



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

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Cascade, Idaho 83611

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Floodplain Coordinator

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STAFF REPORT

Conditional Use Permit Application 18-10 Garcia/Fredriks Multiple Residence

HEARING DATE: July 8, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Ruben Garcia and Sharon Fredriks
161 E Lake Fork Road
McCall, ID 83638
LOCATION/SIZE: RP17N03E110150 is a 30-acre parcel, addressed as 161 East Lake Fork Road, in the NE ¼ Section 11, T.17N, R.3E, Boise Meridian Valley County, Idaho
REQUEST: Multiple Residences on One Parcel
EXISTING LAND USE: Single Family Residence

BACKGROUND:

Ruben Garcia and Sharon Fredriks are requesting a five-year extension of a conditional use permit allowing two residences on one parcel. More time is needed for financing and construction. The effective date of C.U.P. 18-10 is July 24, 2018, Instrument No. 414996. A two-year extension was approved by the Planning and Zoning Commission on July 11, 2019.

Currently, there is a mobile home, utility shed, and pump house that is serviced by a separate septic and well. It is accessed from East Lake Fork RD, a public road.

The conditional use permit allows an additional 4,000 sq.ft. single family residence on one parcel. The home would be serviced by a septic and individual well. The driveway would be separate from the existing residence and would come access from Farm to Market Road, a public road.

The 30-acre parcel is addressed at 161 East Lake Fork Road

FINDINGS:

1. Application was made to Planning and Zoning on May 14, 2021.
2. Legal notice was posted in the *Star News* on June 17, 2021, and June 24, 2021. Potentially affected agencies were notified on June 8, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent June 10, 2021. The site was posted on June 24, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on June 8, 2021.
3. Agency comment received:

Central District Health has no objection to the time extension. (June 8, 2021)
4. Neighbor comments received: None
5. Physical characteristics of the site: Pasture land and timbered area
6. The surrounding land use and zoning includes:
North: Single Family Residential
South: Agricultural
East: Single Family Residential and agricultural
West: Single Family Residential
7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
 - 2. Residential Uses (j) Multiple Residences on One Parcel
Review of Title 9, Chapter 5 Conditional Uses should be done.

SUMMARY:

Recommended Additional Condition of Approval:

- Driveways shall be constructed to meet current McCall Fire Codes.
- Shall clearly post the addresses at the driveway entrances and on both residences.
- Renting any of the buildings for less than 30 days will require a separate conditional use permit.
- This permit is approved for this owner and would not transfer if the property was sold.

ATTACHMENTS:

- Extension Request
- C.U.P. 18-10 recorded as instrument # 414996
- Vicinity Map
- Aerial Map
- Assessor's Plat T.17N R.3E Section 11
- PZ Meeting Minutes of July 11, 2019
- Facts and Conclusions – 2018
- Pictures Taken June 24, 2021
- Responses

END OF STAFF REPORT

TO: Valley County PLANNING
& ZONING COMMISSION

5/12/2021

FROM: Ruben Garcia

Sharon Fredricks

161 E LAKE FORK Rd

McCally ID 83638

(DONNELLY DISTRICT)

I would like to request an extension on
PROPERTY # RP17N03 E110150
RE: 18-10 GARCIA/FREDRICKS Multiple Residence
ON ONE PARCEL 161 E LAKE FORK Rd.
ON THE (DONNELLY DISTRICT)

Would like to request an extension
Due to COVID-19 that had a FINANCIAL
IMPACT in our family. and THE
CONTINUAL rising COST of CONSTRUCTION
Material. I would like a ~~five~~ Five
year extension. 209-352-2944 or 209-728-5846

Ruben Garcia



Planning and Zoning Commission
VALLEY COUNTY
IDAHO

Instrument # 414996

VALLEY COUNTY, CASCADE, IDAHO
7-26-18 10:47:59 AM No. of Pages: 2
Recorded for : VALLEY COUNTY P & Z
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COUNTY MISC

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

Phone: 208.382.7115
FAX: 208.382.7119

Date

July 24, 2018

Approved by

Greta Dennis

**CONDITIONAL USE PERMIT
NO. 18-10
Garcia/Fredriks
Multiple Residences On One Parcel**

Issued to:

Ruben Garcia and Sharon Fredriks
161 E Lake Fork Road
McCall, ID 83638

Property Location:

The site is RP17N03E110150 is a 30-acre parcel, addressed as 161 East Lake Fork Road, in the NENE Section 11, T.17N, R.3E, Boise Meridian Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of July 12, 2018. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 18-10 with Conditions for establishing multiple residences on one parcel as described in the application, staff report, and minutes.

