

# Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
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**STAFF REPORT:** V-1-23 Franklin Building Supply Setback Variance  
**HEARING DATE:** June 20, 2023  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Franklin Building CO & DYL Limited Partnership  
9222 W Barnes DR, Boise ID 83709  
**REPRESENTATIVE:** Abigail R Germaine, ELAM & BURKE  
PO Box 1539, Boise, ID 83701  
**LOCATION:** 23 Johnson Lane and 14047 Highway 55  
Parcels RP18N03E330606, RP18N03E330621 and  
RP18N03E330645 in the NWNE Section 33, T.18N, R.3E,  
Boise Meridian, Valley County, Idaho  
**REQUEST:** Relax Setback Variances  
**EXISTING LAND USE:** C.U.P 99-1 Franklin Building Supply

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The Planning and Zoning unanimously recommended approval of the variance on May 11, 2023.

Franklin Building Supply CO is requesting a variance to relax the setback from the required 100-feet to 0-feet from the property line along Highway 55 and the southwest portion of the site.

The applicant believes that its historic and current use of temporary storage of materials within the setback area adjacent to Highway 55 and in the southwest area of the site are specifically allowed and permitted under C.U.P. 99-1.

The site is accessed from Johnson Lane, a public road, and State Highway 55.

More information on the conditional use permit, site plan, interpretations, and violations are in the attached minutes and staff reports for the Planning and Zoning Commission.

## FINDINGS:

1. On March 9, 2023, at a properly noticed public hearing, the Planning and Zoning Commission tabled the matter for further consideration and more information until May 11, 2023. On May 11, 2023, at a properly noticed public hearing, the Planning and Zoning Commission unanimously recommended approval of a variance.
  - The variance allows the 100-ft setback area from the property line to be used as a staging area and for temporary storage with a 0-ft setback.

- Materials for staging are limited to a maximum height of 15-ft.
- Temporary storage is allowed up to seven (7) days per order.

2. Comments received and considered at the Planning and Zoning Commission hearings:

Wendy Howell, Idaho Transportation Department Development Project Coordinator, stated the following:

- This site abuts State Highway 55.
- Per the Idaho Administrative Procedures Act: Improvements intended to serve patrons on private property adjacent to state highway right-of-way shall be setback from the highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of 14-feet from the State Highway right-of-way line is needed unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of the building, the parking spaces shall not be included within the State Highway right-of-way. (Feb. 23, 2023)

Garrett de Jong, McCall Fire Chief, has no comments. (Feb. 17, 2023)

There were no written nor verbal comments from the public.

3. The PZ Commission made the following conclusions:

- That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
- The 100-ft setback area from the property line is to be used as a staging area and for temporary storage.
- ~~The use for this purpose was in place prior to the 1999 conditional use permit.~~
- The site is a short-term storage and lay-down area for materials.
- Approval of storage within the 100 ft. setback area was given in 1999 and the use is being confirmed today.
- The materials for staging are limited to a maximum height of 15-ft.
- A 0-ft setback from the property line is approved for temporary storage and staging of materials.
- Temporary storage is allowed up to seven (7) days per order.

4. Valley County Code:

**9-5H-10: VARIANCES:**

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the

requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

**B. Application:**

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
2. A written application for a variance shall be submitted to the administrator or staff containing:
  - a. Description of the nature of the variance requested.
  - b. A narrative statement and graphic material demonstrating:
    - (1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
    - (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
  - c. A site plan showing the location of the variance and the special characteristics of the site.
  - d. A list of adjoining property owners within three hundred feet (300') of the site.
  - e. The fee set by resolution of the board shall accompany the application for a variance.

**C. Procedure:** An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.

**D. Granting Of Variance:**

1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
3. The commission's decision shall be a recommendation to the board.
4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
7. ~~The variance approval is valid for five (5) years, unless a more specific date is specified.~~

**STAFF COMMENTS:**

**Recommended Condition of Approval:**

- 1) The variance allows the 100-ft setback area from the property line to be used as a staging area and for temporary storage with a 0-ft setback.
- 2) Materials for staging are limited to a maximum height of 15-ft.
- 3) Temporary storage is allowed up to seven (7) days per order.

**Recommended Motion:** I move to approve V-1-23 Franklin Building Supply Setback Variance as per the Planning and Zoning Commission recommendation to allow a variance from the setback from Highway 55 along with the listed conditions of approval, and, to adopt their Facts and Conclusions as our own.

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**ATTACHMENTS:**

- PZ Facts and Conclusions
- PZ Commission Minutes – March 9, 2023, and May 11, 2023
- PZ Commission Staff Reports
- Vicinity Map
- Aerial Map
- Assessor Plat – T18N R3E Section 33
- Assessor's Reports for the Site
- Pictures – May 3, 2022, and February 24, 2023
- Responses
- Conditional Use Permit 99-1, Facts and Conclusions, Meeting Minutes, Staff Report, and Application
- Applicant's Submittals for V-1-23 (Application and Exhibits)

**END OF STAFF REPORT**

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

**SUBJECT:** Variance V-1-23  
Franklin Building Supply  
Setback Variance

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on March 9, 2023. The Commission reached a quorum. Commission members in attendance were Sasha Childs, Scott Freeman, Ken Roberts, Gary Swain, and Chairman Katlin Caldwell. The matter was tabled for further consideration and more information.

The matter came before the Valley County Planning and Zoning Commission on May 11, 2023. The Commission reached a quorum. Commission members in attendance were Sasha Childs, Scott Freeman, Gary Swain, and Acting Chairman Ken Roberts.

Abby Germaine of Elam & Burke, and Ken Leavitt, Regional Manager, represented the applicant Franklin Building Supply, were present and requested a variance to relax the setback from the property line along Highway 55 and the southwest portion of the site. The site, addressed at 23 Johnson Lane and 14047 Highway 55, includes parcels RP18N03E330606, RP18N03E330621 and RP18N03E330645, and is located in the NWNE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated March 9, 2023, and May 11, 2023, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the land use categorization in Valley County Code (Table 9-3-1) is as follows:
  - 5. Commercial Uses d. Area Businesses (3) Building Materials, Retail or Wholesale, and
  - 6. Industrial Uses a. Light Industry (3) Enclosed Manufacturing
2. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
  - The complete application was received from the applicant on January 25, 2023.
  - Legal notice was posted in the *Star News* on February 16, 2023, and February 23, 2023.
  - Potentially affected agencies were notified on February 6, 2023.
  - Property owners within 300 feet of the property line were notified by fact sheet sent February 7, 2023.
  - The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 6, 2023.
  - The site was posted on February 24, 2023.
  - A public hearing was held on March 9, 2023, and tabled for further consideration and more information.

- Additional legal notice was again posted in the *Star News* on April 27, 2023, and May 4, 2023
- A public hearing was held on May 11, 2023.

7. Other persons in attendance expressed neither approval or disapproval of the proposed variance.

### **CONCLUSIONS**

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

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
2. The 100-ft setback area from the property line is to be used as a staging area and for temporary storage.
3. The use for this purpose was in place prior to the 1999 conditional use permit.
4. The site is a short-term storage and lay-down area for materials.
5. Approval of storage within the 100 ft. setback area was given in 1999 and the use is being confirmed today.
6. The materials for staging are limited to a maximum height of 15-ft.
7. A 0-ft setback from the property line is approved for temporary storage and staging of materials.
8. Temporary storage is allowed up to seven (7) days per order.

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### **ORDER**

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The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that application V-1-23 Franklin Building Supply Setback Variance, as described in the application, staff reports, correspondence, and minutes of the meetings be approved.

#### **Conditions of Approval:**

1. The variance allows the 100-ft setback area from the property line to be used as a staging area and for temporary storage with a 0-ft setback.
2. Materials for staging are limited to a maximum height of 15-ft.
3. Temporary storage is allowed up to seven (7) days per order.

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

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

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

**Please take notice** that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

END FACTS AND CONCLUSIONS

*Kathleen M. Caldwell*  
Valley County Planning and Zoning Commission  
Chairman

Date: 06/08/23

# Valley County Planning and Zoning Commission

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**Katlin Caldwell, Chairman**  
**Ken Roberts, Vice-Chairman**

**Sasha Childs, Commissioner**  
**Scott Freeman, Commissioner**  
**Gary Swain, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission  
March 9, 2023  
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 Caldwell. 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 – Gary Swain:       | Present |
| PZ Assistant Planner – Lori Hunter: | Present |

- B. MINUTES:** Commissioner Childs moved to approve the minutes of February 9, 2023, and February 21, 2023. Commissioner Roberts seconded the motion. Motion passed unanimously.

### C. OLD BUSINESS:

- 1. ~~C.U.P. 21-09 Copper Rock Subdivision – Final Plat:~~ Biltmore Investments is 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 13 single-family residential lots and two common lots. Lots would be assessed from shared driveways onto Dawn Drive (public). The 6.4-site is a portion of parcel RP16N03E161805 in the SE 1/4 Section 16, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.****

Chairman Caldwell introduced the item. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Condition of Approval No. 3 requires the final plat to be recorded by April 20, 2023. The applicant is asking for an extension to allow time to complete infrastructure.

Keven Amar, Meridian, Idaho, representing Biltmore Investments, finds general agreement with the conditions of approval. The improvements are in the ground but ran out of time to complete installation and electrical connections due to weather. The electric work has been scheduled with Idaho Power. Changes will be made to the plat as stated in the staff report. Fiber optics



6:37 p.m.

- V-1-23 Franklin Building Supply Setback Variance:** Franklin Building Supply CO is requesting a variance to relax the setback from the property line along Highway 55 and the southwest portion of the site. The site, addressed at 23 Johnson Lane and 14047 Highway 55, includes parcels RP18N03E330606, RP18N03E330621 and RP18N03E330645, and is located in the NWNE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site plan and GIS map on the projector screen. The site plan was reviewed.

The variance request is to allow storage within the 100-ft setback area. Director Herrick does not believe that the storage of materials within the 100-ft setback from Highway 55 was allowed per C.U.P. 99-1; the applicant disagrees. Regardless, the applicant is asking for a variance.

Chairman Caldwell asked for the applicant's presentation.

Abby Germaine, of Elam & Burke, Boise, is representing Franklin Building Supply CO. Ken Leavitt, Regional Manager for Franklin Building Supply, is also available to answer any questions regarding on-site operations. Franklin Building Supply is requesting a variance to use the 100-ft setback area for the storage and staging of materials as shown in the site plan for C.U.P. 99-1. She referred to the confusion between the uses in the southwest and southeast corners of the site. Storage is allowed in southwest area on site plan; staff and Franklin Building Supply are in agreement. Franklin Building Supply is willing to limit parking in the southeast area to the area marked on site plan.

Franklin Building Supply is a lumberyard that has been in operation at this site since 1983. In 2022, Planning and Zoning Staff met with representatives of Franklin Building Supply regarding the setback area. The company has tried unsuccessfully to move the temporary storage and staging area to different portions of the property; ~~this interfered with the efficiency and cost-effectiveness of the operation. Not using the contested setback area rendered the facility non-operational.~~

Ms. Germaine referred to the site plan from C.U.P. 99-1 that was submitted with the application. The words highlighted in yellow state:

- Existing storage yard
- Black-top surface extends east and west from rail fence [green] to irrigation culvert [blue] and north to south from cyclone fence [orange] to south storage building [pink].

Based on that language and intent of conditional use permit, the site plan clearly depicts that storage can occur all the way from the rail fence to the irrigation culvert. However, based on discussions with staff and discrepancies in interpreting the site plan, a variance is requested to allow storage within the 100-ft setback area and provide clarity for the Planning and Zoning Department for future enforcement.

Valley County Code 9-5H-10 allows a variance to be granted upon showing undue hardship. Franklin Building Supply states that an undue hardship would exist if this variance was not granted. The typical use of the area is staging and loading of materials, from a couple of hours to overnight. The area is wide enough to allow heavy equipment to turn around, provide a drive-thru aisle, and allow for safe and efficient loading of materials.

The storage and staging area cannot occur in other areas on the property due to wetlands, wet soils, and septic system location, all which restrict heavy equipment use. The existing berm on the west side of the buildings was requested by the PZ Commission to shield the site from the residences to the west. The berm has reduced the land available for operational use. In regard to the requirement for "undue hardship", if Franklin Building Supply is not able to utilize the area indicated on site plan, operations will be drastically affected and the business inoperable. This would result in millions of dollars in lost revenues and taxes to Valley County. Franklin Building Supply has been a good partner and has worked cooperatively with Valley County regarding the façade design and dark-sky appropriate lighting.

Ms. Germaine responded to questions from the Commissioners. The variance request is for "Temporary storage" to be granted into perpetuity. If Idaho Transportation Department (ITD) decides to widen the highway at this location, the eminent domain process would lead to a future discussion. This would apply regardless of approval of this requested variance. Franklin Building Supply has no intention for any permanent buildings within the 100-ft setback.

The sight-obstruction from Johnson Lane and ITD response letter were discussed. The Idaho Administrative Procedures Act includes "recommended", not "required". There is space between the pavement and the property line to meet this 14-ft setback. There is an existing access permit from ITD for the southern access to the property.

Ken Leavitt, Regional Manager for Franklin Building Supply, Star, Idaho, stated that the staging area is used for temporary storage, not permanent storage. The height of materials has been lowered. He explained how the site is used. Trucks are parked where they do not impede with sight view from Johnson Lane. Eventually there will be more lanes on Highway 55; however, this variance is needed for operations today. Moving the equipment did not allow for efficient or safe operations. The ditches are different than what shows on the GIS map. Drainage was discussed. There is a drop off at least eight feet west of the buildings. The staging area was set up to be at the current spot. The berm was required as a conditional use permit.

Commission Swain stated there is room to expand; thus, an undue hardship does not exist. If the area was approved as a staging area as part of a previous conditional use permit; therefore, a variance is not necessary.

Commissioner Roberts questioned if the variance could be granted subject to future highway expansion.

Chairman Caldwell asked for proponents. There were none.  
Chairman Caldwell asked for undecided. There were none.  
Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for rebuttal from the applicant.

Ms. Germaine submitted site plans that were also included in the application submittal (**Exhibit 1**). The applicant believes that the current use of storage and staging of materials within the 100-ft setback from Highway 55 was allowed per C.U.P. 99-1. The variance is an amicable resolution to clarify the issue.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Roberts wants more information from the Valley County Prosecutor and property owner. His concerns include the future expansion of Highway 55, eminent domain, and the property owner's expectation of land use compensation. Commissioner Childs states that giving a variance is something that needs to be questioned. She states that the conditional use permit

allows the storage on the site plan; however, she is willing to table the matter to obtain more information. Commissioner Swain does not believe the requirement for “undue hardship” has been met. However, he is under the impression that a variance is not needed because the use is allowed per the conditional use permit. Commissioner Freeman concurs with Commissioner Swain; the note is clear that the intent was for staging; and a variance is not needed. Chairman Caldwell concurs with Commissioners Freeman and Swain. However, she did point out that the site map does clearly point out the 100-ft setback which is direct conflict with existing use. The site plan also contradicts as it includes both the 100-ft setback information and a description that includes the area up to the fence. The Commissioners discussed if the 100-ft setback on the site plan referred to a temporary “lay down” use as well as a permanent structure. Director Herrick stated that her recollection is the area is for “drive through” and lay-down area and pick-up area but was not intended for parking or storage of materials. According to applicant “temporary” could be a couple of hours or overnight. Valley County Code does not allow parking in setback areas. Commissioner Swain asked if the applicant could identify the current use and parameters, including length of time materials are stored.

Commissioner Roberts moved to table V-1-23 Franklin Building Supply Setback Variance for further consideration and more information until the regular meeting on May 11, 2023.

This would allow the Commissioners and staff to explore options and determine if granting a variance creates a value. The applicant shall better define the use within the 100-ft setback from Highway 55 and define the length of “temporary storage”. Staff will provide a copy of the C.U.P. 99-1 file, including application and meeting minutes.

Commission Childs seconded. Motion passed unanimously.

7:40 p.m.

- 3. C.U.P. 23-01 Sands 55 Subdivision – Preliminary Plat:** Lake Fork 55 LLC is requesting a conditional use permit for a 4-lot, mixed-use subdivision that includes commercial use, light-industrial use, and multiple-residences (apartments). Proposed lot sizes range from 0.87 acres to 3.27 acres. Access would be from State Highway 55. Individual wells and individual septic systems are proposed. The 10.3-acre site is parcel RP17N03E033995 located in the W ½ Sec. 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Caldwell 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** – Updated civil plans which show the routing of the drainage. (Mar. 9, 2023)
- **Exhibit 2** – Lake Irrigation District response letter. (Mar. 2, 2023)
- **Exhibit 3** – Michelle and Dave Butler. They and others use the water that flows within ditch. Follow-up from neighborhood letter. (Mar. 8, 2023)

The applicant submitted a list of allowed uses for Lot 2. The Planning and Zoning Director would determine if conditional use permit is required for uses not listed. Approving this use does not result in commercial zone designation. If uses change from what is listed in the application and staff report, a conditional use permit may be required. A more specific list is required.

There is an irrigation ditch along western boundary plus another ditch within the site. Staff requests more information on the plans for these ditches. Approval from Lake Irrigation District

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**Katlin Caldwell, Chairman**  
**Ken Roberts, Vice-Chairman**

**Sasha Childs, Commissioner**  
**Scott Freeman, Commissioner**  
**Gary Swain, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission  
May 11, 2023  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

- A. OPEN:** Meeting called to order at 6:00 p.m. by Acting Chairman Roberts. A quorum exists.
- |                                     |         |
|-------------------------------------|---------|
| PZ Director – Cynda Herrick:        | Present |
| PZ Commissioner – Katlin Caldwell   | Excused |
| PZ Commissioner – Sasha Childs:     | Present |
| PZ Commissioner – Scott Freeman:    | Present |
| PZ Commissioner – Ken Roberts:      | Present |
| PZ Commissioner – Gary Swain:       | Present |
| PZ Assistant Planner – Lori Hunter: | Present |
- B. MINUTES:** Commissioner Freeman moved to approve the minutes of April 13, 2023, and April 20, 2023. Commissioner Swain seconded the motion. Motion passed unanimously.
- C. OLD BUSINESS:**
- 1. C.U.P. 21-06 Moon View Ranch Subdivision Amended – Final Plat:** Sound Holding LLC and Leaway Investments LLC are requesting an amendment to Moon View Ranch Subdivision in accordance with Valley County Code 10-3-4-B in order to expand two lots and correct scrivener's errors. The site is 9.3 acres in Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Not a public hearing.]

Acting Chairman Roberts introduced the item and 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 exhibit:

- **Exhibit 1** – Email correspondence between Mike Reno of Central District Health, Director Herrick Cynda, and applicant Matt Falvey regarding release of sanitary restrictions. (May 9-11, 2023)

Sanitary Restrictions will be released prior to recording the final plat. The FAA form and requirements were discussed.

Commissioner Childs moved to approve the final plat of C.U.P. 21-06 Moon View Ranch Subdivision Amended and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously.

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

2. **V-1-23 Franklin Building Supply Setback Variance:** Franklin Building Supply CO is requesting a variance to relax the setback from the property line along Highway 55 and the southwest portion of the site. The site, addressed at 23 Johnson Lane and 14047 Highway 55, includes parcels RP18N03E330606, RP18N03E330621 and RP18N03E330645, and is located in the NWNE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **[Tabled from March 9, 2023]** Action Item.

Commissioner Freeman moved to remove V-1-23 from the table for consideration. Commissioner Swain seconded the motion. Motion passed unanimously.

Acting Chairman Roberts asked if there was any exparte contact or conflict of interest; there was none. Acting Chairman Roberts reopened the public hearing. Director Herrick presented the staff report addendum and displayed the site, GIS map, and site plan on the projector screen.

The three alternatives listed in the staff report and the site plan were discussed. The fence is on the property line. Director Herrick's recollection is that the area was blacktopped for equipment to use, not for storage of materials.

Acting Chairman Roberts asked for the applicant's presentation.

Abby Germaine, Boise, represented Franklin Building Supply. This process started with discussions relating to enforcement efforts of setback requirements along Highway 55. Ms Germaine submitted 11 x 17" copies of the site plan from 99-1 (**Exhibit 1**) to each Commissioner. The applicant is requesting to use the area with 100-ft of the property line for staging and short-term storage, not long-term storage. Franklin Building Supply will not use the setback area for vehicle parking. The area is used for loading and unloading of trucks. Franklin Building Supply is amenable to either Alternative 1 or the Commission making a finding that the original site plan approved for C.U.P. 99-1 allowed for this temporary storage and staging area. Franklin Building Supply would like the record to show that the use that has historically happened is allowed.

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The idea of a variance was brought to Franklin Building Supply by Staff and the Valley County Deputy Prosecutor as a way to provide protection to the County as enforcement efforts move forward. Therefore, Franklin Building Supply applied for a variance.

Ms. Germaine referred to the alternatives listed in the staff report. Alternative 1 would approve the variance and allow staging and short-term storage materials. She does not believe that the Commission would be determining that the site plan is dominant to the adopted ordinance [first bullet point]. The 100-ft setback is shown on the site plan. However, the site plan clearly shows that storage is allowed all the way to the fence line. The setback is indicated to prohibit permanent structures within the setback and is not applicable to short-term storage or staging or ingress/egress. Parking did occur in the past in this area, but Franklin Building Supply agrees that parking will not occur in the setback area in the future. Mr. Leavitt has pictures that show that current short-term storage of materials up to the fence line does not block the view of on-coming traffic from Johnson Lane [second bullet point]. The company has been conscious that anyone coming from Johnson Lane has a clear view of sight. Ms. Germaine disagrees that approval of this variance would allow other businesses along Highway 55 to not abide with the setbacks [third bullet point]. Other businesses can be told that the use of the setback area at Franklin Building Supply is allowed because the Company has met the criteria and the use is allowed on the approved site plan.

Ms. Germaine stated that Alternative 3 is a solution. Franklin Building Supply will work with the

Commission to allow the current operations. The 100-ft setback area would be used as staging area and for short-term storage. Materials may sit there for a day or more awaiting the next truck to remove them from site. The definition of "staging" does not specify how long materials can stay. Limiting the storage to only a 24-hour time frame would be difficult, particularly due to deliveries on Friday and pick-up the following Monday. Franklin Building Supply has no objections to the 15-ft height limit of stacks. Franklin Building Supply will commit to no permanent structures within the 100-ft setback from the property line. Franklin Building Supply does use the 14-ft area from the fence to turn vehicles and place materials. The Idaho Transportation Department (ITD) comments do not make a recommendation that 14-ft distance is required. The applicable statute states that 14-ft "may be necessary". The right-of-way is not infringed on as there is a large amount of space between the fence and the asphalt of Highway 55 at this location.

Ms. Germaine understands the possibility that the road width of Highway 55 may increase in the future; however, this variance request is what they want for operations today.

Ken Leavitt, Star, Idaho, Regional Manager for Franklin Building Supply, replied to questions from Commissioners. It is not possible to know exactly how long materials are staged at the site before being loaded on truck, sometimes circumstances could result in approximately a week. The staging area is constantly being added to. A specific time frame would be hard to determine. Loads can be cancelled or truck delayed. Mr. Leavitt discussed the differences between staging versus storage. He admits that a few years ago, the setback area was used for storage. In response to conversations with the Planning and Zoning Staff, Franklin Building Supply began using it only as a staging area. He would need to look at data to determine the average length of staging orders. Special orders are stored long-term in a different part of the property. This specific setback area site along the road is only used for short-term orders. The staging area has materials stored in it every day, although the specific materials change regularly.

Acting Chairman Roberts stated that all other businesses in Valley County are not allowed to use the 100-ft setback along Highway 55. This road is a designated Scenic Byway. No structures are allowed within 100-ft of the property line.

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~~Mr. Leavitt believes that the existing conditional use permit allows the current use of the area for staging of materials.~~ Ms. Germaine stated that established case law says that if you are granted an entitlement and then ordinances or code changes, you are "grandfathered in for that use". In this case, there is a clearly defined allowable use. Acting Chairman Roberts stated that the 100-ft setback existed in 1999 when the conditional use permit was granted. Ms. Germaine agreed that no permanent structures were allowed in the setback area; however, it was noted on the site plan that storage would occur up to the fence line.

Acting Chairman Roberts asked for proponents. There were none.  
Acting Chairman Roberts asked for undecided. There were none.  
Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing. The Commission deliberated. The 100-ft setback from Highway 55 was discussed. The purpose of the setback includes future highway expansion, the scenic byway, and increased safety by reducing distractions near the roadway. Commissioner Childs asked Staff about future implications for other sites if the listed alternatives were approved. Director Herrick believes the approval of the variance allows flexibility and clear decisions. The Commissioners will make a recommendation to the Board of County Commissioners. Director Herrick and Acting Chairman Roberts were present at the 1999 public hearing. There were conversations between Staff, Deputy Prosecutor Brian Oakey,

and Franklin Building Supply's legal counsel and employees. These discussions lead to this variance application. Director Herrick recalls that the area was allowed to be blacktopped to allow employees to drive in the area. Storage was to be between the buildings and not in the setback area. Alternative 3 includes the ability to identify temporary storage by the use of a "packing slip". The applicant expressed that expanding the operation area west of the existing buildings is not practical due to the topography. Commissioner Swain has considered Staff's recollection and the wording on the site plan. The "grandfathered" use is an issue. The area has been blacktopped, fenced, and used for storage. Commissioner Swain says the storage seems to have been an acceptable use for the past 24 years. He prefers Alternative 3 and granting of a variance. He does have concerns about implications for other sites along Highway 55. Commissioner Childs concurred. There was discussion regarding the time allowed for short-term storage. Franklin Building Supply did not object to a 15-ft height limit of materials. The storage of materials within 14-ft from the fence was discussed. Commissioner Childs and Commissioner Freeman agree that storage should be allowed within 14-ft from the fence line; prohibiting that would be unreasonable as there is a good distance between the roadway and the fence line. Commissioner Roberts disagreed as he is concerned about long-term implications. Commissioner Childs replied that the variance recommendation would not override eminent domain procedures by the State of Idaho. Commissioner Childs concurs with Commissioner Swain that for 24 years, the fence, asphalt, and use has been allowed; the applicant is completing the correct procedures for a solution.

