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IDAHO

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**STAFF REPORT**  
Conditional Use Permit Application 21-13  
Stowell Multiple Residence

**HEARING DATE:** July 8, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Martin Stowell  
26 West Oak Drive  
Cabot, AR 72023  
**LOCATION/SIZE:** 14026 Farm to Market Road  
15-acre parcel - RP18N03E363116  
NWNW Section 36, T.18N, R.3E,  
Boise Meridian, Valley County, Idaho.  
**REQUEST:** Multiple Residences on One Parcel  
**EXISTING LAND USE:** Single-family Residential

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**BACKGROUND:**

Martin Stowell is requesting a conditional use permit for two residential homes on one 15-acre parcel. The existing two-story home is 2968-sqft. The proposed additional residence is 1493-sqft.

A shared well and two individual septic systems are proposed.

Two driveways would access Farm to Market Road, a public road.

**FINDINGS:**

1. Application was made to Planning and Zoning on May 13, 2021.
2. Legal notice was posted in the Star News on June 17, 2021, and June 24, 2021. Potentially affected agencies were notified on June 8, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent June 10, 2021. The site was posted on June 24, 2021.

The application and notice were posted on the Valley County website “Public Hearing Information” on June 8, 2021.

3. Agency comment received:

Central District Health stated that the applicant will need to apply for a septic permit and conduct test holes and ground water monitoring in the spring. (June 8, 2021)

4. Neighbor comments received: None

5. Physical characteristics of the site: Slopes towards the east.

6. The surrounding land use and zoning includes:

North: Single Family Residential

South: Single Family Residential and Agriculture

East: Single Family Residential and Agriculture

West: Single Family Residential and Agriculture

7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:

- 2. Residential Uses (j) Multiple Residences on One Parcel

Review of Title 9, Chapter 5 Conditional Uses should be done.

**SUMMARY:**

Compatibility Rating: Staff’s compatibility rating is a +21.

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

**Staff Questions/Comments:**

1. A detailed project description disclosing the purpose, strategy, and time-frame of construction is required. When will this project be completed?
2. A lighting plan is required.

**ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff’s Compatibility Evaluation
- Vicinity Map
- Site Plan on Aerial View

- Assessor's Plat – T.18N R.3E Sec. 36
- Record of Survey 11-146
- Picture taken June 24, 2021
- Responses

### **Conditions of Approval**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use shall be established by December 31, 2023, or a permit extension will be required.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. Must comply with Central District Health requirements.
6. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
7. Driveways shall be constructed to meet current McCall Fire Codes.
8. Shall clearly post the address(es) at the driveway entrance and on both residences.
9. Renting any of the buildings for less than 30 days will require a separate conditional use permit.
10. This approval is only valid for the current owner.

**END OF STAFF REPORT**

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response Value

Use Matrix Values:

(+2/-2)    \_\_\_\_\_ X 4 \_\_\_\_\_

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

(+2/-2)    \_\_\_\_\_ X 2 \_\_\_\_\_

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

(+2/-2)    \_\_\_\_\_ X 1 \_\_\_\_\_

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)    \_\_\_\_\_ X 3 \_\_\_\_\_

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2)    \_\_\_\_\_ X 1 \_\_\_\_\_

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

(+2/-2)    \_\_\_\_\_ X 2 \_\_\_\_\_

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2)    \_\_\_\_\_ X 2 \_\_\_\_\_

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2)    \_\_\_\_\_ X 2 \_\_\_\_\_

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2)    \_\_\_\_\_ X 2 \_\_\_\_\_

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (-)      \_\_\_\_\_

Total Score      \_\_\_\_\_

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

## 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

### B. Purpose, Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

### C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
  - Plus 2 - assigned for full compatibility (adjacency encouraged).
  - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
  - 0 - assigned if not applicable or neutral.
  - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
  - Minus 2 - assigned for no compatibility (adjacency not acceptable).
2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
  - x4 - indicates major relative importance.
  - x3 - indicates above average relative importance.
  - x2 - indicates below average relative importance.
  - x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

**DOMINANT ADJACENT LAND USE:** Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ( $\frac{1}{2}$ ) of the adjacent uses and one-fourth ( $\frac{1}{4}$ ) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

