Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Floodplain Coordinator

PO Box 1350
219 North Main Street
Cascade, Idaho 83611

Phone: 208.382.7115
Fax: 208.382.7119
Email: cherrick@co.valley.id.us
Web: www.co.valley.id.us

# STAFF REPORT

Conditional Use Permit Application No. 21-20
Gold Fork River Estates Subdivision – Preliminary Plat

| | |
|---|---|
| **MEETING DATE:** | August 12, 2021 |
| **TO:** | Planning and Zoning Commission |
| **STAFF:** | Cynda Herrick, AICP, CFM |
| **APPLICANT/OWNER:** | Gold Fork LLC<br>161 Ranch Drive<br>Boerne, TX 78015 |
| **ENGINEER:** | Crestline Engineers<br>PO Box 2330<br>McCall, ID 83638 |
| **SURVEYOR:** | Dunn Land Surveys INC<br>25 Coyote Trail<br>Cascade, ID 83611 |
| **LOCATION/SIZE:** | Parcels RP16N04E295625, RP16N04E296770, and part of RP16N04E296006 in the SW ¼ Section 29, T.16N, R.4E. Boise Meridian, Valley County, Idaho<br>67.7 acres |
| **REQUEST:** | Single-Family Residential Subdivision |
| **EXISTING LAND USE:** | Agricultural |

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Gold Fork LLC is requesting a conditional use permit for a seven-lot single-family subdivision on 67.7 acres.

Lots would be accessed from Davis Creek Lane onto a private road named Oliver Court. The private road will end in a cul-de-sac and be 700-feet long.

Proposed residential lot sizes range from 2.24 acres to 5.66 acres. A 15.65-acre open space lot is proposed along the Gold Fork River.

Individual wells and individual septic systems are proposed.

The existing 50-ft prescriptive right-of-ways of Davis Creek Lane and Gold Fork Road would be platted as a 70-ft public right-of-way along the proposed subdivision boundary.

The applicant anticipated project completion by the end of 2025.

**FINDINGS:**

1. The application was submitted on July 1, 2021.

2. Legal notice was posted in the *Star News* on July 22 and July 29, 2021. Potentially affected agencies were notified on July 13, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent July 13, 2021. The site was posted on July 14, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on July 13, 2021.

3. Agency comment received:

Sgt. Kelly Copperi, Dispatch Communications Supervisor, strongly feels the road name would get confused with Gold Fork Road by emergency responders. (July 3,2021)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (July 22, 2021)

4. Neighbor comment received: none

5. Physical characteristics of the site: Timbered with flat and rolling topography. Both Gold Fork River and Davis Creek flow through the property. There are wetlands on the property.

6. The surrounding land use and zoning includes:
   North: Single-family Residential and Agricultural (Timber)
   South: Agricultural (Timber)
   East: Single-family Residential and Agricultural (Timber)
   West: Single-family Residential, Agricultural (Grazing), and Common Area for Elk Meadows River Ranches Subdivision

7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
   - 2. Residential Uses (c) Subdivision for single-family subdivision.

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

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**9-5A-1: GRADING:**

A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.

D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

E. Site Grading Plan:

1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. (Ord. 10-06, 8-23-2010)

2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

## 9-5A-5: FENCING:

F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed. (Ord. 10-06, 8-23-2010)

## 9-5C-2: MINIMUM LOT AREA:

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
   a. One acre where individual sewage disposal systems and individual wells are proposed.

## 9-5C-6: DENSITY:

The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (Ord. 11-5, 6-6-2011)

8. Valley County Code (Title 10): Subdivision Regulations. This title should be reviewed for determination of technical issues of the plat.

**10-4-4: STREETS:**

A. Conformance With Adopted Standards And Policies: The classification, ownership, design and location of all streets shall conform to adopted standards and policies, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience or safety, and in their appropriate relation to the projected traffic demand of the land to be served by such streets.

F. Street Layout: Street layout shall provide for reasonable development of adjoining areas and the entire neighborhood, and shall provide for the following:

6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

**10-5-1: STREET AND UTILITY IMPROVEMENTS:**

A. Installation Required: Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section5-7-2of this code).

B. Acceptance By County: The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

C. Private Road Declaration: In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.

D. Declaration Of Installation Of Utilities: A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".

E. Connection To Public Road Required: The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the

event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

TITLE 11: Flood Control requirements

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**SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +23.

**Staff Questions/Comments/Recommendation:**

1. Name of the subdivision is not acceptable.

2. The additional right-of-way will need to be shown along Davis Creek LN and Gold Fork RD in order to allow for a 70' right-of-way, depending on ownership. Do you own any of the property within the 35' from center along Gold Fork RD?

3. When will future lot 7 be completed; it is entirely in the floodplain? It cannot be platted as a building site unless a Letter of Map Revision (LOMR) is done removing it from the floodplain.

4. Open Space lots shall be identified, and management plans should be proposed.

5. Will need to show the easement recorded as Instrument No. 272643 across lots 2 and 3.

6. Have you discussed with the irrigation district the ditch that is on this property and the continued transportation of water?

7. You will need approval from FEMA for a Conditional Letter of Map Revision (CLOMR) and then a LOMR in order to publish established BFE's. If road is in the floodplain will need engineer certification confirming culverts, etc. will carry the water capacity.

8. The Floodplain Note on the preliminary plat states BFE is 4873, but it rises to 4885.

9. Floodplains and wetlands should be marked as no build areas.

10. The Wildfire Mitigation Plan is inadequate. See the requirements in Title 10.

**ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Floodplain Map
- Map with Nearby Subdivisions
- Assessor Plat – T.16N R.4E Sec. 29
- Preliminary Plat
- ROS 8-64
- Easement # 272643
- Pictures Taken July 14, 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 final plat shall be recorded within two years or this permit will be null and void.

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 have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.

6. Roads shall be constructed in accordance with the Valley County Private Road standards. The Valley County Engineer shall review and approve construction drawings prior to development.

7. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.

8. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.

9. Must bury conduit for fiber optics with utilities.

10. A Declaration of Installation of Utilities shall be placed on the face of the plat if all utilities are not in place at the time of recordation.

11. A letter of approval is required from Donnelly Rural Fire District prior to recording the final plat. This approval will also be approval of the Wildfire Mitigation plan.

12. CCR's should address lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.

13. All lighting must comply with the Valley County Lighting Ordinance.

14. A letter from the Gold Fork Irrigation District is required stating they have no concerns with this proposal.

15. Shall place addressing numbers at each driveway and each residence.

16. All lots should have access off the private road, not Old State Road.

17. Shall file a CLOMR before any work being done on-site. Shall obtain a LOMR prior to recordation of the plat.

18. The following note shall be placed in the notes on the face of the final plat:
    "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