Modifications to Alternative 3 were discussed. Materials do not always go into storage buildings. A 0-ft setback would be allowed instead of 14-ft from the property line. Staff stated approving a variance allowing a 0-ft setback instead of including the stipulations as tracking the time materials are stored would be difficult to monitor. Commission Childs prefers the stipulations regarding the 15-ft height restriction and short-term storage / staging use.

Commissioner Childs moved to recommend approval of V-1-23 to the Board of County Commissioners, specifically approving Alternative 3 with modifications:

Alternative 3: Allow the 100-ft setback area to be used as a "staging" area.

- to temporarily store orders that are waiting to be picked up.
- ~~to allow drop off of merchandise to be placed in the storage buildings.~~
- These stacks are limited to the height of 15-ft.
- ~~These stacks could be no closer than 14' to the fence as per the request of ITD.~~
- Temporary storage is allowed up to seven (7) days per order ~~could be for a specified amount of time, such as 24 hours or identified by a packing slip for pickup within a specified time.~~

Commissioner Swain seconded the motion.

The Commissioners discussed reasons to recommend approval. These include:

- The use for this purpose was in place prior to the 1999 conditional use permit.
- The site is a short-term storage and lay-down area for materials.
- Commissioner Swain believes approval of the use was given in 1999 and the use is being confirmed today.

Motion approved unanimously.

## Valley County Planning and Zoning

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



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: cherrick@co.valley.id.us

**STAFF REPORT:** V-1-23 Franklin Building Supply Setback Variance  
**HEARING DATE:** March 9, 2023  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Franklin Building CO & DYL Limited Partnership  
9222 W Barnes DR, Boise ID 83709  
**REPRESENTATIVE:** Abigail R Germaine, ELAM & BURKE  
PO Box 1539, Boise, ID 83701  
**LOCATION:** 23 Johnson Lane and 14047 Highway 55  
Parcels RP18N03E330606, RP18N03E330621 and  
RP18N03E330645 in the NWNE Section 33, T.18N, R.3E,  
Boise Meridian, Valley County, Idaho  
**REQUEST:** Relax Setback Variances  
**EXISTING LAND USE:** C.U.P 99-1 Franklin Building Supply

Franklin Building Supply CO is requesting a variance to relax the setback from the required 100-feet to 0-feet from the property line along Highway 55 and the southwest portion of the site.

The applicant believes that its historic and current use of temporary storage of materials within the setback area adjacent to Highway 55 and in the southwest area of the site are specifically allowed and permitted under C.U.P. 99-1.

The applicant's representative states that if the variance is granted, Franklin Building Supply will limit all material height within the setback area to no greater than 15-feet.

The site is accessed from Johnson Lane, a public road, and State Highway 55.

The business was established in 1983. This site and business have had multiple conditional use permit approvals:

- C.U.P. 83-7 Expansion of Existing Area Business - addition of a 60' x 106' storage warehouse
- C.U.P. 84-2 Expansion - addition of a 26' x 38' storage warehouse
- C.U.P. 90-4 Expansion - 27' x 120' addition to warehouse #1; 21' x 108' extension to side of warehouse #2; relocation of underground diesel tank; level and grade approximately 3-acres to west of warehouse #1 and construct a fence at the perimeter; and pave yard area in front of warehouse #1 and between warehouse # 1 and 2.



- C.U.P. 93-2 Expansion - 1,7888 sqft addition on the existing store to expand retail and office area
- C.U.P. 93-30 Expansion - 2-story retail store and warehouse, relocation of small retail building
- C.U.P. 93-30 Extension - Time Extension approved in 1995
- C.U.P. 99-1 Master Plan - Expand warehouse space; enclose part of existing warehouse and use it to pre-hang doors; build a truss shop; and assemble and construct docks, storage sheds, etc. In 2006, a new 76' x 120' enclosed warehouse was allowed.

Land Use Categories from Valley County Code are as follows:

C.U.P. 83-7	5. Commercial Uses d. Area Businesses (3) Building Materials, Retail or Wholesale
C.U.P. 84-2	No Change
C.U.P. 90-4	No Change
C.U.P. 93-2	No Change
C.U.P. 93-30	No Change
C.U.P. 99-1	6. Industrial Uses a. Light Industry (3) Enclosed Manufacturing

The most recent conditional use permit was issued April 20, 1999. The effective site plan (attached) was submitted on November 13, 2003. The site plan does not show storage in the 100-ft setback from the property line along Highway 55. The storage and staging area is shown on the site plan west of the southernmost building. References in the file state that the structures are to store product to mitigate visual impacts.

Earlier in 2022, Jody Green, Valley County Code Compliance, contacted the store manager asking that product not be stored in the 100-ft setback from the property along Highway 55, which is also the Payette River National Scenic Byway. The product was removed from the setback area, but the applicant states it is affecting their business operation, so they have applied for a variance.

## FINDINGS:

1. The application was submitted on January 25, 2023.
2. Legal notice was posted in the *Star News* on February 16, 2023, and February 23, 2023. Potentially affected agencies were notified on February 6, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on February 7, 2023. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 6, 2023. The site was posted on February 24, 2023.

### 3. Agency comment received:

Garrett de Jong, McCall Fire Chief, has no comments. (Feb. 17, 2023)

Wendy Howell, Idaho Transportation Department Development Project Coordinator, stated the following:

- this site abuts State Highway 55.
- Per the Idaho Administrative Procedures Act: Improvements intended to serve patrons on private property adjacent to state highway right-of-way shall be setback from the highway right-of-way line so that stopping, standing, parking or

maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of 14-feet from the State Highway right-of-way line is needed unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of the building, the parking spaces shall not be included within the State Highway right-of-way. (Feb. 23, 2023)

4. Public comment received: *none*

5. Valley County Code:

**9-5-3: STANDARDS:**

The provisions of this chapter shall apply to the various buildings and uses designated herein as conditional uses.

**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.
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.
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.
4. Front Yards: Front yards shall be determined by the structure establishing the principal use on the property and the location of the access street or road.
5. Encroachment On Yards: No other structure may encroach on the yards determined for the structure establishing principal use.
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. (Ord. 10-06, 8-23-2010)

**9-5-4: TABLE 5-A - STANDARDS FOR CONDITIONAL USES**

Use Description	Building Setbacks (feet)				Minimum Lot Area	Maximum % Lot Cover	Minimum Street Frontage	Maximum Building Height	Minimum Parking Spaces
	Front	Side	Side Street	Rear					
<b>Commercial Uses</b>									
Area Business	30	10	30	30		40	75	35	1+ 1/250 sqft
Neighborhood	30	10	30	30		40	75	35	1+ 1/250 sqft
Recreation Business	50	30	50	50				45	1/ each 4 occupants
Service Business	50	30	50	50		40	75	35	1+ 1/250 sqft
<b>Industrial Uses</b>									
Extractive Industry	30	10	30	30			75		
Heavy Industry	150	75	150	100		30	75	45	1+ 1/400 sqft
Light Industry	50	30	50	50		35	75	45	1+ 1250 sqft

**9-5A-3: PARKING AND OFF STREET LOADING FACILITIES:**

- A. Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including firetrucks and refuse collection trucks, snow storage, and drainage.
- B. Accessory Parking And Loading Facilities Required: Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established after the effective date hereof; unless the commission or the board determines that the proposed parking is adequate.
- C. Required Spaces: The minimum number of spaces required is specified herein under the site and development standards for the specific use.
- D. Parking Space, Maneuvering Area And Aisle Dimensions: All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes 1 :
  - 1. Parking Area Dimensions:
    - a. Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').
    - b. All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').
    - c. Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').
  - 2. End Parking Space Maneuvering: A three foot (3') wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.
  - 3. Vehicle Overhang:
    - a. Recreational Vehicles And Parking Spaces: Recreational vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.
    - b. Standard Size Parking Spaces:
      - (1) Landscaped Areas: Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percentage of lot to be landscaped.
      - (2) Sidewalks: Standard size parking spaces are allowed to overhang sidewalks only where the sidewalk is a minimum of six feet (6') in width.
  - c. Access To And From Streets: Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten feet (10') wide nor more than forty feet (40') wide that extends onto the private property at least twenty feet (20') beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter streets in a forward direction.
  - d. Driveways: All driveways shall be designed and constructed in accordance with the county approach policies.
  - e. Surface: Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust free, durable material.
  - f. Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.
  - g. Screening: Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four feet (4') in height.
  - h. Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.

- i. Off Street Loading Facilities: Off street loading facilities shall be provided separately from parking spaces for commercial, industrial, and institutional uses. The facilities shall be adequate to provide loading and unloading without obstruction to the street or parking areas.
- j. Maintenance: Parking areas and off street loading facilities shall be maintained in good order, clear of debris, and shall not be used for any other use that interferes with or limits the intended use.
- k. Lighting: Only indirect lighting may be used to illuminate a parking area. See other lighting regulations in section 9-5B-2 of this chapter.

#### **9-5H-10: VARIANCES:**

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

#### **B. Application:**

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.

2. A written application for a variance shall be submitted to the administrator or staff containing:

a. Description of the nature of the variance requested.

b. A narrative statement and graphic material demonstrating:

(1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.

(2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

c. A site plan showing the location of the variance and the special characteristics of the site.

d. A list of adjoining property owners within three hundred feet (300') of the site.

e. The fee set by resolution of the board shall accompany the application for a variance.

C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.

#### **D. Granting Of Variance:**

1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.

2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.

3. The commission's decision shall be a recommendation to the board.
  4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
  5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
  6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
  7. The variance approval is valid for five (5) years, unless a more specific date is specified.
- 

#### **STAFF QUESTIONS AND COMMENTS:**

- The Planning and Zoning Commission needs to clarify the variance request on the Southwest side of the property. Staff does not understand where the storage and parking are in the southwest corner.
- The Planning and Zoning Commission should determine if there is a variance request for the parking lot in the Southeast corner of the property.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
- The site is within the McCall Fire District, the Lake Irrigation District, and a herd district. The site has individual well and individual septic system.

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#### **ATTACHMENTS:**

- Conditional Use Permit 99-1
- Vicinity Map
- Aerial Map
- Assessor Plat – T18N R3E Section 33
- Assessor's Reports for the Site
- Site Plan
- Pictures – May 3, 2022, and February 24, 2023
- Responses

**END OF STAFF REPORT**

## Valley County Planning and Zoning

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



Phone: 208-382-7115  
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Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

**STAFF REPORT:** V-1-23 Franklin Building Supply Setback Variance – Addendum  
**HEARING DATE:** May 11, 2023  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Franklin Building CO & DYL Limited Partnership  
9222 W Barnes DR, Boise ID 83709  
**REPRESENTATIVE:** Abigail R Germaine, ELAM & BURKE  
PO Box 1539, Boise, ID 83701  
**LOCATION:** 23 Johnson Lane and 14047 Highway 55  
Parcels RP18N03E330606, RP18N03E330621 and  
RP18N03E330645 in the NWNE Section 33, T.18N, R.3E,  
Boise Meridian, Valley County, Idaho  
**REQUEST:** Variance to Relax Setback  
**EXISTING LAND USE:** C.U.P 99-1 Franklin Building Supply

In 2022, Valley County Planning and Zoning staff (Staff) notified Franklin Building Supply (FBS) that they were in violation of the conditional use permit and ordinances since they were parking and storing materials along their fence within the 100' setback from Highway 55. Discussions occurred between FBS, Staff, and the Valley County Deputy Prosecuting Attorney. At that time there were two options:

- 1) Appeal Staff's decision to the P&Z Commission
- 2) Apply for a variance to allow storage of materials and parking within the setback area.

FBS has applied for a variance to relax the setback from the required 100-feet to 0-feet from the property line along Highway 55. The applicant believes that its historic and current use of temporary storage of materials within the setback area adjacent to Highway 55 are specifically allowed and permitted under C.U.P. 99-1. The applicant's representative states that if the variance is granted, FBS will limit all material height within the setback area to no greater than 15-feet.

There have been multiple conditional use permits issued for FBS at the current location as listed in the prior Staff Report. The most recent permit was CUP 99-1 with an amendment in November of 2003. The amendment changed the location of the storage building.

Staff believes there was never storage or parking allowed in the 100' setback from Highway 55. On the 2003 site plan it shows parking directly south of the store front building. The note on the 2003 site plan is handwritten information showing *[Existing Storage Yard between the storage*

*buildings; identifies a blacktop surface that extends E to W from rail fence to irrigation culvert and N to S from cyclone fence to S. Storage Building].* The site plan also shows drainage patterns and landscaping. Planning and Zoning Director Herrick was present at the public hearing and recalls a conversation that the area in the 100' setback would be blacktop so that it could be used for driving forklifts and trucks for staging and loading of materials. None of the previous conditional use permits suggested storage of materials along the fence; storage buildings were proposed.

#### **FINDINGS:**

1. Legal notice was posted in the *Star News* on February 16, 2023, and February 23, 2023. Potentially affected agencies were notified on February 6, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on February 7, 2023. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 6, 2023. The site was posted on February 24, 2023. Additional legal notice was again posted in the *Star News* on April 27, 2023, and May 4, 2023.
2. A properly noticed public hearing on this matter was held on March 9, 2023. The matter was tabled for further consideration and more information until May 11, 2023.
3. Staff sent the applicant information from the file for C.U.P. 99-1 including the application and an exhibit from the meeting on November 11, 2003 (attached). The P&Z Commission were also sent the application.
4. New comments received since March 9, 2023: Non
5. Previous Comment from Idaho Transportation Department:

Wendy Howell, Idaho Transportation Department Development Project Coordinator, stated the following:

- This site abuts State Highway 55.
- Per the Idaho Administrative Procedures Act: Improvements intended to serve patrons ~~on private property adjacent to state highway right-of-way shall be setback from the~~ highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of 14-feet from the State Highway right-of-way line is needed unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of the building, the parking spaces shall not be included within the State Highway right-of-way. (Feb. 23, 2023)

6. **Valley County Code 9-5-3: STANDARDS:** The provisions of this chapter shall apply to the various buildings and uses designated herein as conditional uses.
  - 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.
    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.

VCC Definitions - STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner. (Structures as small as three feet encompasses a much broader regulated category than just buildings.)

7. **Valley County Code 9-5A-3h: Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.**
8. **Valley County Code 9-5H-10B-1** states a variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.

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### **STAFF QUESTIONS AND COMMENTS:**

#### **The following are alternatives for recommendation to the Board of County Commissioners:**

Alternative 1: Approve the variance allowing long-term storage and parking in the setback area.

- This would be the P&Z Commission determining that a site plan is dominant to the adopted ordinances.
- This has the potential to block the view of oncoming vehicles along Highway 55 to vehicles entering from Johnson LN.
- This would also open up the door for other businesses along Highway 55 to not abide by the setbacks.

Alternative 2: Deny the variance and not allow long-term storage and parking in the setback area.

Alternative 3: Allow the 100' setback area to be used as a "staging" area.

- to temporarily store orders that are waiting to be picked up.
- to allow drop off of merchandise to be placed in the storage buildings.
- These stacks could be limited to the height of 15'.
- These stacks could be no closer than 14' to the fence as per the request of ITD.
- The temporary storage could be for a specified amount of time, such as 24 hours or identified by a packing slip for pickup within a specified time.

Definition(s) of Staging Area:

- an area in which participants in a new especially military operation or mission are assembled and readied.
- A staging area is a location in which organisms, people, vehicles, equipment, or material are assembled before use.
- any area or place serving as a point of assembly or preparation on the way to a destination.

### **ATTACHMENTS:**

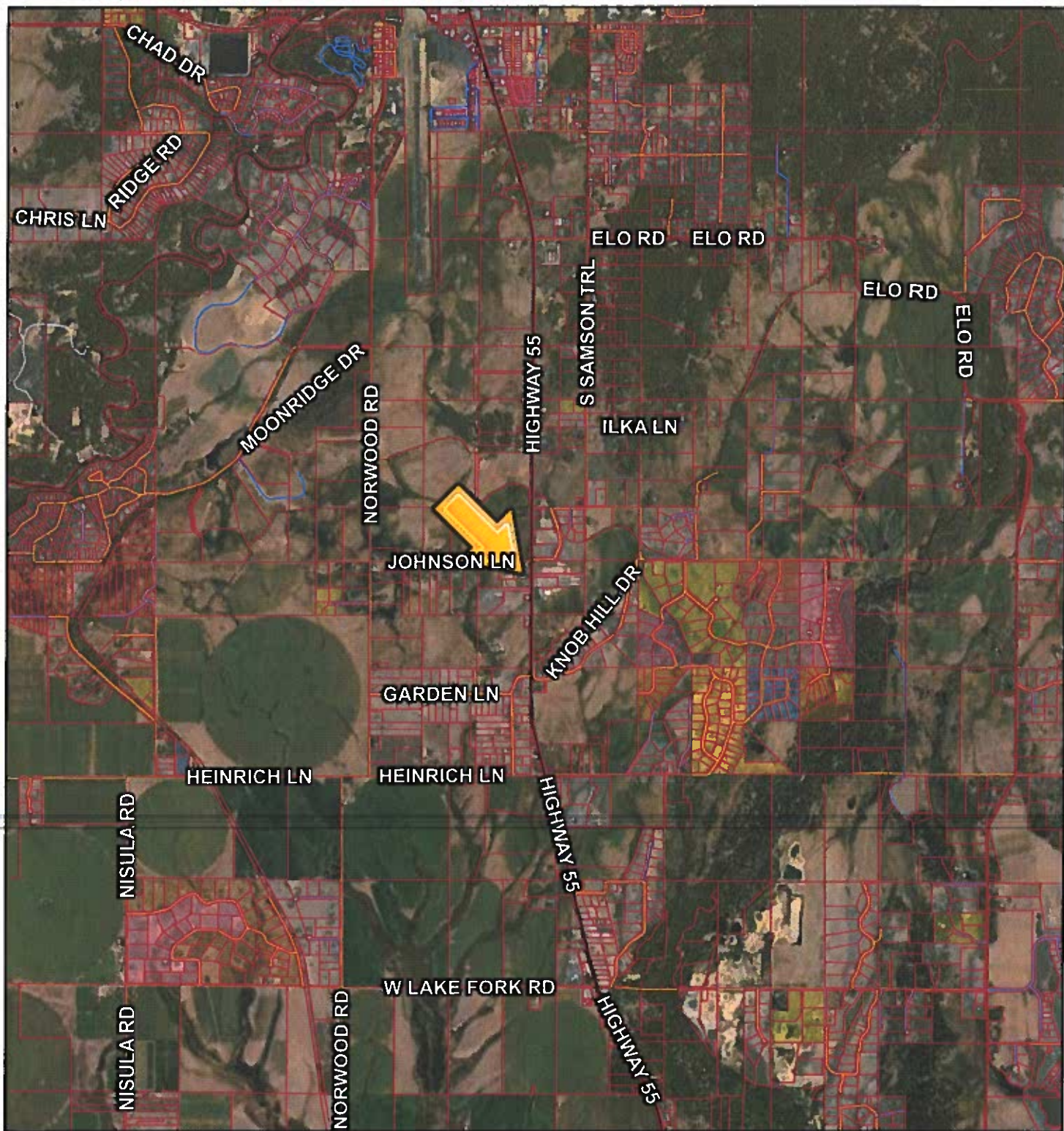
- Vicinity Map
- Aerial Map



- Assessor Plat – T18N R3E Section 33
- Assessor's Reports for the Site
- PZ Commission Meeting Minutes – March 9, 2023
- Staff Report – March 9, 2023
- Pictures – April 17, 2023; February 24, 2023; and May 3, 2022
- All Responses
- Conditional Use Permit 99-1, Facts and Conclusions, Meeting Minutes, Staff Report, and Application
- Applicant's Submittals for V-1-23 (Application and Exhibit 1)

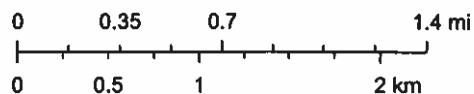
**END OF STAFF REPORT**

# V-1-23 Vicinity Map



January 27, 2023

1:58,782



Highway 1

Parcel Boundaries

Subdivisions

- AIRPORT BUSINESS PARK SUBDIVISION
- ALTA VISTA ESTATES
- APPEL SUBDIVISION
- BELLA VISTA SUB

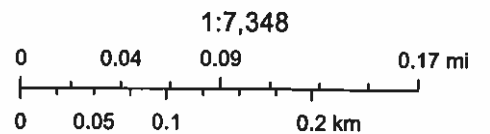
Earthstar Geographics

# V-1-23 Aerial Map



January 27, 2023

- Address Points
- ▭ Parcel Boundaries
- Subdivisions
- ▭ Other
- Roads
- MAJOR
- URBAN/RURAL
- PRIVATE
- County Boundaries
- VALLEY COUNTY



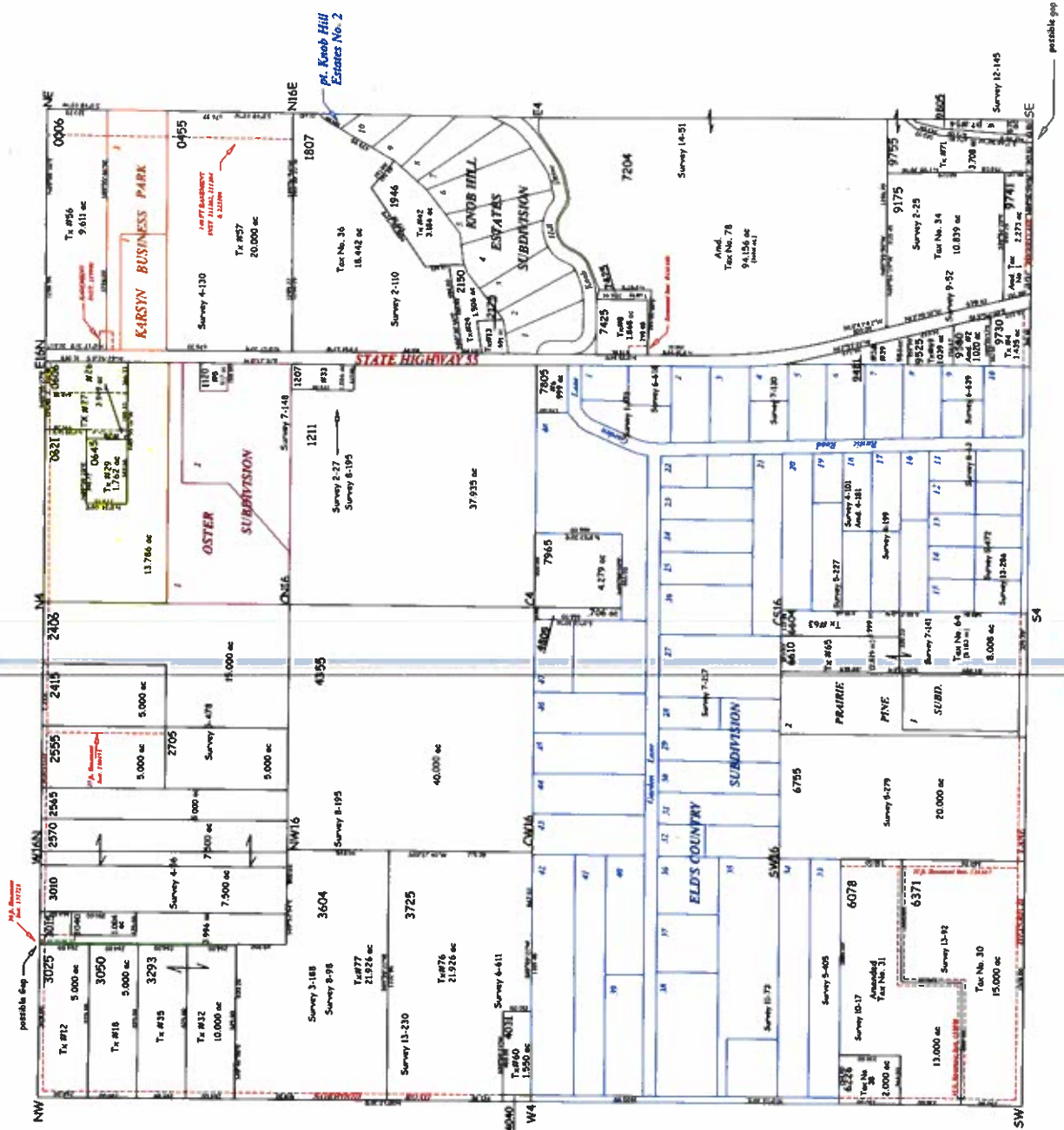
Maxar

PLAT TITLE

# TWP. 18N ROSE SEC. 33

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

Filename:  
Valley County Base Map  
Scale: 1" = 100 ft.  
Date: 3/23/2021  
Drawn by: L. Frederick



This drawing is to be used for information purposes only. The County is not responsible for any inaccuracies contained herein.

