

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 26-008 Babineau Setback Variance
MEETING DATE: October 8, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
**APPLICANT /
PROPERTY OWNER:** Daniel & Miriam Babineau,
12875 Longhorn Way, Donnelly, ID 83615
LOCATION: 12875 Longhorn Way
M&E Wagon Wheel Subdivision No. 2, Lot 25 Block 1, in the SWSE
Section 28, T.16N R.3E, Boise Meridian, Valley County, Idaho
SIZE: 0.3-acre Lot
REQUEST: High-Water Line Setback Reduction from 50-ft to 36.5-ft
EXISTING LAND USE: Single-Family Residential Lot

Daniel and Miriam Babineau are requesting a variance to relax the high-water line setback from 50-ft to 36.5-ft. The owners wish to replace the existing non-conforming deck due to safety concerns and current building code requirements. The footprint of the deck would remain the same.

Valley County setbacks for residential uses are 50-feet from the high-water line / base flood elevation of Lake Cascade. A minimum 25-ft area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof. Vegetation shall be native. Fertilizer shall not be used in the setback area. (VCC 9-6-6 Riparian Area Overlay)

The lot is 0.30 acres in size. Access is from Longhorn Way, a public road.

	Valley County Setbacks	Requested Setback
Front Property Line	20 feet	
Side Property Line	7.5 feet	
From Rear Property Line Bordering U.S. Bureau of Reclamation Land	7.5 feet	7.5 feet
From High Water Line	50 feet	36.5 feet

McLeod and Edwards Wagon Wheel Subdivision No. 2 was recorded at Book 2, Page 42 on October 18, 1961.

FINDINGS:

1. The application was submitted on July 31, 2026.
2. Legal notice was posted in the *Star News* on September 17, 2026, and September 24, 2026. The applicant was notified by letter on September 8, 2026. Potentially affected agencies were notified on September 8, 2026. Property owners within 300 feet of the property line were notified by fact sheet sent by mail on September 8, 2026. The notice was posted online at www.co.valley.id.us on September 8, 2026. The site was posted on September 17, 2026.
3. Agency comment received:

Jerry Holenbeck, Donnelly Fire Marshal, listed requirements regarding driveways and addressing. Driveway must be inspected and approved by Donnelly Fire prior to building permit being issued. (September 23, 2026)

Paul Ashton, Parametrix and Valley County Engineer, stated If the replacement deck is constructed within the same footprint as the existing deck, it is unlikely to generate additional stormwater runoff; therefore, stormwater retention measures will not be required. However, because the work will occur within the Riparian Area Overlay established by VCC 9-6-6 and will involve minor excavation, the applicant must implement erosion and sediment control measures, including Best Management Practices (BMPs), to prevent sediment from reaching the lake. The applicant must submit the proposed measures to Valley County for review and designate a certified Responsible Person to monitor them. (September 29, 2026)

Brent Copes, Central District Health, had no objection. Property is on central sewer; no drainfields exist. (September 30, 2026)

4. Public comment received: *none*
5. 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.

9-4 PERMITTED USES

TABLE 4-A STANDARDS FOR PERMITTED USES

Use Description	Building Setbacks (feet)				Maximum % Lot Coverage	Minimum Street Frontage	Maximum Building Height
	Front	Side	Side Street	Rear			
Residential Uses	20	7.5	20	20	35	30	35

9-4-3-2: SETBACKS:

- A. Buildings Exceeding Three Feet In Height: The setbacks for all buildings exceeding three feet (3') in height shall be in accordance with section 9-4-8, table 4-A of this chapter.
- B. Setback From Highway 55: All buildings 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.
- C. High Water Lines And Ditches: All residential buildings shall be set back at least fifty feet (50') from high water lines and ditches. All other buildings shall be set back at least one hundred feet (100') from high water lines and ditches.
1. The setback shall be from the base flood elevation if these is a determined flood elevation or a high-water line where vegetation is denuded.
 2. In order to provide for ecological function and ensure water quality benefits are preserved, a minimum twenty-five (25') area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof.
 3. Vegetation shall be native.
 4. No vegetation can be planted that requires fertilizers. Fertilizer shall not be used in the setback area.

