

# Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street  
Cascade, ID 83611-1350



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**STAFF REPORT:** VAR 26-004 Holden Setback Variance  
**MEETING DATE:** July 6, 2026  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT /  
PROPERTY OWNER:** Timothy and Pamela Holden  
90 W Prospectors Drive, Cascade, ID 83611  
**LOCATION:** 90 W Prospectors Drive  
Gold Dust Ranch No. 2 Subdivision Lot 146 located in the E½ SE  
Section 9 and the W ½ SW Section 10, T.13N, R.4E, Boise Meridian,  
Valley County, Idaho  
**SIZE:** 1.0-Acre Lot  
**REQUEST:** Front Setback Variance from 20 feet to 7.5 feet  
**EXISTING LAND USE:** Single-Family Residential Lot

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Timothy Holden is requesting a variance to relax the front yard setback from 20 feet to 7.5 feet for placement of a shipping container.

The applicant states the property boundary is several feet above the road surface along West Prospectors Drive. The applicant would like to place a shipping container about 7.5 feet from the front property line. The applicant does not believe any other location on the lot is as viable for the drive in/out container due to the location of the septic tank/system and the well.

The 8-ft x 40-ft x 9.5-ft shipping container would be tan-colored.

The 1.0 lot is addressed at 90 W Prospectors Drive. Access is from West Prospectors Drive, a public road.

Setbacks are measured from the eaves of a building, not the walls. Valley County setbacks are:

	<b>Valley County Setbacks</b>	<b>Requested Setbacks</b>
Front Property Line	20 feet	7.5 feet
Side Property Line	7.5 feet	
From Rear Property Line	20 feet	

## **FINDINGS:**

1. At a properly noticed public hearing on June 11, 2026, the Valley County Planning and Zoning Commission unanimously recommended approval of the variance. (Facts and Conclusions are attached.)
2. Per Valley County Code, 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
  - The applicant was notified on June 18, 2026
3. Planning and Zoning Commission Conclusions:
  - Pursuant to Idaho Code section 67-6516 and Valley County Code 9-5H-10, the Planning and Zoning Commission recommends to the Board of County Commissioners approval of the variance. The Board is 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 Valley County Code Title 9.
  - The Commission is tasked to consider the interests of the adjacent property owners, of the neighborhood, of utilities, and of various public agencies for all variance requests.
  - That the proposed use is in harmony with the general purpose of the adopted ordinances and policies and will not be otherwise detrimental to public health, safety and welfare.
  - The Commission unanimously recommended approval of the variance request.
  - Future development of the neighborhood would not be inhibited by the variance approval.
  - Approval will not have an undue adverse impact on the environment.
  - Approval will not have an undue adverse impact on adjoining private property.
  - Approval will not have an undue adverse impact on government services.
  - Approval is consistent with the Valley County Comprehensive Plan.
  - The requested variance is appropriate due to topography and placement of septic drainfield and well.
  - The Commission recommends a condition of approval that the shipping container must be removed if the property is sold. The applicant was agreeable to this stipulation.

#### 4. Agency comment received:

Brent Copes, Central District Health, has no objection. An accessory use application is required prior to placing the shipping container. (May 17, 2026)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (May 26, 2026)

Paul Ashton, Parametrix and Valley County Engineer, did not review the application.  
(June 3, 2026)

5. Public 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.
  - 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.

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.

**9-4 PERMITTED USES**

**TABLE 4-A STANDARDS FOR PERMITTED USES**

Use Description	Building Setbacks (feet)				Maximum % Lot Coverage	Minimum Street Frontage	Maximum Building Height
	Front	Side	Side Street	Rear			
Residential Uses	20	7.5	20	20	35	30	35

**9-4-3-2: SETBACKS:**

- A. Buildings Exceeding Three Feet In Height: The setbacks for all buildings exceeding three feet (3') in height shall be in accordance with section 9-4-8, table 4-A of this chapter.
- B. Setback From Highway 55: All buildings shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
- C. High Water Lines And Ditches: All residential buildings shall be set back at least fifty feet (50') from high water lines and ditches. All other buildings shall be set back at least one hundred feet (100') from high water lines and ditches.
  1. The setback shall be from the base flood elevation if these is a determined flood elevation or a high-water line where vegetation is denuded.
  2. In order to provide for ecological function and ensure water quality benefits are preserved, a minimum twenty-five (25') area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof.
  3. Vegetation shall be native.
  4. No vegetation can be planted that requires fertilizers. Fertilizer shall not be used in the setback area.
  5. A five feet (5') permeable pathway will be allowed to access through the vegetative buffer. The pathway cannot cause water to flow directly into the waterbody without proper filtration.
  6. See requirements in VCC 9-6-6 Riparian Area Overlay.
- D. Front Yard: Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.
- E. Encroachment By Other Structures: No other structures may encroach on the yards determined for the structure establishing the principal use.
- F. Measurement: Setbacks shall be measured horizontally, perpendicular to the property line, to the nearest corner or projections or overhang.
- G. Adjustment Of Front Or Rear Yard Setbacks: The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block; however, no setback may be less than seven and one-half feet (7.5').
- H. Lots Having Common Boundary Line With United States Bureau of Reclamation (USBR) Property Surrounding Lake Cascade: Minimum rear yard setbacks for those lots having a common boundary line with USBR property surrounding Lake Cascade are seven and one-half feet (7.5'), but may not be less than that provided for in subsection C of this section.