**LOCAL VICINITY:** Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

### F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING  
QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	-1	-1	-1	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.																							
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	+1	-1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	+1	+1	-2	-2
10. PUBLIC UTIL. (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	-1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	-1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	-2	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	+1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	-2	-2	+1	-2	+2	+2	+2	+2	+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	-1	-1	+2	-2	+1	+1	+2	+1	+2	+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+2	+2	-1	-1	-1	-1	-1	-1	-1	+1		+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+2	+2	+1	+1	-1	-1	-1	-1	-1	+1	+1	+2

THE SOLID SQUARES AS +2

**Compatibility Questions and Evaluation**

Matrix Line # / Use: 5

Prepared by: CH

YES/NO      X      Response Value

Use Matrix Values:

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

1. Is the proposed use compatible with the dominant adjacent land use?  
*S.F. Residential*

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

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

(+2/-2) 0 X 1 0

3. Is the proposed use generally compatible with the overall land use in the local vicinity?  
*See 1 & 2*

Site Specific Evaluation (Impacts and Proposed Mitigation)

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

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?  
*Yes 15 acres but in the open.*

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

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

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

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?  
*Yes*

(+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?  
*Yes*

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

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?  
*Yes*

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

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?  
*↑ Tax*

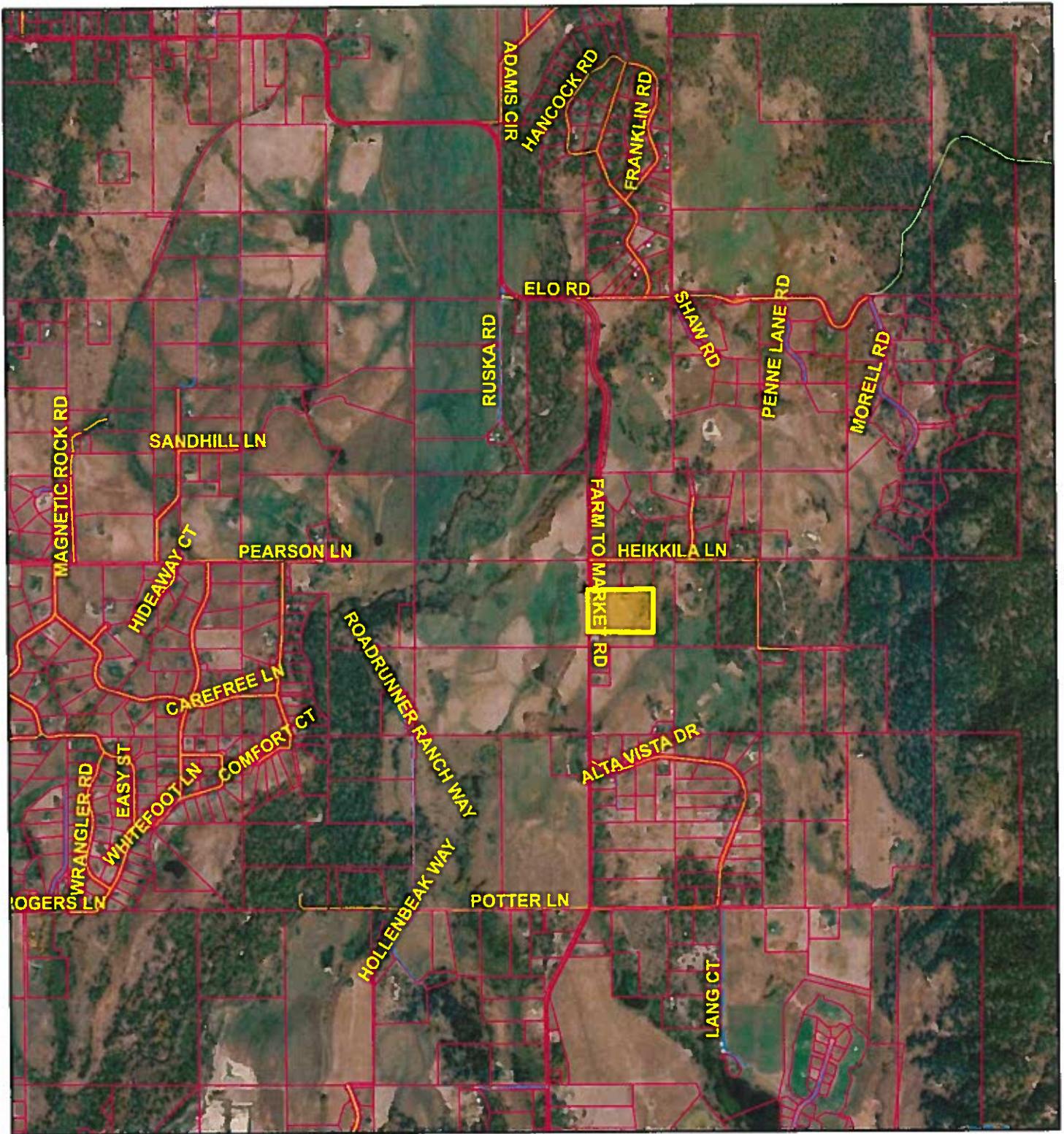
Sub-Total (+) 25

Sub-Total (--) 4

Total Score +21

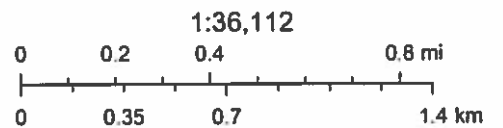
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

