

## Valley County Planning and Zoning

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<b>STAFF REPORT:</b>	C.U.P. 22-33 Barton Rental Cabins and V-4-22 Barton Shared Driveway
<b>HEARING DATE:</b>	September 8 2022
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT/ PROPERTY OWNER:</b>	SKBARTON INVEST LLC 2740 E 4200 N Twin Falls ID 83301
<b>REPRESENTATIVE:</b>	Jennifer Blood 324 20th Street N Lewiston, ID 83501
<b>LOCATION:</b>	Parcel RP16N03E276610 and part of RP16N03E342405, located in the S ½ Sec. 27 and NENW Sec. 34, T.16N R.3E
<b>SIZE:</b>	6.58 acres
<b>REQUEST:</b>	Glamping Short-Term Rental Sites
<b>EXISTING LAND USE:</b>	Bare Land

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SKBarton Invest LLC is requesting approval of a conditional use permit for a twelve mini-cabins for short-term rentals. Cabin size would range from 200-400-sqft for a combined total of approximately 3600-sqft. Each cabin will have a kitchenette and one bathroom. Maximum height would be 16-ft at roof peaks. Each cabin would be limited to two overnight guests and parties/gatherings would be prohibited.

Access would be from an existing easement to Spring Valley Road. A 20-ft wide shared driveway would lead to all cabins plus a single-family residence on parcel RP16N03E342405. The existing lots lines of parcels RP16N03E276610 and RP16N03E342405 would be modified. This would result in a size increase of the northern parcel from 4.53 acres to 6.58 acres.

An individual well would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District. A 10,000-gallon, well-supplied holding tank and fire hydrant will be on site. Underground electrical lines would supply electricity to each cabin.

Proposed drainage will direct surface water from the west side to the east side via culverts and collect in the southeast corner of the parcel in a stormwater swale.

Existing easements are shown on Drawing Sheet 2 of the application. This office is not aware of a public access easement through this property to the U.S. Bureau of Reclamation land.

A recreation area will be at the south end with a kids play yard, sitting area, kayaks, water toys, games, etc.

## **FINDINGS:**

1. The applications were submitted on July 28, 2022.
2. Legal notice was posted in the *Star News* on August 18, 2022, and August 25, 2022. Potentially affected agencies were notified on August 9, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent August 9, 2022. The site was posted on August 26, 2022. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on August 9, 2022.
3. Agency comment received:

Central District Health stated the applicant will need to contact Tyler Jordan at CDH regarding public water system requirements for the well serving the rentals. (August 11, 2022)

Travis Pryor, North Lake Recreational Sewer and Water District Manager of District Operations, stated that the subject property would require annexation prior to potential or water or sewer services. No sewer commitments have been made for this proposal. A sewer force main is located within the proposed site raising concerns regarding existing utility easements. (August 23, 2022)

Jess Ellis, Donnelly Fire Marshal, listed requirements. This includes a 10,000-gallon underground water storage tank for fire protection water supply. (August 23, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, ground water contamination, and best management practices. (August 10, 2022)

4. Neighbor comment received:

### Reasons for Opposition:

- Commercial use proposed in a residential neighborhood; proposed use is a motel.
- Density too high
- Increased noise, traffic, speeding, lack of privacy, trash, snow removal, and wildfire concerns.
- The 75-ft road frontage requirement per Valley County Code.
- The property has long been used by the public to access the adjacent US. Bureau of Reclamation land and Cascade Lake. Is there a public easement for access?
- Sewer line easement exist through the site.
- Stormwater drainage is a concern; the site previously washed during spring runoff.
- The neighbor wells are already low on water.
- Heavy machinery trespassed onto adjacent property and caused damage.
- Reduced property values.
- The proposal calls for a recreation area at the south end of the property; the BOR land on which this would occur is a designated bird nesting area and is an inappropriate use. The site is important for breeding Western Grebes and other birds.
- Would cause additional pressure on the existing infrastructure, particularly roads.

- There is one road out of the area that has many subdivisions already making it a risk in the event of evacuation.

1. Henry Rudolph, Boise, August 10, 2022
2. Kent Kelley and Aleta Allen, 138 Camas Lane, August 22, 2022
3. Skyler and Callie Nokes, 155 Wildwood DR, August 28, 2022
4. Wade Burgett, 157 Wildwood DR, August 28, 2022
5. Tyra Shira, owner of 158 and 160 Lodgepole Lane, August 28, 2022
6. Brett Shepherd, Spring Valley RD, August 29, 2022
7. Ann Grinnell, 207 Hereford PL, August 30, 2022
8. Erich Verheijen, 154 Wildwood DR, August 31, 2022
9. Mike Seibert, 12701 Smoky DR, August 31, 2022
10. Steve Morey, 12870 Spring Valley RD, August 31, 2022
11. Karen Byrne, Spring Valley RD, August 31, 2022
12. Mark Popadics, 12868 Spring Valley RD, August 31, 2022
13. Bryan Woolstenhulme and family, August 31, 2022

Doug and Faye Ewing, 12864 Spring Valley RD, have questions and offer information. They live at the entrance to the property; the shared easement is through their property, and they also own ¼-mile of property next to the proposed site at the south end. A 75-ft frontage to a public road is required by ordinance. Stormwater drainage is a concern. The applicant has covered a culvert at the south end which will result in flooding. Other concerns include sewer service, building standards, and water system. Several homeowners in the area have deeded access/easements on this property; some have been denied access. It has been made difficult for the Ewing's to use their easement through the applicant's property. (August 31, 2022)

5. Physical characteristics of the site: The parcel is long and narrow. Berms and dense tree cover exist along an existing access road. The site was previously used as a railroad.
6. The surrounding land use and zoning includes:
  - North: Single-Family Residential
  - South: Single-Family Residential and U.S. Bureau of Reclamation
  - East: Single-Family Residential, Church Camp, and U.S. Bureau of Reclamation
  - West: Single-Family Residential
7. Valley County Code (Title 9). In Table 9-3-1, this proposal is categorized under:
  - 5. Commercial Uses (c) Service Business (Motel, hotel, apartments, resorts, bed and breakfast, or lodge)
  - 5. Commercial Uses (e) Recreational Business (4) Campgrounds and facilities

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 should be done.

### 9-5-3: STANDARDS:

#### A. Lot Areas:

2. Minimum Lot Size And Configuration: The minimum lot size and configuration for any use shall be at least sufficient to accommodate water supply facilities, sewage disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, stormwater containment, snow storage, open areas, accessory structures, and setbacks in accordance with provisions herein. All lots shall have a reasonable building site and access to that site.

3. **Direct Frontage Along Public Or Private Road:** All lots or parcels for conditional uses shall have direct frontage along a public or private road with minimum frontage distance as specified in the site or development standards for the specific use.
- B. **Setbacks:**
1. **Structures Exceeding Three Feet In Height:** The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
  3. **High Water Line:** All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
  6. **Measurement:** All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

**9-5A-1: GRADING:**

- A. **Permit Required:** Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- E. **Site Grading Plan:**
1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.
- F. **Land Surfaces Not Used For Roads, Buildings And Parking:** All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. **Stormwater Management Plan:** Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

**9-5A-2: ROADS AND DRIVEWAYS:**

- B. **Access Roads Or Driveways:** Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.

**9-5B-7: FIRE PROTECTION:**

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

**9-5C-6: DENSITY:**

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.

- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation.

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

**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:**

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.

**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:**

3. Parking spaces for service businesses shall be provided as follows:  
Motel, hotel, etc.: 1 per sleeping room, plus 1 for each 2 employees
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)

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#### **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +24.

**The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).**

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

1. This site is within the Donnelly Fire District and a herd district. It is not within an irrigation district.
2. How will the property be accessed?  
*Applicant replied that the current 50-ft easement will be used at this time. (August 20, 2022)*
3. Will fire pits be allowed?  
*Applicant replied that propane fire pits at each unit are desired to reduce fire risk. (August 20, 2022)*
4. Has the applicant contacted North Lake Recreational Sewer and Water District?
5. Where will the water tank for fire protection water supply be located?

6. What are the setbacks from the property lines for the buildings? How far apart will they be? Minimum setback for a service or recreation business is 30' from the side and 50' from the front and rear.
7. Where will the recreation area and playground be located? On this parcel? On the private home parcel? Or on the U.S. Bureau of Reclamation Land?
8. How will trash be managed? Bear-proof trash containers may be needed.
9. Will you, the applicant, be the on-site manager?

#### **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map and Nearby U.S. Bureau of Reclamation Lands
- Assessor Plats – T.16N R.3E Sections 27 and 34
- Record of Survey 14-244, Instrument # 451095
- Site and Landscaping Plan
- Pictures Taken August 26, 2022
- 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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
1. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
2. 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.
3. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
4. Must comply with requirements of the Donnelly Fire District for the business and shared driveway to the residence on the southern property. A letter of approval is required.
5. Shall place addressing numbers at the driveway entrance and unit numbers on each specific site.



6. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. This includes the pathway lighting.
7. Shall obtain approval of a public water system if required by Idaho Department of Environmental Quality.
8. Shall obtain annexation and approval by North Lake Recreational Sewer and Water District.
9. Shall obtain a building permit for the structures.
10. Shall obtain a sign permit prior to installation of a sign.
11. Must record a shared driveway agreement between the two parcels prior to issuance of the building permits.
12. All noxious weeds on the property must be controlled.
13. Quiet hours are 10:00 p.m. to 7:00 a.m.
14. Shall mark property lines so guests do not enter other private lands. A fence should be considered.
15. Guests must restrain animals.
16. Must maintain vegetative screening along east and west property lines.
17. Snow must be stored on-site.
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.

#### **END OF STAFF REPORT**

## 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 ( $1/2$ ) of the adjacent uses and one-fourth ( $1/4$ ) 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. AGRICULTURAL

### 2. RESIDENCE, S.F.

### 3. SUBDIVISION, S.F.

### 4. M.H. or R.V. PARK

### 5. RESIDENCE, M.F.

### 6. SUBDIVISION, M.F.

### 7. P.U.D., RES.

### 8. REL, EDUC & REHAB

### 9. FRAT or GOVT

### 10. PUBLIC UTIL. (1A-3.1)

### 11. PUBLIC REC

### 12. CEMETERY

### 13. LANDFILL or SWR. PLANT

### 14. PRIV. REC. (PER)

### 15. PRIV. REC. (CON)

### 16. NEIGHBORHOOD BUS.

### 17. RESIDENCE BUS.

### 18. SERV. BUS.

### 19. AREA BUS.

### 20. REC. BUS.

### 21. LIGHT IND.

### 22. HEAVY IND.

### 23. EXTR. IND.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	-2	-1	-2	+1	+2	+2
2	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
4	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8		+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2
11	+1	+2	+2	+2	+2	+2	+2	-1	-1	-1		+2	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
12	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14		+1	+1	+1	+1	+1	+1	-1	-1	-1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1		-2	-2	-2	-2	-2	-2	-1	-1
16	-1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2		+1	+2	+2	+1	+2	-1	-1
17	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1	+1	+1	-2	-2
18	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+2	+2	+2	+1	+1
19	-2	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1		+2	+2	-2	-2
20	-2	+2	+2	+2	+2	+2	+2	-1	-1	-1	-1	-1	-1	+2	+2	+2	+2	+2	+2		+2	-2	+1
21	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1
22	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	+1	-1	-1	-1	-1	-1	-1	-2	-2		+2
23	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	+1	+1	+1	+1	+1	+1	+1	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

# 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.



# Compatibility Questions and Evaluation

Matrix Line # / Use:

18 Service Business  
20 Recreation Business

Prepared by:

CH

YES/NO X Response Value

Use Matrix Values:

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

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

S.F. Residential Subdivision

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

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

Civic or Community Service Uses / Campgrounds

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

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

See 1+2 w/ Chard Camp and BOR

## Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +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?

It is large enough with lots of trees - 1 cabin per 1/2 acre. Lots of trees.

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

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

Smaller structures

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

It is not similar, but may be less trips, depending on users.

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

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?

Will be noise emitted, no smoke, etc

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

Potential underground - sewer - fire tank; increased activities

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

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?

Cabins will increase value of property. Will not significantly increase costs. Will provide jobs

Sub-Total (+) 24

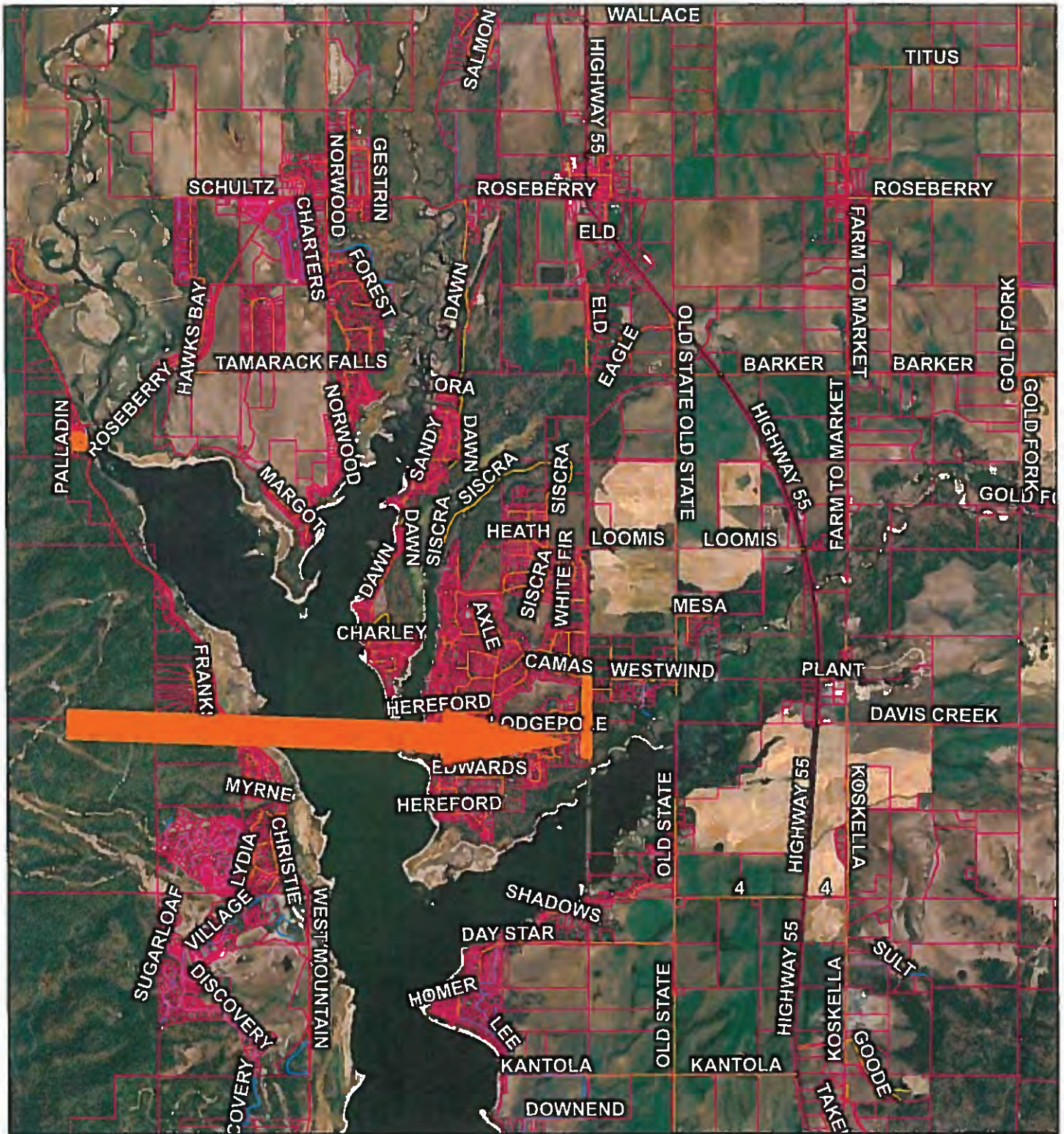
Sub-Total (-) -

Total Score +24

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



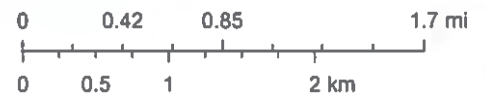
# C.U.P. 22-33 Vicinity Map



8/1/2022, 3:47:59 PM

1:72,224

- Parcel Boundaries
- COLLECTOR
- URBAN/RURAL
- MAJOR
- PRIVATE
- MINOR COLLECTOR



