

Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

STAFF REPORT:	VAR 26-001 Walcom Setback Variance - Addendum
MEETING DATE:	July 9 2026
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Michael and Dena Walcom PO Box 985, Cascade, ID 83611
LOCATION:	31 Robbins Drive Crown Point Subdivision #2 Lot 15 in the East ½ Section 23, T.14N, R.3E, Boise Meridian, Valley County, Idaho
SIZE:	0.66-Acre Lot
REQUEST:	Rear Setback Variance from 20-ft to 5-ft
EXISTING LAND USE:	Single-Family Residential Lot

Please refer to Staff Report for May 14, 2026

Michael & Dena Walcom are requesting a variance to relax the rear yard setback from the required 20 ft to 5 ft in order to build an addition to the home. The variance is requested due to topographic reasons and the limited building area on the lot. There is currently a home, out buildings, a storage container, a well-house, and septic drainfield on the property.

On July 31, 2017, the property owners received a setback variance to allow construction within 10-ft of the rear property line (Variance Application V-1-17) This variance was requested due to a water line easement and topographic features.

FINDINGS:

1. A properly noticed public hearing was held on May 14, 2026.
2. The matter was tabled to July 9, 2026, at 6:00 p.m. for additional information.
3. Additional Information Submitted by Applicant was as follows:
 - Email dated June 21 requesting that Chairman Roberts recuse himself due to a possible professional relationship with one or more of the respondents opposed to the variance request. Also requested information be stricken from the record if not specific to variance request ie, pictures.
 - Correspondence received June 28, 2026. A summary of the property history focusing mostly on the water line easements, other variance type of approvals, and a request to disregard pictures taken by code enforcement. (attached)

Staff Report

VAR 26-001 Walcom Setback Variance

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Valley County Planning and Zoning Commission

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Phone: 208-382-7115
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Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
May 14, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 4:00 p.m.

A. OPEN: Meeting called to order at 4:06 p.m. by Chairman Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Excused
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Schneider moved to approve the minutes of March 31, 2026; April 9, 2026; and April 21, 2026. Commissioner Potter seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

- 1. SUB 25-003 Tamarack Resort Phase 3.7 Buttercup Villas – Final Plat:** Tamarack Resort Two LLC is requesting 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. Original approval was for 10-lot single-family residential lots, an open space lot, and recreational easements. Clearwater Court (private) would be extended to access these lots. The site is a 4.3-acre portion of parcel RP00515006000B in the NESW Section 32, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item. *Postponed from March 12, 2026, on request of applicant.*

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff reports, displayed plat and the GIS map on the projector screen, and summarized the following exhibits:

- Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, recommended approval of the grading and drainage plans and drainage calculations. (April 1, 2026)
- Exhibit 2** – Paul Ashton, Parametrix and Valley County Engineer, did not review the final plat. (May 7, 2026)

Chris Kirk, planning consultant for Tamarack Resort, concurred with staff report and conditions. He responded to questions from Commissioners. The recreational easement is for residents and is an existing bike trail that will be relocated. The easement accesses Tamarack property and eventually State Land. Sanitary restrictions will be lifted prior to final plat recordation.

4:30 p.m.

D. NEW BUSINESS:

1. **VAR 26-001 Walcom Setback Variance:** Michael & Dena Walcom are requesting a variance to relax the rear yard setback 15 feet, from the required 20 feet to 5 feet to build an addition to the home. The site is Crown Point Subdivision #2 Lot 15 addressed at 31 Robbins Drive. The 0.66-acre lot is located in Section 23, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

- **Exhibit 1** – Site Plan and picture of existing and proposed changes. (May 11, 2026)
- **Exhibit 2** – Paul Ashton, Parametrix and Valley County Engineer, did not review this application. (May 7, 2026)

Director Herrick added she did discuss this application with the Idaho Department of Lands (IDL) personnel. Once IDL confirmed that they did not manage land immediately adjacent to the site, they had no comments.

Director Herrick discussed the site and previous history of the property. A shed was converted, with the proper building permit, to residential use. In 2017, the property owner received a variance. The owners then enclosed the addition which they should not have done. The applicant would like to demolish the enclosed structure and add on to the south of the house. Director Herrick further explained **Exhibit 2** and the desires of the applicant. The house is not “true” parallel with the rear property line.

Chairman Roberts asked for the applicant’s presentation.

Michael Walcom, 31 Robbins Drive, stated much of the comments in opposition is due to his refusal to allow easements across the property. He previously believed everything was above board. If less than 4-ft tall, a retaining wall does not need to be engineered. Neighbors have a woodshed over property line onto his property line. He is here to rectify mistakes. The original variance was approved due to topographic reasons, too much granite, and existing waterline easements at the site. The septic system is in front of the house, further limiting building locations. Contractors have said the extra five feet would be good due to the property line location.

Director Herrick stated the subdivision was platted in the 1960’s.

Chairman Roberts opened the public hearing and asked for proponents. There were none. Chairman Roberts asked for undecided. There were none. Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners discussed the proposal and the site and asked Staff for further clarification of what has occurred. The building was originally permitted as shed. It was then permitted as a residence through the Building Department. If someone was to build today, they would have to follow the current setbacks. The 2017 variance was approved due to topography and a waterline easements. The site plan in the staff report shows a waterline abandoned in 2022 as the waterline was outside of the approved easement. This waterline issue has lead to a neighborhood dispute. A record of survey from 2025 shows the location of the pumphouse. The well house was constructed in the wrong location. The guidelines for approval of a

variance are included in the staff report. Variances are approved for hardships due to topographic reasons and things beyond the applicant's control.

Chairman Roberts would like more information including a more accurate site plan that includes dimension, water easements, all structures, septic location and alternate drainfield location. Commissioner Schneider concurred.

The addition that appears to be on the line will be removed. Pictures in the staff report were further discussed.

Commissioner Schneider moved to table VAR 26-001 Walcom Setback Variance to July 9, 2026, at 6:00 p.m.; Commissioner Potter seconded the motion. Motion passed unanimously.

4:56 p.m.

