

## Valley County Planning and Zoning

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



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

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<b>STAFF REPORT:</b>	C.U.P. 22-04 Curved Horn Ranch Subdivision - Preliminary Plat
<b>HEARING DATE:</b>	March 10, 2022
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT/OWNER:</b>	River Investments LLC 936 SE 1 <sup>st</sup> AVE #441 Miami FL 33130
<b>REPRESENTATIVE:</b>	Patrick Finnerty 5965 E Foxgrove DR Boise, ID 83716
<b>ENGINEER:</b>	Crestline Engineers P.O. Box 2330 McCall, ID 83638
<b>SURVEYOR:</b>	Secesh Engineering P.O. Box 70 McCall, ID 83638
<b>LOCATION:</b>	86 Johnson Lane RP18N03E299005 SESE Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho
<b>SIZE:</b>	20 acres
<b>REQUEST:</b>	Single-Family Residential Subdivision
<b>EXISTING LAND USE:</b>	Agricultural – Irrigated Grazing

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River Investments LLC is requesting a conditional use for an 8-lot single-family subdivision on 20 acres.

Proposed lot sizes range from 1.3 acres to 5.2 acres. Individual wells and individual septic systems are proposed. Two lots would access directly onto Johnson Lane and Norwood Road (public roads); six lots would access from a new private road onto Norwood Road. Two shared access driveways are proposed, accessing five lots.

Wetlands and drainage easements are shown on the site plan. The property does have water rights; an irrigation plan is being developed. The property is within the Lake Irrigation District.

A water storage tank for fire suppression is proposed and will be filled from an off-site source.

Road right-of-way would be dedicated for Norwood Road and Johnson Lane along the subdivision boundary.

The site is with the McCall Airport Traffic Pattern Area.

#### **FINDINGS:**

1. The application was submitted on January 24, 2022.
2. Legal notice was posted in the *Star News* on February 17, 2022, and February 24, 2022. Potentially affected agencies were notified on February 8, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent February 8, 2022. The site was posted on February 23, 2022. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 8, 2022.

The City of McCall Administrator, the Airport Manager, and Idaho Aeronautics were all sent the application for review.

3. Agency comment received:

Jeff McFadden, Road Department Superintendent, has approved a driveway approach of Johnson Lane. Johnson Lane is a gravel road at this location. The approach for the private road onto Norwood Road will have to be constructed in an area where visibility is the greatest. There are a couple of vertical curves on Norwood Road in that area where visibility could be an issue. Speed limit on Norwood Road is 45 miles per hour. (Feb. 11, 2022)

Central District Health requires application, test holes, engineering report, and groundwater monitoring. (Feb. 8, 2022.)

Garrett de Jong, McCall Fire & EMS, stated a 30,000-gallon water storage tank for fire protection. A wildland urban interface fire protection plan should be developed. (Feb. 18, 2022)

Lake Irrigation District stated that proposed site does have district water assigned. There are a number of requirements to be decided on and easements to provide. (Feb. 8, 2022)

Sgt. Kelly Copperi, Valley County Sheriff's Office Communications Supervisor, prefers the road name be Buffalo Place, not Buffalo Trail Lane. (Jan. 31, 2022)

Emily Hart, McCall Municipal Airport Manager, the proposed site is not in the Inner Critical Zone (ICZ). It is however in the Traffic Pattern Area, and therefore, can be allowed with conditions.

- Require additional soundproofing in the new construction.
- Require written notice to homeowners about the airport's existence, flight paths, and the possibility of noise generation.
- Require Form 7460-I Notice of Proposed Construction or Alteration be submitted.
- Attracting birds by improving wetlands should be allowed with conditions.
- A requirement for an Avigation Easement may be negotiated with the city of McCall.
- The McCall Municipal airport requests that the Commission consider enacting zoning restrictions within Valley County in the area within 5,000 feet south of the Runway 34 end. (Mar. 2, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Feb. 18, 2022)

4. Neighbor comment received: *none*

5. Physical characteristics of the site: Rolling Pastureland; Not Timbered
6. The surrounding land use and zoning includes:
  - North: Agricultural (Grazing), Single-family Residential parcels, C.U.P. 21-15 360° Ranch Subdivision
  - South: Agricultural and Single-family Residential
  - East: Single-family Residential Parcels
  - West: Agricultural (Grazing), Single-family Residential
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 and Title 10 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)
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- 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-2: ROADS AND DRIVEWAYS:**

- A. Roads For Public Dedication And Maintenance: Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".

- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

**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.

**9-5A-6: UTILITIES:**

- A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.
- D. Individual Septic Systems: If individual septic systems are proposed to show compliance with sewage disposal requirements in subsection A of this section, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.
- E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.
- F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (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.
- C. Frontage On Public Or Private Road: Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

**9-5C-6: DENSITY:**

- A. 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 or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. 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; amd. Ord. 20-12, 7-6-2020)

**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 section 5-7-2 of 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".

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#### **SUMMARY:**

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

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

#### **STAFF COMMENTS / QUESTIONS:**

1. This site is within the McCall Fire District, herd district, and the Lake Fork Irrigation District. This site is not in a designated floodplain.
2. Only Lots 1 and 2 should access from Johnson LN. No lots should access directly from Norwood RD. This should be on the face of the plat.
3. The private road needs to be a 70' right-of-way.
4. Buffalo Trail LN is not an acceptable road name.
5. Should the proposed private road right-of-way be continued to the west property line for future access?
6. Lot 5 needs to own the shared access easement used by Lots 5, 6, and 3 so there is 30' of frontage on a platted road.