The effective date of this permit is July 24, 2018.

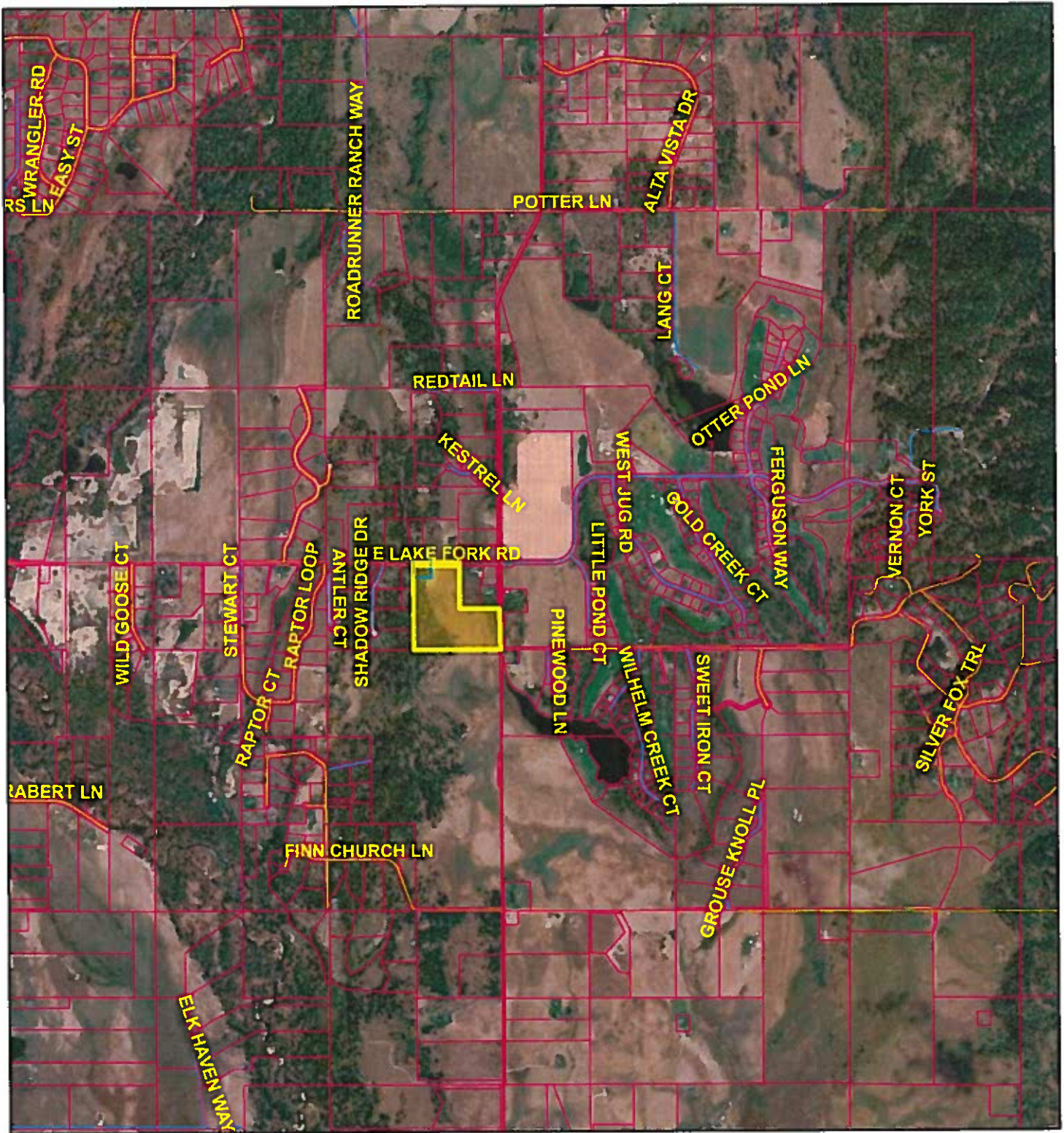
Conditions of Approval:

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 shall be established within one year of the date of approval.
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 lights shall be fully shielded so that there is no upward or horizontal projection of lights.
6. Shall obtain Central District Health approval prior to issuance of a building permit.