# C.U.P. 21-13 at 14026 Farm to Market Road



5/7/2021, 4:08:11 PM

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

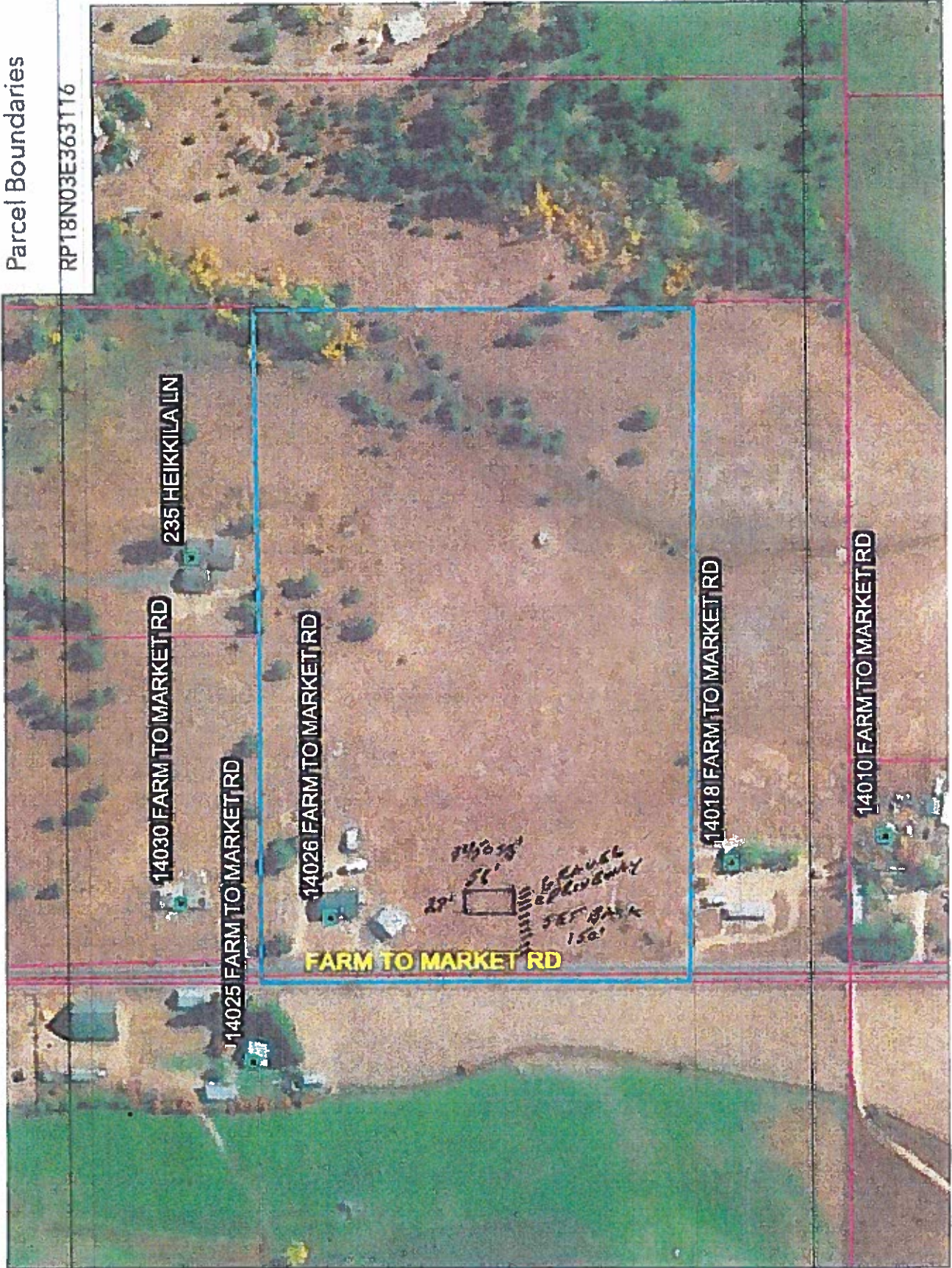


Maxar



Parcel Boundaries

RP18N03E363116

