



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

Planning & Zoning Administrator  
Floodplain Coordinator

PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611

Phone: 208.382.7115  
Fax: 208.382.7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)  
Web: [www.co.valley.id.us](http://www.co.valley.id.us)

**STAFF REPORT**  
**C.U.P. 21-21**  
**Silver Fox Yurt Rental**

**MEETING DATE:** August 12, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Jeff Abrams  
14186 Jefferson RD  
McCall, ID 83638  
**LOCATION/SIZE:** 400 Silver Fox Spur  
RP17N04E082915  
NENW Section 8, T.17N, R.4E,  
Boise Meridian, Valley County, Idaho.  
10-acres  
**REQUEST:** Short-term Rental of Yurt  
**EXISTING LAND USE:** Single-Family Residential and Agriculture (Timber)

Jeff Abrams is requesting a conditional use permit in order to rent a yurt on a nightly basis that does not qualify as a residential dwelling, so it is not a short-term rental (STR).

The 16-ft diameter yurt has four bunks, a woodstove, a two-burner stove, a sink, and an outdoor cistern. There is a pit privy.

The yurt is accessed from an easement that was validated as a private road for emergency purposes which is not currently plowed open during the winter.

At the Planning and Zoning Commission meeting on June 17, the Commissioners determined that if a site does not meet the definition of a short-term rental, then a conditional use permit for a commercial use will be necessary. Dwelling units require a kitchen; thus, short-term rentals require a kitchen. Yurts are valued as out-buildings, not a single-family residence, by the Valley County Assessor's Office. The Commissioners agreed that yurts are not single-family residences; therefore, they are not eligible for short-term rental permits.



## **FINDINGS:**

1. The application was submitted on July 7, 2021.
2. Legal notice was posted in the *Star News* on July 22 and July 29, 2021. Potentially affected agencies were notified on July 13, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent July 13, 2021. The site was posted on July 14, 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 July 13, 2021.

3. Agency comment received:

Amy Newcomb, Donnelly Rural Fire Protection District Deputy Fire Marshall, responded with requirements for smoke detectors, recreational fires, open burning, vegetation clearance, burning season, and roads. (August 4, 2021)

4. Neighbor comment received:

Todd Leeds, McCall, supports the proposal. The site is an excellent destination that provides an economical benefit for Valley County. The C.U.P. requirement appears to be arbitrary. If yurt requires a C.U.P., then Valley County should require one for all short-term rentals. (July 22, 2021)

Mel Mohr is a neighbor of the property and has no objections to the use of the yurt as a rental. (August 3, 2021)

John and Linda Laz have owned property at 130 Silver Fox Spur since 2018. They have not had any problems regarding the rental of the yurt and recommend granting the permit.

5. Physical characteristics of the site: Mostly timbered. Quite steep.

6. The surrounding land use and zoning includes:

North: Single-family Residential and Agricultural (timber)

South: Single-family Residential and Agricultural (timber)

East: Idaho Department of Lands – Endowment Land

West: Single-family Residential and Agricultural (timber)

7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:

- 5. Commercial Uses: Service Business and/or Recreation Business

Review of Title 9, Chapter 5 Conditional Uses should be done.

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## **9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS:**

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:



**A. Minimum Lot Area:**

1. The minimum lot area shall be unlimited herein except for the provisions of subsection 9-5-3A2 of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy-five feet (75') for each lot or parcel.
3. No frontage is required for recreation business.

**B. Minimum Setbacks:**

1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.
2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.

**C. Maximum Building Height And Floor Area:**

1. Building heights shall not exceed thirty-five feet (35') above the lower of the existing or finished grade.
2. The building size or floor area shall not exceed the limitations of subsections 9-5-3A and C of this chapter and title 6, chapter 1 of this code.
3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.

**D. Site Improvements:**

4. Parking spaces for recreation businesses shall be provided at the rate of one per each four (4) occupants or as determined by the commission. (Ord. 10-06, 8-23-2010)
- 

**SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +10.



**Staff Questions/Comments/Recommendation:**

Where does the water from the sink drain to? Do you have a gray water system approved by Central District Health?

*Applicant's responses are in italics.*

1. The application must be signed. *Will sign.*
2. The Noxious Weed agreement must be signed. *Will sign.*
3. Do you have a pit privy (hole dug into the dirt)? Why can you not put in a vaulted privy. The pit privy was given for owner use, not commercial use. *I received permission from P&Z (6/9/2016). The engineered structure weighs 1500 lbs and was built to code, including a 6-foot earthen pit.*
  - If the building was engineered, do you have the plans with stamp and a building permit?
4. Do you plan on providing utilities in the future? *Not in the near term. Solar power would be an optional project, given significant southern exposure.*
5. I am aware that your clients park in a public right-of-way during the winter. Do you have alternative parking plans? *Yes, I have verbal permission from two property owners that both front Silver Fox Drive.*
  - Should have written approval or an easement from the property owners showing your guests are allowed to park on their property and not in the right-of-way next to their property.

**ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Assessor's Plat - T.17N R.4E Section 8
- Pictures Taken July 14, 2021
- Planning and Zoning Meeting Minutes – June 17, 2021
- Additional Submittals from Applicant – July 22, 2021, and July 23, 2021
- Responses



## **Conditions of Approval**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use must be established within one year or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lighting must comply with the Valley County Lighting Ordinance.
6. There shall be no more than four guests on-site.
7. Shall obtain a sign permit prior to installation of a sign.
8. Quiet hours shall be 10:00 p.m. to 7:00 a.m.
9. Smoke detectors and carbon monoxide detectors should be installed.
10. LP gas detectors shall be installed.
11. There should be fire extinguishers available.
12. All fire rings should be no larger than 3-ft in diameter. Shall have shovel, bucket, and fire extinguisher available near fire pit.
13. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36.
14. Parking shall be in designated parking spots and not in the right-of-way. Shall submit written permission from property owners who are allowing parking on their property.
15. Bear-proof trash cans are recommended.
16. All additional solar panels will require building permits.
17. Must obtain a building permit for the yurt and privy.

## **END OF STAFF REPORT**



## Compatibility Questions and Evaluation

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response  
Value

Use Matrix Values:

(+2/-2)      X      4      \_\_\_\_\_

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2)      X      2      \_\_\_\_\_

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2)      X      1      \_\_\_\_\_

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

### Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)      X      3      \_\_\_\_\_

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2)      X      1      \_\_\_\_\_

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2)      X      2      \_\_\_\_\_

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2)      X      2      \_\_\_\_\_

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2)      X      2      \_\_\_\_\_

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2)      X      2      \_\_\_\_\_

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (--)      \_\_\_\_\_

Total Score      \_\_\_\_\_

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.



## 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

### B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

### C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

**DOMINANT ADJACENT LAND USE:** Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ( $\frac{1}{2}$ ) of the adjacent uses and one-fourth ( $\frac{1}{4}$ ) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

**LOCAL VICINITY:** Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

### F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.



# APPENDIX A

## MATRIX FOR RATING QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10. PUBLIC UTIL. (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+	-1	+1	+1	+1	+1	+1	+1	+1	+1	-1	+1
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+2	+1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2
13. LANDFILL or SWR PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	+1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1		+2	+2	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1		+1	+2	+2	+2	+2	+2	+1	+2	+2		+1	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1	+2	-1	-1	-1	-2	-1	-2	-2		+2	-2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-2	-1	-2	+1	+1	+2	-2

THE SOLID SQUARES AS +2



# Compatibility Questions and Evaluation

Matrix Line # / Use: 18

Prepared by: CH

YES/NO X Response Value

(+2/-2) -1 X 4 -4

(+2/-2) +1 X 2 +2

(+2/-2) 0 X 1 0

(+2/-2) +2 X 3 +6

(+2/-2) +2 X 1 +2

(+2/-2) +2 X 2 +4

(+2/-2) +2 X 2 +4

(+2/-2) -2 X 2 -4

(+2/-2) 0 X 2 0

Sub-Total (+) 18

Sub-Total (--) 8

Total Score +10

## Use Matrix Values:

1. Is the proposed use compatible with the dominant adjacent land use?

Agricultural

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Single Family Residential

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See lot 2 w/ S. F. Subdivision