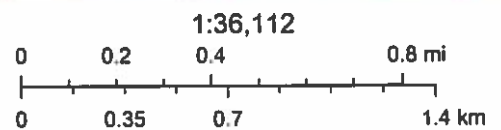
END CONDITIONAL USE PERMIT

C.U.P. 18-10 at 161 E Lake Fork Road



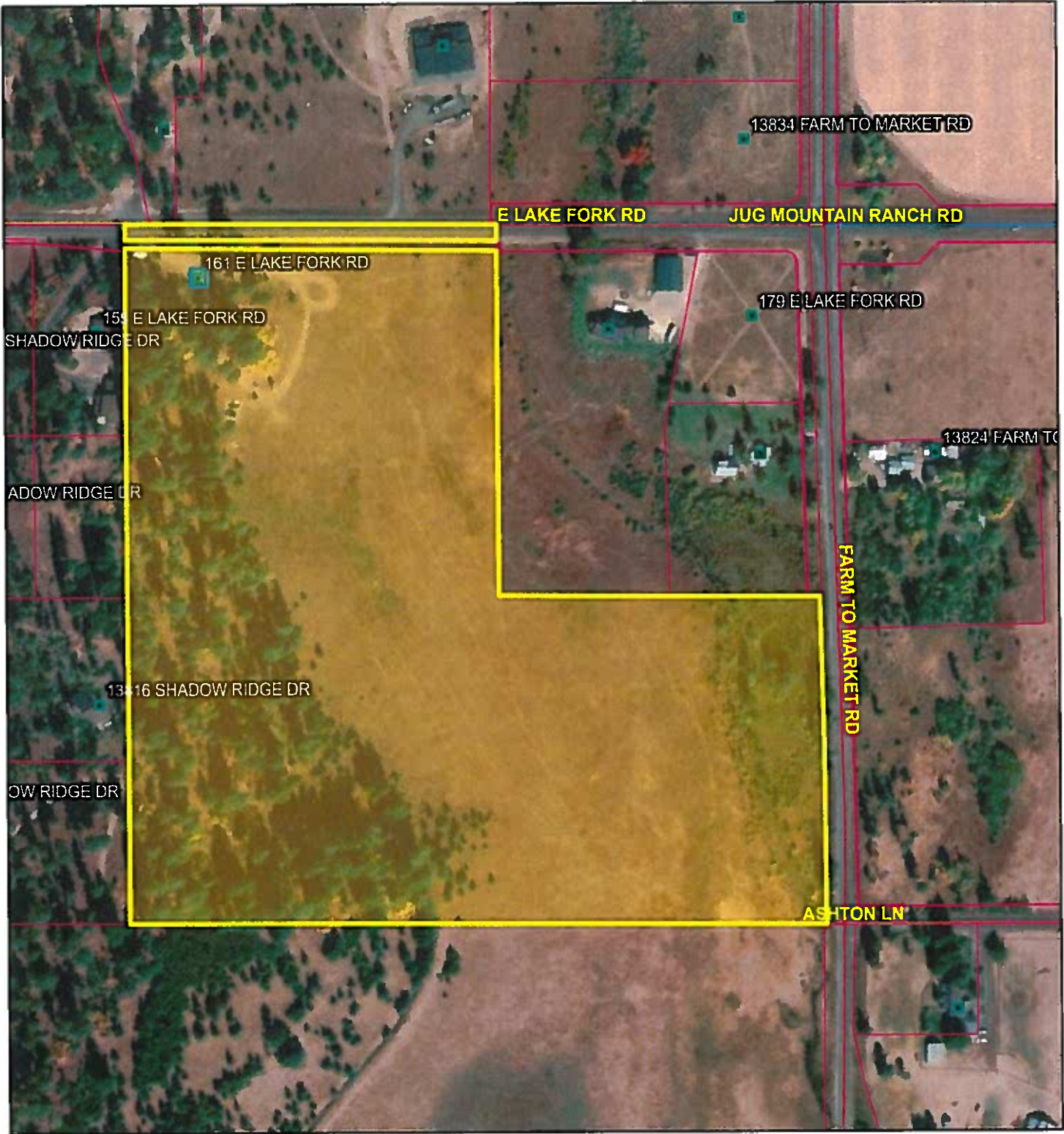
5/25/2021, 8:26:31 AM

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



Maxar

C.U.P. 18-10 at 161 E Lake Fork Road



5/25/2021, 8:24:12 AM

- Parcel Boundaries

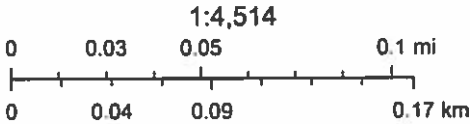
Addresses

All Road Labels
- Roads

COLLECTOR

URBAN/RURAL

PRIVATE



Maxar

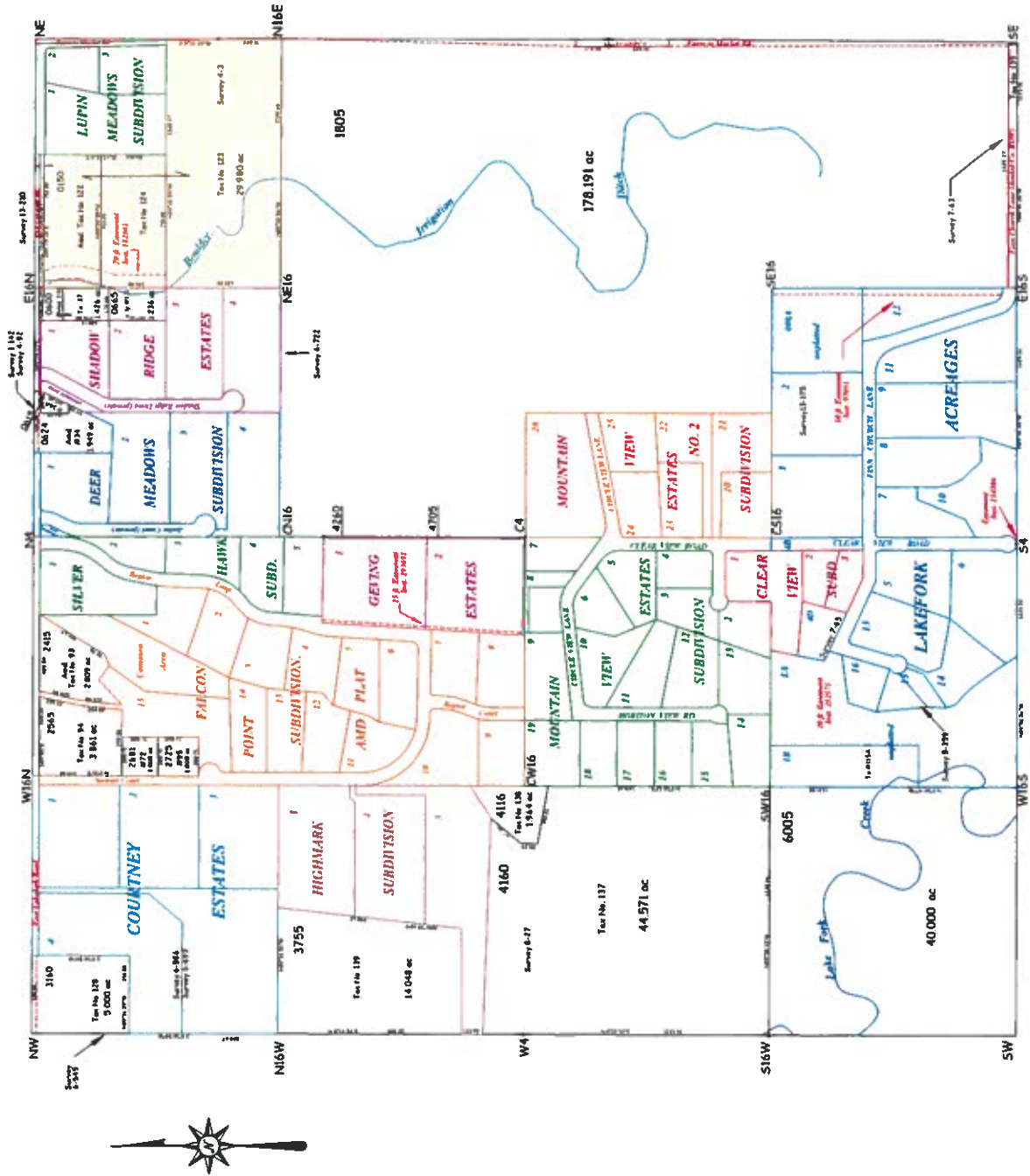
PLAT TITLE

T W P . 1 7 N R O S E S E C . 1 1

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

Filename:
Valley County Base Map
Scale:
Date: 4/8/2021
Drawn by: L. Frederick

This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.



The previously withdrawn application to expand uses received much resistance. The recent HOA meeting was a positive meeting. Committees have been organized to decide how the Lodge will be operated. Previously everything was met with resistance. Mr. Dickens has taken control of the HOA, which the developer has the power to do so via recorded documents. It was agreed that expenses for the Lodge will be shared between the developer and property owners. The Homeowners Association will likely be reapplying for an expansion of the existing conditional use permit. He would like ability to have third parties provide services at the Lodge, such as yoga, massage, dance, etc. This use will both benefit homeowners and bring in income to support the Lodge.

Mr. Dickens said he would send a schedule as requested by Commissioner Defoort.