2. VAR 26-002 Koskella Shared Driveway Variance: Kenneth Koskella is requesting a variance for a shared driveway for four residences. The driveway currently accesses three homes addressed at 12704, 12710, and 12714 Koskella Road. The new home would be within parcel RP16N03E366005 in the SWSW Section 36, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, did not review this application. (May 7, 2026)

Shared Driveways for more than three residences require a variance approved by the Board of County Commissioners.

A correction was made to the staff report; the site is within Water District 65, not 65K.

Chairman Roberts asked for the applicant's presentation.

Kenneth Koskella concurred with staff report and presentation. The existing driveway cannot go further north or east due to topography and wet areas. Steep topography and a ditch limit the access. Therefore, a variance is appropriate.

Chairman Roberts opened the public hearing and asked for proponents. There were none. Chairman Roberts asked for undecided. There were none. Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Schneider stated the request is straightforward and she sees no issues nor impact. Commissioner Potter concurred.

Commissioner Schneider moved to recommend approval of VAR 26-002 Koskella Shared Driveway Variance to the Board of County Commissioners. Commissioner Oyarzo seconded. Motion passed unanimously.

This was a unanimous decision; therefore, the Valley County Board of County Commissioners are not required to have a public hearing prior to making a decision.

5:04 p.m.

4. Additional Agency comment received after May 14, 2026: None
 5. Additional Public comment received after May 14, 2026: None
-

STAFF COMMENTS / QUESTIONS:

The P&Z Commission tabled the matter so the applicant could clarify the request with additional detailed site plan and pictures.

The P&Z Commission decision will include the following:

1. The Planning and Zoning Commission needs to determine if the 1) future development of the neighborhood would be inhibited by the variance and 2) identify the topographic reason for the variance.
2. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

ATTACHMENTS:

- Relevant Portions of Meeting Minutes from May 14, 2026
- Additional Submittals from Applicant
 - Email dated May 21, 2026
 - Email dated June 21, 2026
 - Information Received June 28, 2026

END OF STAFF REPORT

From: Michael Walcom <[REDACTED]>
Sent: Thursday, May 21, 2026 8:07 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Re: VAR 26-001 Walcom Setback Variance

I'll not be appealing the decision to table the hearing. However I/we would like the record to reflect that we were not given the opportunity to respond prior to the decision to table the hearing. And, false, unfounded accusations were made regarding property pins and foundation issues without a record of where they originated.

Thank you.

On Thursday, May 21, 2026 at 07:59:36 AM MDT, Cynda Herrick <cherrick@valleycountyid.gov> wrote:

I do not know who made the statements concerning the foundation or pins...

I thought you made comments concerning the waterline not being in the easement...?

The P&Z Commission wanted to give you time to come back with an accurate site plan. You can appeal their decision to table the matter to the July hearing in accordance with Valley County Code 9-5H-12. The fee is \$1,000.

If you have additional questions, please let me know.

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...."

Service **T**ransparent **A**ccountable **R**esponsive

From: Michael Walcom <[REDACTED]>
Sent: Thursday, May 21, 2026 7:55 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: VAR 26-001 Walcom Setback Variance

Good morning!

I'm working on a few things for the July hearing and needed some clarification.

After the public testimony was closed and the commissioners deliberated and tried to gain clarification; shouldn't I have been given the opportunity to address the board prior to the request being tabled?

Waiting until July for another hearing puts our build back an entire year and I would have liked the opportunity to respond.

Also, I really need the names of the folks who stated we didn't have a concrete foundation and that I/we moved property pins. These are false accusations and extremely harmful to our character.

Also, there was a mention of a waterline located outside of an easement. Could you provide more detail on that? Specifically, what waterline, when the statement was made and by whom.

There was a lot going on at the meeting that I was not prepared for and I want to make sure that I have the information available if necessary.

I may have more questions later but these are the issues that I'm working on now.

Thanks so much for your assistance.

Mike

From: Michael Walcom <[REDACTED]>
Sent: Sunday, June 21, 2026 9:57 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: VAR 26-001 Walcom Setback Variance

Ms. Herrick:

We have couple of items that need to be addressed prior to July's hearing.

1) We are asking that Chairman Roberts recuse himself due to a possible professional relationship with one or more of the respondents opposed to our variance request.

a. We are making this request for recusal well in advance to ensure a quorum is present to hear our application.

2) We are also requesting that all information, photos, objections that do not specifically address the variance be suppressed during the public hearing as it is beyond the scope of the request and has no relevance to the criteria of granting or denying a variance.

Please make this email as matter of public record in our application packet.

Michael and Dena Walcom

Var 26-001 Walcom



Property History:

- In 1985 the Crownpoint Domestic Water Association was established, creating a shared well between 8 properties. Not limited to but to include waterline easements as well as waterlines.
 - Issue 1: The Association never installed the waterline at the front of the property but maintained one existing (Abandoned Waterline #1). Our waterline (31 Robbins) was installed to the rear of the property as we were unsure behind the reasoning concerning the two easements at the front of the property.
- In 1990 a “temporary easement” (**Enclosure 1**) was given to the owner of 29 Robbins Drive since they were unable to locate the waterline that was referred to in the Articles of Association. This waterline was not given to the property as no parcel number, address, legal description or owners name was included in the easement, nor was it recorded with the property deeds making it an easement in gross and non-transferable upon sale of the property (Abandoned Waterline #2).
- In 2015 the original owner of the property sold the home and the new owner continued to use the temporary waterline. Upon sale of the home the existing easement (Waterline #2) became invalid.
- In July 2017 the variance request to reduce the 20-foot setback to 10-feet was requested and in August the septic system was installed. This was done prior to any structures being built.
- In 2019 the home was sold again to the current owners (Haupt’s), and they continued to use the temporary/invalid waterline.
- In 2022 the waterline was exposed to about a foot outside the easement. There were issues with the location of the easement as it was vague at best. The solution was to move the waterline to the existing easement controlled by the Association. Haupt’s requested that we give them an easement for the newly installed waterline and it was made clear to them that their easement was contained in the Articles of Association (**Enclosure 2**).
- In 2023 the Association voted 7 – 0 to abandon all waterlines exiting the pump house and let the neighbors work it out between themselves. Haupt’s were one of the seven that voted for the abandonment, we were not present. This effectively abandoned the waterline servicing 29 Robbins Drive. Haupt’s demanded we give

them an easement and when their demands were not met hostilities towards us ensued (**Enclosure 2.1**).