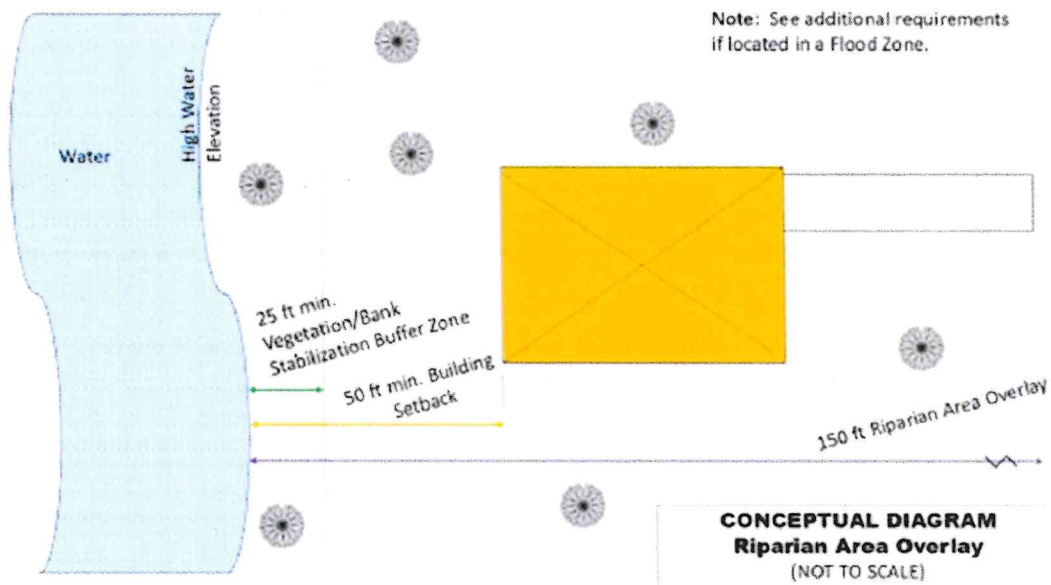
5. A five feet (5') permeable pathway will be allowed to access through the vegetative buffer. The pathway cannot cause water to flow directly into the waterbody without proper filtration.
 6. See requirements in VCC 9-6-6 Riparian Area Overlay.
- D. Front Yard: Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.
 - E. Encroachment By Other Structures: No other structures may encroach on the yards determined for the structure establishing the principal use.
 - F. Measurement: Setbacks shall be measured horizontally, perpendicular to the property line, to the nearest corner or projections or overhang.
 - G. Adjustment Of Front Or Rear Yard Setbacks: The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block; however, no setback may be less than seven and one-half feet (7.5').
 - H. Lots Having Common Boundary Line With United States Bureau of Reclamation (USBR) Property Surrounding Lake Cascade: Minimum rear yard setbacks for those lots having a common boundary line with USBR property surrounding Lake Cascade are seven and one-half feet (7.5'), but may not be less than that provided for in subsection C of this section.

9-6-6: RIPARIAN AREA OVERLAY:

- A. Purpose: The purpose of this special overlay is to protect the health and safety of the public, and to minimize damage to property and fragile ecologies by preventing surface and ground water pollution along with protection of waterbodies. It will also serve to protect water quality.
- B. Areas of Application: The standards and procedures for riparian areas shall apply to those lands which are within one hundred fifty (150) feet of any lake, pond, river, or year-round flowing creek or stream.
- C. Standards:
 1. Setback shall be fifty feet (50') from high water line for residential buildings and appurtenant structures and one hundred feet (100') for all other buildings and appurtenant structures. If a lot was platted prior to adoption of this standard and there is no area to construct, a variance may be granted by administrators if runoff control measures as prepared by the applicant are recommended for approval by the Valley County Engineer based on stormwater standards.
 2. Prior to any excavation or construction, the property owner, general contractor or the responsible party shall provide proof of stormwater certification training or responsible person training. Training and certification must be on an approved training provider list that can be obtained at the Valley County Building Department.
 3. Stormwater detention basins, retention basins, swales or other techniques shall be used when recommended or required by the Valley County Engineer.
 - a. Basins must be designed and sized to filter or infiltrate runoff from the construction site and permanent drainage.
 - b. Basins must be designed to accommodate the "first-flush" volume sized to capture the runoff from the initial rainfall depth most responsible for pollutant loading. The "first-flush" volume design storm depth is defined herein as zero point seventy-seven (0.77) inch of rainfall (twenty-four (24) hour ninety-fifth (95th) percentile storm).
 - c. For purposes of sizing stormwater basin permanent management facilities (excluding first flush water quality treatment facilities), Drainage Peak Flow Calculations shall use the Soil Conservation Service (SCS) method as preferred, but the rational method is acceptable for smaller areas (generally one hundred (100) acres or less)
 - d. The storm duration is a one (1) hour event when using the Rational Method, or a twenty-four (24) hour event when using the SCS method.
 - e. Basin design shall be approved by the Valley County Engineer and inspected by the

Valley County building department or other qualified inspectors assigned to such duties. Special inspections may be needed in some instances. The applicant's engineer shall also submit a certification that the approved plan was implemented prior to final occupancy.

- f. Basin design shall comply with Idaho Department of Water Resources (IDWR) water rights requirements.
4. There shall be no filling or dredging of lake bottoms, rivers, or wetlands without proper jurisdictional permits, i.e. IDWR, USACE, Valley County, etc.
5. There shall be no excessive clearing of vegetation.
6. Stormwater harvest and infiltration techniques are encouraged.
7. Riprap for shoreline protection is allowed with the proper turbidity controls and permits from appropriate jurisdictions (IDWR, USACE, USBR, IDL, etc.), including a Floodplain Development Permit from Valley County when required.



STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District, Water District 65D, and a herd district. It is not within an irrigation district.
2. Staff does not approve demolition and reconstruction in the footprint of a nonconforming use. When a nonconforming use is demolished, they must then comply with current setbacks. We do allow remodeling and improving structural support, but not systematic demolition.
3. This application is for demolition of the porch and reconstruction in the existing footprint due to safety concerns of the existing structure.
4. 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.
5. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

6. The application contains pictures of the home and deck area.

7. Question for the applicant:

- A retaining wall, concrete deck, and hardscape walkway appear to be within the U.S. Bureau of Reclamation-managed land. When was this constructed?
- A floodplain permit is required for all construction within the floodplain. A floodplain application shall be submitted (see attached).
- Applicant must implement erosion and sediment control measures, including Best Management Practices (BMPs), to prevent sediment from reaching the lake. The applicant must submit the proposed measures to Valley County for review and designate a certified Responsible Person to monitor them.

