

## Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

---

**STAFF REPORT:** V-4-21 Delaney Setback Variance  
**HEARING DATE:** October 14, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT/:** Devin & Jennifer Delaney  
**OWNER** 1738 N Henderson Ave  
Meridian ID 83646  
**LOCATION/SIZE:** 2434 Palladin Road  
RP002480000300  
Smiling Julie Subdivision Lot 30  
SWNE Section 19, T.16N, R.3E,  
Boise Meridian, Valley County, Idaho.  
0.31-acre  
**REQUEST:** Relax the Setback to High Water from the required 30 feet to 13 feet.  
**EXISTING LAND USE:** Bare lot within a single-family subdivision.

---

Devin and Jennifer Delaney are requesting a variance to relax setback from the high-water line of a stream from the required 30 feet to 13 feet in order to place a 48' x 26.8' home on the property. The creek is located on the north side of the property.

To meet the current setback, the home would need to be higher on the property and be raised to sit on top of two large boulders. Allowing the variance would enable the home to be built further north towards the creek and lower on the property thus increasing the view from across the road. The pitch of the proposed roof would be east to west; therefore, snow would not slide from the roof into the creek area.

The 0.31-acre parcel is approximately 120' (east to west) x 110' (north to south) and is addressed at 2434 Palladin Road. The lot is served by Northlake Recreational Sewer and Water District for sewer and has an individual well. The lot is accessed from Palladin Road, a public road

The property is Lot 30 of Smiling Julie Subdivision recorded at Book 2, Page 26, on September 14, 1959.

### FINDINGS:

1. The application was submitted on September 2, 2021.

2. Legal notice was posted in the *Star News* on September 23, 2021, and September 30, 2021. Potentially affected agencies were notified on September 14, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent September 16, 2021. The site was posted on October 5, 2021. The notice and application were posted online at [www.co.valley.id.us/public-hearing-information](http://www.co.valley.id.us/public-hearing-information) on September 14, 2021.

3. Agency comment received:

Donnelly Rural Fire Protection District has no comments or concerns. (Sept. 21, 2021)

Central District Health has no objection. (Sept. 17, 2021)

4. Neighbor comment received: none

5. Valley County Code:

**9-5H-10: VARIANCES:**

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

B. Application:

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.

2. A written application for a variance shall be submitted to the administrator or staff containing:

a. Description of the nature of the variance requested. (Ord. 10-06, 8-23-2010)

b. A narrative statement and graphic material demonstrating:

(1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.

(2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

c. A site plan showing the location of the variance and the special characteristics of the site.

d. A list of adjoining property owners within three hundred feet (300') of the site.

e. The fee set by resolution of the board shall accompany the application for a variance.  
(Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.

D. Granting Of Variance:

1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
  2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
  3. The commission's decision shall be a recommendation to the board.
  4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
  5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
  6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
  7. The variance approval is valid for five (5) years, unless a more specific date is specified.  
(Ord. 10-06, 8-23-2010)
- 

**STAFF COMMENTS:**

The Planning and Zoning Commission should determine if there is a hardship due to topographic reasons and make a recommendation to the Board of County Commissioners.

- Can you turn the house so it can fit on the property?
- The site plan should show the driveway entrance.