- If the waterline were installed as per the Articles of Association the variance would not be necessary. Both Don Berg and Jeff Youtz are part of the Association and have sent me numerous e-mails advising/bullying us to give Haupt's an easement, creating further hostilities (**Enclosure 3**).
 - There is a current waterline crossing the county road (Robbins Drive) without any encroachment permits which Mr. Berg and Mr. Youtz failed to disclose in their objection to the variance request (**Enclosure 3.1**)
- In 2024 Haupt's drilled their own Well and in May 2026 Haupt's quit claimed their share of the shared well to the Association.

Motion to suppress unsubstantiated claims:

- There have been claims by the Haupt's that we acted in "bad faith" regarding the first variance, which is patently false and no documentation has been provided to support this accusation. Standard land-use rules require objections to be backed by evidence (**Enclosure 4**).
- There have been claims by Don Berg that the first variance was granted due to "erroneous information" but nothing to support this claim was introduced as fact. Standard land-use rules require objections to be backed by evidence. Baseless accusations and demands to investigate unrelated issues are irrelevant, immaterial and inadmissible (**Enclosure 5**).
- There have been claims by Jeff Youtz that echo's Mr. Bergs "erroneous information" statement, yet Mr. Youtz provided nothing to support his claim. Mr. Youtz invited you on a fishing expedition to look for anything not in compliance but provided nothing substantial as to what you might be looking for. Standard land-use rules require objections to be backed by evidence. Baseless accusations and demands to investigate unrelated issues are irrelevant, immaterial and inadmissible (**Enclosure 6**).

Motion to suppress code enforcement photos (Enclosure 7):

- None of the statements by the afore-mentioned respondents have anything to do with this variance hearing, nor is it within the scope of this hearing to focus on code violations or enforcement issues.
 - Code enforcement actions fall under the purview of zoning administrators and code enforcement officers, not the Planning and Zoning Commission during a variance hearing.

- Code enforcement officers took pictures of unrelated, separate violations (unpermitted work, retaining wall, deck) which may exceed the legal scope of the variance inspection.
 - **Idaho Code 67-6516:** A variance relates to dimensional standards, limiting the inspector to site characteristics to determine if they cause an “undue hardship” and not code compliance
 - Cannot use a variance hearing as a backdoor to audit unrelated structures.
 - Photos of unrelated infractions are prejudicial and irrelevant to the specific variance.
 - Expanding the hearing to investigate detached sheds, outbuildings, or prior unpermitted work that has no bearing on the specific variance request exceeds the scope of the application.
- **Detrimental to neighboring properties**
 - Rear property line is to the East and backed up to a “gap” of 18 feet of land. The property remains undeveloped and the variance request to 5 feet will not affect the “gap” property. Furthermore the 5 feet requested would only apply to the very end of the addition as the building would range from the 10-foot variance already in place to the 5 feet requested at the very end of the addition.
 - The variance will not create issues for fire safety, utility access, property maintenance, snow storage or create privacy concerns as these issues are not applicable to the neighboring property that would be affected.
 - Neighboring properties to the North and South have buildings encroaching on our property. To include a permanent structure (Association Pumphouse) built over the property line (**Enclosures 8 and 8.1**).
 - Neighboring properties to the North and South would not be affected by the reduction in the rear setback request.
 - **Unique circumstances of Lot/Parcel – Plot Map (Enclosure 9)**
 - Excessive granite on site combined with extreme slope
 - Two waterline easements at the front half of the property. First 80 feet of the property is unusable for building or installing a septic system due to separation distances from the septic system and waterline(s).
 - Septic Tank and drain field measure an additional 60 feet leaving approximately 36 feet between the septic tank and property line. The

variance would allow for septic separation distances required by Central District Health.

- Requirement that foundations have a 5-foot separation from septic tank combined with current variance of a 10-foot setback from the rear property line leaves 21 feet for expanding the current structure. A 5-foot setback or a 0-foot setback would allow the addition to be expanded to 22 to 24 feet in width.

Precedent

- V-5-24 Guth Setback Variance - 14 November 2024
 - Relaxed rear setback from 7.5 feet to 0 feet
 - Current deck over the property line
 - 8 inches over into Bureau of Reclamation land
 - Owner unaware of deck encroaching on Bureau of Reclamation land
 - *“Only reason why we got a letter from Bureau of Reclamation was because they were noticed about the variance application. If it was a significant encroachment they were monitoring, they would have said something years ago.”* – Roberts
 - *As long as they stay on their property and do not encroach on the Bureau of Reclamation property, I don’t know if I have a problem with that.”* – Roberts
 - Topographical issues to support variance
 - Cannot change grade
 - Elderly parents unable to navigate stairs
 - Large mature trees on other side of the property
 - No code enforcement photos
 - Unanimous approval of motion

DOMESTIC WATER LINE EASEMENT

A specific use easement is hereby granted for the purpose of a domestic water line across Lot 15, Crown Point Subdivision #2, Valley County, State of Idaho,

Described as follows: Point of beginning is 33 feet West along Lot Line of Lot #15 and Lot #16 from the Northeast Corner of Lot #16, thence in a Northeasterly direction across Lot #15 to intersect with the Lot Line of #15 and #14 at a point 55 feet East of the Southwest Corner of Lot #14. The width of this Easement is 10 feet.

Antone J. Chacartequi
Antone J. Chacartequi

Sharon Chacartequi
Sharon Chacartequi

Ronald R. Robertson
Ronald R. Robertson

Susan Ann Robertson
Susan Ann Robertson

Dated: 5/24/90

NOTARY SEAL

Oregon
State of Idaho
County of Malheur

ss. On the 24 day of may A.D. 1990

personally appeared before me Ronald R. Robertson & Susan Ann
Robertson

the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

[Signature]
NOTARY PUBLIC

Residing at: Ontario Oregon

My Commission expires: 5-10-94

NOTARY SEAL

State of Idaho
County of Cassia

ss. On the 24th day of may A.D. 1990

personally appeared before me ANTONE J. & SHARON CHACARTEQUI

the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

[Signature]
NOTARY PUBLIC

Residing at: Nampa Idaho

My Commission expires: 2/11/91

----- Forwarded Message -----

From: Michael Walcom [REDACTED]
To: Matthew haupt [REDACTED]
Sent: Tuesday, September 27, 2022 at 11:48:15 AM MDT
Subject: Re: New Waterline Costs on Lot 14 & Capping Older Waterline at Pump House

The easement in place is already recorded with the Association Articles. There will not be a new easement. We will not be paying for any other costs associated with the waterline.