Earthstar Geographics



# C.U.P. 22-33 Aerial Map & U.S. Bureau of Reclamation Lands



8/1/2022, 3:43:58 PM

Parcel Boundaries

Roads

PRIVATE

Bureau of Reclamation

URBAN/RURAL

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

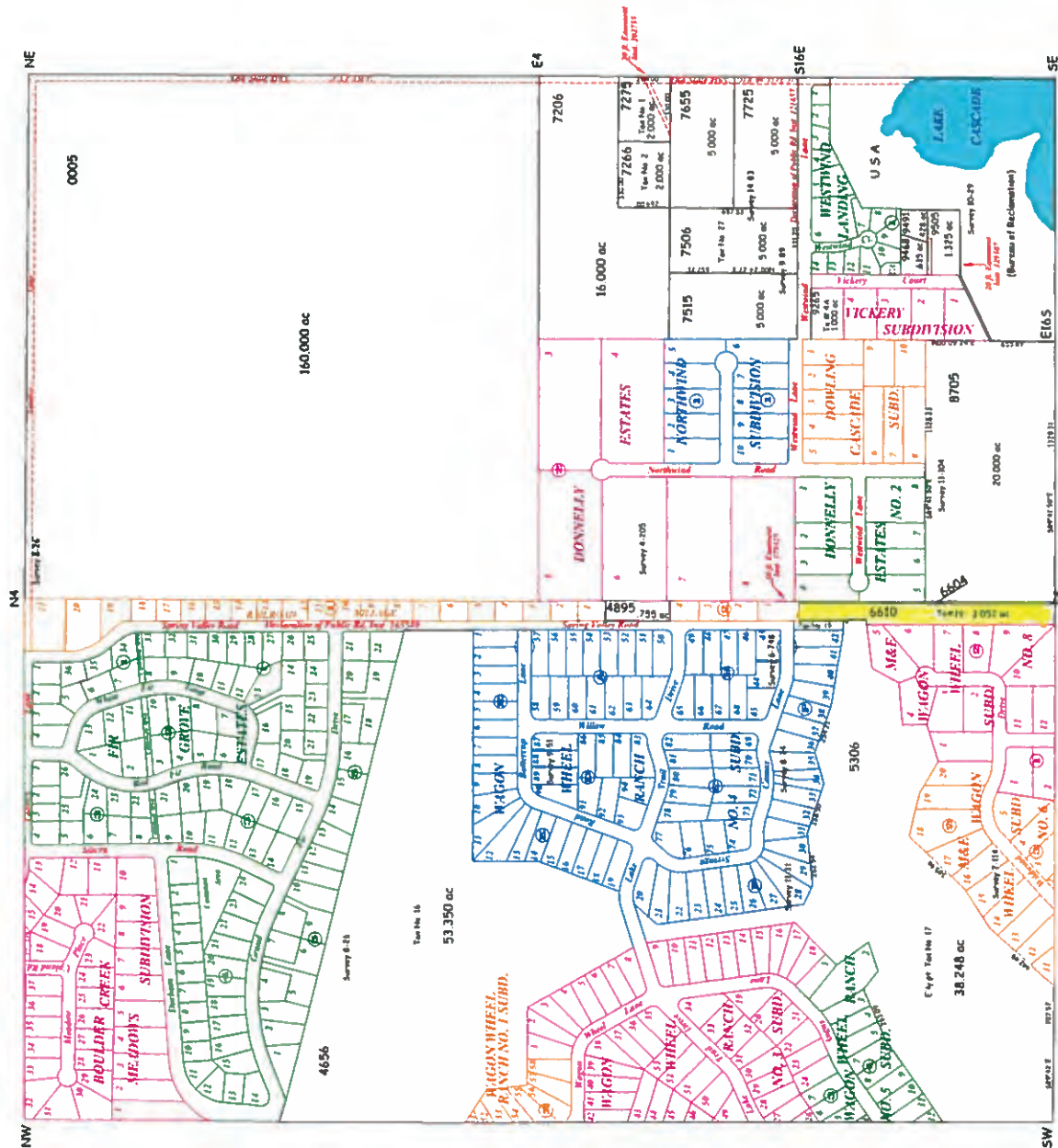
Maxar

# PLAT TITLE

T W P. 16 N R O S E S E C. 27

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

Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 3/9/2022  
Drawn by: L. Frederick



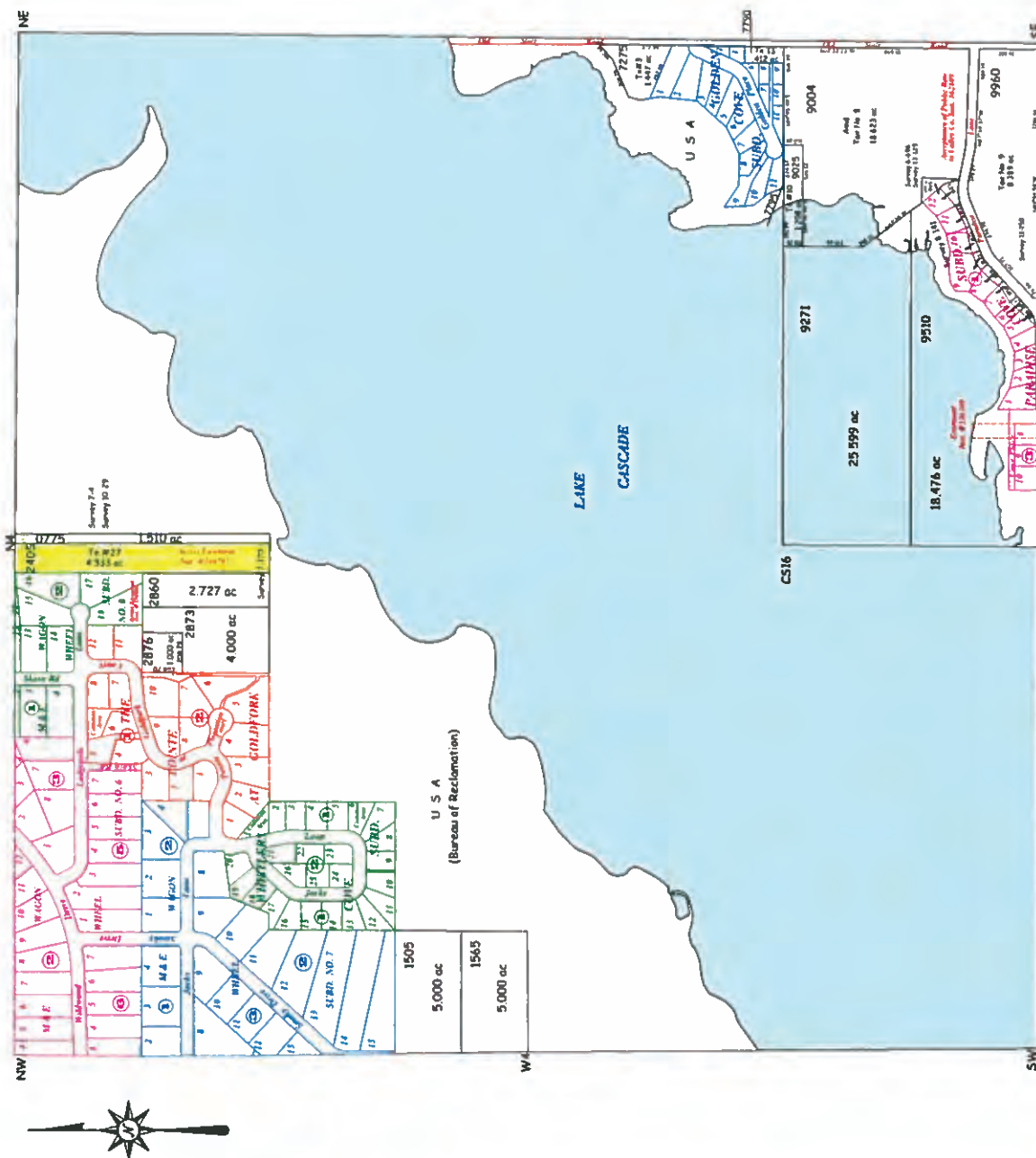
This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Discrepancies (Measured Returns)



TWP. 16N ROSE SEC. 34

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

Filename: Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 3/9/2022  
Drawn by: L. Frederick

