

Valley County Planning and Zoning

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STAFF REPORT:	C.U.P. 22-21 Stag's Run Estates - Preliminary Plat
HEARING DATE:	June 23, 2022
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT/ PROPERTY OWNER:	181 W Lakefork RD, LLC 8090 East Portico Terrace Orange, CA 92867
REPRESENTATIVE:	Darcy Hart / Urban Solutions P.O. Box 1304 Eagle, ID 83616
ENGINEER:	Chad Kinkela, CK Engineering 1300 E State Street, Suite 102 Eagle, ID 83646
SURVEYOR:	Idaho Survey Group Greg Carter PLS 1450 # Watertower Meridian, ID 83642
LOCATION:	181 W Lake Fork Road RP17N03E080605 Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho
SIZE:	160 acres
REQUEST:	Single-Family Residential Subdivision
EXISTING LAND USE:	Agricultural

181 West Lake Fork Road LLC and Urban Solutions are requesting a conditional use permit for a single-family subdivision with common area lots and 50 single family residential lots.

Proposed buildable lot sizes range from 1 acre to 8 acres. Average lot size is 2.94 acres. Overall density is 0.31 dwelling units per acre; Valley County ordinances allows a maximum of 2.5 dwelling units per acre.

Individual wells and individual septic systems are proposed. There will be fire hydrants. Areas of designated floodplain and wetlands will be identified as "no-build" areas on the final plat or placed into conservation easements.

Access would be from W. Lake Fork Road (public) at two locations onto new private roads. Addition right-of-way will be dedicated to Valley County along W. Lake Fork Road in order to accommodate a 70' right-of-way. A variance is requested from the required 28-ft roadway width to 24-ft . The common lots will contain pathways providing interconnectivity to the roads.

A landscape buffer area would be located adjacent to W. Lake Fork Road with an undulating berm, trees, and other vegetation. An entry monument would be installed at each entrance.

FINDINGS:

1. The application was submitted on April 28, 2022.
2. Legal notice was posted in the Star News on May 19, 2022, and May 26, 2022. Potentially affected agencies were notified on May 10, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent May 17, 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.
3. Agency comment received:

Central District Health requires more information including an application, test holes, groundwater monitoring, and engineering report. (May 11, 2022)

Jeff McFadden, Road Department Superintendent, recommends

- 1) Dedication of 35' right-of-way adjacent to West Lake Fork RD. Developer will need to do an appraisal of the dedicated to reduce the cost of the mitigation.
- 2) Development Agreement for mitigation of impacts to Norwood Road, Nissula Road, and W. Lake Fork Road by negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (May 26, 2022)

Jess Ellis, Donnelly Rural Fire Marshal, listed requirements for roads, water supply, and addressing. The required water supply for this development shall be a fire hydrant system. An engineered drawing of the water system showing hydrant placement shall be submitted for review prior to construction. (June 6, 2022)

Shirley Florence, Lake Irrigation District stated that proposed site is within the Lake Irrigation District boundaries. The parcel has 59 inches of water assigned. Per Idaho Code, the developer must designate how they wish the water to be split and presented the plan to the district board for approval. The parcel has a buried pipeline used to deliver water to the neighboring farm. The District has a right-of-way along this buried delivery system to conduct maintenance and repairs of operation per Idaho Code 42-1102. The District recommends that the developer provide a way for parcel owners to use the designated water. If not, per Idaho Code 31-3805(2), the seller must inform the purchaser in writing that they are still subject to all assessments levied even though water deliveries may not be provided. (May 31, 2022)

Kelly Copperi, Valley County Communications Supervisor, and Laurie Frederick, Valley County Cadastral Specialist, have no issues with the proposed subdivision and road names, except for the apostrophe in the road name. (May 19, 2022, and May 20, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (May 20, 2022)

4. Neighbor comment received:

Hans Germann, Mathwig Road, owns property directly to the north of the proposed site. He is in opposition because 50 new water wells and 50 new septic systems would be in close proximity to dozens of existing wells. If a residential well runs dry, the lead time to re-drill deeper is over two years; this would be catastrophic for existing households. Groundwater is a concern throughout Idaho. (May 27, 2022)

Stacey Kucy, 128 W Lake Fork RD, is opposed. Concerns include well water, school overcrowding, wetlands, traffic, and pedestrian safety. (June 12, 2022)

Art Troutner, 193 W Lake Fork RD, is opposed. There are errors in the application. The property does have water rights. There is an easement on the property for the operation and maintenance of the irrigation pipeline which supplies water to this property and to the adjacent property. The locations of the proposed berm and entry structure are not shown in relation to the pipeline easement on the engineer's drawing to determine if there will be "any encroachments onto the easements or rights-of-way". The property has a history of producing good crops of irrigated alfalfa hay and oats as well as irrigated grazing. This property and the properties surrounding it on three sides are actively farmed and productive farmland; only the northern side has changed to housing. A change of use will have real and likely negative impacts on neighboring farm producers. Every piece of productive land changed into a non-ag use weakens the local agricultural economy. (June 14, 2022)

Carolyn Troutner is opposed. Once again an out-of-county non-taxpaying developer will make obscene amounts of money leaving the rest of us with few amenities. County residents will be left to pay for safer roads or live with unsafe roads. The developer should contribute funds for a safer road or provide a pathway for those who walk, walk dogs, ride horses, and bike along W. Lake Fork Road. The application has no data for sewage and wells. She is concerned that several of the septic systems will be too close to her family well. (June 14, 2022)

Liz Bailey, 13959 Lazy KC Ranch Way, is opposed. Valley county does not need more multi-million dollar houses. Has a study been done on the potential impacts to the surrounding areas and water supplies? Traffic is already a concern, and this proposal could bring up to 50 more homes/cars to our town. (June 15, 2022)

Galen Shaver, 13775 Nisula RD, is opposed. Galen's home is within a half mile of the proposed subdivision and is concerned about the negative effects on the water table when 50 more wells and septic systems are added. This is an agricultural area with active farming occurring on three sides. Wetland Riparian areas should be protected. Additional traffic is a concern; W. Lake Fork Road is a narrow road used by walkers and bikers. (June 15, 2022).