8. All exterior lights need to be in compliance with the dark sky lighting ordinance. The lights shall be inspected as part of the building permit inspection process.

9. If this use is approved, a site grading/storm water management plan would need to be approved by the Valley County Engineer as part of the building permit application.

- Applicant must implement erosion and sediment control measures, including Best Management Practices (BMPs), to prevent sediment from reaching the lake. The applicant must submit the proposed measures for review and designate a certified Responsible Person to monitor them.

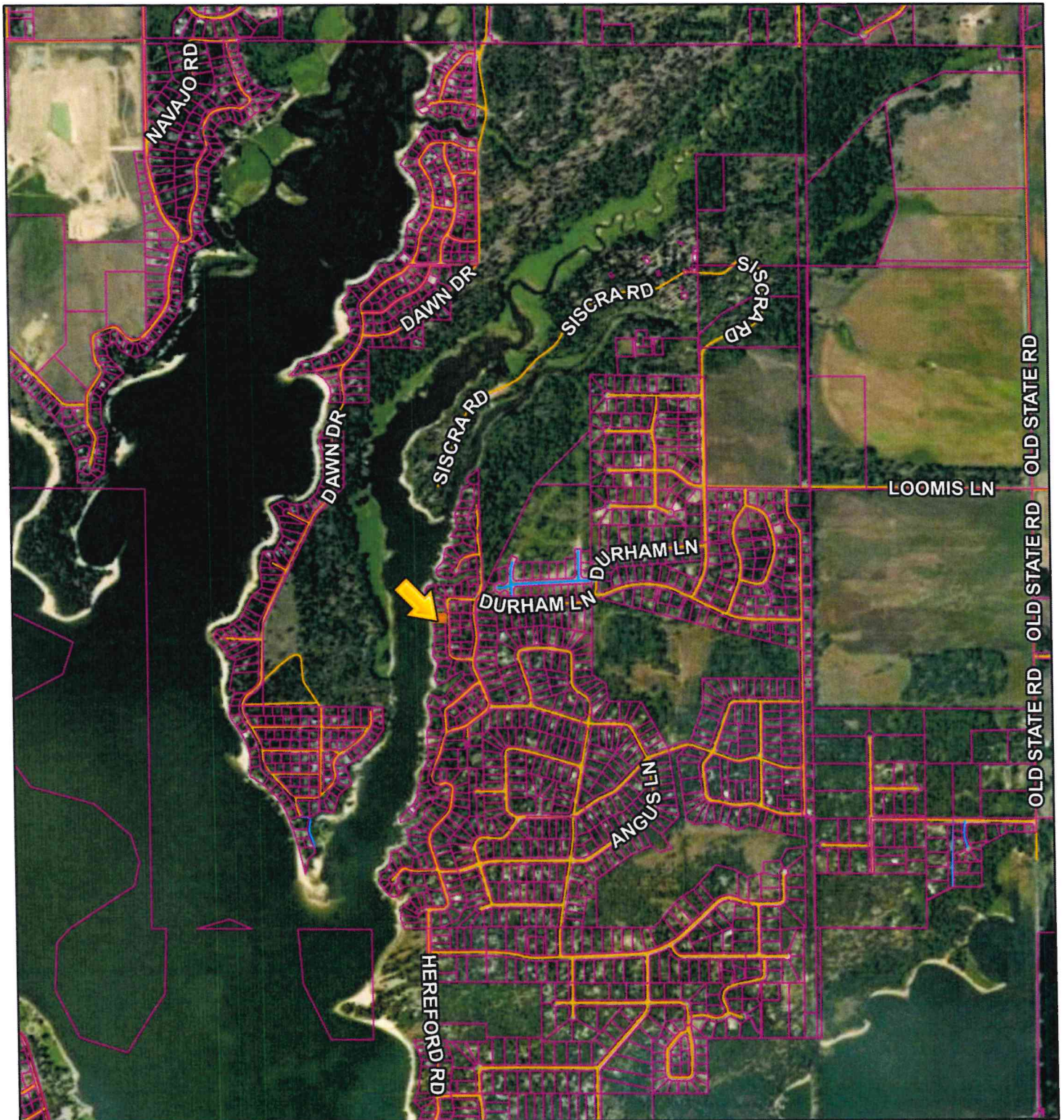
10. Applicant must agree to not fertilize anything within 150' of Lake Cascade.