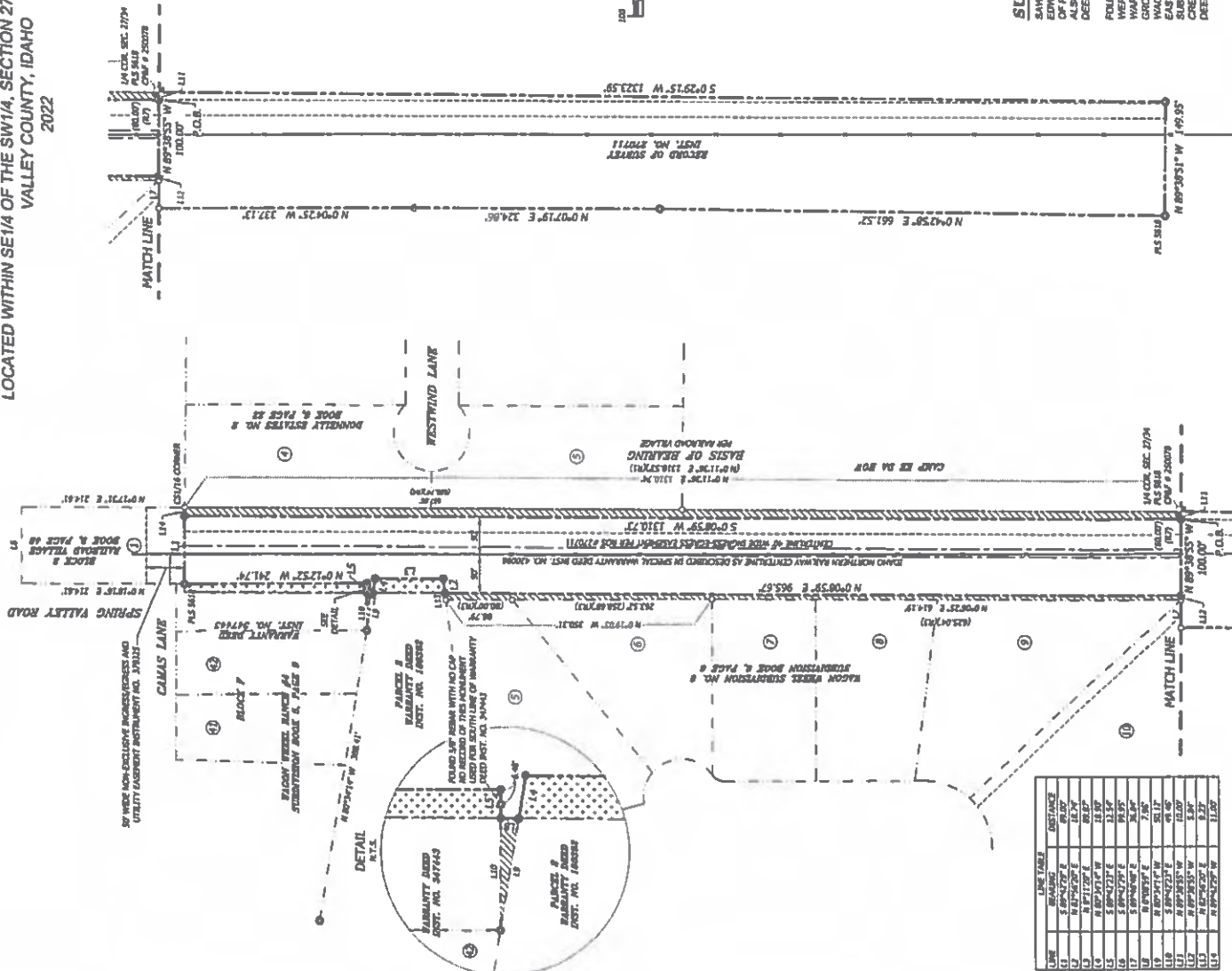


This Decision is the Tool for Administering Decision Club V. The Guide to 501(c)(3) Donor-Advised Funds

BK 14 p. 244

RECORD OF SURVEY  
FOR ESTATE OF FRANKLIN B. EDWARDS  
LOCATED WITHIN SE1/4 OF THE SW1/4, SECTION 27, T. 16 N., R. 3 E., B.M.,  
VALLEY COUNTY, IDAHO 2022

INSTRUMENT NO. 451095  
VALLEY COUNTY, IDAHO  
6-19-2022 8:00 AM  
RECORDED IN THE PUBLIC RECORDS OF VALLEY COUNTY, IDAHO  
BOOK 8, PAGE 48  
BY JEFF BEAGLEY, SURVEYOR  
J.E. Beagley, Surveyor



LEGEND

- PROPERTY BOUNDARY LINE
- EXISTING DEED OR LOT LINE
- CONTIGUOUS
- SECTIONAL LINE
- EASEMENT
- SPECIAL WARRANTY DEED INST. NO. 420088 EXCEPTED AREA
- DEED CAP AREA
- FOUND 5/8" REBAR NO CAP UNLESS OTHERWISE NOTED
- FOUND 1/2" REBAR NO CAP UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" REBAR CAP AS 11/2"
- CALCULATED POINT
- RECORD INFORMATION
- POINT OF BEGINNING
- LOT NUMBER

REFERENCES:

- R1) RAILROAD VILLAGE BOOK 8, PAGE 48
- R2) WAGON WHEEL SUBDIVISION BOOK 8, PAGE 9
- R3) WAGON WHEEL SUBDIVISION BOOK 8, PAGE 9
- R4) DEWELLY ESTATES NO. 2 BOOK 8, PAGE 10
- R5) DEWELLY ESTATES NO. 2 BOOK 8, PAGE 10
- R6) RECORD OF SURVEY INST. NO. 347443 BOOK 11, PAGE 104
- R7) SPECIAL WARRANTY DEED INST. NO. 420088
- R8) SPECIAL WARRANTY DEED INST. NO. 160382
- R9) WARRANTY DEED INST. NO. 347443

CERTIFICATE OF SURVEYOR

I, JEFF BEAGLEY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY OF THE LAND DESCRIBED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND THE CORNER PERPETUATION AND PLUMBING ACT, IDAHO CODE.

JEFF BEAGLEY

PLS. 11574

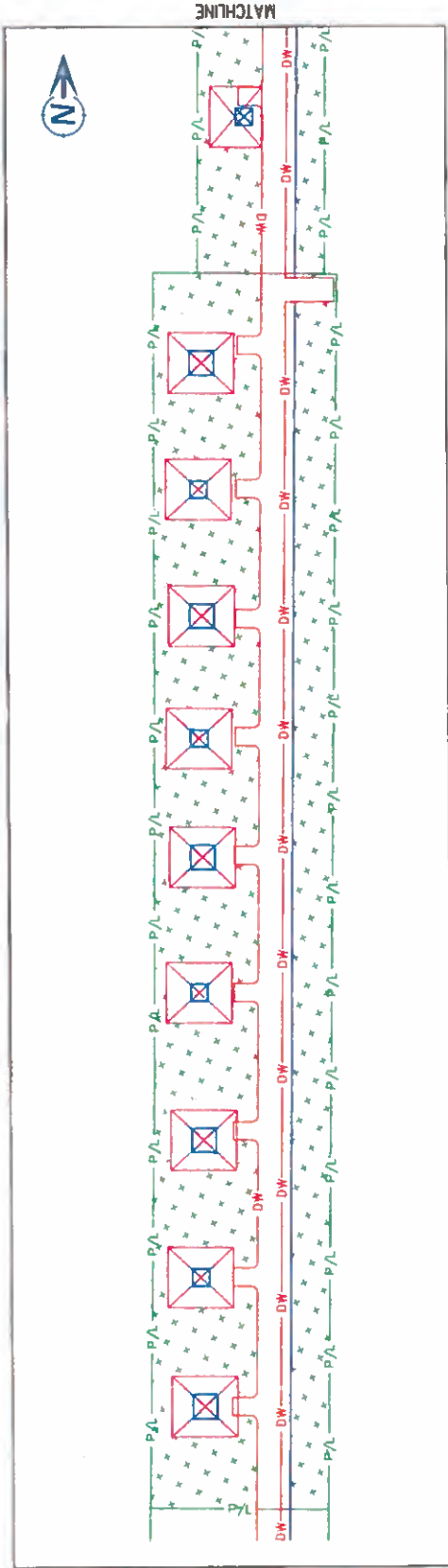
SURVEY INDEX NO. 1631-27-3-2-0-00-00

**SURVEYOR'S NARRATIVE:**  
SAWTOOTH LAND SURVEYING WAS CONTRACTED BY THE FRANKLIN B. EDWARDS ESTATE TO PREPARE A BOUNDARY RE-TRACEMENT SURVEY OF PARCEL 2 OF SPECIAL WARRANTY DEED INSTRUMENT NO. 420088, ALSO TO SHOW THE CAPS BETWEEN SAID DEED AND THE ADJOINING DEEDS AND SUBDIVISIONS.  
FOUND MONUMENTS FROM THE EXISTING ADJOINING SUBDIVISIONS WERE HELD FOR THIS SURVEY. THE INTENT OF PARCEL 2 OF WARRANTY DEED INSTRUMENT NO. 160382 WAS TO DESCRIBE THE GROUND BETWEEN WAGON WHEEL RANCH #4 SUBDIVISION AND EASTERLY OF BOTH SUBDIVISIONS BOUNDARIES BUT MATCHES THE SUBDIVISION DIMENSIONS OTHERWISE. THIS DESCRIPTION ALSO CREATES A GORE WITH THE DESCRIPTION AS NOTED IN WARRANTY DEED INSTRUMENT NO. 347443 (SEE DETAIL).

