

## Valley County Planning and Zoning

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



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**STAFF REPORT:** C.U.P. 22-12 Gemma's Outdoor Market – 2023 Review  
**HEARING DATE:** April 13, 2023  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Monty Moore  
Ripple in Still Water LLC  
P.O. Box 2790  
McCall, ID 83638  
**LOCATION:** 13840 and 13844 Highway 55  
Parcels RP17N03E103006 and RP17N03E103045  
NW ¼ Section 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho  
**SIZE:** 1.5 acres  
**REQUEST:** Outdoor Market Review and Proposed Modification  
**EXISTING LAND USE:** C.U.P. 16-03 and C.U.P. 12-09 Gemma's Italian Deli and Market;  
C.U.P. 22-12 Gemma's Outdoor Market

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The Planning and Zoning Commission will assess impacts and compliance with the approved conditional use permit that was approved for one year to May 24, 2023.

Monty Moore, the applicant, would like to revise the site plan and hold a Farmer's Market weekly within the existing parking lot for Gemma's Italian Deli and Market.

The 1.5-acre site is addressed at 13840 and 13844 Highway 55. There is existing access from both Highway 55 and E. Lake Fork Road.

The original request was for an outdoor market with vendor employees occupying approximately 1,000-sqft of tent space for retail and 300-sqft for storage within the existing parking lot for Gemma's Italian Deli and Market.

Current conditional use permits for the site are:

- C.U.P. 22-12 Gemma's Outdoor Market
- C.U.P. 16-03 Concessionair Trailer for Drive-Thru Service
- C.U.P. 12-09 Restaurant and Retail (originally named Two Sisters Mercantile)

## FINDINGS:

1. The request to continue C.U.P. 22-12 with modifications was submitted on February 9, 2023.
2. Legal notice was posted in the *Star News* on March 23, 2023, and March 30, 2023. Potentially affected agencies were notified on March 14, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on March 20, 2023. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on March 14, 2023. The site was posted on March 29, 2023.
3. Agency comment received:  
  
Central District Health has no objection to the extension. (March 14, 2023)  
  
Jess Ellis, Donnelly Fire Marshal, listed requirements. A fire apparatus roadway shall not be obstructed in any manner; minimum width is 20-ft. (March 22, 2023)
4. Public comment received: *none*
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 5. Commercial Uses, d. Area Business

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**TABLE 5-A STANDARDS FOR CONDITIONAL USES**

Use Description	Building Setbacks (feet)				Minimum Lot Area	Max. % Lot Cover	Minimum Street Frontage	Max. Building Height	Minimum Parking Spaces
	Front	Side	Side Street	Rear					
Commercial Use Area Business	30	10	30	30		40	75	35	1 + 1/250 sqft

### 9-5-3: STANDARDS:

#### B. Setbacks:

2. Highway 55: All structures shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.

### 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.

### 9-5A-4: LANDSCAPING:

#### B. Landscaping; Standards Of Design:

1. Minimum Requirements: Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:
  - b. Service/Commercial Use: Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.
  - d. Additional Landscaping: In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.
5. Commercial, Office Or Industrial Use Adjacent To Residence: Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a residence, the landscape buffer described in subsection B3 of this section shall be increased to

fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.

6. **Criteria For Trees Along Street Frontage:** Trees shall be required along all street frontages according to the following criteria:
  - a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;
  - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
  - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
7. **Standard Tree Planting Detail:** All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section 9-5-4 of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
9. **Mounding And Berming:** All mounding and berming shall have slopes no steeper than three to one (3:1).
10. **Ground Cover:** A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.