## VALLEY COUNTY ASSESSOR'S OFFICE

### Parcel Summary and Improvement Report

PO Box 1350 - 219 N Main St, Cascade, ID 83611



Phone (208) 382 - 7126 | assessor@co.valley.id.us

#### GENERAL PROPERTY SUMMARY

PARCEL ID	RP18N03E330606
OWNER(S)	DYL LIMITED PARTNERSHIP
SITUS ADDRESS	23 JOHNSON LN
SITUS CITY, STATE, ZIP	MCCALL, ID 83638
MAILING ATTENTION	
MAILING ADDRESS	9222 W BARNES DR
MAILING CITY, STATE, ZIP	BOISE ID 83709
MAILING COUNTRY	USA



#### PROPERTY DESCRIPTION & LAND DATA

ACREAGE - SQ FT - FRONTAGE	ACRES: 3.9494	SQUARE FEET: 172035	FRONTAGE: 0
LAND DESCRIPTION	Fair - Commercial Fair (Buffer)	Market Value	
LEGAL DESCRIPTIONS	TAX NO'S 26, 27 AND 28 IN N/2 NW4 NE4 LESS HWY ROW S33 T18N R3E "FRANKLIN BLDG. SUPPLY"		
NEIGHBORHOOD	108301 Lakefork Area Commercial		
PLAT LINKS	18N 3E S33.pdf		
CURRENT LAND USES	USE: Fair (Buffer)	ACRES: 2.9494	
	Fair - Commercial	1	
	Market Value	0	

#### SALES HISTORY

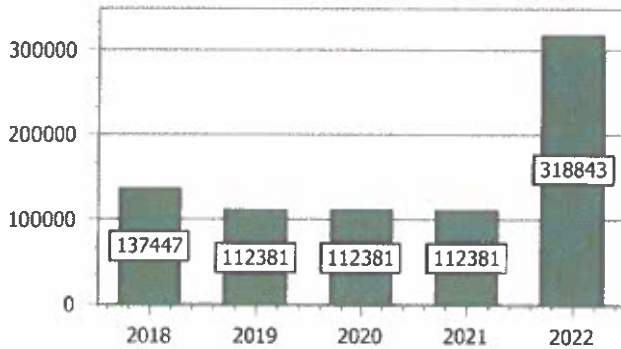
SALE DATE	GRANTOR	DEED REFERENCE

## ASSESSMENT HISTORY

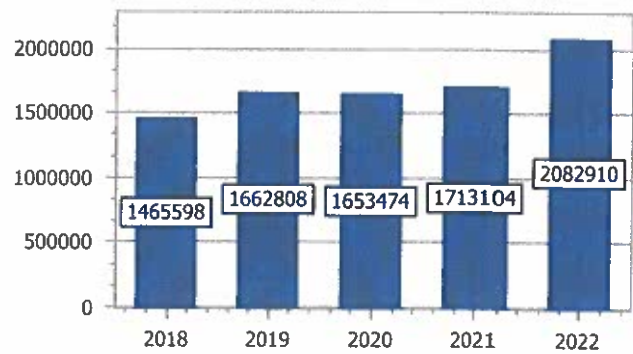
ASSESS DATE	1/1/2022	01/01/2021	01/01/2020	01/01/2019	1/1/2018
CHANGE REASON	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat
LAND	318843	112381	112381	112381	137447
IMPROVEMENTS	1764067	1600723	1541093	1550427	1328151
TOTAL	2082910	1713104	1653474	1662808	1465598

## ASSESSMENT TRENDS

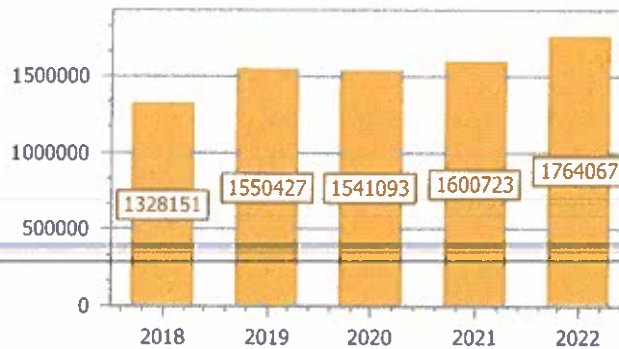
LAND



TOTAL



IMPROVEMENTS



## TAX CODE AREAS & DISTRICTS

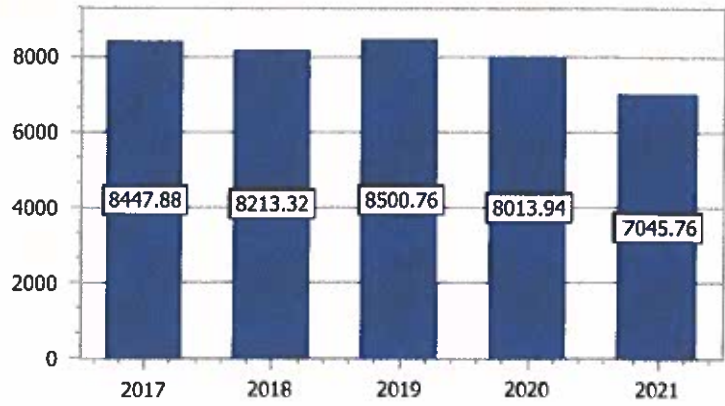
TAX CODE AREA (TAG): 041-0000

CEMETERY	VALLEY CENTER CEMETERY
FIRE	MCCALL FIRE PROTECTION
HOSPITAL	MCCALL MEMORIAL HOSPITAL
SCHOOL	MCCALL-DONNELLY SCH #421

VOTER PRECINCT	005 - PAYETTE
COMMISSIONER DISTRICT	DONNELLY

**TOTAL TAX CHARGES**

YEAR	TOTAL CHARGE
2022	6200.86
2021	7045.76
2020	8013.94
2019	8500.76
2018	8213.32



**HOMEOWNER'S EXEMPTION?**

YES     NO

**IMPROVEMENTS**

RECORD: C01

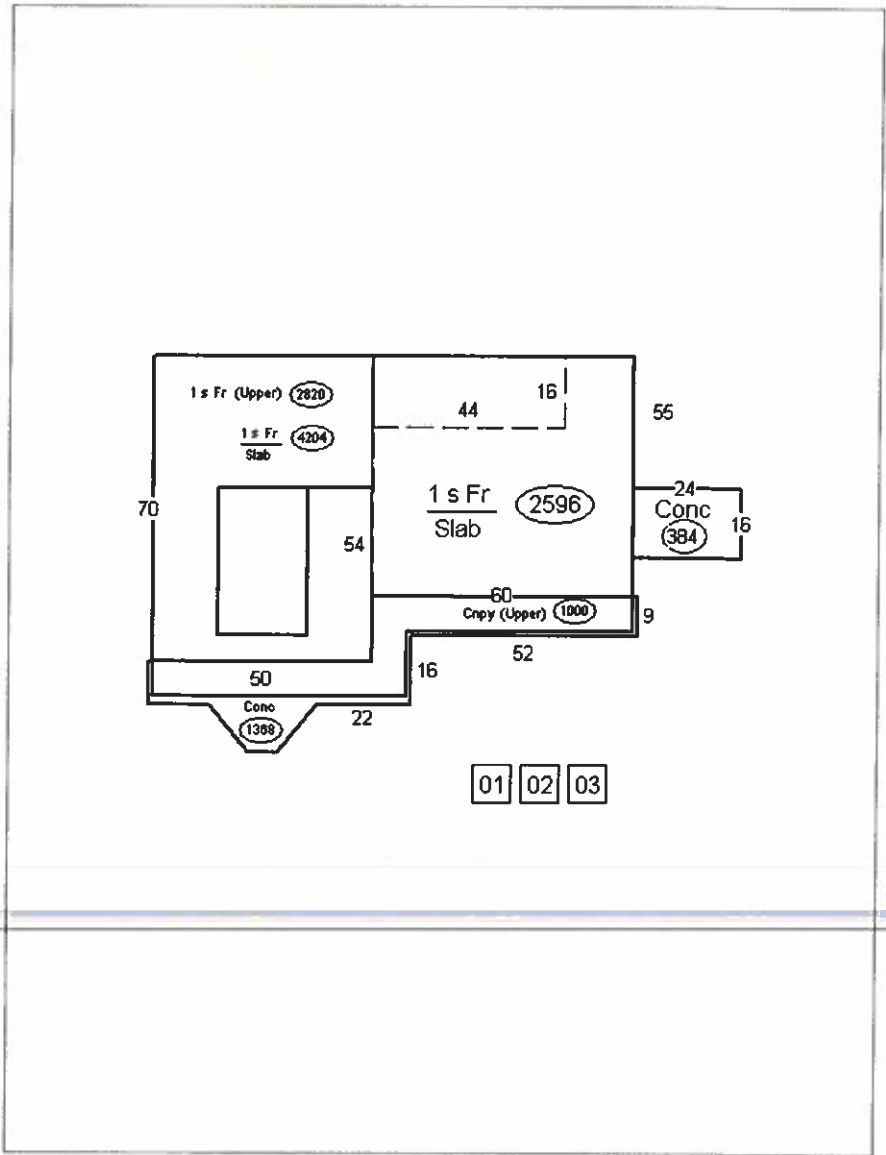
TYPE: COMMERCIAL

USE: General Retail

**BUILDING DESCRIPTION**

YEAR BUILT	1994
STORIES	2
FOUNDATION	
STRUCTURE	Wood Frame
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	2
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	0
HEATING TYPE	9620 sf
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	9620
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

- Paving
- Fencing - Chain Link
- Fencing - Wood

**IMPROVEMENTS**

RECORD: C02

TYPE: COMMERCIAL

USE: Light Utility Storage



**IMPROVEMENTS**

RECORD: C02

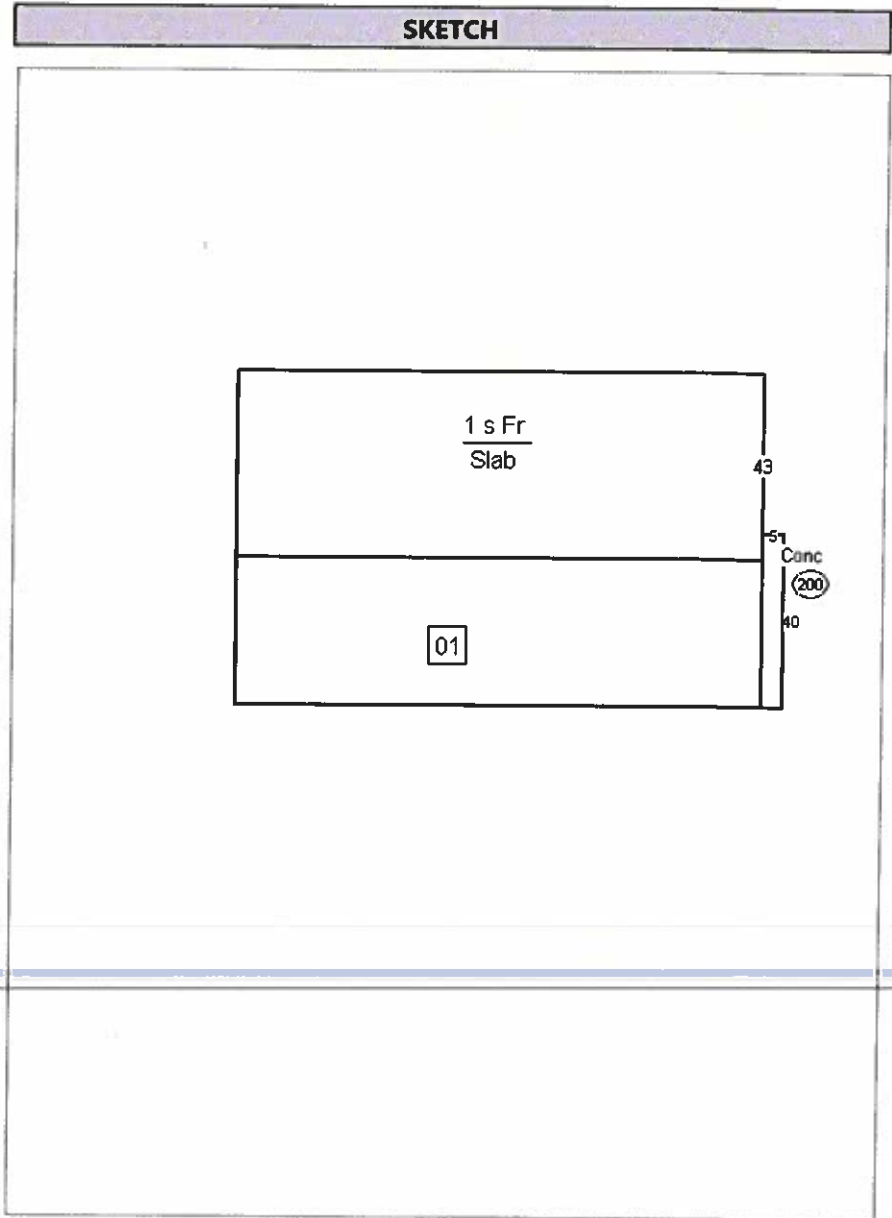
TYPE: COMMERCIAL

USE: Light Utility Storage

**BUILDING DESCRIPTION**

YEAR BUILT	1982
STORIES	1
FOUNDATION	
STRUCTURE	Wood Frame
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	2
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	0 sf
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	9240
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

Mezzanine-Unfinished

**IMPROVEMENTS**

RECORD: C03

TYPE: COMMERCIAL

USE: Light Utility Storage

**IMPROVEMENTS**

RECORD: C03

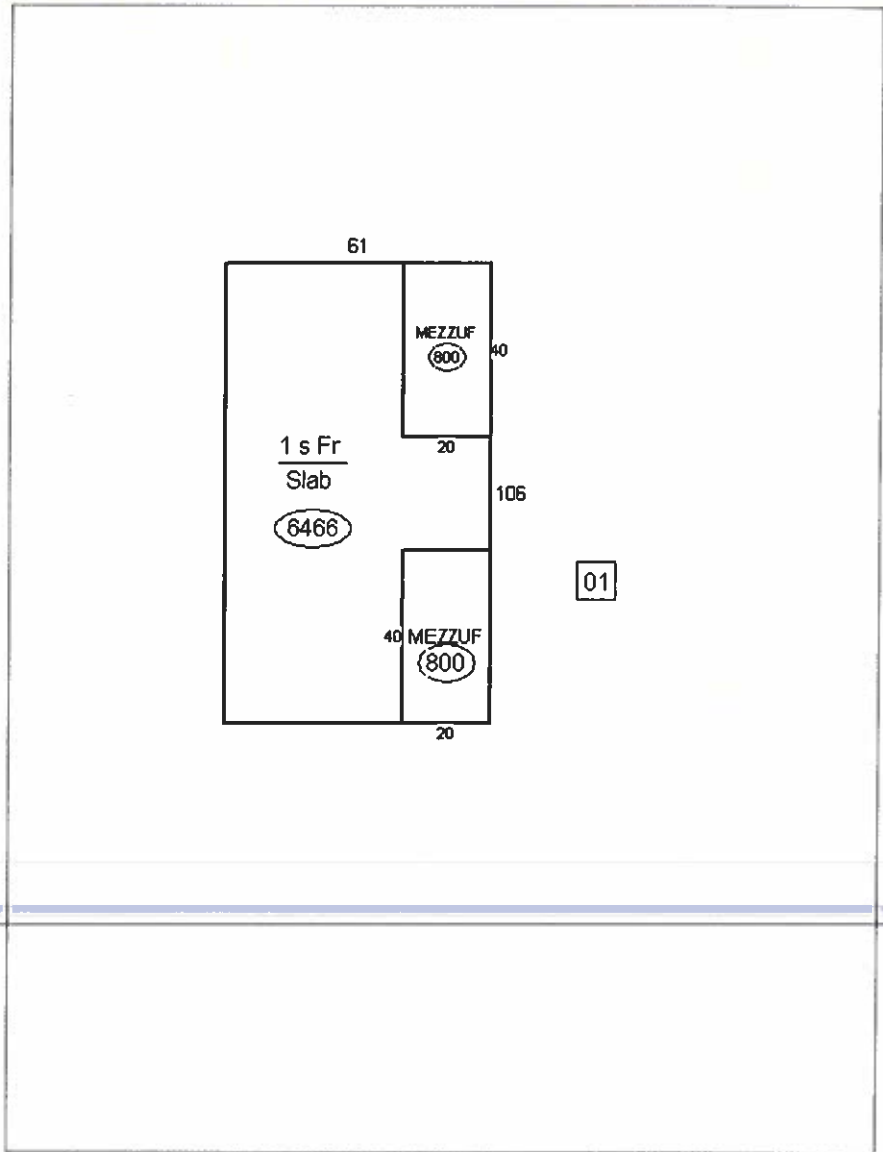
TYPE: COMMERCIAL

USE: Light Utility Storage

**BUILDING DESCRIPTION**

YEAR BUILT	1984
STORIES	1
FOUNDATION	
STRUCTURE	Wood Frame
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	2
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	0 sf
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	6466
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

General Purpose Bldg Wood Pole Frame  
 Mezzanine-Unfinished  
 Mezzanine-Unfinished

**IMPROVEMENTS**

RECORD: C04

TYPE: COMMERCIAL

USE: Light Warehouse

**IMPROVEMENTS**

RECORD: C04

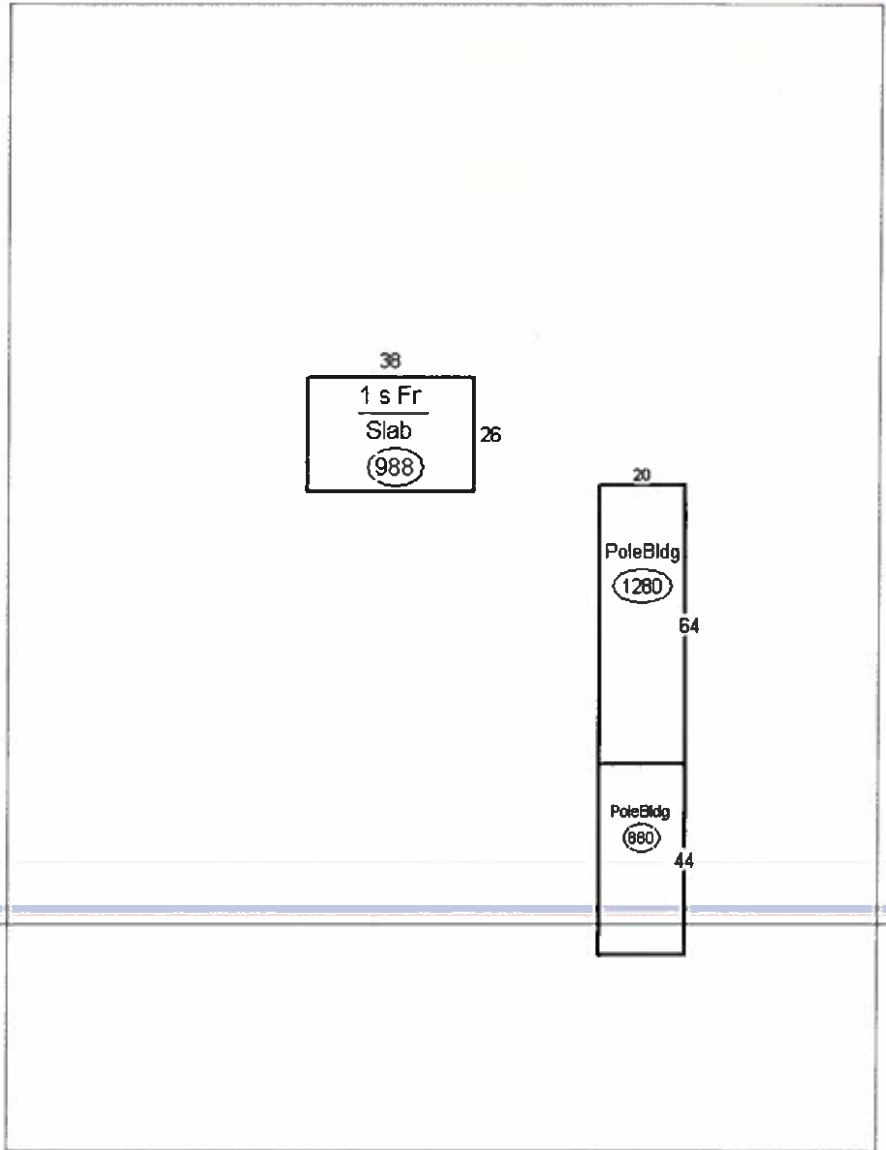
TYPE: COMMERCIAL

USE: Light Warehouse

**BUILDING DESCRIPTION**

YEAR BUILT	1990
STORIES	1
FOUNDATION	
STRUCTURE	Wood Frame
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	2
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	0 sf
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	988
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

- General Purpose Bldg Wood Pole Frame
- General Purpose Bldg Wood Pole Frame

**IMPROVEMENTS**

RECORD: C05

TYPE: COMMERCIAL

USE: Lumber Storage Shed, Horiz.

**IMPROVEMENTS**

RECORD: C05

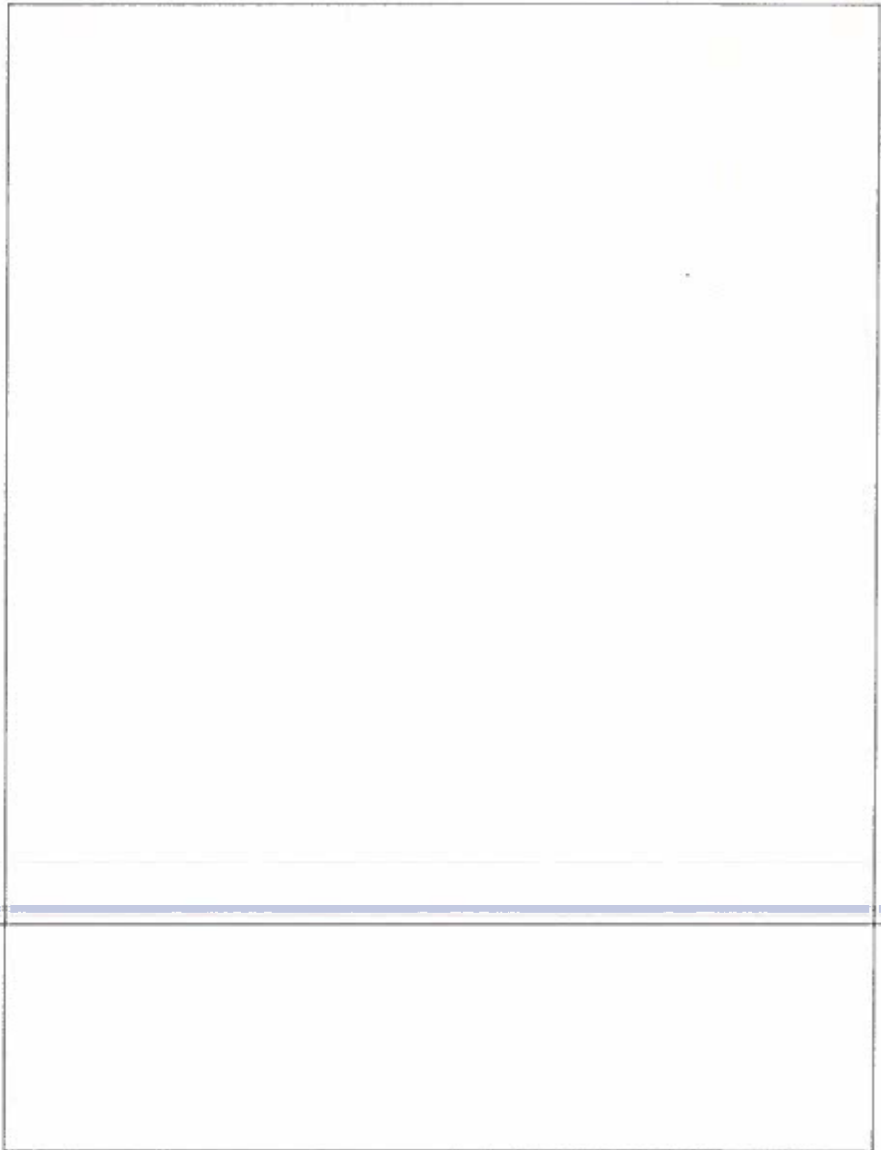
TYPE: COMMERCIAL

USE: Lumber Storage Shed, Horiz.

**BUILDING DESCRIPTION**

YEAR BUILT	2004
STORIES	1
FOUNDATION	
STRUCTURE	
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	2
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	8925 sf
CENTRAL AIR	Y
ATTIC TYPE	None
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	8925
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**



**IMPROVEMENTS**

RECORD: C06

TYPE: COMMERCIAL

USE: Lumber Storage Shed, Horiz.

**IMPROVEMENTS**

RECORD: C06

TYPE: COMMERCIAL

USE: Lumber Storage Shed, Horiz.