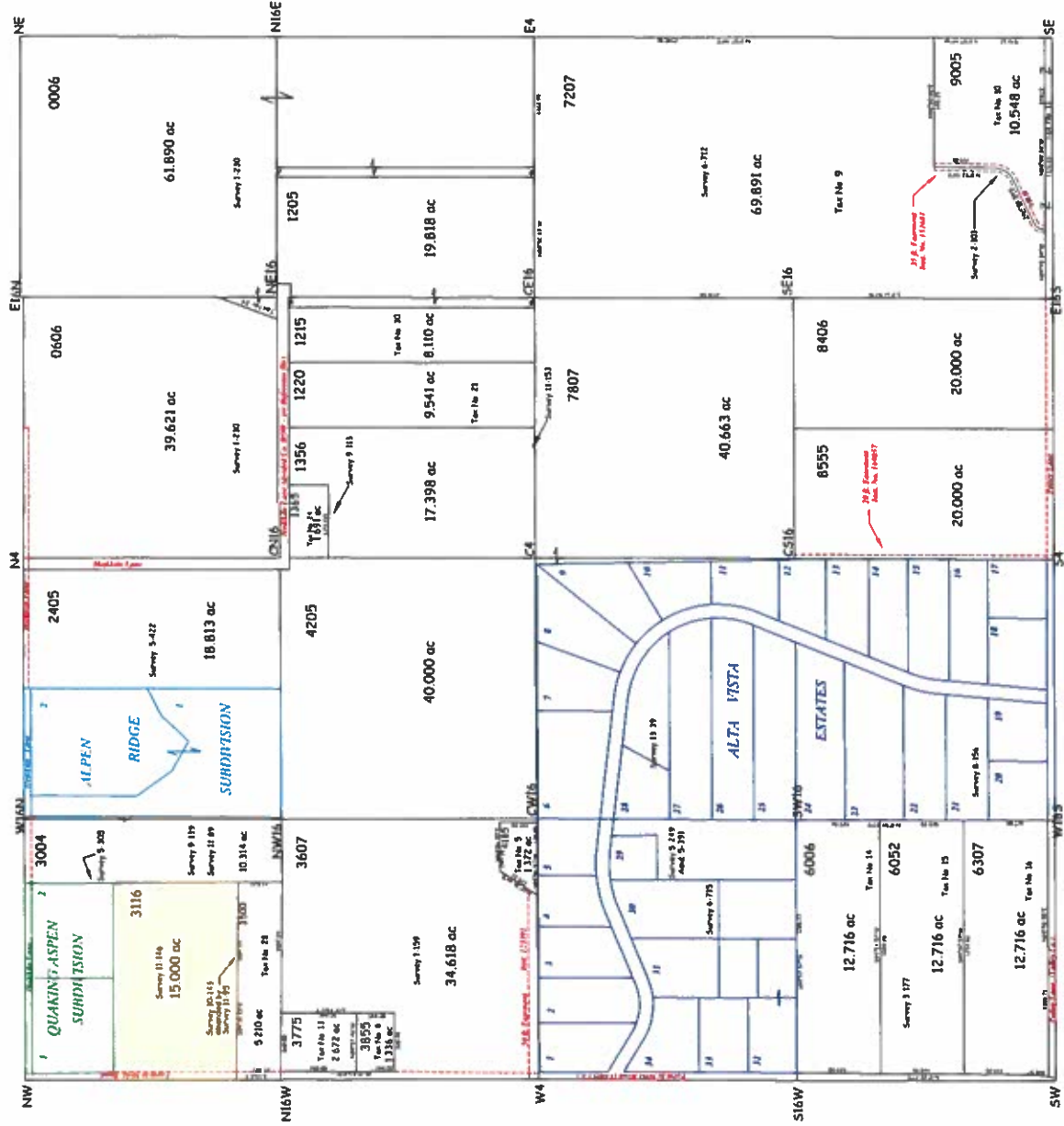


PLAT TITLE

# TWP. 18N ROSE SEC. 36

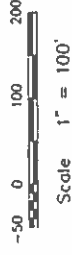
VALLEY COUNTY  
Assessor's Office  
Cartography Dept.  
Cascade, ID 83611