7. Will access easements be constructed with the private road?
8. Why does the private road not have a culdesac or hammerhead? Have you thought of continuing road through to adjacent properties, or at least a right-of-way, for future circulation through the county?
9. Do you have an agreement with adjacent land owners for fence maintenance if they plan on continuing to allow grazing?
10. Are you dedicating 35' from center of road for Norwood RD and Johnson LN?
11. Will all utilities be underground? Will conduit be buried for fiber optics?
12. Where will the storage tank be located and who will maintain it?
13. What is the plan for the water rights? Have you had conversations with the Lake Fork Irrigation District? Should use surface water for irrigation at each building site.
14. Wetlands shall be designated on the final plat.
15. A note limiting each lot to one wood-burning device should be added to the plat.
16. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood-burning device. CCR's shall also address septic systems and long-term management of the septic systems as an education piece.
17. CCR's shall require additional soundproofing in new construction; and, require written notice to homeowners about the airport's existing flight paths, and possibility of noise impact.
18. CCR's shall require a Form 7460-1 Notice of Proposed Construction or Alteration be submitted by the developer of the subdivision for excavation and by each lot owner at the time of any building construction to be included in the building permit application to Idaho Transportation Department.
19. Shall record and reference in the notes on the face of the final plat an Airport Overlay Agreement that includes the following: Avigation Easement negotiated by the developer of the subdivision with the City of McCall that will apply to all future landowners with restrictions that do not go beyond the example from ITD Aeronautics, included in the record. This easement should detail height limitations on specific lots, along with the building envelopes, and be included in the CCR's. Lot owners should be directed to submit the easement with building permits. The City of McCall template avigation easements states the following:
  - *The Grantors agree that during the life of this easement, they will not construct, erect, suffer to permit or allow any structure or trees on the surface of the burdened property without approval of the City. The Grantors may not permit any places of public assembly or gatherings within the easement area. (Examples: churches, schools, day care facilities, hospitals, restaurants, stadiums, office buildings, etc.). The Grantors are permitted to continue to grow and harvest crops or graze livestock in the easement area*
  - *The Grantors agree to keep the easement area free of the following: structures (permanent or temporary) that might create glare or contain misleading lights; residences, fuel handling and storage facilities and smoke generating activities and creation of any means of electrical interference that could affect the movement of aircraft over the easement area.*

- *Grantors agree to waive all damages and claims for damages caused or alleged to be caused by the Grantors violation of any aspect of this easement document. City has a perpetual right of ingress/egress in the easement area and the right to remove any new structure or vegetation that is not specifically mentioned above as "accepted."*
- *Grantors agree to waive all damages and claims for damages caused or alleged to be caused by the Grantors violation of any aspect of this easement document. The City has a perpetual right of ingress/egress in the easement area and the right to remove any new structure or vegetation that is not specifically mentioned above as "accepted."*

20. Will you be creating ponds that will attract birds on-site?

#### **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Assessor Plat – T.18N R.3E Section 29
- Preliminary Plat
- Pictures Taken February 23, 2022
- 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. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
7. Must bury conduit for fiber optics in the roadway.
8. 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.

9. A letter of approval is required from McCall Fire District prior to recording the final plat.
10. Must have approval letter from Lake Fork Irrigation District.
11. Note on plat: "If requested by neighbors, must transport irrigation water through site into perpetuity, per Idaho Code.
12. Must show ditch easement(s) on the plat or alternative lines.
13. Wetlands must be shown on final plat.
14. All lighting must comply with the Valley County Lighting Ordinance.
15. A note shall be placed on the plat that states, "Lots shall not be split without a subdivision plat." no lots shall be reduced in size without
16. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, and limit each lot to one wood burning device.
17. CCR's shall require additional soundproofing in new construction; and, require written notice to homeowners about the airport's existing flight paths, and possibility of noise impact.
18. CCR's shall require a Form 7460-1 Notice of Proposed Construction or Alteration be submitted by the developer of the subdivision for excavation and by each lot owner at the time of any building construction to be included in the building permit application to Idaho Transportation Department.
19. Shall record and reference in the notes on the face of the final plat an Airport Overlay Agreement that includes the following: Avigation Easement negotiated by the developer of the subdivision with the City of McCall that will apply to all future landowners with restrictions that do not go beyond the example from ITD Aeronautics, included in the record. This easement should detail height limitations on specific lots, along with the building envelopes, and be included in the CCR's. Lot owners should be directed to submit the easement with building permits.
20. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
21. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
22. 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. AGRICULTURAL

#### 2. RESIDENCE, S.F.

#### 3. SUBDIVISION, S.F.

#### 4. MFL or R.V. PARK

#### 5. RESIDENCE, M.F.

#### 6. SUBDIVISION, M.F.

#### 7. P.U.D., RES.

#### 8. REL., EDUC & REHAB

#### 9. FRAT or GOVT

#### 10. PUBLIC UTIL. (1A-3.1)

#### 11. PUBLIC REC

#### 12. CEMETERY

#### 13. LANDFILL or SWR. PLANT

#### 14. PRIV. REC. (PER)

#### 15. PRIV. REC. (CON)

#### 16. NEIGHBORHOOD BUS.

#### 17. RESIDENCE BUS.

#### 18. SERV. BUS.

#### 19. AREA BUS.

#### 20. REC. BUS.

#### 21. LIGHT IND.

#### 22. HEAVY IND.

#### 23. EXTR. IND.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1		+2	-1	-2	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+2
2	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
11	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
12	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13	+1	-2	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14	+1	+1	+1	+1	+1	+1	+1	-1	-1		+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1		+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	+1	+1	+1	-2	-2
18	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+1	+2	+2		+1	+1
19	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	+2	-1	+2	+1	+2	-2	-2
20	-2	+2	+2	+1	+1	+1	+1	-1	-1	-1	+1	+1	-1	+2	-2	+1	+1	+2	+1	+2	+2	-2	+1
21	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+1	+2	+2		+1	+1
22	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1	+2	-1	-1	-1	-1	-2	-1	-2	-2	+1	+2
23	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-2	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2



# Compatibility Questions and Evaluation

Matrix Line # / Use: #3  
S.F. Subdivision

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

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

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

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 plus airport

Site Specific Evaluation (Impacts and Proposed Mitigation)

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

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

It is large enough, but there are no trees.

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

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

Yes - similar to other residential uses.