## Site Specific Evaluation (Impacts and Proposed Mitigation)

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

Large enough + lots of trees

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

Yes

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

Yes, minimal

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

Yes

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

A very challenged site with poor access

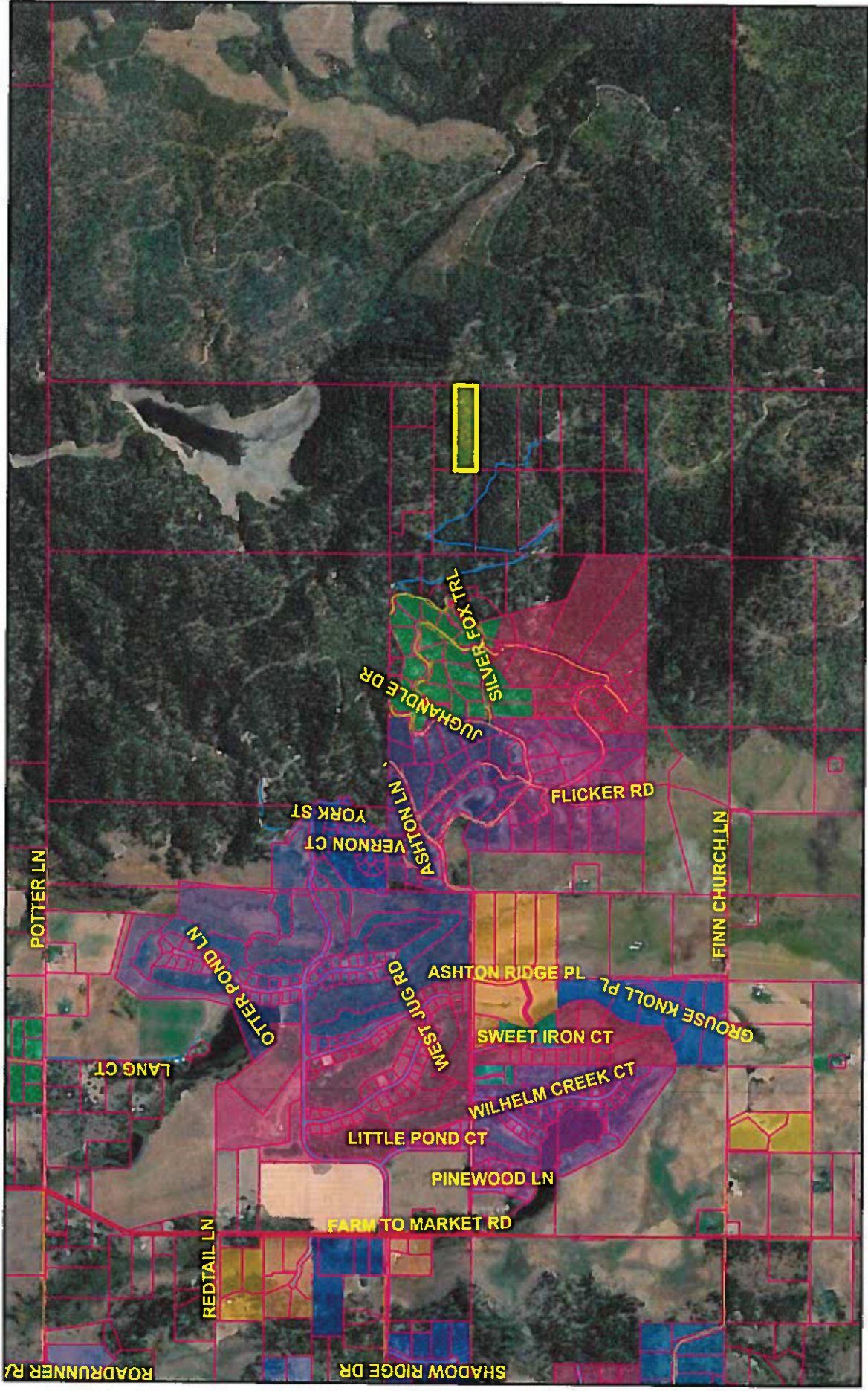
9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Not really - if an emergency

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

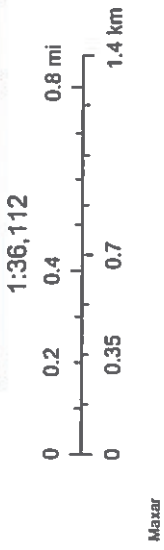


# C.U.P. 21-21 at 400 Silver Fox Spur



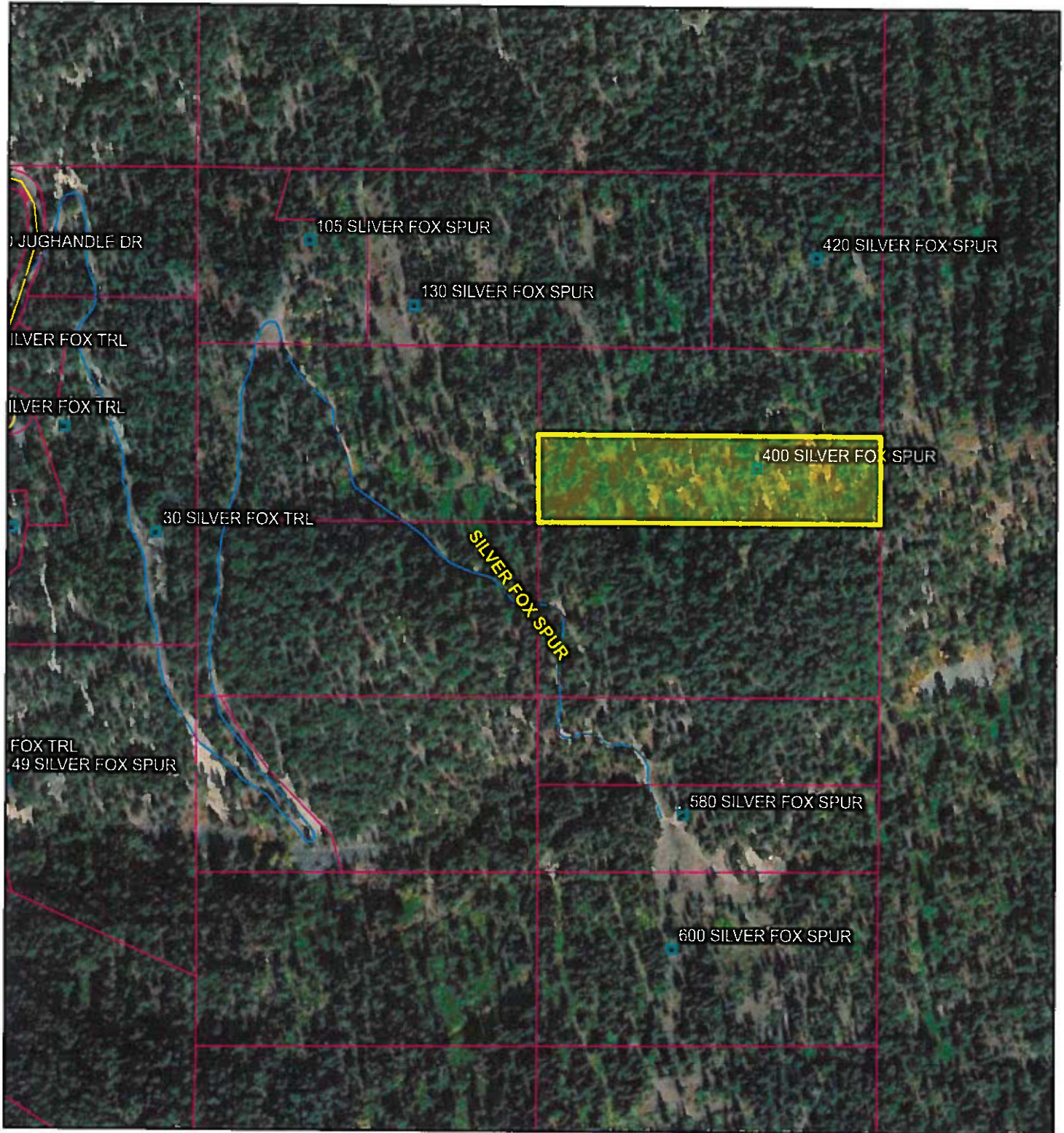
7/7/2021, 4:48:35 PM

- Parcel Boundaries Roads
- Collector Roads
- Private Roads
- Urban/Rural



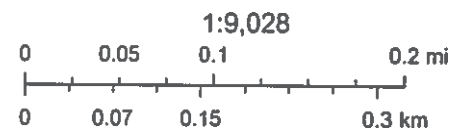


# C.U.P. 21-21 at 400 Silver Fox Spur



7/7/2021, 4:50:28 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL
- PRIVATE