### **STAFF COMMENTS / QUESTIONS:**

1. This site is within the Cascade Fire District, Water District 65. It is not within an irrigation district nor a herd district.
2. Per the Gold Dust Ranch No. 2 plat, all lots have a 10-ft utility and drainage easement from the front property line. Therefore, if the variance is approved, a 10-ft variance would be allowed, not the 12.5-ft requested by the applicant. See attached plat for Gold Dust Ranch No. 2.
3. The Planning and Zoning Commission unanimously recommended VAR 26-004 be approved by the Board of County Commissioners.
4. If approved, a placement permit and inspection of setbacks would be required.

### **ATTACHMENTS:**

- DRAFT Planning and Zoning Facts and Conclusions
- DRAFT Planning and Zoning Meeting Minutes – June 11, 2026
- Location Map
- Aerial Map
- Google Maps – Aerial View
- Google Maps – Street View – August 2024
- Photos Taken May 21, 2026
- Assessor Plat – T.13N R.4E Section 9
- Gold Dust Ranch No. 2 - Sheet 4 - Assessors Annotated Plat
- Site Plan
- Responses
- Application

**END OF STAFF REPORT**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE  
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT:** VAR 26-004 Holden Setback Variance

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on June 11, 2026. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Carrie Potter, Heidi Schneider, and Ken Roberts.

Tim Holden, the applicant, was present and requested a variance to relax the front yard setback from 20 feet to 7.5 feet for placement of a shipping container. The 1.0-acre site is Gold Dust Ranch No. 2 Subdivision Lot 146, addressed at 90 W Prospectors DR, and located in the NESE Section 9 and the NWSW Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated June 11, 2026, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
  - The complete application was received from the applicant on April 27, 2026.
  - The applicant was notified on May 11, 2026.
  - Legal notice was posted in the *Star News* on May 21, 2026, and May 28, 2026.
  - Property owners within 300 feet of the property line were notified by fact sheet sent by mail on May 12, 2026.
  - The notice was posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on May 12, 2026.
  - The site was posted on May 20, 2026.
  - A public hearing was held on June 11, 2026.
2. No one commented during public testimony on the proposal. Written comments were received from agencies; none from the public. See the staff report and minutes of the meeting.
3. The variance is requested as any other site on the property would require significant excavation and/or setback variances from either the existing garage or eastern property line.

**CONCLUSIONS**

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. Pursuant to Idaho Code section 67-6516 and Valley County Code 9-5H-10, the Planning and Zoning Commission recommends to the Board of County Commissioners approval of

the variance. The Board is 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 Valley County Code Title 9.

2. The Commission is tasked to consider the interests of the adjacent property owners, of the neighborhood, of utilities, and of various public agencies for all variance requests.
3. That the proposed use is in harmony with the general purpose of the adopted ordinances and policies and will not be otherwise detrimental to public health, safety and welfare.
4. The Commission unanimously recommended approval of the variance request.
5. Future development of the neighborhood would not be inhibited by the variance approval.
6. Approval will not have an undue adverse impact on the environment.
7. Approval will not have an undue adverse impact on adjoining private property.
8. Approval will not have an undue adverse impact on government services.
9. Approval is consistent with the Valley County Comprehensive Plan.
10. The requested variance is appropriate due to topography and placement of septic drainfield and well.
11. The Commission recommends a condition of approval that the shipping container must be removed if the property is sold. The applicant was agreeable to this stipulation.

### **ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends that the application of Tim Holden for VAR 26-004 Holden Setback Variance, as described in the application, staff report, correspondence, and minutes of the meeting be approved.

### **NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such requests must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

**Please take notice** that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

**Please take notice** that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an

affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code, after seeking reconsideration within 14 days in accordance with Valley County Code 9-5H-13 and Idaho Code §67-6535 .

**END FACTS AND CONCLUSIONS**

\_\_\_\_\_  
Valley County Planning and Zoning Commission Chairman

Date: \_\_\_\_\_

# Valley County Planning and Zoning Commission

PO Box 1350 • 700 South Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [cherrick@valleycountyid.gov](mailto:cherrick@valleycountyid.gov)

**Ken Roberts, Chairman**  
**Carrie Potter, Vice-Chair**

**Brad Mabe, Commissioner**  
**Ben Oyarzo, Commissioner**  
**Heidi Schneider, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission  
June 11, 2026  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 4:00 p.m.

**A. OPEN:** Meeting called to order at 4:00 p.m. by Vice Chairman Potter. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present via Teams
PZ Commissioner – Ben Oyarzo:	Excused
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present via Teams
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

**1. MINUTES:** Commissioner Schneider moved to approve the minutes of May 14, 2026, and May 21, 2026. Commissioner Mabe seconded the motion. Motion passed unanimously.

Vice Chairman Potter chaired the meeting.

### C. OLD BUSINESS:

**1. C.U.P. 24-08 White Meadow Subdivision – Final Plat Extension** Happy Mountain Group LLC is requesting a two-year extension of the conditional use permit and final plat approval that expires on June 25, 2026. The 2.86-acre site is parcel RP17N03E330720 located in the NWNE Section 33, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item. Not a public hearing.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report.

Staff responded to questions from Commissioners.