(+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 - S.F. residential

(+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 - S.F. residential

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

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

Yes - close proximity to McCall

(+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?

Will increase tax revenues

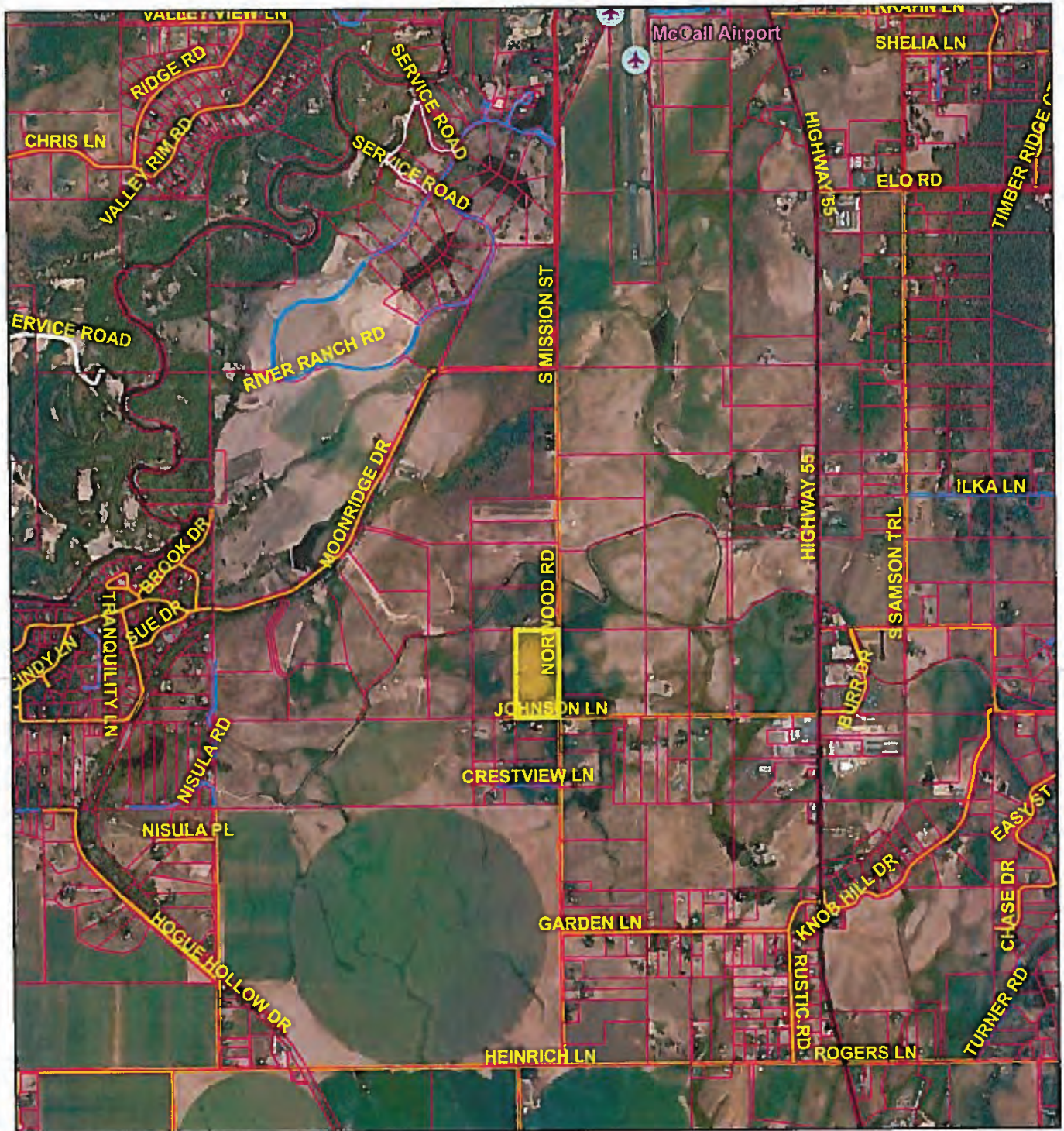
Sub-Total (+) 25

Sub-Total (--) 4

Total Score +21

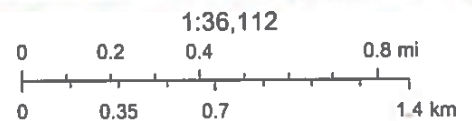
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