#### **9-5A-5: FENCING:**

- A. **Substituted For Planting Screens:** Fencing may be substituted for planting screens subject to the approval of the staff and the commission.
- B. **Separation Or Screening:** Fencing shall be installed to provide separation or screening as specified in the site or development standards for the specific use. A sight obscuring fence required by the commission for any conditional use shall be stained or painted a single solid color, shall not be used for advertising, and shall be maintained in good repair.
- D. **Random Entry:** Fencing shall be installed to secure against random entry into hazardous areas or operations.
- E. **Construction And Materials:** Fence construction and materials shall be in accordance with commonly accepted good practices to produce a neat appearing durable fence. The location, height, and materials used for constructing a fence shall be approved by the commission and specified in the conditional use permit. Fences required for any conditional use shall be maintained in good repair.
- F. **Conditional Use Adjoins Agricultural Uses:** Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.
- G. **Obstruction Of Vision:** Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed. (Ord. 10-06, 8-23-2010)

#### **9-5B-1: NOISE:**

- A. **Commercial Or Industrial Activity:** The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

#### **9-5B-6: OPEN STORAGE:**

All storage shall be located within an area not closer than twenty feet (20') from the street right of way line and shall be enclosed with a heavy wire or board fence not less than six feet (6') high, or by plantings the same height. Lumber, coal, or other combustible material will be fully accessible to firetrucks at all times. Open storage of toxic or hazardous materials shall not be allowed.

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

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

**A. Minimum Lot Area:**

1. The minimum lot area shall be unlimited herein except for the provisions of subsection 9-5-3A2 of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy-five feet (75') for each lot or parcel.

**B. Minimum Setbacks:**

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

**SUMMARY:**

Compatibility Rating: Staff's original compatibility rating (2022) was a +34. I see no change.

**STAFF COMMENTS:**

1. The Planning and Zoning Commission shall assess impacts and compliance with the approved conditional use permit that was approved for one year to May 24, 2023.
2. If the use is allowed to continue, an amended conditional use permit will be recorded.
3. The site is outside of the designated floodplain.
4. The parcel is within the Donnelly Rural Fire District and the Lake Irrigation District boundary.
5. Is the request for an annual outside market? Year-round? Seasonal?
6. Landscaping plans from previous CUP is attached.
7. Is someone living in the motorhome that is parked on-site?
8. Please also note that the following information is needed, per the approved conditional use permit. This information is not in the file as of March 31, 2023.
  - 1) A letter of approval from Donnelly Fire Department
  - 2) An approval permit from Idaho Transportation Department must be submitted to Planning & Zoning.
  - 3) Must obtain Central District Health approval prior to using the RV as a residence. A copy of this approval must be submitted to Planning & Zoning.
  - 4) Must use chloride dust palliative abatement. Please let us know when this occurred.

## **ATTACHMENTS:**

- Proposed Amended Conditions of Approval
- Conditional Use Permit 22-12, Instrument #450366, recorded May 26, 2022
- PZ Commission Meeting Minutes from May 12, 2022
- Vicinity Map
- Aerial Map
- Assessor's Plat for NW ¼ Section 10 T.17N R.3E
- Original Site Plan
- Applicant's Request with Revised Site Plan
- Landscape Plan from C.U.P. 16-03
- Pictures taken March 29, 2023, and April 22, 2022
- Responses

## **Proposed Amended 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 by within one year, or a permit extension will be required.
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. Must submit approval letter from Central District Health.
6. Must comply with requirements of the Donnelly Fire District. A letter of approval is required.
7. Must submit approval permit from Idaho Transportation Department.
8. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. All existing non-compliant lighting should be brought into compliance within one year of approval of the conditional use permit.
9. Shall obtain a sign permit prior to installation of a sign.
10. Hours of operation are limited to 9:00 a.m. to 7:00 p.m.
11. Must obtain Central District Health approval prior to using the RV as a residence.
12. Must use chloride dust palliative abatement, not an oil treatment.
13. The use may occur year-round or seasonally.