Commissioner Roberts moved to approve the final plat extension of C.U.P. 24-08 White Meadow Subdivision for two years. Commissioner Mabe seconded. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

**11. VAR 26-004 Holden Setback Variance:** Timothy Holden is requesting a variance to relax the front yard setback from 20 feet to 7.5 feet for placement of a shipping container. The 1.0-acre site is Gold Dust Ranch No. 2 Subdivision Lot 146, addressed at 90 W Prospectors DR, and located in the NESE Section 9 and the NWSW Section 10, T.13N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and referred to pictures in staff report showing topography. Setback distance is measured on a horizontal line. The site is well above the road. The site plan, including septic drainfield and well locations, was reviewed by Commissioners.

Vice Chairman Potter asked for the applicant's presentation.

Tim Holden, 90 Prospectors Drive, stated the container would provide storage for vehicle and patio equipment. Additional storage needed at the home. This is the only available site without significant excavation and/or setback variances from either the existing garage or eastern property line. He was agreeable to a condition requiring removal of the shipping container if the property is sold.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated and had no concerns.

Commissioner Roberts moved to recommend approval of VAR 26-004 Holden Setback Variance to the Board of County Commissioners with the following condition of approval:

- Shipping container must be removed if property is sold.

Commissioner Schneider seconded the motion. Motion passed unanimously.

The matter will be forwarded to the Valley County Board of County Commissioners. This was a unanimous decision; therefore, the Board is not required to have a public hearing prior to making a decision.

8:00 p.m.

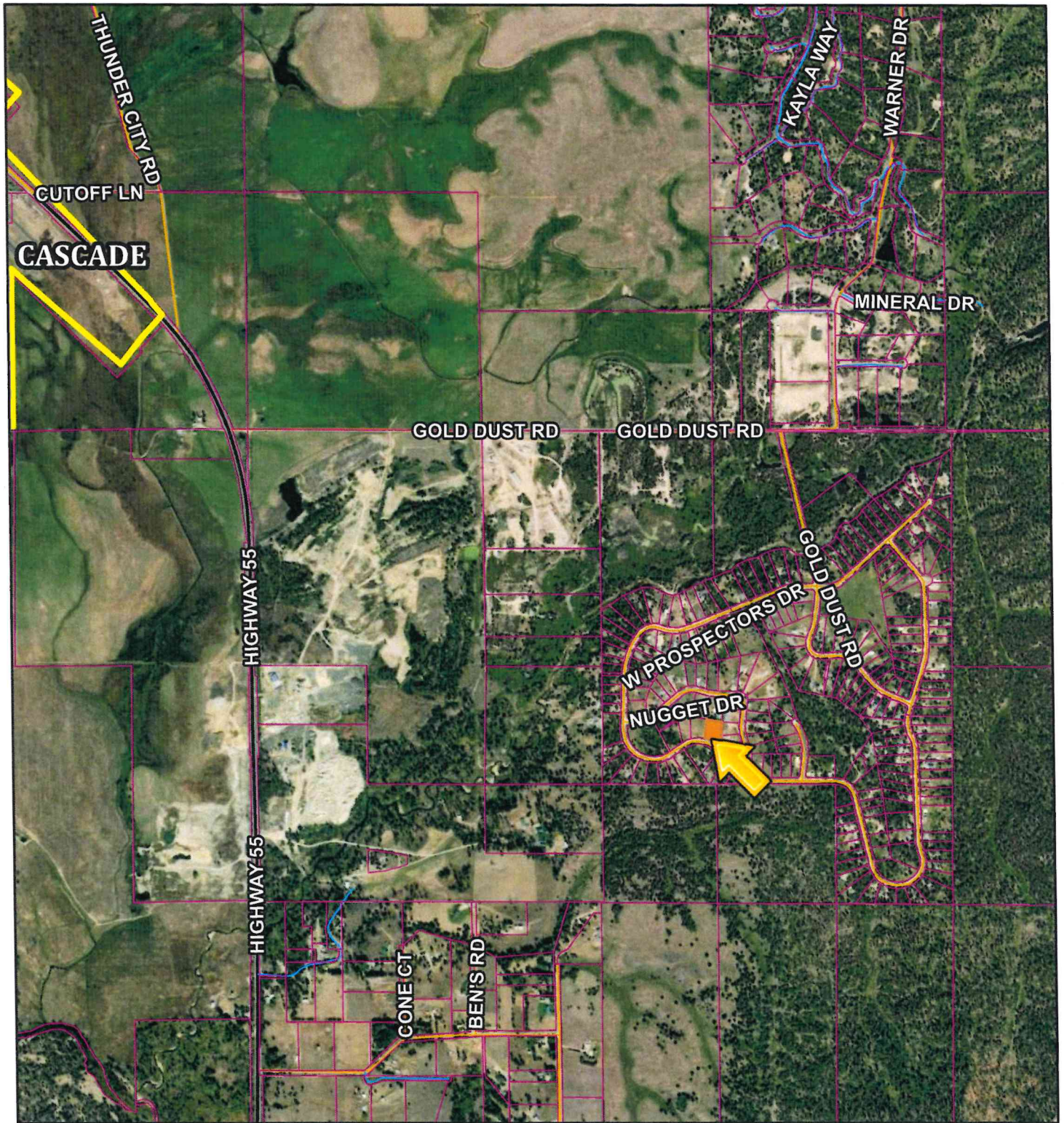
**12. CUP 26-012 Schneider Propane Storage:** Heidi and Ryan Schneider are requesting a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery. Access would be from Challis Lane, a private road, to Highway 55. The future parcel is a portion of RP12N04E172646 located in the NW ¼ Section 17, T.12N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest. Commissioner Schneider recused herself due to a conflict of interest. A quorum exists. The proposed hours of operation per the applicant is 8:00 a.m. to 5 p.m.