# C.U.P. 22-04 Curved Horn Ranch



1/26/2022, 9:51:15 AM

- Airstrips
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- OTHER



Maxar



## C.U.P. 22-04 Curved Horn Ranch



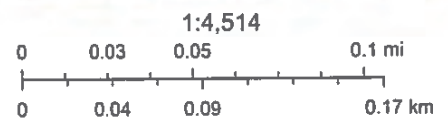
1/26/2022, 9:41:15 AM

Parcel Boundaries Roads

■ Addresses

— URBAN/RURAL

All Road Labels

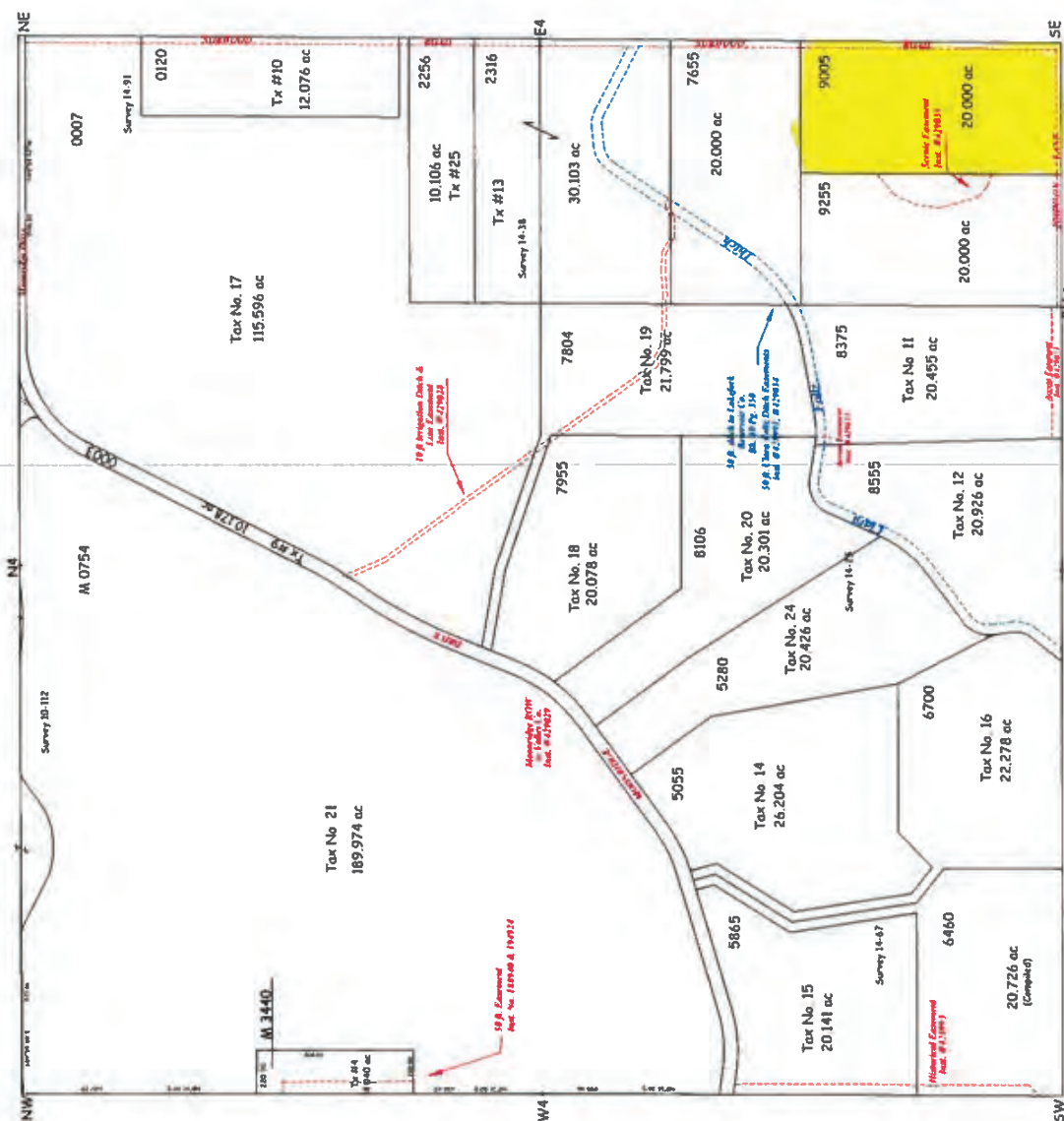


Maxar

TWP. 18N R03E SEC. 29

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

<b>Filename:</b>	<b>Valley County Base Map</b>
<b>Scale:</b>	<b>1" = 400 ft.</b>
<b>Date:</b>	<b>10/15/2021</b>
<b>Drawn by:</b>	<b>L. Frederick</b>



### *This Document is an for Fund for Submarine Research ONLY: The Contents Shall Remain Confidential for All Recipients in Confidential Manner*













CUP's

Jeff Mcfadden <jmcfadden@co.valley.id.us>

Fri 2/11/2022 9:53 AM

To: [REDACTED]

Cc: [REDACTED]

My thoughts and recommendations.

1. CUP 17-03 No comments
2. CUP 22-01 No comments
3. CUP 22-02 No comments
4. CUP 22-03 The driveway has already been approved and constructed in the last 5 years. Good visibility coming onto Warm Lake Highway. The pavement striping through that area is marked in both directions for passing ( dashed lines ). I would require some signage posted in both directions for "Turning Traffic Ahead". I would have to do some investigating to determine where these signs would be placed according to the MUTCD manual, or better yet, have them do the investigating for legal placement and have them installed. It is marked as a 50 MPH road but traffic through that area can be upwards of 60 MPH.
5. CUP 22-04 I have approved one approach already off of Johnson Lane for this site. This section of Johnson Lane is a gravel road. The approach for the private road onto Norwood will have to be constructed in an area where visibility is the greatest. There are a couple of vertical curves on Norwood in that area where visibility could be an issue. Speed limit on Norwood Road is 45 MPH.
6. CUP 22-05 Davis Creek road is paved to Gold Fork Road. Gold Fork Road is gravel and is wide enough to pass two vehicles. There is a narrow cattle guard about where the southern property boundary crosses Gold Fork Road. This could cause some issues with the added traffic on that road. The cattle guard necks the road down to one lane. This either needs to be removed or a new, wider guard needs to be installed. I am not sure if it is still needed to control cattle in the area. The developer will need to apply for a driveway permit/approach permit through the road dept.
7. CUP 22-06 I have spoken with the applicant on the accesses that will use Spink Lane. I told him it would be advisable to apply dust control/stabilizer on Spink between the highway and the corner on Spink. He was willing to do this. The driveways will be installed where the visibility is good in both directions. I told him that the county only plows this road once a day and the snow drifting can be bad on this section of Spink. We would enter into an agreement with him so he can keep this section of road clear from snow when needed.

Thank you,

Jeff McFadden, Superintendent  
Valley County Road Department



CENTRAL  
DISTRICT  
HEALTH

Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 22-04

Preliminary / Final / Short Plat Curved Horn Ranch Sub

- ☐ 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. Application, Test holes, engineering Report & ground water monitoring will be required before we can comment on Approval.