Attachments:

- Location Map
- Aerial Map
- Floodplain Map
- Google Maps – Aerial View
- Assessor Plat – T.16N R.3E Section 28
- McLeod and Edwards Wagon Wheel Subdivision No. 2 - Assessors Annotated Plat
- Photos Taken September 17, 2026
- Photo From Assessor's Report – Dated July 31, 2023
- Site Plan
- Responses
- Floodplain Application

END OF STAFF REPORT

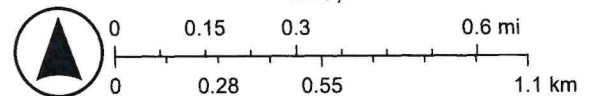
VAR 26-008 Location Map



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- Airstrips
- Municipal Boundaries
- Parcel Boundaries
- Roads**
 - MAJOR
 - MINOR COLLECTOR
 - COLLECTOR
 - URBAN/RURAL
 - USFS
 - PRIVATE
 - OTHER
 - Other



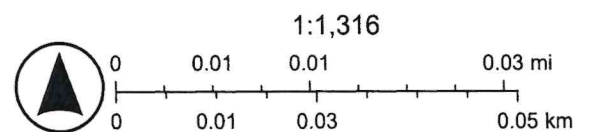
Valley County, Valley County GIS
support@co.valley.id.us
208-382-7106, Vantor

VAR 26-008 Aerial Map



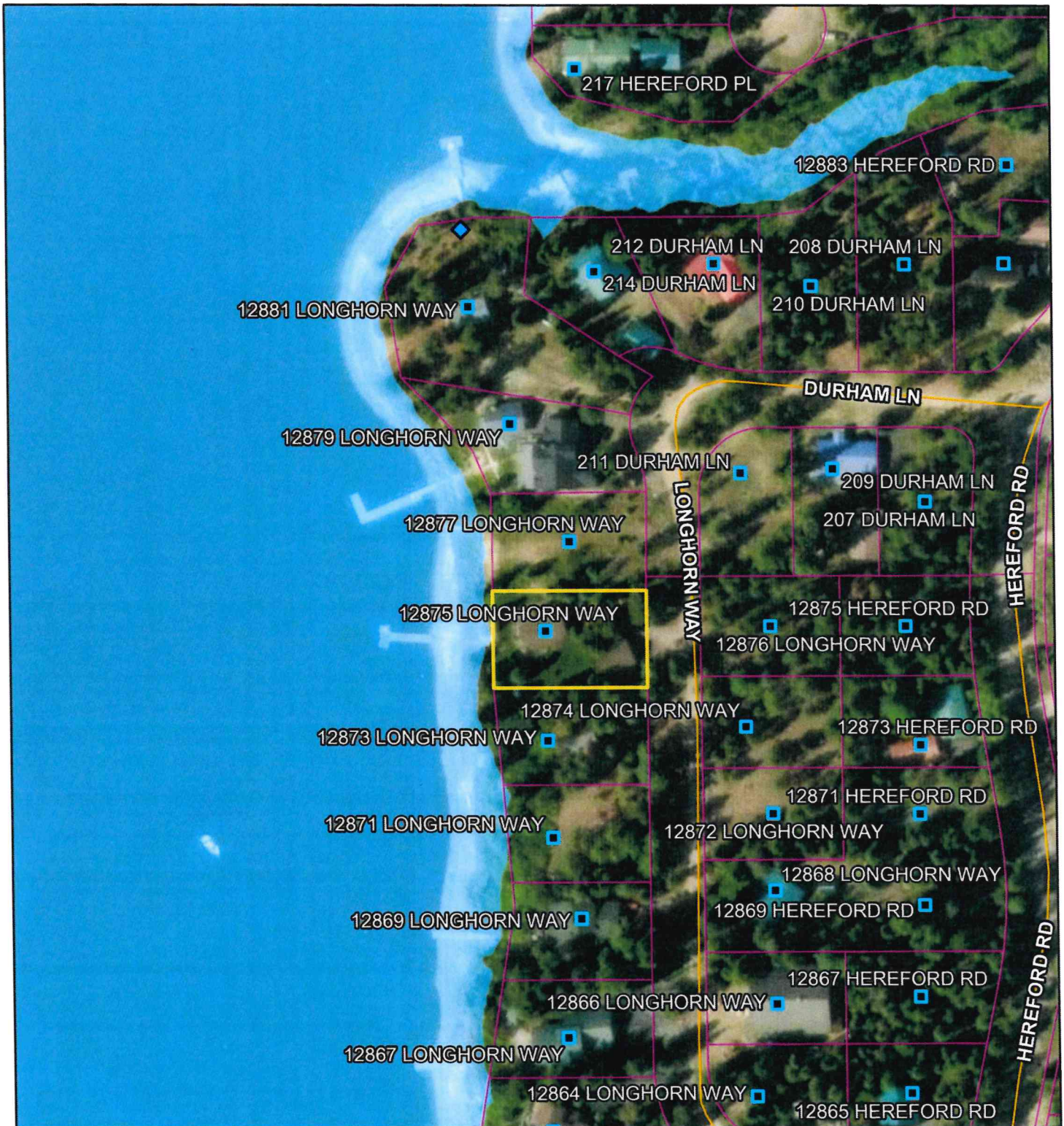
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Permits		RVC	Undefined
CUP	STR	Airstrips	
ADU	STS	Address Points	
FP	VAC	Municipal Boundaries	
GF	VAR	Parcel Boundaries	
EXC	PSP	Roads	
Privy	HBB	MAJOR	
RES			



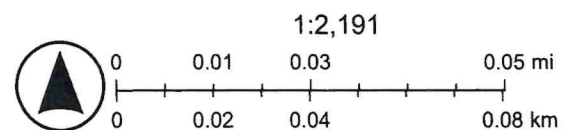
Valley County, Valley County GIS
support@co.valley.id.us
208-382-7106, Microsoft, Vantor