Maxar

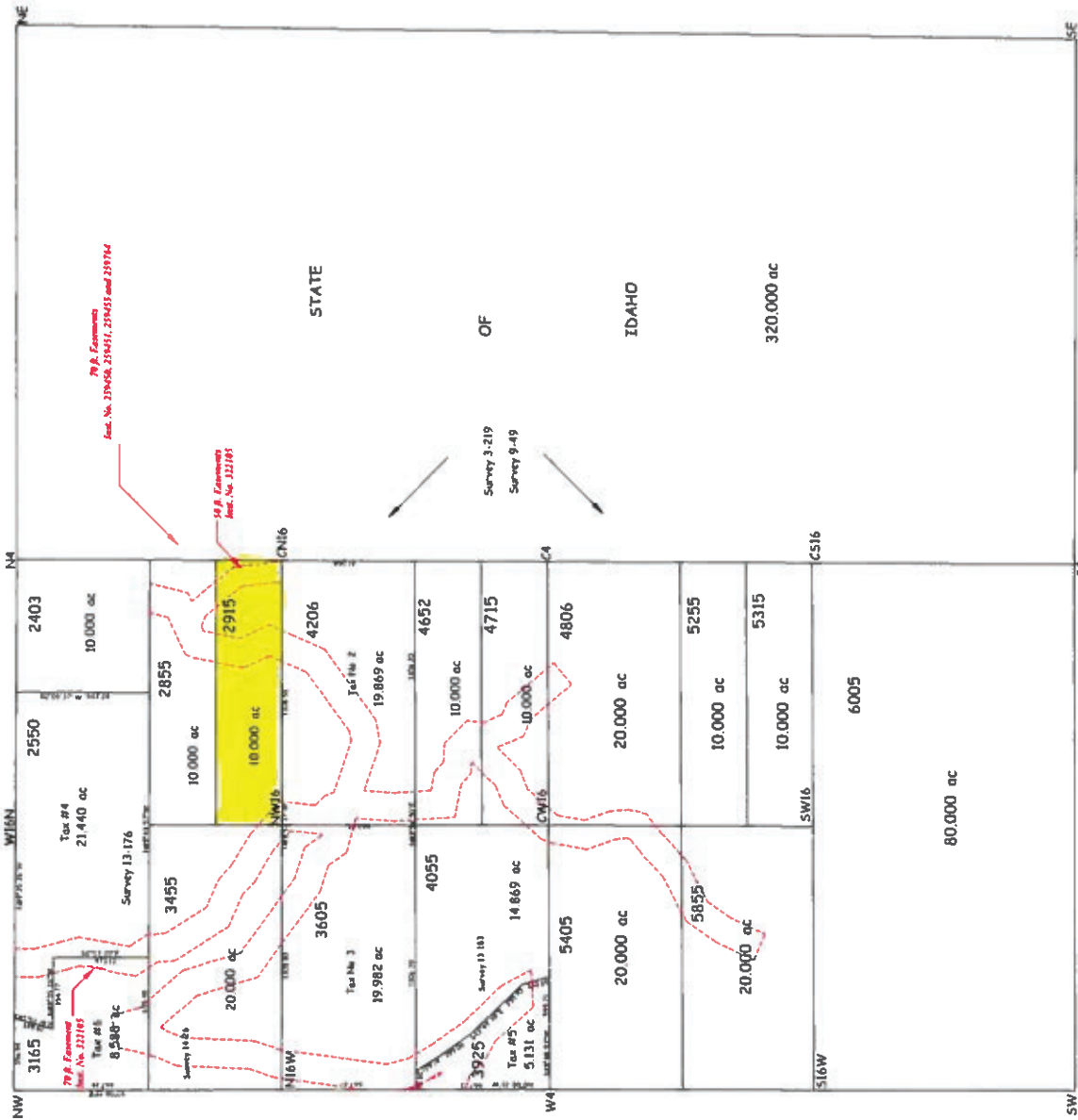


PLAT TITLE

TWP. 17N R04E SEC. 08

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

Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 5/5/2021  
Drawn by: L. Frederick



This drawing is to be used for reference purposes ONLY. The County is NOT responsible for any inaccuracies contained herein.

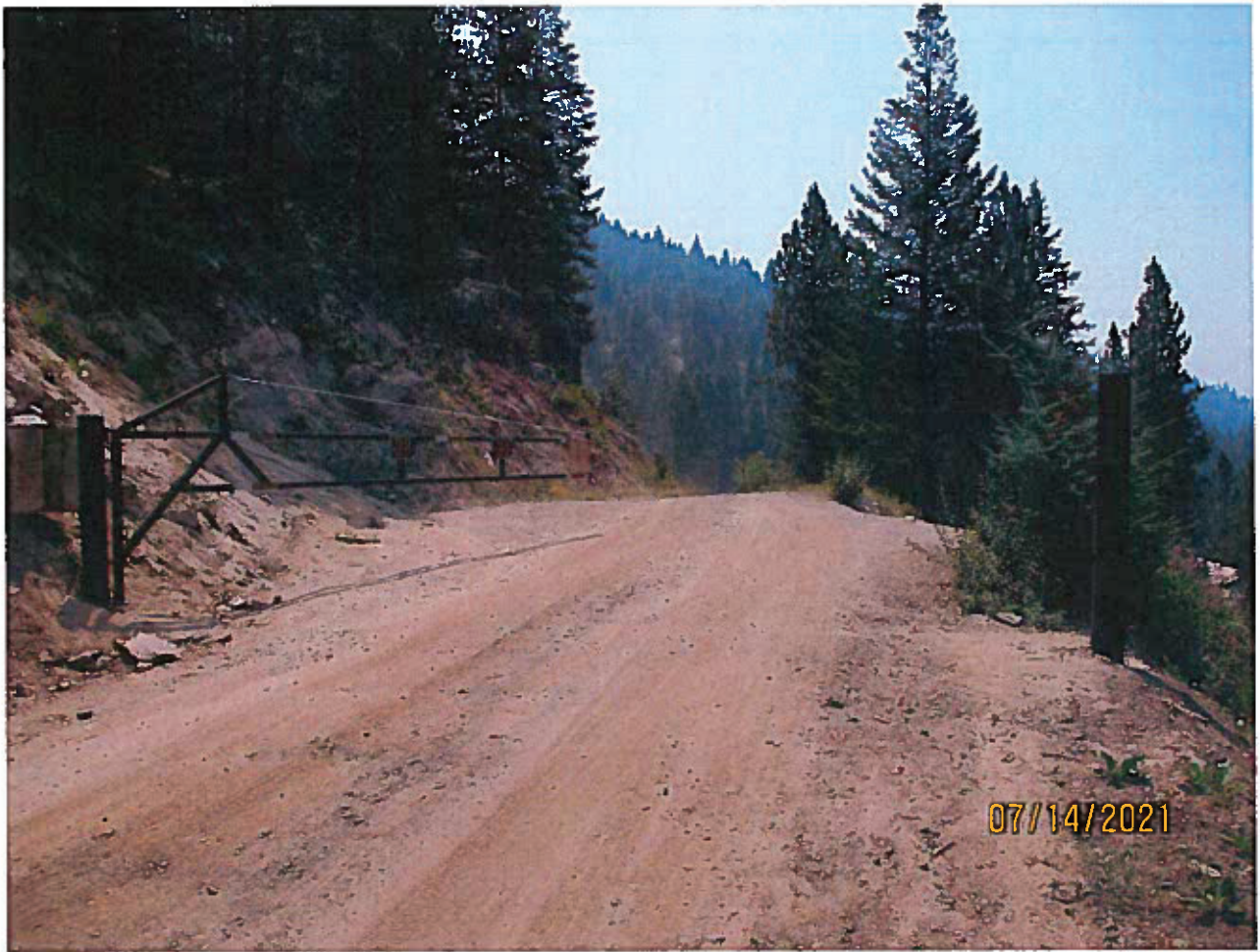






















Commissioner Freeman asked if the McCall Fire Department knew that there an existing 10,000-gallon tank exists nearby when the Fire Chief made his recommendations. Do the Fire Departments track the water tanks that are put into subdivisions? Would the existing water tank negate the recommendation for sprinklers? According to the McCall Fire Department's response, R-1 occupancy (for example a hotel) requires automatic fire sprinklers; R-3 does not.