LINE	BEARING	DISTANCE
1	S 89° 47' 00" E	61.00'
2	N 89° 47' 00" E	61.00'
3	N 89° 47' 00" E	61.00'
4	N 89° 47' 00" E	61.00'
5	S 89° 47' 00" E	61.00'
6	S 89° 47' 00" E	61.00'
7	S 89° 47' 00" E	61.00'
8	S 89° 47' 00" E	61.00'
9	S 89° 47' 00" E	61.00'
10	S 89° 47' 00" E	61.00'
11	N 89° 47' 00" W	61.00'
12	N 89° 47' 00" W	61.00'
13	N 89° 47' 00" W	61.00'
14	N 89° 47' 00" W	61.00'

**SAWTOOTH**  
Land Surveying, LLC  
2030 S. WASHINGTON AVE.  
EMMETT, ID 83617  
(208) 398-8104  
FAX (208) 398-8105  
WWW.SAWTOOTHLS.COM

DWG#: 121425-ROS  
DATE: 6/2022  
QUANTITY: 30  
SHEET: 1 OF 1  
CHECKED BY: JEB  
AR  
121429



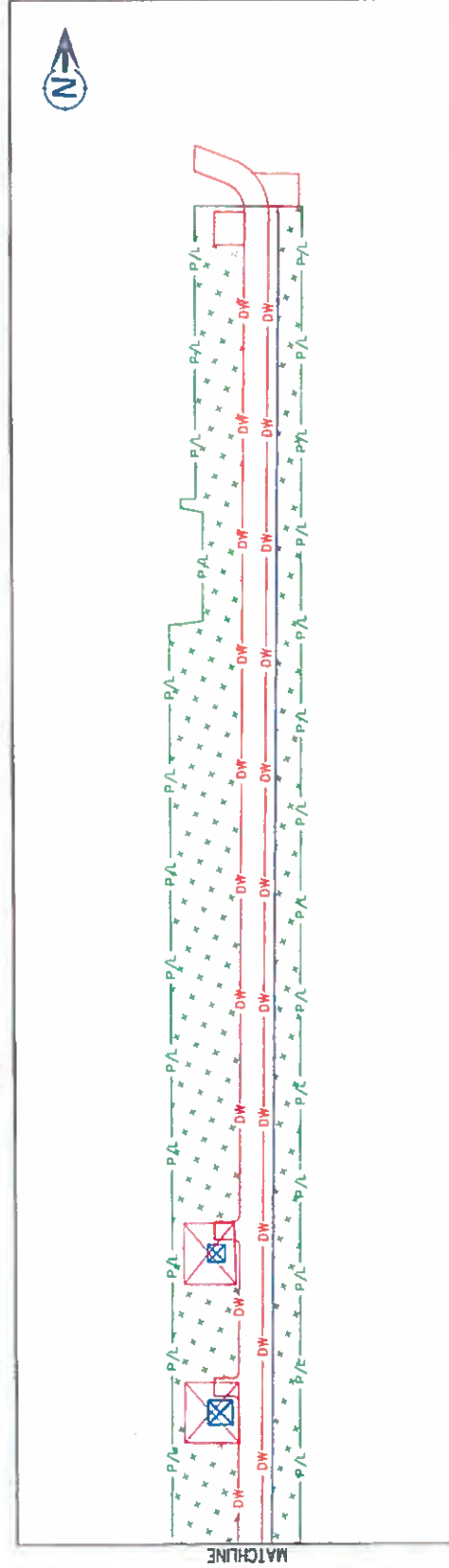
**SITE LEGEND:**

- PROPERTY LINE
- PROPOSED WALKING PATH
- EXISTING EVERGREEN TREES AND NATIVE GRASSES

- PROPOSED DRIVEWAY AND PARKING
- MINI-CABIN
- BUILDING SITE

**NOTES:**

1. MINOR TREES WILL BE REMOVED AT MINI-CABIN LOCATIONS.
2. TREE REMOVAL WILL INCLUDE DEAD TREES AND LIMBS.
3. NATIVE GRASSES WILL BE USED POST CONSTRUCTION ON DISTURBED SOILS.











## **CUP and Variance Applications - BARTON**

**From:** Shawn Barton [REDACTED]  
**Sent:** Saturday, August 20, 2022 12:49 PM  
**To:** Jen Blood [REDACTED]  
**Cc:** Cynda Herrick [REDACTED]  
**Subject:** Re: CUP and Variance Applications - BARTON

Good morning ladies,

Sorry for the delay on getting the attached letter. I was on a 10-day UTV ride with my father in-law and friends.

1. We are accessing with the current 50' easement at this point. ( I have spoke to Doug and I'm wanting for him to get back to me. I would like to carve out a pie shape of the 50' frontage easement so that we can put out front gates at the road. This would reduce all of the traffic that Doug gets from people trying to come down our property then having to turn around once they see our gates).

2. We love wood burning fire pits and aren't apposed to them.

For the rental units our thought was to do propane fire pits at each unit (with individual free standing fire place and cylinders) so that there is less risk of someone starting fire. ( we meet with Lee the Fire Marshal at our property to go over the turn arounds, fire water tank location, clearing, etc. and he also thought the gas fire pits where a very good idea due to all of the down trees, over growth on Dougs lot & BOR to the east of our property. ( we are still interested in buying that parcel to the east of our lower parcel from Doug so we can clean it up. Just have to wait for him to come down to market value for it)

We will have wood burning fire places and pits at our main property.

Shawn Barton  
[REDACTED]

Barton Investments LLC





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 22-33

Preliminary / Final / Short Plat Baron Short term Rentals

Sec 34 & 27

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

- ☒ 14. Applicant will need to contact Tyler Jordan @ COH  
regarding public water system requirements for the  
well serving the rentals

Reviewed By GW/R

8/11/22



## North Lake Recreational Sewer and Water District

435 South Eld Ln., PO Box 729 Donnelly, ID 83615 [REDACTED]

August 23rd, 2022

Cynda Herrick, Valley County Planning and Zoning Director  
Valley County Planning and Zoning Department  
PO Box 1350  
Cascade, Idaho 83611

Re: CUP 22-33 Barton Short Term Rentals – Conditional Use Permit  
September 8th Public Hearing

Director Herrick:

North Lake Recreational Sewer and Water District (NLRSD) has received Agency Notification and desire to provide the following written comments:

### Annexation:

- 1) The subject property is not Annexed into the District and would require Annexation prior to potential of water or sewer services.

### North Lake Recreational Sewer and Water District Central Sewer Services:

- 1) The proposed CUP declares that central sewer services would be provided by North Lake, no sewer commitments have been made to the proposed development.
- 2) North Lakes sewer force main is located within the proposed CUP raising concerns regarding existing utility easements.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Pryor", with a long horizontal line extending to the right.

Travis Pryor  
NLRSD Manager of District Operations



## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

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August 23, 2022

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

RE: C.U.P. 22-33 Barton Short Term Rentals and V-4-22 Barton Shared Driveway

After review, the Donnelly Rural Fire Protection District will require the following.

- All roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**
- **Section D103.4 IFC 2018** Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turn around provisions in accordance with **Table D103.4**
- All roads shall be inspected and approved by the DRFPD prior to final plat
- Slash, dead timber, ladder fuels and debris shall be removed throughout the Development
- **Section 507.1 IFC 2018** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- The approved fire protection water supply will be a 10,000 gallon underground water storage tank, water tank shall be connected to a well and have automatic fill capability. Fire Department connections shall be a minimum of 4 inch diameter pipe and have a 5 inch Storz connector
- Water tank shall be installed in an approved location. Tank design and specifications shall be submitted for review prior to installation
- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter.

- **Section 503.7.8 IFC 2018** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- In accordance with **Section 503.7.6 IFC 2018** the gradient for driveways cannot exceed 10 percent unless approved by the fire code official
- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued
- Any residence utilized as a short term rental shall comply with Valley County Ordinance 19-09 Liquified Petroleum Gas.

Please call [REDACTED] with any questions.

Jess Ellis



Fire Marshal  
Donnelly Fire Department



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1445 N. Orchard Street, Boise ID 83706  
[REDACTED]

Brad Little, Governor  
Jess Byrne, Director

August 10, 2022

By e-mail: [REDACTED]

Valley County Planning & Zoning Commission  
PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611-1350

**Subject: September 8, 2022 Public Hearing**  
C.U.P. Pines by the Lake Subdivision; C.U.P. Saddle Rock Subdivision;  
C.U.P. Shaw Family Ranch Subdivision; C.U.P. Esplin Glamping & Short-Term Rentals;  
C.U.P. Barton Short-Term Rentals, Barton Shared Driveway

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects 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://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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**

- 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 [REDACTED]

- For new development projects, all property owners, developers, and their contractor(s) 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 contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at [REDACTED]

- 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 [REDACTED]

## **2. WASTEWATER 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 district health department.
- 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 ground water.
- 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 [REDACTED]  
[REDACTED]

## **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.
- 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.



- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (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.
- 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 ground water 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 ( )

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at ( )
- 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 ( ) 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 ( )

## 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER 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 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 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.
- **Ground Water 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 Albert Crawshaw, Waste & Remediation Manager, at [REDACTED]

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. 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 conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

Response to Request for Comment  
August 10, 2022  
Page 5

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 [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator

EDMS#: 2022AEK

## **Objection to CUP 22-33**

**From:** Henry Rudolph [REDACTED]

**Sent:** Wednesday, August 10, 2022 5:17 PM

**To:** Cynda Herrick [REDACTED]

**Subject:** Objection to CUP 22-33

Hello Cynda, I am writing to object to the application for CUP 22-33. There are a number of problems with this proposal for the specific location.