**END OF STAFF REPORT**

## Compatibility Questions and Evaluation

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 ($^1/_2$) of the adjacent uses and one-fourth ($^1/_4$) 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 | +2 | -1 | -2 | -1 | +1 | +2 | +2 | 1 |
| 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 | 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 | 3 |
| 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 | 4 |
| 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 | 5 |
| 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 | 6 |
| 7. P.U.D., RES. | -2 | +1 | +1 | +1 | +2 | +2 | | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 | 7 |
| 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 | 8 |
| 9. FRAT or GOV'T | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | | +1 | -1 | +2 | -2 | -1 | -1 | +1 | +1 | +1 | +1 | -1 | +1 | -2 | -2 | 9 |
| 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 | +2 | +2 | 10 |
| 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 | 11 |
| 12. CEMETERY | +2 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +1 | +1 | 12 |
| 13. LANDFILL or SWR. PLANT | +1 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -1 | -1 | +1 | | -1 | -1 | -2 | -2 | -2 | -2 | -1 | +2 | +2 | +2 | 13 |
| 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 | 14 |
| 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 | 15 |
| 16. NEIGHBORHOOD BUS. | -1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +1 | +1 | +1 | +1 | -2 | +1 | -2 | | +1 | +2 | +2 | +1 | +2 | -1 | -1 | 16 |
| 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 | 17 |
| 18. SERV. BUS. | -1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | +2 | +1 | | +2 | +2 | | +1 | +1 | 21 |
| 19. AREA BUS. | -2 | -1 | -1 | -1 | -1 | -1 | -1 | +1 | +1 | +1 | +1 | +1 | -2 | +1 | -2 | +2 | -1 | +2 | | +1 | +2 | -2 | -2 | 19 |
| 20. REC. BUS. | -2 | +2 | +2 | +1 | +1 | +1 | +1 | -1 | -1 | +1 | +1 | +1 | -1 | +2 | -2 | +1 | +1 | +2 | +1 | | +2 | -2 | +1 | 20 |
| 21. LIGHT IND. | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | +2 | +1 | +2 | +2 | +2 | | +1 | +1 | 21 |
| 22. HEAVY IND. | +2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | +2 | -1 | +1 | +2 | -1 | -1 | -1 | -2 | -1 | -2 | -2 | +1 | | +2 | 22 |
| 23. EXTR. IND. | +2 | -2 | -2 | -2 | -2 | -2 | -2 | -1 | -2 | +2 | +1 | +1 | +2 | +1 | +1 | -1 | -2 | -1 | -2 | +1 | +1 | +2 | | 23 |

THE SOLID SQUARES AS +2

## Compatibility Questions and Evaluation

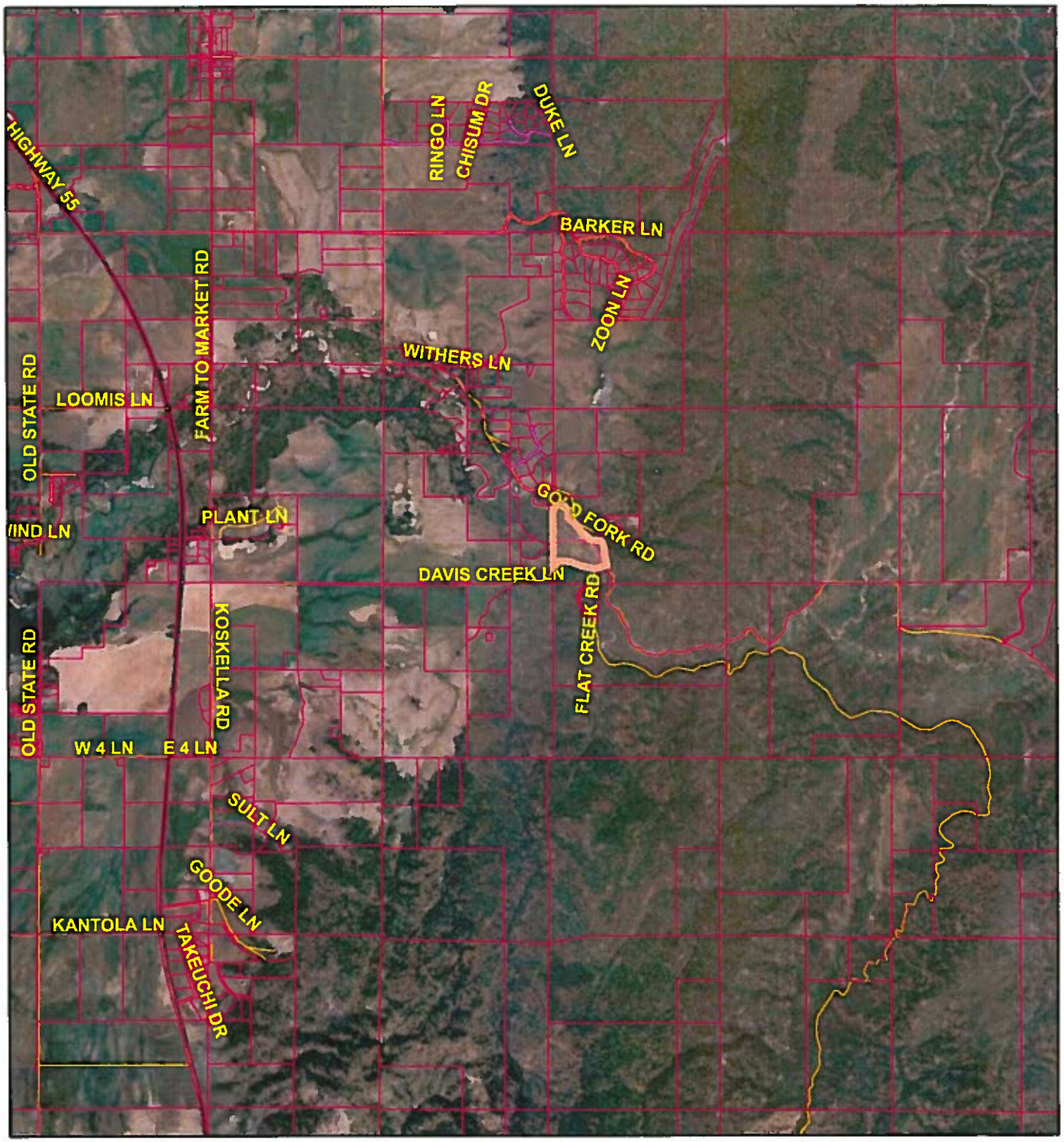
Matrix Line # / Use: 3

Prepared by: _____

| 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? Agricultural |
| (+2/-2) | +2 X 2 | +4 | 2. Is the proposed use compatible with the other adjacent land uses (total and average)? S. F. Residential |
| (+2/-2) | +1 X 1 | +1 | 3. Is the proposed use generally compatible with the overall land use in the local vicinity? See 1 & 2 w/ S.F. Subdivision |
| | | | *Site Specific Evaluation (Impacts and Proposed Mitigation)* |
| (+2/-2) | +2 X 3 | +6 | 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, large with trees |
| (+2/-2) | +2 X 1 | +2 | 5. Is the size or scale of proposed lots and/or structures similar to adjacent ones? Yes - subdivisions in area |
| (+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) | +1 X 2 | +2 | 8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas? Yes - some impact |
| (+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? ↑ Taxes / Housing |
| Sub-Total | (+) | 27 | |
| Sub-Total | (--) | 4 | |
| Total Score | | +23 | |

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. 21-20 Gold Fork River Estates