On Tuesday, September 27, 2022, 10:43:49 AM MDT, Matthew haupt <matthewhaupt@hotmail.com> wrote:

Copy, sorry, missed the attachments/photos of the invoices.

Matt Haupt
[REDACTED]

From: Michael Walcom <[REDACTED]>
Sent: Tuesday, September 27, 2022 10:34:37 AM
To: Matthew haupt [REDACTED]
Subject: Re: New Waterline Costs on Lot 14 & Capping Older Waterline at Pump House

No attachments...

On Tuesday, September 27, 2022, 10:14:25 AM MDT, Matthew haupt <matthewhaupt@hotmail.com> wrote:

Hello Mike and Dena,

We will cap the vacated waterline at the pump house once the new easement paperwork has been signed and recorded with the Valley County. In the meantime, I will go up to the pump house and mark the line so others don't accidentally turn it on.

Please see attached receipt/invoice for several different costs associated with the waterline on lot 14: a new waterline(\$2,500.00), from the water shut off valve near the property boundary to lot 14, construction of a new waterline trench (\$300.00, and back fill of dirt on along the new waterline (\$150.00).

Would you like to spilt the costs listed above or pay the full amount?

What are the latest developments with a new documented easement, from the pump house to the new shut-off valve near the property boundary of Lot 14&15?

I would like to have a new easement on record and signed. I am willing to help out where needed. Please provide costs associated with a new documented easement if so.

Thanks for your time and consideration,
Matt & Alison.



----- Forwarded Message -----

From: Michael Walcom <[REDACTED]>

To: Matthew Haupt <[REDACTED]> Alison Haupt <[REDACTED]>

Sent: Saturday, November 25, 2023 at 11:23:44 AM MST

Subject: Re: Waterline Easement

Matt and Alison,

Over the past 18 months you have referenced on several occasions that you had a valid easement for a waterline specific to your property and signed by the property owners of both parcels.

What you provided me does not constitute a valid easement. There is nothing contained in the paperwork that indicates an easement was ever given to a specific person or a specific piece of property. There is no name or legal description to show who it was given to or to what property it was linked to. It was never signed by the grantee and was never recorded with any of the property deeds. On its face it looks like it's an easement in gross and non transferrable.

At one point we notified you that the waterline was recalled and the location of the line was in question. Utilizing an easement that the association held appeared to be the logical fix.

Now it has come to our attention that the association was not a legal entity, possessed no easement and forfeited any rights of claim with your consent.

Without clear documentation that you possessed a valid easement our position regarding allowing you to obtain a new easement has shifted. Do you have anything else that can confirm you had a valid enforceable easement? If so, please forward it too me.

If not, there will not be any easements on our property and you will need to find an alternative location for a waterline to your residence.

At this time October 1, 2024 remains a firm date.

Regrettably,

Mike and Dena

On Monday, November 20, 2023 at 07:56:15 PM MST, Matthew haupt <[REDACTED]> wrote:

Hello,
Could you please share with us the terms or conditions under which we could begin the process to attain an easement? What process would you like us to use to make this happen?

Thanks for your time and consideration,

Matt & Alison

From: Michael Walcom <[REDACTED]>
Sent: Wednesday, November 15, 2023 13:23
To: Matthew Haupt <[REDACTED]> Alison Haupt <[REDACTED]>
Subject: Re: Waterline Easement

Matt and Alison,

The community line was installed to reflect the articles so it would be covered by the association. The association owned the easement and would be responsible for surveys, insurance, legal descriptions etc... Single lines exiting the pumphouse are not covered by the association articles.

After the line was installed we learned that no legal entity existed and unless that was corrected no easements existed either.

Easements in general are not transferrable. When an easement is abandoned it is gone and cannot be reestablished without the issuance of a new easement.

We are open to discussing the option for you to obtain an easement independent of the association.

Mike and Dena

On Tuesday, November 14, 2023 at 07:05:35 AM MST, Matthew haupt <[REDACTED]> wrote:

Thank you for taking your time to explain your position regarding the water association. We understand your view point and appreciate the time you have taken to explain your reasoning.

Separate from the association, an easement was drawn up and signed between property owners (Domestic Water Line Easement 1990) that

allows for the water line is to 29 Robbins Drive (Lot 14). Attached is the Domestic Water Line easement from 1990 and recorded with Valley County and our lender. At your request, we moved it to the location you suggested and agreed to you tapping into the line for shared (community) water access because we wanted to resolve the water issue to the best of our abilities and in a way that was pleasing to you. In our discussion regarding the water line, you said we would "transfer" the existing easement between property owners to the new location of the line.

Now your legal view of the association in its entirety has changed and makes the easement unenforceable. What we would like to know is if you would be willing to consider transferring the old easement to the new water line location?

We understand your frustration with the association. All we have tried to do during this process is comply with your request and maintain a civil, polite, helpful property owner relationship with your family. What we would ask is that you consider our request to handle this water line outside of the association as the original property owners did.

Thank you for your time and consideration
Matt & Alison Haupt

From: Michael Walcom [REDACTED]
Sent: Sunday, November 12, 2023 7:22 PM
To: Matthew Haupt [REDACTED] Alison Haupt <[REDACTED]>
Subject: Waterline Easement

The "association" is not a legal entity and any articles amended or otherwise are unenforceable and invalid, to include the easements contained in the articles.

Dena and I have given the "association" a year to correct this issue by forming a legal entity, registering it with the state and complying with all the terms and conditions of registering an easement.

To date this has not been done and the "association" remains as nothing more than a water club with no legal standing.

Furthermore, by a vote of seven to zero (with us absent from the meeting and the vote) amended articles were approved.