Commissioner Freeman moved to table C.U.P. 20-12 to July 8, 2021, for more information from the Fire Department. Commissioner Cooper seconded the motion. Motion carried unanimously.

*8:57 p.m.*

**D. OTHER:**

**1. Are yurts and containers single family residences that are eligible for STR permits? Action Item.**

The Commissioners deliberated and discussed short-term rental and dwelling definitions. Short term rental for a yurt at Silver Fox Spur was submitted. The site has no power, no refrigerator, and no well. There is a pit privy. On a nearby property, the owner is renting a shipping container. Short-term rental applications require parking on-site. The access to both sites is not plowed in the winter, thus, people park in the public right-of-way.

If a site does not meet the definition of a short-term rental, then a conditional use permit for a rustic guest experience will be necessary. Dwelling units require a kitchen. A conditional use permit application fee would be \$300 for this type of use. Safety (fire), septic, and access were discussed. Chairman Defoort believes the use should require a conditional use permit, not a short-term rental permit. Yurts are valued as out-buildings, not a single-family residence, by the Valley County Assessor's Office.

The Commissioners agreed that yurts and containers are not single-family residences; therefore, they are not eligible for short-term rental permits.

**2. Storage for asphalt at Gilbert Gravel Pit. Action Item**

Idaho Transportation Department is beginning the Highway 55 project between Donnelly to McCall. There is a request to stockpile the asphalt millings from this project at the Gilbert's Pit on East Lake Fork Road. There would be approximately 5000 tons of materials stockpiled for reuse on future projects. This site is within the Quarry Run Subdivision which is an industrial subdivision south of East Lake Fork Road. Director Herrick displayed the GIS map with the property and adjacent properties on the large projector screen. The site is hidden by trees and topography. Idaho Code, State agencies, and local planning ordinances were discussed (Idaho Code 67-6528).

Commissioner Freeman moved to approve the use. Commissioner Cooper seconded the motion. Motion carried unanimously.



Jeff Abrams [REDACTED]  
Fri 7/23/2021 2:36 PM  
To:

- Cynda Herrick;
- Lori Hunter

Attachment correction: the P & Z letter from Cynda, referenced in the previous email (dated August 21, 2006), is now properly attached. Please disregard the earlier attachment sent titled "HerrickLetter8232006.jpg".

Regards,  
Jeff Abrams

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Jeff Abrams [REDACTED]  
Fri 7/23/2021 1:56 PM  
To:

- Cynda Herrick;
- Lori Hunter

Hi Cynda -

Per your request, attached are the following easement documents and surveys related to my CUP application:

- my easement (Instrument #259450) granted from Western Mortgage and Jan Warnshuis/Darlene McGinnis, along with the Record of Survey referenced therein (Instrument #182447); **Note #1** - language in item 7 is highlighted pertaining to "*easement in gross*" that converted to "*appurtenant easement*" after redemption period expired (*this occurred in 2002, otherwise I wouldn't still own the property*); **Note #2** - no language in ANY attachments pertaining to easement restrictions (*simply boilerplate language granting "Ingress, Egress and Utilities" in perpetuity*)
- a letter from you, dated October 23, 2001, indicating that P & Z had recognized the easement as legal access to my parcels
- a letter from you, dated August 21, 2006, indicating that P & Z had recognized the actual location of Silver Fox Spur as amended by a 2005 Record of Survey performed by Rod Skiftun (Instrument #308216) relating to originally described location on Instrument #182447 (referenced above)
- the Record of Survey, Instrument # 308216 (referenced above)

Regards,  
Jeff Abrams





Cynda Herrick  
VALLEY COUNTY  
IDAHO

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Planning & Zoning Administrator  
Flood Plain Coordinator

Phone: 208.382.7114  
FAX: 208.382.7119  
E-Mail: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

August 21, 2006

Jeff Abrams  
4370 Kitsap Way  
Boise, ID 83703

Re: Silver Fox Spur Road

Dear Mr. Abrams:

This letter is to notify you that Valley County recognizes the amendment of Silver Fox Spur Road, located in Sections 7 and 8, Township 17 North, Range 4 East, Boise Meridian, Valley County, Idaho, from its originally designated location in Valley County Instrument No. 182449, to the actual location as set forth on that certain Record of Survey recorded as Valley County Instrument No. 308216. Valley County originally recognized Silver Fox Spur as legal access to the area depicted in Valley County Instrument in a letter to you dated January 16, 2001 (attached hereto as Exhibit A), and recognized Silver Fox Spur as a private road in a letter to you dated November 27, 2001 (attached hereto as Exhibit B).

This letter may be recorded to provide constructive public notice of Valley County's acknowledgment of the amendment of the location of Silver Fox Spur private road.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cynda Herrick".

Cynda Herrick, AICP  
Planning & Zoning Administrator  
Flood Plain Coordinator



## Valley County Planning and Zoning Commission

P.O. Box 1350  
Courthouse Building Annex



Cascade, Idaho 83611  
Phone (208) 382-7114

October 23, 2001

Jeff Abrams  
4370 Kitsap Way  
Boise, ID 83703

RE: Jan Warnshuis Property (Previously)

Dear Mr. Abrams:

You recently purchased Parcels 4 and 6 of what was formerly known as Jan Warnshuis's property as identified by a Record of Survey (Instrument # 182447). Based upon a warranty deed recorded August 26, 1991 (Instrument # 182449) which included a 70 foot wide road easement for access, I have concluded that the access existed prior to adoption of amendment 130 29 Subdivision on October 15, 1991. Therefore, I believe you have legal access and Parcels 4 and 6 can be issued building permits.

Parcels 4 and 6 will be issued a minimum of 4 building permits. If the ten acre parcels were created prior to 1997 you will be issued 5 building permits.

I will take this decision to the Planning and Zoning Commission for confirmation on November 8, 2001.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynda Herrick".

Cynda Herrick, AICP  
Planning and Zoning Administrator



Instrument # 259450  
VALLEY COUNTY, CASCADE, IDAHO  
2002-01-07 10:12:34 No. of Pages: 15  
Recorded for: AMERITITLE  
LELAND G. HEINRICH  
Ex-Officio Recorder Deputy *J. Henry* Fee: 45.00  
Index to: EASEMENT

### ACCESS AND UTILITY EASEMENT IN GROSS

THIS ACCESS AND UTILITY EASEMENT IN GROSS, dated this 27th day of December, 2001, is made and entered into by and between WESTERN MORTGAGE & REALTY COMPANY, a Washington corporation, hereinafter referred to as "Grantor," and JEFFREY P. ABRAMS, a single person, whose address is 4370 Kitsap Way, Boise, Idaho 83703, hereinafter referred to as "Grantee."

#### WITNESSETH:

WHEREAS, Grantor is the holder of that certain Certificate of Sale dated October 12, 2001, which was issued by Britt Durfee, Sheriff of Valley County, State of Idaho, and recorded on October 12, 2001, as Instrument No. 257773, records of Valley County, Idaho, hereinafter referred to as "Certificate of Sale";

WHEREAS, the Certificate of Sale was issued to the Grantor following Grantor's purchase of the hereinafter described "Grantor's Property," at that certain Sheriff's Sale held on October 12, 2001, in Valley County, Idaho; and

WHEREAS, pursuant to Idaho Code Section 11-310, Grantors' right, title and interest in and to the Grantor's Property is subject to a right of redemption to and including October 11, 2002; and

WHEREAS, Grantee acknowledges and agrees that he has been advised that Grantor's conveyance of this easement in gross to him is subject to, in addition to other matters of record, a right of redemption.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION THE PARTIES HERETO AGREE AS FOLLOWS:



1. Grantor's Property. Grantor holds the Certificate of Sale which covers that certain real property located in Valley County, Idaho, which is more particularly described on EXHIBIT "A" which is attached hereto and incorporated herein by this reference, hereinafter referred to as "Grantor's Property."