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0 0.5 1 2 km

Parcel Boundaries

All Road Labels

Roads

MAJOR

MINOR COLLECTOR

COLLECTOR

URBAN/RURAL

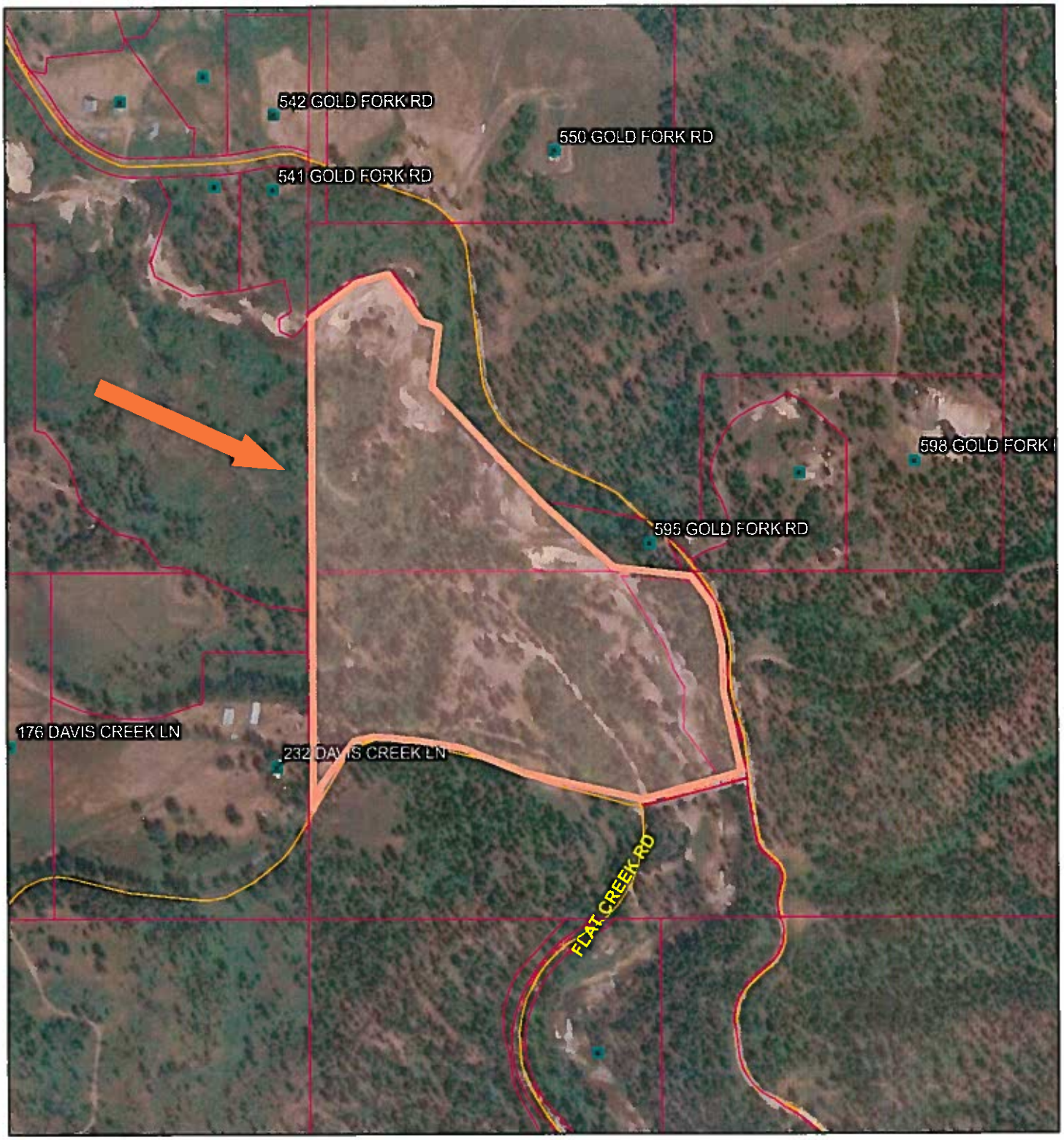
PRIVATE

Earthstar Geographics

Web AppBuilder for ArcGIS

Earthstar Geographics | Valley County IT | Idaho Department of Water Resources | Valley County GIS

# C.U.P. 21-20 Gold Fork River Estates




7/2/2021, 11:42:48 AM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Parcel Boundaries

Addresses

All Road Labels

Roads

MINOR COLLECTOR

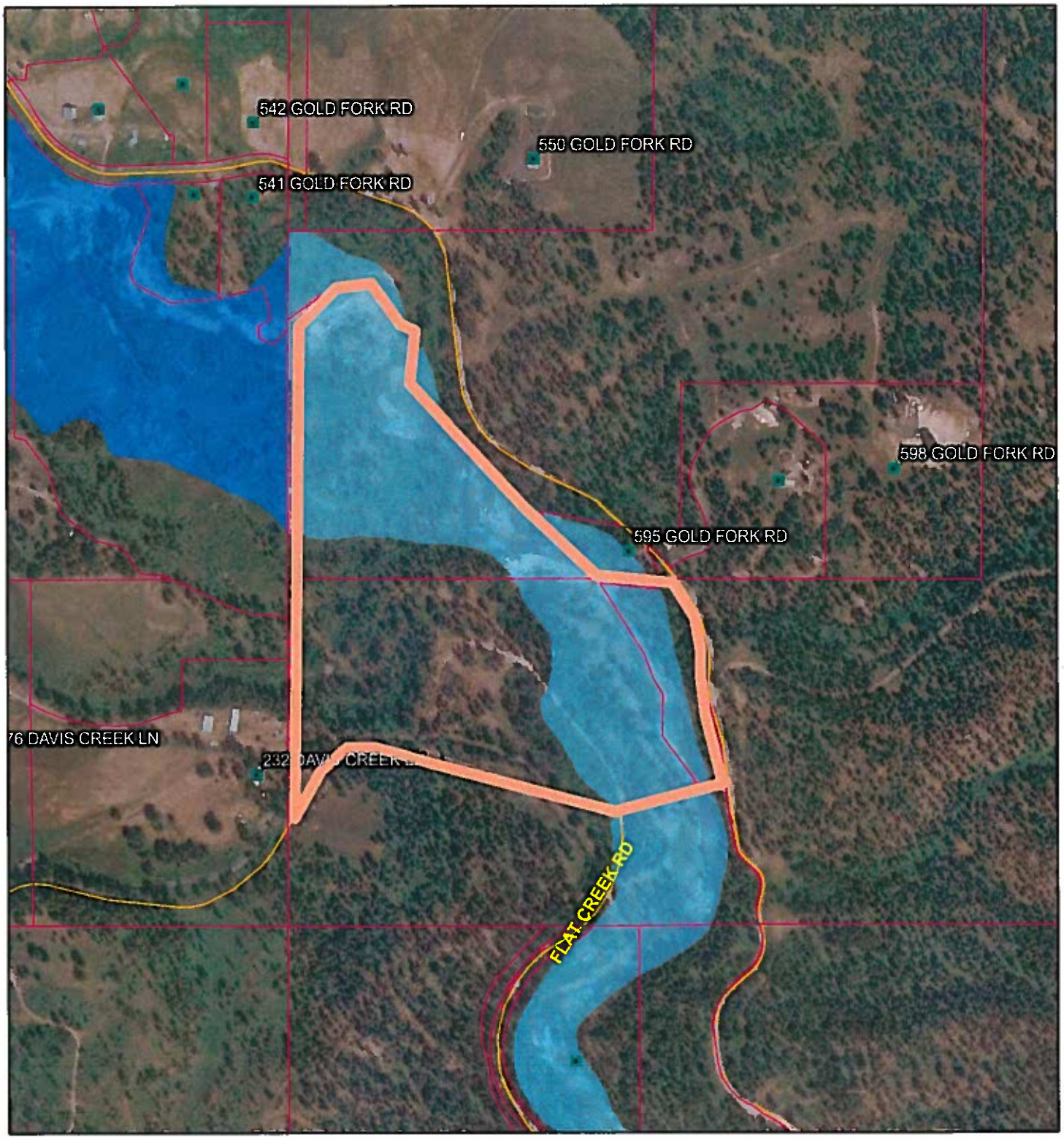
URBAN/RURAL

Maxar

Web AppBuilder for ArcGIS

Maxar | Valley County IT | Idaho Department of Water Resources | Valley County GIS

# C.U.P. 21-20 with Floodplain Map




7/16/2021, 9:46:51 AM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Floodplain

- A (1% Annual Chance, 100-Year)
- AE (1% Annual Chance, 100-Year)
- Floodway (1% Annual Chance, 100-Year)
- 500-Year Floodplain (0.2% Annual Chance)
- Parcel Boundaries