**BUILDING DESCRIPTION**

YEAR BUILT	2006
STORIES	1
FOUNDATION	
STRUCTURE	
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	1
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	8925 sf
CENTRAL AIR	N
ATTIC TYPE	None
FIREPLACES	

**SKETCH**

**BUILDING DIMENSIONS (SQ FT)**

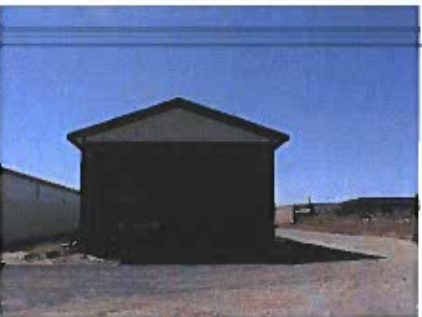
TOTAL SIZE	8925
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

IMAGES



IMAGES



**VALLEY COUNTY ASSESSOR'S OFFICE**  
Parcel Summary and Improvement Report

PO Box 1350 - 219 N Main St, Cascade, ID 83611



Phone (208) 382 - 7126 | assessor@co.valley.id.us

**GENERAL PROPERTY SUMMARY**

PARCEL ID	RP18N03E330645
OWNER(S)	DYL LIMITED PARTNERSHIP
SITUS ADDRESS	NULL
SITUS CITY, STATE, ZIP	MCCALL, ID 83638
MAILING ATTENTION	
MAILING ADDRESS	9222 W BARNES DR
MAILING CITY, STATE, ZIP	BOISE ID 83709
MAILING COUNTRY	USA



**PROPERTY DESCRIPTION & LAND DATA**

ACREAGE - SQ FT - FRONTAGE	ACRES: 1.762	SQUARE FEET: 76752	FRONTAGE: 0
LAND DESCRIPTION	Average	Average (Buffer)	
LEGAL DESCRIPTIONS	TAX NO. 29 IN N/2 NW4 NE4, LESS TAX NO. 28 S33 T18N R3E		
NEIGHBORHOOD	108300 Lakefork Area Subdivisions		
PLAT LINKS	<a href="#">18N 3E S33.pdf</a>		
CURRENT LAND USES	USE: Average	ACRES: 1	
	Average (Buffer)	0.762	

**SALES HISTORY**

SALE DATE	GRANTOR	DEED REFERENCE

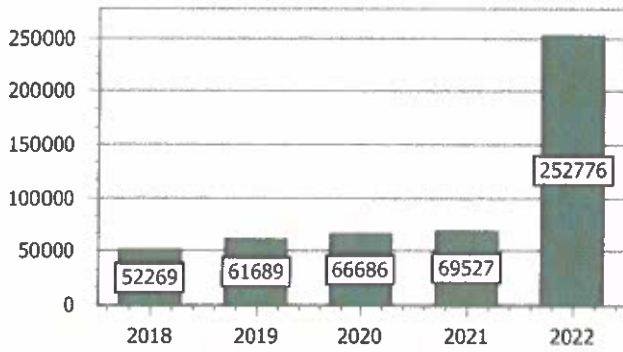
**ASSESSMENT HISTORY**

ASSESS DATE	1/1/2022	01/01/2021	01/01/2020	01/01/2019	1/1/2018
CHANGE REASON	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat
LAND	252776	69527	66686	61689	52269
IMPROVEMENTS	0	0	0	0	0
TOTAL	252776	69527	66686	61689	52269

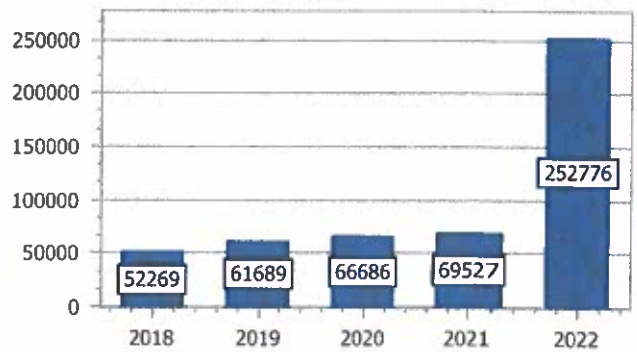


## ASSESSMENT TRENDS

### LAND



### TOTAL



## TAX CODE AREAS & DISTRICTS

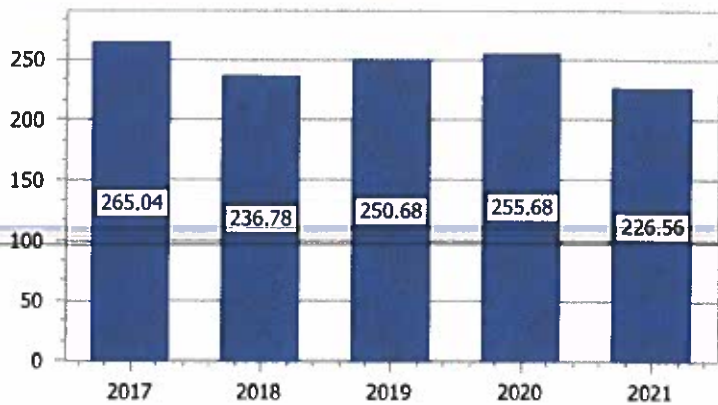
**TAX CODE AREA (TAG):** 041-0000

CEMETERY	VALLEY CENTER CEMETERY
FIRE	MCCALL FIRE PROTECTION
HOSPITAL	MCCALL MEMORIAL HOSPITAL
SCHOOL	MCCALL-DONNELLY SCH #421

VOTER PRECINCT	005 - PAYETTE
COMMISSIONER DISTRICT	DONNELLY

## TOTAL TAX CHARGES

YEAR	TOTAL CHARGE
2022	531.16
2021	226.56
2020	255.68
2019	250.68
2018	236.78



**HOMEOWNER'S EXEMPTION?**

YES     NO

## VALLEY COUNTY ASSESSOR'S OFFICE

### Parcel Summary and Improvement Report

PO Box 1350 - 219 N Main St, Cascade, ID 83611



Phone (208) 382 - 7126 | [assessor@co.valley.id.us](mailto:assessor@co.valley.id.us)

#### GENERAL PROPERTY SUMMARY

PARCEL ID	RP18N03E330621
OWNER(S)	DYL LIMITED PARTNERSHIP
SITUS ADDRESS	23 JOHNSON LN
SITUS CITY, STATE, ZIP	MCCALL, ID 83638
MAILING ATTENTION	
MAILING ADDRESS	9222 W BARNES DR
MAILING CITY, STATE, ZIP	BOISE ID 83709
MAILING COUNTRY	USA



#### PROPERTY DESCRIPTION & LAND DATA

ACREAGE - SQ FT - FRONTAGE	ACRES: 13.786	SQUARE FEET: 600518	FRONTAGE: 0
LAND DESCRIPTION	Average Market Value	Average (Buffer)	
LEGAL DESCRIPTIONS	PT OF N/2 NW4 NE4, LESS STATE HIGHWAY R-O-W S33 T18N R3E		
NEIGHBORHOOD	108300 Lakefork Area Subdivisions		
PLAT LINKS	<a href="#">18N 3E S33.pdf</a>		
CURRENT LAND USES	USE: Average (Buffer)	ACRES: 12.252	
	Average	1	
	Market Value	0.534	

#### SALES HISTORY

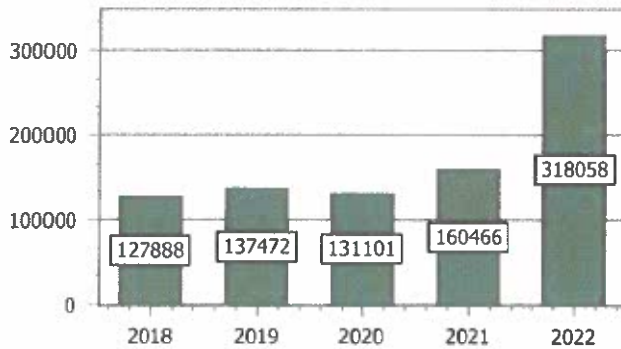
SALE DATE	GRANTOR	DEED REFERENCE

## ASSESSMENT HISTORY

<b>ASSESS DATE</b>	<b>1/1/2022</b>	<b>01/01/2021</b>	<b>01/01/2020</b>	<b>01/01/2019</b>	<b>1/1/2018</b>
<b>CHANGE REASON</b>	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat
LAND	318058	160466	131101	137472	127888
IMPROVEMENTS	101435	84879	77476	76746	74220
TOTAL	419493	245345	208577	214218	202108

## ASSESSMENT TRENDS

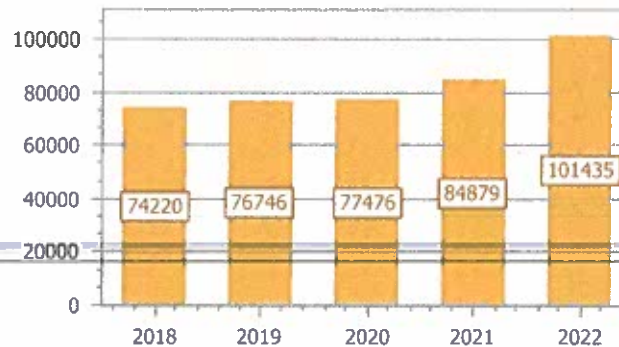
### LAND



### TOTAL



### IMPROVEMENTS



## TAX CODE AREAS & DISTRICTS

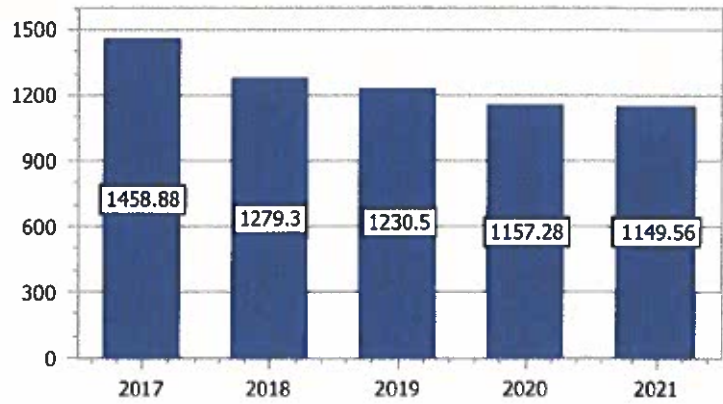
**TAX CODE AREA (TAG):** 041-0000

CEMETERY	VALLEY CENTER CEMETERY
FIRE	MCCALL FIRE PROTECTION
HOSPITAL	MCCALL MEMORIAL HOSPITAL
SCHOOL	MCCALL-DONNELLY SCH #421

VOTER PRECINCT	005 - PAYETTE
COMMISSIONER DISTRICT	DONNELLY

TOTAL TAX CHARGES

YEAR	TOTAL CHARGE
2022	1225.78
2021	1149.56
2020	1157.28
2019	1230.5
2018	1279.3



HOMEOWNER'S EXEMPTION?

YES  NO

**IMPROVEMENTS**

RECORD: R01

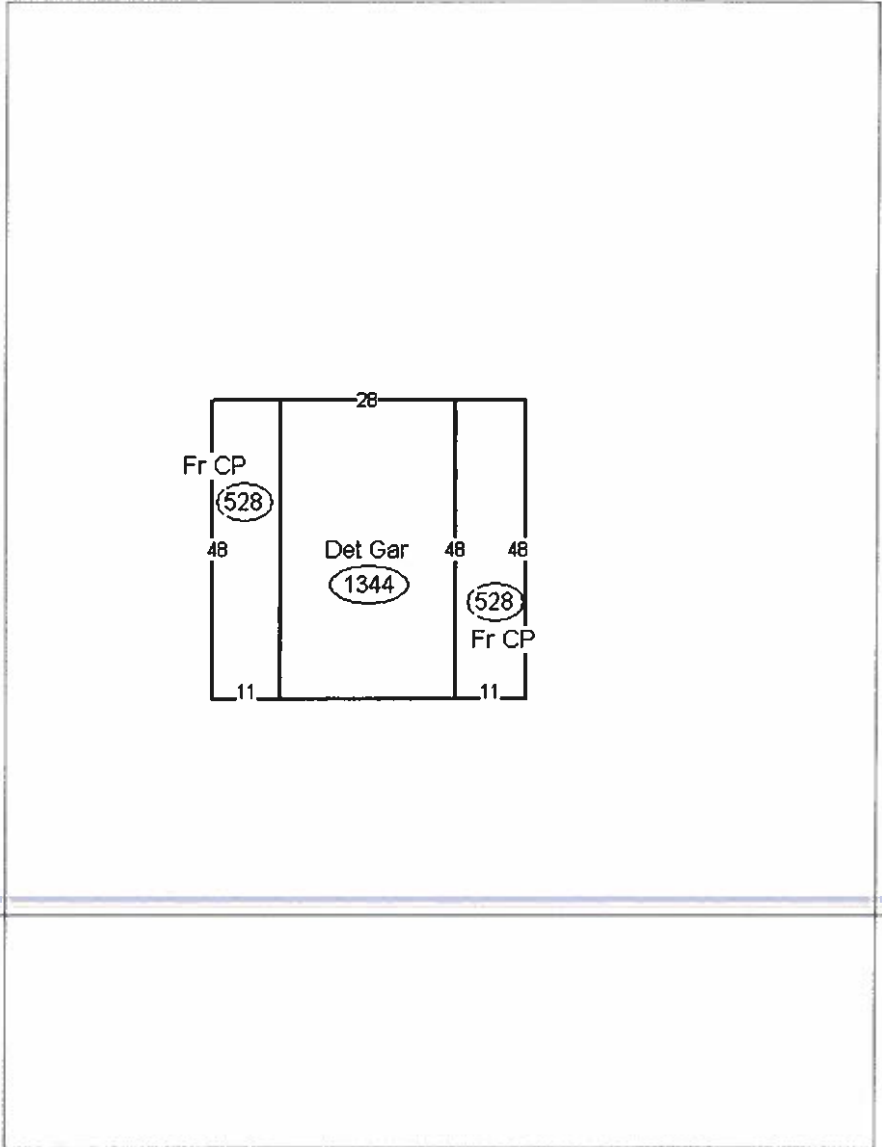
TYPE: OTHER

USE:

**BUILDING DESCRIPTION**

YEAR BUILT	
STORIES	
FOUNDATION	
STRUCTURE	
EXTERIOR 1	
EXTERIOR 2	
ROOF STYLE	
ROOF COVER	
BEDROOMS	
FULL BATHS	
1/2 BATHS	
HEATING TYPE	
CENTRAL AIR	
ATTIC TYPE	
FIREPLACES	

**SKETCH**



**BUILDING DIMENSIONS (SQ FT)**

TOTAL SIZE	
ATTIC FIN	
BASEMENT	
BASEMENT FIN	
LOWER	
LOWER FIN	
ATTACHED GARAGE	
DETACHED GARAGE	
ATTACHED CARPORT	
BSMNT/LL GARAGE	
ENCLOSED PORCH	
OPEN PORCH	
WOOD DECK	