The "association" can not and will not fulfill any of the obligations required of them to include properly registering an easement, obtaining insurance on well house property and attached waterlines and keeping financial instruments separate from personal accounts. Therefore, Dena and I have chosen to no longer be part of this

unacceptable practice.

By approving the amended articles your ability to receive water through the waterline located on our property was also severed as the neighbors entered into a contract to disassociate themselves from all easements contained in the articles.

The waterline was installed as a community line for the "association" and has since been abandoned through failure to take proper action in establishing a legal entity and voting to exclude any and all waterlines exiting the pumphouse from the "association".

At this time there are no easements.

R,

Mike and Dena

----- Forwarded Message -----

From: Donald Berg <[REDACTED]>
To: Michael Walcom <[REDACTED]>
Cc: Tina Youtz <[REDACTED]>, Alison Haupt
[REDACTED], Deanna Forester
[REDACTED], Anita Nichols
[REDACTED], Jeff Youtz <[REDACTED]>

Sent: Wednesday, July 13, 2022 at 12:20:41 PM MDT

Subject: Re: Amended Articles of Association

Hi Mike,

I am aware that the proposed amendment to the Articles of Association clarifies the responsibility for water lines to each individual property. The original Articles did not specify that the Association was responsible for the "water mains", but only that it was agreed that these lines be "of high quality city type PVC pipe" and of specific sizes (Article V, Section 2). I can find no evidence that the Association has ever paid for any water line installation or repairs, and the existing lines to lots 14 (Haupt) and lot 15 (Walcom) were paid for by the respective property owners, which further supports the clarification in the proposed amendment.

Prior to the situation you raised during the recent Association annual meeting, the water line to lot 14 (Haupt) was known to be properly installed, located, and functioning for several years. I believe you intentionally excluded and/or misrepresented key facts in your description of the water line situation at the annual meeting in order to obtain everyone's agreement that the Association should cover the costs to relocate this line. A recent survey shows that the water line from the well to lot 14 (Haupt) was properly installed within a separate easement that was established by the prior owners of lots 14 and 15 (Walcom). It is now clear that you knew of this easement and chose to violate the terms and conditions by excavating into the hillside and exposing and/or disturbing the water line. The resolution and any costs to cure your actions are issues between you and the Haupts and do not involve the Association.

You have also raised issues concerning the property lines and location of the well, the need to pay you rent for some portion of the well that may be on your property, along with the need for insurance, land surveys, attorney services, establishment of a separate Association entity, and other matters. None of these have much, if any merit in my opinion, and only serve to raise concerns among the members about your motivations and intent.

If you wish to restore the "good neighbor" attitude among the members, may I suggest that you do the following:

- 1) Comply with the easements, setback requirements, and restrictions on your

property and those related to the well location.

- 2) Pay Tina directly and promptly for the past due pump replacement costs of \$320 and the \$60 annual assessment.
- 3) Have a little trust in your neighbors that we are reasonable and share a common understanding that does not need surveys, attorneys, or formality to do right by each other.

On Tue, Jul 12, 2022 at 7:19 PM Michael Walcom [REDACTED] wrote:

Thanks for the clarity... As for everyone else feel free to reach out and let me know if you agree or disagree with Tina and Jeff's assessment.

On Tuesday, July 12, 2022, 05:05:07 PM MDT, Tina Youtz [REDACTED] wrote:

Mike,

Tina and I feel that the costs associated with moving the Haupts waterline is your responsibility. You offered to cover those costs when the Haupts first purchased their property, and that was the right thing to do. At the previous meeting, the fact that the Haupts had a valid easement across your property for their waterline was not adequately explained. This situation is one of the reasons the association is looking at changing the articles to make it clear that waterlines outside the well house are the responsibility of the individual owner.

On Jul 12, 2022, at 7:31 AM, Michael Walcom [REDACTED] wrote:

Is the association still paying for the new line servicing lots 14 and 15?
Need some clarification since the revised bylaws make all the lines outside the pumphouse a personal problem. Need everyone to respond.

Thanks!

On Sunday, June 26, 2022, 03:03:52 PM MDT, Don Berg [REDACTED] wrote:

Hello all,

Connie and I have worked up the attached amendment to the original Articles which include most of the items presented by Tina along with information discussed at the last meeting and other necessary changes we see are needed. I have also included a preliminary schedule of the well assets with the details I had or gleaned from the invoice for the pump replacement project last August. Please know that a couple of the details in this schedule are unknown and should be confirmed by others.

We also want to express our sincere thanks to Tina for her efforts to coordinate this process and her willingness to donate her time to our Association – we truly appreciate all that she does for us.

Sincerely

Don and Connie Berg

Sent from [Mail](#) for Windows

From: [Tina Youtz](#)

Sent: Sunday, June 19, 2022 12:46 PM

To: [Donald Berg](#); [REDACTED] [Alison Haupt](#); [REDACTED] [Michael Walcom](#); [Deanna Forester](#); [REDACTED] [Anita Nichols](#)

Cc: [Tina Youtz](#)

Subject: Amended Articles of Association

Hello everyone,

Attached is a first draft of amendments to the Articles of Association. The changes reflect changes I believe we agreed on at our meeting. I have underlined all of the new provisions I have added. There is a section under Article V, which I have put in italics, and which I don't think needs to be included any longer in the articles, unless we just want to keep it because it appears in the original.

I would appreciate receiving feedback from everyone with their suggestions, corrections, changes, typos, etc. as soon as possible, so that I can make any necessary changes, collect signatures and record these with the Valley County Recorder this summer. Keep in mind that I do consider this a first draft, and anticipate that changes will need to be made. We need the agreement of at least six Members to approve the amended articles. Please use reply to all with all of your comments, changes and corrections.

Tina

----- Forwarded Message -----

From: Michael Walcom [REDACTED]
To: Lori Hunter <lhunter@valleycountyid.gov>
Sent: Saturday, June 27, 2026 at 11:34:54 AM MDT
Subject: Re: Records request

Just out of curiosity if there is no record of a permit for

On Thursday, May 14, 2026 at 06:52:42 AM MDT, Kerstin Dettrich <kdetrich@valleycountyid.gov> wrote:

Marion,
We have no records for this.