**Recommended Condition of Approval:**

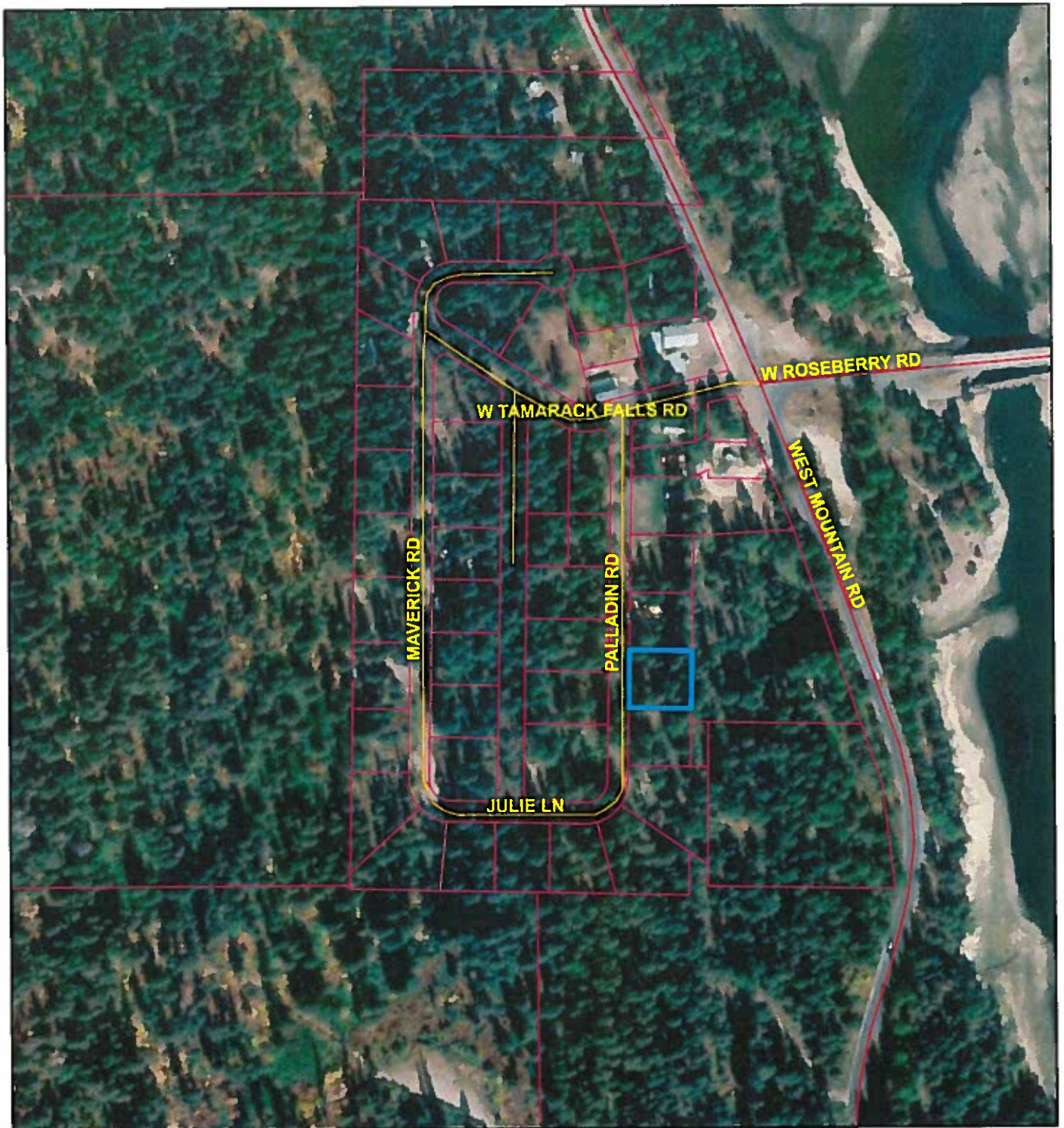
- 1) The stream shall not be altered without approval from Idaho Department of Water Resources.
- 2) BMPs (silt fences, waddles, etc.) shall be placed appropriately to protect water quality of the creek.

**ATTACHMENTS:**

- Vicinity Map
- Assessor's Plat T.16N R.3E Section 19
- Assessor's Plat of Smiling Julie Subdivision
- Site Plan
- Pictures of site taken October 5, 2021
- Responses