## **END OF STAFF REPORT**

# Valley County Planning and Zoning

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**Instrument # 450366**

VALLEY COUNTY, CASCADE, IDAHO  
5-26-2022 09:58:35 AM No. of Pages: 2  
Recorded for : P&Z  
DOUGLAS A. MILLER (Recording Sticker) Fee: 6.00  
Ex-Officio Recorder Deputy  
Index to: COUNTY MISC

## CONDITIONAL USE PERMIT NO. 22-12 Gemma's Outdoor Market

**Issued to:** Monty Moore  
Ripple in Stil Water LLC  
PO Box 2790  
McCall ID 83638

**Property Location:** The site is addressed at 13840 and 13844 Highway 55,  
Parcels RP17N03E103006 and RP17N03E103045 in the  
NW ¼ Section 10, 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 May 12, 2022. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. 22-12 with Conditions for establishing an outdoor market as described in the application, staff report, and minutes.

The effective date of this permit is May 24, 2022.

### 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 by within one year, or a permit extension will be required.
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. Must submit a    approval letter from Central District Health
6. Must comply with requirements of the Donnelly Fire District. A letter of approval is required.
7. Must submit approval permit from Idaho Transportation Department.
8. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. All existing non-compliant lighting should be brought into compliance within one year of approval of the conditional use permit.
9. Shall obtain a sign permit prior to installation of a sign.
10. Hours of operation are limited to 9:00 a.m. to 7:00 p.m.
11. Must obtain Central District Health approval prior to using the RV as a residence.
12. Approval is for one year only. The Commissioners will hold a public hearing to review the application prior to summer of 2023.
13. Must use chloride dust palliative abatement, not an oil treatment.

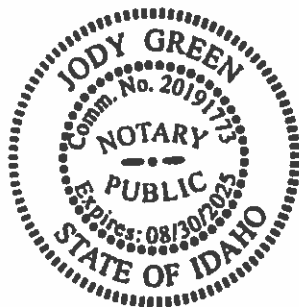
END CONDITIONAL USE PERMIT

Date May 25, 2022

Approved by Lynne Herrick

On this 25 day of May, 2022<sup>\*\*\*</sup>, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]  
Notary Public  
Residing at: Valley County  
Commission Expires: 8/30/25

# Valley County Planning and Zoning Commission

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



Phone: 208-382-7115  
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman  
Ken Roberts, Vice-Chair

Sasha Childs, Commissioner  
Katlin Caldwell, Commissioner  
Scott Freeman, Commissioner

## MINUTES

Valley County Planning and Zoning Commission  
May 12, 2022

Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

**A. OPEN:** Meeting called to order at 6:00 p.m. by Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

**B. MINUTES:** Commissioner Caldwell moved to approve the minutes of April 14, 2022, and April 19, 2022. Commissioner Childs seconded the motion. Motion carried unanimously.

### C. OLD BUSINESS:

- 1. C.U.P. 21-06 Moon View Ranch Subdivision – Final Plat:** Mathew Falvey and Joanne Young are requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 14 single-family residential lots on approximately 63 acres. Access will be from a new private road onto Moonridge Drive (public). The site is parcel RP18N03E297804, RP18N03E295280, and RP18N03E298106 in Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Not a public hearing.]

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

Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits

- **Exhibit 1** – Proposed CCRs received May 10, 2022
- **Exhibit 2** – Revised final plat received May 12, 2022
- **Exhibit 3** – Response from Lake Irrigation District (May 12, 2022)

Director Herrick would like clarification from the applicant on the purpose for the line shown in Lots 1 and 2. It may be from a previous survey. It should be removed from the final plat prior to recordation so it does not look like a lot line boundary.

Prior to submittal of a final plat packet to the Board of County Commissioners, all requirements will be completed. Director Herrick addressed issues that still require completion as shown in the list of conditions of approval (COA). A letter from Lake Irrigation District was received today.



nine excavation business closer to Highway 55, all west of the VC Shop. The hill and fast traffic make this an unsafe area for large vehicular traffic.

Acting Chairman Roberts asked for rebuttal from the applicant.

Mr. Filbin said this site is listed as "Lakefork Area Commercial" on the Valley County GIS maps. [Assessor's Office classification]. The commercial use predates the residential use in the area. In addition, recently there was a large crane parked in front on a nearby home where a contractor lives. The site is not more dangerous than other sites in Valley County. His safety record is impeccable. He has been looking for years for a site for his business. His trucks have filters allowing they do not blow black smoke. Approval of the conditional use permit is a condition of closing on the property purchase.