Kerstin Dettrich
Road & Bridge Director
Valley County Idaho
Office: (208) 382-7195
Cell: (208) 315-0635
Email: kdetrich@valleycountyid.gov

From: Marion Inwards <minwards@valleycountyid.gov>
Sent: Tuesday, May 12, 2026 12:53:45 PM
To: Kerstin Dettrich <KDettrich@valleycountyid.gov>; [REDACTED]
Subject: Fw: Records request

Hi Kerstin-
Would you have any information about Robbins Drive? Michael sent a request to the clerks office.
Thank you for your help!
Marion



Marion R Inwards
Deputy Clerk

Valley County Idaho
Direct: (208) 382-7100
Email: minwards@valleycountyid.gov
PO Box 1330 | 219 N. Main St.
Cascade, ID 83811

New to Valley County! You may now search any publicly recorded documents on our website: [Valley County Public Records](#)

From: Michael Walcom [REDACTED]
Sent: Monday, May 11, 2026 12:39 PM
To: Valley County Clerk <ValleyClerk@valleycountyid.gov>
Cc: [REDACTED]
Subject: Records request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Requesting any information regarding a waterline being constructed across Robbins Drive (Robins Drive) located off of Crown Point, Valley County, Idaho. Time line would be between 1960 and 1990. Looking for permits, easements, or any relevant information from the roads department.

Thank you.

**REQUEST TO EXAMINE/COPY
PUBLIC RECORDS**

TO: Valley County Clerk
Doug Miller
Phone: (208) 382-7102
Fax: (208) 382-7107

DATE: 11 May 2026 _____

I hereby request, pursuant to Idaho Code § 74-102, to examine and/or copy the following public records:

Request for any and all permits, easements and or utilities concerning any waterline(s) crossing Robbins Drive, Valley County Idaho from 1960 to 1990 - Records can be scanned and sent electronically to michael.walcom@yahoo.com

☐ These records specifically pertain to myself.

☐ I wish to merely examine these records.

☒ I wish copies of these records.

Printed Name: **Michael G. Walcom**

Mailing Address: PO Box 985 Cascade, Idaho 83611

Telephone Number: [REDACTED]

Signature: _____

Michael G. Walcom

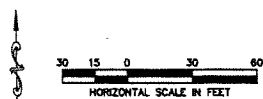
I acknowledge by my signature that the records sought by this request will not be used for mailing list or telephone list as set forth in Idaho Code §74-120

REQUEST TO EXAMINE/COPY PUBLIC RECORDS

RECORD OF SURVEY

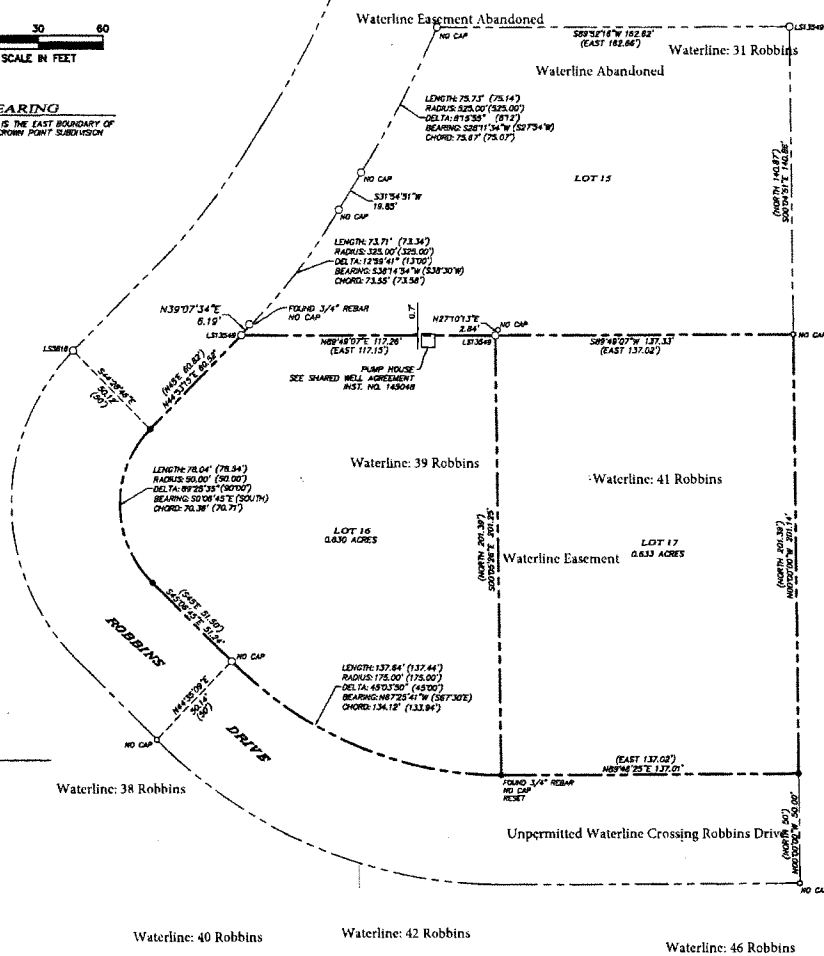
FOR
ALICE VANDORN
LOTS 16 & 17
CROWN POINT SUBDIVISION NO. 2
SECTION 23
TOWNSHIP 14 NORTH, RANGE 2 EAST, B.M.
VALLEY COUNTY, IDAHO
2017

Instrument # 410867
VALLEY COUNTY, CASCADE, IDAHO
12-23-2017 02:09:26 PM No. of Pages:
Recorded for : CLARK
DOUGLAS A. MILLER Fee: 6.00
Ex-Officio Recorder Deputy
INDEX IN RECORD OF SURVEY



BASIS OF BEARING

THE BASIS OF BEARING IS THE EAST BOUNDARY OF LOT 17, SEE PLAT OF CROWN POINT SUBDIVISION NO. 2.



LEGEND

PARCEL BOUNDARY LINE
EXISTING LOT LINE

- SET 5/8" X 30" IRON PIN WITH PLASTIC CAP LST4217
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR

(WEST 100.00') RECORD DATA (SEE REFERENCES)

CERTIFICATE OF SURVEYOR

I, DANIEL T. DUNN, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



REFERENCES

FLAT OF CROWN POINT SUBDIVISION NO. 2
BOOK 2, PAGE 29.