2. Easement in Gross Defined. The Easement in Gross covers a strip of land approximately seventy (70) feet wide lying thirty-five (35) feet on each side of the centerline of an existing road which traverses a portion of the Grantor's Property and also real property owned by others, hereinafter referred to as "Easement in Gross." The Easement in Gross is legally described in EXHIBIT "B" which is attached hereto and incorporated herein by this reference.

3. Benefitted Person. It is the intent of the Grantor and Grantee that Grantor is conveying to Grantee an Easement in Gross solely for the benefit of Grantee. It is furthermore the intent of the Grantor and Grantee that if all or any portion of the real property located in Valley County, Idaho, which is more particularly described on EXHIBIT "C" which is attached hereto and incorporated herein by this reference, hereinafter referred to as "The Former Warnshuis Property," is redeemed that this Easement in Gross shall automatically terminate and be of no further force or effect.

4. Easement in Gross. Grantor does hereby convey and quitclaim unto the Grantee, his heirs, successors and assigns, for the benefit of the Grantee, a non-exclusive easement for ingress and egress by vehicular and pedestrian traffic and for all utility purposes over and across the Grantor's Property as said easement is more particularly described in EXHIBIT "B."

5. Maintenance and Improvement. Grantor is not responsible or liable for any maintenance or improvement of the Easement in Gross. If Grantor does perform any



maintenance or improvement of the Easement in Gross, then Grantor's actions shall not be construed as an obligation to perform any future or further maintenance or improvement. If Grantee shall damage, pollute or injure the Easement in Gross, then Grantee shall promptly repair or clean it. Grantee shall notify Grantor and obtain Grantor's approval of any major maintenance and improvement of the Easement in Gross prior to the commencement of work, which approval shall not be unreasonably withheld.

6. Limitation of Liability. Grantee hereby agrees to and shall indemnify, defend and hold harmless the Grantor and Grantor's successors and assigns from all liens, claims, demands, encumbrances, losses, liabilities, responsibilities or obligations, including attorneys' fees and costs, arising out of or in any way connected with or relating to the Easement in Gross, except any such liens, claims, demands, encumbrances, losses, liabilities, responsibilities, or obligations, including attorneys' fees and costs, which are asserted by or related to the use of the Easement in Gross by Grantor or Grantor's invitees, guests, agents, contractors, successors or assigns.

7. No Redemption. Grantor and Grantee hereby agree that in the event the redemption period provided in the Certificate of Sale expires (which period expires on October 11, 2002) without there being any redemption of The Former Warnshuis Property that the Easement in Gross shall become an easement appurtenant to Grantee's real property located in Valley County, Idaho, which is more particularly described on EXHIBIT "D" ("Grantee's Property") and said easement shall thereafter be appurtenant to and run with Grantee's Property ("Appurtenant Easement"). Grantor and Grantee agree to cooperate with each other and if there is no redemption of The Former Warnshuis Property to execute and deliver whatever



additional documents may reasonably be necessary to grant and/or evidence the Appurtenant Easement.

IN WITNESS WHEREOF, the parties hereto have executed this Access and Utilities Easement in Gross as of the day and year first above written.

GRANTOR:

WESTERN MORTGAGE & REALTY  
COMPANY, a Washington corporation

By: 

Tim M. Tippet  
Vice President  
(a duly authorized officer)

GRANTEE:

  
JEFFREY P. ABRAMS



STATE OF WASHINGTON )  
 ) ss.  
County of Franklin )

On this 27th day of December, 2001, before me, Stephanie Pearl Weibel, a Notary Public in and for said State, personally appeared Tim M. Tippet, known to me to be Vice President of WESTERN MORTGAGE & REALTY COMPANY, the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



Stephanie Pearl Weibel  
Notary Public for the State of Washington  
Residing at Kennock, WA  
My commission expires Sept 01, 2003

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 31st day of December, 2001, before me ~~the undersigned~~ a Notary Public in and for said state, personally appeared JEFFREY P. ABRAMS, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Kathy Cooney  
Notary Public for Idaho  
Residing at Boise  
My commission expires 8-15-2002

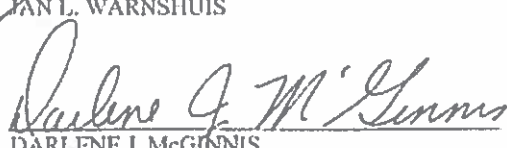


### CONSENT AND AGREEMENT

The undersigned, JAN L. WARNSHUIS, a single person, and DARLENE J. MCGINNIS, a single person, the holders of a right to redeem the Grantor's Property do hereby consent and agree to the terms and provisions of this Access and Utility Easement in Gross. Furthermore, Jan L. Warnshuis and Darlene J. McGinnis do hereby join in and grant, convey and quitclaim unto the Grantee the Easement in Gross described in this Access and Utility Easement in Gross.

DATED this 31 day of December, 2001.

  
JAN L. WARNSHUIS

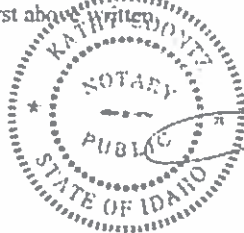
  
DARLENE J. MCGINNIS



STATE OF IDAHO                    )  
  ) ss.  
County of ADA                    )

On this 31 day of December, 2001, before me, Deborah A. [Signature], a Notary Public in and for said State, personally appeared JAN L. WARNSHUIS, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



[Signature]  
Notary Public for the State of Idaho  
Residing at Bear  
My commission expires 8-15-2002

STATE OF IDAHO                    )  
  ) ss.  
County of ADA                    )

On this 31<sup>st</sup> day of December, 2001, before me, Deborah A. [Signature], a Notary Public in and for said State, personally appeared DARLENE J. MCGINNIS, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



[Signature]  
Notary Public for the State of Idaho  
Residing at Bear  
My commission expires 8-15-2002



EXHIBIT

A

**Parcel A:**

The North half of the North half of the Northwest quarter, Section 8, Township 17 North, Range 4 East, B.M., Valley County, Idaho.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 1 of Record of Survey Instrument No. 182447)

**Parcel B:**

The South half of the North half of the Northwest quarter, Section 8, Township 17 North, Range 4 East, B.M. Valley County, Idaho.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 2 of Record of Survey Instrument No. 182447)

**Parcel D:**

The North half of the North half of the Southwest quarter, Section 8, Township 17 North, Range 4 East, B.M.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 5 of Record of Survey Instrument No. 182447)



## EXHIBIT B

THOMAS W. KERR  
PLS 998

KERR SURVEYING  
PO BOX 853 404 E. PARK  
McCALL, IDAHO 83638  
208-634-2686 / fax 208-634-4042  
December 13, 2001

ROD M. SKIFTUN  
PLS 9585

### EASEMENT I

#### 70 Foot Wide Ingress, Egress and Utility Easement

A 70 foot wide ingress, egress and utility easement, situate in the NE¼ of Section 7, and the NW¼ of Section 8, T. 17 N., R. 4 E., B.M., Valley County, Idaho, lying 35 feet on each side of the centerline of an existing road, more particularly described as follows:

Commencing at a stone marking the quarter corner common to Sections 7 and 8, T. 17 N., R. 4 E., B.M., Valley County, Idaho, as shown on the official plat of Jughandle Highlands No. 1, on file in Book 4, on Page 45 of Plats in the Office of the Recorder of Valley County, Idaho; thence, N. 00°07'46" E., 2,172.74 feet along the line common to said Sections 7 and 8; thence, N. 89°43'52" W., 649.34 feet to a point of reverse curvature on the easterly right-of-way of Fox Trail; thence, 78.28 feet along said easterly right-of-way on a non-tangent curve to the right, whose radius is 299.00 feet and delta angle is 15°00'00", and whose long chord bears N. 18°30'00" E., 78.05 feet; thence, 162.25 feet along said easterly right-of-way on a reverse curve to the left, whose radius is 435.00 feet and delta angle is 21°22'13", and whose long chord bears N. 15°18'54" E., 161.31 feet, to the REAL POINT OF BEGINNING:

