

Valley County Planning and Zoning

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STAFF REPORT: Appeal of PZ Commission Approval of C.U.P. 22-05 Gold Fork Reserve
HEARING DATE: June 13, 2022
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPELLANT: Edythe I Sweet
c/o Julie Tucker
18981 Malt RD
Caldwell ID 83607
APPLICANT: Landmark Pacific Investors LLC
c/o Mark Drown
P.O. Box 1939
Eagle, ID 83642
OWNER: Estates 81 LLC
P.O. Box 1939
Eagle, ID 83642
REPRESENTATIVE: James Fronk Consulting LLC
P.O. Box 576
McCall, ID 83638
ENGINEER: ABCO ENGINEERING
119 Midland BLVD
Nampa, ID 83651
SURVEYOR: Dan Dunn
Dunn Land Surveys
25 Coyote Trail
Cascade, ID 83611
LOCATION: Gold Fork Road
RP16N04E294206 in the W ½ Section 29, T.16N, R.4E,
Boise Meridian, Valley County, Idaho
SIZE: 80 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Agricultural – Productive Forest Land

Landmark Pacific Investors LLC is requesting a conditional use permit for a 28-lot single-family subdivision on 80 acres. The proposal includes an additional six open space lots. Proposed lot sizes range from 1.2 acres to 2.99 acres. Due to the 6 open space lots the density is one (1) unit per approximately three (3) acres.

Individual wells and individual septic systems are proposed.

Access would be from private roads at one access point onto Gold Fork Road (public). Shared driveways are proposed. Road right-of-way for Gold Fork Road would be dedicated to Valley County.

Wetlands and easements are shown on the plat

FINDINGS:

1. Planning and Zoning Commission approved C.U.P. 22-05 Gold Fork Reserve and preliminary plat at a properly noticed public hearing on April 14, 2022.
2. **Appeal:** An appeal was received in a timely manner on April 25, 2022, with the appropriate fee. The appeal is attached.
 - **Reason for Appeal:** The appellant is unclear of the location of the road easement. If the road is widened it will be detrimental to the appellant's property, septic system, and existing setback of the home from the road. Approval of less lots would reduce the need to widen Gold Fork Road.
 - **Staff Response:** The appellant placed the septic drainfield in the 50' (25' from center) public road prescriptive easement. She is concerned that if there is additional traffic the county may want to widen the road. The road superintendent has commented to me that if the road is widened it would go in the other direction (towards the east) due to the drop off on the west side of the road. We need to give them an easement for the drainfield.
3. Legal notice was posted in the *Star News* on May 19, 2022, and May 26, 2022. Potentially affected agencies were notified on April 22, 2022. Property owners within 300 feet of the property line as well as people who previously commented were notified by fact sheet sent May 11, 2022. The site was posted on May 26, 2022. The notice and application were posted online at www.co.valley.id.us on May 10, 2022.
4. **Facts and Conclusions:**
 - Attached are the Facts and Conclusions that were approved by the Planning and Zoning Commission.
 - Part of the Valley County Board of Commissioners deliberation and decision should be a "reasoned statement that explains the criteria and standards considered relevant; state the relevant facts relied upon, and explain the rationale for the decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record, 'all of which' should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting." (VCC 9-5H-11.8)
 - **The following are the Conclusions of the Planning and Zoning Commission:**
 1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.

2. That the proposed use is consistent with the Valley County Comprehensive Plan.
 3. Valley County must follow the laws of the State of Idaho and in the Valley County Code.
 4. Valley County has one mixed use zone that promotes mitigation of potential impacts.
 5. The proposed use is compatible with surrounding land uses.
 6. The Sheriff's Office monitors speed limit compliance.
 7. Valley County has a high rate of second-home ownership, approximately 78%.
 8. Impacts of traffic can be mitigated through cooperation with the road department.
 9. The lots are large enough to not need a central water system and to allow individual septic systems.
- **Minutes with Exhibits: Relevant portions of the minutes for the Planning and Zoning Commission meetings held on March 10, 2022, and April 14, 2022, are attached.**
 - **Planning and Zoning Commission Staff Report is attached for review.**

5. All agency comment received:

Jeff McFadden, Road Department Superintendent, stated Davis Creek Road is paved to the intersection with 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 added traffic. The cattle guard should be removed, or a new, wider guard installed. A driveway permit / approach permit is required. (Feb. 11, 2022)

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

Jess Ellis, Donnelly Fire Department Fire Marshal, listed requirements for roads, driveways, addressing, liquified petroleum gas, and fire protection. The approved fire protection water supply shall be three 10,000-gallon underground water storage tanks connected to a well with automatic fill capability. (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)

Valley Soil and Water Conservation District Board stated that 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. Though this application proposes open space along the river, it is important to understand the conditions currently affecting Gold Fork River and voluntary measures that may be taken to

ensure watershed viability. (Exhibit 1, April 14, 2022)

Paul Ashton, Valley County Engineer, responded with preliminary comments. (Exhibit 3, April 14, 2022)

6. All Neighbor comment received at P&Z Commission and Board of County Commissioners:

Shane Harris, owner of 80-acres directly adjacent to the north and west of the proposed subdivision at 550 Gold Fork Road, agrees with the appellant that unless the road is widened, less lots in the proposed subdivision would be more appropriate. The cattle guard shall also be widened or replaced. He also agrees with the appellant that widening the road would be detrimental to her property as she is very close to the cattle guard and narrow Gold Fork Road. He asks for fewer and larger lots that would reduce the amount of traffic and perhaps avoid having to widen the existing road. (May 16, 2022)

Edythe Sweet, Virgil Tucker, and Julie Tucker, property owners of adjacent 595 Gold Fork Road, state that 28 lots is too many for the dry mountain to sustain. Increased numbers of wells and septic systems, road maintenance, and increased traffic are concerns (Exhibit 4, April 14, 2022).

Shane Harris, 550 Gold Fork RD, stated too many small lots are proposed; a minimum of 4-acre lots would fit more with surrounding properties. Other concerns include boundary fencing, entrance location, narrow road, water table, wildlife corridor, setbacks from his property, and cutting trees for view corridors. The contractor has already encroached on his property with construction equipment and has dug test septic pipe holes on his property. These will need to be cleaned up and restored (Exhibit 5, April 14, 2022).

Julie Tucker, Caldwell, presented an aerial map showing that the parcel addressed at 595 Gold Fork Road and owned by her mother crosses onto and over Gold Fork Road (Exhibit 6, April 14, 2022).

ATTACHMENTS:

- Conditions of Approval if approved
- Appeal
- PZ Commission Facts and Conclusions
- PZ Commission Meeting Minutes – March 10, 2022, and April 14, 2022
- Staff Report for PZ Commission
- Vicinity Map
- Aerial Map
- Floodplain and Wetlands Map
- Assessor Plat – T.16N R.4E Section 29
- Record of Survey 12-194
- Preliminary Plat
- Pictures Taken February 23, 2022, and May 26, 2022
- All Responses
- Application
- Wildland Urban Interface Fire Protection Plan (Exhibit 2, April 14, 2022)

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 Donnelly Fire District prior to recording the final plat.
10. Wetlands and floodplain shall be marked as "no-build areas" on final plat.
11. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, and limit each lot to one wood burning device.
12. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
13. Must have a fencing plan with neighboring properties if they run cattle for over 30 days per year.
14. 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.
15. The following notes shall be placed in the notes on the face of the final plat:
 - "No lots shall be divided without an approved subdivision 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.”
 - “All lots shall be accessed from the internal private road, not Gold Fork RD.”
 - “All lighting must comply with the Valley County Lighting Ordinance.”
 - “Only one burning device is allowed on each lot.”
16. CCRs shall include language addressing fire prevention as recommended in the fire Mitigation Plan, fencing and 50/50 agreement with the neighbor, cattle grazing and dogs at large; and any agreements made with owners of neighboring properties.
17. The applicant must investigate water rights and address spring maintenance in the CCRs.
18. Recommend to Board of County Commissioners that the existing cattle guard be removed or updated as part of the Development Agreement.

END OF STAFF REPORT

April 25, 2022



To: Valley Conty Planning and Zoning Commision

From: Edythe Sweet, 595 Gold Fork Rd. Donnelly (mailing address: 18981 Malt Rd. Caldwell ID)

RE: C.U.P. 22-05 GOLD FORK RESERVE/APPEAL

I would like to appeal this decision based on:

1. I do not know where the road easement on my property is located exactly. I have been told that it is 50', but where that 50' starts is unclear, as my property line does not follow the road.
2. With the two developments just approved within the last 6 months on either side of my property, that leaves just my property to be widened for the increased road traffic. Currently the road in front of my home is 19'. The developers have given enough ground to increase the road size to 70'.
3. IF the road is widened it will be a detrimental to my property by effecting my septic system (I have a small area to use legally for a septic system) and it would put the road within several feet of the front of my home.
4. My initial testimony at the P&Z meeting was to ask for LESS lots for this subdivision, with hopes that the road would NOT NEED TO BE widened in the future. Currently the road is a single lane with turn outs, as the Highway District Sign says just feet from my property.