SHEET 1 OF 1

25 COYOTE TRAIL
CASCADE, ID 83611

PHONE: (208) 634-6896
WWW.DUNNLANDSURVEYS.COM

dunn

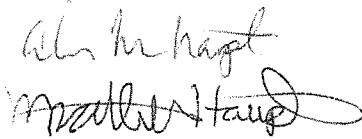
Matthew and Alison Haupt
29 Robbins Drive
PO BOX 419
Cascade, ID 83611

April 27, 2026

To Whom It May Concern,

We, homeowners of 29 Robbins Drive, are not in favor of "VAR 26-001 Walcom Setback Variance" for 31 Robbins Drive. We do not believe the Walcom's have acted in good faith with the existing variance, and we would caution the Planning & Zoning Commission on any further decisions. We recommend Planning & Zoning investigate the property before making any ruling on this application.

Sincerely,

Handwritten signatures of Alison Haupt and Matthew Haupt. The signature of Alison Haupt is written above the signature of Matthew Haupt.

Matt and Alison Haupt

From: Don 57 Berg [REDACTED]
Sent: Saturday, April 25, 2026 5:35 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Comments for VAR 26-001 Walcom Setback Variance meeting on 5/14/2026

Ms Herrick,

I offer the following comments to the requested variance by the Walcoms:

The request to reduce the rear yard setback from 20 feet to 5 feet should be denied as Valley County Ordinance Title 9, Chapter 4 section 3-2 paragraph G states that: "... no setback may be less than seven and one-half feet (7.5')".

I am opposed, however, to ANY setback variances as this would establish a precedent to allow for other adjoining properties within the same block or within Crown Point Subdivision #2 to seek setback variances. The Walcom property, as well as the adjoining properties, exceed ½ acre and are not oddly shaped or have significant topographical issues that warrant the need for a setback variance.

All of the current structures on the Walcom property were constructed by the Walcoms and the choice of the building locations were made by them. There is sufficient area toward the interior of their property to expand the existing home without altering the setbacks. The apparently poor decision the Walcom's made for the home site is not a valid reason to grant a variance.

I have one additional comment:

The "fact sheet" I received in the mail from the Valley County P&Z stated that:

"On July 31, 2027, the property owners received a setback variance to allow construction within of 10-ft from the rear property line (Variance Application V-1-17). This variance was requested due a water line easement and topographic features"

First, I'm guessing the date of 2027 is a typo and is more likely 2017(?).

Second, I was not aware a variance had been granted as I would have opposed this for the reasons stated above. I have owned my property since 1986 and I don't recall receiving a notice of this application.

Third, the water line easement is toward the front of the property (by more than 40 feet from the home) and not the back, so reducing the rear yard setback is illogic. I have the same comment about the topographic features, as they do not warrant changing the setback requirements as ample space toward the interior of the property exists for any additions to the existing home.

And finally, if the rear yard setback has already been reduced to 10 feet by Variance V-1-17, why does this current application state that the change requested is to reduce the setback from 20 feet to 5 feet?

Perhaps you could reconsider the Variance Application V-1-17, as this was based on erroneous information, and restore the 20 foot rear yard setback on this property.

From: Jeff Youtz [REDACTED]
Sent: Monday, April 27, 2026 7:43 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Comments on Variance 26-001, Walcom Request

Ms. Herrick,

My wife and I have been property owners in Crown Point Subdivision #2 for over 20 years. We oppose the variance request by the Walcoms. I am in complete agreement with my neighbor, who submitted the opposing comments below. In addition, I would encourage your staff to look at all of the structures on that property and confirm that the proper setbacks, permits, and other required laws relative to property improvements were adhered to.

----- Forwarded Message -----

From: Michael Walcom [REDACTED]
To: Cynda Herrick <cherrick@valleycountyid.gov>
Sent: Sunday, June 21, 2026 at 09:57:10 PM MDT
Subject: VAR 26-001 Walcom Setback Variance

Ms. Herrick:

We have couple of items that need to be addressed prior to July's hearing.

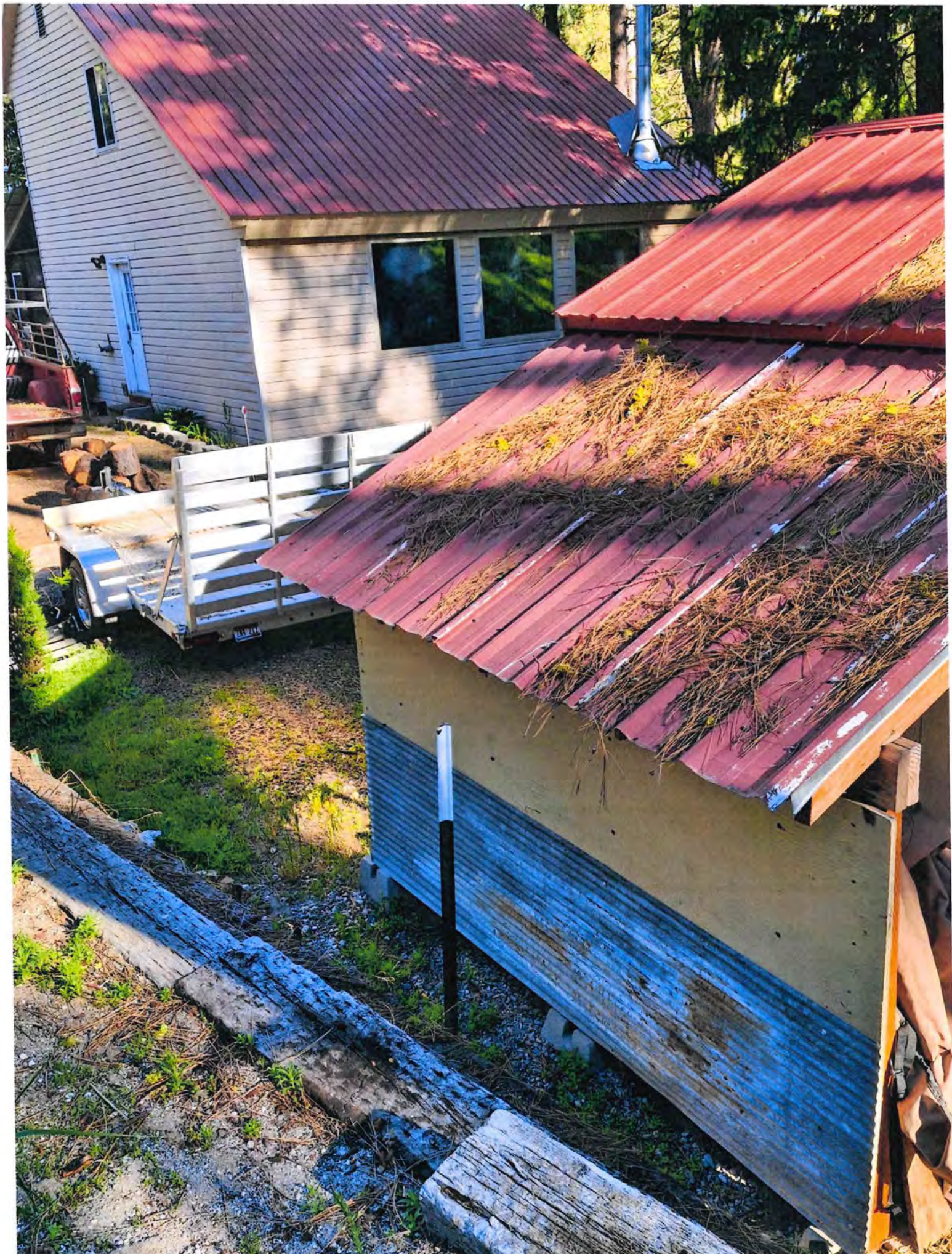
1) We are asking that Chairman Roberts recuse himself due to a possible professional relationship with one or more of the respondents opposed to our variance request.