Judy Anderson, West Lake Fork, is opposed. The proposal undermines the absolute need to keep farmland as farmland, to keep topsoil intact, to keep rural lands as rural land, and to keep wetlands undisturbed. Water and septic systems are a concern. What do you want this valley to look like in 10 years? The cumulative effect of septic system drainage and runoff from impermeable surfaces will degrade the wetlands. South of Lake Fork Road is agricultural and that should not change. (June 15, 2022)

5. Physical characteristics of the site: Rolling topography with wetlands and designated floodplain areas. Beaver Creek flows thru the property
6. The surrounding land use and zoning includes:
 - North: Single-family Residential
 - South: Agriculture and Single-family Residential
 - East: Agricultural
 - West: Agricultural
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.

9-5-3: STANDARDS:

B. Setbacks:

1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
6. Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

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.
 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.

- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

9-5A-2: ROADS AND DRIVEWAYS:

- A. Roads For Public Dedication And Maintenance: Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".
- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

9-5A-4: LANDSCAPING:

- B. Landscaping; Standards Of Design:
 - 6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:
 - a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;
 - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
 - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
 - 7. Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section 9-5-4 of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
 - 9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).
 - 10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.

9-5A-5: FENCING:

- C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.
- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.
- G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

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.

9-6-2: FLOOD PRONE AREAS:

- A. Purpose: The purpose of this overlay district is to protect the health and safety of the public, and to minimize damage to property and fragile ecologies by preventing surface and ground water pollution and loss and destruction from flooding and siltation.
- B. Areas Of Application:
 - 1. The standards and procedures for flood prone areas shall apply to those lands which are subject to special flood hazard as defined in title 11, chapter 1 of this code. The flood prone areas generally lie along major drainage channels. A large percentage of these areas are fully saturated seasonally or continuously.
 - 2. Certain flood prone areas have been identified on the "Flood Insurance Rate Map For Valley County, Idaho" as prepared by the federal emergency management agency. The applicable maps

are identified in title 11 of this code. The maps are available in the county planning and zoning office or on the Valley County GIS website.

- C. Permitted Uses: The following are permitted uses within flood prone areas:
- Agricultural and open space uses, except structures for enclosing animals.
 - Civic or community service uses, except structures, shelters, sewage treatment facilities, cemeteries, or sanitary landfills.
 - Industrial uses, except structures and the storage of chemicals, petroleum products, and similar products which are water soluble or floatable. Wood processing plants without structures may be permitted uses.
 - Private or commercial recreation uses, except structures or shelters for human occupancy or for enclosing animals.
 - Residential uses when the lot is located within a subdivision plat recorded prior to February 1, 2019; there is no portion of the lot where the structures can be located outside the identified flood prone area; and, the structures comply with the applicable standards in subsection D of this section.
 - Structures established prior to February 1, 2019, that are in a flood prone area, that are destroyed or substantially damaged by extraordinary events such as fire, earthquake, etc., may be replaced, but shall be in compliance with title 11 of this Code.
 - Temporary uses where the season of use does not correspond to the flood season.
- Uses not listed above, such as residential and commercial uses, except for open space and infrastructure for uses with a conditional use permit, shall not be allowed in flood prone areas.

10-4-4: STREETS:

- F. Street Layout:
- 6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').
- I. Driveways: Driveways on local streets should be offset a minimum distance of fifty feet (50') from intersections with collector or external streets. (Ord. 10-07, 8-26-2010; amd. Ord. 21-08, 6-28-2021)

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".
- E. **Connection To Public Road Required:** The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +20.

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 Rural Fire District and is not within a herd district.
2. This site is within the Lake Irrigation district and has water rights available. What is the applicant's plans for the water rights, irrigation easement, and pipe to the neighboring property?
3. Compliance with each of the following Idaho Codes should be explained: (attached codes)
 - 31-3805 Delivery of Water,
 - 42-1102 Owners of Land – Right to Right-of-Way, and
 - 67-6537 Use of Surface and Ground Water.
4. Floodplain and wetlands shall be designated on the final plat. There is a minimum 30-ft setback from high water line and no construction is allowed in floodplain except for an approved road crossing.
5. A note shall be placed on the plat stating "the first floor (including duct work) of all structures must be a minimum of 2' above the base flood elevation.
6. Is the proposed landscaping area within the area that should be dedicated as road right-of-way? Berms may not be located in the W. Lake Fork Road right-of-way.
7. All access shall be from internal roads.
8. What is the cul-de-sac width?

9. How wide is the travelled surface of the private roads that are within the 70' right-of-way? Private roads must meet the Private Road Standards.
10. Minimum requirements:
 - a. Must be 70' internal ROW
 - b. Must meet minimum standards for private roads of 24'.
 - c. Must provide a 70' ROW along W Roseberry RD or 35' from centerline.
 - d. Culdesac must have a minimum of 120' diameter (60' radius).
11. There should be consideration as to whether the private road right-of-way should be continued to the adjacent property to the south for future circulation through the county.
12. Approval of the subdivision includes approval of a culdesac longer than 900' and road surface of 24' instead of 28'. They should explain why 24' road surface rather than a 28' road surface.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Floodplain Map
- Wetlands Map
- Assessor Plat – T.18N R.3E Section 30
- Preliminary Plat with Topography and Floodplain
- Pictures Taken May 26, 2022
- Idaho Code Title 67-6537 Use of Surface and Ground Water
- Idaho Code Title 31-3805 Delivery of Water,
- Idaho Code Title 42-1102 Owners of Land – Right to Right-of-Way
- 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.

3. 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.
4. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.
5. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
6. Must bury conduit for fiber optics in the roadway.
7. Shall provide documentation showing compliance with Idaho Code 31-3805 Delivery of Water, 42-1102 Owners of Land – Right to Right-of-Way, and 67-6537 Use of Surface and Ground Water.
8. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
9. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
10. The location of the fire hydrants and the well supplying the water must be noted on the final plat. A Maintenance Agreement must be recorded and noted on the face of the plat.
11. All easements shall be shown on the final plat, including those for Lake Irrigation District.
12. Wetlands and floodplain shall be marked as "no-build areas" on final plat.
13. The specific BFE at each lot should be identified on the final plat along with a note that states all structures have to be located 2-ft above the base flood elevation.
14. CCR's should address lighting, wildfire prevention, noxious weeds, septic maintenance, hydrant maintenance, fire wise wildland urban interface landscaping requirements, floodplain and wetlands, and limit each lot to one wood burning device. CCR's should also address irrigation and surface water.
15. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
16. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
17. All mounding and berms shall have slopes no steeper than three to one (3:1) and be located in the common area – not in the right-of-way for W. Lake Fork RD.
18. 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.
19. Road right-of-way must be dedicated to Valley County along West Lake Fork Road in order

to accommodate a 70' right-of-way. This must be shown on the final plat.