First, twelve cabins on only 6.5 acres?! This is crazy. This means that there would be, at a very minimum, 12 cars crammed into tiny spots right by the road. Some renters would bring two cars. Twelve cabins for this parcel is far too dense.

Second, this is unsafe. The cabins are going to be right on the road with 12 plus vehicles driven by out-of-town weekend renters in vacation mindset. This is a receipt for disaster even without alcohol which will for sure be a problem as well. There will be people walking and children playing right next to the road. The 75 ft road frontage limitation was put in place for a reason. What is the rational for agreeing to the variance request?

Third, I am very concerned about the noise, trash, and pollution...especially on adjacent BOR land by the lake. These would be short term renters here for a weekend who, as a generalization, will not be as respectful of neighbors and/or the shared BOR land as a property owner would. Renters will undoubtedly leave trash on the beach and near the water on the BOR land. The noise and trash are also not fair to surrounding neighbors.

Fourth, the amount of traffic this project will create is also not fair to neighbors along the access road.

Fifth, the BOR land adjacent to this project has long been enjoyed by county residents for swimming, hiking, biking and fishing. This project will distract from the beauty and peacefulness that makes this area special.

For these reasons I strongly object to this application.

Henry Rudolph, JD, MBA  
Skinner Fawcett LLP

[REDACTED]  
[REDACTED]

August 22, 2022

Cynda Herrick  
Planning & Zoning Director  
Cascade Idaho

RE: C.U.P. 22-33 Barton Short Term Rentals & V-4-22 Shared Driveway

To Whom It May Concern,

We have a second home on the corner of Camas Lane and Willow Road which is located about one block from the proposed rezoning project. We are opposed to the mini-cabin rental project and shared driveway. The addition of 12 cabins would significantly increase the volume of traffic and noise in the area. It seems highly unlikely the owner/manager of the cabins would be able to limit the number of guests and gatherings coming and going in the area. This will bring a significant number of people and cars into a very small area. We currently have a good quality of life in the subdivision and would like to keep it that way.

By-The-Way, One Question; Did anyone ever figure out where the water came from several years ago that washed out a significant amount of dirt at the end of the land you are considering rezoning? It was a very large amount of water and dirt that washed out into the lake. Culverts and a Stormwater Swale would not contain another event like that and could endanger people if they are residing in the area.

  
Kent Kelley

  
Aleta Allen

138 Camas Lane  
Donnelly Idaho 83714



**C.U.P 22-33- Nokes Family Questions & Concerns**

**From:** Skyler Nokes [REDACTED]

**Sent:** Sunday, August 28, 2022 11:05 AM

**To:** Cynda Herrick [REDACTED]

**Subject:** C.U.P 22-33- Nokes Family Questions & Concerns

To Whom It May Concern,

We have a few questions and concerns with C.U.P. 22-33. My name is Skyler Nokes, we have a place on 155 Wildwood Dr. and share a fence line with the proposed property. For the record, as well, my brother in law Wade Burgett shares the same concerns and he has a home at 157 Wildwood, the property just south of us. For many years the community has used this abandoned railway to access public land. There are 3 entry points of BOR land along this 100 foot wide strip; one on the east side of the road, another at the south end which is access to the peninsula, and the third which allows access to the west section. When we purchased this property in 2012 accessors map stated that this property was an abandoned railway, which we assumed was easement access to BOR land. Our family and many other families in the neighborhood have used this access to walk, bike, fish, recreate and access our public lands. There has also been public discussions of revamping the use of this property as a bike path for Valley County trails. We were in shock when we saw this go from what we thought was state land, to privately for sale. Since the sale there has been a gate put up blocking all of those access points, boards nailed across the BOR easement wooden fenced entries, and no trespassing signs put up. This leads to our first question - are there any easements in this area so that we can continue accessing and using the public land?

This strip of land is only 100 foot wide which is quite narrow. It is a road dug down below grade, in between our properties. This proposed development is at the back of my property and others, what are the set backs here? I believe it is 20 foot front and back of property and 8 foot side to side? Then with the main sewer line easement where does this allow cabins to be placed?

There is also an elevation change. If they are digging into the hillside do they have any plans for erosion control such as retaining walls so that our property lines and fencing are not affected?

Density is also a concern. 14 cabins could bring 14-28 vehicles and upwards of 28-56 people using this space. Will they be on city sewer and city water? Septic or wells? Currently our well is already low on water and doesn't last very long before cavitating. Will 14 separate wells, or a few wells supplying 56 people effect our current water situation? Or will they be bringing city water in? I'm assuming they will be hooking up to sewer at least, will all these have to be pumped back north to Spring Valley?

There was also talk of constructing a 2,000+ square foot owner's home at the far south end of the property in the original letter from the new owners of the abandoned railway. I do not see this brought up in the current proposal. This would also block access to the BOR land peninsula that is a bird refuge area where many people fish.

Fire mitigation. How are these cabins going to be heated? Along the east side of the road of Spring Mountain fireplaces are not allowed in homes. Does this carry through? 14 fire pits? Will there be someone on site all times ensuring the short term tenants, put out their outdoor fires, and are not partying late into the night. Some of these proposed cabins are visible from the back of our properties, will there be privacy fences installed for aesthetic and sound control? These are our initial questions and concerns with C.U.P 22-33 and for this we can not approve at this time. We have young children who we would like to keep safe; the more traffic and people bordering our property has us concerned for their safety and our privacy which is the exact reason why we purchased our property in the first place.

Thank you,

Skyler and Callie Nokes



**C.U.P 22-33 and V-4-22 Burgett Family Questions & Concerns**

**From:** Wade Burgett [REDACTED]

**Sent:** Sunday, August 28, 2022 3:43 PM

**To:** Cynda Herrick [REDACTED]

**Subject:** C.U.P 22-33 and V-4-22 Burgett Family Questions & Concerns

To Whom It May Concern,

My name is Wade Burgett and I have a cabin on 157 Wildwood Dr. and share a fence line with the proposed property. I strongly object to the C.U.P. 22-33 and V-4-22 applications. I second everything my brother-in-law (Skyer Nokes) and sister (Callie Nokes) said in their statement. They live next door at 155 Wildwood Dr. I would also like to hear the answers to each one of their questions, as I have the same questions and concerns.

I have been visiting my family at 155 Wildwood for 10 years. Each trip out we would access the lake and public land down the railway trail. I purchased the property at 157 Wildwood Dr next to my sister in March of 2020. It is very quiet and at the end of a cul-de-sac with almost no traffic. It is perfect for my two nephews that live next door who are 3 and 5, and love to adventure outside all times of the year. We used to enjoy walking down the old abandoned railway trail to the lake with my family, but then found out it was sold and blocked off. We no longer have access to the public land a couple hundred feet from our property! I noticed the proposed walking path in the landscape plan, but could not imagine walking past 12 min-cabins to get to the lake or public land. The property is not very wide. Will we be walking through these cabins yards? We will have to dodge cars while walking down to the lake? Will there be dogs allowed at these mini-cabins? Are bicycles or motorcycles allowed?

Earlier this year, there was a big piece of machinery owned by SKBarton Invest LLC that somehow found it's way on my property trying to access their property and tore up a good portion of the back of my property. Trees were damaged and there were huge ruts where the piece of equipment was stuck. They came back and tried to smooth out their big ruts they made, but I wonder how much more will be tore up when they start tearing into the hillside. Will they be coming through my property again? Do I need to spend money to put up privacy fences or gates so I can ensure they never come through my property again?

I understand there is going to be change in the area. I understand people's needs to find that perfect investment property. The area is beautiful, quiet, has the mountain feel with all the trees, a great view of Tamarack and that is why I purchased a home here. When a piece of property that is the main pipeline for the public to access the lake and public land, is all of the sudden shut down, that is a problem.