VAR 26-008 Floodplain Map



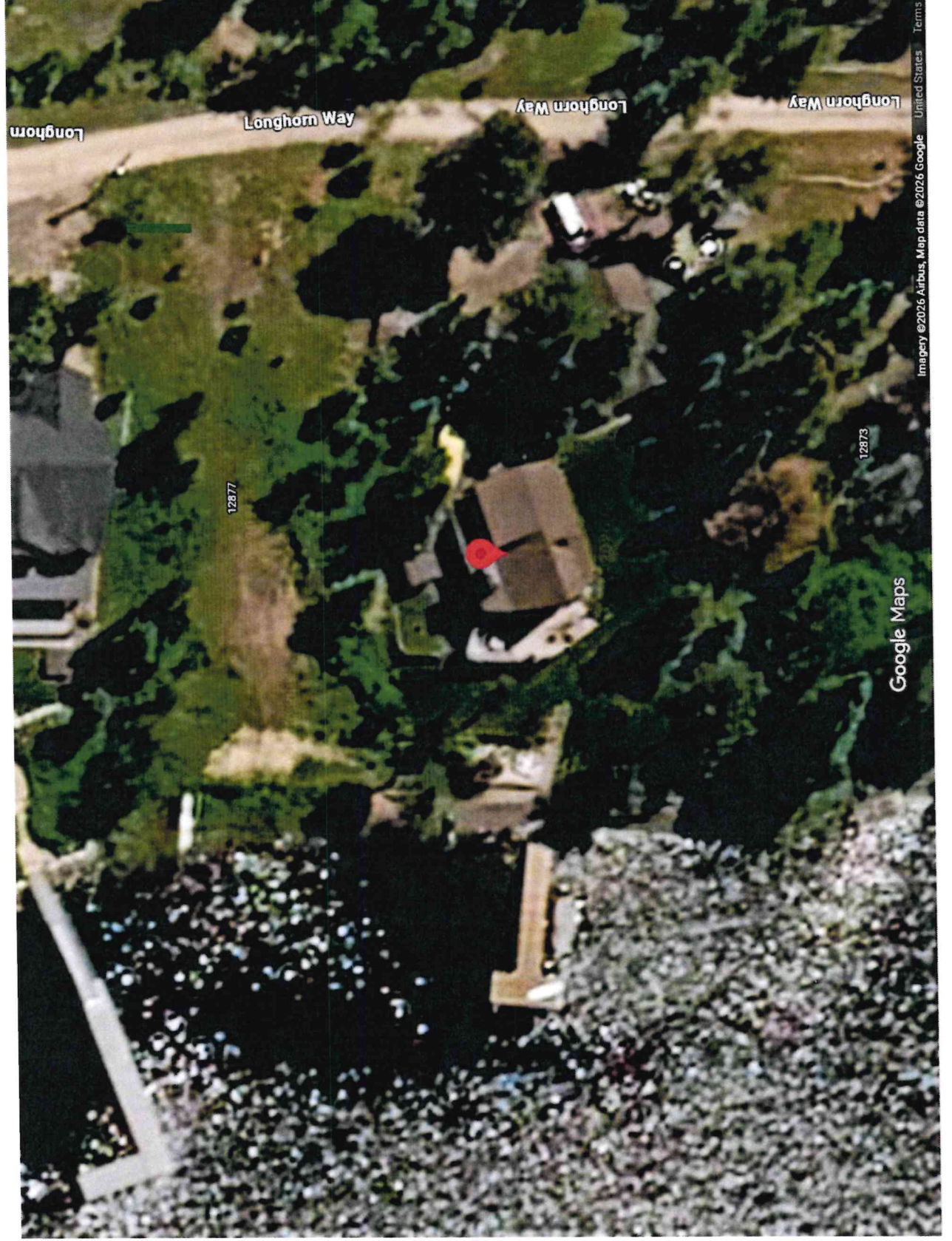
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- | | | |
|--|--|---|
| Permits
CUP
ADU
FP
GF
EXC
Privy
RES
RVC | STR
STS
VAC
VAR
PSP
HBB
Undefined
Airstrips | Address Points
Municipal Boundaries
Parcel Boundaries
Roads
MAJOR
MINOR COLLECTOR
COLLECTOR
URBAN/RURAL
USFS
PRIVATE
OTHER
Other
Floodplain
A (1% Annual Chance, 100-Year)
AE (1% Annual Chance, 100-Year)
Floodway (1% Annual Chance, 100-Year) |
|--|--|---|



Valley County, Valley County GIS
 support@co.valley.id.us
 208-382-7106, Valley County IT, Vantor

Google Maps – Aerial View



TWP. 16N R03E SEC. 28

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

Filename: Valley County Base Map
Scale: 1" = 400 ft
Date: 4/13/2026
Drawn by: L Frederick



Important Notice: The County is NOT Responsible for Any Inaccuracies Contained Herein.

RP 00175

MCLEOD AND EDWARDS WAGON WHEEL SUBDIVISION NO. 2

A PART OF THE EAST 1/2 SECTION 28, T.16N., R.3E., B.M.
VALLEY COUNTY, IDAHO.