Thank you for your attention to this matter,

Edythe Sweet
Edythe Sweet



595 GOLD FORK RD X Q
Show search results for 595 G...



**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

SUBJECT: Conditional Use Permit No 22-05
Gold Fork Reserve Subdivision

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on March 10, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Sasha Childs, Scott Freeman, Ken Roberts, and Chairman Neal Thompson.

Due to time constraints, the public hearing was continued to April 14, 2022. Commission members in attendance were Katlin Caldwell, Sasha Childs, Ken Roberts, and Chairman Neal Thompson.

Jim Fronk, representing Landmark Pacific Investors LLC, was present and requesting approval for a 28-lot single family subdivision on 80 acres that is identified as parcel RP16N04E294206 and is in the W ½ Section 29, T.16N, R.4E, Boise Meridian, Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meetings dated March 10, 2022, and April 14, 2022, with the exhibits, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is agricultural/silviculture and will now be single family residential subdivision.
2. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
(2) Residential Uses (c) Subdivision for single family residence.
3. That the surrounding land uses are agricultural and single family residential.
4. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the *Star News* on February 17, 2022, February 24, 2022, March 24, 2022, and March 31, 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 on February 8, 2022.

5. Other persons in attendance expressed disapproval of the proposed use.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
2. That the proposed use is consistent with the Valley County Comprehensive Plan.
3. Valley County must follow the laws of the State of Idaho and in the Valley County Code.
4. Valley County has one mixed use zone that promotes mitigation of potential impacts.
5. The proposed use is compatible with surrounding land uses.
6. The Sheriff's Office monitors speed limit compliance.
7. Valley County has a high rate of second-home ownership, approximately 78%.
8. Impacts of traffic can be mitigated through cooperation with the road department.
9. The lots are large enough to not need a central water system and to allow individual septic systems.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Landmark Pacific Investors LLC, for Conditional Use Permit No. 22-05 Gold Fork Reserve Subdivision, as described in the application, staff report, correspondence, and minutes of the meetings be approved.

Special conditions applied to the proposed use are:

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 Donnelly Fire District prior to recording the final plat.
10. Wetlands and floodplain shall be marked as "no-build areas" on final plat.
11. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, and limit each lot to one wood burning device.
12. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
13. Must have a fencing plan with neighboring properties if they run cattle for over 30 days per year.
14. 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.
15. The following notes shall be placed in the notes on the face of the final plat:
 - "No lots shall be divided without an approved subdivision 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."
 - "All lots shall be accessed from the internal private road, not Gold Fork RD."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."

16. CCRs shall include language addressing fire prevention as recommended in the fire Mitigation Plan, fencing and 50/50 agreement with the neighbor, cattle grazing and dogs at large; and, any agreements made with owners of neighboring properties.
17. The applicant must investigate water rights and address spring maintenance in the CCRs.
18. Recommend to Board of County Commissioners that the existing cattle guard be removed or updated as part of the Development Agreement.

NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such request must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

Please take notice that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

END FACTS AND CONCLUSIONS


Valley County
Planning and Zoning Commission, Chairman

Date: 5-12-2022

10:05 p.m.

Commissioner Caldwell recommend that the Commission take testimony for those in the audience. Due to the late hour, the Chairman will open the public hearing for C.U.P. 22-05 Gold Fork Reserve and C.U.P. 22-06 Schafer Subdivision, thereby allowing for testimony from anyone in the audience who wishes to comment. The staff reports, applicants' presentations, and additional public testimony will occur during the next regular scheduled meeting on April 14, 2022, at 6:00 pm.

6. **C.U.P. 22-05 Gold Fork Reserve – Preliminary Plat:** Landmark Pacific Investors LLC is requesting a conditional use permit for a 28-lot single-family subdivision on 80 acres. The proposal includes an additional six open space lots. Access would be from private roads onto one access point onto Gold Fork Road (public). Shared driveways are proposed. Proposed lot sizes range from 1.2 acres to 2.99 acres. Individual wells and individual septic systems are proposed. The site is parcel RP16N04E294206 in the W ½ Section 29, T.16N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Chairman Thompson asked for comments.

Frank Maynard, 598 Gold Fork Road, resides adjacent to the proposed subdivision. He is opposed to the quantity and small size of lots. The property is a wooded hillside. He has an easement for power crossing this property. There is also a natural spring not shown on the plat map that flows to an existing stock-watering trough. This spring would affect about three lots. He is concerned about the number of additional septic systems, wells, and vehicular traffic. The road should be improved to accommodate the additional traffic. His home is visible from Highway 55; this development will be also. He would prefer to larger lots in this development.

Chairman Thompson stated that the public hearing for C.U.P. 22-05 Gold Fork Reserve will be continued to 6:00 p.m. on April 14, 2022.

7. **C.U.P. 22-06 Schafer Subdivision – Preliminary Plat:** Big Cabin Properties is requesting a conditional use permit for a 4-lot, mixed-use subdivision that includes heavy industrial (lumber mill), light industrial, multiple-residence, and single-family residential uses. A craftsman learning academy with housing is proposed. A variance from the 100-year flood plain and a variance from the 100-ft setback from Highway 55 are requested. Access would be from Highway 55 and Spink Lane (public). Proposed lot sizes range from 2.4 acres to 4.9 acres. Individual wells and individual septic systems are proposed. The 14.7-acre site is addressed at 13526 Highway 55 and is parcel RP17N03E270606 in the NWNE Section 27, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none. Chairman Thompson asked for comments. No one in the audience wished to speak at this time. Chairman Thompson stated that the public hearing for C.U.P. 22-05 Gold Fork Reserve will be continued to 6:00 p.m. on April 14, 2022.

10:15 p.m.

E. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 21-45 RedRidge Preserve Subdivision
- C.U.P. 21-46 Bharn Event Center

Commissioner Caldwell moved to approve the Facts and Conclusions as presented and
Valley County Planning & Zoning

Valley County Planning and Zoning Commission

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

Neal Thompson, Chairman
Ken Roberts, Vice-Chair



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Sasha Childs, Commissioner
Katlin Caldwell, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

April 14, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. **OPEN:** Meeting called to order at 6:00 p.m. by Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Excused
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. **MINUTES:** Commissioner Childs moved to approve the minutes of March 10, 2022, and March 22, 2022. Commissioner Roberts seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

1. **C.U.P. 22-05 Gold Fork Reserve – Preliminary Plat:** Landmark Pacific Investors LLC is requesting a conditional use permit for a 28-lot single-family subdivision on 80 acres. The proposal includes an additional six open space lots. Access would be from private roads onto one access point onto Gold Fork Road (public). Shared driveways are proposed. Proposed lot sizes range from 1.2 acres to 2.99 acres. Individual wells and individual septic systems are proposed. The site is parcel RP16N04E294206 in the W ½ Section 29, T.16N, R.4E, Boise Meridian, Valley County, Idaho. *Continued from March 10, 2022.* Action Item.

Chairman Thompson introduced the item and re-opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. Staff stated that proposed condition of approval #10 should be revised to remove the LOMR requirement as base flood elevations exist for the area.

Director Herrick summarized the following exhibits:

- **Exhibit 1** – Valley Soil and Water Conservation District Board stated that 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. Though this application proposes open space along the river, it is important to understand the conditions currently affecting Gold Fork River and voluntary measures that may be taken to ensure watershed viability. (March 3, 2022)
- **Exhibit 2** – Wildland Urban Interface Fire Protection Plan dated April 5, 2022.

- **Exhibit 3** – Paul Ashton, Valley County Engineer, responded with preliminary comments. (March 3, 2022)
- **Exhibit 4** – Edythe Sweet, Virgil Tucker, and Julie Tucker, property owners of the adjacent 595 Gold Fork RD, state that 28 lots is too many for the dry mountain to sustain. Increased numbers of wells and septic systems, road maintenance, and increased traffic are concerns. (April 7, 2022)
- **Exhibit 5** – Shane Harris, 550 Gold Fork RD, owns 80-acres directly adjacent to the north and west of the proposed subdivision. Too many small lots are proposed; a minimum of 4-acre lots would fit more with surrounding properties. Other concerns include boundary fencing, entrance location, narrow road, water table, wildlife corridor, setbacks from his property, and cutting trees for view corridors. The contractor has already encroached on his property with construction equipment and has dug test septic pipe holes on his property. These will need to be cleaned up and restored. (April 14, 2022)

Chairman Thompson asked for the applicant's presentation.

Jim Fronk, McCall, of James Fronk Consulting represented the applicant. The area along the river will be protected open space maintained by the HOA. The HOA will also maintain the entrance way and other open space areas that were selected due to topography. These open space area will provide natural corridors for wildlife and areas to screen individual lots from each other. This property has been well maintained. The existing trees are a mixture of various ages; there are large trees that will be preserved. Building envelopes based on topography, screening, and septic system locations will be developed. There will be an HOA architectural committee. The private road is positioned to take advantage of contours with a maximum 8% slope. Driveway slopes will be 10% or less.