**END OF STAFF REPORT**

## V-4-21 at 2434 Palladin Road



9/7/2021, 11:05:12 AM

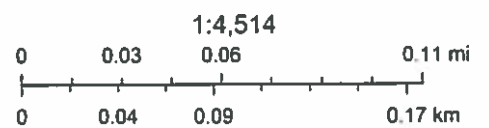
 Parcel Boundaries

All Road Labels

Roads

 COLLECTOR

 URBAN/RURAL



Maxar

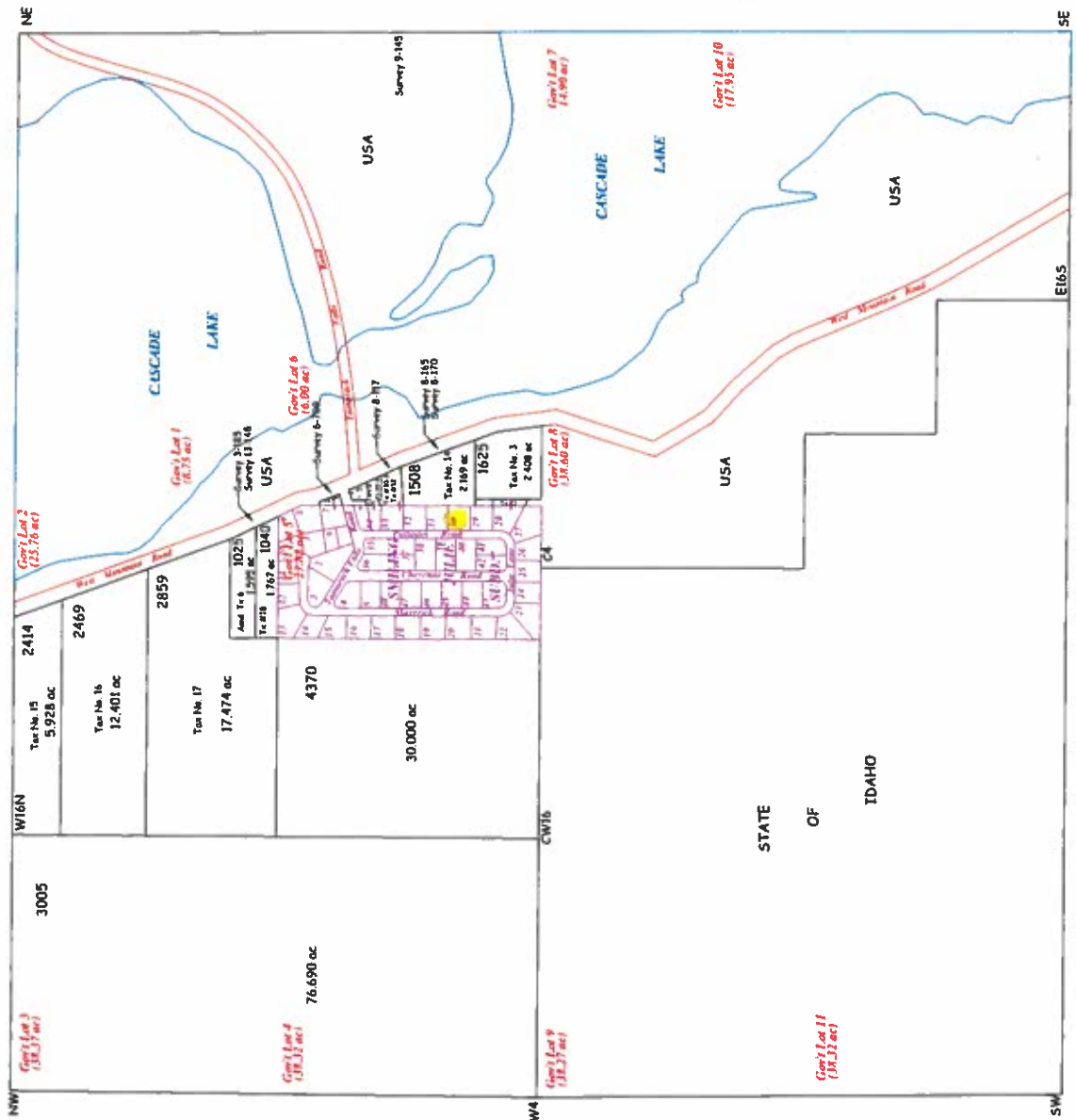


PLAT TITLE

T W P . 1 6 N R O 3 E S E C . 1 9

VALLEY COUNTY  
Assessor's Office  
Cartography Dept.  
Castaide, ID 83611

Filename:  
11-19-2011 Valley County Ass. Map  
Scale: 1" = 400 ft  
Date: 8/8/18  
Drawn by: L. Frederick