**OUT BUILDING & YARD ITEMS**

- Integral Carport
- Integral Carport
- Residential Detached Garage

IMAGES

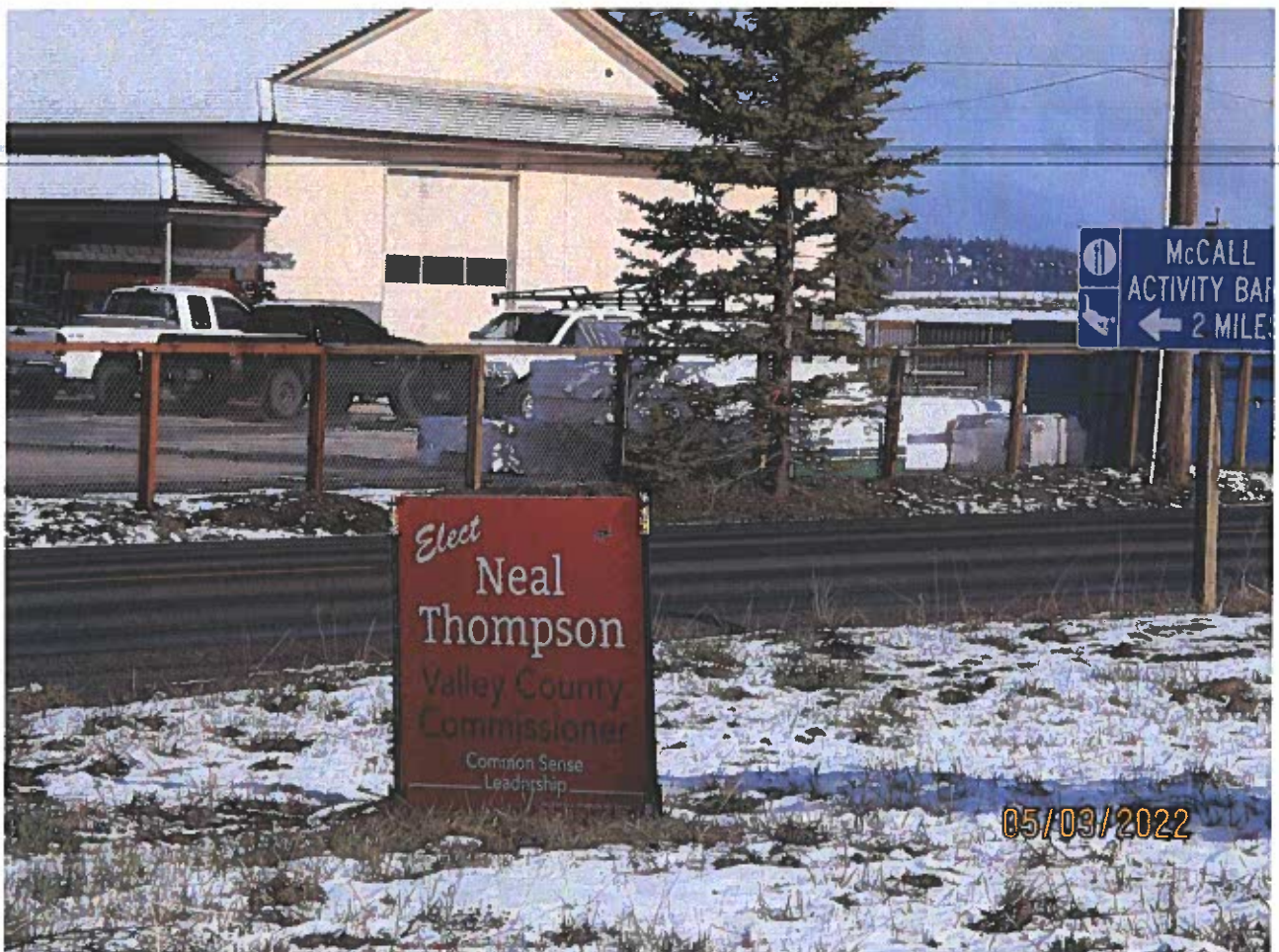




Picture taken from  
Johnson Lane on  
Monday, April 17, 2023



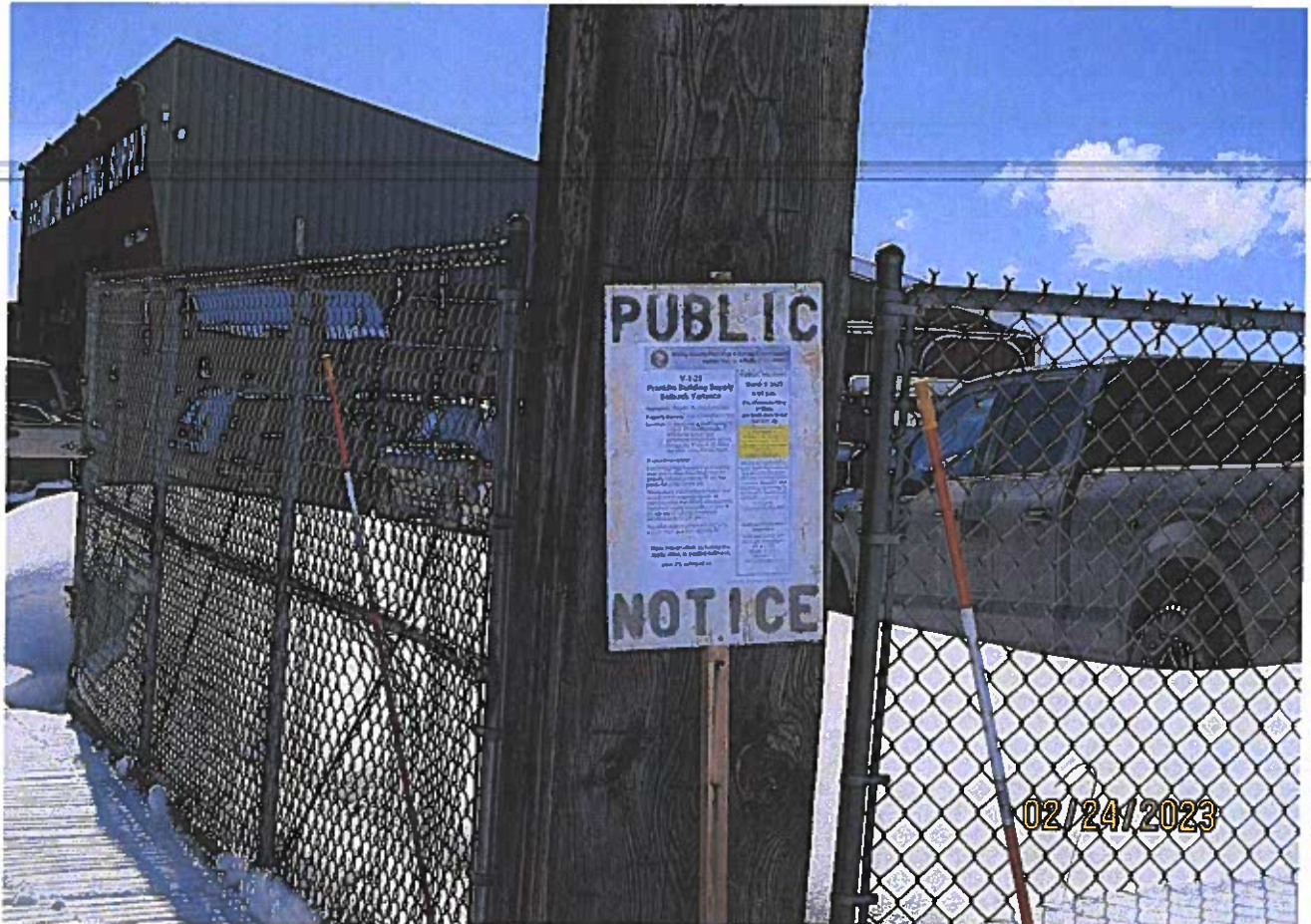
05/03/2022

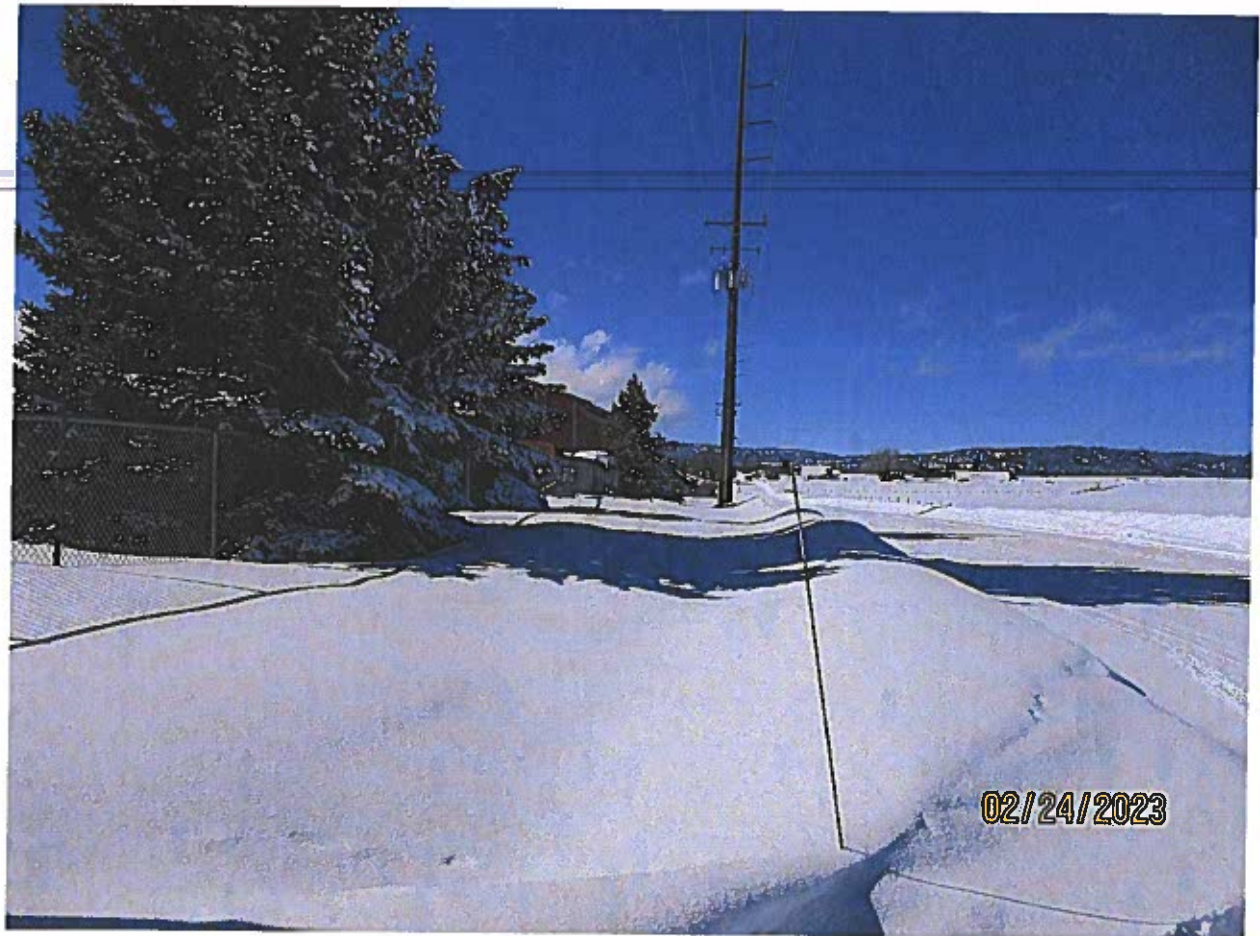
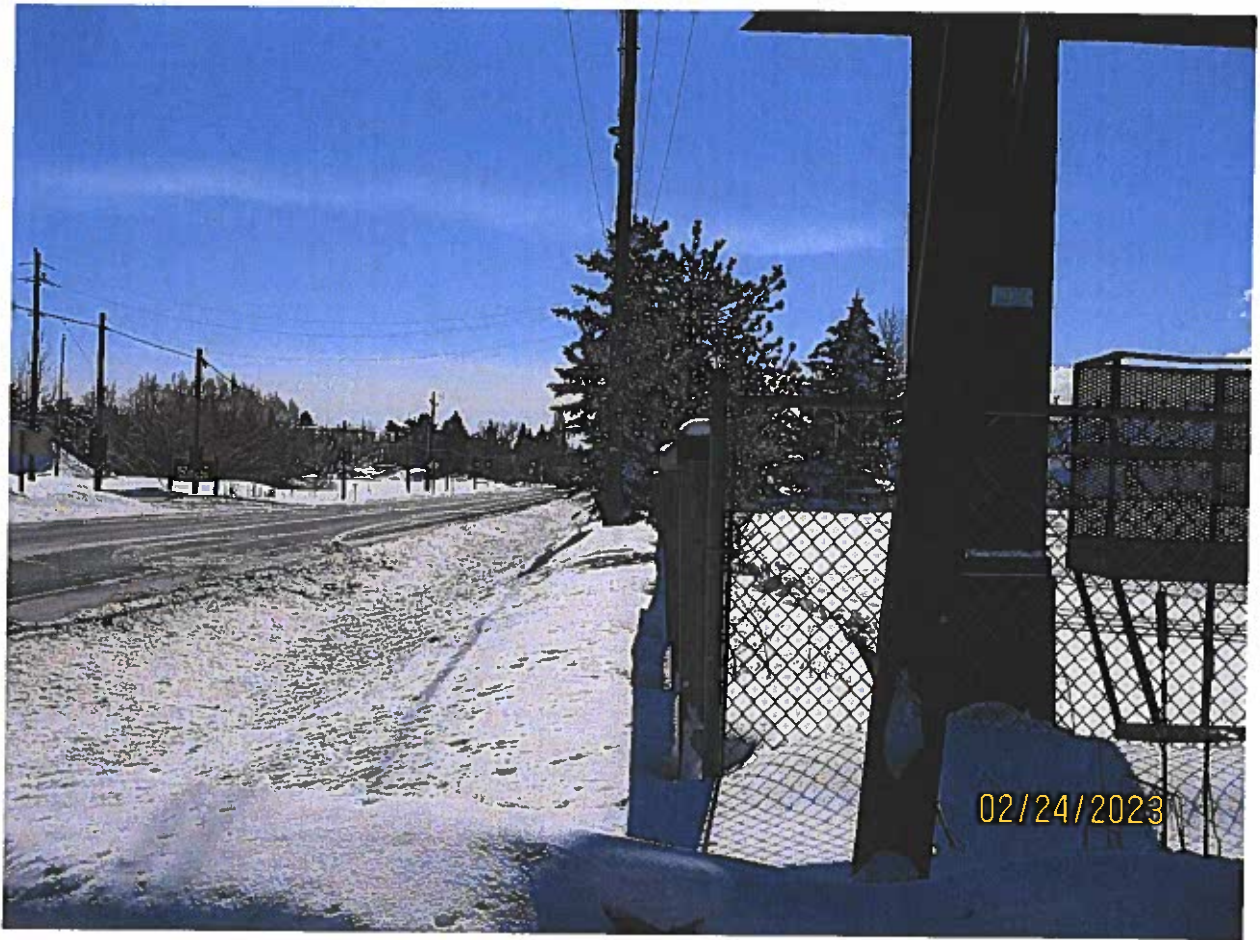


05/03/2022











**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

February 23, 2023

Valley County  
Cynda Herrick, AICP, CFM  
Planning & Zoning Director  
219 N Main St  
Cascade, ID 83611

Re: Franklin Building Supply, V-1-23

Dear Ms. Herrick,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Franklin Building Supply's request to relax the front setback from the property line along Highway 55 and the southwest portion of the site located at 23 Johnson Land and 14047 Highway 55, McCall, Idaho. Please see ITD's comments below:

1. This site abuts State Highway 55 (SH-55).
2. Per the Idaho Administrative Procedures Act (IDAPA) 39.03.42 (8a.): "Improvements intended to serve patrons on private property adjacent to state highway right-of-way shall be setback from the highway right-of-way line so that stopping, standing, parking or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of fourteen (14) feet from the State Highway right-of-way line is needed unless a greater minimum is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of the building, the parking spaces shall not be included within the State Highway right-of-way."

If you have any questions, please contact me at (208) 334-8338.

Sincerely,

Wendy I. Howell

ITD – District 3

Development Project Coordinator

**V-1-23 Franklin Building Supply Setback Variance**

**From:** Garrett de Jong <garrett@mccallfire.com>

**Sent:** Friday, February 17, 2023 8:38 AM

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

**Subject:** V-1-23 Franklin Building Supply Setback Variance

Hi Cynda,

I do not have any comments regarding V-1-23 Franklin Building Supply Setback Variance.

Thank you,

Garrett

**Garrett de Jong**  
**Fire Chief - McCall Fire & EMS**

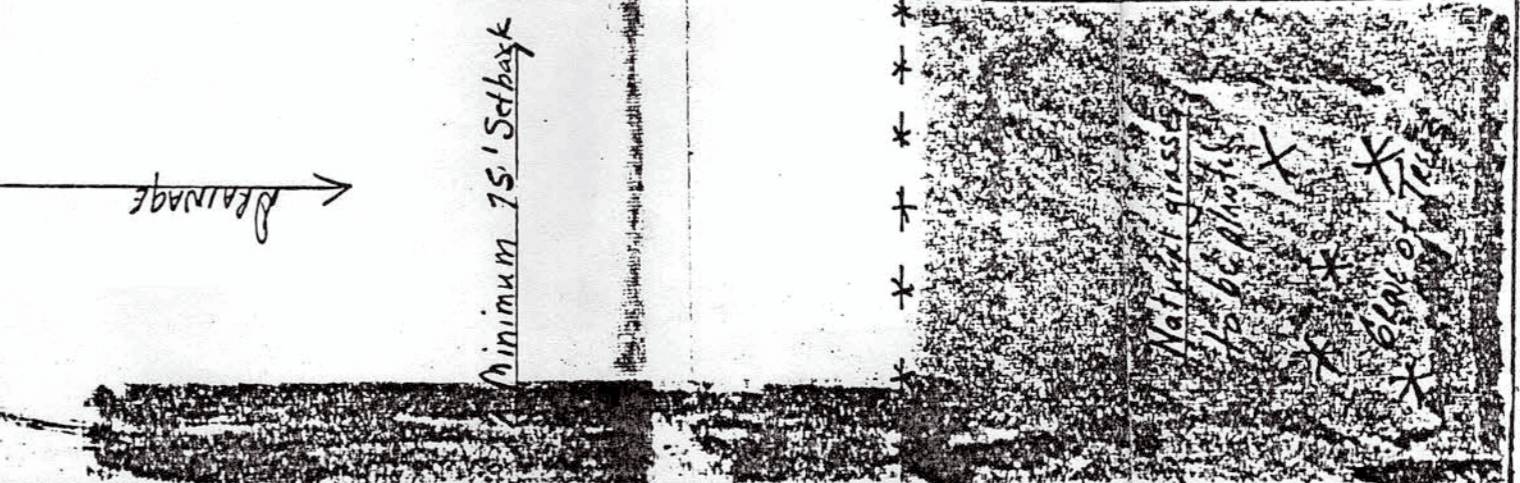
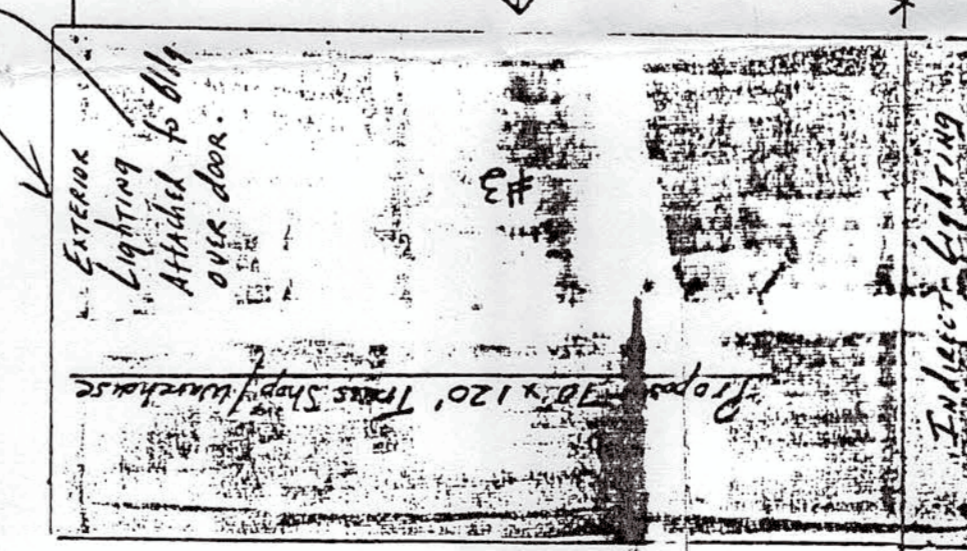
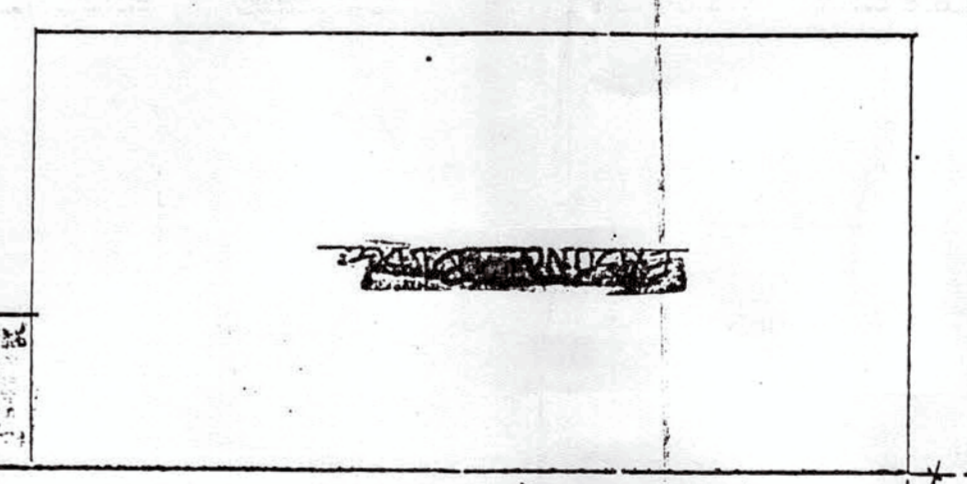
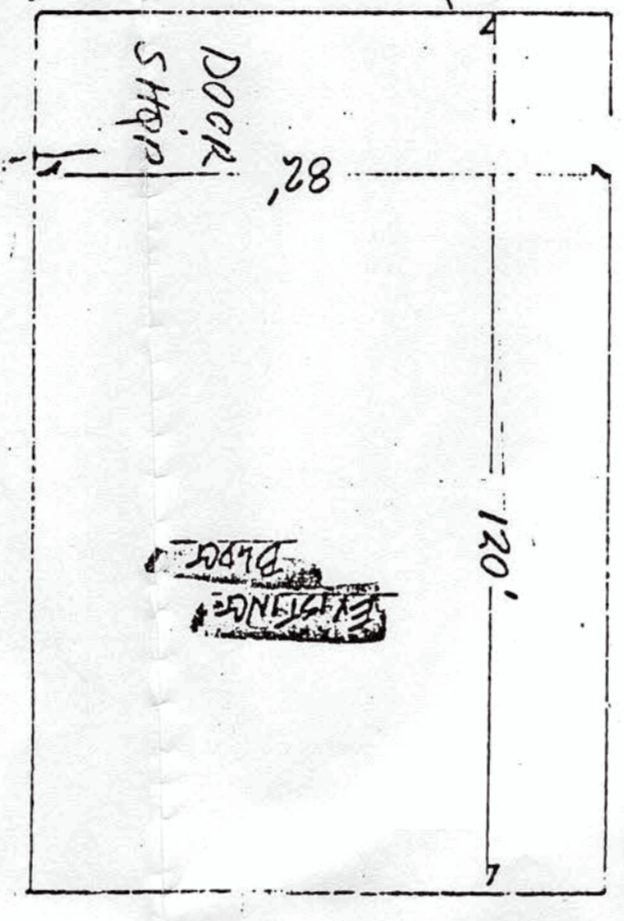
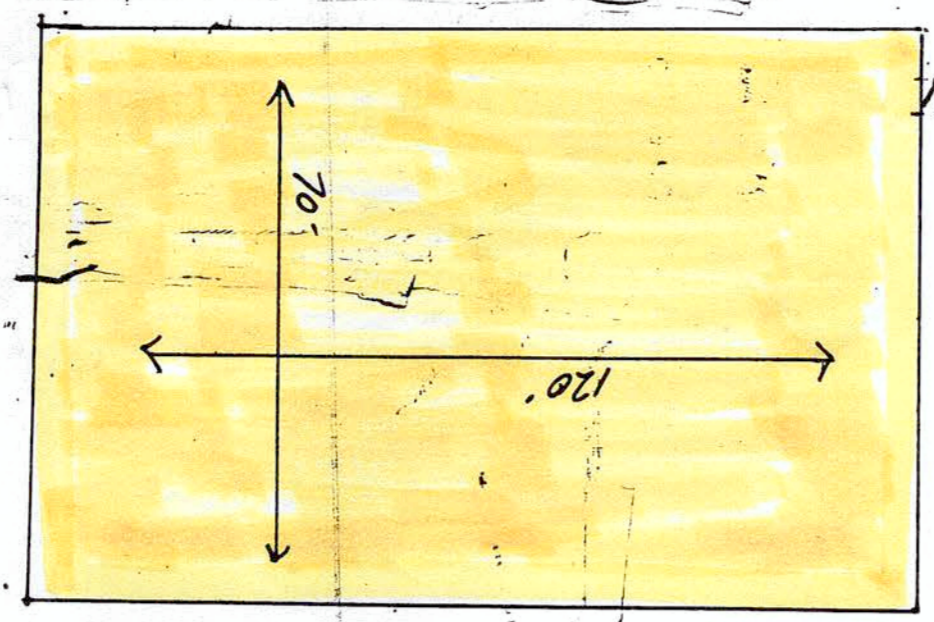
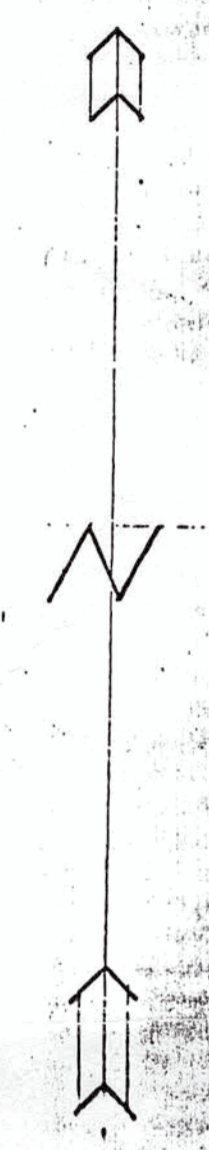


[Scan QR code below or click here to sign up for CodeRED!](#)



**CodeRED®**

Highway 55  
N. C. 22.19" E



BLACKTOP SURFACE EXTENDS  
E + W FROM RAIL FENCE TO  
IRRIGATION CULVERT & NO. 5  
FROM CULVERT FENCE TO  
S. BARGE Bldg.

10' IRRIGATION CULVERT

Drainage

Reserve

Rear Access

Drainage

Drainage

Drainage

Drainage

Drainage

Drainage

Storage & Shipping Area

Species System  
Drain Field Location

AGRICULTURAL Use  
UNDEVELOPED PROPERTY BAYARD

LEGEND  
LANDSCAPE TREES  
PINE TREE

RECEIVED  
DEC 28 1993

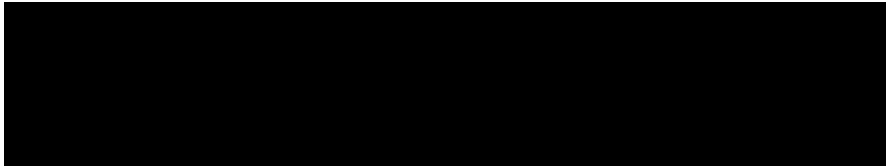
**CUP 99-1 Franklin Building Supply info for PZ meeting on April 13, 2023**

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

Thu 3/30/2023 11:36 AM

To:

- 
- 
- 
- 



**My apologies - the meeting date is May 11, 2023, not April 13, 2023.**

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

**Sent:** Thursday, March 30, 2023 11:32 AM

**Subject:** CUP 99-1 Franklin Building Supply info for PZ meeting on April 13, 2023

Please see attached and below email.

Lori Hunter  
Valley County Planning & Zoning Assistant Planner  
208-382-7115  
219 N. Main Street • P.O. Box 1350  
Cascade, ID 83611

**S**ervice **T**ransparent **A**ccountable **R**esponsive

---

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

**Sent:** Thursday, March 30, 2023 11:23 AM

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

**Subject:** Fw: CUP 99-1 Franklin Building Supply

---

Per your request, this is the Franklin 1999 application. Note the exhibit was for the 11/11/2003 meeting.

Yes, the note states there is blacktop surface throughout the site between storage buildings ...

(Lori, please forward to the applicant and their agent. Place in file.)

Thanks, Cynda

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Director  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7116

“Live simply, love generously, care deeply, speak kindly, and leave the rest...”

**CUP 99-1 Franklin Building Supply info for PZ meeting on April 13, 2023**

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

Thu 3/30/2023 11:33 AM

To: [REDACTED]

7 attachments (11 MB)

99-1\_site plan 2003.PDF; Franklin 99-1 Application.pdf; Franklin 99-1 Pics.pdf; 99-1 Response.pdf; 99-1.pdf; CUP 99-1 letters.pdf; CUP 99-1 exhibit 2 site plan.PDF;

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# Valley County Planning and Zoning Commission

P.O. Box 737  
Courthouse Building Annex



Cascade, Idaho 83611  
Phone (208) 382-4251

Date 4-27-99

Approved by Willie N. Lukeman

## CONDITIONAL USE PERMIT NO. 99-1 Franklin Building Supply - Master Plan

RECORDED  
REQUESTED BY  
VCPZ  
'99 APR 28 AM 10 29

TYPE: misc  
239813  
VALLEY COUNTY PLANNING AND ZONING COMMISSION  
BY: Steve Vandy  
FEE: \_\_\_\_\_

Issued to: Franklin Building Supply  
PO Box 1737  
McCall, ID 83638

Property Location: Located at 14047 State Highway 55 in Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission decision of April 8, 1999. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 99-1 with Conditions for the expansion of Franklin Building Supply as described in the application, staff report, and minutes.

The effective date of this permit is April 20, 1999. All provisions of the conditional use permit must be established and in operation according to the phasing plan or a new permit or a permit extension in compliance with the Valley County Land Use and Development Ordinance will be required.

### 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 proposed building and occupancies described in the application and in this report shall be

constructed, established, and in use according to the approved 5-year phasing plan. If approved uses are not established within 5-years of the approval date a new conditional use permit 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. The applicant shall provide and maintain orderly and proper disposal of waste including by products of the operation, other solid waste and sanitary waste.
6. The applicant shall meet all the fire codes and requirements of the McCall Rural Fire District.
7. An access permit will be required from the Idaho Department of Transportation.
8. A sign permit is required for all signs.
9. The fence must be maintained.

**END CONDITIONAL USE PERMIT**

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

**SUBJECT: Conditional Use Permit No. 99-1  
Franklin Building Supply  
Master Plan**

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on April 8, 1999. The Commission reached a quorum. Commission members in attendance were Bonnie Bertram, DeMar Burnett, Ken Roberts, Jerry Winkle, and Chairman Bill Willey.

The owner of the property was Franklin Building Supply. The applicant, Bob Dodge, was present and requested approval for an amendment to C.U.P. 84-2 and C.U.P. 93-30 in order to expand the existing Area Business to include the following: 1) expand the warehouse space, 2) enclose part of an existing warehouse and use it to pre-hang doors, 3) build a truss shop, and 4) assemble and construct docks, storage sheds, etc. The property is located at 14047 State Highway 55.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented, the Valley County Planning and Zoning Commission hereby makes the following findings of fact:

- 
1. That the existing use of the property described in the Petition is designated as 5. Commercial Use d. Area Business (3) Building materials, retail or wholesale in Table 1-A of the Valley County Land Use and Development Ordinance and it will change to include 6. Industrial Uses, a. Light Industry (3) Enclosed Manufacturing.
  2. That the surrounding land use is presently being used for commercial and agricultural uses.
  3. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the Central Idaho Star News on March 25, and April 1, 1999. Neighbors within 300 feet of the property line and affected agencies were notified by letter on March 1, 1999.

5. Notice was posted on the property on March 26, 1999.
6. Other persons in attendance expressed neither approval or disapproval of the proposed change and use.

### CONCLUSIONS

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

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.

### ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Bob Dodge for C.U.P. 99-1 to expand Franklin Building Supply as described in the application, staff report, and minutes of the meeting is approved.

Special conditions applied to the proposed use are:

1. ~~The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.~~
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The proposed building and occupancies described in the application and in this report shall be constructed, established, and in use according to the approved 5-year phasing plan. If approved uses are not established within 5-years of the approval date a new conditional use permit 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. The applicant shall provide and maintain orderly and proper disposal of waste including by products of the operation, other solid waste and sanitary waste.
6. The applicant shall meet all the fire codes and requirements of the McCall Rural Fire District.
7. An access permit will be required from the Idaho Department of Transportation.
8. A sign permit is required for all signs.
9. The fence must be maintained.

**END FACTS AND CONCLUSIONS**

Bill Willey Date: 5-13-99  
Bill Willey, Chairman

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extraction project. The Commission decided that if a pond project takes longer than six months than a CUP will be required. Staff will update ordinance.

Pat Dobie, Valley County Engineer, stated that the West Nile Virus may bring opposition to standing water ponds in the future. This pond has been an ongoing operation, taking longer than six months. It also has been extracting material used for other projects in Valley County. This should be under an operational venue – that way all issues (drainage, environmental, etc.) can be addressed.

Chairman Winkle asked for the presentation from Mr. Hess.

Lance Hess, 16 East Lake Fork Road, came forward and stated the following:

- The environmental and reclamation issues are covered under the reclamation plan.
- Several neighboring property owners have built their own ponds.
- Needs to be notified if the six month requirement is required.
- The material is going several places.
- This project could have been stopped within the six month period.

The Commission, applicant and Staff discussed the reclamation plan. Mr. Hess stated the rules have changed several times over the years of what was required. He has been approved in the past without a six month timeframe.

The Commission decided this is an extraction operation under the Land Use and Development Ordinance. The process of this project determined it is an industrial use. The C.U.P. process will allow an applicant to proceed as regulated and allow participation from neighbors in the process. This is in Chapter 3 Section 3.03.13 of the LUDO. The 1,000' setback and whether the material stays on or leaves the property will also be addressed when Staff amends the ordinance.

The Commission ruled that Mr. Hess will be required to obtain a C.U.P. for this project.

Chairman Winkle explained the 10-day appeal period.

**3. Franklin Building Supply:** Bob Dodge, Franklin Building Supply, is requesting an extension on C.U.P. 99-1 to extend the expiration date on the master building plan from the Spring 2004 until the Fall 2004. A letter stating this request (**exhibit 1**) and a request to enlarge the building and change the building site was also presented (**exhibit 2**). The Commission approved the request.

**ADJOURN:** 8:15 p.m.

Chairman Willey stated he was reluctant to grant approval for the used vehicle sales. Commissioner Burnett stated maybe putting a limit on the number of vehicle to be sold. Chairman Willey stated a separate C.U.P. should be applied for and they should accept the application as presented tonight. The Commission agreed the two year construction phasing to be completed November 1, 2000 would be acceptable.

Discussion ensued on requiring a landscaping plan for the site.

Chairman Willey stated the Commission had come to agreement with the applicant of eighteen parking spaces for employees and customers and twenty for storage spaces. He stated the parking spaces must be reflected on the finished site plan. The Commission agreed.

Commissioner Roberts moved to approve C.U.P. 98-20, Mangum's Auto Repair as described in the minutes with the conditions of approval. Commissioner Winkle seconded the motion. Motion carried.

Chairman Willey explained the (10) ten day appeal period.

**2. C.U.P. 99-1 Franklin Building Supply Master Plan** (Amendment to C.U.P. 84-2 and C.U.P. 93-30). The applicant was Franklin Building Supply. The applicant proposed to amend the existing conditional use permits in order to 1) expand the existing warehouse space; 2) enclose part of an existing warehouse and use it to pre-hang doors; 3) build a truss shop; and 4) assemble and construct docks, storage sheds, etc. The existing and proposed uses are located at 14047 State Highway 55 in Section 33, T. 18N, R. 3E, B.M., Valley County, Idaho.