20. The following notes shall be placed in the notes on the face of the final plat:

- "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
- "All lighting must comply with the Valley County Lighting Ordinance."
- "Only one burning device is allowed on each lot."
- "All structures shall be located 2-ft above the base flood elevation."
- The floodplain designation note shall be added to the final plat.

21. Must participate with proportionate share in maintenance of external fences. Shall be provided for long term in the CCR's.

22. CUP approval includes approval of the two variances to allow a culdesac of over 900' from connecting road and decrease in width of road surface from 28' to 24'.

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 ($\frac{1}{2}$) of the adjacent uses and one-fourth ($\frac{1}{4}$) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	-2	-1	-1	+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	+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	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2		+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	-2	-2
7. P.U.D., RES.																							
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2		-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	-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	+1
11. PUBLIC REC.	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1		+1	+1	+2	+1	+1	+1	+2	+1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+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	-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	+2	+1	-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	+2	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2		+1	-2	+2	+2	+2	+2	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+2	+2	+1	+2	+2	+2	+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2		+2	+2	+2	+2	+2	+2	+2	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2		-1	-1	-1	-1	-1	-2	+1	-2	+1
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2		+1	-1	-1	-1	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: 3

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

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

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

Agricultural

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

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

Single Family Residential Subdivision

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

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See 142

Site Specific Evaluation (Impacts and Proposed Mitigation)

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

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

It is large, but there are no trees. Landscaping is proposed along W. ~~Donnelly~~ Lake Fork.

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

5. Impacts to Agricultural Uses.

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

Yes - single family 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 - single family residential at Brookdale Meadows, Long Valley Sub & rural houses.

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

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

Yes - single family to North and ag uses

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

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

Yes - withing Lake Fork but quite a distance from Donnelly Fire

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

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Will greatly increase tax revenue. - an upscale subdivision

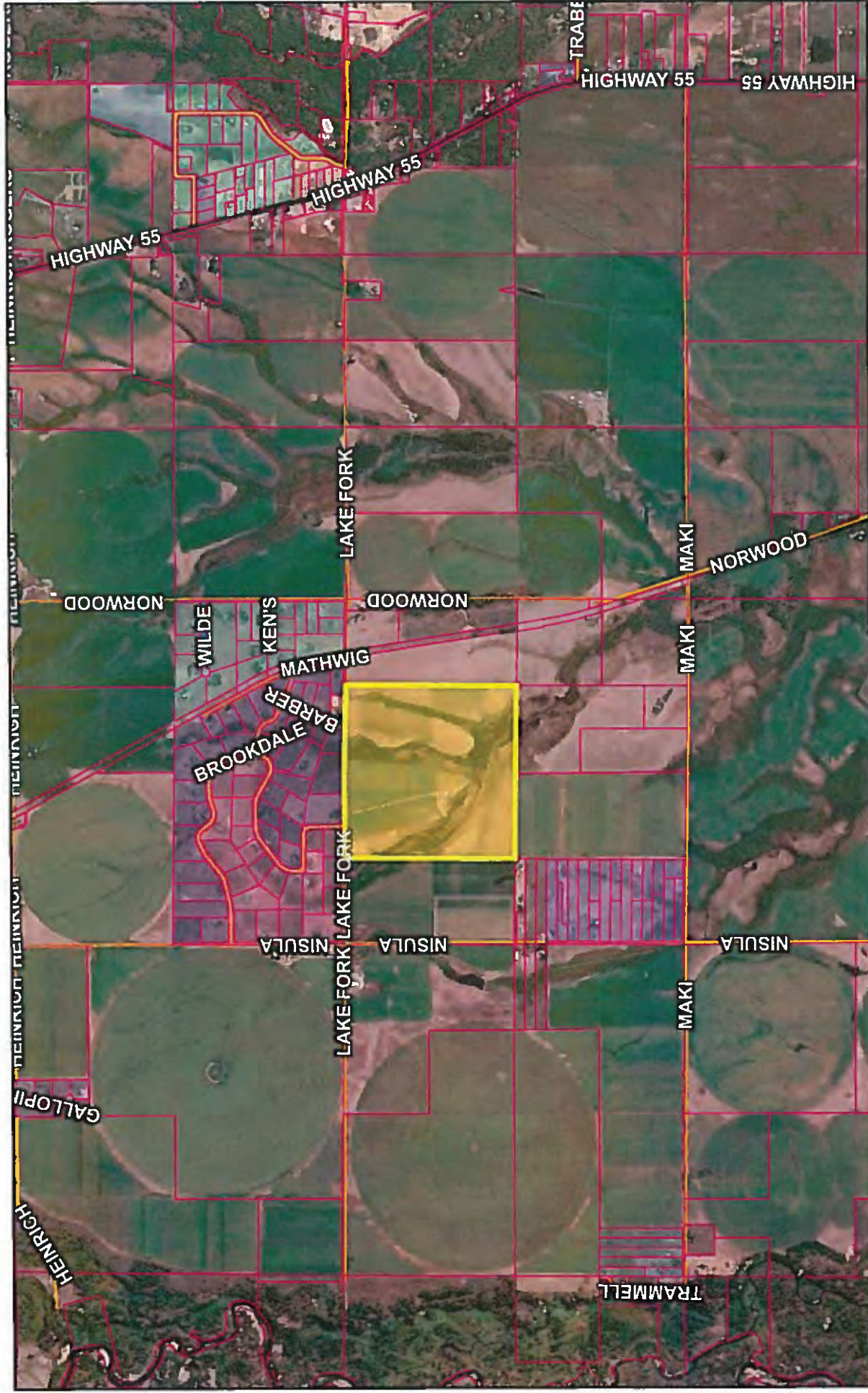
Sub-Total (+) 24

Sub-Total (-) 4

Total Score +20

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. 22-21 Vicinity Map



4/29/2022, 11:07:47 AM

Parcel Boundaries Roads MAJOR PRIVATE URBAN/RURAL

1:36,112 0 0.2 0.4 0.8 mi 0 0.35 0.7 1.4 km

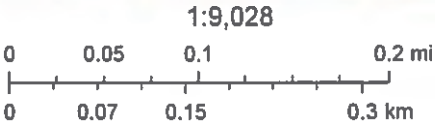
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