Director Herrick presented the staff report and summarized the following exhibits:

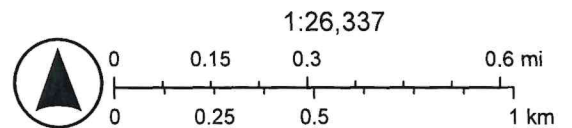
- **Exhibit 1** – Slide Presentation by Applicant

# VAR 26-004 Location Map



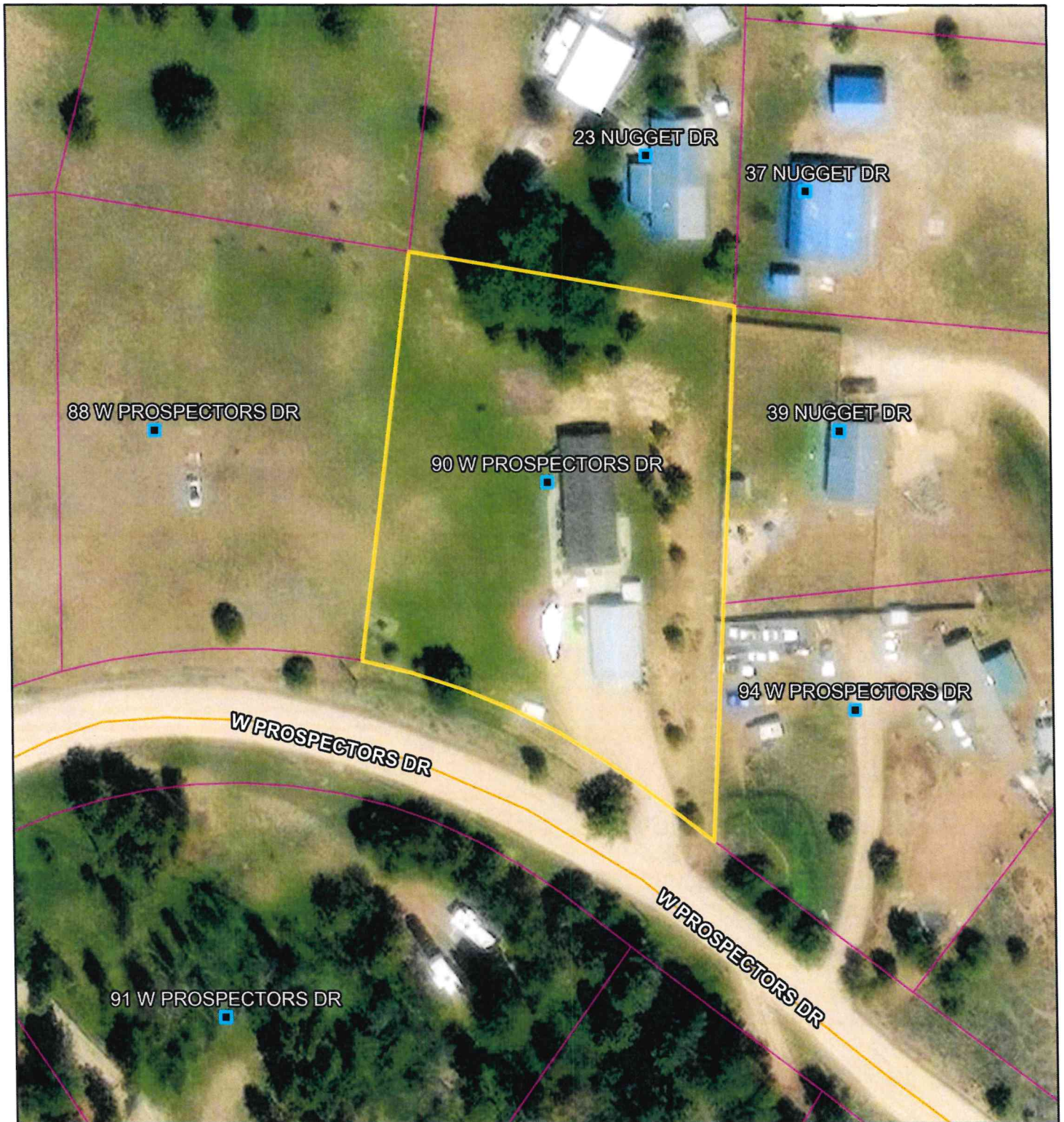
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- |   |                      |   |             |
|---|----------------------|---|-------------|
|  | Airstrips            |  | COLLECTOR   |
|  | Municipal Boundaries |  | URBAN/RURAL |
|  | Parcel Boundaries    |  | USFS        |
| Roads   |                      |  | PRIVATE     |
|  | MAJOR                |  | OTHER       |
|  | MINOR COLLECTOR      |  | Other       |











Vantor





# VAR 26-004 Aerial Map

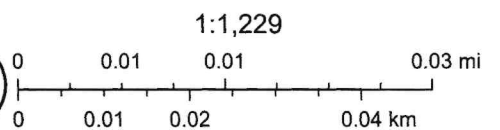


5/4/2026, 9:12:50 AM

-  Airstrips
-  Address Points
-  Municipal Boundaries
-  Parcel Boundaries

- Roads
-  MAJOR
  -  MINOR COLLECTOR
  -  COLLECTOR
  -  URBAN/RURAL

-  USFS
-  PRIVATE
-  OTHER
-  Other



Microsoft, Vantor

Google Maps – Aerial View - 90 W Prospectors



Looking Northerly from West Prospectors Drive – Driveway Entrance  
(Source Google Maps – Street View, August 2024)