There was discussion on whether annual reviews will be continued in future years. The reviews are not required by C.U.P. Things appear to be going smoothly. Review will be held in the future if needed.

D. NEW BUSINESS:

06:12:22 PM (00:13:11)

- 1. C.U.P. 18-10 Garcia/Fredriks Multiple Residence – Extension:** Ruben Garcia and Sharon Fredriks are requesting a two-year extension of the conditional use permit approved in July 2018 allowing two residences on one parcel. More time is needed for financing and construction. The 30-acre parcel, addressed at 161 East Lake Fork Road, is in the NENE Section 11, T.17N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Vice Chairman Freeman introduced the item. Vice Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Extension request letter [not included in staff report.
- **Exhibit 2** – Letter from David and Cathy Mosman, 155 E Lake Fork, received July 9, 2019. They are not opposed to an extension on a second residence; however, it appears that a new residence would be a fourth residence. There is a single-wide manufactured home, an RV trailer lived in full time for three years, and a small building that has been lived in for approximately 1 ½ years. Ordinances need to be enforced.
- **Exhibit 3** – Pictures (3) from Valley County Assessor records of house, RV, and shed.

Commission Defoort asked for clarification about living in a RV year-round. Idaho State Statutes say people may not live in them year round; however, a limit of days allowed is not specified. Valley County Code allows one RV on site.

Vice Chairman Freeman asked for the applicant's presentation.

Ruben Garcia, 161 East Lake Fork Road, said there is a building permit for the shed which includes an exercise room. The RV use is temporary. He originally thought the financing would

be easy but was mistaken; a larger down payment is needed. Other people/parcels do use the same entrance/parking area along East Lake Fork Road. He agrees that backing out of their driveway would be dangerous. He does not understand why people have complained about their building on this property.

In response to questions from Commissioner Allen, Mr. Garcia replied that they are only living in the manufactured home. The shed is not being used as a residence but as storage and an exercise space; there is a stove for heating in the exercise room. The RV is used as temporary, occasional use by guests. In response to Commissioner Defoort, Mr. Garcia said they are not renting anything out to other people.

Commissioner Cooper asked if the manufactured home will remain after the additional home is built. Mr. Garcia is unsure; it may be used for guests.

Sharon Fredriks, 161 East Lake Fork Road, said that they are going through the conditional use process instead of fighting the fact they bought this property after being told by the realtor it was actually three buildable parcels instead of one.

Commissioner Defoort said there are already multiple residences according to multiple sources. Sharon replied that there is one home, one shed, one pump house, and one RV. The mobile home is the residence on the property. The shed was permitted and approved by the Building Department. A site visit is welcome as they have nothing to hide.