Reviewed By: Mr. HPR

Date: 2.18.22

**From:** Garrett de Jong <garrett@mccallfire.com>  
**Sent:** Friday, February 18, 2022 8:35 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 22-04 Curved Horn Ranch Preliminary Plat

Hi Cynda,

I have the following comments regarding the CUP 22-04 application:

- In lieu of meeting the fire flow requirements in Appendix B of the 2018IFC (International Fire Code), a 30,000 gallon water storage tank for fire protection shall be installed on-site, in accordance with NFPA 22, inspected and made operable prior to building construction (501.4, IFC2018). The site plan, including the tank location, position, accessibility, etc., needs to be approved by the fire district prior to the installation.
- A wildland urban interface fire protection plan should be developed by a professional and submitted per Valley County Code 10-7-4, and any fuels mitigation recommendations should be instituted, per Valley County Code 10-7-4.

Thank you,

Garrett

**Garrett de Jong**  
**Fire Chief**  
**McCall Fire & EMS**  
**201 Deinhard Lane**  
**McCall, ID 83638**  
**208-634-7070**



**△CodeRED™**  
Keeping citizens informed.

**LAKE IRRIGATION DISTRICT**

PO BOX 3126  
MCCALL ID 83638

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February 8, 2022

Valley County Planning and Zoning Commission  
PO Box 1350  
Cascade, ID 83611

Re: Curved Horn Ranch

To Whom It May Concern;

The land on which this permit is being requested is within the Lake Irrigation District, and does have district water assigned to said parcel.

General comments at this time...

- An irrigation easement includes the irrigation facility and enough land along one or both banks, depending on type of delivery facility, to allow access for operation, cleaning, maintenance, and repair. Idaho statute 42-1209 and 42-1102 prohibits the placement of any encroachment within an easement without approval from the irrigation district.
- ~~When a parcel of land is divided that has Lake Irrigation District~~ water, the developer must designate how they desire the water to be split and present the plan to the district board for approval.
- When water rights exist, the Lake Irrigation District board highly recommends that the developer take this into consideration and provide a way for land owners to use the designated water. If not, per Idaho Statutes 31-3805 (2) (b), buyers must be informed they are still subject to all assessments levied.
- Any water run off from pavement, etc. cannot enter into an irrigation facility/ditch by law.

I, Shirley Florence, secretary for the Lake Irrigation District, will present all information of this application to the board for it's review at our next business meeting on February 10, 2022.

For questions, feel free to contact John Leedom [REDACTED] or Shirley Florence [REDACTED]

Thank you for your time in this matter.

Shirley Florence  
Secretary

---

**Re: proposed subdivision / road names**

Kelly Copperi <ktaylor@co.valley.id.us>

Mon 1/31/2022 11:02 AM

To: Lori Hunter <lhunter@co.valley.id.us>; Laurie Frederick <lfriderick@co.valley.id.us>

I like it. Thank you.

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: Monday, January 31, 2022 11:01

To: Kelly Copperi <ktaylor@co.valley.id.us>; Laurie Frederick <lfriderick@co.valley.id.us>

Subject: Re: proposed subdivision / road names

Valley County Code says "Trail" is a road that is generally meandering one of more directions.... This is a straight short road running east from Norwood. That's why I think it should just be Buffalo Place.... No trail

😊 I hope all this sunny weather is keeping the number of car crashes down for Ice Carnival.  
Lori

---

From: Kelly Copperi <ktaylor@co.valley.id.us>

Sent: Monday, January 31, 2022 10:56 AM

To: Lori Hunter <lhunter@co.valley.id.us>; Laurie Frederick <lfriderick@co.valley.id.us>

Subject: Re: proposed subdivision / road names

It could just be Buffalo Trail too? I'm not a fan of the combination trail with Ln, Pl, Rd, Ave or Blvd.

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



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

Sent: Monday, January 31, 2022 10:53

To: Laurie Frederick <lfriderick@co.valley.id.us>; Kelly Copperi <ktaylor@co.valley.id.us>

Subject: proposed subdivision / road names

Your thoughts on these proposed names?

C.U.P. 22-04 Curved Horn Ranch Subdivision

private road name = Buffalo Trail Lane

I am going to recommend this be named Buffalo Trail Place or Buffalo Place as it is only 365-ft long and wouldn't be extended.

C.U.P. 22-05 Gold Fork Reserve - RP16N04E294206 - north of intersection of Davis Creek Lane and Gold Fork Road

private roads - no proposed names yet

C.U.P. 22-06 Schafer Subdivision - RP17N03E270606 (old mill site)

no new roads

Lori Hunter  
Valley County Planning & Zoning Assistant Planner





**City of McCall**  
AIRPORT

[www.mccall.id.us](http://www.mccall.id.us)



216 East Park Street  
McCall, Idaho 83638

**Phone 208-634-1488**  
Main 208-634-7142  
Fax 208-634-3038

Valley County Planning & Zoning Commission  
219 North Main Street  
PO Box 1350  
Cascade, ID 83611

Re: C.U.P. 22-04 Curved Horn Ranch Subdivision Preliminary Plat

Honorable Commissioners:

Unlike C.U.P. 21-15 360° Ranch Subdivision, the proposed site of C.U.P. 22-04 Curved Horn Ranch Subdivision is not in the Inner Critical Zone (ICZ).

It is, however, in the Traffic Pattern Area, and therefore, can be allowed with conditions. McCall Airport's short-term recommendations concerning the Curved Horn Ranch Subdivision are:

1. Require additional soundproofing in the new construction,
2. Require written notice to homeowners about the airport's existence, flight paths, and the possibility of noise generation (please see the attached McCall Airport Noise Contours for a map showing the noise impact on the McCall Ranch Development),
3. Require a Form 7460-1 *Notice of Proposed Construction or Alteration* be submitted, and Federal Aviation Administration (FAA) findings for incompatible use be enacted (please see the attached Definitions for the FAA description of Form 7460-1),

Furthermore, the developer's letter states: "It is hoped that the existing significant Wetlands can be enhanced under permit to improve the health and longevity of this wonderful natural resource."

While Airport Management is supportive of improving the natural attributes of the site, it must be noted that attracting birds is considered an incompatible land use and this should be addressed in any approval.

Idaho Airport Guidelines Airport Land Use: Compatibility Table 1 General Land Use"  
Recommendations in the Land Use Zones states that wetlands mitigation can be "allowed with conditions."