Looking Northerly from West Prospectors Drive  
(Source Google Maps – Street View, August 2024)

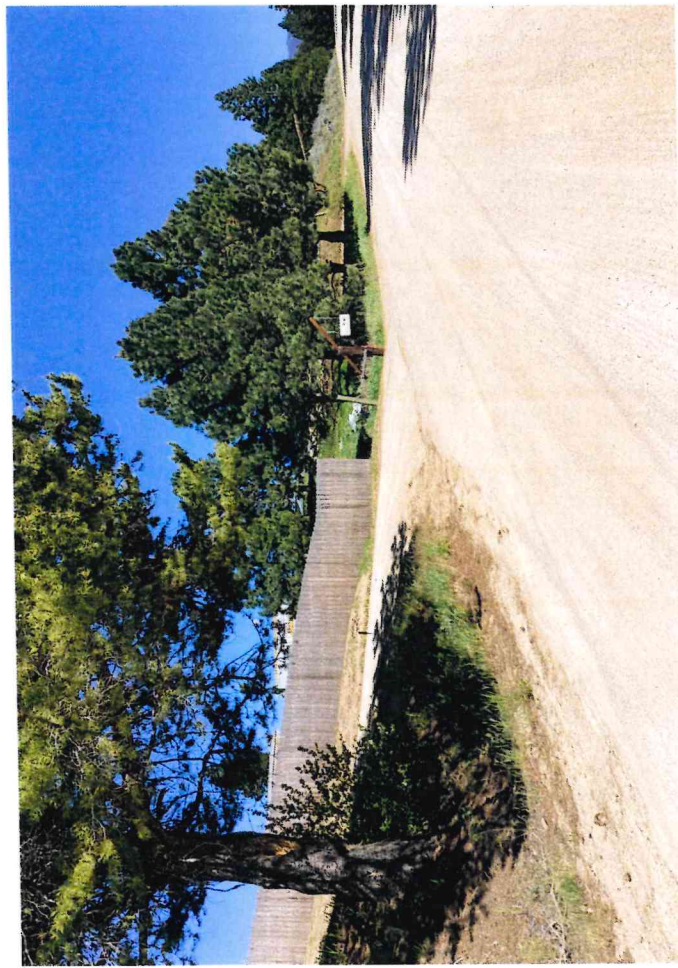
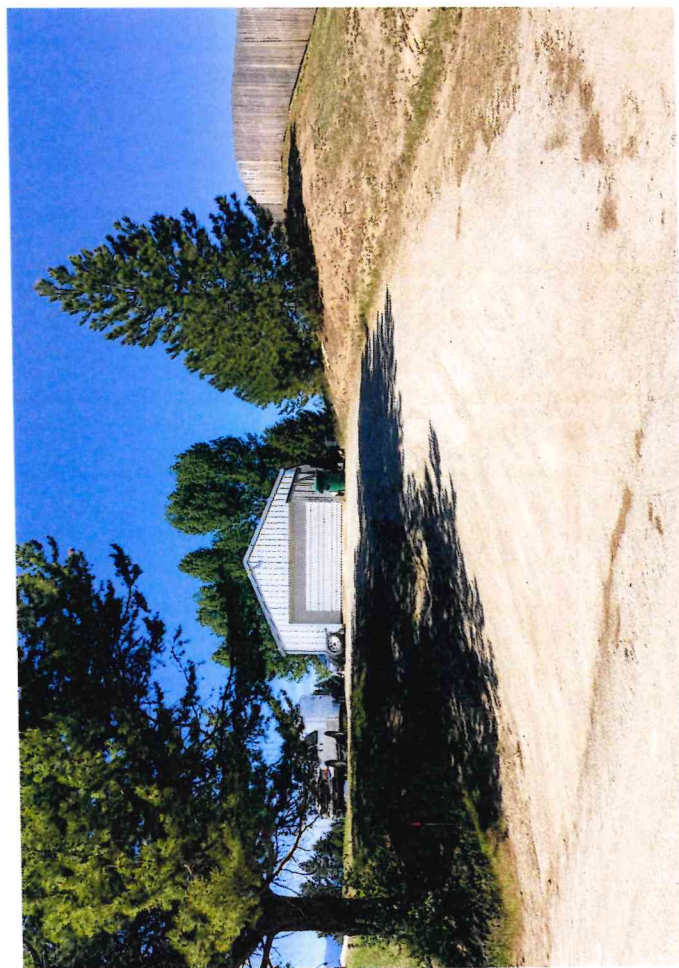
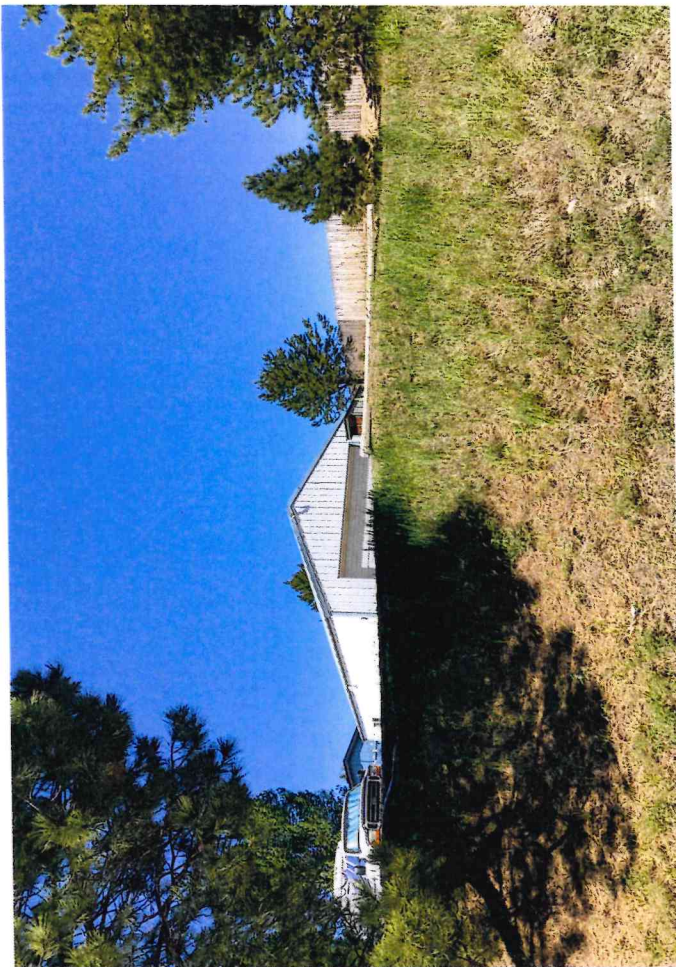