- Addresses
- All Road Labels

Roads

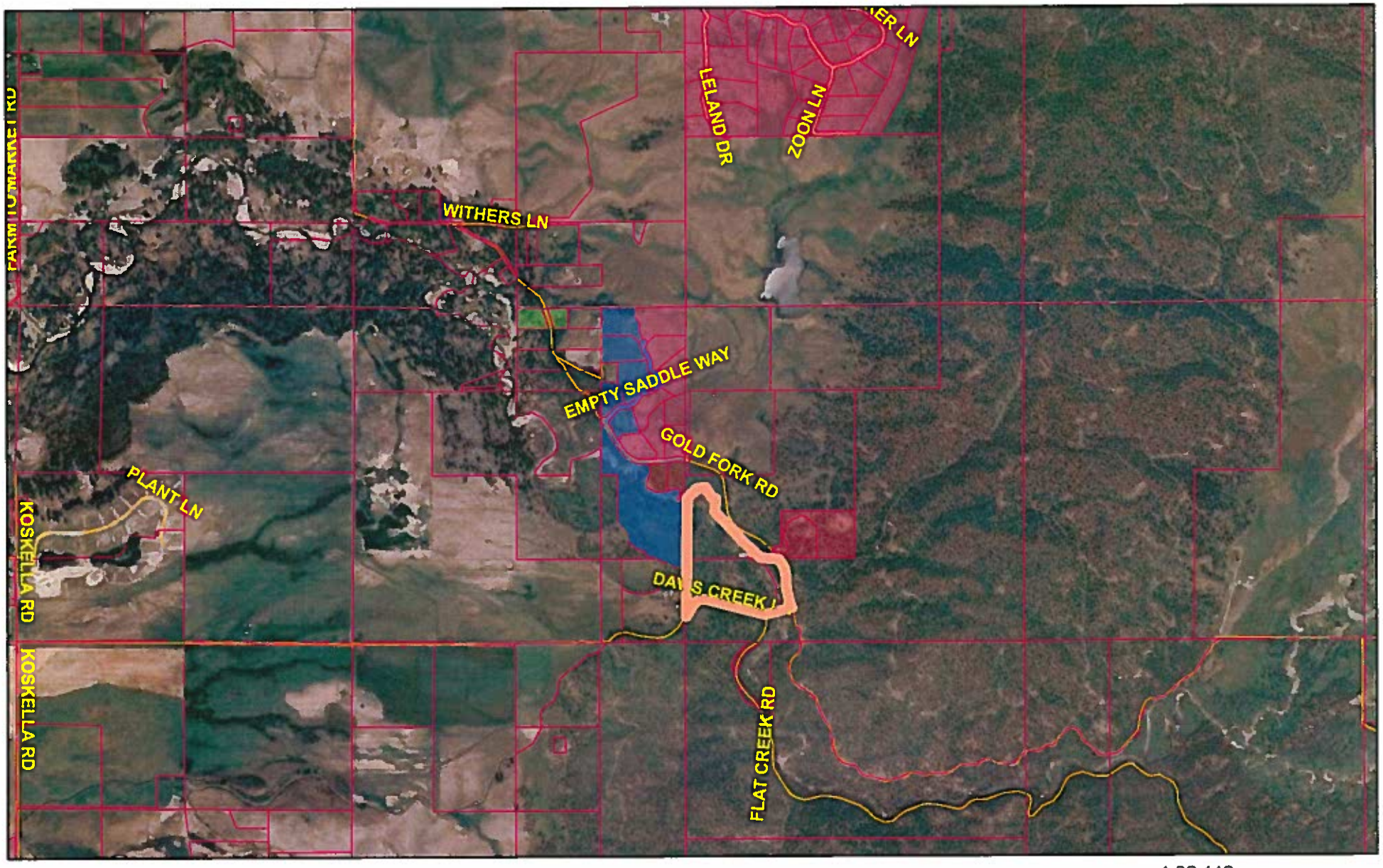
- MINOR COLLECTOR
- URBAN/RURAL

Valley County IT, Maxar

Web AppBuilder for ArcGIS

Maxar | Valley County IT | Idaho Department of Water Resources | Valley County GIS

