



219 1st Avenue South, Suite 208 Hailey, ID 83333
 Land Use Services: 208-788-5570 ♦ Fax 208-788-5576
www.blainecounty.org

LAND USE & BUILDING SERVICES
CONDITIONAL USE PERMIT APPLICATION
Accessory Dwelling Unit

As set forth in Chapter 25, Title 9 (Zoning Ordinance) of the County Code, Blaine County, Idaho
 Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

Contact Information

- (1) Applicant/Agent Name: Tim & Wendy McAdam
 Mailing Address: 133 STONEGATE RD, PORTOLA VALLEY CA 94028
 Phone: 650-619-8097
 Email: tmcadam@tcv.com

- (2) Owner Name: Windy Hill Haven LLC
 Mailing Address: 133 STONEGATE RD, PORTOLA VALLEY CA 94028
 Phone: 650-619-8097
 Email: tmcadam@tcv.com

- (3) **Responsible Party** Name: Gretchen Wagner
 Mailing Address: PO Box 2640, Ketchum ID 83340
 Phone: 208-720-9714 / 208-622-7227
 Email: gretchen@scapedesignstudio.com

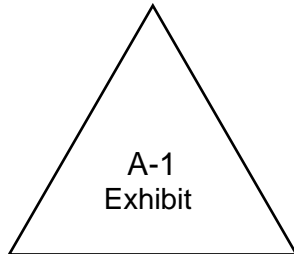
“Responsible Party is the person who will be the sole responsible contact with the County”

Project Information

- (3) General Size of Tract: 1.061 acres
 Present Land Use: Residential
 Existing Zoning: R-1
 Overlay District(s): Wellhead protection, NWI, Parcel
 Determination Parcels, Unincorporated Fire Districts, Mid Valley Comp Plan Subareas, Game
 Management Unit 49

- (4) Property Address 114 Magic Mountain Road
 Blaine County

- (5) Requested Action Addition of ADU



Legal Information

- (6) Legal Description FR NWSW TL 7788 SEC 8 3N 18E
- (7) Parcel Number RP - 03N180085420
- (8) Status of Applicant Is the applicant the owner of the property legally described above? Yes No
If no, explain:

- (9) Adjacent Ownership Does the applicant own property adjacent to the area proposed for development? Yes No
If yes, explain owner of 113 Magic Mountain and 102 Grove Creek

Additional Information

- (10) Please attach the following:
- a) Septic permit and letter from the South Central Health District.
 - b.) **On lots of less than one acre in size: A certified will-serve letter from the certified Water Operator of the IDEQ regulated community water system or municipal water system.**
 - c) Proof of ownership.
 - d) Vicinity map which includes all lands within ½ mile of subject property.
 - e) Lot and parcel map available from the County Assessor's Office. The applicant is responsible to accurately indicate the names of surrounding landowners, including private road owners, on the map.
 - f) The names and addresses of surrounding landowners within 300' of the exterior boundary of the subject property, including private road owners, are to be typed onto self-adhesive copier labels.
 - g) Three (3) copies of the proposed site plan showing:
 - Property line and north arrow;
 - Existing and proposed easements;
 - Location of all existing and proposed structures;
 - Exterior building elevations and floor plans for proposed structure(s);
 - Drainage plan;
 - Grading plan showing existing and proposed grade changes;
 - Outdoor lighting plan;
 - Existing and proposed landscaping including irrigation methods;
 - Existing and proposed fencing;
 - Location of utilities including electric, gas, well, septic tank and drain field(s);
 - h) Typed responses to attached Standards of Evaluation #3 & #4 attached herewith.
 - i) A description of the existing land uses on the parcels of land located within 300' of the exterior boundary of the property being evaluated;
 - j) A refundable "Notice" fee of \$50.00 for a Notice board to be posted on site of property being considered for at least 7 days prior to public hearing.

- k) * Application fee of \$450.00 as established by County Fee Resolution plus current postage + .15¢ per surrounding landowner mailing fee.
- l) There may be County Engineer review fees in addition to application fee.

Legal notice publication fee. First hearing: \$40.00 (Additional hearings, if any, to be charged separately.)

ACKNOWLEDGMENTS

- (11) The undersigned certifies that (s)he is the owner or authorized representative of the land in question and that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county codes and state laws, as amended, regulating properties in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the conditional use permit in which the County of Blaine is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the County of Blaine.
- (12) The undersigned grants permission to County Personnel to inspect any property which is the subject of this application until such time as all condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF APPLICANT/AGENT: Timothy P. McAdam

DATE: 01/10 /2023

Please complete the form and 'Save As' a Word Document and send to pzcounter@co.blaine.id.us

ADMINISTRATIVE RECORD

Required Fee \$450.00 _____ paid on _____

If Applicable: 20% of above fee for Ketchum Rural, Carey, Smiley Creek, West Magic or Wood River Rural Fire Dept. Plan Check: _____ paid on _____

Refundable Board Fee \$50.00 paid on _____

Surrounding Landowner Notices

Current Postage + .15¢ ea x _____ = _____ paid on _____

Legal notice publication fee. First hearing: \$40.00 paid on _____

(Additional hearings, if any, to be charged separately.)