It does not make sense for this piece of property to be developed into what they are proposing. If they were proposing one house at the end of their property (short term or long term or full time) that had easements and kept access to the public land and trails for the public, I would support it. Twelve short-term rental min-cabins are going to increase the traffic, increase noise, increase the risk of someone getting hurt, it will put a strain on local resources that are already strained and will bring down value of everyone's property connected to it. If these twelve mini-cabins were there in 2020 when I purchased my cabin, I would have chosen another place to live. I will definitely be thinking about selling my property if this project is approved.

Respectfully,

Wade Burgett  
157 Wildwood Dr  
Donnelly, ID 83615  
[REDACTED]

**From:** Tyra Shira [REDACTED]  
**Sent:** Sunday, August 28, 2022 4:21 PM  
**To:** Cynda Herrick [REDACTED]  
**Subject:** Fwd: C.U.P. 22-23 and V-4-22  
**From:** Tyra Shira [REDACTED]

**Subject: C.U.P. 22-23 and V-4-22**

**Date 8-28-2022**

Dear Valley County Planning and Zoning Commission,

I am writing to you in regards to the purposed C.U.P. 22-23 and V-4-22 Barton Short term rentals and shared driveway. My name is Tyra Shira and I am the property owner of 158 Lodgepole Ln. And 160 Lodgepole Ln. I have a few concerns regarding this proposal. I feel that twelve cabins plus a family home on 6.58 acres is too many for such a small area. This would create too many people behind a very private, quiet neighborhood. One of the main reasons I bought my home and property in the first place. Another major concern is I already have an air B&B next door to me. When they applied to your commission, they too promised that there was a limit on guests, cars and prohibiting parties or gatherings. This has not been the case. I have had numerous trespassers and loud parties all days of the week not just weekends. With twelve cabins and a family home this leads me to believe that at any given point there could possibly be 24+ people including all their vehicles. I am very curious as to how they would enforce this rule, as well as how they plan to deal with outdoor fires, fireworks, trash disposal etc. I can tell you as a home owner I have no recourse. As of now I can call Valley County Sheriffs department all I want. They will issue a warning but I have yet to see anyone follow through with the promise of prohibiting loud parties, amounts of cars or helping me out when people are trespassing on my property and threatening me when asked to leave. I am a single woman living by myself and in the past 2 years the currant air B&B has me concerned for my safety. Another reason I bought my property is the easement access to the BOR and the accessibility to the lake from these access points. Do they have plans to make these public access points available to the public? I have many concerns about the wells,sewers and roads however I am not in construction and do not pretend to understand how this works. I do feel that it is a lot for a small strip of land. I also worry that this will deplete the resale value of my home and property having 12 air B&B's in my backyard.

Thank you for your time. I appreciate you hearing my concerns.

Tyra Shira

## **CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway**

**From:** Brett Shepherd <[REDACTED]>

**Sent:** Monday, August 29, 2022 11:22 AM

**To:** Cynda Herrick <[REDACTED]>

**Subject:** CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

Dear Commissioners,

RE: CUP 22-32 Barton Short-term rentals.

I understand the desire and efficacy to have an occasional short-term rental sprinkled within a residential neighborhood. However, CUP 22-33 is requesting permission to create twelve short-term rental in one small area. This is more like a commercial camp site, or horizontal hotel concept and as such, is not appropriate for a residential neighborhood. This is the most egregious part of this request and is a flagrant violation of county code.

Further, this property is a long standing BOR access point for this neighborhood. Currently, the public BOR access point is blocked and gated. How is BOR going to get to the BOR land they manage?

Also, the proposal calls for a recreation area at the south end of the property to include kayaks, water toys, etc. The BOR land on which this activity would happen is a designated bird nesting area and is a completely inappropriate use.

This site is extremely important for breeding Western Grebes, with at least 1400 birds nesting on Lake Cascade, representing up to 3% of the world's population for this species. Bald Eagles and Osprey have nested here for many years. American White Pelicans are observed here in summer, although not nesting as of yet. Great Gray Owls have a nest adjacent to the Gold Fork Arm of the reservoir as well.

In summary, this proposed development shows a complete lack of understanding as to the county code for residential development and the natural environment that is present in this area of Lake Cascade.

I strongly request you deny this conditional use permit.

Sincerely

Brett Shepherd  
Spring Valley Road, Valley County Idaho

## **Planning and Zoning Concern**

**From:** Ann Grinnell [REDACTED]

**Sent:** Tuesday, August 30, 2022 2:10 PM

**To:** Cynda Herrick [REDACTED]

**Subject:** Planning and Zoning Concern

Hello, I'm writing in response to the attached request to build 12 mini cabins for short-term rentals. I have several concerns, one being the added pressure on the infrastructure in and around Boulder State Park and the Wagon Wheel subdivision. We have 1 road out of this area that has many subdivisions already making it a risk in the event of a needed evaluation.

We have 80 new homes recently approved right off of Durham Lane, then there is Fir Grove that has yet to be fully developed, not to mention the homes within Wagon Wheel that are still being plotted and built. We already have dozens of homes within this same area that are rentals, enough is enough.

We have challenges with parking at Boulder Park; this will just add to that issue. We need to see what the 80 homes being built will do to our roads and services; and we all know investors will purchase some of those homes for rentals as well.

One final note is the location of the mini cabins. They are being built right by the wildlife nesting area, which is also very concerning and will have a direct impact on those animals.

This is such a small area of Donnelly that is already overpopulated with new housing and rentals. Please don't let this happen. Thank you for your consideration in rejecting this application.

Ann Grinnell  
207 Hereford Place  
Donnelly, Idaho 83615

**C.U.P 22-33- Verheijen Family Questions & Concerns**

**From:** Erich Verheijen [REDACTED]

**Sent:** Wednesday, August 31, 2022 10:54 AM

**To:** Cynda Herrick [REDACTED]

**Subject:** C.U.P 22-33- Verheijen Family Questions & Concerns

Hello Cynda, I am writing to object to the application for CUP 22-33. Our property is right up against this proposed development. We are located at 154 Wildwood Drive. The number of proposed cabins does not fit the size of this lot especially the fact the lot is only 100 feet wide. This project will back up to our property line and we have concerns about traffic, safety and overall overcrowding on such a small parcel.

Another concern we have is water. Where are they proposing to get water from? As it is we have issues at times with water and the added stress of this many homes would just add to the problem.

I strongly disagree with this project moving forward and feel it is to dense for such a small piece of property.

Thank you,  
ERICH VERHEIJEN  
President  
Frans Construction, Inc.



## **Sept 8 P&Z meeting - Barton Rentals**

**From:** Mike [REDACTED]  
**Sent:** Wednesday, August 31, 2022 1:50 PM  
**To:** Cynda Herrick <[REDACTED]>  
**Subject:** Sept 8 P&Z meeting - Barton Rentals

Hello Commissioners,

I am writing in regard to the agenda item CUP 22-33 Barton Short-term Rentals. I live at 12701 Smoky Drive in the Wagon Wheel subdivision.

I *oppose* the monetization of our neighborhood by these people and feel it is not legal from a P&Z perspective. This is a neighborhood and should not be developed into a motel, this request should be denied. That would be a business, and from my understanding this is zoned residential. I plan on attending the Sept 8th meeting to voice my opposition, along with many of my neighbors.

Mike Seibert  
12701 Smoky Dr.  
[REDACTED]



**CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway**

**From:** EagleToyBoy <[REDACTED]>

**Sent:** Wednesday, August 31, 2022 2:20 PM

**To:** Cynda Herrick <[REDACTED]>

**Subject:** RE: CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

Dear Commissioners,

RE: CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

I am writing to express my very real concerns about this proposal. I understand the desire/need for short term rentals as support for the considerable tourist business that flourishes in Valley County, However this proposal has several key drawbacks:

- 1) The twelve unit proposal amounts to a small, commercial hotel. This is NOT in any way consistent with residential make up of the general neighborhood. This could bring 1many additional vehicles into the neighborhood during peak rental periods. This would drastically increase the traffic on Spring Valley Road, which is already very busy due to the route to Boulder Creek boat launch.
- 2) Current short term rentals in the area have consistently driven issues for the neighboring residents. The visitors are generally not aware of the habits of the surrounding residents and we are finding increasingly necessary to "police" our neighborhood due to things like late night noise, speeding on the residential roads, parking in places they shouldn't (blocking the roads or even parking in neighboring driveways). Again, a multi-unit complex would put more of this on our plate. As for the increased traffic, does this developer intend to pave the last bit of Spring Valley Road as a dust mitigation step or are the current residents going to be left to suffer the additional dust brought on by the additional traffic?
- 3) What about the BOR? Has there been any studies done to understand the effect on the nesting birds (some of which are rare)? How will the recreation area affect the BOR? And what about public access to the BOR? Residents have long enjoyed access to that peninsula and the beach to the east for years. One of the great things about Valley County and the surrounding area is the access to public lands. As it stands today, public access to the BOR has been cut-off.
- 4) What about fire protection? If this development is supported by well, can our current, local water table support fire support for 12 units in such a small area? Can the water table support that many units for basic residential water?
- 5) What about snow removal? During heavy snow years, where does the snow go that would need to be moved off the road, 12 driveways and the driveway for the owner's home? If it has to be hauled off, then the residents along Spring Valley Road would have to deal with the dump trucks going back and forth after every heavy snow. Again, increased commercial traffic in a residential neighborhood is not desirable.
- 6) This proposal would set a dangerous precedent. Approving this proposal would open the door for other developers that may target many of the empty lots for their commercial purposes. There are places in the valley for such commercial endeavors, but not in a long existing residential neighborhood.