# C.U.P. 21-20 - Nearby Subdivisions




7/16/2021, 10:01:05 AM

1:36,112

0 0.2 0.4 0.8 mi

0 0.35 0.7 1.4 km

Parcel Boundaries

All Road Labels

Roads

MINOR COLLECTOR

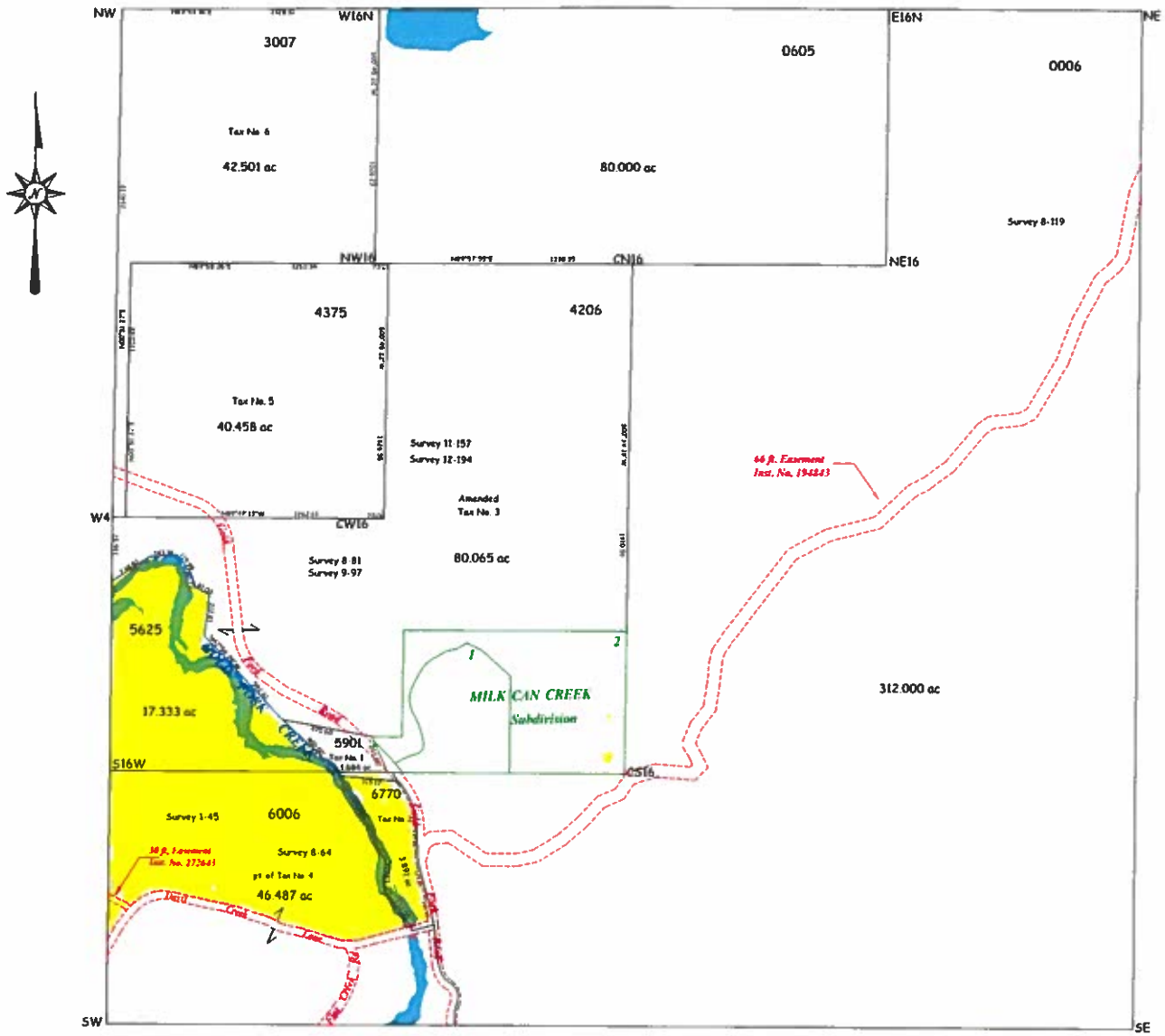
COLLECTOR

URBAN/RURAL

PRIVATE

Maxar

Web AppBuilder for ArcGIS




PLAT TITLE

TWP. 16N R04E SEC. 29

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

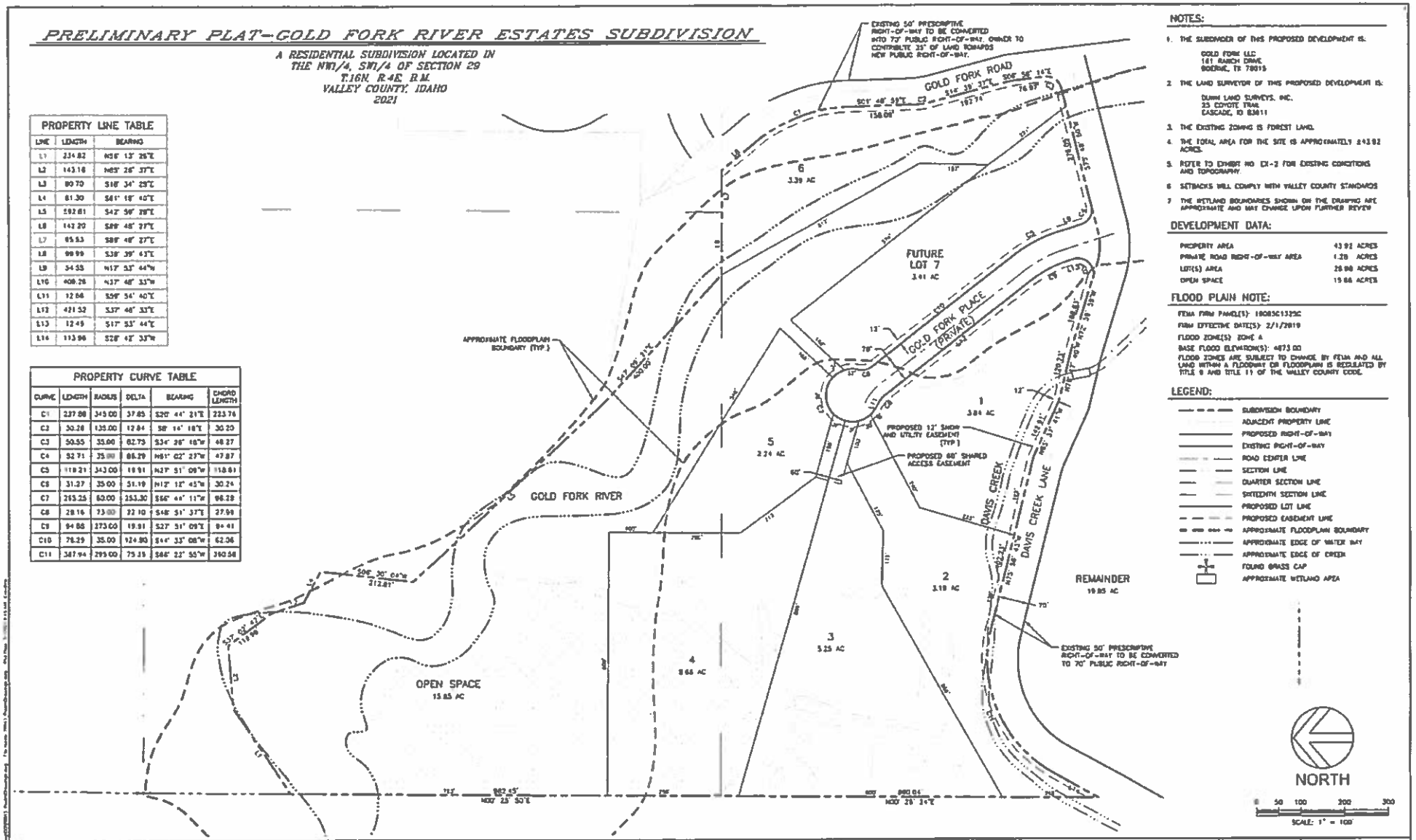
Filename: H:\sprobst\Valley County Base Map
Scale: 1" = 400 ft.
Date: 12/15/17
Drawn by: L Frederick

# PRELIMINARY PLAT–GOLD FORK RIVER ESTATES SUBDIVISION

*A RESIDENTIAL SUBDIVISION LOCATED IN THE NW1/4, SW1/4 OF SECTION 29 T.16N. R.4E. B.M. VALLEY COUNTY, IDAHO 2021*

| PROPERTY LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | BEARING |
| L1 | 234.82 | N56° 13' 26"E |
| L2 | 143.16 | N65° 28' 37"E |
| L3 | 90.70 | S16° 34' 23"E |
| L4 | 81.30 | S61° 18' 40"E |
| L5 | 292.81 | S42° 56' 28"E |
| L6 | 143.20 | S89° 48' 27"E |
| L7 | 85.53 | S89° 48' 27"E |
| L8 | 99.99 | S38° 39' 43"E |
| L9 | 54.55 | N17° 53' 44"W |
| L10 | 408.26 | N37° 48' 33"W |
| L11 | 12.66 | S59° 54' 40"E |
| L12 | 421.52 | S37° 48' 33"E |
| L13 | 12.45 | S17° 53' 44"E |
| L14 | 113.96 | S28° 42' 33"W |

| PROPERTY CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | BEARING | CHORD LENGTH |
| C1 | 237.88 | 343.00 | 37.85 | S20° 44' 21"E | 233.76 |
| C2 | 30.28 | 135.00 | 12.84 | S8° 14' 18"E | 30.20 |
| C3 | 50.55 | 35.00 | 82.73 | S34° 26' 18"W | 46.27 |
| C4 | 52.71 | 35.00 | 86.29 | N61° 02' 27"W | 47.87 |
| C5 | 119.21 | 343.00 | 19.91 | N27° 51' 09"W | 118.61 |
| C6 | 31.27 | 35.00 | 51.19 | N12° 12' 45"W | 30.24 |
| C7 | 265.25 | 60.00 | 253.30 | S66° 44' 11"W | 96.28 |
| C8 | 28.16 | 73.00 | 22.10 | S48° 51' 37"E | 27.98 |
| C9 | 94.86 | 273.00 | 19.91 | S27° 51' 09"E | 94.41 |
| C10 | 76.29 | 35.00 | 124.90 | S44° 33' 08"W | 62.06 |
| C11 | 387.94 | 295.00 | 75.35 | S66° 22' 55"W | 360.58 |




## NOTES:

1. THE SUBDIVIDER OF THIS PROPOSED DEVELOPMENT IS:

   GOLD FORK LLC
   181 RANCH DRIVE
   BOERNE, TX 78015

2. THE LAND SURVEYOR OF THIS PROPOSED DEVELOPMENT IS:

   DUNN LAND SURVEYS, INC.
   23 COYOTE TRAIL
   CASCADE, ID 83611

3. THE EXISTING ZONING IS FOREST LAND.
4. THE TOTAL AREA FOR THE SITE IS APPROXIMATELY 43.92 ACRES.
5. REFER TO EXHIBIT NO. EX-2 FOR EXISTING CONDITIONS AND TOPOGRAPHY.
6. SETBACKS WILL COMPLY WITH VALLEY COUNTY STANDARDS
7. THE WETLAND BOUNDARIES SHOWN ON THE DRAWING ARE APPROXIMATE AND MAY CHANGE UPON FURTHER REVIEW

## DEVELOPMENT DATA:

| | |
|---|---|
| PROPERTY AREA | 43.92 ACRES |
| PRIVATE ROAD RIGHT-OF-WAY AREA | 1.28 ACRES |
| LOT(S) AREA | 26.98 ACRES |
| OPEN SPACE | 15.66 ACRES |

## FLOOD PLAIN NOTE:

FEMA FIRM PANEL(S): 16085C1325C
FIRM EFFECTIVE DATE(S): 2/1/2019
FLOOD ZONE(S): ZONE A
BASE FLOOD ELEVATION(S): 4873.00
FLOOD ZONES ARE SUBJECT TO CHANGE BY FEMA AND ALL LAND WITHIN A FLOODWAY OR FLOODPLAIN IS REGULATED BY TITLE 9 AND TITLE 11 OF THE VALLEY COUNTY CODE.