RP 00248

2-28

State Lands and Esports district  
for Public Use in County of Nevada  
NO CC E's found of record

Plot of

# SMILING JULIE SUB.

a part of

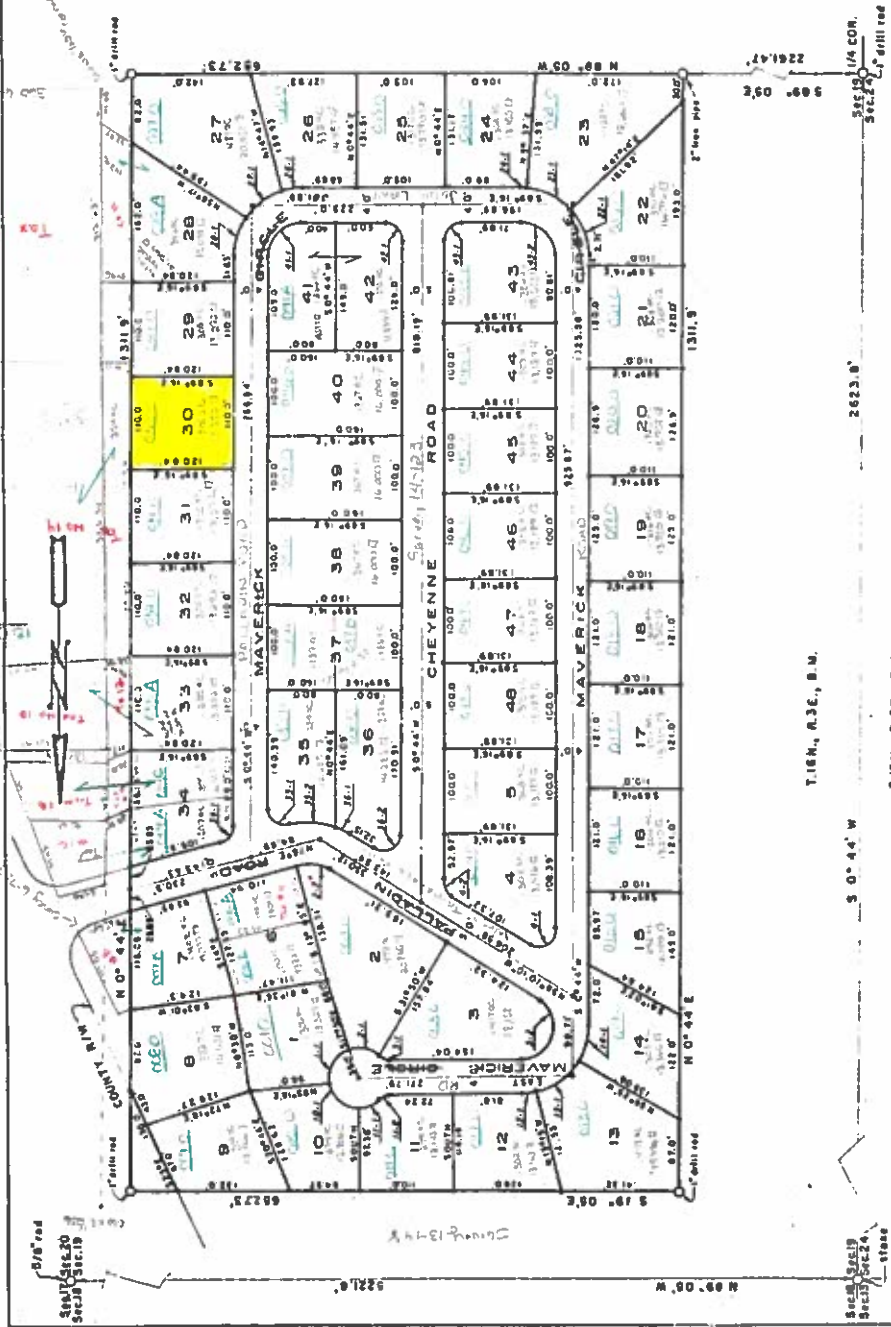
Lot 5 and the SE 1/4 of the NW 1/4  
of Sec. 19, T.16N., R.3E., B.M.