90 E Prospectors Dr  
Cascade, Idaho  
Google Street View  
Aug 2024

Share



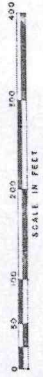
Google Maps





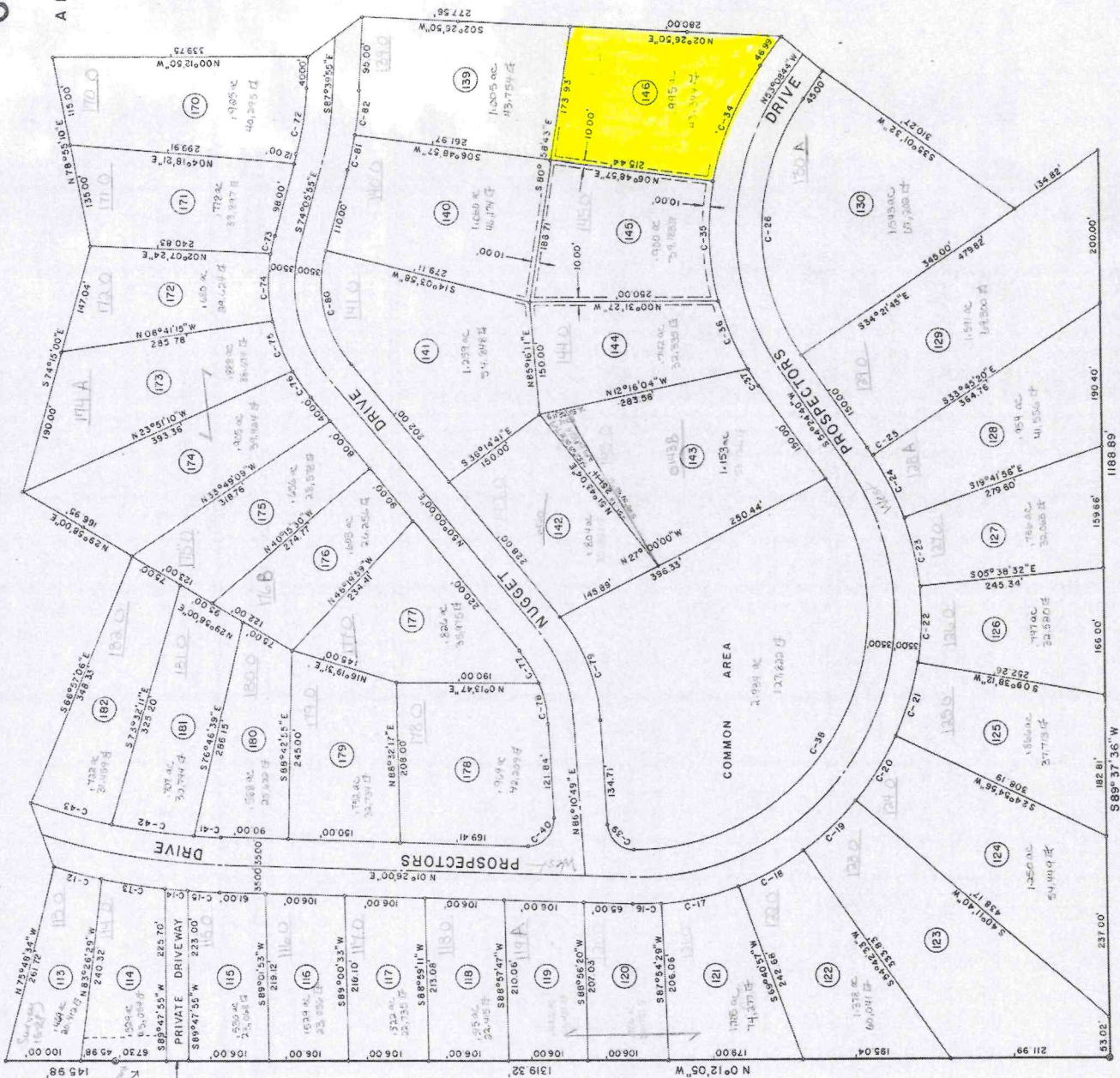
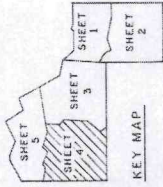
# GOLD DUST RANCH NO.2

A SUBDIVISION IN  
 A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.  
 VALLEY COUNTY, IDAHO  
 SMITH & MONROE ENGINEERS, INC.