## LEGEND:

- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY LINE
- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- ROAD CENTER LINE
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- PROPOSED LOT LINE
- PROPOSED EASEMENT LINE
- APPROXIMATE FLOODPLAIN BOUNDARY
- APPROXIMATE EDGE OF WATER WAY
- APPROXIMATE EDGE OF CREEK
- FOUND BRASS CAP
- APPROXIMATE WETLAND AREA

| NO | REVISION | BY | DATE |
|---|---|---|---|
| | | | |

DESIGN: CTT
DRAWN: AMO
CHECKED: CTT
APPROVED: CTT


CRESTLINE ENGINEERS
323 DEINHARD LANE, SUITE C PO BOX 2330
McCALL, IDAHO 83638
208 634 4140 208 634 4146 FAX


GOLD FORK RIVER ESTATES SUBDIVISON
VALLEY COUNTY, IDAHO
PRELIMINARY PLAT

VERIFY SCALE

PROJECT: 20041
DATE: 6/30/2021
DRAWING NO: EX-1
SHEET NO: 1 OF 4

Book 8, Page 64
of Records of Surveys.

Instrument No. _____.

Instrument # 285178
VALLEY COUNTY, CASCADE, IDAHO
2004-07-15 09:39:52 No. of Pages: 1
Recorded for FILED
LELAND G. HEINRICH Fee: 5.00
Ex-Officio Recorder Deputy
Index to: RECORD OF SURVEY

RECORDERS STAMP

CURVE TABLE

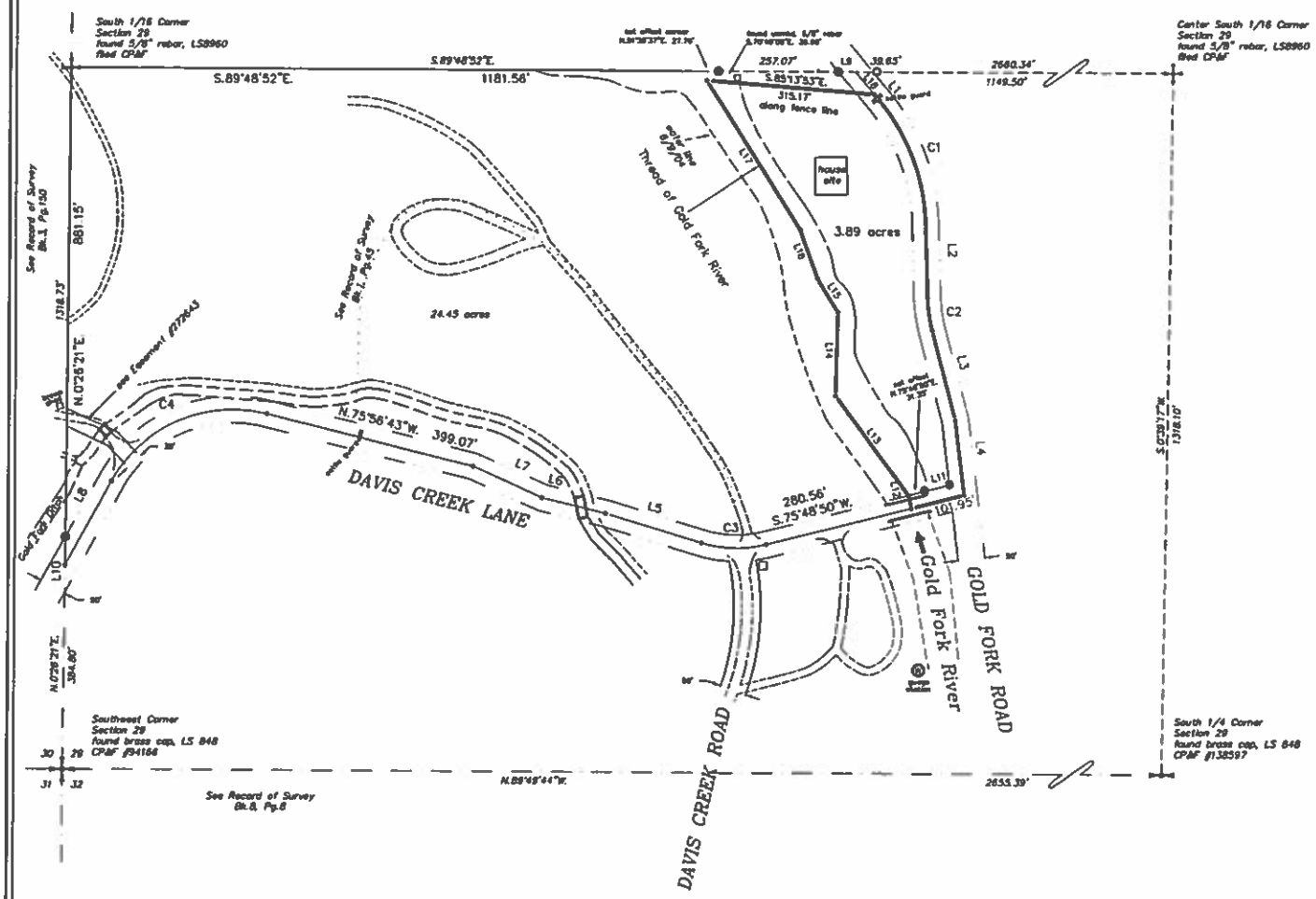
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING | DELTA |
|---|---|---|---|---|---|---|
| C1 | 380.00' | 251.00' | 130.27' | 246.46' | S20°44'21"E | 37°50'44" |
| C2 | 280.00' | 62.77' | 31.52' | 62.64' | S8°14'18"E | 12°50'38" |
| C3 | 225.00' | 122.47' | 62.79' | 120.96' | N88°35'35"W | 31°11'10" |
| C4 | 260.00' | 341.91' | 200.75' | 317.60' | S66°22'55"W | 75°20'43" |

LINE TABLE

| LINE | DIRECTION | DISTANCE |
|---|---|---|
| L1 | S39°39'43"E | 15.67' |
| L2 | S1°48'59"E | 137.63' |
| L3 | S14°39'37"E | 174.84' |
| L4 | S6°56'14"E | 140.99' |
| L5 | N72°59'59"W | 187.93' |
| L6 | N76°17'40"W | 122.99' |
| L7 | N65°37'41"W | 143.02' |
| L8 | S28°42'33"W | 179.06' |
| L9 | S89°48'52"E | 32.56' |
| L10 | N0°26'21"E | 52.78' |

LINE TABLE

| LINE | DIRECTION | DISTANCE |
|---|---|---|
| L18 | N.39°39'43"W. | 55.35' |
| North ROW Davis Creek Lane | | |
| L11 | S75°48'50"W | 79.18' |
| Thread of Gold Fork River | | |
| L12 | N12°28'50"W | 25.01' |
| L13 | N36°30'25"W | 232.05' |
| L14 | N1°24'54"E | 157.13' |
| L15 | N31°37'12"W | 74.01' |
| L16 | N19°53'38"W | 96.93' |
| L17 | N32°04'58"W | 330.94' |




# RECORD OF SURVEY
situate in the
S 1/2 SW 1/4,
Sec. 29, T.16N., R.4E., B.M.,
Valley County, Idaho
for

## *MARK HAWKINS*

by Russell Surveying & GIS, Inc.
McCall ~ Idaho
July 2004.