Chairman Willey announced the item.

Chairman asked for the Staff Report. Staff summarized the Staff Report and read the following exhibit: ~~exhibit 1 - a letter from Gregory J. Martinez, Department of Army Corps Engineers.~~

Chairman Willey asked if there had been any exparte contact. There was none.

Chairman Willey asked if there were any questions for Staff. Commissioner Roberts asked if the width of the approach off the Highway had been discussed with the State Transportation Department. Mr. Ankenman answered Idaho Transportation Department would handle the situation. Commissioner Roberts made a comment that the 24' approach would not be adequate for truck use. Mr. Ankenman replied it was the standard design for Idaho Transportation Department accesses.

Chairman Willey called on the applicant.

Bob Dodge, Manager of Franklin Building Supply, McCall, ID made the following comments:  
- explained how their business is expanding and needs to take this 5 year approach rather than keep coming back for additional C.U.P.'s,

- explained what is to be done to each structure,
  - 1) Warehouse Base, 2) Prehung Doors, 3) Truss Shop, 4) Dock Storage, Sheds,
- he didn't know a conditional use permit was needed for the dock storage, sheds and that's why this is now added to this C.U.P.,
- need a door shop in the area to give good customer service,
- hard to send prehung doors over a hundred miles to service,
- they anticipate at least a 5 year time frame,
- described traffic circulation.

Discussion ensued on where the offices would be located on site and if restrooms would be needed.

Commissioner Roberts asked the applicant where the drainage would run off. The applicant stated to the east. Discussion ensued concerning landscaping. The applicant stated question number 7, from Staff's Report had been taken care of and the access permit had been obtained from the Idaho Department of Transportation. Mr. Dodge asked Staff about question number 8. Staff replied, the smaller signs which hang on the fence and advertise different items were not permitted.

Chairman Willey asked if there were any other questions for the applicant. There were none.

Chairman Willey opened the public hearing. There was no testimony.

Chairman Willey closed the public hearing.

Commissioner Burnett asked Staff if a five year phasing plan is permitted by the ordinance. Staff replied, yes if specified by the Commission.

Commissioner Winkle moved to approve C.U.P. 99-1, Franklin Building Supply with the conditions of approval. Commissioner Bertram seconded the motion. Motion carried.

Chairman Willey explained the (10) day appeal period.

**3. C.U.P. 99-2 Valley County's Soulen Gravel Borrow Source.** The applicant and lessee was the Valley County Road Department. The owner was Soulen Livestock. The applicant proposed to establish a gravel borrow source. The gravel would be extracted and crushed on a 7.57 acre site. The project was located at 3205 West Mountain Road in Section 14, T. 17N, R. 2E, B.M., Valley County, Idaho.

Chairman Willey announced the item.

Chairman Willey asked if there had been any exparte contact. There was none.

Chairman Willey asked for Staff Report. Staff summarized the Staff Report and read the following exhibit: exhibit 1 - a letter from Gregory J. Martinez, Department of Army Corps Engineers.



# Valley County Planning and Zoning Commission

P.O. Box 737  
Courthouse Building Annex



Cascade, Idaho 83611  
Phone (208) 382-4251

## STAFF REPORT

Conditional Use Permit Application No. 99-1  
Franklin Building Supply  
Master Plan

**HEARING DATE:** April 8, 1999  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick  
**APPLICANT/OWNER:** Franklin Building Supply  
PO Box 1737  
McCall, ID 83638  
**LOCATION/SIZE:** Located in the N1/2 NW1/4 NE1/4 of Section 33 Township 18N  
Range 3E, B.M., Valley County, Idaho and is addressed as 14047  
State Highway 55. The project site is the east 10 acres of a 20 acre  
parcel.  
**REQUEST:** Approval of a Five-Year Master Plan  
**EXISTING LAND USE:** Area Business

## BACKGROUND:

Franklin Building Supply has been issued two conditional use permits: C.U.P. 84-2 and C.U.P. 93-30. The approved uses were for area business. The area business consists of a retail lumber yard and related buildings. The existing buildings and material yards are identified on the Franklin Building Supply Site Plan that was submitted with the application for C.U.P.99-1.

Franklin Building Supply is proposing to expand their business to include area business and light industrial, over a 5-Year span, as conditions warrant. The expansion will include the following: 1) expand the warehouse space, 2) enclose part of an existing warehouse and use it to pre-hang doors, 3) build a truss shop, and 4) assemble and construct docks, storage sheds, etc.

## **FINDINGS:**

1. Application was made to Planning and Zoning on February 18, 1999.
2. Legal notice was posted in the Central Idaho Star News on March 25, and April 1, 1999. Neighbors within 300 feet of the property line and affected agencies were notified by letter on March 1, 1999. The site was posted on March 26, 1999.
3. Agency comment received:

Les Ankenman, Valley County Engineer, responded by letter dated March 30, 1999 with the following comments:

1. The county road, Johnson Lane, is adequate for the proposed land uses. A left turn lane for north bound traffic on State Highway 55 will be constructed by ITD this year or in 2000. The access off State Highway 55 to the truss plant may require a permit from the Idaho Transportation Department.
2. The property is not located within or near an identified flood prone area.
3. The property is currently addressed at 14047 State Highway 55. The truss plant can be assigned a new address if requested.
4. No site grading is proposed. The site plan and application provide adequate information to approve the plan.
5. Building permits are required for each building, addition, or remodel prior to the start of construction. A licensed engineer or architect must stamp the plans.

Jeff Lappin, Central District Health, responded by form letter dated March 8, 1999. He stated they have no objections to the proposal. A new septic system was installed in 1992 and it appears to be adequately sized.

No other agency response has been received.

Neighbor comment received:

Jan Lohff, Vintage Boat Works, called and stated she has no problem with the proposed application.

No other neighbor response has been received.

4. Physical characteristics of the site: Flat with very little vegetation.

5. The surrounding land use and zoning includes:

North - Agricultural/Residential

South - Agricultural/Residential

East - Area Business, Recreation Business

West - Agricultural/Residential

6. The Comprehensive Plan contains policy created and adopted by Valley County. The Comprehensive Plan should be reviewed in order to determine if the application is consistent.

7. Land Use and Development Ordinance. This proposal is categorized under 5. Commercial Uses, d. Area business (3) Building materials, retail or wholesale and 6. Industrial Uses, a. Light Industry (3) Enclosed Manufacturing in Table 1-A.

Chapter 3 of the Land Use Ordinance applies to this application. Sections 3.03.01 Lot Areas, 3.03.02 Setbacks - General, 3.03.03 Buildings, 3.03.04 Site Improvements, 3.03.05 Impact Report, and 3.03.06 Performance Standards must be followed. The following sections of the Land Use and Development Ordinance are specific to this proposal.

### **3.03.12 COMMERCIAL USES**

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 provisions of Section 3.03.01 (b) 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 (75) feet for each lot or parcel.

#### **b. Minimum Setbacks.**

1. The minimum setbacks for neighborhood businesses shall be thirty (30) feet from front, rear, and side street property lines and ten (10) feet from all 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 1000 feet from any residential development, civic or community service use, or other non-compatible commercial use.

**c. Maximum Building Height and Floor Area.**

1. Building heights shall not exceed thirty-five (35) feet above the foundation.
2. The building size or floor area shall not exceed the limitations of Section 3.03.01 and 3.03.03 and the "Building Code Ordinance".
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.**

1. Where commercial uses are proposed on a lot or parcel having frontage on Highway 55 and a side street the access shall be limited to the side street.
2. Parking spaces for neighborhood and area businesses shall be provided at the rate of one (1) plus one (1) per each 250 square feet of floor area.

**3.03.13 INDUSTRIAL USES**

Industrial uses requiring a Conditional Use permit shall meet the following site or development standards.

**a. Minimum Lot Area.**

1. The minimum lot area shall be adequate to accommodate the use, associated activities or use, and to adequately contain adverse impacts.
2. The minimum frontage along a public or private road shall not be less than seventy-five (75) feet.

**b. Minimum Setbacks.**

1. The minimum building setbacks for light industrial uses shall be fifty (50) feet from front, rear, and side street property lines and thirty (30) feet from side property lines.

**c. Maximum Building Height and Floor Area.**

1. Building heights shall not exceed forty-five (45) feet for light industrial uses, and shall be unlimited herein for extractive industry uses. Building heights for heavy industrial uses

shall not exceed forty-five (45) feet.

2. The building size or floor area shall not exceed the limitations of Section 3.03.01 and 3.03.03.

3. No building or combination of buildings may cover more than forty percent (40%) of a lot for light industrial uses and thirty percent (30%) of a lot for heavy industrial uses.

d. Site Improvements.

3. Parking spaces shall be provided at the rate of one plus one per 250 square feet of floor area where applicable for light industrial uses. And one plus one per 400 square feet of floor area for heavy industrial uses. In any event the parking area shall be adequate to provide parking for employees and visitors.

9. Compatibility Rating: **Staff's compatibility rating is a +14.**

**SUMMARY:**

Franklin Building Supply is an existing business. Staff believes that the expansion will not adversely impact neighboring properties.

Staff believes that application is consistent with the Comprehensive Plan.

**Staff recommends that the application be approved with the conditions of approval.**

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**ATTACHMENTS:**

Attachment A: Conditions of Approval

Attachment B: Compatibility Rating

Attachment C: Agency Responses

**Conditions of Approval - Attachment A**

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 proposed building and occupancies described in the application and in this report shall be constructed, established, and in use according to the approved 5-year phasing plan. If approved uses are not established within 5-years of the approval date a new conditional use permit 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.
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6. The applicant shall meet all the fire codes and requirements of the McCall Rural Fire District.
7. An access permit will be required from the Idaho Department of Transportation.
8. A sign permit is required for all signs.
9. The fence must be maintained.

---

**END STAFF REPORT**

**Compatibility Questions and Evaluation**

YES/NO X RESPONSE VALUE

- $-\frac{1}{2}$  (+2/-2) X 4 -2 1. Is the proposed use compatible with the dominant adjacent land use?  
*Agricultural*  $\frac{A.B}{-2} \frac{L.I}{+1} =$
- $+\frac{1}{6}$  (+2/-2) X 2  $+\frac{2}{3}$  2. Is the proposed use compatible with the other adjacent land uses (total and average)?  
*Area Business*  $\frac{A.B}{+2} \frac{L.I}{+2} = \frac{7}{6}$   
*S.F. Residence*  
*Recreation Business*  $\frac{-1}{+1} \frac{+1}{+2} = \frac{7}{6}$
- $+\frac{6}{8}$  (+2/-2) X 1  $+\frac{6}{8}$  3. Is the proposed use generally compatible with the overall land use in the local vicinity?  
*See 1 + 2*  $\frac{6}{8}$
- $+1$  (+2/-2) X 3  $+3$  4. Is the property large enough, does the existence of wooded areas, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?  
*The property is large, there are no wooded areas, and the land is flat. Increased uses to existing uses will have very little impact.*
- $+2$  (+2/-2) X 1  $+2$  5. Is the size or scale of proposed structures similar to adjacent ones?  
*Yes, the size and scale are very similar.*
- $0$  (+2/-2) X 2  $0$  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?  
*The increased customers can be offset with decrease in freight traffic from truck stop.*
- $+2$  (+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?  
*There may be more noise emitted.*
- $+1$  (+2/-2) 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?  
*Fire protection is the only increase -- the fire chief will approve building plans or the plans will comply with the Uniform Fire Code.*
- $+1$  (+2/-2) X 2  $+2$  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?  
*Will be slight increase in revenue*
- SUB-TOTAL (+)  $+\frac{16}{8}$  approx with the potential for increase in jobs
- SUB-TOTAL (-)  $-2$
- TOTAL SCORE  $+14$

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

File

# FRANKLIN BUILDING SUPPLY

Valley County

McCALL, IDAHO 83638

P.O. BOX 1737

TELEPHONE [REDACTED]

May 21, 1999

RECEIVED MAY 25 1999

Valley County Planning & Zoning Commission:

We are currently in the process of "laying out" our proposed door shop here at our lumberyard. Our proposal originally called for the enclosing of several bays of an existing warehouse to house the door shop. However, we have realized we would be better served by putting the door shop inside the existing warehouse which faces Highway 55. The only change to the exterior of this warehouse would be to change the existing sliding doors to an overhead door. This door would be painted the same color as the existing sliding doors. We would still enclose part of the warehouse as in our original proposal, to use for storing finished doors, door parts, etc.

We have checked with Dale Points to ascertain what would be required to meet fire codes, and we can and will meet those requirements.

From a visual standpoint, this change would be minimal. However, before we began, we wished to run this past you to make sure there would be no problems. Thank you for your consideration.

Sincerely yours,

  
\_\_\_\_\_  
Bob Dodge





# Valley County Planning and Zoning Department

110 West Pine Street  
Post Office Box 737

(208)382-4251

Cascade, ID 83611  
Courthouse Annex

## Conditional Use Permit Application

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT

FILE # CUP 99-1

FEE \$ 150.00

ACCEPTED BY Cyril Dennis

DATE 2/18/99

CROSS REFERENCE FILE(S): CUP 84-2, CUP 93-30

Are application materials attached?

Yes  No

This application is a request to construct, add, or change the use of property as follows:

1) Apartment space 2) Pool house 3) Tennis court 4) assemble + construct deck

NOTE: WHEN AN APPLICATION HAS BEEN SUBMITTED, IT WILL BE REVIEWED IN ORDER TO DETERMINE COMPLIANCE WITH APPLICATION REQUIREMENTS. IT WILL NOT BE ACCEPTED IF IT IS NOT COMPLETE. A HEARING DATE WILL BE SCHEDULED ONLY AFTER AN APPLICATION HAS BEEN ACCEPTED AS COMPLETE.

APPLICANT Franklin Building Supply PHONE [REDACTED]  
Owner  Purchaser  Lessee  Renter

APPLICANT'S ADDRESS Box 1797 McClain, Idaho ZIP 83638

OWNER'S ADDRESS SAME ZIP ---

AGENT/REPRESENTATIVE Bob Dodge FAX [REDACTED] PHONE [REDACTED]

AGENT/REPRESENTATIVE ADDRESS SAME ZIP SAME

CONTACT PERSON (if different from above) --- ADDRESS --- ZIP --- PHONE ---

ADDRESS OF SUBJECT PROPERTY 14047 Highway 55

Applicant must have Engineering Department initial here --- to signify address verification.

PROPERTY DESCRIPTION (either lot, block & subdivision name or recorded deed with a metes and bounds description.)  
SEE EXHIBIT "A" - ATTACHED

TAX PARCEL NUMBER SEE ATTACHED "Schedule A"  
Quarter N 1/2 NW 1/4 of NE 1/4 Section 33 Township 18N Range 3E

1. PROPOSED USE: Residential  Civic or Community  Commercial  Industrial  <sup>LITE</sup>

2. SIZE OF PROPERTY (Square feet or acres): East 10 Acres of a 20 Acre Parcel.

3. EXISTING LAND USES AND STRUCTURES ON THE PROPERTY ARE AS FOLLOWS:  
RETAIL STORE, Warehouse for Storage of Building Materials, Outside Storage & Staging of Building Materials. Pasture on West 10 Acres of the 20 Acre Parcel.

4. ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (such as canals, hazardous material spills, soil or water contamination)? If so, describe and give location: No

5. ADJACENT PROPERTIES HAVE THE FOLLOWING BUILDING TYPES AND/OR USES:  
North Ag / Residential  
South Ag / Residential  
East Auto Storage, Car Repair Business, Equestrian Center, Ag.  
West Ag / Residential

6. MAXIMUM PROPOSED STRUCTURE HEIGHT: 35'

7a. NUMBER OF PROPOSED NON-RESIDENTIAL STRUCTURES: 2

Square footage of proposed non-residential structures or additions (If applicable):

	<u>Gross Square Feet</u>	
1st Floor	<u>8400</u>	
2nd Floor	<u>840</u>	<b>Total:</b> <u>9240<sup>sq</sup></u>

7b. NUMBER OF EXISTING NON-RESIDENTIAL STRUCTURES TO REMAIN: 5

Square footage of existing non-residential structures to remain:

	<u>Gross Square Feet</u>	
1st Floor	<u>Warehouse: 24,750<sup>sq</sup></u>	
2nd Floor	<u>Store: 2,660<sup>sq</sup></u>	<b>Total:</b> <u>27,410<sup>sq</sup></u>

8a. TYPE OF RESIDENTIAL USE (If applicable):  
Single family residence  Multiple residences on one parcel   
Mobile Home for single family residence

8b. SQUARE FOOTAGE OF PROPOSED RESIDENTIAL STRUCTURES (If applicable):           

SQUARE FOOTAGE OF EXISTING RESIDENTIAL STRUCTURES:           

8c. DENSITY OF DWELLING UNITS PER ACRE:           

9. SITE DESIGN:  
Percentage of site devoted to building coverage: 7.6%  
Percentage of site devoted to landscaping: 15+%  
Percentage of site devoted to roads or driveways:             
Percentage of site devoted to other uses: ≈ 77.4%, describe: Open Area - Staging/Staging of Building Materials  
**Total: 100%**

10. PARKING (If applicable) ~~EXISTING~~ Office Use Only
- a. Handicapped spaces proposed: 1 Handicapped spaces required: \_\_\_\_\_
- b. Parking spaces proposed: 4 for CUSTOMERS \* Parking spaces required: \_\_\_\_\_
- c. Number of compact spaces proposed: 1 Number of compact spaces allowed: \_\_\_\_\_
- d. Restricted parking spaces proposed: 1
- e. Are you proposing off-site parking: No *\* Employees will park @ Existing parking*

11. SETBACKS:

	<u>BUILDING</u>	<u>Office Use Only</u>	<u>PARKING</u>	<u>Office Use Only</u>
	Proposed	Required	Proposed	Required
Front	<u>100' <del>100'</del></u>	_____	_____	_____
Rear	<u>100' +</u>	_____	_____	_____
Side	<u><del>100'</del> 30'</u>	_____	_____	_____
(St.) Side	<u>-</u>	_____	_____	_____

12a. ~~Along Next Highway~~ NUMBER OF EXISTING ROADS: 1 Width: 1 Private or Public? 1

Are the existing road surfaces paved or graveled? 1

12b. NUMBER OF PROPOSED ROADS: 1 Proposed width: 1

Will the proposed roads be publicly or privately maintained? 1

Proposed road construction: Gravel 1 Paved 1

13a. EXISTING UTILITIES ON THE PROPERTY ARE AS FOLLOWS:  
Electricity, Telephone

13b. PROPOSED UTILITIES: Electricity, Telephone (Underground)  
Proposed utility easement width N/A Location -

14a. SOLID WASTE DISPOSAL METHOD: Septic ✓ Central Sewage Treatment Facility \_\_\_\_\_

14b. POTABLE WATER SOURCE: Public \_\_\_\_\_ Water Association \_\_\_\_\_ Individual ✓ *Exception well*  
If Individual, has a test well been drilled? No Depth \_\_\_\_\_ Flow \_\_\_\_\_ Purity Verified? \_\_\_\_\_  
Nearest adjacent well 300' Depth 120 Flow 20 gpm

15. ARE THERE ANY EXISTING IRRIGATION SYSTEMS? buried culvert, see plot plan  
Are you proposing any alterations, improvements, extensions or new construction? NO  
If yes, Explain: \_\_\_\_\_

16. DRAINAGE (Proposed method of on-site retention): Natural Grasses to Retain water from Highway 55  
Any special drains? No (Please attach map)  
Soil type (Information can be obtained from the Soil Conservation District): MELTON + ARCHAID GLENN

17a. IS ANY PORTION OF THE PROPERTY LOCATED IN A FLOODWAY OR 100-YR FLOODPLAIN? (Information can be obtained from the Engineer's Office) No

17b. DOES ANY PORTION OF THIS PARCEL HAVE SLOPES IN EXCESS OF 15%? No

17c. ARE THERE WETLANDS LOCATED ON ANY PORTION OF THE PROPERTY? West 10 Acres of the 20 acres - Not being used in CUP fight

18. IS THERE ANY SITE GRADING OR PREPARATION PROPOSED? None Required If yes. Explain:

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19a. AN IMPACT REPORT IS REQUIRED FOR THE FOLLOWING PROPOSED CONDITIONAL USES:

- ❖ Residential Uses
- ❖ Commercial Uses
- ❖ Industrial Uses
- ❖ Central Sewage Facilities
- ❖ Sanitary Landfills
- ❖ P.U.D.

19b. THE IMPACT REPORT MUST ADDRESS POTENTIAL ENVIRONMENTAL, ECONOMIC, AND SOCIAL IMPACTS AND HOW THESE IMPACTS ARE TO BE MINIMIZED (See attachment A ).

20. THE FOLLOWING MUST BE COMPLETED AND SUBMITTED WITH THE CONDITIONAL USE PERMIT APPLICATION:

- ✓❖ A detailed project description disclosing the purpose, strategy, and time frame of construction.
- ✓❖ A plot plan drawn, to scale, showing the boundaries, dimensions, area of lot, and existing and proposed utilities, streets, easements, parking, and buildings (See attachment B).
- ✓❖ A landscaping plan drawn to scale, showing elements such as trees, shrubs, ground covers, vines, include a plant list, indicating the size, quantity location and name, both botanical and common, of all plant material to be used (See attachment C).
- ✓❖ A site grading plan clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development.
- ✓❖ Names and addresses of property owners within 300 feet of the property lines (Information can be obtained through the Assessor's Office).



**EIGHT**  
~~SEVEN~~ COPIES OF THE APPLICATION, PROJECT DESCRIPTION, PLOT PLAN, LANDSCAPING PLAN, GRADING PLAN, AND IMPACT REPORT (If applicable) IS REQUIRED.

CONDITIONAL USE PERMIT FOR FRANKLIN BUILDING SUPPLY:

AS OUR BUSINESS HAS GROWN, WE WISH TO EXPAND ACCORDINGLY. WE WISH TO 1) EXPAND OUR WAREHOUSE SPACE, 2) ENCLOSE PART OF AN EXISTING WAREHOUSE AND USE IT TO PRE-HANG DOORS (PRE-HUNG DOOR SHOP), 3) BUILD A TRUSS SHOP, AND 4) AMEND OUR EXISTING CONDITIONAL USE PERMITS TO ALLOW THE ASSEMBLING AND CONSTRUCTION OF DOCKS, STORAGE SHEDS, ETC.

1) WE PROPOSE TO EXPAND OUR EXISTING WAREHOUSE SPACE BY BUILDING A WAREHOUSE UP TO 60' X 120'. THIS WOULD BE SIMILAR TO OUR EXISTING 56' X 106' WAREHOUSE (SEE PICTURES "A" AND "B"). EXTERIOR PAINTED METAL SIDING AND COLORS WOULD MATCH EXISTING WAREHOUSES.

2) THE DOOR SHOP WOULD ENTAIL THE ASSEMBLING OF THE PARTS AND PIECES (DOOR SLABS, JAMBS, STOP, HINGES, ETC.) TO MAKE A PRE-HUNG READY-TO-INSTALL DOOR UNIT. MANY OF THESE ITEMS WE CURRENTLY STOCK. WE WOULD ENCLOSE A PORTION OF AN EXISTING WAREHOUSE (SEE PICTURE "C"). IT COULD BE THAT WE WOULD MOVE THE DOOR SHOP INTO THE NEW WAREHOUSE WHEN IT IS COMPLETED.