There will be three water tanks for firefighting placed within the subdivision. The fire department has seen the tank location and designs. The wells for the proposed homes will not be in the same aquifer as those existing wells located near the river. The spring is used by wildlife and will be protected in the CCRs. The hammerhead at top will be moved from the preliminary location for better access by emergency vehicles.

Commissioner Roberts stated that the spring and troughs in the area were developed through Natural Resources Conservation Services' (NRCS) cost-share to keep cattle off the riverbanks. Commissioner Roberts asked if water rights have been filed. If the spring drains into the river, the water is subject to other water rights.

Mr. Fronk stated that there is no intention to divert or use the water any differently than it currently is used. The fire tank near the entrance will be filled by the shallow aquifer, not the spring. Wetlands have been reviewed by the Corps of Engineers; all wetlands are within the proposed open space parcels. All utilities will be placed under ground, including the existing overhead power lines. Mr. Fronk will be meeting with the Valley County Engineer (Parametrix) tomorrow. He will consider the shared driveways and turn-arounds as recommended by Staff. Cattle graze the adjacent property. The applicant is willing to add a provision to the CCRs that prohibits dogs running at large. Mr. Fronk discussed the effect of cattle grazing versus residential use on water quality. The plans take into consideration stormwater management and water quality of Lake Cascade.

The applicant has met with the adjacent landowner and discussed the concerns listed in Mr. Harris's letter **Exhibit 5**. The existing fence is not on the property line. The applicant and Mr. Harris agreed to share in the fencing costs. The road entrance is actually about 60' from Mr. Harris' property. Both parties agreed to have a 50' buffer; this will require moving one proposed building envelope to provide for increased separation between a building site and Mr. Harris' property.

Chairman Thompson asked for proponents.

Don Newell, Eagle, Idaho, is the manager of Landmark Pacific Investors LLC, the applicant. He has met with Mr. Harris and believes issues have been addressed.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents.

Julie Tucker, Caldwell, presented an aerial map showing that the parcel addressed at 595 Gold Fork Road and owned by her mother crosses onto and over Gold Fork Road (Exhibit 6). Improvements to the road would affect this parcel and home. There is limited area for septic system on the parcel. She requests a reduced density and larger lots. The road at the widest point in front of the home is 19 feet wide.

Frank Maynard also spoke at the public hearing on March 10, 2022. He concerned about additional traffic on a single-lane dirt road. The site is a wooded hillside; a lot of excavation will need to happen to add 28 home sites. The homes would be visible from Highway 55 and Tamarack Resort. His easement for power is near a proposed homesite. A spring flows from his property down past proposed lots. He believes it will be difficult to get septic systems and wells on 28 lots. An investment firm wants to carve out a hillside. Larger lots would fit the area better and address concerns of neighbors.

Edythe Sweet, 595 Gold Fork RD and Caldwell, agrees with previous comments. The road is her primary concern. Too many additional homes are proposed. Her property goes from road to the creek. Her well is by the creek. In August/September, her well level drops as the creek recedes. The area is open range. ATV use of the road is already an issue; more homes and people will make this road more dangerous.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Fronk discussed the well and different aquifers at the site. He is confident there will be water for the proposed homes. The applicant will dedicate road right-of-way for Gold Fork Road. The applicant understands that the County Commissioners may request additional off-site improvements. Mr. Fronk has met with the Valley County Road Department Superintendent; the existing cattle guard is an issue. Gold Fork Road does have a good road base. The lots were designed around the existing topography, homes will be built around existing topography with minimal site grading. Off-site improvements, such as electrical improvements, are done at the cost of the applicant.

Chairman Thompson closed the public hearing.

The Commission deliberated. The Comprehensive Plan protects aspects of Valley County including the interface with agricultural areas. There are things that should be addressed by a subdivision to accommodate a peaceful existence with surrounding uses. The Wildland Urban Interface Fire Protection Plan should include long-term maintenance by the Homeowners Association and property owners. Fencing maintenance is an issue and should be included in the CCRs. Trespassing dogs chasing livestock is not legal and can be stopped by lethal methods. Gold Fork Road is too narrow for some farming equipment. There needs to be significant contribution to Valley County to widen the road; this would be under the Board of County Commissioners' purview. Condition of approval #14 was discussed; the applicant must work with the Road Department and County Commissioners to come to agreement to off-site road agreements including road width and cattle guard replacement. Director Herrick stated that

road development agreements will be discussed during the Board of County Commissioners meeting on April 18, 2022.

Valley County has a high rate of second-home ownership, approximately 78%. The Central District Health (CDH) comment is common for subdivision applications. An applicant will often wait until conditional use permit approval is received before completing the CDH application due to costs. Condition of Approval #4 requires approval from other agencies including CDH.

The threshold for numbers of homes on public water system is 14 homes as stated during the work session on March 22, 2022. Would a central water system make sense for this proposal? It is not required by Valley County Code. Adding a central water system would reduce the required lot size to half-acre lots. Lots on septic systems must be one acre or more in size.

COA # 10 – Revise to remove LOMR requirement as base flood elevations exist for the area.

COA: CCRs shall include language addressing fire prevention as recommended in the fire Mitigation Plan, fencing and 50/50 agreement with the neighbor, cattle grazing and dogs at large; and, any agreements made with owners of neighboring properties.

COA: The applicant must investigate water rights and address spring maintenance in the CCRs.

COA: Recommend to Board of County Commissioners that the existing cattle guard be removed or updated as part of the Development Agreement.

Commissioner Childs moved to approve C.U.P. 22-05 with the stated conditions. Commissioner Caldwell seconded the motion. Commissioner Roberts stated that the people speaking tonight raised valid issues; he is concerned how to mitigate almost triple the amount of traffic. Commissioner Caldwell responded that mitigation requirements are the responsibility of the Road Department. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

7:13 p.m.

2. C.U.P. 22-06 Schafer Subdivision – Preliminary Plat: Big Cabin Properties is requesting a conditional use permit for a 4-lot, mixed-use subdivision that includes heavy industrial (lumber mill), light industrial, multiple-residence, and single-family residential uses. A craftsman learning academy with housing is proposed. A variance from the 100-year flood plain and a variance from the 100-ft setback from Highway 55 are requested. Access would be from Highway 55 and Spink Lane (public). Proposed lot sizes range from 2.4 acres to 4.9 acres. Individual wells and individual septic systems are proposed. The 14.7-acre site is addressed at 13526 Highway 55 and is parcel RP17N03E270606 in the NWNE Section 27, T.17N, R.3E, Boise Meridian, Valley County, Idaho. *Continued from March 10, 2022.* Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen. Director Herrick used the map to explain the existing property boundary, Highway 55 right-of-way, and the requested variance setback from the property line along Highway 55. Director Herrick summarized the following

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

STAFF REPORT: C.U.P. 22-05 Gold Fork Reserve Subdivision - Preliminary Plat
HEARING DATE: March 10, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Landmark Pacific Investors LLC
c/o Mark Drown
P.O. Box 1939
Eagle, ID 83642
OWNER: Estates 81 LLC
P.O. Box 1939
Eagle, ID 83642
REPRESENTATIVE: James Fronk Consulting LLC
P.O. Box 576
McCall, ID 83638
ENGINEER: ABCO Engineering
119 Midland BLVD
Nampa, ID 83651
SURVEYOR: Dan Dunn
Dunn Land Surveys
25 Coyote Trail
Cascade, ID 83611
LOCATION: Gold Fork Road
RP16N04E294206 in the W ½ Section 29, T.16N, R.4E,
Boise Meridian, Valley County, Idaho
SIZE: 80 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Agricultural – Productive Forest Land

Landmark Pacific Investors LLC is requesting a conditional use permit for a 28-lot single-family subdivision on 80 acres. The proposal includes an additional six open space lots.

Access would be from private roads at one access point onto Gold Fork Road (public). Shared driveways are proposed. Road right-of-way for Gold Fork Road would be dedicated to Valley County.

Proposed lot sizes range from 1.2 acres to 2.99 acres. Individual wells and individual septic systems are proposed.

Wetlands and easements are shown on the plat.

A Wildfire Mitigation Plan will be submitted.

FINDINGS:

1. The application was submitted on January 28, 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 on February 8, 2022.

3. Agency comment received:

Jeff McFadden, Road Department Superintendent, stated Davis Creek Road is paved to the intersection with 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 added traffic. The cattle guard should be removed, or a new, wider guard installed. A driveway permit / approach permit is required. (Feb. 11, 2022)

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

Jess Ellis, Donnelly Fire Department Fire Marshal, listed requirements for roads, driveways, addressing, liquified petroleum gas, and fire protection. The approved fire protection water supply shall be three 10,000-gallon underground water storage tanks connected to a well with automatic fill capability. (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: Timbered; rolling and mountainous topography between 4 to 25%; Designated wetlands and floodplain areas exist on the property.
6. The surrounding land use and zoning includes:
 - North: Agricultural (Grazing and Timber)
 - South: Agricultural (Timber) and Single-family Residential (Milk Can Subdivision)
 - East: Agricultural (Timber)
 - West: Agricultural (Timber) and Single-family Residential (Elk Meadows River Ranches and proposed Gold Fork River Estates)
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.