Acting Chairman Roberts closed the public hearing.

The Commission deliberated. Staff clarified that the current conditional use permit is only transferrable as a similar business, specifically a machine shop. The Valley County Comprehensive Plan show a map of the Lake Fork Village on page 72. The existing machine shop is considered light-industrial use with enclosed manufacturing occurring at the site. The proposal is for the storage and maintenance of equipment. For the most part, the work will occur off-site. The site is surrounded by residential. Expansion of the business would have an impact. Projects can go later than 5:00 p.m., especially when travel from a job site is included. Would be different if they were processing gravel or chipping. Equipment is not necessarily brought back to the site daily as it may be left at the job site until completion of a project.

**COA:** This conditional use permit will expire if the property or business has a change in ownership.

Condition of Approval # 9 is appropriate. No recommended changes.

**COA:** If landscaping buffer is removed must replace vegetation with similar density of screening. Must re-vegetate so neighbors cannot see equipment.

Commissioner Freeman moved to approve C.U.P. 22-11 with the stated conditions and Commissioner Childs seconded the motion. Motion carried unanimously.

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

Chairman Thompson returned to the meeting room.

7:00 p.m.

2. **C.U.P. 22-12 Gemma's Outdoor Market:** Monty Moore is requesting a conditional use permit for an outdoor market. Vendor employees will occupy approximately 1,000-sqft of tent space for retail and 300-sqft for storage within the existing parking lot for Gemma's Italian Deli and Market. No new permanent structures are proposed. The 1.5-acre site is addressed at 13840 and 13844 Highway 55 and located in the NW ¼ Section 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report,

displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Jess Ellis, Donnelly Fire Department Fire Marshal, listed requirements. (May 6, 2022)
- **Exhibit 2** – Central District Health stated that patrons of the outdoor market will not be able to use restrooms at Gemma's. Portable toilets will need to be provided to accommodate 50 patrons/day for specified number of hours the market will be open. (May 5, 2022)

This site is in the Lake Fork Village as identified in the Valley County Comprehensive Plan.

The existing access to Highway 55 is approved by Idaho Transportation Department. There is a clear line of site to the south.

Chairman Thompson asked for the applicant's presentation.

Monty Moore, McCall, is requesting an open-air market in the existing parking lot of Gemma's Italian Deli and Market. He does not expect the outdoor market to increase traffic on the already busy highway and East Lake Fork Road. Temporary tents would be used, not permanent structures. Parking areas and porta-potties already exist. The outdoor market would not use the existing septic system. The parking lot will be treated to reduce dust. Access for the fire department as well as delivery trucks will be maintained. The vendor tents will be located on the south side of the building. A coffee-food truck trailer was previously at the same location. There is an RV parked there for staff to live in. The RV in the back of the property belongs to Mr. Moore and is unoccupied. Mr. Moore is currently repairing that RV. The existing parking area along Highway 55 will accommodate the customers of Gemma's deli. There is additional parking area on the southeastern property edge for outdoor market customers.

Director Herrick recommends that the Commissioners consider allowing the use every year unless there are issues or an expansion of the use. Mr. Moore is in agreement.

Commission Roberts has concerns regarding the adjacent irrigation canal located directly below the proposed parking area. Debris from the site could blow into canal blocking headgates. He also is concerned about the existing berm at crest of canal; he is concerned about a vehicle or kids slipping into the canal. Mr. Moore replied that the parking has been like this for many years with a berm but no other barrier. There has not been an issue. Commissioner Roberts is that the additional cars will bring more congestion in the parking area.

Mr. Moore said that the parking lot will be graded prior to the dust abatement application. He could have the berm height increased.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Chris Church, 12 Buckskin Drive, is concerned that oil applied for dust abatement could flow into the irrigation canal.

Susan Dorris asked if vendors be living on site as they did at the closed Cascade Flea Market. Otherwise, she approves of the proposal.