**Airport Land Use Compatibility Table 1**  
**General Land Use Recommendations in the Land Use Zones**

Land Use	1 Runway Protection Zone	2 Lateral Safety Zone	3 Inner Critical Zone	4 Outer Critical Zone	5 Traffic Pattern Area	6 Airport Influence Area	7 Impact Coordination Zone
<b>Residential</b>							
Single-family, nursing homes, multi-family, apartments, condominiums, mobile home parks							
Transient lodging (i.e. hotels and motels)							
<b>Public</b>							
Schools, libraries, churches							
Parking and cemeteries							
<b>Commercial/Industrial</b>							
Offices, retail trades, light industrial, general manufacturing, utilities, extractive industry							
Airport revenue-producing enterprises							
<b>Agricultural and Recreational</b>							
Cropland							
Livestock breeding, zoos, golf courses, riding stables, water recreation							
Outdoor spectator sports, parks, playgrounds							
Amphitheaters							
Open space							
<b>Bird and Wildlife Attractants</b>							
Sanitary Landfills							
Water treatment plants, water impoundments							
Wetlands Mitigation							
	Prohibited		Allowed with conditions		Allowed		
<b>Conditions typically include:</b>							
- Require Fair disclosure Statement as a condition of development							
- Limit residential density to low-density and avoid high-density development							
- Limit commercial uses to low-density and avoid high intensity commercial uses such as large retail box stores							
- Locate development as far as possible from extended centerline, if no reasonable alternative exists							
- Be mindful of bird and wildlife attractant and consider proximity of the airport as well as potential negative impact before development.							
Refer to FAA AC 150/5200-33 and 150/5200-34, as amended, for guidance							

For the long term, McCall Municipal Airport requests that the Commission consider enacting zoning restrictions within Valley County in the area within 5,000 feet south of the Runway 34 end. The FAA has a recommended zoning template to assist local governments avoid incompatible land use near airports. ITD Aero also provides excellent tools to help guide compatible land use planning. Airport Staff will be available to assist writing zoning regulations for this area.

Recommendations 1 – 3 above are important, and additionally, a Requirement for an Avigation Easement may be negotiated with the City of McCall (please see the attached Definitions for the FAA description of an Avigation Easement) for certain developments in the ICZ or other critical surface areas.

The FAA document *A/C 150/5190-4B, Airport Land Use Compatibility Planning* has detailed information on the importance of airports working with Planning and Zoning Boards to avoid incompatible land uses near airports, as does ITD Aero's Idaho Airport Land Use Guidelines.

With your cooperation, we can ensure the safety of the citizens of Valley County, address public concerns, and ensure the airport's continued operation.

If you have any questions, please feel free to contact me anytime.

Sincerely,



Emily Hart  
Airport Manager – McCall Municipal Airport

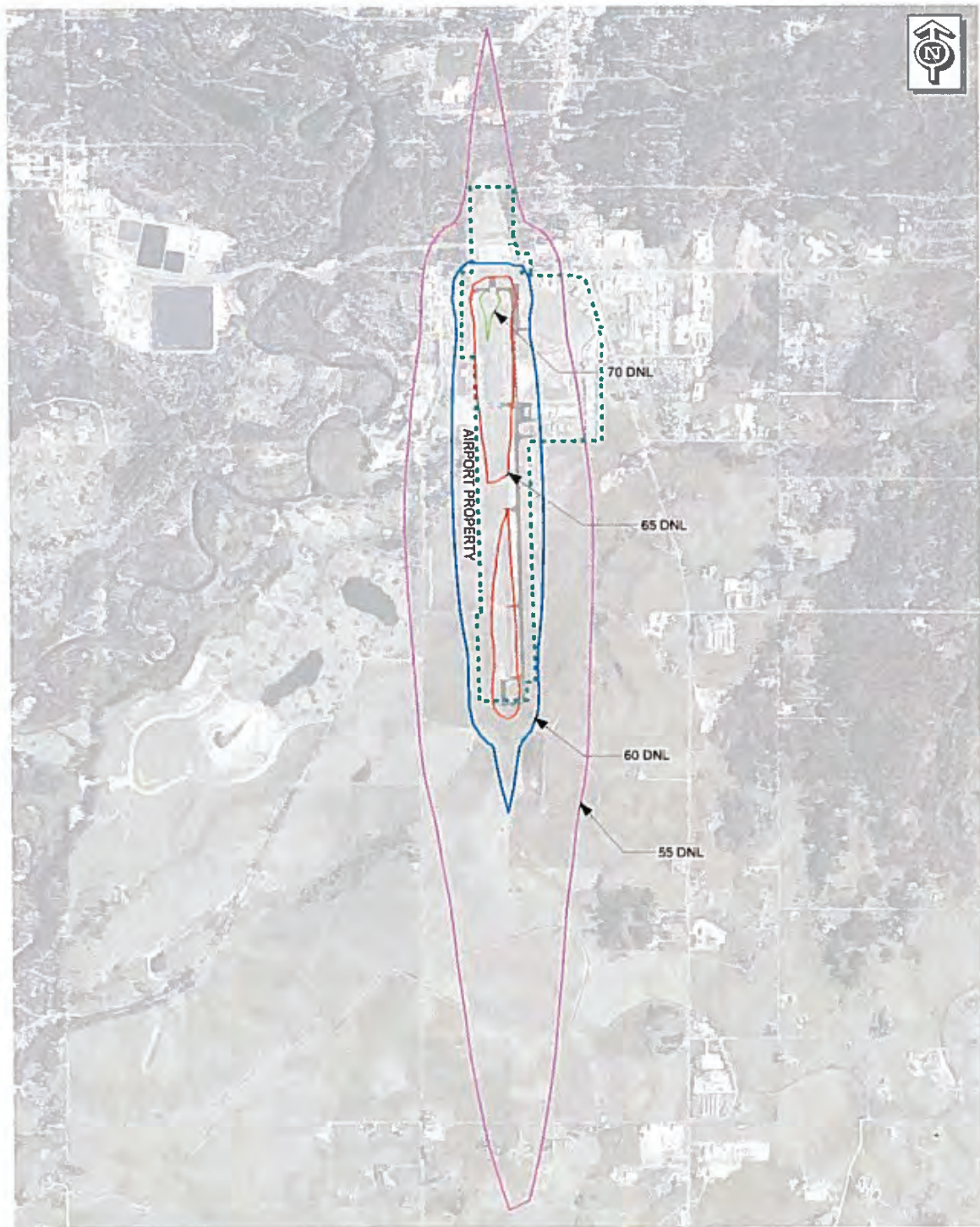
cc: Commissioner Katlin Davis Caldwell  
Commissioner Sasha Childs  
Commissioner Scott Freeman  
Commissioner Ken Roberts  
Chairman Neal Thompson  
Cynda Herrick, P&Z Dir. – Valley County  
Michelle Groenevelt – Community Dev. Dir. – McCall  
Anette Spickard, City Manager – McCall