### LEGEND

- 5/8" x 3/8" Steel Pin of Angle Points on Boundary
- 1/2" x 24" Steel Pin of Lot Corners
- (13) Lot Numbers
- 10' Utility & Drainage Easements
- 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary
- Centered on All Interior Lot Lines



CURVE	R	Δ	L	CH	BRG
C-12	935.00	9°46'55"	65.00	64.99	S 63°07'29" W
C-13	935.00	1°16'16"	65.00	65.00	S 89°05'31" W
C-14	935.00	1°50'49"	39.27	39.27	S 89°05'31" W
C-15	935.00	2°34'58"	42.15	42.15	S 89°05'31" W
C-16	375.00	1°42'29"	37.26	37.24	S 89°05'31" W
C-17	375.00	1°02'34"	105.00	104.65	S 89°05'31" W
C-18	375.00	1°42'29"	98.00	97.72	S 89°05'31" W
C-19	375.00	1°42'29"	95.00	94.75	S 89°05'31" W
C-20	375.00	1°16'44"	100.00	99.70	S 89°05'31" W
C-21	375.00	1°16'44"	100.00	99.70	S 89°05'31" W
C-22	375.00	1°43'24"	92.00	91.77	N 77°09'40" E
C-23	375.00	1°43'24"	92.00	91.77	N 77°09'40" E
C-24	375.00	1°50'00"	12.00	12.00	N 55°09'40" E
C-25	285.00	7°28'35"	360.35	356.82	S 89°22'02" E
C-26	355.00	26°17'02"	162.85	161.43	N 86°47'15" W
C-27	355.00	26°17'02"	160.00	158.65	S 87°39'38" W
C-28	355.00	16°08'22"	100.00	99.67	S 86°49'38" W
C-29	355.00	4°11'47"	26.00	25.95	S 86°30'35" W
C-30	305.00	12°00'20"	67.67	67.45	N 62°04'40" W
C-31	305.00	8°44'44"	51.77	47.16	N 43°44'24" E
C-32	305.00	9°55'11"	58.91	51.71	N 46°11'36" W
C-33	865.00	7°17'10"	110.00	109.95	N 82°23'31" E
C-34	865.00	7°17'10"	113.00	112.92	N 82°23'31" E
C-35	365.00	15°34'00"	96.43	86.22	N 80°05'25" W
C-36	365.00	6°09'50"	25.38	25.27	N 77°10'00" W
C-37	235.00	21°50'35"	90.00	89.45	S 89°45'56" W
C-38	235.00	17°33'16"	72.00	71.72	S 69°01'02" W
C-39	235.00	10°14'24"	42.00	41.94	S 55°01'02" W
C-40	165.00	17°21'44"	50.00	49.81	S 56°40'52" W
C-41	165.00	18°45'04"	54.15	53.95	S 76°54'17" W
C-42	235.00	36°00'48"	48.39	45.94	N 66°02'24" E
C-43	165.00	55°04'05"	160.58	154.65	N 77°05'03" E
C-44	435.00	5°05'38"	45.00	44.98	S 77°03'44" E
C-45	435.00	7°16'22"	38.00	37.86	S 63°05'44" E



Setback Variance Application for Timothy & Pamela Holden – 90 W Prospectors Drive



Valley County Transmittal  
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # \_\_\_\_\_

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

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

VAR 26-004 Holden

- 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
  - bedrock from original grade
  - waste flow characteristics
  - 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
  - interim sewage
  - individual sewage
  - community sewage system
  - central water
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - sewage dry lines
  - community sewage system
  - central water
  - community 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
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center

14. COM has no objection the the Variance request. An accessory use application is required prior to placing the shipping container

Reviewed By: Bola

Date: 5 / 17 / 26



May 26, 2026

Cynda Herrick, Planning & Zoning Director  
Valley County Planning & Zoning  
700 S. Main Street, Cascade, ID 83611  
cherrick@valleycountyid.gov

Subject: Valley County Planning and Zoning Public Hearing 6 11 2026

Dear Cynda Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY D6, D8, D11**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).  
For questions, contact David Luft, Air Quality Manager, at (208) 373-0201.
- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.
- For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

**AIR QUALITY C1, D3,D4, D7**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractors are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WATSEWER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the local public health district.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

#### 4. SURFACE WATER

- A Construction General Permit from DEQ may be required for projects that meet the eligibility criteria and have an allowable discharge of storm water or authorized non-storm water associated with construction activities. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 813-0872.
- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0564.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
- For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

#### 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance. If applicable to this project, DEQ recommends that BMPs be implemented for any of the following land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Troy Smith  
Regional Administrator

# Valley County Planning and Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
cherrick@co.valley.id.us  
208-382-7115



## Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT

FILE # VAR 26-004  Credit Card  Cash  Check # \_\_\_\_\_

ACCEPTED BY [Signature] FEE \$ 250--

CROSS REFERENCE FILE(S): \_\_\_\_\_ DATE 4/27/24

PROPOSED USE: setback variance for renes

Shared Driveway  Setback Variance  Other

Applicant Name Timothy Lyle Holden

Applicant Signature [Signature] Date 4/27/2026

Mailing Address 90 W Prospectors Dr, Cascade, ID 83611

Phone [Redacted] Email [Redacted]

Property Parcel Number Gold Dust Ranch #2 Lot 1476

Subdivision (if applicable) Gold Dust

Parcel Physical Address 90 W Prospectors Drive

### Required Attachments

1. Proposed Site Plan
2. Narrative statement demonstrating:
  - 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.
  - That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
3. Shared Driveway Variances require a shared driveway maintenance agreement. The shared driveway must be built to the satisfaction of the relevant fire department.