Filename: H:\Projects\18N\County Base Map  
Scale: 1" = 400' ft  
Date: 7/25/2017  
Drawn by: L.Fredrick



Instrument # 381611  
 VALLEY COUNTY, IDAHO  
 A PROFESSIONAL LAND SURVEYOR  
 ARCHER & BARNHART  
 1374 HIGWAY 55  
 MACCALL, IDAHO 83438

I, Rod M. Skiftun, a Professional Land Surveyor, do hereby certify that this plat was prepared from notes taken during an actual survey made under my direct supervision in July of 2010 & June 2011, and that it correctly represents the points, courses and distances as recorded in said field notes.



**LEGEND**

- A found monument as noted
- set 5/8" rebar w/ plastic cap
- calc. point, no monument set
- found aluminum cap
- found brass cap
- found 5/8" rebar
- found 1/2" rebar
- found R.O.W. monument
- fence line

Bearings based on State Plane Grid Azimuth.  
 GPS Derived

**SURVEY REFERENCES**

- ROS SW1/4 NW1/4 SEC. 33, 1982, Book 1, Page 159, Inst. No. 12844
- Rolale bearings -00716'23" from SPG
- ROS Lamens & Russell, 1995, Book 5, Page 35, Inst. No. 210417
- Rolale bearings -00712'35" from SPG
- PLAT of Quaking Aspen Sub, 1998, Bk. 8, Pg. 106, Inst. No. 235979
- Rolale bearings -00712'18" from SPG
- ROS Russell, Hamilton & Feugh, 2007, Bk. 9, Pg. 139, # 317159
- Rolale bearings -00700'00" from SPG
- PLAT of Alpen Ridge Sub, 2007, Book 11, Page 31, Inst. No. 321548
- Rolale bearings -00707'13" from SPG
- ROS Ducharme Property, 2008, Bk. 10, Page 143, Inst. No. 336576
- Rolale bearings -00713'18" from SPG
- ROS Hamilton/Russell, 2010, Book 11, Page 89, Inst. No. 353773
- Rolale bearings -00700'00" from SPG
- ROS Ducharme Property, 2010, Book 11, Page 95, Inst. No. 353943
- Rolale bearings -00713'18" from SPG