Attachments: Definitions  
McCall Airport Noise Contours  
Form FAA 7460 -1 NOTICE OF PROPOSED CONSTRUCTION

## DEFINITIONS

- *A/C 150/5190-4B, Airport Land Use Compatibility Planning* – A Federal Aviation Administration Advisory Circular that describes the major incompatible land uses that conflict with or are impacted by operations at local public-use airports. These include residential use within airport noise contours; airspace obstructions and hazards to safe navigation to and from the airport such as tall structures, light, glare, electronic/radio, smoke or other atmospheric interference emanating from nearby land uses; land uses that attract birds and other wildlife hazards to the airport and its immediate environs; and land uses with concentrations of people or property within airport runway protection zones. [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/draft-150-5190-4B.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/draft-150-5190-4B.pdf)
- *Avigation Easement* - property rights that the owner of the property conveys through a written document to an airport authority, allowing certain activities associated with air flight to occur above the height of the easement.
- *Form 7460 - Notice of Proposed Construction or Alteration* - The Federal Aviation Administration (FAA) has jurisdiction over airspace in the U.S. It is the FAA's responsibility to define and provide airspace to allow aircraft to safely maneuver on take-off, departure, approach, landing, and enroute. As such, the FAA requires sponsors of new projects to notify them of proposed construction/alteration plans so that they can determine whether the proposed construction/ alteration will be (1) an obstruction to air navigation, in which case the FAA may require appropriate obstruction marking and/or lighting, or (2) a hazard to air navigation (i.e., the project interferes with the safe and efficient use of airspace). FAA requirements and procedures are set forth in the Federal Aviation Regulations Part 77 (Objects Affecting Navigable Airspace).
- [https://itd.idaho.gov/wp-content/Aero/Publications/LandUse\\_Guidelines.pdf](https://itd.idaho.gov/wp-content/Aero/Publications/LandUse_Guidelines.pdf)





**MCCALL AIRPORT NOISE CONTOURS**

### NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

#### § 77.7 Form and time of notice.

(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

#### § 77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

(a) Any construction or alteration that is more than 200 ft. AGL at its site.

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

(d) Any construction or alteration on any of the following airports and heliports:

(1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S.

Government Flight Information Publications;

(2) A military airport under construction, or an airport under construction that will be available for public use;

(3) An airport operated by a Federal agency or the DOD.

(4) An airport or heliport with at least one FAA-approved instrument approach procedure.

(e) You do not need to file notice for construction or alteration of:

(1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

(2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;

(3) Any construction or alteration for which notice is required by any other FAA regulation.

(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177  
Fax: (817) 222-5920

Website: <https://oeasa.faa.gov>

INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration is a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alteration shall be included in ITEM #21 "Complete Description of Proposal".

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in ITEM #21 "Complete Description of Proposal".

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enters the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. **DO NOT LEAVE BLANK.**

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check "other" and indicate "no preference" **DO NOT LEAVE BLANK.** NOTE: High Intensity lighting shall be used only for structures over 500' AGL. In the absence of high intensity lighting for structures over 500' AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9 and #10. Latitude and longitude must be geographic coordinates, accurate to within the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from a hand-held GPS instrument is NOT acceptable. A hand-held GPS is only accurate to within 100 meters (328 feet) 95 percent of the time. This data, when plotted, should match the site depiction submitted under ITEM #20.

ITEM #11. NAD 83 is preferred; however, latitude and longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datum may be used. It is important to know which datum is used. **DO NOT LEAVE BLANK.**

ITEM #12. Enter the name of the nearest city and state to the site. If the structure is or will be in a city, enter the name of that city and state.

ITEM #13. Enter the full name of the nearest public-use (not private-use) airport or heliport or military airport or heliport to the site.

ITEM #14. Enter the distance from the airport or heliport listed in #13 to the structure.

ITEM #15. Enter the direction from the airport or heliport listed in #13 to the structure.

ITEM #16. Enter the site elevation above mean sea level and expressed in whole feet rounded to the nearest foot (e.g. 17'3" rounds to 17', 17'8" rounds to 18'). This data should match the ground contour elevations for site depiction submitted under ITEM #20.

ITEM #17. Enter the total structure height above ground level in whole feet rounded to the next highest foot (e.g. 17'3" rounds to 18'). The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.

ITEM #18. Enter the overall height above mean sea level and expressed in whole feet. This will be the total of ITEM #16 + ITEM #17.

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2" x 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, contact USGS at 1-888-275-8747 or via Internet at <http://store.usgs.gov/>. If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.

- For transmitting stations, include maximum effective radiated power (ERP) and all frequencies.
- For antennas, include the type of antenna and center of radiation (Attach the antenna pattern, if available).
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include size and configuration of wires and their supporting structures (Attach depiction).
- For each pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of each corner, dimensions, and construction materials.
- For alterations, explain the alteration thoroughly.
- For existing structures, thoroughly explain the reason for notifying the FAA (e.g. corrections, no record or previous study, etc.).