Pursuant to "Idaho Code", Section 67-6516 and Section 9-5H-10 of the Valley County Code, the Planning and Zoning Commission shall be empowered to grant variances relaxing or modifying the requirements of the Valley County Land Use and Development Ordinance with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots, and other land use requirements of this ordinance.

**A variance may be granted if:**

- the applicant can prove undue hardship is a result of characteristics of the site,
- 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, and
- that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

In the case of the Planned Unit Development (PUD) involving variations from the requirements of this Ordinance, it shall not be necessary for the applicant to file a separate application for such variances.

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**Procedure:**

- When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.
- The fee set by resolution of the Board of County Commissioners shall accompany the variance application.
- An application for a variance shall be reviewed by the Administrator and the Planning & Zoning Commission in accordance with Valley County Code Section 9-5H-11. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, and the public in accordance with Section 9-5H-6B.
- A variance may be granted if the Planning & Zoning Commission makes specific findings of fact based directly on the particular evidence in the application which support conclusions that the above conditions have been met by the applicant.
- 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.
- The Planning & Zoning Commission's decision shall be a recommendation to the Board of County Commissioners.
- The County Clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular Board meeting.
- The Board shall consider and act upon the Commission's recommendations by following the procedures outlined in Valley County Code Section 9-5H-11.
- A permit for the variance may be issued by the Administrator or staff after approval of the Board of County Commissioners.
- Subject to Idaho Statute 55:22 Underground Facilities Damage Prevention.

# Valley County Planning and Zoning Department

219 N. Main  
 PO Box 1350  
 Cascade, ID 83611  
 www.co.valley.id.us  
 cherrick@co.valley.id.us  
 208-382-7115



## Placement Permit Application

(Valley County Code 6-1 and 9-4)

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT  **READY FOR ISSUANCE**

PLACEMENT PERMIT # PSP DATE RECEIVED: \_\_\_\_\_

FEE: \$ \_\_\_\_\_  Check # \_\_\_\_\_ or  Cash or  Card Payment

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Inspected / Closed: \_\_\_\_\_ Date: \_\_\_\_\_

**Permit Required Prior to Placement of Structure**

Other

Describe Use of Structure <b>Storage of trailers and/or vehicles</b>	Size of Structure <b>8' X 40' X 9.5' (CONEX)</b>	
Parcel Number <b>Gold Dust Ranch #2 Lot 146</b>		
Subdivision Name <b>Gold Dust</b>	Lot # <b>146</b>	Block #
Site Address <b>90 W Prospectors Drive</b>	City <b>Cascade</b>	Zip Code <b>83611</b>
Property Owner <b>Timothy &amp; Pamela Holden</b>		
Mailing Address <b>90 W Prospectors Drive</b>	City <b>Cascade</b>	Zip Code <b>83611</b>
Contact Name <b>Tim Holden</b>	Phone # <b>[REDACTED]</b>	
Email <b>[REDACTED]</b>		

Latitude \_\_\_\_ deg \_\_\_\_ m \_\_\_\_ s N Longitude \_\_\_\_ deg \_\_\_\_ m \_\_\_\_ s W Site Elevation: \_\_\_\_\_ Structure Height: 10'

Check your CCRs to ensure compliance.	Approvals	Required	Received	Approved
<input checked="" type="checkbox"/> Attach Site Plan. See Page 2 for requirements.	LAND USE			
<input type="checkbox"/> Central District Health Accessory Use Authorization required if a septic system is on the property.	SETBACKS			
<input type="checkbox"/> Driveway Approach Permit #: _____ Must be obtained for all new driveways off public roads before permit is issued. Call Valley County Road Department at 208-382-7195.	FLOODPLAIN			
<input type="checkbox"/> FAA Form 7460.1 may be required.	CDH / SEWER			
❖ Shipping Containers must be painted or have siding that blends with the natural terrain or other structures on the property.	APPROACH			
❖ Outdoor Lighting must be maximum of 20-ft high, maximum of 3000 lumens, and fully shielded.	FAA 7460.1			

I hereby certify that I have read and correctly completed this application. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Applicant's Signature: \_\_\_\_\_  
 Date: April 27, 2026

Special Conditions



Setback Variance Application for Timothy & Pamela Holden – 90 W Prospectors Drive



Our property boundary is several feet above the road surface along West Prospectors Drive. The placement of the CONEX is requested to be about 7.5' from the front of the property line. This would put the CONEX about 10 feet above the surface elevation of West Prospectors Drive and out of normal visual impacts. All other setbacks would follow requirements. We do not believe that any other location is as viable for our desired drive in/drive out CONEX container.

The photo on the left is looking along the southernmost (W Prospectors Drive) property boundary looking westerly. The photo on the right shows the approximate location of the CONEX in relation to the top of the slope and the rest of the existing driveway development. This CONEX is a new tan colored container and opens on both ends allowing drive in and drive out access for vehicles and trailers.