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.
- C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.
- 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.
- D. Cattle Guards: Cattle guards shall not be installed in public roads within residential developments.

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)

9-5B-4: EMISSIONS:

- C. Wood Burning Devices: Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.

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".

SUMMARY:

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

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 Donnelly Fire District
2. This site is not within irrigation district; it is near the boundary of the Gold Fork Irrigation Co LTD.
3. This site is not within a herd district.
4. Part of the property is within a designated floodplain.
5. Where will the water storage tank be located and who will maintain it?
6. Who will have access to the platted open space? Will the HOA maintain the open spaces in consideration of noxious weeds and fire mitigation?

7. May need to do a Letter of Map Revision to have the Base Flood Elevations published.
8. Will all utilities be underground?
9. Floodplain and wetlands shall be designated on the final plat.
10. A note limiting each lot to one wood-burning device should be added to the plat.
11. 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.
12. A Wildfire Mitigation Plan must be submitted.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Floodplain and Wetlands Map
- Assessor Plat – T.16N R.4E Section 29
- Record of Survey 12-194
- 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 Donnelly Fire District prior to recording the final plat.
10. Wetlands and floodplain shall be marked as "no-build areas" on final plat. Will need to apply for a LOMR in order to publish the established Base Flood Elevations.
11. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, and limit each lot to one wood burning device.
12. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
13. Must have a fencing plan with neighboring properties if they run cattle for over 30 days per year.
14. 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.
15. The following notes shall be placed in the notes on the face of the final plat:
 - "No lots shall be divided without an approved subdivision 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."
 - "All lots shall be accessed from the internal private road, not Gold Fork RD."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."

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 8:

1. In determining the response values for questions 4 through 8, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING QUESTIONS 1, 2 and 3

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

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

S.F. Subdivision

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

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

Ag - Timber

(+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

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 - it is large and there are lots of trees & varying topography. Arcels along road will be open space.

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

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

Yes - s.f. residential

(+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, same

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

will ↑ noise and ↑ dust

(+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?

it is a longer distance but a maintained public road. (ced to be weekenders)

(+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 versus use (2nd Homes)

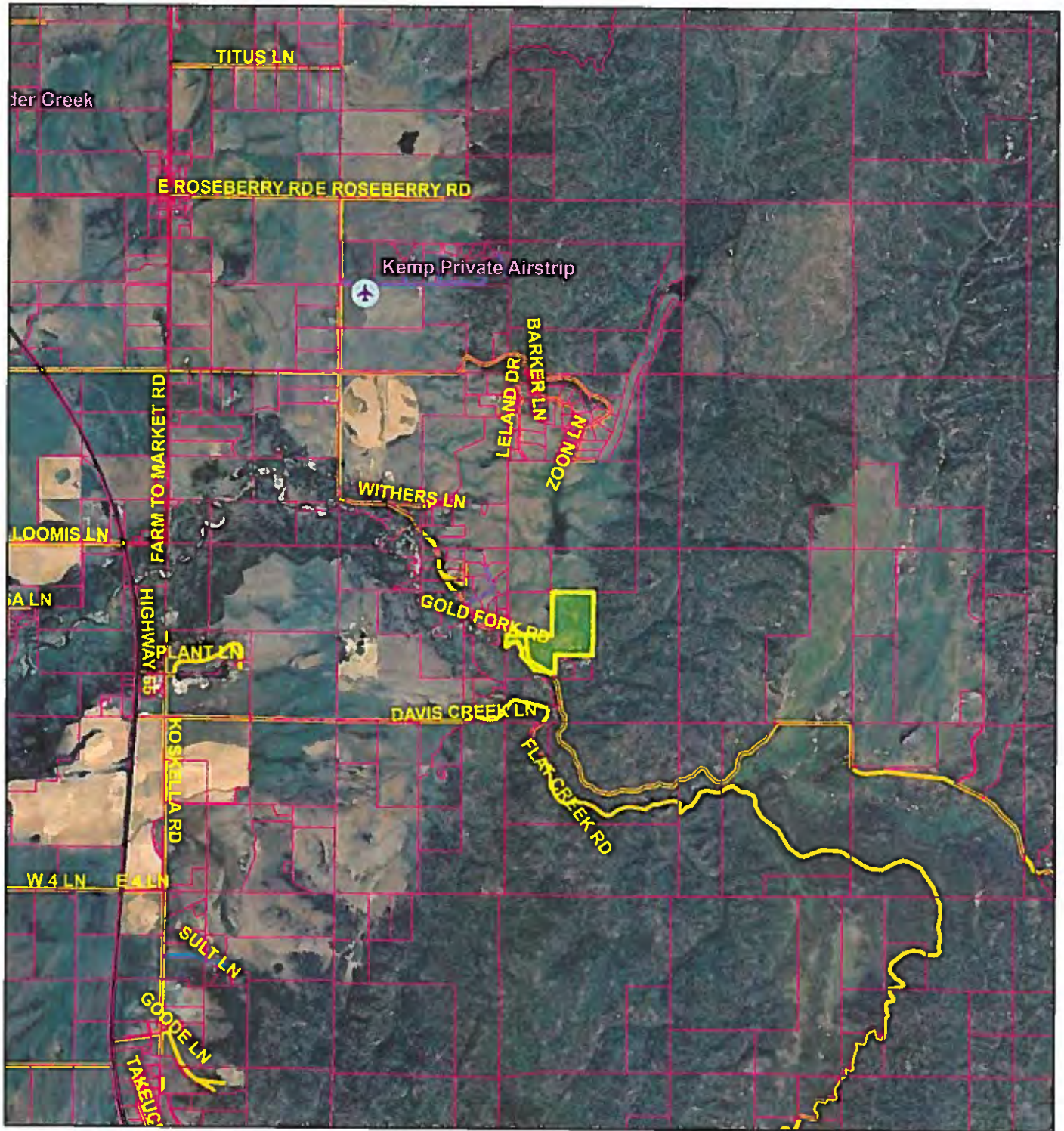
Sub-Total (+) 27

Sub-Total (-) 4

Total Score +23

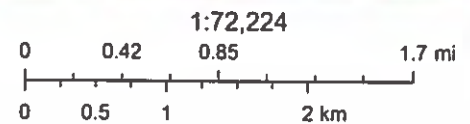
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 22-05 Vicinity Map