Scale 1" = 100'

## LEGEND

- 5/8" rubber set
- 1/2" rubber set

CURVE DATA			
No.	Δ	Radius	Length of Curve
1-1	27°12'26"	330'	27.94'
2-1	60°30'30"	330'	20.95'
3-1	43°20'30"	200'	2.95'
3-2	48°10'10"	400'	103.44'
4-1	17°03'30"	200'	35.42'
4-2	58°24'10"	200'	11.42'
5-1	8°17'34"	330'	32.84'
11-1	5°20'30"	330'	13.89'
11-2	43°20'30"	200'	10.05'
12-1	1°14'44"	800'	9.29'
13-1	45°10'16"	800'	34.10'
14-1	29°51'	800'	21.32'
22-1	43°20'40"	800'	31.91'
23-1	41°37'30"	800'	30.41'
24-1	41°52'50"	800'	34.1'
26-1	15°31'	800'	10.90'
27-1	41°23'40"	800'	30.31'
28-1	37°59'20"	800'	23.69'
34-1	35°16'	200'	15.42'
35-1	10°42'27"	200'	5.83'
35-2	31°32'	1000'	28.35'
36-1	13°55'50"	1000'	12.23'
36-2	17°03'50"	200'	35.42'
41-1	90°	400'	40.00'
42-1	90°	200'	20.00'
43-1	90°	200'	21.42'
43-2	90°	400'	40.00'



T.16N., R.3E., B.M.

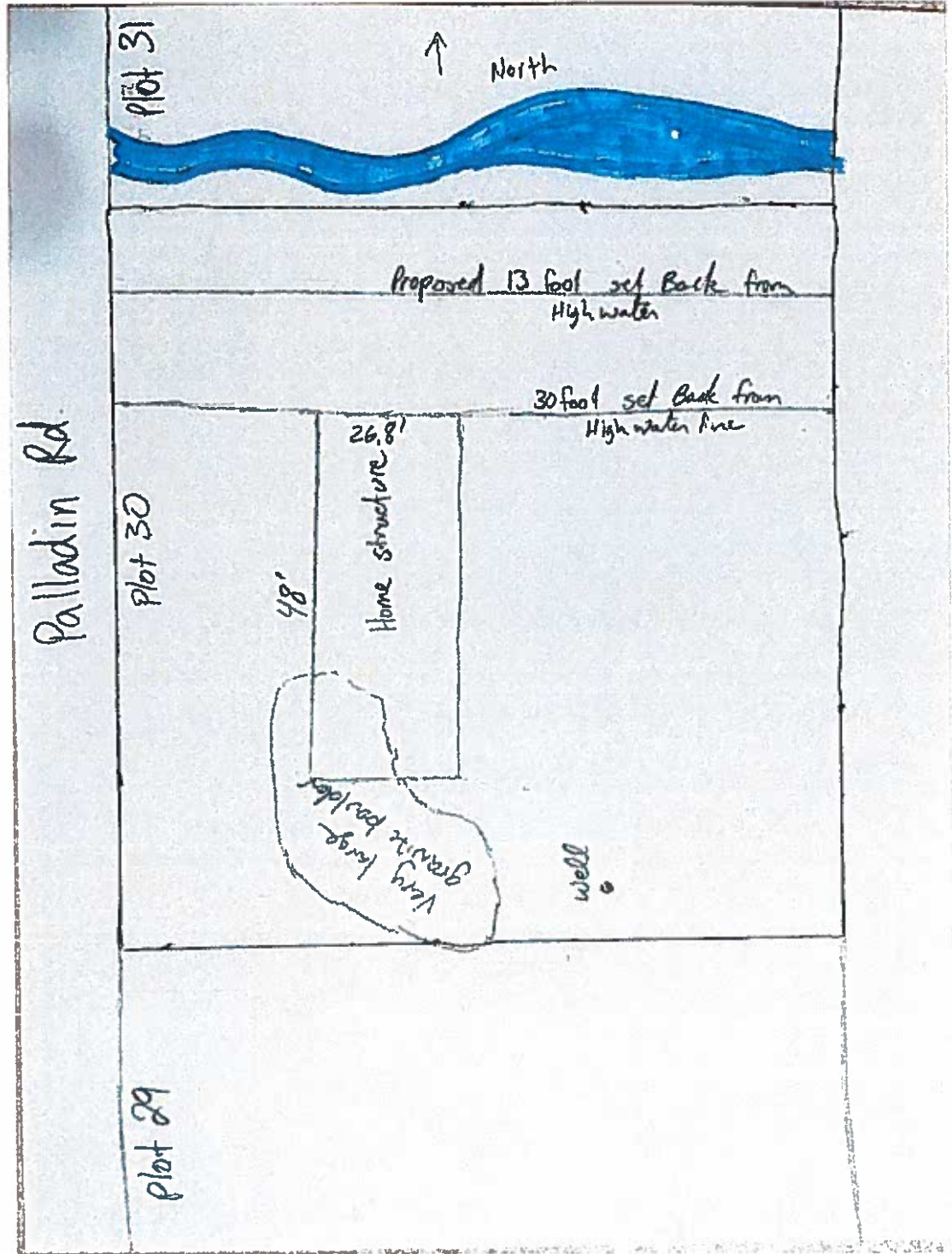
T.16N., R.2E., B.M.