Thence, N. 17°19'21" E., 185.11 feet along the centerline of an existing road, thence, 122.28 feet along said existing road centerline on a curve to the right, whose radius is 45.00 feet and delta angle is 155°41'45", thence, along said existing road centerline in a southerly direction the following courses:

S. 6°58'53" E., 167.86 feet,  
S. 5°22'07" W., 70.95 feet,  
S. 18°36'39" E., 142.16 feet,  
S. 37°39'58" W., 119.90 feet,  
S. 00°16'36" E., 88.42 feet,  
S. 27°05'51" E., 249.73 feet,  
S. 19°23'37" E., 194.11 feet,  
S. 5°24'04" E., 260.63 feet,  
S. 24°20'49" E., 128.90 feet,  
S. 6°21'15" E., 152.50 feet,  
S. 15°39'18" E., 162.24 feet,  
S. 4°38'50" E., 151.73 feet,  
S. 32°35'56" E., 114.61 feet,



thence, S. 23°29'06" E., 165.78 feet to the line common to said Sections 7 and 8,  
thence, continuing along said existing road centerline in a southeasterly direction the  
Easement I desc. Cont'd.

following courses:

S. 23°29'06" E., 27.97 feet,  
S. 71°07'12" E., 89.12 feet,  
S. 46°59'07" E., 133.40 feet,  
S. 61°54'13" E., 93.65 feet,  
S. 41°45'53" E., 228.75 feet,

thence, continuing along said existing road centerline in a northerly direction the  
following courses:

N. 87°13'09" E., 41.14 feet,  
N. 27°33'43" W., 47.81 feet,  
N. 43°49'38" W., 251.48 feet,  
N. 35°21'13" W., 199.06 feet,  
N. 30°51' 19" W., 155.39 feet,  
N. 14°49'25" W., 136.83 feet,  
N. 7°37'40" E., 554.27 feet,  
N. 18°15'11" E., 137.21 feet,  
N. 2°24'51" E., 356.88 feet,  
N. 22°00'31" E., 134.06 feet,  
N. 13°06'52" E., 126.20 feet,  
N. 77°13'11" E., 52.61 feet,

thence, continuing along said existing road centerline in a southeasterly direction the  
following courses:

S. 14°17'09" E., 89.86 feet,  
S. 40°32'53" E., 289.90 feet,  
S. 16°59'09" E., 307.53 feet,  
S. 53°28'51" E., 491.75 feet,  
S. 72°00'00" E., 150.00 feet,  
S. 35°00'00" E., 110.00 feet,

thence, S. 75°00'22" E., 205.89 feet along said existing road centerline to the point of  
intersection of a 4-way crossroads, from which a brass cap marking the quarter  
corner common to said Sections 5 and 8, bears N. 36°56'43" E., 2,024.16 feet,

thence, continuing along said existing road centerline in a south and easterly direction the  
following courses:

S. 3°59'50" W., 246.65 feet,  
S. 3°41'23" E., 243.47 feet,  
N. 79°02'38" E., 127.08 feet,  
S. 48°59'33" E., 72.32 feet,



N. 86°12'49" E., 89.48 feet,  
S. 46°18'00" E., 96.59 feet,  
thence, S. 6°00'18" W., 67.32 feet along said existing road centerline to the point of  
intersection of two roads, from which a brass cap marking the quarter corner  
**Easement I desc. Cont'd.**

common to said Sections 5 and 8, bears N. 21°26'31" E., 2,425.72 feet,  
thence, continuing along said existing road centerline in a southeasterly direction the  
following courses:

S. 22°34'07" E., 147.01 feet,  
S. 67°25'34" E., 79.03 feet,  
thence, S. 39°52'41" E., 287.08 feet along said existing road centerline to the line  
common to Parcels 4 and 5, as shown on that particular Record of Survey on file  
as Instrument No. 182447, in Book 3, on Page 219 of Records of Survey in the  
Office of the Recorder of Valley County, Idaho, the Point of Ending, from which  
a 5/8" rebar marking the easterly corner common to said Parcels 4 and 5, bears N.  
89°47'47" E., 562.13 feet.

Bearings based on Record of Survey, Instrument No. 182447.



THOMAS W. KERR      KERR SURVEYING      ROD M. SKIFTUN  
PLS 998      PO BOX 853-404 E. PARK PLS 9585  
McCALL, IDAHO 83638  
208-634-2686 / FAX 208-634-4042

**EASEMENT II**  
**70 Foot Wide Ingress, Egress and Utility Easement**

A 70 foot wide ingress, egress and utility easement, situate in the NW¼ of Section 8, T. 17 N., R. 4 E., B.M., Valley County, Idaho, lying 35 feet on each side of the centerline of an existing road, more particularly described as follows:

Commencing at a brass cap marking the quarter corner common to Sections 5 and 8, T. 17 N., R. 4 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, on file as Instrument No. 182447, in Book 3, on Page 219 of Records of Survey, in the Office of the Recorder of Valley County, Idaho; thence, S. 36°56'43" W., 2,024.16 feet to the centerline of an existing road, at the point of intersection of a 4-way crossroads, the **REAL POINT OF BEGINNING**:

Thence, along the centerline of an existing road in a easterly and northerly direction the following courses:

S. 71°18'03" E., 324.08 feet,

N. 78°24'46" E., 82.32 feet,

N. 53°51'20" E., 393.90 feet,

thence, N. 23°56'15" E., 166.73 feet along said existing road centerline, to the line common to Parcels 2 and 3, as shown on that particular Record of Survey, on file as Instrument No. 182447, in Book 3, on Page 219 of Records of Survey from which a 5/8" rebar marking the east corner common to said Parcels 2 and 3, bears S. 89°54'12" E., 437.71 feet,

thence, continuing along said existing road centerline following courses:

N. 23°56'15" E., 85.81 feet,

N. 24°21'55" W., 152.79 feet,

N. 11°08'23" E., 234.07 feet,

N. 65°00'00" E., 210.00 feet,

thence, N. 21°00'16" E., 133.47 feet along said existing road centerline to the line common to Parcels 1 and 2, as shown on that particular Record of Survey on file as Instrument No. 182447, in Book 3, on Page 219 of Records of Survey in the Office of the Recorder of Valley County, Idaho, the Point of Ending, from which a 5/8" rebar marking the easterly corner common to said Parcels 1 and 2, bears N. 89°45'15" E., 185.33 feet.

Bearings based on Record of Survey, Instrument No. 182447.



EXHIBIT C

**Parcel A:**

The North half of the North half of the Northwest quarter, Section 8, Township 17 North, Range 4 East, B.M., Valley County, Idaho.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 1 of Record of Survey Instrument No. 182447)

**Parcel B:**

The South half of the North half of the Northwest quarter, Section 8, Township 17 North, Range 4 East, B.M. Valley County, Idaho.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 2 of Record of Survey Instrument No. 182447)

**Parcel D:**

The North half of the North half of the Southwest quarter, Section 8, Township 17 North, Range 4 East, B.M.

Together with and subject to a 70 foot wide road easement across Grantors presently and previously owned land in Section 7 and 8, T17N, R4E, B.M. approximate centerline of said easement shown on Record of Survey Plat filed as Instrument No. 182447, Valley County, Idaho.  
(Also known as Parcel No. 5 of Record of Survey Instrument No. 182447)



## **EXHIBIT "D"**

### **PARCEL I**

A parcel of land located in the South half of the Southwest quarter of the Northwest quarter, and the North half of the South half of the Southeast quarter of the Northwest quarter and the East half of the South half of the South half of the South half of the Northwest quarter of Section 8, Township 17 North, Range 4 East, Boise Meridian, Valley County, Idaho (also known as Record of Survey Plat recorded as Instrument No. 182447, Parcel 4 of the records of Valley County, Idaho).