SCALE: 1" = 150'
Bearings based on State Plane Grid

LEGEND

- ● = Set 5/8"x30" rebar, marked LS 6021
- ○ = found 5/8" rebar mkd. LS 8960
- = found Section, 1/4, or 1/16 Corner
- • = point not monumented
- ▫ = found unmarked 5/8" rebar
- = Various Bridges
- ▫ = Underground phone pedestal

DRAWN: JRussell DATE: 7/6/04 SHEET: 1 of 1
REVISED: 7/12-14/04 JER
RSI #4-75 (4-90, 3-89) Drawing 4-75F.dwg
(C) GFI\Bridge2 MAP John Russell 2004 All Rights Reserved

SURVEY NOTES:
Survey was performed with Trimble 5800 RTK-GPS units, and Nikon 1" Total Station. Control was established using NGS CORS corrections on multiple observation days. Coordinates are translated and elevated to ground from the projection origin at (0 N., 2,624,666.667 E., usft) using a Combined Factor of 1.00030209. Bearings are based on State Plane Grid, elevations are at ground level, using Geoid99 model, with comparison to local benchmarks.

*I, John Russell, Idaho Professional Land Surveyor #6021, do hereby certify that this plat was prepared from notes taken during an actual survey made by me in June & July 2004, and that it correctly represents the points, courses, and distances as recorded in said field notes.*

PROFESSIONAL LAND SURVEYOR REGISTERED 6021 STATE OF IDAHO JOHN RUSSELL

**Instrument # 272643**
VALLEY COUNTY, CASCADE, IDAHO
2003-06-11 09:11:29 No. of Pages: 4
Recorded for : BOISE CASCADE
LELAND G. HEINRICH Fee: 12.00
Ex-Officio Recorder Deputy
Index to: EASEMENT

# EASEMENT

THIS EASEMENT is dated this 28th day of May 2003, from BOISE CASCADE CORPORATION, a Delaware corporation ("Grantor"), to THE LAUREL AND GLADYS HANSEN ESTATE, "Grantee").

W I T N E S S E T H:

Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and aluable consideration, receipt, and legal sufficiency of which is hereby acknowledged, does hereby grant to Grantee, its heirs, successors, and assigns a nonexclusive Easement, 30 feet in width ("Easement"), over lands in the county of Valley, state of Idaho, more particularly described as:

> This easement is situated in the SW1/4, SW1/4, of Section 29, Township 16 North, Range 4 East of the Boise Meridian, Valley County, Idaho, lying 15.00 feet each side of the following described centerline.
>
> COMMENCING at the southwest corner of said SW1/4, SW1/4;
>
> Thence North 00° 15' 53" East along the west boundary of said SW1/4, SW1/4 a distance of 661.46 feet to a point on the centerline of an existing dirt road, said point being the TRUE POINT OF BEGINNING;
>
> Thence South 64° 48' 13" East along said centerline a distance of 95.75 feet.
>
> Thence South 43° 34' 32" East along said centerline a distance of 48.67 feet to a point on the centerline of Davis Road as it now exists, said point being the POINT OF TERMINUS.

This Easement is subject to existing easements and to all claims, encumbrances, reservations, and restrictions of record.

1. This Easement is made subject to the following terms, provisions, and conditions applicable to Grantee, its successors and assigns:

a. Except as herein limited, Grantee shall have the right to construct, reconstruct, use, and maintain a road over the Easement for access to ("Grantee's lands"). Grantee may use the road over the Easement only for traffic and transportation and for no other purpose whatever.

This Easement shall be subject to traffic control and other regulations promulgated by Grantor from time to time, including the right of Grantor to close the road during periods of high fire danger or soft road conditions, provided Grantor shall also have suspended its operation in the area of the Easement. Grantee shall comply with all federal, state, and local laws, rules, and regulations applicable to the conduct of the Grantee on the Easement.

b. The term of this Easement shall be perpetual.

c. The costs of road maintenance shall be allocated on the basis of the respective users of the road; provided, however, during periods when either party uses the road or

Grantee permits use of the road by others, the party so using or permitting such use shall perform or cause to be performed, or shall contribute or cause to be contributed, the share of maintenance occasioned by such use of the road. In the event Grantee or any third party using the Easement with the consent or permission of Grantee shall damage the road or other improvements on the Easement beyond that occasioned by normal use and repaired by normal maintenance, then Grantee shall, at its sole cost and expense, cause such damage to be repaired. Grantor shall have no obligation to repair or maintain the road during periods when the road is not being used by Grantor. Unless the parties hereto agree in writing to share the cost of improvements in advance of such improvements being made, such improvements shall be solely for the account of the improver.

d. Grantee agrees to indemnify and hold Grantor harmless and, at Grantee's expense, to defend Grantor from and against any claim, legal action, loss, cost, expense, or liability on account of personal injury to or death of any person, including but not limited to employees of Grantor, or damage to or destruction of any property, including but not limited to property of Grantor, or any fire resulting from or arising out of, partly or wholly, directly or indirectly, the existence of or the Grantee's exercise of the rights herein granted; provided, however, Grantee's undertaking herein contained shall not be construed as covering personal injury to or death of persons, or damage to or destruction of property, resulting from the sole negligence of Grantor.

e. Grantee may permit third parties to exercise the rights of Grantee under this Easement to the extent such use by third parties is consistent with and limited to the purposes for which this Easement has been granted and provided that such third party shall comply with all terms and conditions of this Easement. Grantee shall be responsible for all acts and omissions of its permittees as if such acts and omissions were the acts and omissions of Grantee. Grantee shall notify Grantor of any contemplated use of the road over the Easement for the purpose of hauling timber or other materials at least 15 days prior to the commencement of such use, specifying the approximate dates when such use will begin and end and of the approximate volumes of forest products or other materials to be hauled. Upon completion of each use, Grantee shall notify Grantor thereof.

f. Grantee shall, at any and all times during which it desires to use the road for commercial or heavy hauling purposes, at its own cost and expense, maintain in full force and effect a policy of comprehensive general liability insurance with a combined single limit of not less than $2,000,000 for bodily injury and property damage and a comprehensive automobile liability insurance policy providing coverage for owned, nonowned, and hired automobiles, with bodily injury limits of not less than $1,000,000 per person and $2,000,000 per occurrence and a property damage limit of not less than $2,000,000 per occurrence. If Grantor so requests, a certificate of such insurance shall be delivered to Grantor and Grantor shall be named on said policies as an additional insured as respects the Easement. The certificate shall also contain provisions for a ten-day notice prior to cancellation, reduction in coverage or other material change in said policies.

g. This Easement shall be deemed appurtenant to and not transferable separate from Grantee's lands designated above. Notwithstanding anything to the contrary contained herein, should Grantee's lands be subdivided into two or more ownerships, whether by operation of law or otherwise, this Easement shall continue in effect only with respect to the largest remaining parcel, or in the event all parcels are of equal size, then with respect to only one of said parcels as shall be designated by Grantor at any time after said subdivision.