C.U.P. 22-21 Aerial Map



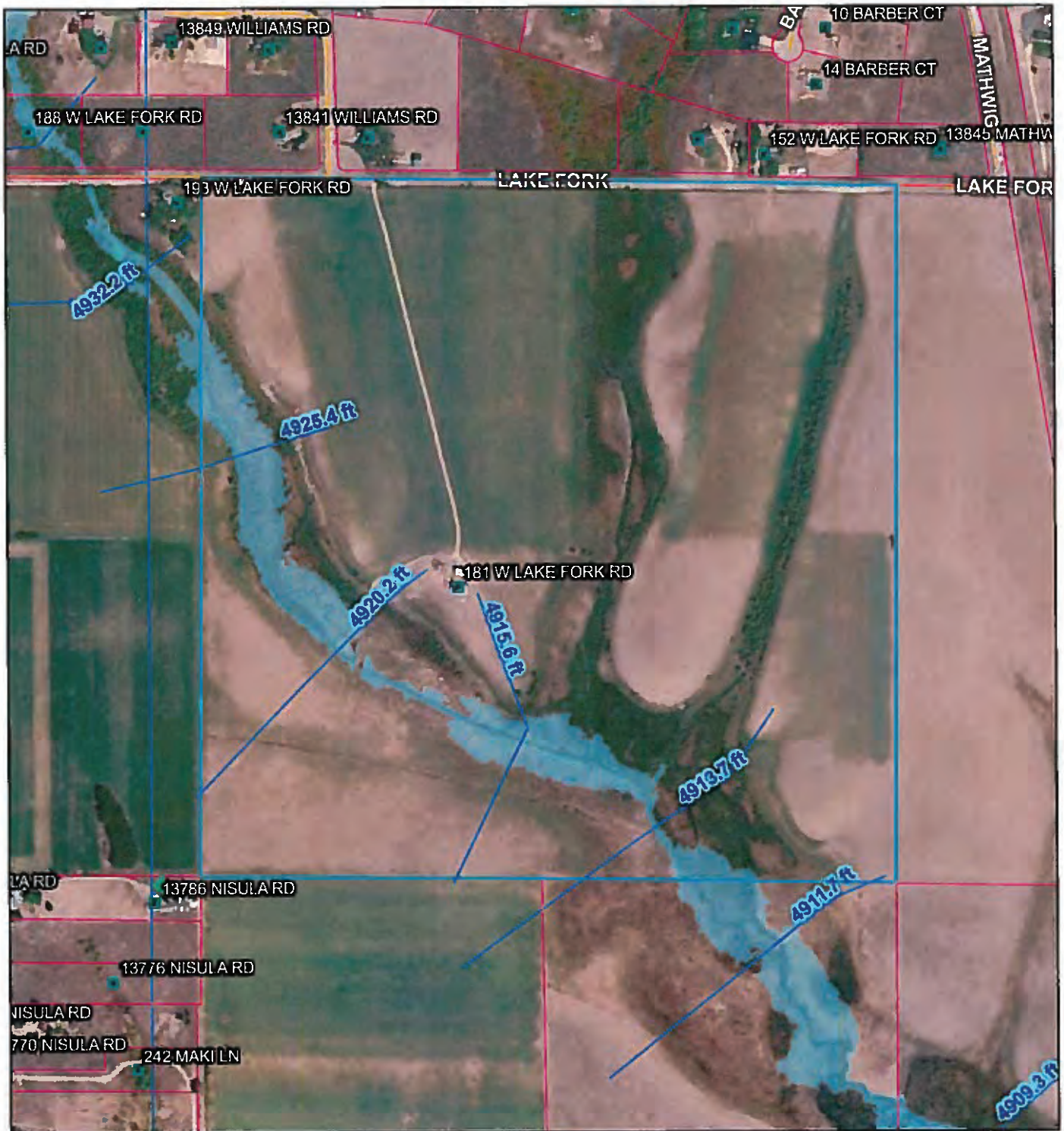
4/29/2022, 11:05:56 AM

- Addresses
- Parcel Boundaries
- Roads
- URBAN/RURAL



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

C.U.P. 22-21 Floodplain Map



6/7/2022, 4:05:39 PM

1:9,028

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)

Addresses

Parcel Boundaries

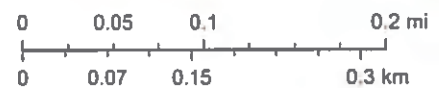
Roads

URBAN/RURAL

Base Flood Elevation

Permits

CUP



Valley County IT, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

C.U.P. 22-21 Wetland Map

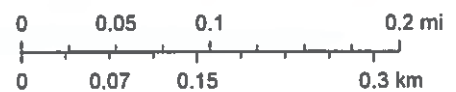


4/29/2022, 11:19:05 AM

1:9,028

- Parcel Boundaries
- Wetlands (USFWS)
- Wetlands (NLCD)
- Emergent Herbac. Wetlands