Vice Chairman Freeman asked for proponents. There were none.
Vice Chairman Freeman asked for undecided. There were none.
Vice Chairman Freeman asked for opponents. There were none.
Vice Chairman Freeman closed the public hearing.

The Commission deliberated. They are asking for a two-year extension due to lack of financing. Commissioner Cooper is willing to approve an extension. Commissioner Allen doesn't want to discount the complaints; perhaps a site visit is warranted. Commissioner Defoort finds it odd that three different comments have been received with complaints; otherwise, an extension for financing seems reasonable. Staff stated that a site visit is possible. Extended family is living in this site; building the second home will spread them and their vehicles onto two sites in the 30 acres.

COA – Allow a site visit by Staff to verify there is only one residence in use.

Commissioner Allen moved to approve the extension of C.U.P. 18-10 Garcia/Fredriks Multiple Residence – Extension as requested, contingent upon Staff review. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice Chairman Freeman explained the ten day appeal period.

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

SUBJECT: Conditional Use Permit No. 18-10
Garcia/Fredriks Multiple Residences

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on July 12, 2018. The Commission reached a quorum. Commission members in attendance were Chairman Bryan Cooley, Ray Cooper, and Ed Allen.

Ruben Garcia was present and requesting approval for multiple residences on one parcel. The site is RP17N03E110150 is a 30-acre parcel, addressed as 161 East Lake Fork Road, in the NENE Section 11, T.17N, R.3E, Boise Meridian Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which are summarized in the Minutes of the Commission's meeting dated July 12, 2018, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is agricultural and single family residential and will remain the same.
2. That the surrounding land uses are residential uses and agricultural uses.
3. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the Star News on June 21 & 28, 2018. Neighbors within 300 feet of the property line were notified by letter dated June 12, 2018. Potentially affected agencies were notified by letter dated June 8, 2018. The site was posted on July 3, 2018.

4. Other persons in attendance expressed neither approval nor disapproval of the proposed use.

CONCLUSIONS

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

1. That the proposed use is in harmony with the general purpose of Valley County

ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.

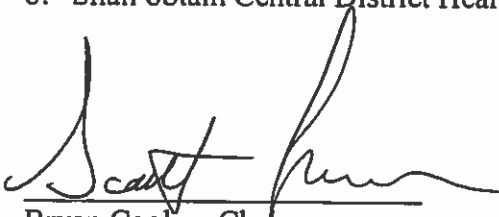
2. That the proposed use is consistent with the Valley County Comprehensive Plan.
3. The proposed use is compatible with surrounding land uses.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Ruben Garcia and Sharon Fredriks, for the Conditional Use Permit No.18-10 Multiple Residences on One Parcel, as described in the application, staff report, correspondence, and minutes of the meeting be approved.

Special conditions applied to the proposed use are:

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 shall be established within one year of the date of approval.
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 lights shall be fully shielded so that there is no upward or horizontal projection of lights.
6. Shall obtain Central District Health approval prior to issuance of a building permit.


Bryan Cooley, Chairman

8/9/18
Date



06/24/2021



06/24/2021





Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 18-10

Preliminary / Final / Short Plat Garcia / Fredricks Multiple Residence

Sec 11

161 EAST LAKE FORK RD

- ☐ 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:
- | | |
|--|---|
| <input type="checkbox"/> high seasonal ground water | <input type="checkbox"/> waste flow characteristics |
| <input type="checkbox"/> bedrock from original grade | <input type="checkbox"/> 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:
- | | | |
|--|--|---|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water well |
| <input type="checkbox"/> interim sewage | <input type="checkbox"/> central water | |
| <input type="checkbox"/> individual sewage | <input type="checkbox"/> individual water | |
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- | | | |
|---|--|--|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water |
| <input type="checkbox"/> sewage dry lines | <input type="checkbox"/> central water | |
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:
- | | | |
|---|---|--|
| <input type="checkbox"/> food establishment | <input type="checkbox"/> swimming pools or spas | <input type="checkbox"/> child care center |
| <input type="checkbox"/> beverage establishment | <input type="checkbox"/> grocery store | |

☒ 14. CDH has no objection to the time extension.

Reviewed By: [Signature]

Date: 6/18/21