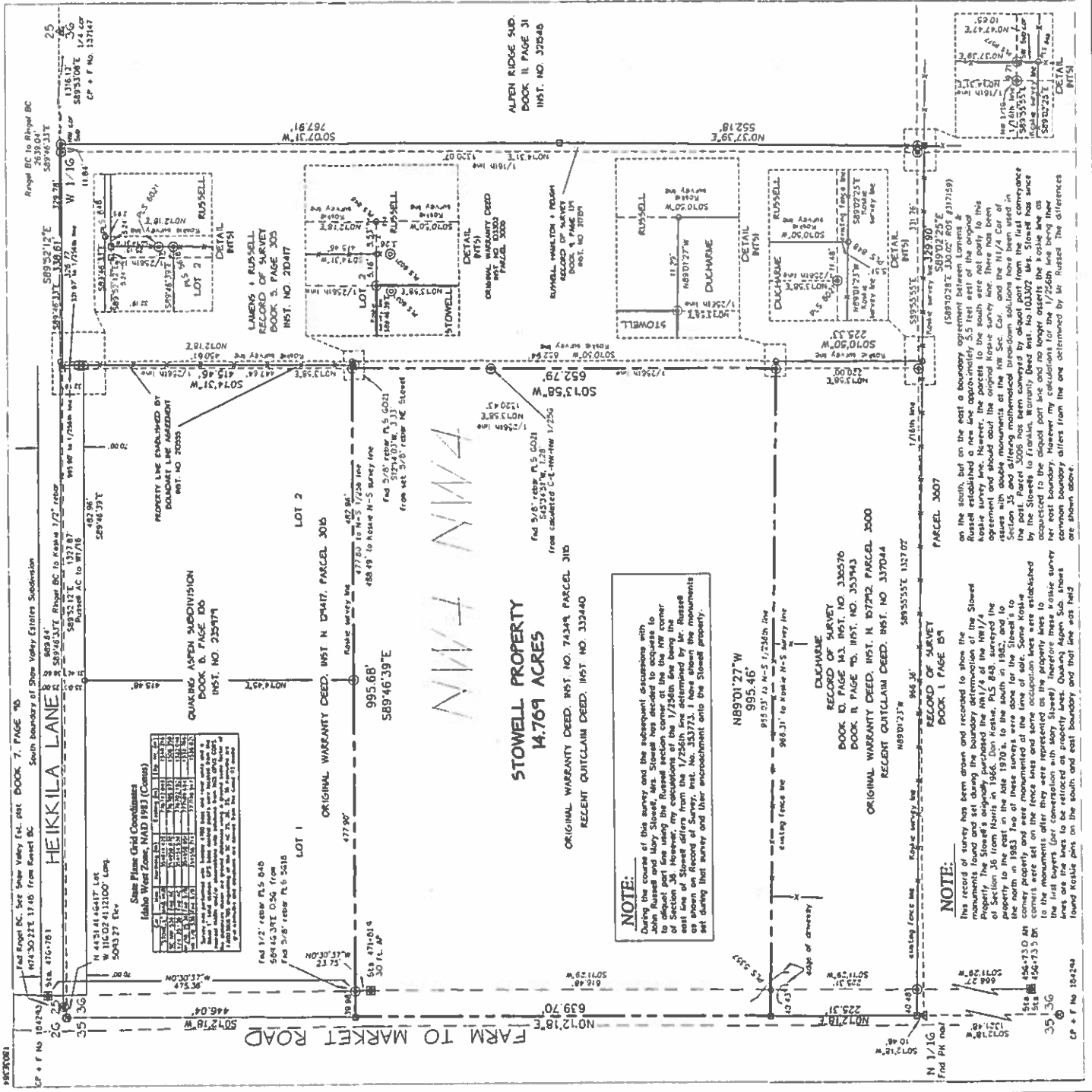
**RECORD OF SURVEY**  
 Valley County, State of Idaho

**STOWELL PROPERTY**  
**FARM TO MARKET ROAD**

Northwest 1/4 of Section 36, T. 18 N., R. 3 E., B.M.  
 Valley County, Idaho

FILED FOR RECORD  
 8 JULY 2011  
 STOWELL COUNTY RECORDER (BY)  
 IDAHO CODE 18002194

SKIFTUN LAND SURVEYING, INC.  
 1374 HIGHWAY 55  
 MACCALL, IDAHO 83438  
 208-634-3696/FAX 208-634-4175



**STOWELL PROPERTY**  
**14.769 ACRES**

ORIGINAL WARRANTY DEED, INST. NO. 74349, PARCEL 318  
 RECENT OUTCLAIM DEED, INST. NO. 339440

DUCHEMNE  
 RECORD OF SURVEY  
 BOOK 10, PAGE 143, INST. NO. 336576  
 BOOK 11, PAGE 89, INST. NO. 353773  
 ORIGINAL WARRANTY DEED, INST. NO. 103302, PARCEL 3008  
 RECENT OUTCLAIM DEED, INST. NO. 337044

**NOTE:**

This record of survey has been drawn and recorded to show the monuments found and set during the boundary determination of the Stowell Property. The Stowell's originally purchased the NW1/4 of the NW1/4 of Section 36 from John & Mary Stowell, Don Kestle, PLS 848, surveyed the property to the NW1/4 of Section 36 in 1963. Part of these parcels were done for the Stowell's as conveyance property and were monumented at the time of sale. Some Kestle corners were set on the fence lines and some occupation lines were established to the monuments after they were represented as the property lines to the first buyers (after conversation with Mary Stowell). Quaking Aspen Sub shows found Kestle pins on the south and east boundary and that the line was held





Valley County Transmittal  
Division of Community and Environmental Health

- Return to:
- Cascade
  - Donnelly
  - McCall
  - McCall Impact
  - Valley County

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

Conditional Use # CMP 21-13

Preliminary / Final / Short Plat STOWELL Multiple Residence

SEC 36

14026 FARM TO MARKET RD

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

14. Applicant will need to apply for a septic permit and conduct test holes & ground water monitoring in the spring.

Reviewed By: [Signature]

Date: 6/8/21