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other federal, state or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviation's and zoning authorities.

Paperwork Reduction Work Act Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall it be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless it at collection displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for the information collection is 2120-0020. Public reporting burden for this collection of information is estimated to be approximately 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory for anyone preparing construction or alteration that meets the criteria contained in 14 CFR 77. The information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 14121 Hillwood Parkway, Fort Worth, TX 76177-1524.

Federal Regulations (14 CFR), part 77 authorizes FAA to collect this information. PURPOSE(S): FAA will use the information provided to administer the Aeronautical Study Process, ROUTINE USE(S): In accordance with DOT's system of records notice, DOT/FAA 16 Meeting Management System and DOT/FAA 826 Policies for Exemption, Other than Medical Exemption-Public Dockets, the information provided may be disclosed to officials within the Federal government and the public in general.

Form Approved OMB No 2120-0021  
Expiration Date: 04/30/2023

Please Type or Print on This Form

U.S. Department of Transportation Federal Aviation Administration		FOR FAA USE ONLY Aeronautical Study Number	
<b>Failure To Provide All Requested Information May Delay Processing of Your Notice</b> <b>Notice of Proposed Construction or Alteration</b>			
<b>1. Sponsor (person, company, etc. proposing this action):</b> Attn. of _____ Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____		<b>9. Latitude:</b> _____ <b>10. Longitude:</b> _____ <b>11. Datum:</b> <input type="checkbox"/> NAD 83 <input type="checkbox"/> NAD 27 <input type="checkbox"/> Other _____ <b>12. Nearest City:</b> _____ State: _____ <b>13. Nearest Public-use (not private-use) or Military Airport or Heliport:</b> _____	
<b>2. Sponsor's Representative (if other than #1):</b> Attn. of _____ Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____		<b>14. Distance from #13. to Structure:</b> _____ <b>15. Direction from #13. to Structure:</b> _____ <b>16. Site Elevation (AMSL):</b> _____ ft. <b>17. Total Structure Height (AGL):</b> _____ ft. <b>18. Overall Height (#16 + #17) (AMSL):</b> _____ ft. <b>19. Previous FAA Aeronautical Study Number (if applicable):</b> _____ -OE	
<b>3. Notice of:</b> <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing <b>4. Duration:</b> <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary ( _____ months, _____ days) <b>5. Work Schedule:</b> Beginning _____ End _____ <b>6. Type:</b> <input type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____ <b>7. Marking/Painting and/or Lighting Preferred:</b> <input type="checkbox"/> Red Lights and Paint <input type="checkbox"/> Dual - Red and Medium Intensity <input type="checkbox"/> White-Medium Intensity <input type="checkbox"/> Dual - Red and high Intensity <input type="checkbox"/> White -High Intensity <input type="checkbox"/> Other _____ <b>8. FCC Antenna Structure Registration Number (if applicable):</b> _____		<b>20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey)</b>	
<b>21. Complete Description of Proposal:</b>		<b>Frequency/Power (kW)</b>	
Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C. Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C. Section 48301(a).			
I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking & lighting standards as necessary.			
Date		Signature	
Typed or Printed Name and Title of Person Filing Notice			





**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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

Brad Little, Governor  
Jess Byrne, Director

February 18, 2022

By e-mail: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Valley County Planning & Zoning  
219 N. Main Street  
Cascade, ID 83611

Subject: Curved Horn Ranch Subdivision, CUP 22-04

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 Pollutant 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 Conservation 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 Rebecca Blankenau, 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.

Response to Request for Comment  
February 18, 2022  
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- 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,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2022AEK320



**Valley Soil & Water Conservation District**  
**PO Box 580**  
**209 N Idaho Street**  
**Cascade, ID 83611**

**(208) 382-3317**  
**[www.ValleySWCD.org](http://www.ValleySWCD.org)**

March 3, 2022

Valley County Planning & Zoning  
PO Box 1350  
Cascade, ID 83611

Dear Planning & Zoning Commissioners:

Valley Soil & Water Conservation District has concerns with the following P & Z applications:

**1. CUP 22-04 Curved Horn Subdivision – Preliminary Platt Irrigation and wetland concerns**  
Please see **TITLE 67 State Government and State Affairs Idaho Statue Chapter 65 LOCAL LAND USE PLANNING 67-6537 USE OF SURFACE AND GROUNDWATER** “All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation.” This property does have irrigation rights through Lake Irrigation District.

Essential wetland or riparian areas contribute to the cumulative health of Valley County waterways and North Fork Payette River Watershed. Minimizing or discouraging riparian areas not only affects our NFPR watershed health but affects supply to downstream water users as well.

**2. CUP 22-05 Gold Fork Reserve – Gold Fork River currently exceeds TMDL standards for phosphorus, sediment, and temperature not supporting cold water aquatic life.** Gold Fork River currently requires bank cover rehabilitation and stabilization to decrease inputs to Lake Cascade that contribute to harmful algal blooms. Again, the cumulative effect of Gold Fork River changes creates additional inputs for the harmful algal blooms in the reservoir. Though this application proposes open space along the river, it is important to understand the conditions currently affecting Gold Fork and voluntary measures that may be taken to ensure watershed viability.

**3. CUP 22-06 Schafer Subdivision** Variance from 100-year flood plain and variance from 100-ft setback from Highway 55. **Valley Soil & Water Conservation District does not support granting the variance for the proposed storage building within the flood plain setback zone.** Once built the building may be used for storage of materials or contaminants that in a storm event would prove harmful to the riparian area. Keeping the flood plain buffer intact is important for the long-term health of Valley County waterways and NFPR watershed.

Sincerely,

**Valley Soil & Water Conservation District Board**

Art Troutner, Chairman; Paul Kleint, Vice Chairman; John Lillehaug Treasurer,  
Bill Leaf, Secretary; Colt Brown, Supervisor  
Contact: [Durena.Farr@id.nacdnet.net](mailto:Durena.Farr@id.nacdnet.net)