### **PARCEL II**

The South half of the North half of the Northwest quarter of Section 8, Township 17 North, Range 4 East, Boise Meridian, Valley County, Idaho (also known as Parcel No. 2 of Record of Survey recorded as Instrument No. 182447, records of Valley County, Idaho).

Together with and subject to a 70 foot wide road easement running across certain real property located in Sections 7 and 8, Township 17 North, Range 4 East, Boise Meridian, Valley County, Idaho in which Grantor has an interest, the approximate centerline of said easement is shown on the Record of Survey Plat filed as Instrument No. 182447, records of Valley County, Idaho.







Instrument # 259450

VALLEY COUNTY, CASCADE, IDAHO

2002-01-02

10:12:34 No. of Pages: 15


Recorded for: AMERITITLE

LELAND G. HEINRICH

Fee: 45.00

Ex-Officio Recorder Deputy

Index to EASEMENT



## ACCESS AND UTILITY EASEMENT IN GROSS

THIS ACCESS AND UTILITY EASEMENT IN GROSS, dated this 27th day of December, 2001, is made and entered into by and between WESTERN MORTGAGE & REALTY COMPANY, a Washington corporation, hereinafter referred to as "Grantor," and JEFFREY P. ABRAMS, a single person, whose address is 4370 Kitsap Way, Boise, Idaho 83703, hereinafter referred to as "Grantee."

### WITNESSETH:

WHEREAS, Grantor is the holder of that certain Certificate of Sale dated October 12, 2001, which was issued by Britt Durfee, Sheriff of Valley County, State of Idaho, and recorded on October 12, 2001, as Instrument No. 257773, records of Valley County, Idaho, hereinafter referred to as "Certificate of Sale";

WHEREAS, the Certificate of Sale was issued to the Grantor following Grantor's purchase of the hereinafter described "Grantor's Property," at that certain Sheriff's Sale held on October 12, 2001, in Valley County, Idaho; and

WHEREAS, pursuant to Idaho Code Section 11-310, Grantors' right, title and interest in and to the Grantor's Property is subject to a right of redemption to and including October 11, 2002; and

WHEREAS, Grantee acknowledges and agrees that he has been advised that Grantor's conveyance of this easement in gross to him is subject to, in addition to other matters of record, a right of redemption.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION THE PARTIES HERETO AGREE AS FOLLOWS:



308716

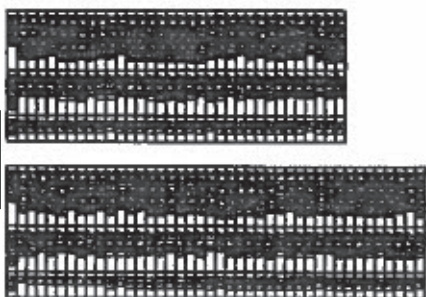
1. Fred M. Stiffen, a Professional Land Surveyor, has hereby certify that this plat was prepared from reliable data taken during an actual survey made under my direct supervision in July-Sept. of 2003, and that it correctly represents the public, easement and drainage easements recorded in said field notes.



Scale 1" = 250'

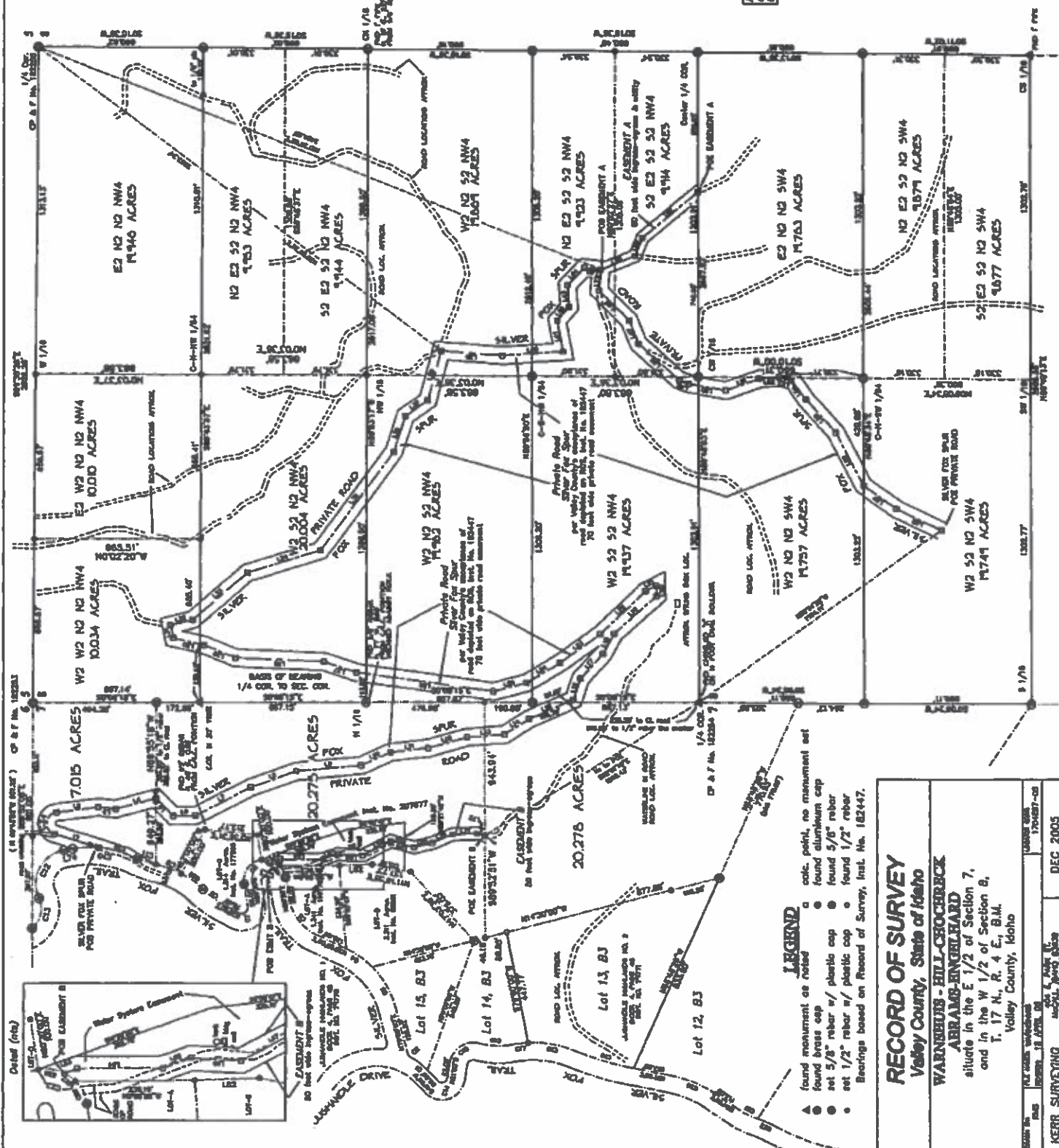
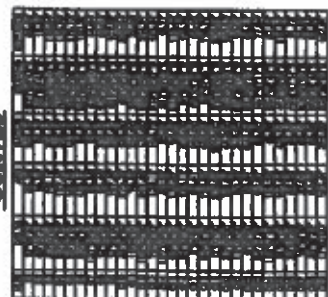


## LETTERS



All two track road locations are approximate for on-site orientation purposes only. Centerline elevations are surveyed locations.

**CORVUS**



## RECORD OF SURVEY

Valley County, State of Idaho

**WARNINGS - HILL-CHOCHRACK**

**ABRAMS-ENGELHARD**  
situated in the E 1/2 of Section 7,

and in the W 1/2 of Section 8,  
T. 17 N., R. 4 E., BM.