Allison Hatzenbuehler asked if the tents would be assembled weekly or stay up for the entire summer. Waving flags would be a distraction at an already busy intersection.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Moore replied that oiling of the parking lot is regular maintenance done every few years to reduce dust. The application is not a seal-coat oil. The tents will be up for the entire season. No flags will be erected as they are not allowed per Valley County Code. The vendor tent will be up against the building. There are people living in the RV adjacent to the building who will work the booth and provide security to the property. The vendor will sell clothing and similar goods. There will be one vendor only.

Chairman Thompson closed the public hearing. The Commission deliberated. Employees living on the site was not mentioned in staff report nor is housing specifically stated in the existing conditional use permits for Gemma's Deli. The RV ordinance allows one RV per site. The previous coffee trailer was hooked up to the septic system. Staff and Commissioners are unsure if the RV is attached to the septic system.

Proposed additional Conditions of Approval discussed included Central District Health approval prior to using the RV as a residence; berm height; approval time length; and dust treatment.

Commissioner Roberts moved to approve C.U.P. 22-12 with the previously stated conditions and four additional conditions. Commissioner Childs seconded the motion.

The berm height was discussed further. Commissioner Caldwell disagrees with this requirement as there has been a commercial use at the site for many years with no issues regarding the canal. This requirement would be an additional cost to applicant, especially with the current price of gravel. Commissioner Freeman concurs.

Commissioner Roberts moved to amend his motion to approve C.U.P. 22-12 with the stated conditions and

- **COA**: Must obtain Central District Health approval prior to using the RV as a residence.
- **COA** – Approval is for one year only. The Commissioners will hold a public hearing to review the application prior to summer of 2023.
- **COA** – Must use chloride dust palliative abatement, not an oil treatment.

Commissioner Childs seconded the motion. Motion carried unanimously.

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

7:30 p.m.

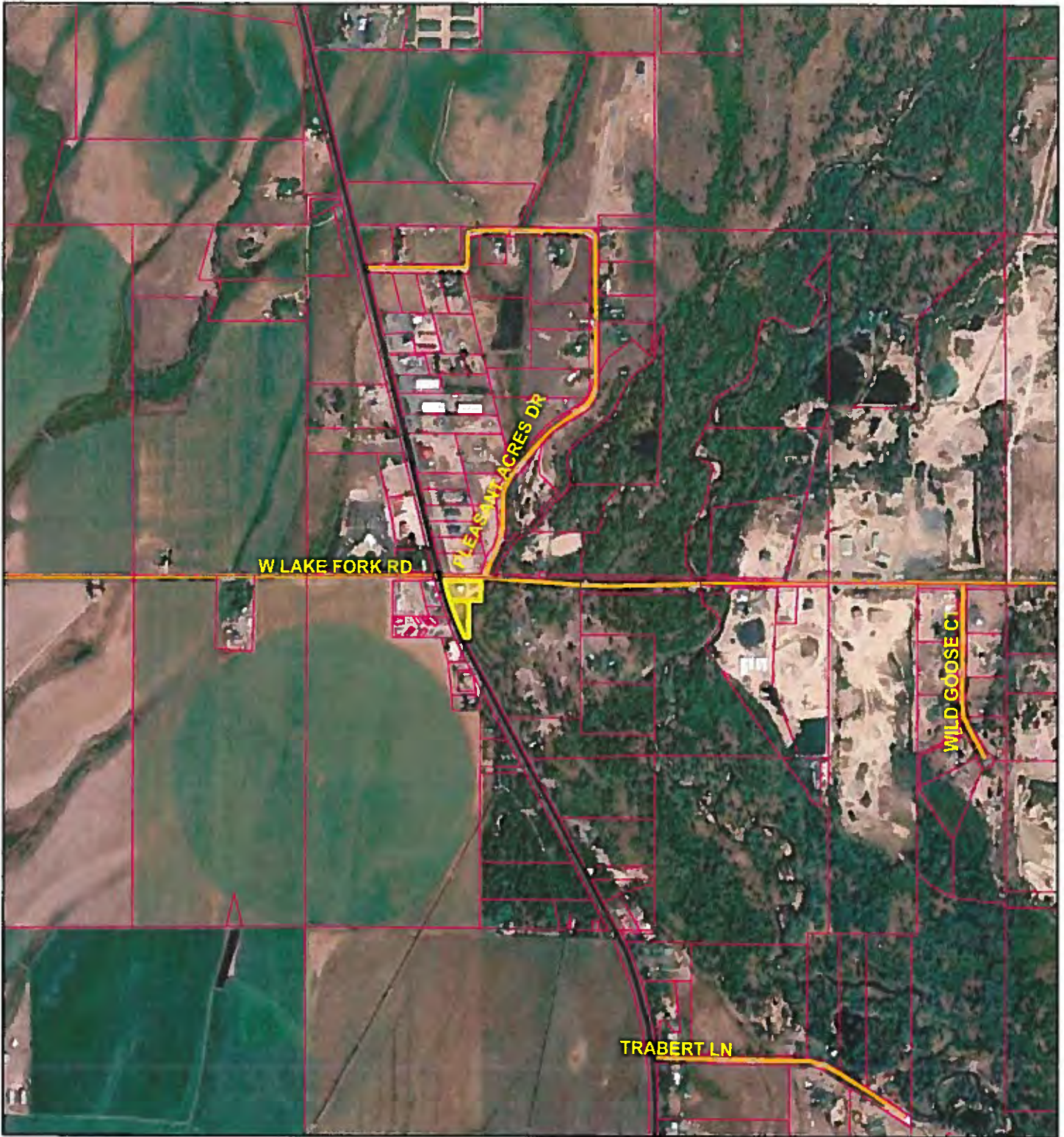
3. **C.U.P. 22-13 Paikka Bakery:** Finn Place LLC is requesting a conditional use permit for a bakery. The existing building would be remodeled, and a greenhouse added. Up to 18 dinners per year will also be held at the site. The site also has a shop with apartment. The existing septic system and individual wells would be used. The 3-acre site is addressed at 14118 Highway 55 and located in the NE ¼ Section 18, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.