BILL HARRIS, being duly sworn, says that he is a  
Registered Professional Engineer, that he prepared the  
final map of the foregoing plat, and that this tracing is  
an exact copy of said final map.



STATE OF IDAHO }  
COUNTY OF ADAMS }  
SUBSCRIBED AND SWORN TO before me, this \_\_\_\_\_ day  
of \_\_\_\_\_, 1959

NOTARY PUBLIC RESIDING AT BOISE, IDAHO.











↑ creek



↑ creek

ROAD









## **Donnelly Rural Fire Protection District**

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

September 21, 2021

Valley County Planning & Zoning Commission  
P.O. Box 1350  
Cascade, Idaho 83611

RE: V-4-21 Set back from high water line

The Donnelly Rural Fire Protection District has no comments or concerns on this matter.

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis", is written over the printed name.

Fire Marshal  
Donnelly Fire Department





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

- ☐ Cascade  
☐ Donnelly  
☐ McCall  
☐ McCall Impact  
☒ Valley County

Rezone # V-4-21

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat \_\_\_\_\_

Lot 30 Smiling Study Sub  
2434 Pelladine Road

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☐ high seasonal ground water ☐ waste flow characteristics  
☐ bedrock from original grade ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☐ 14. \_\_\_\_\_

Reviewed By: [Signature]

Date: 9.17.21



Friends of Lake Cascade  
250 3<sup>rd</sup> Street  
Cascade, ID 83611

October 7, 2021

Valley County Planning and Zoning Commissioners  
c/o Cynda Herrick  
219 N. Main St.  
Cascade, Idaho 83611

Subject: VAC 4-21 Delaney Setback Variance, 2434 Palladin Rd, Donnelly, ID

The purpose of this letter is to oppose the subject variance request. The 30 feet setback requirement from streams was established for good reasons, primarily to protect uninformed future residents from creating stream degradation problems that can contribute to flooding, altering aquatic species, and adding nutrient loading of streams and lakes. A few pertinent reasons follow:

1. The property is along an active stream where the trees protect water temperature and the riparian vegetation filters pollutants that if not protected, could contribute to nutrient and temperature problems associated with impaired Lake Cascade.
2. Man-made changes to riparian/wetland areas and landscape fertilizers often have long-term adverse impacts on stream water quality and bank erosion. This stream ultimately drains into the NF Payette River Arm a tributary to Lake Cascade with its complexity of nutrient problems, and the NF Payette River; both are environmentally sensitive.
3. A concern is that future flood victims owning this property will be looking to County taxpayers for compensation from bank erosion or flood water damages.

We urge you to vote NO on this proposed variance.

Respectfully Submitted,

Lenard D. Long  
Friends of Lake Cascade