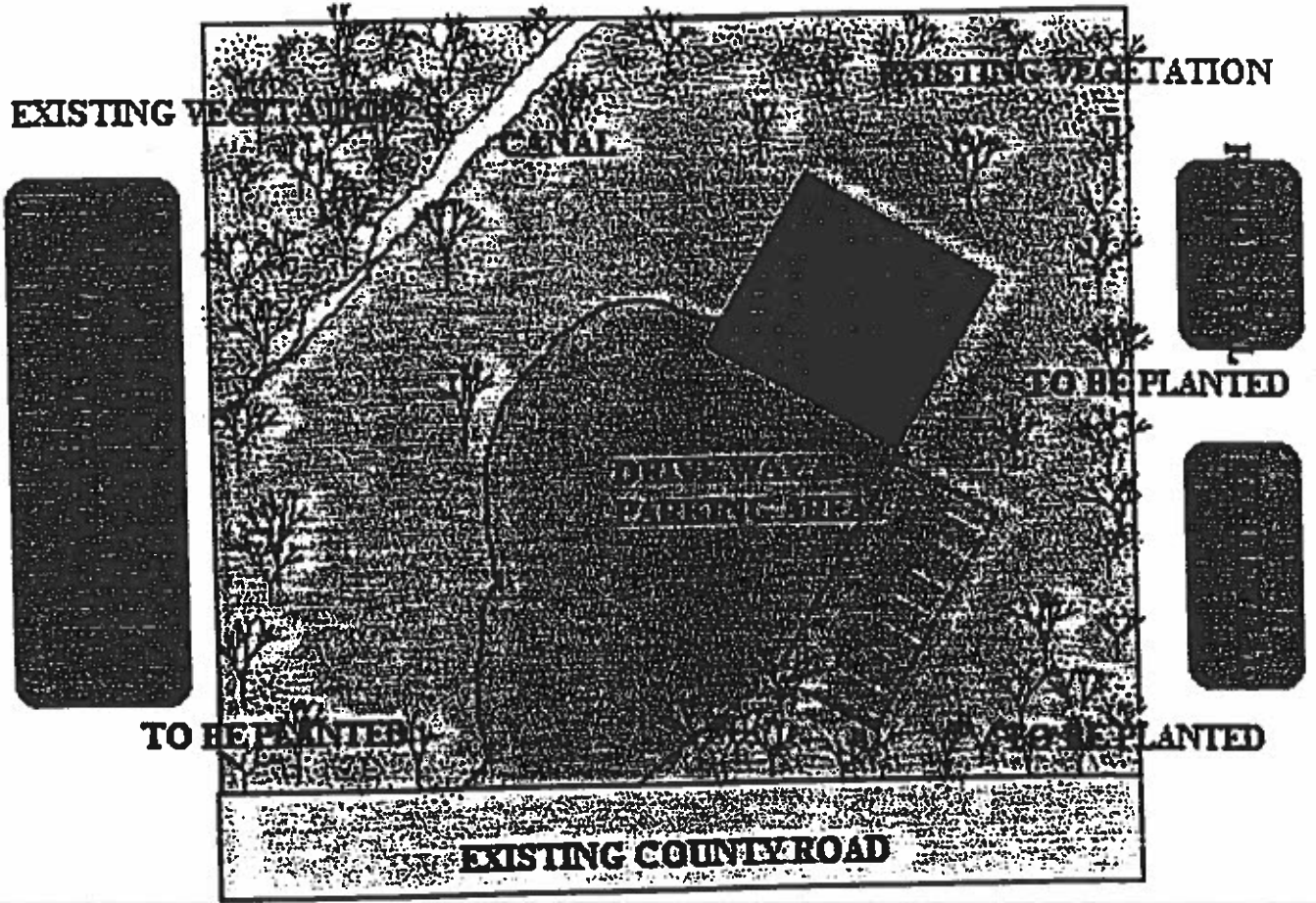
3) THE TRUSS SHOP WOULD ALSO BE PRIMARILY BE ASSEMBLING PARTS AND PIECES (TRUSS PLATES, CUT LUMBER) TO MAKE TRUSSES. SUCH ASSEMBLY WOULD BE INSIDE A BUILDING, UP TO 70' WIDE AND 120' LONG. IT WOULD BE BUILT SOUTH OF OUR EXISTING WAREHOUSES (SEE PICTURE "D"). STORAGE OF LUMBERS AND FINISHED TRUSSES WOULD BE OUTSIDE, TOWARDS THE REAR OF THE BUILDING.

4) FOR MANY YEARS WE HAVE ALLOWED BUILDING CONTRACTORS TO COME TO THE LUMBERYARD AND USE OUR FACILITIES TO CONSTRUCT DOCKS, SMALL STORAGE SHEDS, ETC. WE WOULD THEN DELIVER THE FINISHED PRODUCT OR COMPONENT TO THEIR JOB SITE. THIS PAST YEAR, ONE SUCH BUILDER WAS ASSEMBLING DOCKS ON OUR PROPERTY. WE WERE INFORMED SUCH IS NOT ALLOWED UNDER OUR EXISTING CONDITIONAL USE PERMITS. WHILE WE WERE NOT TOLD WHY THE ISSUE CAME UP AFTER ALL THESE YEARS, WE WISH TO COMPLY WITH OUR CONDITIONAL USE PERMITS AND STILL PROVIDE SUCH CONVENIENCE TO OUR CUSTOMERS. THUS, WE WISH TO AMEND OUR CONDITIONAL USE PERMITS TO ALLOW SUCH ACTIVITIES.

WE PROPOSE COMPLETING THE ABOVE OVER A 5-YEAR SPAN, AS BUSINESS CONDITIONS WARRANT. THE DOOR SHOP WE WOULD COMPLETE IN 1999. THE TRUSS SHOP WOULD BE BUILT AS BUILDING ACTIVITY WARRANTS. THIS COULD POSSIBLY BE 1999, BUT MORE LIKELY AT A LATER TIME. THE WAREHOUSE WOULD MOST LIKELY BE IN LATER YEARS. AMENDING OUR CONDITIONAL USE PERMIT TO ALLOW THE BUILDING OF DOCKS, STORAGE SHEDS, ETC., WOULD BE 1999. IF BUSINESS CONDITIONS PERMIT, WE PLAN TO HAVE OUR PROPOSALS COMPLETED BY MAY 1, 2005.

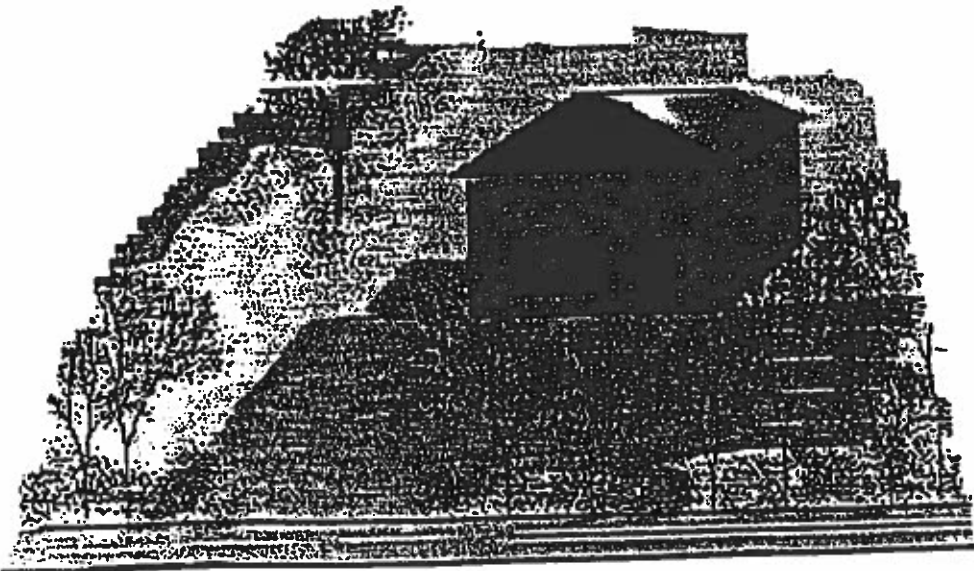
# SAMPLE LANDSCAPING PLAN

## PROPOSED COMMERCIAL BUILDING SITE



FRONT PROPERTY LINE

SIDE PROPERTY LINE



SAMPLE PLOT PLAN, INFORMATION, AND CHECKLIST

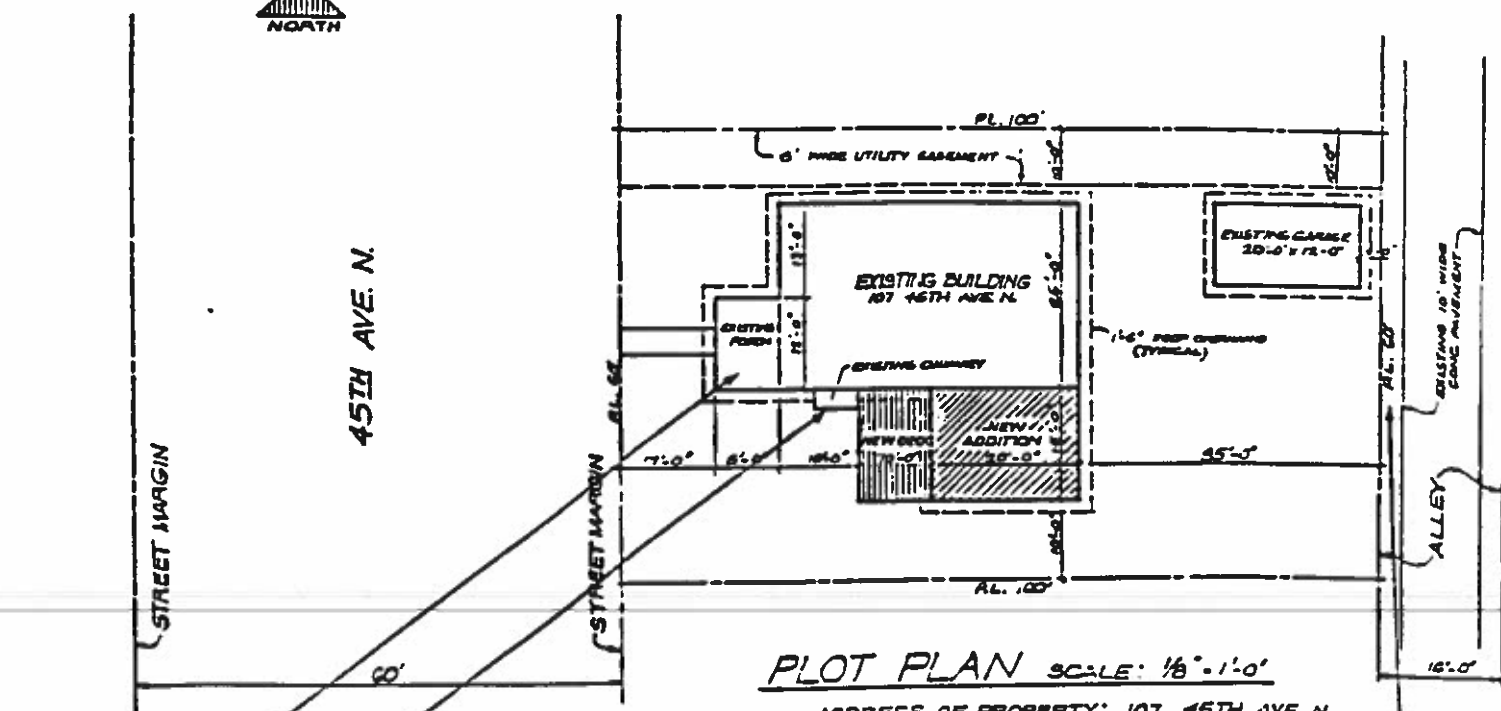
Identify streets by name.

Stippling (dotting) helps to identify walks and pavements.

Identify easements.

Showing setbacks is important.

Show all roof overhangs with dotted lines.



**PLOT PLAN** SCALE: 1/8" = 1'-0"

ADDRESS OF PROPERTY: 107 45TH AVE. N.  
 SEATTLE, WASH. 98107  
 OWNER: JOAN DOE - 107 45TH AVE. N. 329 - 7/67  
 LEGAL DESCRIPTION: LOT 17 BLOCK 3 OF DENNY'S  
 43RD ADD

PLOT PLAN FOR ADDITION, ALTERATION, OR CHANGE USE

Show chimneys if they protrude.

Identify all porches and decks.

Note how property lines dimensions are shown.

It is good to put all such information in one, easily found location.

### 3.03.05 IMPACT REPORT

(b) The impact report shall address potential environmental, economic and social impacts and how these impacts are to be minimized as follows:

Traffic volume, character and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out or full occupancy of the proposed development. Include pedestrian, bicycle, auto and truck traffic. *TOTAL TRAFFIC VOLUME TO BE SOMEWHAT LESS AS TRUSS SUPPLIERS WOULD NOT BE DELIVERING TRUSSES TO OUR BUSINESS, WE WILL BE DELIVERING, NOT RECEIVING THEM. WE WOULD PRIMARILY USE JOHNSON LANE ACCESS FOR DELIVERY VEHICLES. THERE WILL BE SOME CUSTOMER ACCESS TO TRUSS SHOP USING EXISTING HWY 55 ACCESS.*

Noise and vibration levels that exist and compare to those that will be added during construction, normal activities and special activities. Include indoor and outdoor, day and night variations. *MANUFACTURING ACTIVITIES WILL BE IN ENCLOSED BUILDINGS, LITTLE NOISE OR VIBRATION IMPACT ANTICIPATED. ACTIVITY WILL BE DURING NORMAL BUSINESS HOURS.*

Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.

*GLARE NEGLIGIBLE AS BUILDINGS USE PAINTED METAL ROOFING & SIDING. LIGHTING IS INDIRECT & LIVES OVER DOORS NO HIGHER THAN 20" & WILL BE SHIELDED.*

Particulate emissions to the air including smoke, dust, chemicals, gasses or fumes, etc. both existing and what may be added by the proposed uses.

*NO EMISSIONS IN PROPOSED WAREHOUSES. SAWDUSTS GENERATED BY WOOD-WORKING ACTIVITIES TO BE CAPTURED BY APPROPRIATE DUST CATCHING EQUIPMENT.*

Water demand, discharge, supply source and disposal method for potable uses, domestic uses and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing ground water and surface water quality and potential changes due to this proposal.

*FIRE PROTECTION PROVIDED BY 1000 GAL WATER STORAGE TANK ON SITE. THERE WILL BE NO SITE PREPARATIONS NEEDED SO EXISTING DRAINAGE WHICH HAS BEEN ADEQUATE WILL NOT CHANGE.*

Fire, explosion and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.

*NO EFFECT*

Removal of existing vegetation or effects thereon including disturbance of wetlands, general stability of soils, slopes and embankments and the potential for sedimentation of disturbed soils.

*NO SITE PREPARATION NECESSARY, LITTLE OR NO IMPACT.*



Include practices that will be used to stabilize soils and restore or replace vegetation.

*VERY LITTLE SOIL DISTURBANCE OTHER THAN NORMAL EXCAVATION DURING CONSTRUCTION OF BUILDINGS.*

Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping. *To insure adequate growth, some topsoil may be imported when planting trees. Land is relatively flat - little potential for erosion. Grassy ramp will be used along Highway 55.*

Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities and open areas.

*Utilities to be underground. Fence along Highway 55 to be continued to South corner of property*

Visibility from public roads, adjoining property and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the affect of shadows from new features on neighboring property.

*Groups of trees to be planted (see site plan) to help break up outline of buildings along Highway 55.*

Reasons for selecting the particular location including topo-graphic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.

*Placement of buildings a natural progression of existing buildings.*

Approximation of increased revenue from change in property tax assessment, new jobs available to local residents and increased local expenditures.

*Anticipate 2-5 New jobs when fully operational.*

Approximation of costs for additional public services, facilities and other economic impacts.

*NONE*

State how the proposed development will impact existing developments providing the same or similar products or services. *No impacts there are no existing door shops or Truss shops in Valley County. will help other businesses by providing goods not manufactured within V. Cty.*

State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource.

Describe the process in detail and describe the impacts of each part.

*None*

What will be the impacts of a project abandoned at partial completion?

*None*

Number of residential dwelling units, other buildings and building sites, and square footage or gross non-residential floor space to be available.

*N/A*

Stages of development in geographic terms and proposed construction time schedule.

*See attached*

Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or non-residential floor space in order to insure compatibility with adjacent land use and development.

*N/A*

# Valley County Planning and Zoning Department

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



## Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Check # <u>104635</u> or <input type="checkbox"/> Cash
FILE # <u>V-1-23</u>		FEE \$ <u>250.00</u>
ACCEPTED BY _____		DATE <u>1-25-2023</u>
CROSS REFERENCE FILE(S): _____		
PROPOSED USE: _____		
<input type="checkbox"/> Shared Driveway	<input checked="" type="checkbox"/> Setback Variance	<input type="checkbox"/> Other

Applicant Name Franklin Building Supply Co

Applicant Signature [Signature] Date 1/24/23

Mailing Address 9222 W Barnes Dr  
Boise, ID 83709

Phone [Redacted] Email \_\_\_\_\_

Property Parcel Number RP18N03E330606, RP15N03E330621, RP15N03E330641

Subdivision (if applicable) \_\_\_\_\_

Parcel Physical Address 14047 State Highway 55  
23 Johnson Lane

### Required Attachments

1. Proposed Site Plan
2. Narrative statement demonstrating:
  - That special conditions and circumstances exist which are not a result from any action of the Applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
  - That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
3. Shared Driveway Variances require a shared driveway maintenance agreement. The shared driveway must be built to the satisfaction of the relevant fire department.

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

**A variance may be granted if:**

- the applicant can prove undue hardship is a result of characteristics of the site,
- that special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures, and
- that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

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

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**Procedure:**

- When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.
- The fee set by resolution of the Board of County Commissioners shall accompany the variance application. The fee is \$250.00. An administrative shared driveway variance fee is \$50.00
- An application for a variance shall be reviewed by the Administrator and the Planning & Zoning Commission in accordance with Valley County Code Section 9-5H-11. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, and the public in accordance with Section 9-5H-6B.
- A variance may be granted if the Planning & Zoning Commission makes specific findings of fact based directly on the particular evidence in the application which support conclusions that the above conditions have been met by the applicant.
- Within ten (10) days after a decision has been rendered, the Administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
- The Planning & Zoning Commission's decision shall be a recommendation to the Board of County Commissioners.
- The County Clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular Board meeting.
- The Board shall consider and act upon the Commission's recommendations by following the procedures outlined in Valley County Code Section 9-5H-11.
- A permit for the variance may be issued by the Administrator or staff after approval of the Board of County Commissioners.
- Subject to Idaho Statute 55:22 Underground Facilities Damage Prevention.

ABIGAIL R. GERMAINE

251 East Front Street, Suite 300  
Post Office Box 1539  
Boise, Idaho 83701  
Telephone [REDACTED]  
Fax [REDACTED]  
E-mail [REDACTED]

January 24, 2023

*Via Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)*

*Hard copy to follow*

Valley County, Idaho  
Planning and Zoning Commission  
Planning and Zoning Department  
c/o Cynda Herrick, Director Planning and Zoning  
219 North Main Street  
PO Box 1350  
Cascade, ID 83611

Re: Variance Application  
Related to FBS CUP 99-1  
Narrative in Support of Variance  
E&B File No. 9896-0002

Dear Valley County Planning and Zoning Commission and Director Herrick:

Thank you for your time and consideration of this Variance Application before the Valley County Planning and Zoning Commission ("Commission"). We represent Franklin Building Supply Co. ("FBS"). We are respectfully requesting that this Commission grant FBS's Variance Application ("Variance") related to its property located at 14047 State Highway 55, McCall, Idaho 83638, and its CUP 99-1.

#### **I. Background**

As way of background, this Variance request arises from email correspondence from Cynda Herrick, the Director of the Planning and Zoning Department ("Director") to FBS on October 6, 2022, in which the Director describes the email as an "administrative decision" related to the setback area included in FBS's CUP 99-1. The CUP 99-1, the attached and governing Site Plan, historical use, and current statutory provisions illustrate that FBS's historical and current use is allowable within the setback area; however, the Director has informed FBS that due to efforts along the Hwy 55 corridor, the Planning and Zoning Department ("Department") are embarking on efforts to enhance the aesthetics along Hwy 55 and are requesting that all materials be removed from FBS's setback area.

FBS firmly believes that its historic and current use of temporary storage of materials within the setback area adjacent to Hwy 55 and in the southwest area of the site are specifically allowed and permitted under FBS's CUP 99-1. Based on the Director's email from October 6,

2022, FBS appealed this determination under Valley County Code 9-5H-12(A). Following FBS's appeal, on November 9, 2022, FBS and the Department met to try and settle the issue without taking the matter before the Commission for determination. It was discussed in this meeting that a variance may be an amendable option to ensure that FBS has written assurance of its ability to continue using its setback areas in a manner that is consistent with its historically allowable use, the permitted uses of its CUP 99-1, and the required manner as dictated by the site constraints and operational requirements. Granting this Variance also provides the Department administrative clarity as they work through their increased enforcement actions along Hwy 55.

## **II. Applicable Requirements**

Valley County Code 9-5H-10 allows for a variance to be granted modifying the requirements of the land use and development code with respect to certain requirements, including, but not limited to, setbacks. Under Valley County Code 9-5H-10(B), a variance may be granted if the applicant makes a showing of undue hardship as a result of the characteristics of the site. In submitting a request for a variance, the applicant must provide:

1. a description of the nature of the variance requested; and
2. a narrative statement and graphic material demonstrating:
  - a. that special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures; and
  - b. that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
3. a site plan showing the location of the variance and the special characteristics of the site.

Valley County Code 9-5H-10(B)(2).

## **III. Nature of Variance Requested**

FBS is requesting the ability to continue storing materials within the setback areas and allowing ingress and egress of vehicles within this same setback area both adjacent to Hwy 55 and within the southwest corner of the property. The Hwy 55 setback area is depicted on the Site Plan attached hereto as Exhibit A. The Hwy 55 setback is shown as a hundred-foot (100') setback adjacent to Hwy 55. As shown in the Site Plan, this area was indicated as an existing storage yard and included the entire setback area. The narrative on the Site Plan states, "existing storage yard – black top surface extends east and west from rail fence to irrigation culvert and north to south from cyclone fence to storage building. Please see Exhibit B and the yellow highlighted language. The rail fence runs directly adjacent to State Highway 55 and is depicted on the Site Plan (highlighted in green). This is now no longer a rail fence, but is a wood fence as requested by the Department, but the location has not changed. The irrigation culvert is to the west and shown by the double dashed line (highlighted in blue). The cyclone fence is to the north and is labeled cyclone fence (highlighted in orange). And the storage building is to the south and is labeled as such (highlighted in pink). What this narrative describes is a rectangular area,

**encompassing the 100' setback**, which is plainly designated as the storage yard. FBS requests that this Variance be granted illustrating FBS's ability to continue to store materials and operate vehicles within this setback area and the area within the southwest corner of the site.

#### **IV. Special Conditions and Circumstances**

FBS has operated its facility, a lumber yard, in its current location since 1984. FBS has faithfully complied with all permitting requirements and has obtained several CUPs throughout the years, beginning with CUP 84-2, and amended CUP 93-30, always obtaining an amended or new CUP, when necessary, based on new or changing operations. The use approved for the site predominantly involves storage of building materials on the site. This is the very purpose and use permitted for the site. The current permit and all prior permits provide and allow this use and parking and provide no restriction prohibiting that use within the setback.

FBS has established its operations which include material storage and vehicle ingress and egress within the setback areas over several decades. As discussed above, the site plan itself shows material storage within the Hwy 55 setback area. FBS uses this setback area for two essential activities that cannot be relocated to another area of the site. First, the area is used to pull and temporarily store materials that have been ordered and are being prepared to be loaded and shipped. Both stock items and special-order items that are waiting to be loaded on trucks are staged in this setback area. The setback area is needed to stage large special orders such as engineered wood products, including large beams and roof trusses, that have numerous units and are extremely large and bulky. It would not be safe to unload or load these items in any other location on the site. At first glance, it may appear that this area is used like a normal stock material area, but that is not the case; this area is for material that has been pulled and identified for delivery, waiting to be loaded on a truck. It is important that delivery vehicles are able to park and be loaded and unloaded, or staged for loading and unloading, in this area. Sometimes such loading and unloading is an overnight activity, requiring the delivery vehicles be staged in the setback overnight.

Second, this area is needed to operate forklifts and other heavy equipment necessary to move the material to and from the pulled order staging area to the delivery trucks. There is an open aisle by the order staging area that is used by forklifts to be able to access both sides of the delivery trucks. During the nights and weekends, the trucks are parked in an orderly, organized row. These trucks either have pulled orders on them for the next day's deliveries or some will be empty waiting to be loaded the next morning. The area is necessary for this staging and storage activity because the forklifts need a wide enough turning radius to accomplishing moving very lengthy materials. The open space in the setback is necessary for safe and efficient handling of building materials.

Lastly, in the winter months, snow is stored in this area temporarily until it can be moved to the southwest area outside of the paved fence area. The setback area is necessary to store the snow temporarily until it can be moved to the southwest section. This allows the snow to be moved most efficiently. In the winter months, the need to stage large loads within the setback area drastically declines as home building and construction slows when temperatures drop and

snow begins to accumulate. During the busy construction months, this setback area is vital to staging and loading and unloading.

In addition to these main uses, the area within the setback is also sometimes used by customers pulling a trailer that need the trailer to be loaded with a forklift. This is the only area this activity can really been done safely and efficiently. This activity is always very temporary and only takes a couple hours. This setback area has also been used on occasion for special events lasting only a couple hours in duration. Such events include vendor displays where customers can view the products, etc. The setback area is also sometimes used for returned material which is being staged until it can be counted and put back into stock. When a truck returns with material that is returned from a jobsite, the material is staged in the area until it can be counted and put back into the appropriate area in the yard. This is always a very temporary activity. FBS is willing to restrict all passenger and employee vehicle use of this setback area in an effort to help accommodate the Departments issues with parking within this setback area.

#### **V. Undue Hardship and Fair Treatment.**

The activities that are being conducted in the setback areas, as described above, cannot be relocated to a different area on the FBS site. These activities are essential to the operation of the business. There are aspects of the site that severely limit the ability for these operations to occur other places. One such limitation is a berm on the western side of the graveled area that was required by the Department many years ago. This was a requirement imposed by the Department to buffer the residential homes to the west. FBS willingly complied with this request, but the berm dramatically limits the mobility of the site and the ability to stage and load materials in this area.

In addition, there is a drainage ditch and wetland area to the west which limits the ability to load and unload material onto delivery trucks in that area. It would be impossible to navigate the drainage ditch and wetland in order to stage and pull materials and load them onto delivery trucks. FBS must have firm, stable ground to move these delivery trucks and load and unload materials using the necessary forklift equipment. Similarly, FBS's store's septic system is to the southwest and limits the ability to conduct any of the pulling and staging of materials, and loading and unloading of delivery trucks, in the southwest area of the site. This area is considerably lower in grade and drainage and would not be acceptable or safe for purposes of operating these activities in this area.