I strongly urge the P&Z commissioners to protect the quality of life for our existing neighborhoods and steer commercial endeavors toward more appropriate areas of Valley County. Please help us manage growth and commerce in a way they makes sense and does not threaten the quality of life of our Valley County residents. Please do not approve this proposal

Thank you,  
Steve Morey  
12870 Spring Valley Road  
Donnelly, Idaho 83615  
[REDACTED]

## **CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway**

**From:** Karen Byrne [REDACTED]

**Sent:** Wednesday, August 31, 2022 3:26 PM

**To:** Cynda Herrick [REDACTED]

**Subject:** CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

> Commissioners,

>

> This note concerns CUP 22-33 Barton short-term rentals.

>

> I understand the desire to have an occasional short-term rental sprinkled throughout a residential neighborhood. However, CUP 22-23 is requesting permission to create twelve short-term rentals in one small area. This is more like a commercial camp site or horizontal hotel concept and as such, is not appropriate for a residential neighborhood. This is the most egregious part of this request and is a flagrant violation of county code.

>

> Further more this property is a long standing BOR access point for this neighborhood. Currently, the public BOR access point is blocked and gated. How is the BOR going to get to the land they manage?

>

> Also the proposal call for a recreation area at the south end of the property to include kayaks, water toy and such. The BOR land on which this activity would happen is a designated bird nesting area and this type of activity would be a completely inappropriate use.

>

> This site is extremely important for breeding western Grebes, with at least 1400 birds nesting on Lake Cascade, representing up to 3% of the worlds population. Bald Eagles, Osprey and Great Gray Owls have nested here for many years.

>

> There is also a concern with access for Emergency Fire equipment on this 100' wide parcel once the twelve short term rentals are in place. This issue should be reviewed with a walk through by the County Fire Marshall and a P&Z representative.

>

> In summary, this proposed development shows a complete lack of understanding as to the county code for residential development and the natural environment that is present in the area of Lake Cascade.

>

> I strongly request you deny this conditional use permit.

>

> Thanks you.

>

> Karen Byrne

> Spring Valley Road, Valley County Idaho

## **CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway**

From: Mark Popadics <[REDACTED]>

Sent: Wednesday, August 31, 2022 11:56 PM

To: Cynda Herrick <[REDACTED]>

Subject: CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

Dear Commissioners,

RE: CUP 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway

I am writing to you to let you know I'm totally **against** the construction of the twelve-unit cabin Commercial rentals for a number of reasons, listed below are just some of my concerns:

1. This is a residential neighborhood, when did our Neighborhood change from residential to Commercial property? This type of construction belongs in a designated commercial area.
2. 12 cabin-units will dramatically increase the traffic flow. As you enter off of Loomis on to Spring Valley Road to Lake Trail those roads are paved. From Lake Trail continuing on South on Spring Valley Road is a dirt unpaved road. This section of the road is littered with potholes and ruts. When cars drive down this road it causes major clouds of dust. With the proposed construction of these twelve cabins, it will significantly;
  - Increase vehicle traffic
  - Increase traffic noise
  - Cause major airborne dust pollutants
  - Safety concerns to the children in the area
  - Quickly erode that section of the road and
  - Be a major hardship to our quiet safe neighborhood.

**Example of increase traffic flow on Spring Valley Road:** On average you can expect at least 5-6 passes from each cabin rental every day. That's one cabin! Multiply that by 12 cabin rentals that comes at least 72 vehicles using that section of the road. That's a lot of traffic, wear and tear to the road, noise and dust to our quiet neighborhood.

3. According to proposal "Each cabin would be limited to two guests and parties/gatherings would be prohibited." How is this going to be enforced?

Above are just some of my concerns. I will plan on attending the meeting next week.

Thank you for listening to my concerns.

Kind regards,

Mark Popadics  
12868 Spring Valley Road  
Donnelly, Idaho

## **Barton Short-Term Rentals**

**From:** Bryan Woolstenhulme <[REDACTED]>  
**Sent:** Wednesday, August 31, 2022 4:56 PM  
**To:** Cynda Herrick <[REDACTED]>  
**Subject:** Barton Short-Term Rentals

Hi Cynda,

As a nearby homeowner/family, I would like to voice my opposition to the 12 mini-cabins proposed for short-term rentals by SKBarton for the following reasons.

1. Substantial increase in traffic and noise on Spring Valley Rd. This road is already very busy for a mountain residential road and does not need increased traffic. We, as do many other families in the area, go to our property to escape the busy city life. Creating what is essentially a hotel just down the street in our residential neighborhood will just bring more of the city busyness to the area. I think we can all agree that is not what anyone is looking for in a mountain retreat.
2. This is a residential area, not commercial. A dozen short term rentals with the primary purpose of business income have no place here.

I truly hope these considerations will be taken to heart.

Regards,  
Bryan and the Woolstenhulme family

**Comments on proposed C.U.P.22-33 and V-4-22 Shared Driveway**

**From:** Douglas Ewing [REDACTED]

**Sent:** Wednesday, August 31, 2022 11:23 AM

**To:** Cynda Herrick <[REDACTED]>

**Subject:** Comments on proposed C.U.P.22-33 and V-4-22 Shared Driveway

Good Morning;

My intention is to ask questions and maybe add perspective on the proposed 12-14 lot usage on the parcel in question. I live right at the entrance to the property and the shared easement is through my property. I also own 1/4 mile next to the proposed development at the south end.

1. It was my understanding that for projects of this type that frontage to a public road should be seventy five feet. I can understand a variance in amount of a single digit would be considered a reasonable request but you are asking for a variance of over fifty percent. There is a reason the ordinance was put in place with the requirement advised and required. When I bought my lot I knew that this ground would eventually have a personal residence on each parcel and that was perfectly acceptable. I never in my wildest dreams expected a fourteen lot project to be acceptable. I want projects that follow what they were intended to be by following the guidelines set by ordinances. There is a reason those ordinances were enacted and I am positive much thought went into that process.
2. I would hope that significant improvements would be made if this project were approved that meet the requirements that have been set forth for a project of this magnitude.. Right now things are miserable because of the dust that has been created. There doesn't seem to be much concern for the dust bowl that is there now. The road at the entrance that was there before the expansion was a gravel road that didn't create nearly as much dust and mud at the other extreme. By disturbing the existing path/road to the lake it created an impassable muddy mess except by four wheel drive vehicles. Construction standards should be observed.
3. In the application the applicant has proposed moving the drainage system to the east side of the property to an existing seasonal stream that carries the snow run off in the spring. Some years that run off can be extreme and has caused severe damage to my lot down stream. I would hate to see additional water from the west side diverted to the east side that will surely cause added damage to my vacant lot. The applicant has covered a culvert at the south end that would carry the run off on the west side to BOR ground and the lake inlet on the west side. Flooding will occur as a result of that decision of covering that culvert. A substantial mistake was made by arbitrarily making that decision without an approved solution that did not take into consideration adjacent properties.
4. I believe in my research that there needs to be a feasible solution to the numerous issues raised concerning the sewer service to each individual dwelling. Also I'm sure building codes would apply to these dwellings just as any other dwelling units. Again ordinances have been set and building standards have been adopted to address those concerns. Just because they are small VRBO units standards should apply. They are still being occupied.
5. The water system I'm sure would again be held under the same standards that a public water system would be held. Just having holding tanks from a central well without additional safety



standards invites contamination. I'm sure the applicants have taken those things into consideration.

5. There are several homeowners in the area that have deeded access/easements on this property. I'm not the only homeowner. Some have been denied that access. It has been made difficult for me to use our easement through the applicants property and they are unhappy when I or my family have used that easement to my property and made them uncomfortable in going down to the lake. I'm sure that was not their intent but nevertheless happened.

I appreciate the opportunity to express my concerns and would hope they make sense. I'm anxious to hear how they envision going forward and am anxious to hear from others as well.

Respectfully  
Doug and Faye Ewing  
12864 Spring Valley Road  
Donnelly Idaho