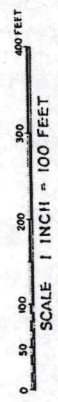
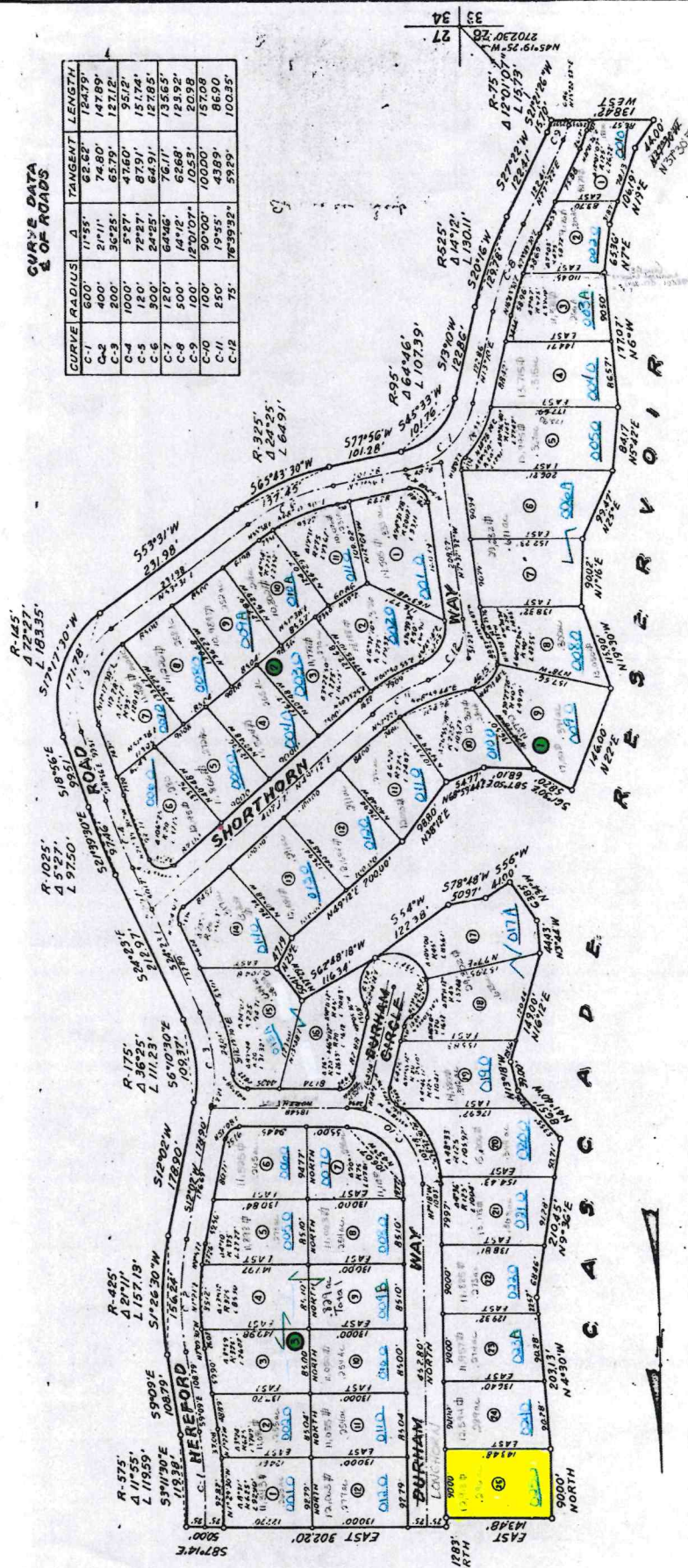
HOFFMANN-FISKE & MILAR CONSULTING ENGINEERS
2500 KOOTENAI

001,002,003

EX. D. 1/2 sec. 11-1 100' x 100'
Streets as shown are dedicated to public use, 100' county acceptance found
misc. 1917
misc. 1917