Without the ability to stage and store materials in both setback areas, the 100 foot setback adjacent to Hyw 55 and the alleged new 100' setback adjacent to the recently added driveway in the southwest section, FBS would not be able to function or operate the lumber yard in its current capacity, and the facility would become substantially diminished, if not functionally obsolete and nonoperational. This would result in the loss of millions of dollars in investment, business revenue, and client damages. In addition, practically, this could mean a loss in jobs for the Valley County community. FBS takes pride in employing members of the community and being a foundational business in the area. FBS's operations also provide significant property tax revenue, sales tax revenue and other economic investments in Valley County. It is vital that FBS be permitted to continue its approved and historical use of the setback area for staging and



storage in order to ensure Valley County does not feel the economic impact of a loss of FBS operations.

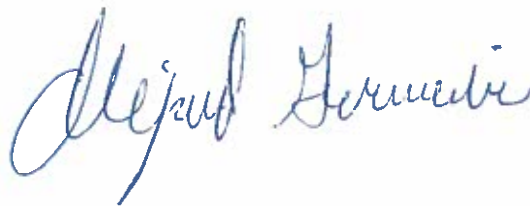
FBS has a long history of cooperation with Valley County and the Department. FBS has received numerous compliments regarding its efforts to implement the dark skies initiatives and litter enforcement and clean up. FBS has also made extensive efforts to seek input from the Department on matters of fencing and roofing when necessary repairs are needed to FBS facility. FBS always seeks to accommodate the desires of the Department as best it can, even when not directly required to. In addition, if the variance is granted, FBS will limit all material height within the setback area to no greater than fifteen feet (15').

## VI. Conclusion

FBS respectfully requests this Commission affirm FBS's current and historical approved use of its facility by granting this Variance and associated uses. The Variance requested herein allows FBS to continue its current operations and the operation of the facility as it has been used for the last several decades. Because of the unique nature of the site, FBS is unable to relocate the activities currently conducted in the setback areas to another location on the site. Nothing about the use requested in this Variance would result in unfair treatment to FBS as it relates to other land users or property owners. Refusing to grant this Variance would result in an undue hardship that would completely result in the site being substantially diminished or nonoperational. Based on the foregoing, the Commission should grant FBS's request for a variance as specified in the application.

Sincerely,

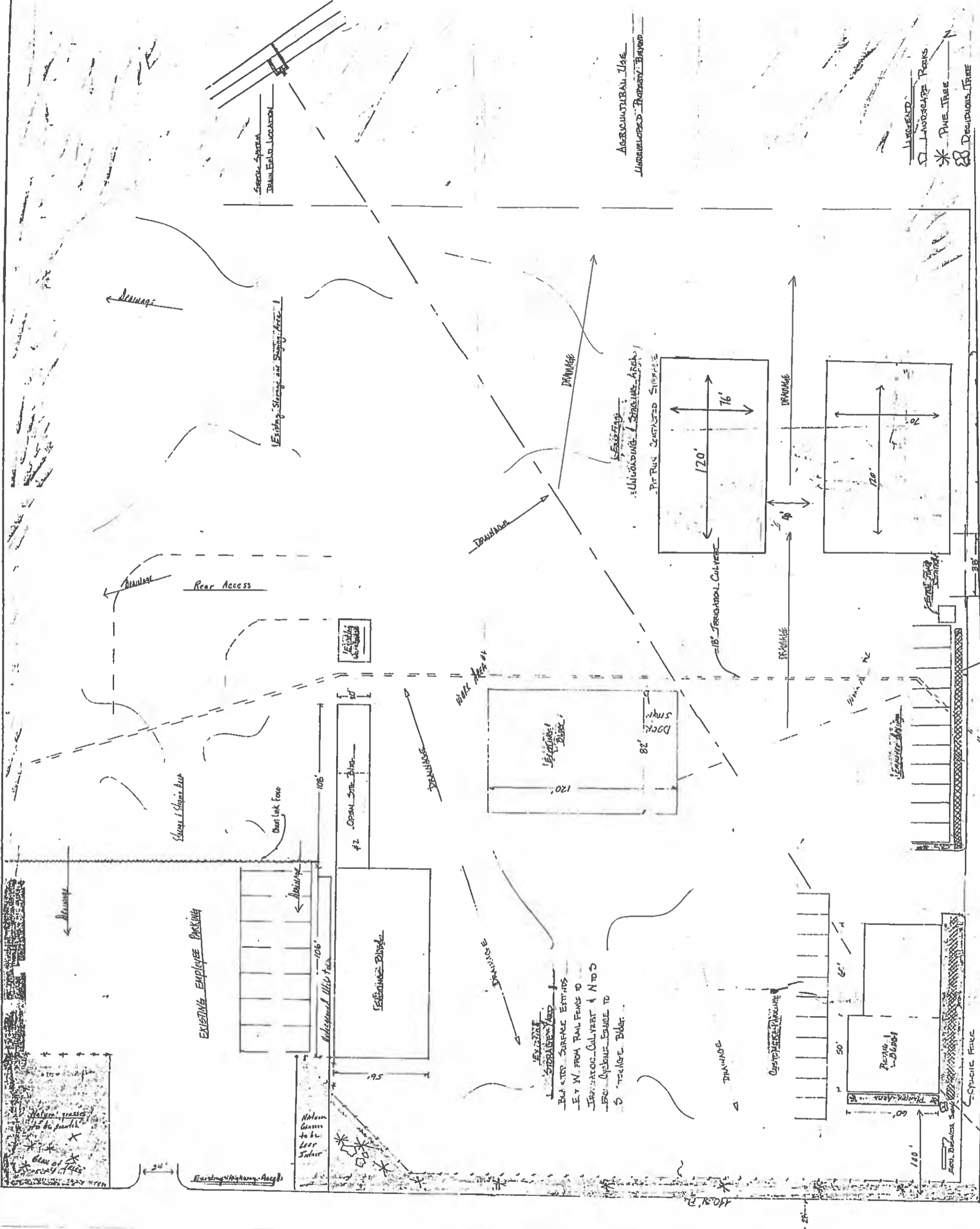
ELAM & BURKE  
*A Professional Association*



Abigail R. Germaine

cc: Brian Oakey, Valley County Attorney

**EXHIBIT A**



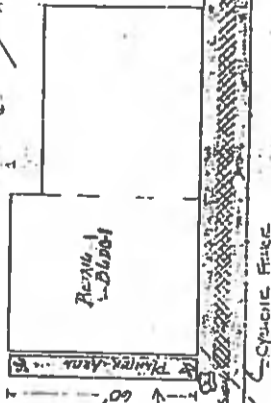
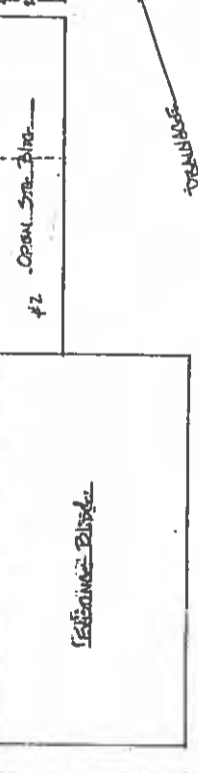
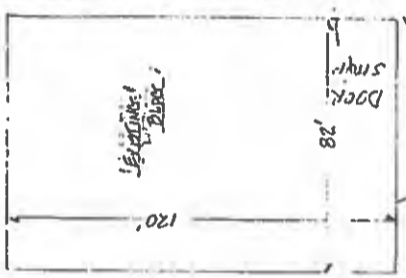
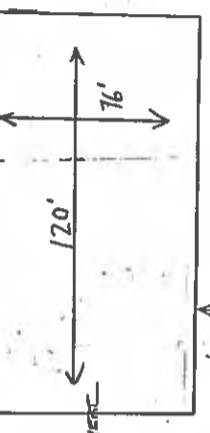
AGRICULTURAL USE  
UNDEVELOPED PROPERTY BOUND

LEGEND  
LANDSCAPE TREES  
PINE TREE  
DECIDUOUS TREE

SEWER SYSTEM  
TRAIN FIELD LOCATION

EXISTING STORAGE AND STAGING AREA

EXISTING UNLOADING / STAGING AREA  
PIT RUN CONTAINED STORAGE



EXISTING SUBSTATION  
E & W FROM RAIL FENCE TO  
IRIGATION CULTIVATOR & N TO S  
FOR CYCLONE ESCAPE TO  
S' TOWARD Bldg.

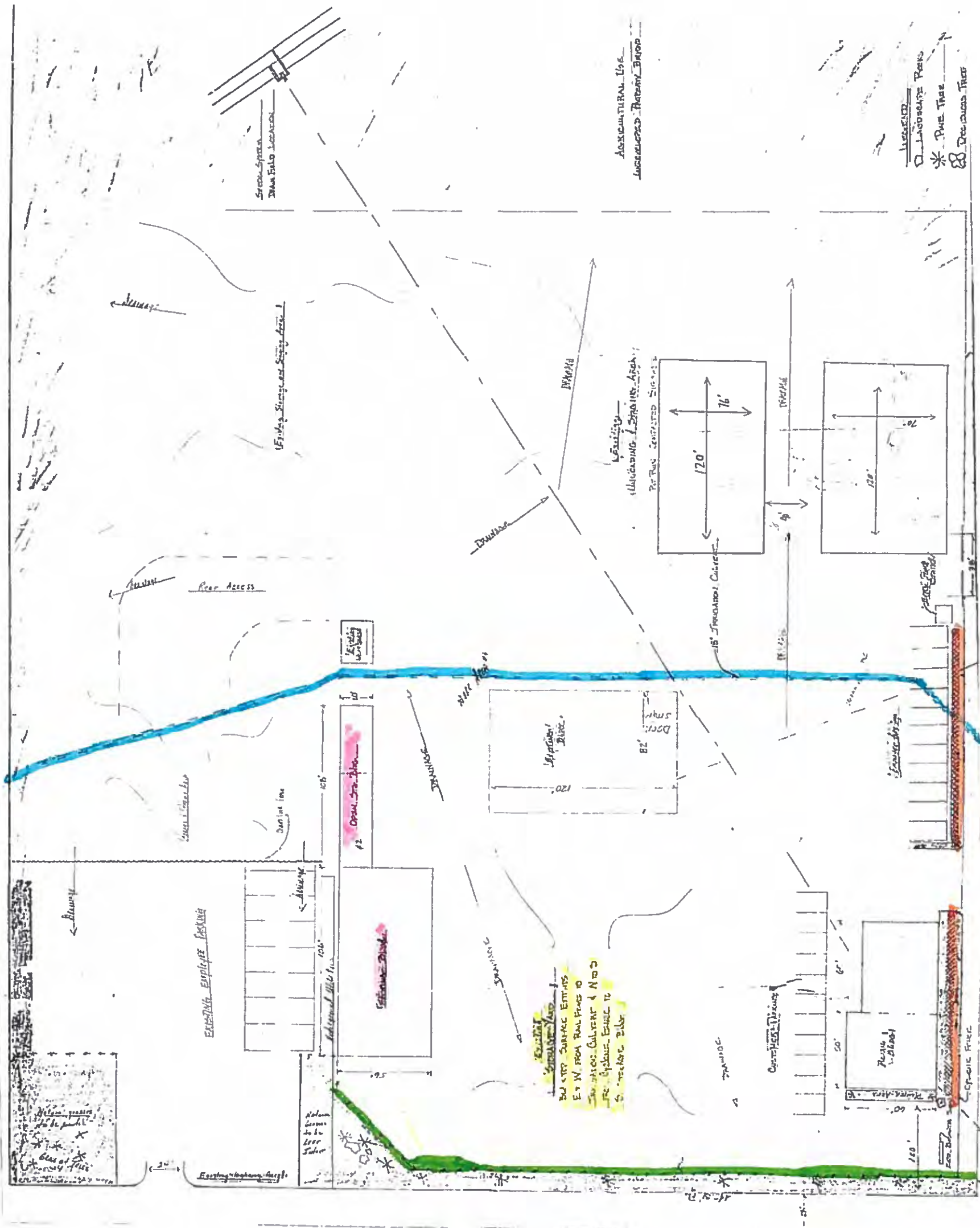
EXISTING EMPLOYEE PARKING

EXISTING HIGHWAY ACCESS

Highway 55  
N. C. 2219 E.

General Description  
Zoning - 12, 15  
Parcel of land situated in  
the NW 1/4 of the NW 1/4 of the

**EXHIBIT B**



ASSOCIATED NATURAL USE  
UNDESIRABLE NATURAL BARRIERS

LEGEND  
 ○ UNDESIRABLE NATURAL BARRIERS  
 \* PINE TREES  
 ⊗ DECIDUOUS TREES

EXISTING STORAGE AND STAGING AREA  
 BY NEW SURFACE ENTRANCE  
 EX W. FROM RAIL FENCE TO  
 EXISTING CURBENT & N TO D  
 ARE EXISTING ENTRANCE TO  
 EXISTING BLDG.

LEGAL DESCRIPTION  
 Tract 12, 14, 15  
 Prec. of the Survey in  
 the NW 1/4 of the NW 1/4 of Sec. 10, T. 12 N., R. 12 W., S. 10 E.

1/2" = 10' - 1/8" = 1' - 1/16" = 1/8"

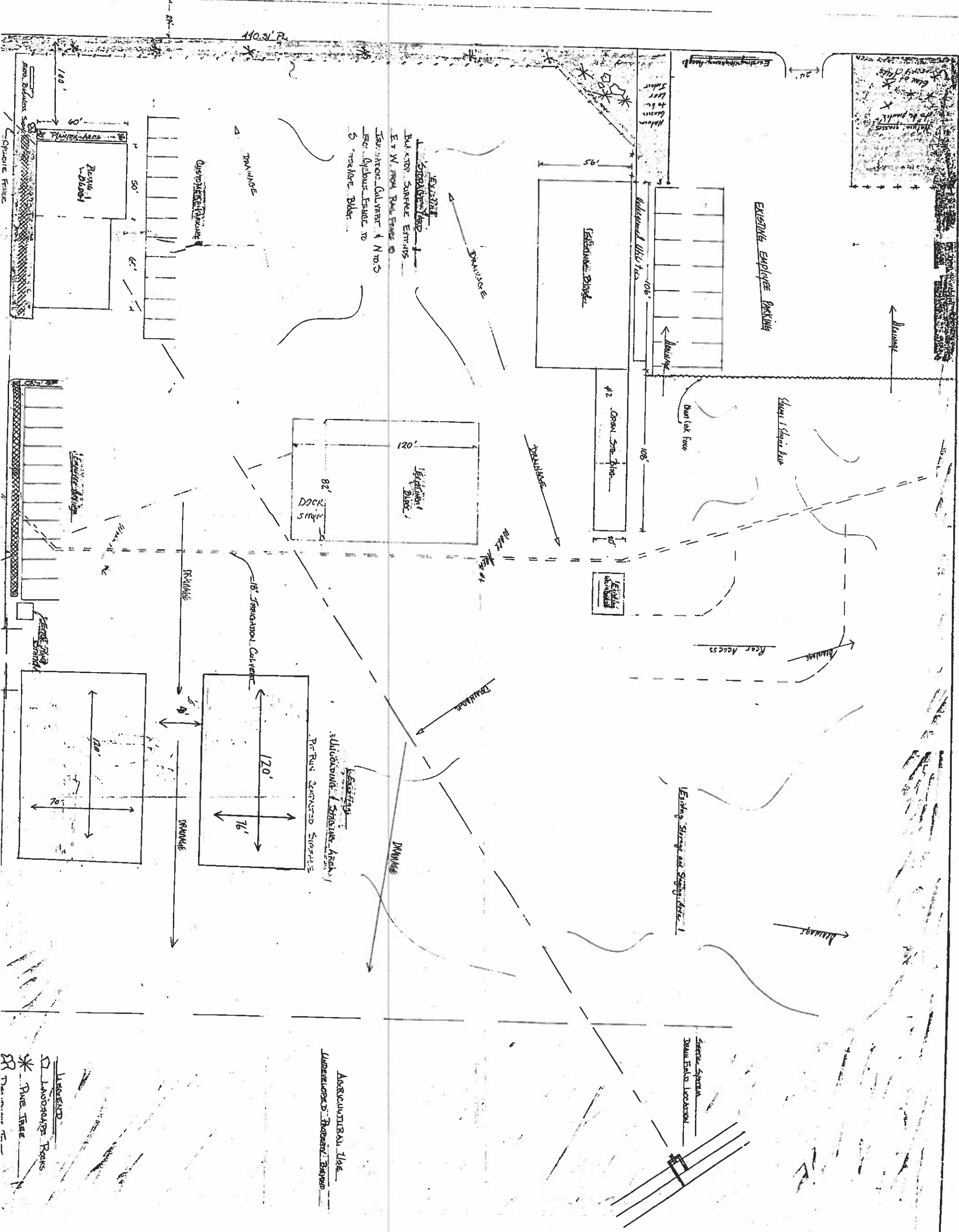


EXHIBIT A

EXHIBIT 1  
V-1-23  
PZ 3-9-2023

LEGAL DESCRIPTION  
 Record 12, 24 15  
 District of Columbia Situated in  
 Lot 11/2 of Block 11/4

Highway 55  
 N. C. 22' 19" E



LEGEND  
 \* LANDSCAPE ROCKS  
 \* PINE TREES  
 RR

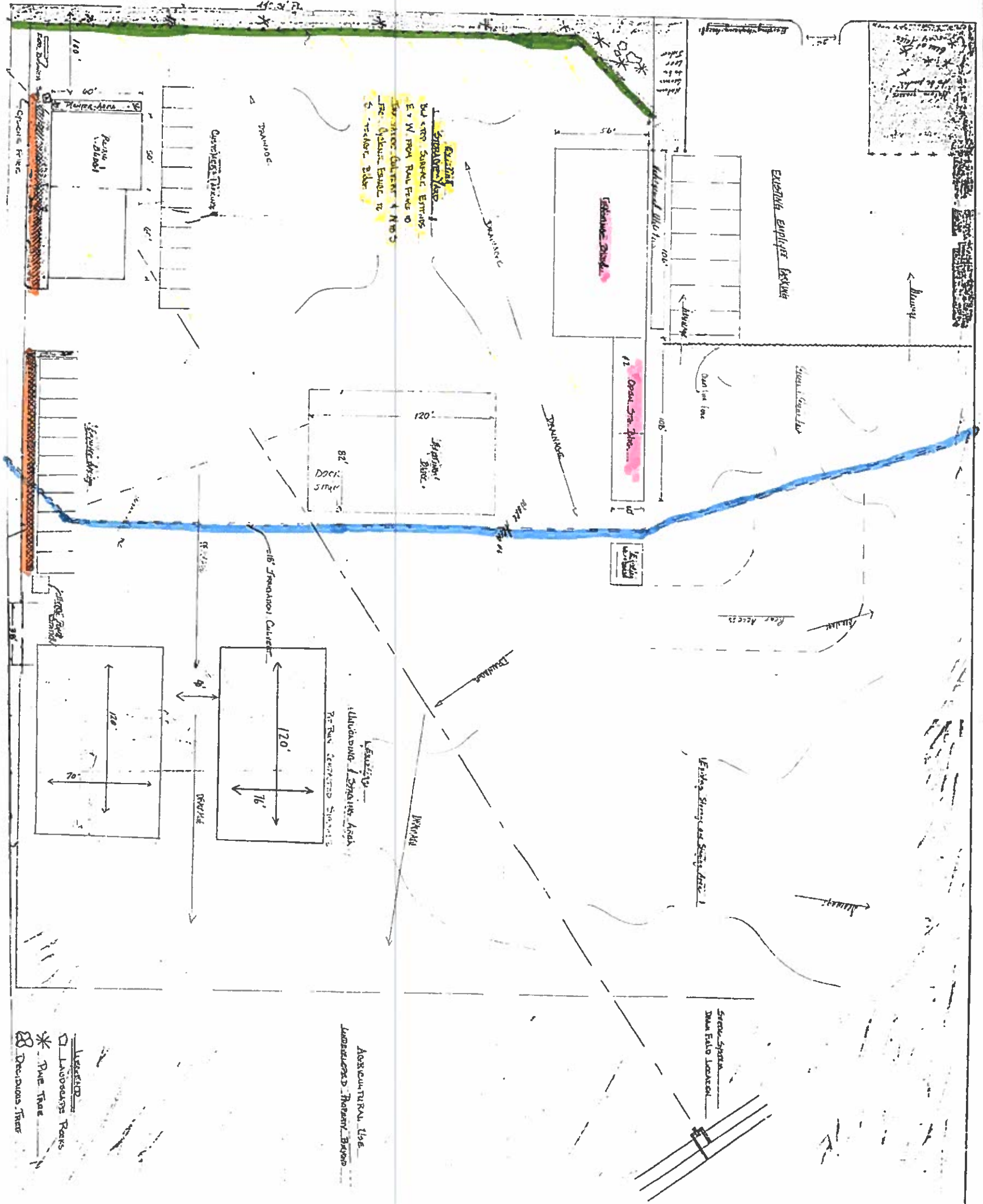
AGRICULTURAL USE  
 UNDEVELOPED PROPOSED BAYARD

## EXHIBIT B



Latent Deposition  
March 19, 2015  
Director of Labor Services in  
the ALB of the NWA of the

March 55  
N 0° 22' 19" E



**LEGEND**  
 □ LANDSCAPE RAIS  
 \* PINE TREES  
 Ⓟ DECOMPOSED TREES

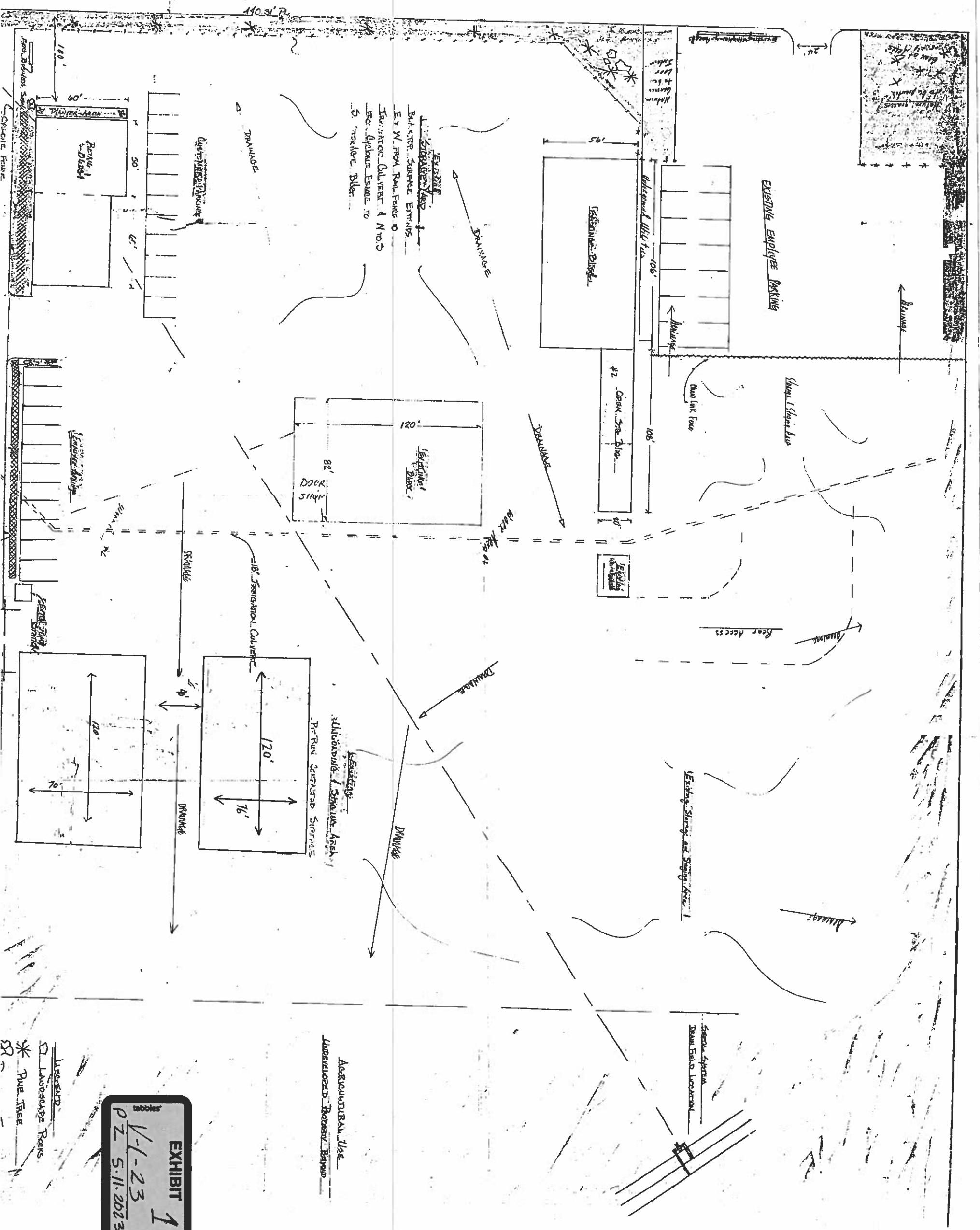
ASSUMPTIONS: Lvs  
 LANDSCAPE RAIS  
 DECOMPOSED TREES

STREET LIGHTS  
 DIM FALO LOCATION

LEGAL DESCRIPTION  
Parcel 12 of 15  
Parcel of Land Situated in  
the City of...



Highway 55  
N 6° 22' 19" E



LEGEND  
□ LANDSCAPE ROOFS  
\* PINE TREE

EXHIBIT 1  
V-1-23  
PZ 5.11.2023

AGRICULTURAL USE  
UNDEVELOPED PROPERTY BOUNDARY