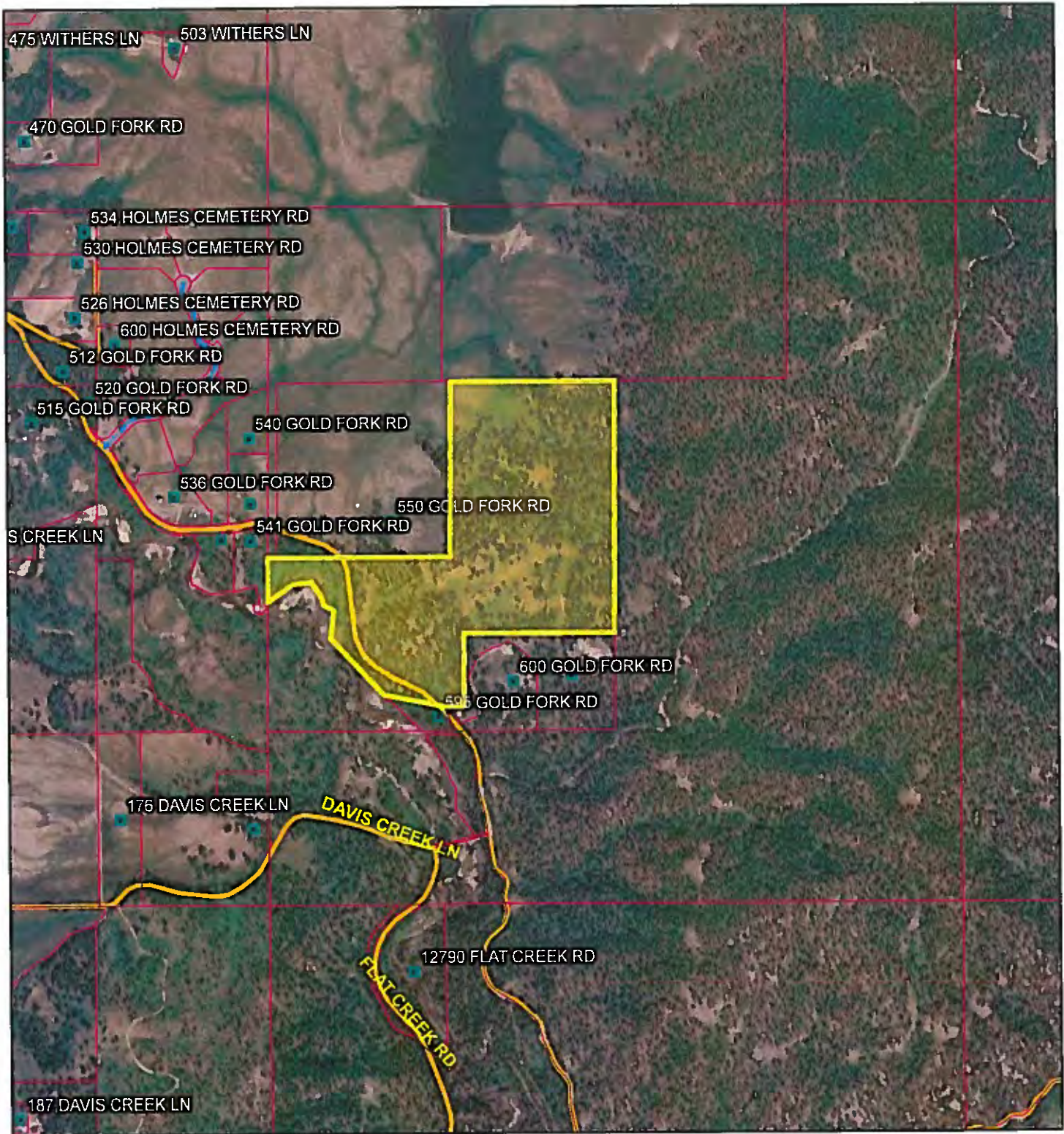


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- Airstrips
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- MINOR COLLECTOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE

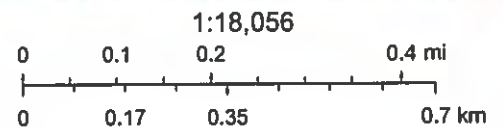


Earthstar Geographics



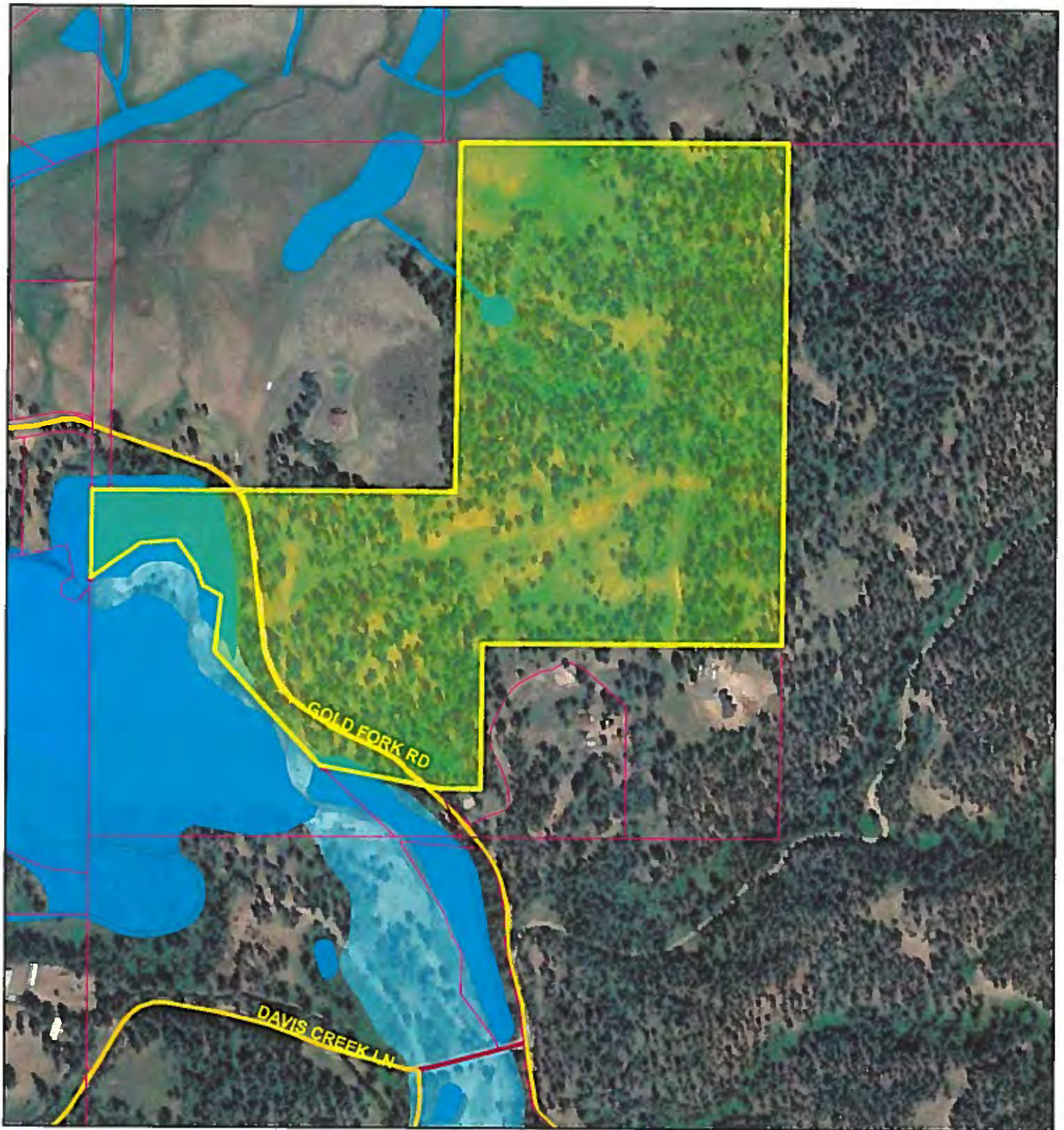
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- Parcel Boundaries
- Addresses
- All Road Labels
- MINOR COLLECTOR
- URBAN/RURAL
- PRIVATE



Maxar

C.U.P. 22-05 Floodplain & Wetlands



1/28/2022, 4:55:44 PM

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

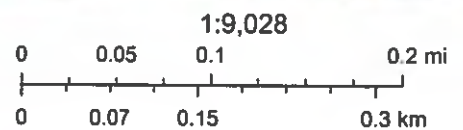
Wetlands (USFWS)

All Road Labels

Roads

MINOR COLLECTOR

URBAN/RURAL



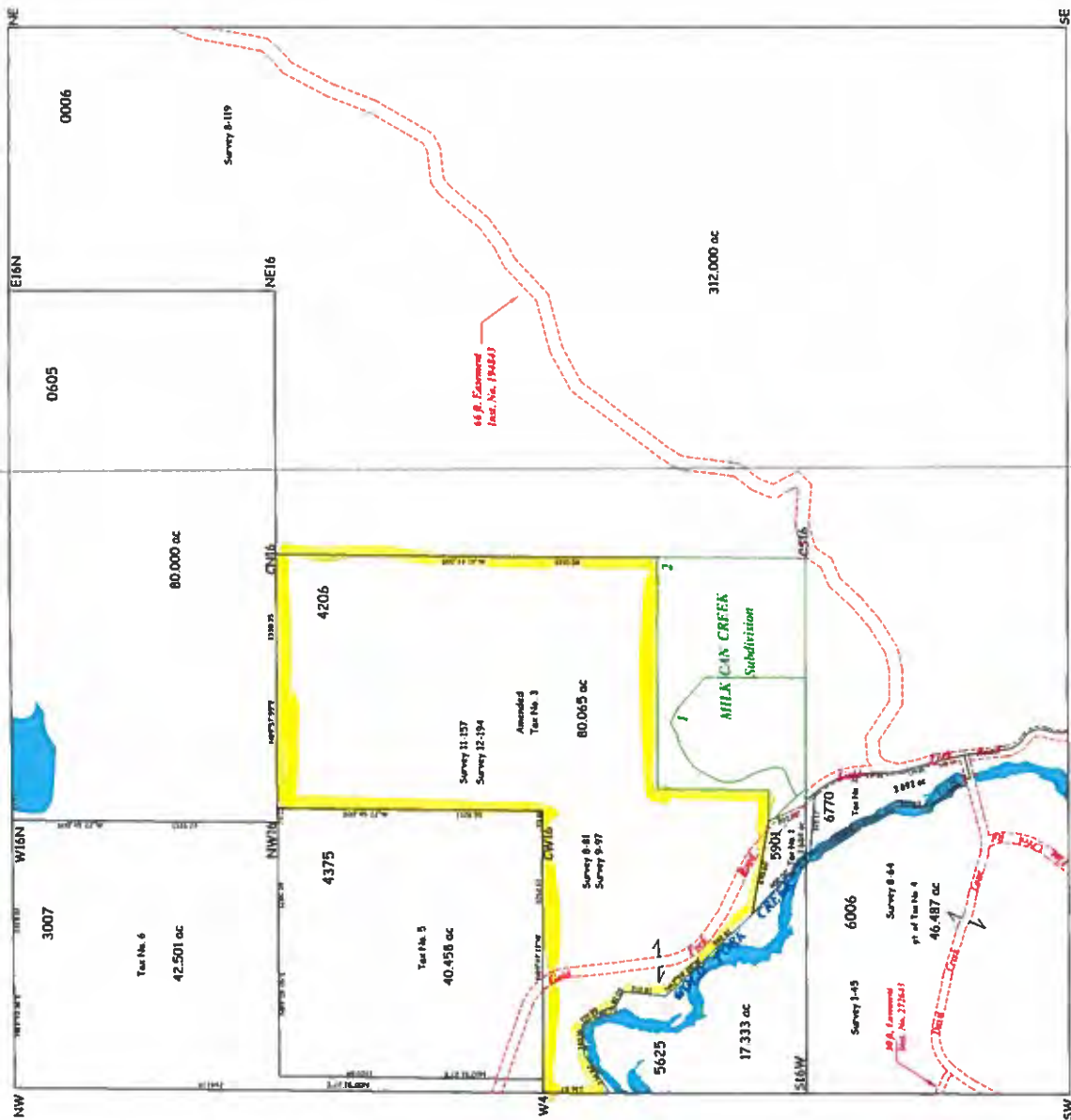
Valley County IT, Maxar

[illegible]