CURVE DATA
OF ROADS

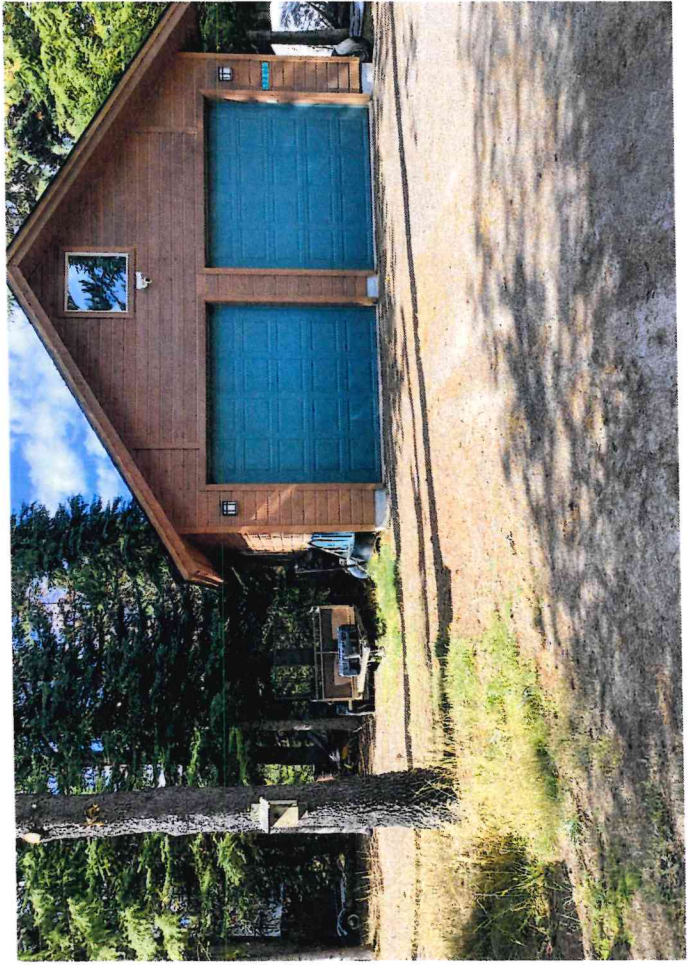
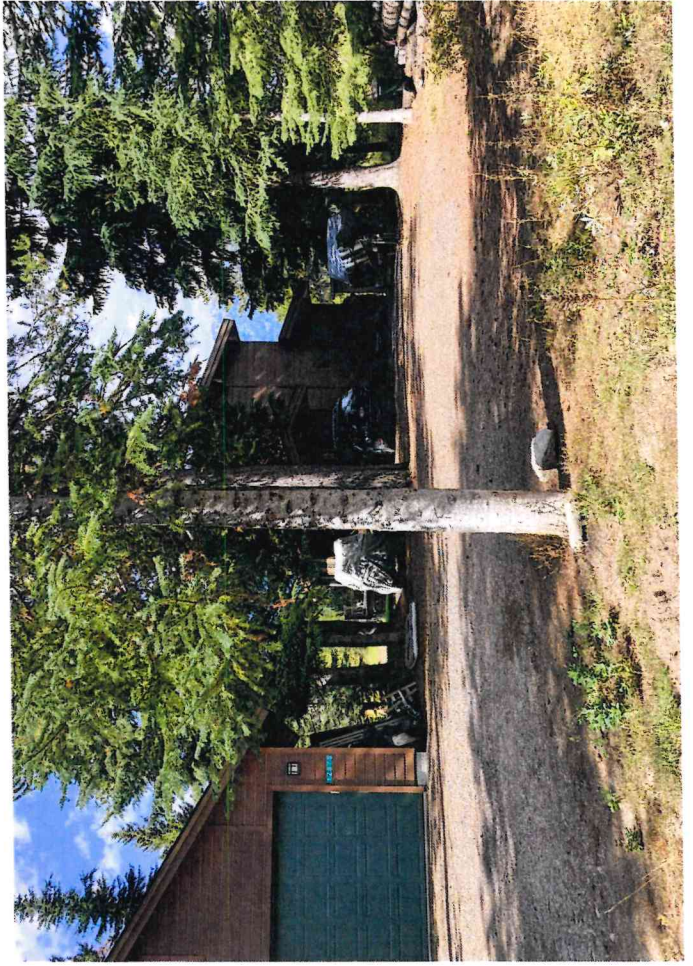
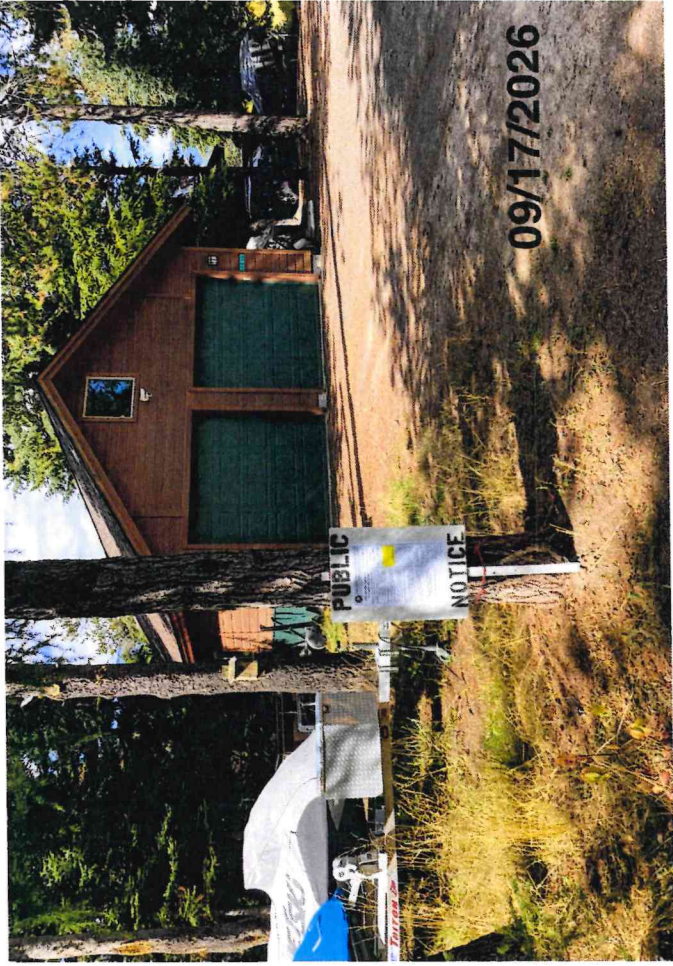
CURVE	RADIUS	Δ	TANGENT	LENGTH
C-1	600'	17°55'	62.62'	124.79'
C-2	400'	21°11'	74.80'	147.69'
C-3	200'	36°25'	65.79'	131.59'
C-4	1000'	5°27'	87.91'	171.74'
C-5	800'	24°55'	64.91'	127.85'
C-6	1200'	6°46'	76.11'	155.65'
C-7	500'	14°12'	62.68'	125.92'
C-8	100'	27°10'	10.53'	20.98'
C-9	100'	90°00'	10.00'	157.08'
C-10	250'	19°55'	43.89'	86.90'
C-11	75'	76°59'32"	59.29'	100.85'



- 3/4\" Steel Rods set at angle points on Boundary
- 1/2\" Steel Rods set at Lot Corners and Points of Curvature.
- Lot Number
- Block Number

STATE OF IDAHO 3rd
COUNTY OF ADA
Jas C Olson, being duly sworn, says that he is Registered Land
Surveyor & prepared the final map of the foregoing plat; that this drawing
is an exact copy of said final map.