Valley County, Idaho

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/27/01 BY 60322 UCBAW

[illegible]



**Instrument # 308216**

**VALLEY COUNTY, CASCADE, IDAHO**

**2006-04-27 11:06:55 No. of Pages: 1**

**Recorded for : KERR SURVEY**

**LELAND G. HEINRICH**

**Ex-Officio Recorder Deputy**

**Fee: 5.00**

**Index to: RECORD OF SURVEY**





THOMAS W. KERR  
PLS 998

KERR SURVEYING  
PO BOX 853 404 E. PARK  
McCALL, IDAHO 83638  
208-634-2686 / fax 208-634-4042  
28 SEPTEMBER 06

ROD M. SKIFTUN  
PLS 9585


I, Rod M. Skiftun, a Registered Land Surveyor in the State of Idaho, do hereby certify that I have surveyed for and prepared the Record of Survey drawing for the Warnshuis, Hill, Chochreck, Abrams, and Engelhard Property, on file as Instrument No. 308216, in Book 9, Page 49 of Records of Survey, in the office of the Recorder of Valley County, Idaho; and that said Record of Survey contains errors.

The westerly line of the 19.869 acre parcel is shown as the W2 N2 S2 NW4 and should be shown as the E2 N2 S2 NW4.

The westerly line of the same 18.869 acre parcel is shown as 663.58 feet, and should read 663.91 feet.


The acreages are accurate on both affected parcels.

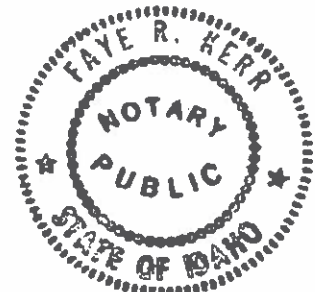
  
Rod M. Skiftun, Idaho PLS 9585

Instrument # 314166  
VALLEY COUNTY, CASCADE, IDAHO  
2006-10-10 09:48:29 No. of Pages: 1  
Recorded for : KERR SURVEY  
LELAND G. HEINRICH Fee: 3.00  
Ex-Officio Recorder Deputy   
Index to: MISCELLANEOUS RECORD

STATE OF IDAHO ) s.s.  
COUNTY OF VALLEY)

On this 29<sup>th</sup> day of September, in the year 2006, before me, personally appeared Rod M. Skiftun known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

  
Notary Public  
Residing at McCall, Idaho





## CUP 21-21: "Outstanding Matters" reply

Jeff Abrams [REDACTED]

Thu 7/22/2021 11:19 AM

To: Cynda Herrick <cherrick@co.valley.id.us>; Lori Hunter <lhunter@co.valley.id.us>

📎 1 attachments (193 KB)

PZ\_M-06-09-2016\_Pit\_Prive\_approval.pdf;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Cynda and Lori -

Regarding the "outstanding matters" notice I received from your office (dated 7/7/21), please see my responses below.

- *Application signature* - **will sign in person (7/22)**
- *Noxious Weed signature* - **will sign in person (7/22)**
- *Do you have a pit privy?* **Yes, I received permission from P & Z (6/9/2016 - see attached pdf, final item P. 16). The engineered structure weighs 1500 lbs and was built to code, including a 6-foot earthen pit.**
- *Do you plan on providing utilities?* **Not in the near term. Solar power would be an optional project, given significant southern exposure.**
- *Do you have alternative parking plans?* **Yes, I have verbal permission from two property owners that both front Silver Fox Dr.**
  - Shanti and Greg Wintergate  
Jughandle Highlands  
Parcel No. RP00123001010C  
LOTS 9 & 10 BLOCK 1
  - Lana Weber - Silver Fox Properties, LLC  
Jughandle Highlands  
Parcel No. RP00123001009A  
LOT 9 LESS TAX NO. 26, BLOCK 1

Regards,

Jeff Abrams

On Wed, Jul 7, 2021 at 5:10 PM Jeff Abrams [REDACTED] wrote:

Hello Lori,

Attached, please find the final document (guidebook) to be included for consideration in the Silver Fox Yurt CUP application package.

Regards,

Jeff Abrams



On Wed, Jun 30, 2021 at 3:32 PM Jeff Abrams [REDACTED] wrote:

Hello Cynda -

Please find the attached CUP application for the Silver Fox Yurt, along with the narrative and other pertinent supporting documentation.

Thanks,  
Jeff Abrams



#### **E. FACTS AND CONCLUSIONS**

- VAC 16-02 Vacation of Vanity Court
- Amendment to C.U.P. 12-09 -- 2 Sisters Country Store

Commissioner Hill moved to approve the Facts and Conclusions for VAC 16-02 Vacation of Vanity Court. Commissioner Freeman seconded the motion. Motion carried.

Commissioner Hill moved to approve the Facts and Conclusions for CUP 12-09 -- 2 Sisters Country Store. Commissioner Cooley seconded the motion. Motion carried.

#### **F. OTHER ITEMS**

- Large Gathering Permit – 4 Summit Challenge: Staff informed the Commission that the 4-Summit Challenge will start at Crawford instead of in Cascade this year due to road construction on Warm Lake Highway. They will apply for a Large Gathering Permit.
- Moudy Mountain Festival: Staff informed the Commission she has received a conditional use permit, but not in time to hear it before the event is scheduled. It will be heard in July. For 2016, it will operate without a permit, as typical when these events are discovered too late.
- Abrams Pit Privy: Staff described the location as 10 acres without power. Commissioner Freeman moved to approve Abrams' pit privy on Silver Fox Spur. Commissioner Hill seconded the motion. Motion carried.

Adjourned at 9:37 p.m.





## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

August 4, 2021

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

RE: C.U.P. 21-21 Silver Fox Yurt Rental

After review the Donnelly Rural Fire Protection District approves C.U.P. 21-21 Silver Fox Yurt Rental with the following requirements.

- In accordance with Section 907.2.10.7 IFC 2018 Smoke Detectors will be installed in sleeping areas
- The Donnelly Rural Fire Protection District requires all fire rings to be of an approved nature, no larger than 3 feet in diameter. All fire rings shall also have a ten foot diameter of non-combustible material around fire pit
- Section 304.1.2 IFC 2018 Weeds, grass, vines or other growth that is capable of being ignited and endangering the property, shall be cut down and removed by the owner or the occupant of the premises. Vegetation clearance requirements in urbane-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code
- Section 307.4.2 IFC 2018 Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- Section 307.5 IFC 2018 Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- Closed burning season is May 10th through October 20th and may be subject to burn restrictions as required by the State of Idaho. Check the daily status at [www.burnpermits.idaho.gov](http://www.burnpermits.idaho.gov) or call SITPA at 208-634-2268
- Section 503.4 IFC 2018 Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 IFC 2108 and 503.2.2 IFC 2018 shall be maintained at all times
- Section 503.2.1 IFC 2018 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Please call 208-325-8619 with any questions.

Amy Newcomb

Deputy Fire Marshal  
Donnelly Fire Department



Silver Fox Yurt CUP 21-21

Todd Leeds [REDACTED]

Thu 7/22/2021 7:44 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

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Cynda Herrick, Valley County P&Z

July 22, 2021

Re: Silver Fox Yurt CUP 21-21

I am writing to express my support for this CUP. The Silver Fox Yurt is an excellent destination that provides an economical benefit for Valley County. A yurt is equivalent to a single-family dwelling which currently does not require a CUP for short-term rentals. This requirement appears to be, in my opinion, an arbitrary decision. If the CUP is to be required, I support this CUP but not the concept of the CUP until it is required for short-term rentals of all single-family residences.

I would like to ask the question: If Valley County is requiring a CUP for this property, why does it not require one for all short-term rentals? I would support this.

Thank You,

Todd Leeds

McCall, Idaho

--

**Enjoy Every Sandwich!**

[REDACTED]



**From:** idaspud [REDACTED]  
**Sent:** Tuesday, August 3, 2021 7:03 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** C.U.P.21-21 Silver Fox Yurt Rental

Commissioners, I have had absolutely no problems as a neighbor of Mr. Abram's use of his yurt as a rental on Jughandle Mountain. I have no objections to his use of his property for this purpose.

Mel Mohr



From: John Laz <[REDACTED]>  
Sent: Thursday, August 5, 2021 7:52 AM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: CUP 21-21 SILVER FOX YURT

To the Valley County Planning and Zoning Commission,

We Have owned property at 130 Silver Fox Spur since 2018. Since that time we have not had any problems or concerns regarding the rental of the Silver Fox Yurt. We recommend that you grant the permit so the yurt can continue to be rented. Thank you

John and Linda Laz  
[REDACTED]