TWP. 16N R04E SEC. 29

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

Filename: H:\projects\Valley County Best Maps
Scale: 1" = 400 ft.
Date: 12/15/17
Drawn by: L. Frederick



RECORD OF SURVEY **A PART OF THE NW 1/4 AND A PART OF THE SW 1/4,** **SECTION 28, T. 16 N., R. 4 E., B.M.,** **VALLEY COUNTY, IDAHO** **2015**

Instrument # 394818
 Surveyed by: MASON & STANFIELD, INC.
 Date: 11/23/2015
 State: IDAHO
 License No. 9366
 Surveyor: *[Signature]*



LEGEND

- ▲ Calculated point
- Found brass cap monument
- Set 5/8 inch dia. x 30 inch iron pin w/plastic cap PLS 9366
- Found 5/8 inch dia. iron pin
- Deed line
- Adjacent parcel line
- Section line
- Fence line
- Edge of gravel road

RECORD DATA

Simpco Estates Inst. No. 205957 Book 8 Page 52
 Record of Survey Inst. No. 289529 Book 8 Page 119
 Record of Survey Inst. No. 286791 Book 8 Page 81
 Record of Survey Inst. No. 285178 Book 8 Page 64
 Record of Survey Inst. No. 313080
 Quitclaim Deed Inst. No. 302534
 Quitclaim Deed Inst. No. 302535
 Warranty Deed Inst. No. 264229
 Warranty Deed Inst. No. 290656
 Personal Representative's Deed Inst. No. 262755



Darin Holtzhey

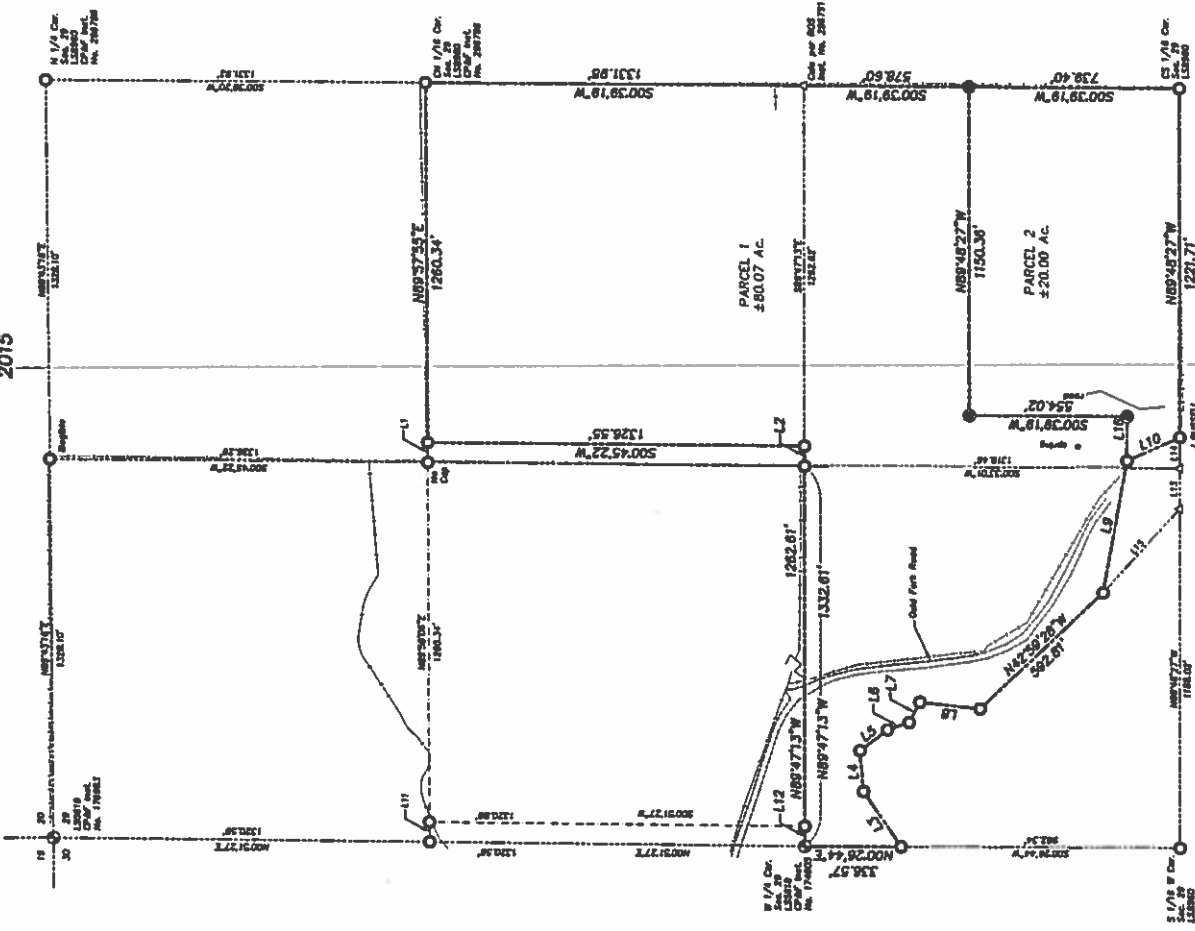
P.L.S. License No. 9366

INDEX NO.

SURVEY FOR:

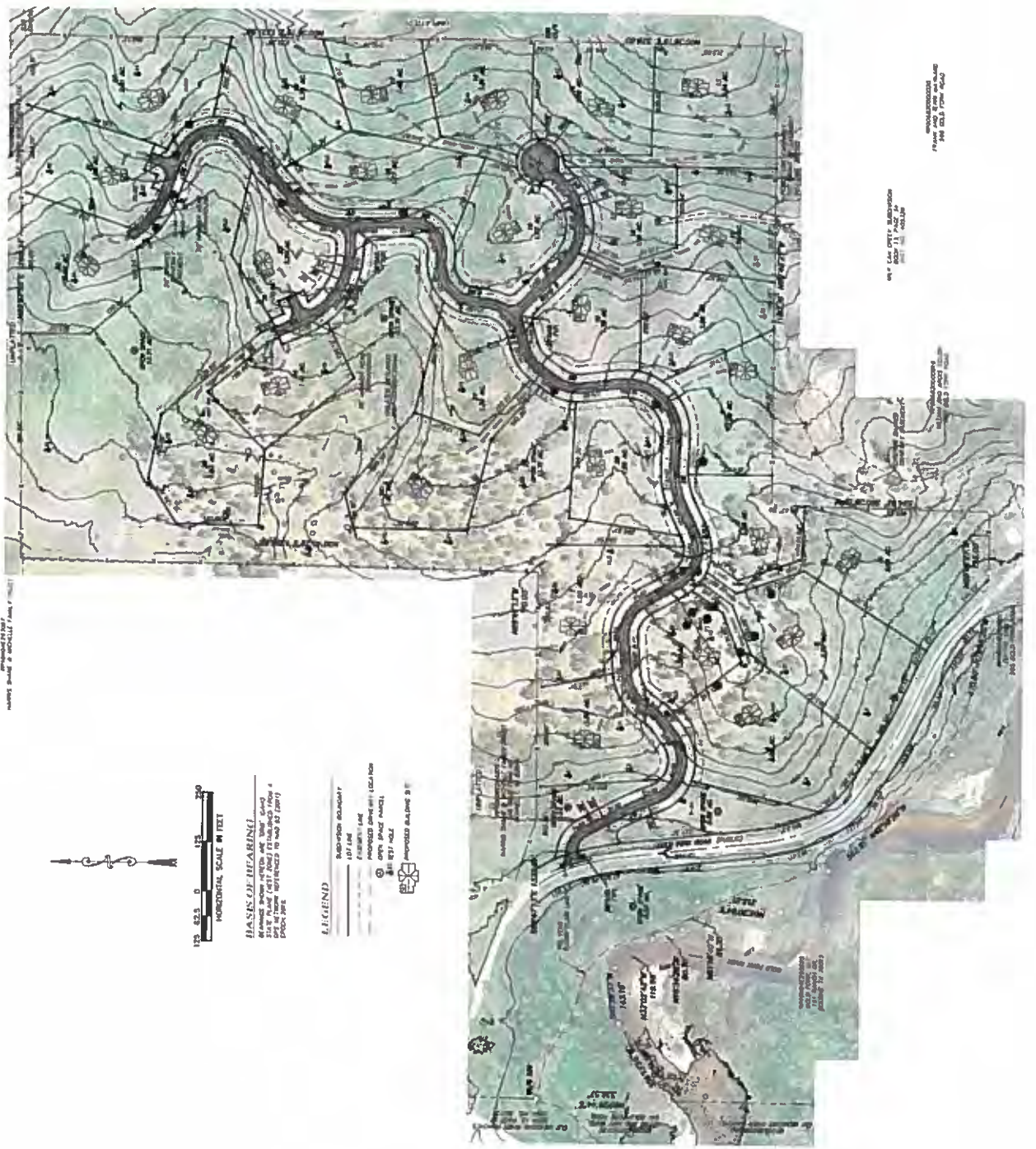
CRAIG COASH

Professional Engineer Land Surveyor & Planner		Exp. No. 8/20/17
Mason & Stanfield, Inc. 208 N. 2nd Street, Suite 200 Boise, ID 83728		Exp. No. 8/20/17
Surveyor's Seal		Exp. No. 8/20/17
Surveyor's License No. 9366		Exp. No. 8/20/17
Surveyor's Name: Craig Coash		Exp. No. 8/20/17



LINE	BEARING	LENGTH
1	N89°37'35\"	1260.34'
2	S50°39'19\"	500.39'
3	S50°39'19\"	500.39'
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15	S50°39'19\"	500.39'
16	S50°39'19\"	500.39'

This drawing does not necessarily show all of the physical features of the property. It is the responsibility of the owner to verify the accuracy of the survey data and to ensure compliance with all applicable laws, regulations, and permits. The recording of this Record of Survey does not enable the owners of the parcels to convey ownership based solely on this map. A written conveyance must accompany such change in ownership. The Record of Survey does not serve as a legal description for the property shown on this map.



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[illegible]

Order and price list
 given to all the first arrival
 photojournalists

64-14607-11000
ROW 11 PAGE 14







05/26/2022



PUBLIC

Valley County Board of County Commissioners
Invite You to a PUBLIC HEARING

Approval of PE Commission
Approval of
C.U.P. 32-01 Gold Park Reserve

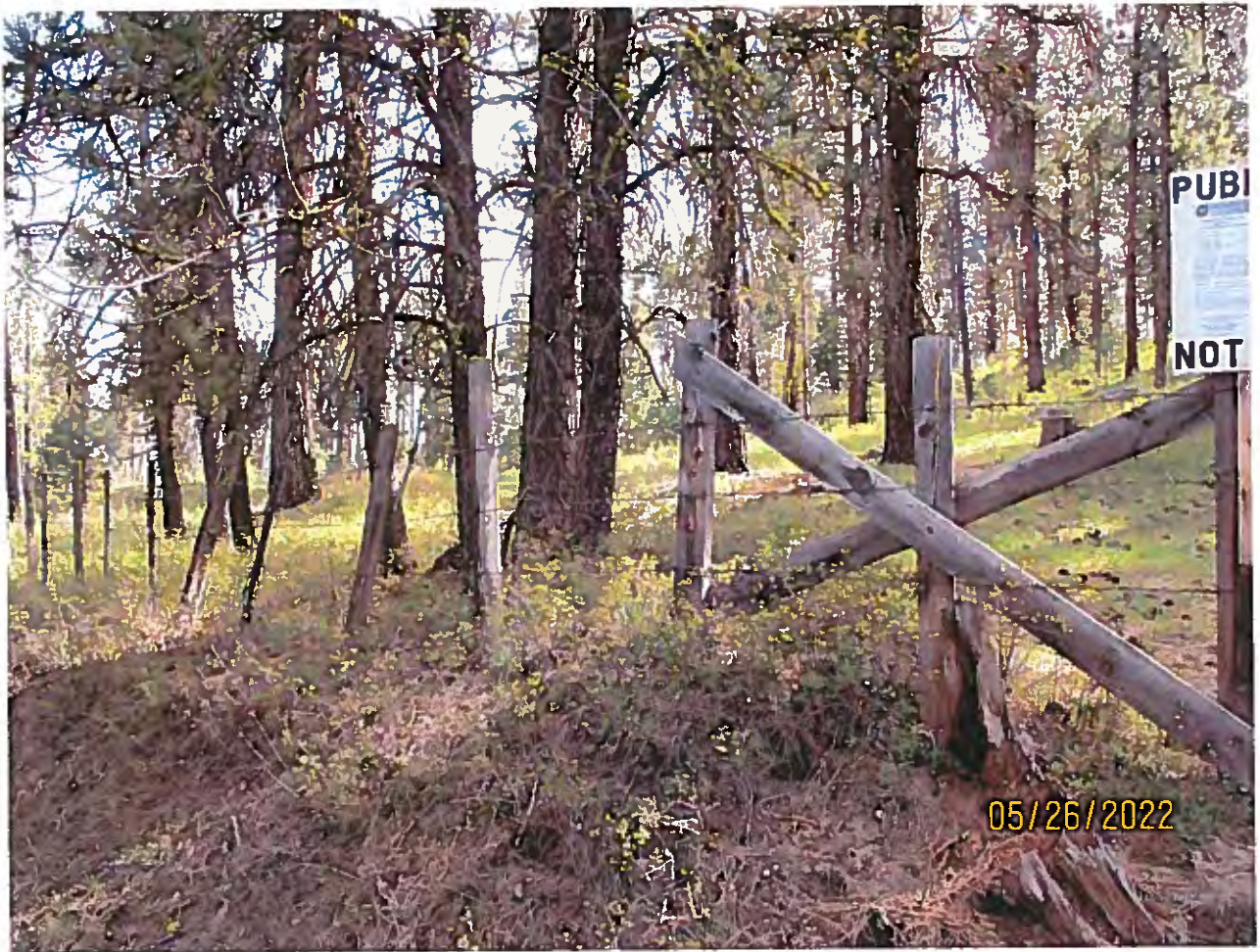
June 13, 2022
4:00 p.m.

Commission Building
2nd Floor
200 North Main Street
Grangeville, ID

Agenda:
1. Public Hearing
2. Board Business
3. Public Comment
4. Board Meeting
5. Board Meeting
6. Board Meeting
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100. Board Meeting

NOTICE

05/26/2022



CUP's

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

Fri 2/11/2022 9:53 AM

To: Cynda Herrick <cherrick@co.valley.id.us>; Lori Hunter <lhunter@co.valley.id.us>

Cc: Eli Hasbrouck [REDACTED]; Sherry Maupin [REDACTED]; Dave Bingaman [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



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 22-05

Preliminary / Final / Short Plat Gold Fork Reserve Sub

Sec 29

- ☐ 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 required before we can
comment on approval

Reviewed By: [Signature]

Date: 2 8 22



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 2, 2022

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 22-05 Gold Fork Reserve Preliminary Plat

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

- All roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**
- **Section 503.2.7** maximum grade for all roads shall not exceed 10 percent unless approved by the Fire Code Official
- All fire apparatus access roads shall comply with **Section D103.4 IFC 2018**
- All roads shall be inspected and approved by the DRFPD prior to final plat
- Slash, dead timber, ladder fuels and debris shall be removed throughout the subdivision
- Developer shall submit a wildfire mitigation plan
- **Section 507.1 IFC 2018** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- The approved fire protection water supply shall be three 10,000 gallon underground water storage tanks, water tanks shall be connected to a well and have automatic fill capability. Fire Department connections shall be a minimum of 4 inch diameter pipe and have a 5 inch Storz connector
- Water tanks shall be installed in an approved location. Tank design and specifications shall be submitted for review prior to installation
- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to turnarounds.
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter.

- **Section 503.7.8 IFC 2018** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities
- In accordance with **Section 503.7.6 IFC 2018** the gradient for driveways cannot exceed 10 percent unless approved by the fire code official
- Driveways shall be inspected and approved by Donnelly Rural Fire Protection District personnel prior to certificate of occupancy being issued
- Any residence utilized as a short term rental shall comply with Valley County Ordinance 19-09 Liquefied Petroleum Gas

Please call 208-325-8619 with any questions.