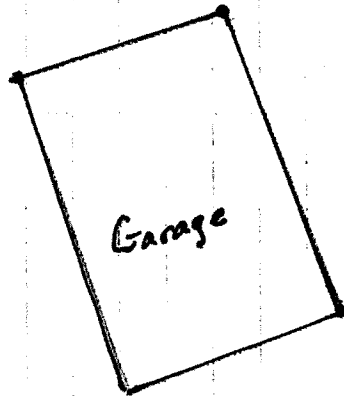
Subscribed And Sworn To before me this 18th day of September, 1951.
NOTARY PUBLIC RESIDING AT BOISE, IDAHO.



Picture from Valley County Assessor's Report

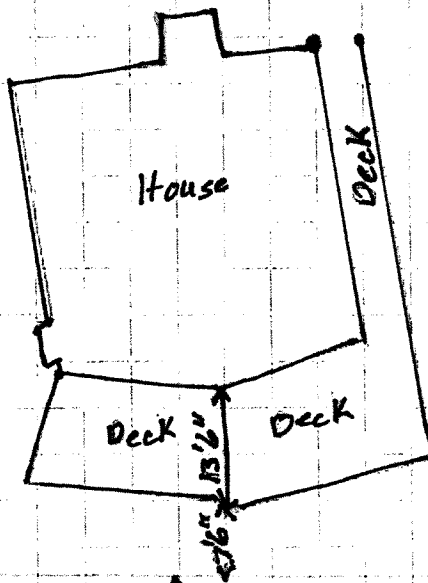


12775 Longhorn Way
Burien, WA 98148



143.48'

Wood
Shed



143.48'

29' 13'6" 16'6" 90'

High water Line

Lake Cascade



**Donnelly Fire Department
Fire Marshals Office**

P.O. Box 1178 Donnelly, Idaho 83615
Office: 208-325-8619 Cell: 208-849-2438

September 23rd,

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

RE: VAR 26-008 Babineau Deck Variance Requirements Letter

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

Fire Apparatus Access / Driveway (IFC §503.7 / IDAPA 18.08.01)

- Maintain existing access throughout construction (no obstruction by materials, equipment, or staging).
- Existing driveway must continue to meet minimums (12 ft unobstructed width, 13 ft 6 in vertical clearance, all-weather surface, ≤10% grade unless previously approved).
- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to building permit being issued.

Addressing (IFC §503.7.5)

- Permanent, visible, legible address identification (both directions of travel) must be maintained; correct if deficient.

Please call if you have any questions.

Sincerely,

Jerry Holenbeck
Fire Marshal
Donnelly Fire Department
firemarshal@donnellyfire.net
Office: (208) 352-8619
Cell: (208) 849-2438

Parametrix No. 314-4875-001

Cynda Herrick, AICP, CFM
Valley County Planning and Zoning
700 South Main Street
PO Box 1350
Cascade, ID 83611

Re: October 8, 2026, Planning and Zoning Commission Agenda Items

Dear Cynda:

We have reviewed the items you requested us to review as listed on the October 8, 2026, Valley County (VC) Planning and Zoning Commission agenda and have the following comments for your consideration:

New Business:

1. VAR 26-008 Babineau Setback Variance

If the replacement deck is constructed within the same footprint as the existing deck, as described by the applicant, it is unlikely to generate additional stormwater runoff; therefore, stormwater retention measures will not be required. However, because the work will occur within the Riparian Area Overlay (RAO) established by VCC 9-6-6 and will involve minor excavation, the applicant must implement erosion and sediment control measures, including Best Management Practices (BMPs), to prevent sediment from reaching the lake. In accordance with the RAO policy, the applicant must submit the proposed measures to Valley County for review and designate a certified Responsible Person to monitor them.

2. CUP 26-025 Fluegel Multiple Residences

Detailed site grading and drainage plans and supporting drainage design documentation are not required for this home addition. However, any additional stormwater runoff generated by the addition must be retained on site. The retention measures are not required to be engineered.

If any construction will occur within 150 feet of the high-water line of Lake Cascade, the project must comply with the Riparian Area Overlay (RAO) requirements established by VCC 9-6-6. The applicant should verify the distance between the proposed construction and the lake's high-water line.

3. VAC 26-002 Hazzard Bunkhouse Rental

Detailed site grading and drainage plans and supporting drainage design documentation are not required for this bunkhouse construction. However, any additional stormwater runoff generated by the new structure must be retained on site. The retention measures are not required to be engineered.





Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat _____

VAR 26-008 Babineau Setback Variance

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

- ☒ 14. CDH has no objection to this proposal. Property is on Central
sewer, no drain field.

Reviewed By: B. J. C.
Date: 9/30/26