- Woody Wetlands
- Roads
- URBAN/RURAL



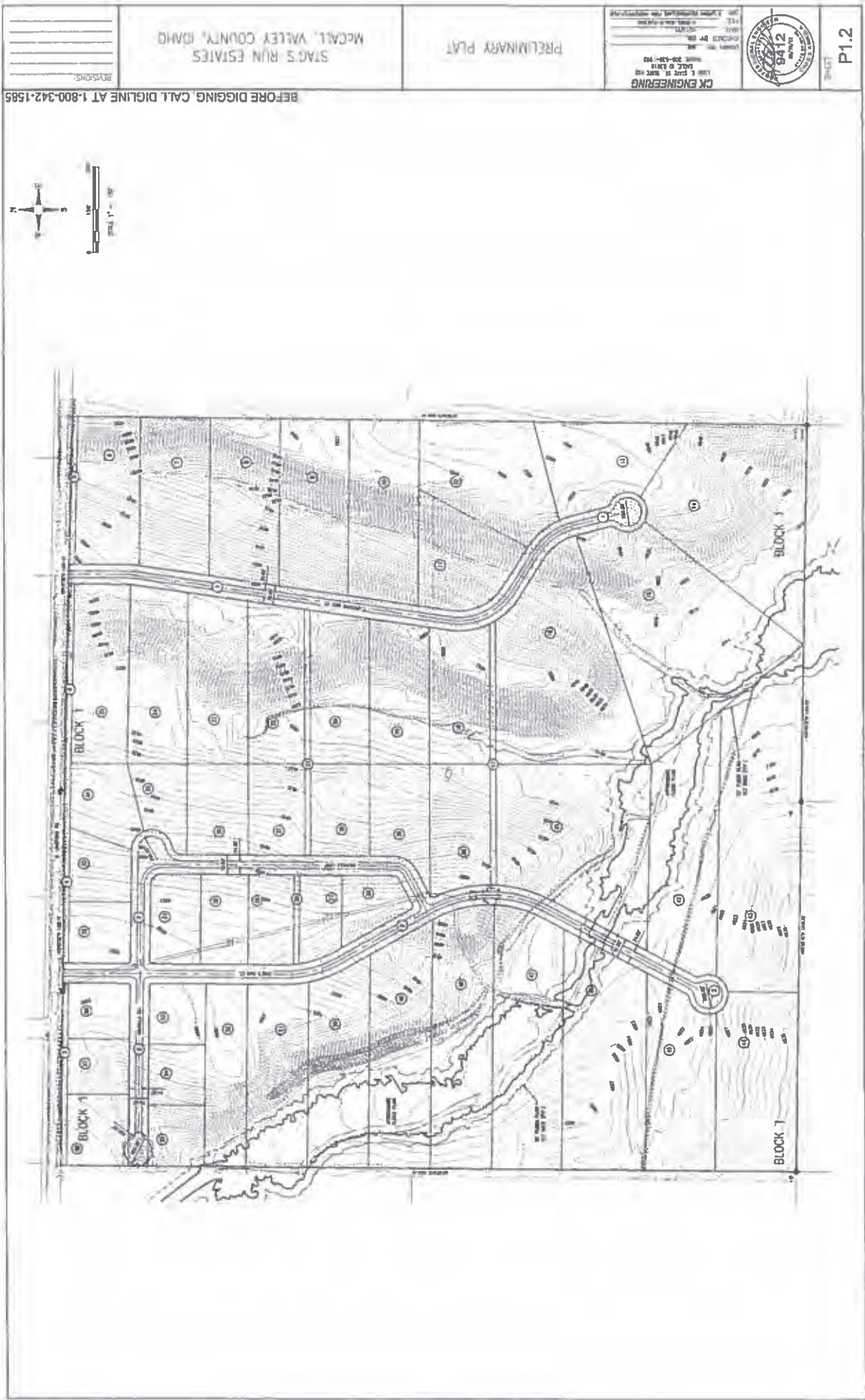
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

TWP. 17N ROSE SEC. 08

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

Filename:	Valley County Base Map
Scale:	1" = 400 ft.
Date:	8/6/2020
Drawn by:	L.Frederick





BEFORE DIGGING, CALL DIGLINE AT 1-800-342-1585

REVISIONS:

STAG'S RUN ESTATES
MCCALL, VALLEY COUNTY, IDAHO

PRELIMINARY PLAT

CK ENGINEERING
1000 E. 10TH ST. SUITE 100
BOISE, ID 83702
PHONE: 208-333-1100
FAX: 208-333-1101
DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: 10/1/01
FILE: 1000 E. 10TH ST. SUITE 100



P1.2

PUBLIC



Valley County Planning & Zoning Commission
Invites You to a PUBLIC HEARING

PUBLIC HEARING

June 23, 2022
6:00 p.m.

Commission Building
2nd Floor
219 North Main Street
Tulsa, OK

CIP-25-21

Stacy's Run Estates Subdivision
Preliminary Plat

Applicant:
Property Owner: Stacy's Run Estates LLC and Union Solutions

Location: 101 W. Lake Park Road
Tulsa, OK 74106

County: Tulsa

Project Description: 101 West Lake Park Road is a 100-acre tract of land currently zoned R-10. The applicant is seeking a conditional use permit for a single-family residential subdivision consisting of 10 lots and 10 units.

Project Location: The project is located on the east side of the city of Tulsa, Oklahoma, just north of the intersection of Highway 151 and Highway 152.

Project Size: The project consists of 100 acres of land.

Project History: The project has been under review by the Planning Commission since January 2021.

Project Goals: The goal of the project is to provide a high-quality residential development that meets the needs of the community.

Project Benefits: The project will provide a new source of tax revenue for the city and will create jobs during the construction phase.

Project Risks: The project may face opposition from neighboring property owners who are concerned about the impact of the development on the area.

Project Next Steps: The applicant is seeking a conditional use permit from the Planning Commission. If approved, the applicant will proceed with the subdivision process.

Project Contact: Stacy's Run Estates LLC, 101 West Lake Park Road, Tulsa, OK 74106. Phone: (918) 555-1234. Email: stacy@stacysrun.com

Project Website: www.stacysrun.com

Project Map: A map of the project area is available at the Planning Commission office.

Project Meeting: The public hearing will be held on June 23, 2022, at 6:00 p.m. at the Commission Building, 219 North Main Street, Tulsa, OK.

Project Comments: Comments can be submitted to the Planning Commission at the public hearing or via email at planning@valleycountyok.gov.

Project Decision: The Planning Commission will make a decision on the conditional use permit at the public hearing.

Project Appeal: If the applicant is not satisfied with the decision of the Planning Commission, they may appeal the decision to the Board of Commissioners.

Project Status: The project is currently in the preliminary planning stage.