# C.U.P. 22-12 Vicinity Map



3/23/2022, 4:12:28 PM

1:18,056

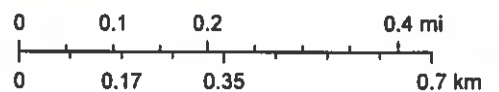
 Parcel Boundaries  URBAN/RURAL

All Road Labels County Boundaries

Roads

VALLEY COUNTY

 MAJOR



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

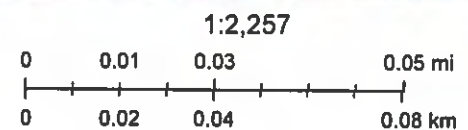


# C.U.P. 22-12 Aerial Map



3/23/2022, 4:06:00 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- URBAN/RURAL
- County Boundaries
- MAJOR



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Web AppBuilder for ArcGIS

Maxar Microsoft | Valley County IT | Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530. | United States Forest Service Natural Resource Manager

## TWP. 17N R03E SEC. 10

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





**UP 22-12 Gemma's Market - Lake Fork**

Monty Moore [REDACTED]

Thu 2/9/2023 1:31 PM

To: Lori Hunter <lhunter@co.valley.id.us>

Cc: Serene Jackson [REDACTED]

Hello Lori,

I would like to have the market again this year, with some changes. Serene's tent will be moved to the back of the property. I would also like to have a Farmer's Market once a week.

Please view the attached map.

What do I need to do from here?