TOTAL _____ receipt # _____

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full

upon receipt and prior to scheduling an applicant's public hearing. Acknowledgement

Date Application Certified _____
Hearing Date: _____
Date of and Disposition _____

Relevant Definitions from **§9-2: DEFINITIONS:**

COMMUNITY WATER SYSTEM- Refer to IDAPA 58-Department of Environmental Quality; 58.01.08-Idaho Rules for Public Drinking Water Systems- DEFINITIONS.

DWELLING, ACCESSORY: A separate building, portion thereof, or portion of a residential building excluding mobile homes which may, but is not required to, provide complete, independent living facilities for a household including permanent provisions for living, sleeping, cooking, eating, and sanitation. The primary factors which cumulatively may result in a building or portion of a building being classified as an accessory dwelling unit are that:

- A. The area is not functionally integrated with the floor plan of the primary residence, it does not share a common hallway, it has a separate entrance and it can be locked off and used independently from the primary residence.
- B. There is a kitchen area consisting of a sink, counters, cabinets, refrigerator and cooking appliance; or electrical outlets and plumbing that would support kitchen facilities.
- C. There is a bathroom consisting of a toilet, sink and shower or bathtub or both.

§9-3-11: ACCESSORY DWELLING UNIT(S):

The purpose of the accessory dwelling unit regulations is to define an accessory dwelling unit; address under what circumstances it is appropriate to allow increased density on a lot; and address the impacts an accessory dwelling unit may have on the surrounding area such as sanitation, increased traffic and compatibility with the neighborhood.

A conditional use permit obtained from the commission or hearing examiner may be required for an accessory dwelling unit as required below in sections 9-3-11(A)(1), (A)(2) and (A)(4). Notice and hearing procedures contained in chapter 25 of this title shall be followed. The application shall be subject to the provisions contained herein and the standards of evaluation contained in subsections [9-25-3\(A\)\(3\)](#) and (A)(4) of this title.

A. Standards: The following standards shall be met prior to issuance of a building permit for an accessory dwelling unit:

1. On lots of less than one acre in size and on an Idaho Department of Environmental Quality regulated community water system or municipal water system, where allowed by South Central Public Health District (a variance from South Central Public Health District may be required) and with a will-serve letter from the Certified Water Operator for the system, one accessory dwelling unit may be allowed under a conditional use permit.
2. On lots of one acre to less than two (2) acres in size, where allowed by South Central Public Health District (a variance from South Central Public Health District may be required), one accessory dwelling unit may be allowed under a conditional use permit.
3. On lots of two (2) acres to less than five (5) acres in size, one accessory dwelling unit shall be a permitted use.

4. On lots of five (5) acres or greater in size:
 - a. One accessory dwelling unit shall be a permitted use.
 - b. A second accessory dwelling unit may be allowed under a conditional use permit.

B. Restrictions: All accessory dwelling unit(s):

1. Shall be limited to a maximum one thousand two hundred (1,200) square foot floor area. Said floor area shall be the total of all floor areas as measured from the exterior face of the exterior walls. ADU garage space up to an additional one thousand two hundred (1,200) square feet is allowed.
 - a. The area encompassing the mechanical system shall be included in the square footage calculation. If the mechanical equipment is located in the crawl space or the ADU garage, it shall be exempt from the square footage calculation.
 - b. Stairs shall be excluded from the square footage calculation.
 - c. When an attic roof truss system creates an unusable and inaccessible attic space between the interior and exterior wall, the floor area measurement shall be taken from the outside of the interior wall;
2. Shall be allowed in the A-20, A-40, R-10, RR-40, R-5, R-2¹/₂, R-2, R-1, R-.4, R-¹/₄, and RD zoning districts and shall not be allowed in any designated overlay district; except where an accessory dwelling unit is proposed in the floodplain overlay district (see subsection B3 of this section) or on property located within the CH overlay district that is not part of a CH-PUD; or within the MOD and within a platted building envelope or categorically excluded pursuant to section [9-21-4](#) of this title;
3. May be allowed in the floodplain overlay district as a residential use only upon approval by the commission or the hearing examiner of a conditional use permit pursuant to [chapter 17](#) of this title and these provisions;
4. Shall meet setbacks for the zoning district in which it is located;
5. Shall require a building permit;
6. Shall be located on the same lot as the principal residential dwelling unit;
7. Shall provide for one parking space in addition to the minimum required for the principal residential dwelling unit;
8. All parking for an ADU must be contained on-site. No parking is allowed on the street.
9. Shall be prohibited on any lot less than one acre in size, regardless of the applicable zoning district, unless on an Idaho Department of Environmental Quality regulated community water system or municipal water system, has approval from South Central Public Health District and obtains a conditional use permit.
10. May be part of an accessory building containing other accessory uses, as allowed in the zoning district provided that: a) the gross floor area of the non-ADU portion of the accessory building does not exceed seventy five percent (75%) of the gross floor area of the primary residence; b) the accessory dwelling unit portion of the building satisfies all applicable

regulations; c) the floor area of the accessory dwelling unit and garage associated therewith is separate and distinct from other accessory uses contained within the same building.

CONDITIONAL USE PERMIT Standards of Evaluation

Pursuant to Chapter 25, Section 3, Title 9 (Zoning Ordinance) of the Blaine County Code

An applicant for a conditional use permit shall provide written responses to the Standards of Evaluation contained herein below in sufficient detail to allow the Commission or the Hearing Examiner to evaluate the proposed action relative to said standards. In reviewing these applications, the Commission is required to find adequate evidence to support approval or conditional approval, or in the event such information is unattainable (or unavailable), deny the application.

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:

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