Project Funding: The project is self-funded by the applicant.

Project Insurance: The applicant has obtained liability insurance for the project.

Project Permits: The applicant has obtained all necessary permits from the city and county.

Project Construction: Construction is expected to begin in the fall of 2022.

Project Completion: The project is expected to be completed by the end of 2023.

Project Occupancy: The project is expected to be occupied by the end of 2023.

Project Maintenance: The applicant will be responsible for the maintenance of the project.

Project Safety: The applicant will ensure that the project is safe for all users.

Project Security: The applicant will implement security measures to protect the project.

Project Privacy: The applicant will ensure that the project respects the privacy of all users.

Project Accessibility: The applicant will ensure that the project is accessible to all users.

Project Sustainability: The applicant will implement sustainable practices for the project.

NOTICE

05/26/2022

05/26/2022





05/26/2022

05/26/2022





Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) The intent of this section is to encourage the use of surface water for irrigation. 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. Surface water shall be deemed reasonably available if:

(a) A surface water right is, or reasonably can be made, appurtenant to the land;

(b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or

(c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

History:

[67-6537, added 1989, ch. 421, sec. 3, p. 1033; am. 2005, ch. 338, sec. 1, p. 1056.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 38
ZONING REGULATIONS

31-3805. DELIVERY OF WATER. (1) When either a subdivision within the meaning of chapter 13, title 50, Idaho Code, or a subdivision subject to a more restrictive county or city zoning ordinance is proposed within the state of Idaho, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called "irrigation entity" for the purposes of this chapter, no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:

(a) The water rights appurtenant and the assessment obligation of the lands in said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation entity by the owner thereof; or by the person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land; or

(b) The owner or person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land has provided for underground tile or other like satisfactory underground conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

(i) For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to said lands.

(ii) For proposed subdivisions located outside incorporated cities but within a negotiated area of city impact pursuant to chapter 65, title 67, Idaho Code, or within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

(iii) For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and

the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

(iv) For proposed subdivisions located outside an area of city impact in counties without a zoning ordinance, such irrigation system must be approved by the board of county commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

(2) (a) In the event that the provisions of either subsection (1)(a) or (1)(b) of this section have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. Any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

- (i) That suitable water deliveries have not been provided; and
- (ii) That the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and
- (iii) That the individual purchaser shall be responsible to pay such legal assessments; and
- (iv) That the assessments are a lien on the land within the irrigation entity; and
- (v) That the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

(b) A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subsection of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

History:

[31-3805, added 1976, ch. 153, sec. 1, p. 547; am. 1990, ch. 365, sec. 1, p. 997; am. 1996, ch. 51, sec. 1, p. 152; am. 1996, ch. 399, sec. 1, p. 1330; am. 1997, ch. 148, sec. 1, p. 424.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 42

IRRIGATION AND DRAINAGE - WATER RIGHTS AND RECLAMATION

CHAPTER 11

RIGHTS OF WAY

42-1102. OWNERS OF LAND - RIGHT TO RIGHT-OF-WAY. (1) When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal or other conduit on their own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others, for a ditch, canal, or conduit to convey water to the place of use for the purposes of irrigation.

(2) The right-of-way for a ditch, canal, or other conduit shall include but is not limited to the reasonable exercise of the following rights:

(a) The right to enter the land across which the right-of-way extends for the purposes of accessing, inspecting, operating, cleaning, maintaining, and repairing the ditch, canal, conduit, embankments, and irrigation structures, and to occupy such width of the land along the ditch, canal, conduit, and embankments as is necessary to properly perform such work with personnel and with such equipment as is commonly used or is reasonably adapted to that work.

(b) The right to remove from the ditch, canal, conduit, embankments, and irrigation structures the debris, soil, vegetation, and other material the ditch, canal, or conduit owner or operator reasonably deems necessary to properly access, inspect, operate, clean, maintain, and repair them. The owner or operator has the right and discretion to transport the material from the right-of-way, to utilize the material for reconstruction, repair, or maintenance of the ditch, canal, conduit, embankments, irrigation structures, and related roads and access areas, and to deposit and leave the material within the right-of-way, provided that the deposits occupy no greater width of land along the ditch, canal, conduit, and embankments than is reasonably necessary.

(c) The right to occupy the right-of-way during any season of the year to perform the work of operating, cleaning, maintaining, and repairing the ditch, canal, conduit, embankments, and irrigation structures, without prior notice to the owner or occupant of the land across which the right-of-way extends.

(d) The owner or operator of the ditch, canal, or conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of lands of others.

(3) Provided that in the making, constructing, keeping up and maintenance of such ditch, canal or conduit, through the lands of others, the person, company or corporation, proceeding under this section, and

those succeeding to the interests of such person, company or corporation must keep such ditch, canal or other conduit in good repair and are liable to the owners or claimants of the lands crossed by such work or aqueduct for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

(4) The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, canal or conduit has the right-of-way and incidental rights confirmed or granted by this section.

(5) Rights-of-way provided by this section are essential for the operations of the ditches, canals and conduits. No person or entity shall cause or permit any encroachments onto the right-of-way, including public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the owner or operator of the right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the right-of-way. Encroachments of any kind placed in such right-of-way without express written permission of the owner or operator of the right-of-way shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the request of the owner or operator of the right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

(6) This section shall apply to ditches, canals, conduits, and embankments existing on the effective date of this act, as well as to ditches, canals, conduits, and embankments constructed or existing after such effective date.

History:

[(42-1102) 1881, p. 269; R.S., sec. 3181; reen. R.C. & C.L., sec. 3300; C.S., sec. 5647; I.C.A., sec. 42-1002; am. 1996, ch. 187, sec. 1, p. 594; am. 2004, ch. 179, sec. 1, p. 562; am. 2019, ch. 158, sec. 1, p. 511; am. 2019, ch. 183, sec. 1, p. 590; am. 2021, ch. 250, sec. 2, p. 778.]

How current is this law?

Search the Idaho Statutes and Constitution



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 22-21

Preliminary / Final / Short Plat Star's Run Estates

- ☐ 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, groundwater monitoring & engineering Report Required.