Thanks,

Monty Moore



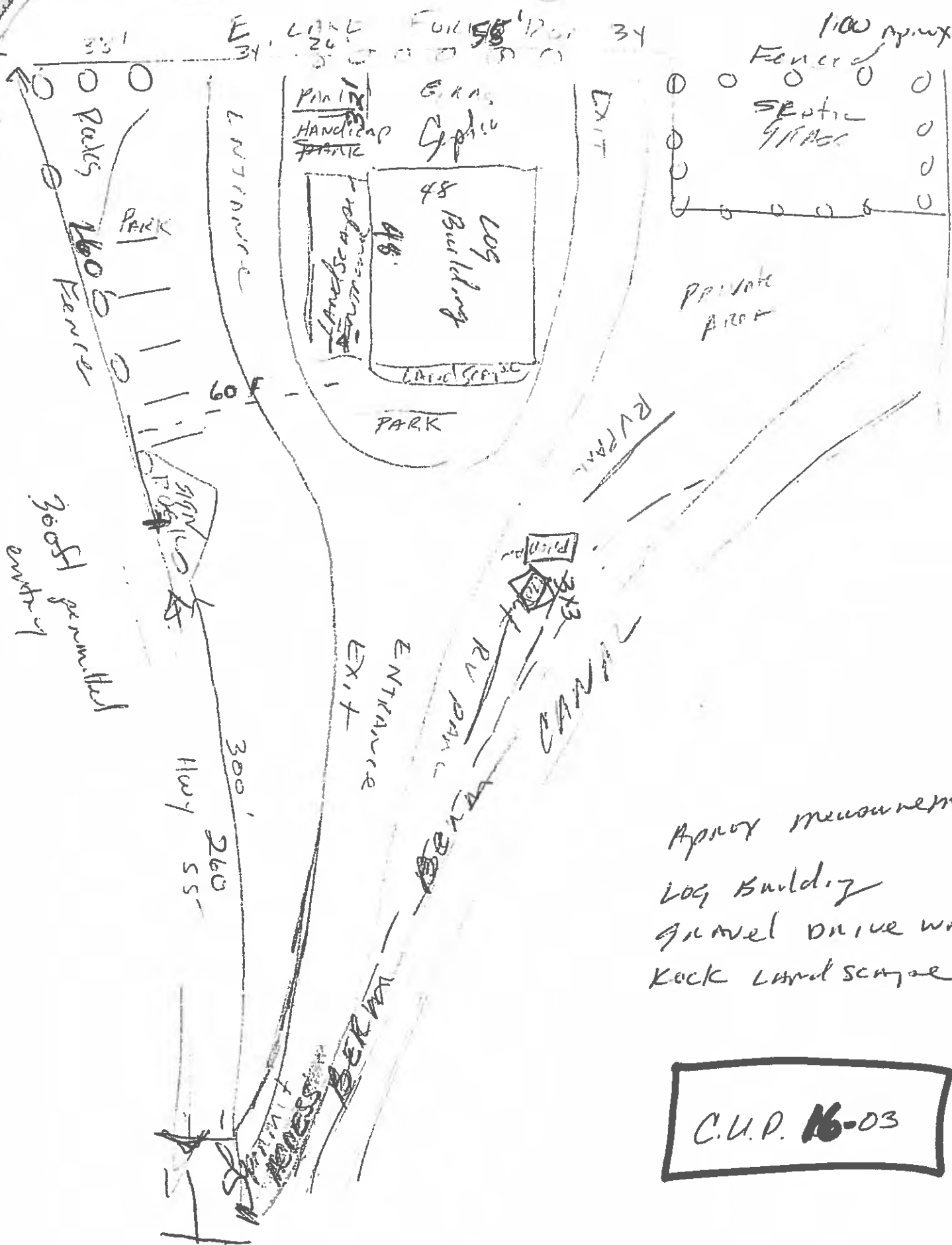
Google Maps



Map data ©2023, Map data ©2023 Google 20 ft

# Revised Site Plan 2023

180



Approx measurements  
Log Building  
gravel drive way  
Rock Land scape

C.U.P. 16-03

2015

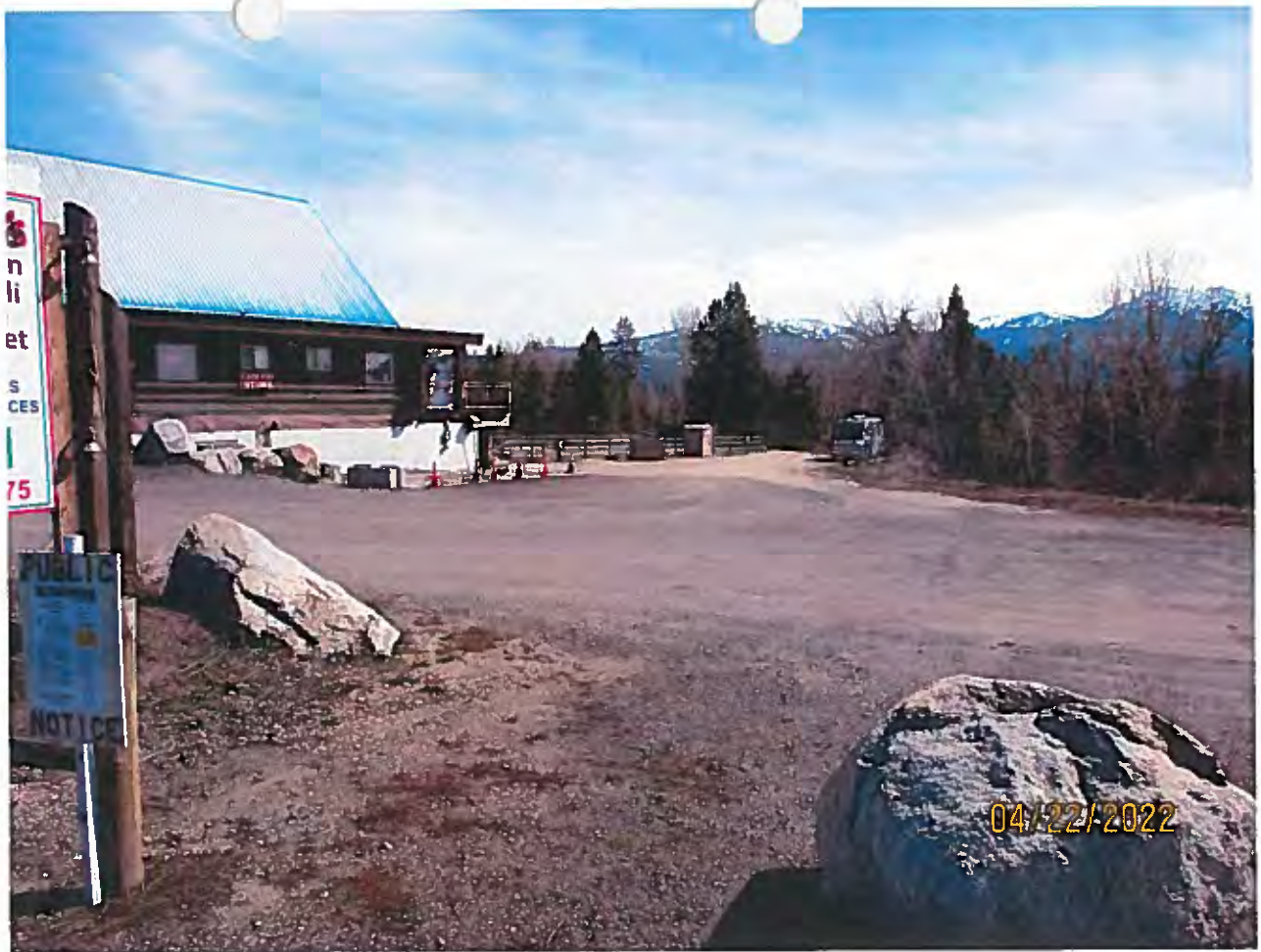


















Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 22-12

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

Gemma's Outdoor Market

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

☐ 14.

Reviewed By: 

Date: 3/24/23



## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 22, 2023

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 22-12 Gemma's Outdoor Market

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

- **Section 503.4 IFC 2018.** Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles. The minimum width established in **Section 503.2.1** is 20 feet and shall be maintained at all times

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal  
Donnelly Fire Department