ Staff recommends amending condition # 7 to another review date in the future, as determined by the Planning and Zoning Commission.

6. *The Planning and Zoning Commission shall review the Conditional Use Permit in _____.*

- ▶ **Possible Motion:** I move to amend condition number 6 of the Winter Sun Conditional Use Permit to: *The Planning and Zoning Commission shall review the Conditional Use Permit in _____.*