Reviewed By: [Signature]

Date: 5/11/22



Valley County Road & Bridge

PO Box 672* Cascade, Idaho 83611

Jeff McFadden
Superintendent

jmcfadden@co.valley.id.us
Office * (208)382-7195
Fax * (208)382-7198

C.U.P. 22-21

May 26, 2022

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact to the local roads that will be utilized for accessing the proposed subdivision. CUP 22-20 is a preliminary plat submitted by West Lake Fork Road LLC seeking approval of a 50 lot single-family subdivision on 160 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include Norwood Road, Nissula Road and West Lake Fork Road. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

- Recommendation (1): Dedication of 35' right-of-way to the public for property owned by the developer immediately adjacent to West Lake Fork Road. Prior to final plat, the developer agrees to provide an appraisal for the value of the ROW along with a legal description and warranty deed to be recorded with the Valley County clerk.
- Recommendation (2): Mitigate impacts to transportation services on those roads identified above by negotiating with developer payment of road improvement costs attributable to traffic generated by proposed development. The value of the developers proportionate share may be determined by several methods: (1) reference 2007 Capital Improvement Program cost comparisons for the Cruzen CIP with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.

Any or all of the above recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Dept. and developer identifying the value of road improvement costs contributed.

Valley County Road Superintendent

A handwritten signature in black ink, appearing to read "Jeff McFadden".

Jeff McFadden



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

June 6, 2022

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

RE: C.U.P. 22-21 Stag's Run Estates Subdivision

After review, the Donnelly Rural Fire Protection District (DRFPD) shall require the following.

- All roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**
- 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
- **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 required water supply for this development shall be a fire hydrant system, an engineered drawing of the water system showing hydrant placement shall be submitted for review prior to construction
- The DRFPD requires a minimum Fire flow of 1125 GPM with a duration of not less than two hours, all fire hydrants shall be tested and approved by DFRPD prior to final plat
- Redundant power supply shall be required for the fire protection water system
- **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.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal
Donnelly Fire Department

District Manager:
John Leedom

LAKE IRRIGATION DISTRICT

PO Box 3126
McCall, ID 83638

Board Members:
Art Troutner
Justin Florence
Will Maki

May 31, 2022

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

RE: C.U.P. 22-21 Stag's Run Estates Subdivision

Commissioners:

The proposed Stag's Run Estates Subdivision is within the Lake Irrigation District boundaries and does have Lake Irrigation District water.

Current comments at this time, regarding this application:

- This parcel of land is within the Lake Irrigation District.
- This parcel has water assigned to it of 59 inches. Per Idaho code, when a parcel of land is divided within an irrigation district, the developer must designate how they wish the water to be split, and it must be presented to the district board for approval.
- This parcel has a buried pipeline within its borders in the NW corner area. This pipe is the Lake Irrigation District's delivering system in which water is delivered to the neighboring farm. It also serves as said parcel's main on-farm water delivery system. Lake Irrigation District has a right-of-way along this buried delivery system, in order to conduct the necessary maintenance and repairs of operation, per Idaho Code 42-1102. No person shall cause or permit any encroachment onto the right-of-way without written permission from the district per 42-1102(5).
- When water rights exist, the Lake Irrigation District board highly recommends that the developer take this into consideration, and provide a way for parcel owners to use the designated water. If not, per Idaho Statutes 31-3805(2), the seller must inform the purchaser in writing that they are still subject to all assessments levied even though water deliveries may not be provided.

Thank you for your time in this matter,

Sincerely,

Shirley Florence
Secretary
Lake Irrigation District

Re: Proposed subdivision and road names

Laurie Frederick <lfrederick@co.valley.id.us>

Fri 5/20/2022 11:33 AM

To: Kelly Copperi <ktaylor@co.valley.id.us>; Lori Hunter <lhunter@co.valley.id.us>

No issues here 😊

Laurie Frederick

Cadastral Specialist

Cartography Dept.

Valley County

lfrederick@co.valley.id.us

208-382-7127

Service

Transparent

Accountable

Responsive

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

Sent: Thursday, May 19, 2022 2:10 PM

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

Subject: Re: Proposed subdivision and road names

Our system does not like apostrophes. I'm good with everything else.

Sgt. Kelly Copperi

Valley County Sheriff's Office

Communications Supervisor

Office: 208-382-5160



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

Sent: Thursday, May 19, 2022 14:06

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

Subject: Proposed subdivision and road names

Valley Heights Subdivision - access eastward off of Finlandia Road.

- Valley Heights Drive - this is a dead-end road and should probably be named PLACE

Stag's Run Estates - site of 181 W Lake Fork RD

- Stag's Run CT
- Valhalla Loop
- Valhalla Drive
- Morning Mist CT



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

May 20, 2022

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

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

Subject: Stag's Run Estates Subdivision, PP CUP 22-21

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.

- 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#: 2022AEK113

From: Hans Germann [REDACTED]
Sent: Friday, May 27, 2022 2:17 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Jessica Cortright [REDACTED]
Subject: Opposition to Stag's Run subdivision proposal

To whom it may concern,

My name is Hans Germann. I am the owner of Lot 10 Mathwig Road directly to the north of the proposed Stag's Run subdivision and I am in opposition to the proposed Stag's Run subdivision for the following reason.

My opposition to this proposal has to do with the addition of 50 new water wells drilled in close proximity to dozens of existing wells. All throughout the state of Idaho over-drilling is causing numerous established water wells to run dry. My primary concern is for the water table level in the immediate vicinity. There may not be enough ground water to sustainably drill 50 new wells in such a compact area and so close to dozens of pre-existing wells. For the sake of existing residents in the immediate area, at the bare minimum an environmental assesment needs to be conducted to evaluate the impact of 50 new water wells and 50 new septic systems and determine if that number is sustainable.

If a residential well runs dry the lead time to re-drill deeper is over two years. What that means is that if/when the 50 new wells impact current neighbors, they will be without water into the foreseeable future. I have contacted every water well drilling company in Valley County and the earliest availability to drill or re-drill is between 2 to 3 years out. Having an existing well run dry for a local resident would be catastrophic for the household.

With the large and continuous influx of people into our rural state we need a comprehensive, sustainable plan of development for the good of all the people that live here.