Jess Ellis



Fire Marshal
Donnelly Fire Department



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

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

Subject: Gold Fork Reserve, CUP 22-05

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#: 2022AEK321



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

(208) 382-3317
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



TECHNICAL MEMORANDUM

DATE: March 3, 2022
TO: Cynda Herrick, AICP
Valley County Planning and Zoning Administrator
FROM: Paul Ashton, PE
SUBJECT: March 10, 2022, Planning and Zoning Agenda Items
CC: Cody Janson, PE
PROJECT NUMBER: 314-4875-011
PROJECT NAME: Valley County Engineering Services

The following comments are for the items listed in the on the March 10, 2022, Valley County Planning and Zoning Commission agenda:

Old Business:

1. *None*

New Business:

1. ***C.U.P 17-03 EnergySeal Office, Shop, and Employee Housing***

Not reviewed by the Valley County Engineer. Detailed preliminary site grading and drainage plans and drainage design documentation for the employee housing units have not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval.

2. ***C.U.P 22-01 Bitton Multiple Residence and RV Site Rental***

Not reviewed by the Valley County Engineer.

3. ***C.U.P 22-02 Carlisle Solar Panels***

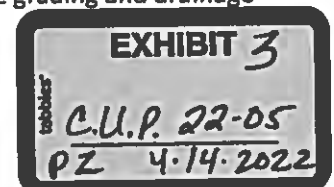
Not reviewed by the Valley County Engineer.

4. ***C.U.P 22-03 Camp 730***

Not reviewed by the Valley County Engineer.

5. ***C.U.P 22-04 Curved Horn Ranch Subdivision – Preliminary Plat***

Detailed preliminary drainage design documentation has not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage



plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application and the accompanying preliminary plan and site grading and drainage plans, we have the following preliminary comments:

- All "shared access" requirements of the County shall be met.
- The "Y" fire apparatus turnaround is not consistent with the standard hammer-head turnaround in the Valley County standard drawing, so it will require P&Z approval. The use of "Y" turnarounds in Valley County is limited, however they have been used in locations outside Valley County. A standard cul-de-sac does not appear to be feasible due to the existing terrain.
- The Applicant will need to delineate/dimension drainage easements on the plat or in a separate document referenced on the plat.
- Substantial wetlands and drainage ditches are identified on the site plan. The Applicant will need to coordinate with all applicable agencies and receive all required approvals/permits prior to County approval of the final site grading and drainage plans.

6. C.U.P 22-05 Gold Fork Reserve – Preliminary Plat

Detailed preliminary site grading and drainage plans and drainage design documentation have not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comments:

- Wetlands are identified on the site plan. The Applicant will need to coordinate with all applicable agencies and receive all required approvals/permits prior to County approval of the final site grading and drainage plans.
- The segment of Road A between the subdivision access at Gold Fork Road and Road B is approximately 2,000 ft, so if feasible, the Applicant should consider a turnaround (bulb-out cul-de-sac or hammerhead) midway along the segment.
- The driveways for Lots 3 thru 7 all access Road A along a 100-ft stretch of the road on a horizontal curve. The Applicant should consider consolidating the access points. This might be a good place to consider the turnout. All "shared access" requirements of the County shall be met.
- The first 30 feet of Road A is required to be paved.

7. C.U.P 22-05 Schafer Subdivision – Preliminary Plat

Detailed preliminary site grading and drainage plans and drainage design documentation have not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comment:

- All building setbacks will need to comply with the Valley County Land Use Development Ordinance (LUDO) requirements. A variance has been requested for the 100-ft building setback requirement from the SH-55 ROW.

Please contact me if you have any questions.

Sincerely,

PARAMETRIX
Valley County Engineer

A handwritten signature in black ink, appearing to read "Paul S. Ashton", with a stylized flourish at the end.

Paul Ashton, PE

From: Shane Harris [REDACTED]
Sent: Monday, May 16, 2022 10:30 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: C.U.P. 22-05 Gold Fork Reserve Comment

Good day,

My name is Shane Harris and I own the 80 acres directly adjunct to the North and West of the proposed applicants sub division.

I have received the Appeal of PZ Commission Approval and notice of public hearing June 13, 2022. I would like to submit written comment as such.

I agree with the Appellant Edythe Sweet that unless the road is widened, less lots in the proposed sub would be more appropriate. 28 lots and the inevitable extra traffic feeding on to the very narrow Gold fork road in the state that the road is would not be ideal. The cattle guard that has been discussed in prior meetings will be an issue and need to be widened or replaced. I also understand and agree with the Appellant that widening the road would be detrimental to her property as she is very close to the cattle guard and narrow Gold fork road.

I support the Appellant in her appeal and would ask consideration for fewer/larger lots that would reduce the amount of traffic and perhaps avoid having to widen the existing county road.

If you have any questions for me, my contact information is:

Shane Harris
Mail Address:
3330 N Rhone Pl
Star, ID

Property Address:
550 Gold Fork Rd
Donnelly, ID 83616

[REDACTED]

Regards,
Shane Harris

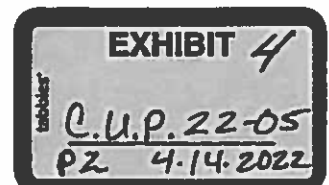
Valley County Planning and Zoning Commission
P.O. Box 1350
Cascade, ID 83611

- April 7, 2022

Dear Commissioners:

- Re: CUP 22-05 Gold Fork Reserve
- P- I'm writing this for my self, Edythe Sweet, and my son-in-law and daughter, Virgil and Julie Tucker. Our property, 595 Gold Fork road (N2SW4S29T16R4E) connects this proposed 80 acre Subdivision at the SE corner.
- P- We don't mind new neighbors but feel 28 Lots is too many for this dry mountain to sustain. Our own property lays both on the mountain and the flood plain by the river. The house and septic are up by the road and our well is down by the river in the flood plain. During the hot months in late summer the river drops down and so does our well. ~~We~~ have no lawn, only water trees & scrub planted by road.
- P- 28 new houses, wells and 28 septic - new homes usually include lots of water use - bathrooms, washing machines both clothes and dishes, and some plants & lawns.
- P- Besides WATER, there's ROAD overuse.
- P- Valley Co. maintains the road well, both summer and winter. Current use includes local residents, traffic to and from the Hot Springs. Fishermen looking for access to the river since all upriver is fenced and posted by the Idexans, bicyclers like this road too, and an ATV Club located down the road. Also there are sometimes cattle because it's permitted "open range".
- P- Current use is a little dangerous. The young ATV riders love this road even with the cattle guard located by us. Now add 28 plus vehicle use including more ATVs.
- P- Thank you for this opportunity to voice our concerns.
- P- Sincerely

Edythe Sweet
and Virgil & Julie Tucker



From: Shane Harris [REDACTED]
Sent: Thursday, April 14, 2022 10:05 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Michelle Harris [REDACTED]
Subject: C.U.P 22-05 Gold Fork Reserve

Hello Cyndia,

My name is Shane Harris and I own 80 acres of property and dwelling directly adjacent to the North and West of the proposed Gold Fork Reserve subdivision. My address is 550 Gold fork Rd, Donnelly, ID 83615.

I am unable to attend the hearing this evening but I would like to submit written comment for the record.

The proposed subdivision and the amount of lots is not conducive with the area as it is a rural / ag area. I'm not against development as long as it fits within the proper parameters. If the county does have to approve this permit and plat due to rules and regulations that allow it, I would respectfully ask that it be considered to reduce the density to minimum of 5 acre lots to fit more with the surrounding properties.

I'm including a list of our concerns that we would appreciate consideration in the deliberation and approval process:

1. Fence on the actual property line. The developer will need to work with us regarding installation of property line fencing. The type of fencing will be important as we run cattle and it may not be convenient for homeowners to have cows in their back yard even though that area is designated open range.
2. The proposed main entrance is very close (within 10 feet) of our property line. We will propose that there be some set back limits (preferably minimum of 50 feet) on that and move the entrance over more so it is not so close to the property line.
3. The narrow main road is a concern with the added traffic and dust
4. Water table with added wells and septic drain fields in proximity to our property. Especially with the proposed extra water storage for fire mitigation plan. The water table gets very low there in the summer as we have seen with our well. Adding this extra load may have adverse consequences.
5. Wildlife corridor. Elk and Deer go right through this property and our property and I'm wondering if Fish and Game have studied on how this may impact their migration paths.
6. Construction site. The developer has already encroached on our property with construction equipment and has dug test septic pipe holes on our property. Those will need to be cleaned up and restored. We ask that proper mitigation will be done to protect surrounding property owners from encroachment, unnecessary noise, dust, etc....
7. Setbacks. We are asking for a setback limit on the homesites so they will not be right near our property lines (again 50 foot minimum).
8. View corridors. We do not want any of our trees on our property being disturbed when the developer clears their proposed "View areas". It is so sad to know some of those beautiful tall trees are planned to be removed all for an open view.

As much as we love our privacy and the beauty of our property there, we understand that will be impacted with the proposed development. We are just trying to ensure that all proper measures are taken to maintain the special nature of this property.

If you have any questions let me know.

Regards,
Shane Harris
[REDACTED]