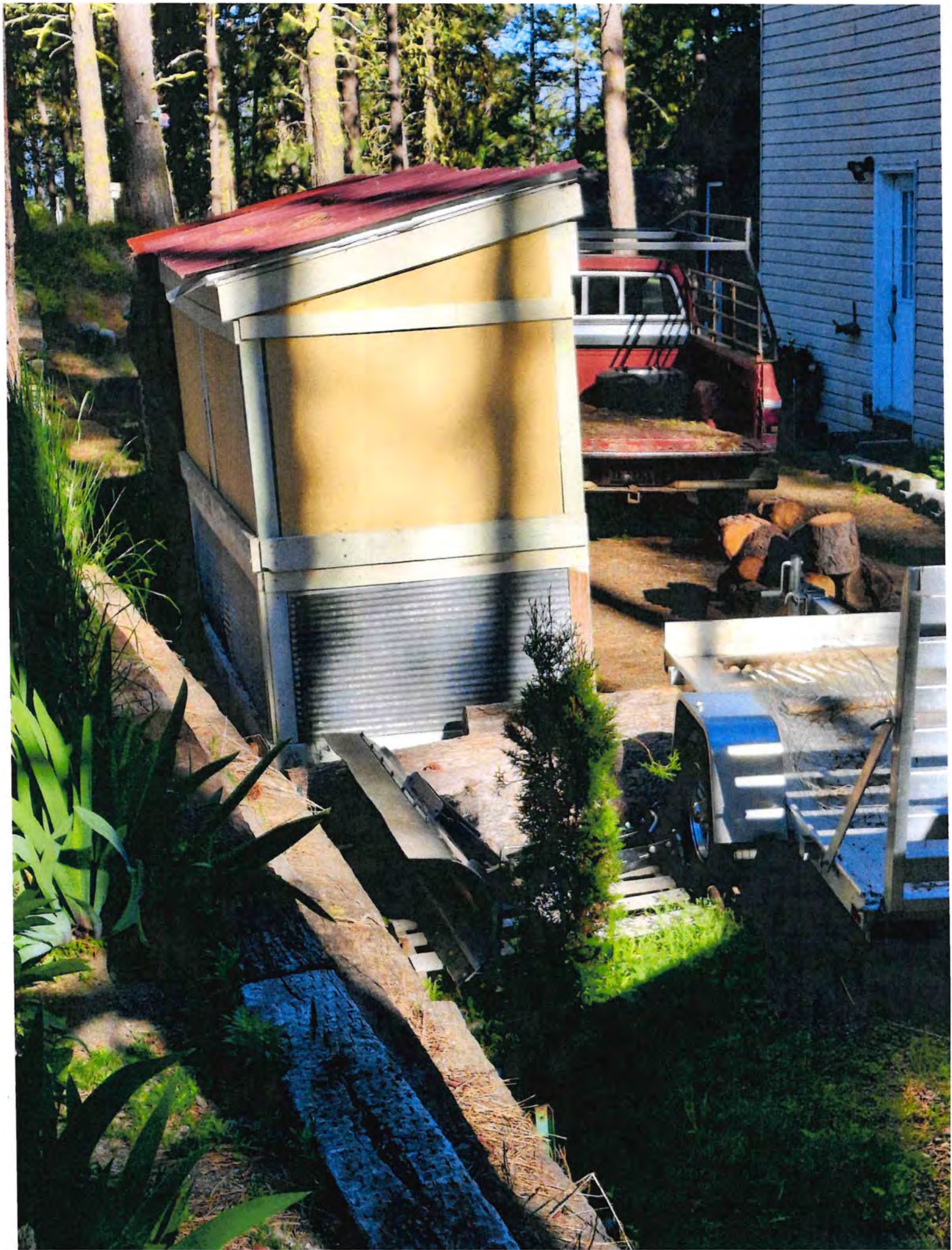
a. We are making this request for recusal well in advance to ensure a quorum is present to hear our application.

2) We are also requesting that all information, photos, objections that do not specifically address the variance be suppressed during the public hearing as it is beyond the scope of the request and has no relevance to the criteria of granting or denying a variance.

Please make this email as matter of public record in our application packet.

Michael and Dena Walcom







Unpermitted Addition

House

Property Line

29 Robbins

31 Robbins

View from the front of the property