2. This Easement is granted subject to the following reservations by Grantor for itself, its permittees, contractors, assigns and successors in interest:

a. The right, without cost, to cross and recross the Easement and the road at any place along said road by any reasonable means and to use the Easement for any other purpose deemed necessary or desirable by Grantor, including, without limitation, to use the Easement in connection with the protection, administration, management, and utilization of Grantor's lands or resources now or hereafter owned or controlled by it. Grantor shall have the right to unrestricted use of the road for the purpose of operating and moving specialized logging vehicles or other equipment. Grantor may assign all or any part of its rights herein to third parties or permit third parties to exercise the rights of Grantor herein.

b. The right to all timber now or hereafter located or growing upon the Easement, subject to Grantee's right to cut such timber. Grantee shall have the right, subject to the prior approval of Grantor, to cut timber upon the Easement to the extent necessary for constructing, reconstructing, and maintaining the road. Timber so cut, unless otherwise agreed to, shall be cut into logs of lengths specified by Grantor (but not less than eight-foot lengths) and decked along the road for disposal by Grantor.

c. The right to require any user of the road for commercial or heavy hauling purposes to post security guaranteeing performance of such user's obligations with respect to maintenance of the road and with respect to payment of any charges hereinbefore stated as payable to Grantor for use of the road.

d. Grantor's failure to exercise any of its rights under this Easement shall not be deemed a waiver of such rights, and in the event of subsequent or continuing defaults by Grantee, Grantor shall have the right to exercise any of its rights herein.

IN WITNESS WHEREOF, the parties hereof have executed this instrument on the day and year first hereinabove written.

GRANTOR:
BOISE CASCADE CORPORATION

By _____
SENIOR Vice-President

GRANTEE:
THE LAUREL AND GLADYS HANSEN ESTATE

By: _____
Kenneth Hansen, Personal Representative
P.O. Box 218
536 Gold Fork
Donnelly, Idaho 83615

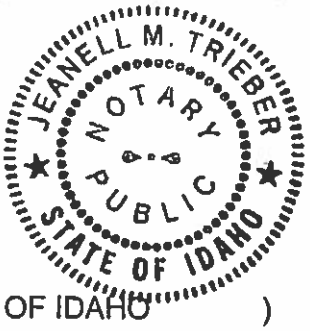
{W:\WDOX\BUILDING\299008:0006:00035660}

00035660

STATE OF IDAHO )
) ss.
COUNTY OF ADA )

On this 28th day of May 2003, before me, the undersigned, a notary public in and for said state, personally appeared Stanley Bell, known to me to be the Senior Vice President of Boise Cascade Corporation, a Delaware corporation, that executed the above instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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




Notary Public for Idaho
Residing at Boise
My Commission expires 10/1/03

STATE OF IDAHO )
) ss.
COUNTY OF VALLEY )

On this 11TH day of June, 2003, before me, the undersigned, a notary public in and for said state, personally appeared Kenneth Hansen, Personal Representative for The Laurel and Gladys Estate, that executed the above instrument on behalf of said Estate and acknowledged to me that said Estate executed the same.

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

Notary Public for
Residing at:
My Commission expires: 3/8/05

{W:\WDOX\BUILDING\299008:0006:00035660}

00035660

07/14/2021

07/14/2021

PUBLIC
NOTICE
07/14/2021

## Re: proposed names - CUP 21-20

Kelly Copperi <ktaylor@co.valley.id.us>
Sat 7/3/2021 12:19 PM
**To:** Lori Hunter <lhunter@co.valley.id.us>; Laurie Frederick <lfrederick@co.valley.id.us>

Gold Fork Place I'm really not to hip on because Gold Fork Rd is so prevalent and it's used all the time, if it was off of gold fork I would be more comfortable with it. I strongly feel it would get confused with Gold Fork Rd with emergency responders.

Sgt. Kelly Copperi
Valley County Sheriff's Office
Communications Supervisor
Office: 208-382-5160
Cell: 208-630-3566

---

**From:** Lori Hunter <lhunter@co.valley.id.us>
**Sent:** Friday, July 2, 2021 10:53
**To:** Laurie Frederick <lfrederick@co.valley.id.us>; Kelly Copperi <ktaylor@co.valley.id.us>
**Subject:** proposed names - CUP 21-20

Your thoughts on proposed names?

Proposed subdivision name = Gold Fork River Estates
Proposed road name = Gold Fork Place (off of Davis Creek Lane)

we already have accepted:

Gold Fork Bay Village (to be recorded in July 2021)
Gold Fork River Ranch

Gold Fork Bay Circle (private) in Gold Fork Bay Village
Gold Fork Lookout Road - USFS
Gold Fork Loop (private) - proposed Gold Fork River Ranch
Gold Fork Meadow Road - USFS

Lori Hunter, P&Z Technician
Valley County Planning & Zoning Dept.
Phone: 208-382-7115
Fax: 208-382-7119
lhunter@co.valley.id.us
The smallest good deed is greater than the grandest intention.
Visit the P&Z GIS map at www.co.valley.id.us/departments/information-technology/gis-maps/

**STATE OF IDAHO**
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

July 22, 2021

By e-mail: cherrick@co.valley.id.us

Valley County Planning & Zoning Commission
P.O. Box 1350
219 N Main St.
Cascade, Idaho 83611-1350

Subject: Gold Fork River Estates Subdivision, CUP 21-20

Dear Ms. Herrick

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. **AIR QUALITY**

   - Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

   - All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

   - DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

**2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

  For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

**3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: https://www.deq.idaho.gov/water-quality/drinking-water/. For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

  For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. **SURFACE WATER**

- Please contact DEQ to determine whether this project will require an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

  For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

## 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

  For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/ for assistance.

- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Aaron Scheff

Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK139

**Valley Soil & Water Conservation District**
P.O. Box 580
Cascade, Idaho 83611
Phone: (208) 382-3317

August 5, 2021

Valley Soil Water Conservation District would like to express several concerns regarding C.U.P. 21-20 Gold Fork River Estates proposal for 6-7 lots on Sec. 29 T16N R4E property. There is currently an active IDEQ TMDL written for Gold Fork River addressing sediment, phosphorus nutrients, and temperature changes. Hundreds of thousands of taxpayer dollars have gone to mitigate further degradation of Lake Cascade and its tributaries.

Gold Fork River flows through three parcels within this proposed subdivision. This water body has a TMDL in place for phosphorus/nutrient levels from sediment loading as well as temperature. This waterbody is a large tributary to Lake Cascade and as such, is important to ensure prescribed water temperature, phosphorus/nutrients, and sediment do not rise above levels set by the IDEQ designated TMDL. This waterbody is well known for its' bank instability due to highly unstable granitic soils. The District has expended hundreds of thousands of dollars through 319 grants and other funds, plus uncountable hours of outreach in the North Fork Payette River drainage to reduce the amount of sediment and nutrients such as phosphorus reaching the streams that are tributaries to the North Fork Payette River and its lakes.

This subdivision as proposed has 3 lots (4,5,6) as well as future Lot 7 that are located at least partially in the approximate floodplain and/or riparian zone of the Gold Fork River. Additionally, a good portion of Gold Fork Place road, which is the main access to most of the lots is also located within the approximate floodplain and/or riparian zone. Encroachment on the riparian zone may affect the function or benefit of the riparian area to buffer the waterbody. This raises the concern of houses being constructed close to the floodplain or the riparian area of the Gold Fork River. The construction of buildings and driveways pose a risk of increased sediment reaching the river channel without appropriate mitigation measures such as silt fences, straw bales or etc. to minimize the risk of sediment movement.

Septic tanks will be necessary as there is no connection to an existing sewer system such as North Lake Sewer District. Septic tanks raise the concern of nutrients leaching into the ground and reaching the river unless they are appropriately designed, managed by routine pumping and consistently maintained. The proximity of the canal also raises concerns due to higher possible water table levels. Replacing riparian area with residential landscaping is also a concern in this area: what type of vegetation; will fertilizers be used that can leach into the river or be a wildfire risk to the structures. Finally, has there been any consideration for wildfire mitigation requirements on this forested property?

Given the existing Gold Fork TMDL, current outlook for Lake Cascade and the numerous concerns listed above, The Valley Soil & Water Conservation District opposes approval of CUP 21-20 as proposed at this time.

Respectfully yours,
Valley Soil & Water Conservation District Board of Supervisors

EXHIBIT 1
CUP 21-20
PZ 8-12-2021