I strongly urge Planning and Zoning to carefully scrutinize the current and future use and availability of groundwater which is quickly becoming a non-renewable resource throughout the state as a whole.

I am requesting an e-mail in response verifying that this e-mail has been received.

Regards,
Hans Germann
[REDACTED]

June 12, 2022



To Whom It May Concern:

My name is Stacey Kucy. I am writing you to express that I am highly against the proposal of the Stag's Run Estates Subdivision that is proposed to be built on the land 181 W. Lake Fork Road.

I feel that Valley County needs to take a step back and look at all the subdivision that have already been accepted. We need to look at the infrastructure of the area before approving every subdivision that is proposed. Have any studies been done to see what the effect of the current houses well water may have on this subdivision?

The school systems are already swelling with too many students. How will this impact the school system?

This area also has wet lands how is this going to affect the wildlife in the area.

Lastly, we are already struggling with the safety of our pets and children with high speed vehicles traveling down W. Lake Fork Road. This is not going to aid in that solution but only fuel the fire.

I feel as though more research needs to be done on this area before just approving this subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacey Kucy', with a long, sweeping horizontal line extending to the right.

Stacey Kucy

128 W. Lake Fork Road.

McCall, Idaho 83638



Honorable Planning and Zoning Commission,

It appears that the application for Stag's Run Estates is incomplete.

I will start with the Application for the Irrigation Plan Approval.

The first question on the application asks whether the property has water rights available. The Applicant answered "no" and left the rest of the document blank. In reality this property is within the boundaries of Lake Irrigation District and has rights to Lake Irrigation District Shares. The "notes" section appearing on page 1.2 of the CK Engineers document acknowledges that the property is in the Irrigation District and has rights to irrigation shares. Apparently there is a lack of communication between the signer of the Irrigation Plan Document and CK Engineers.

Question 9 in the document asks if there are any irrigation easements on the property. The applicant did not answer the question. In fact, Lake Irrigation District has an easement on this property for the operation and maintenance of the pipeline which supplies water to this property and the property to the west.

The above mentioned Lake Irrigation District easement appears to be located in or near Lot 3 of the property.

Page 1, paragraph 4, of the cover letter describes the proposed construction of a berm between West Lake Fork Rd and the lots on the North side of the development. It would appear from the description that this is also the location of the L.I.D. pipeline and easement. Pursuant to Idaho Code, Chapter 12, Section 42-1209, "no person or entity shall cause or permit any encroachments onto the easements or rights-of-way... without written permission of the Irrigation District" etc. The cover letter also mentions the construction of an entry structure in the same area of lot 3. As the locations of the berm or the entry structure are not shown in relation to the the pipeline easement on the engineer's drawings it is not possible to determine if the design is in compliance with the law at this time. To the best of my knowledge, the Applicant has never contacted the Irrigation District with any inquiries regarding rights and obligations of properties within Irrigation Districts.

Regarding the C.U.P. and Preliminary Plat Application form:

This portion of the application also has several inaccuracies.

Question Number 3 asks if there are any restrictions on the property. The Applicant answered that there were none. In fact, there exists an Operation and Maintenance easement for a water delivery pipeline owned by Lake Irrigation District. This easement is not mentioned.

Question 6 asks about uses of the land. The Applicant answers that the land is devoted to "bare land, grazing". This answer is incomplete and misleading as the property has a history of producing good crops of irrigated alfalfa hay and Oats as well as irrigated grazing.

Question Number 8 asks for a description of the adjacent properties uses and or types. Some of the descriptions provided are misleading.

To the South is described as bare ag land when it is actually better described as irrigated pasture.

To the East is described as bare land. It is alfalfa hay/pasture.

To the West is described as Agriculture. It is irrigated agriculture.

These are important details. This property, and the properties surrounding it on three sides, are actively farmed and productive farmland. Only on the side to the North has the use changed from agricultural activity to housing. The remainder of the land surrounding the proposed subdivision is still predominantly an irrigated, agricultural part of Valley County where several families rely on Agriculture for their primary income.

A proper description of the land uses is in order, and necessary, to demonstrate that the requested change of use will have real, and very likely, negative impacts on neighboring farm producers.

What is being asked by the Applicant is to take irrigated, productive farm land forever out of production. Every piece of productive land changed into a non-ag use weakens the local Ag economy.

Thank you for your time,
Art Troutner
193 West Lake Fork Rd.
McCall, Idaho
83638



Lake Irrigation District Board Supervisor



To the Planning and Zoning Commission:

Thank you for your time.

I am writing regarding the conditional use permit application of Stage's Run Estates on 181 W. Lake Fork Road.

This application of Stag's Run Estates is another project that will have a huge impact on current and future residents of our county. Once again, in an all-too-familiar story, an out-of-county non-taxpaying developer will make obscene amounts of money leaving the rest of us, as well as, his/her prospective buyers with few amenities. Our county residents will be left to pay for safer roads or be forced to live with unsafe roads.

Those of us, who walk ourselves, walk dogs, ride horses, and ride bikes along West Lake Fork Road will bear the impact of 50-100 more cars. Our recreation will be less safe for everyone. How about the out-of-county developer contributes funds for a safer road or provides a sidewalk or path away from traffic? It seems like current and future county taxpayers could benefit; or how about the non-taxpaying developer plan bigger lot sizes, translating into fewer cars?

I would like to address another blatantly unhealthy issue with this proposed plan. In this application, I have seen no data regarding sewage and wells. Is this really within Central District Health Standards? These proposed lots have not been perc tested. At least six of these lots are adjacent one acre lots. I would like to see the data stating that wells and septic systems are permissible with one acre. I am greatly concerned that several of these septic systems will be too close to our well. Contamination of existing water cannot be permitted; even the possibility of contamination cannot be permitted.

Please deny this conditional use application. This developer must take the right steps to insure that tax-paying residents are safe and healthy.

Carolyn Troutner

From: Liz Bailey [REDACTED]
Sent: Wednesday, June 15, 2022 7:43 AM
To: Valley County Commissioners [REDACTED]
Subject: Stag's Run proposed subdivision

Honorable Commissioners,

I am writing to express my opposition to this proposed development. Valley County does not need more multi-million dollar houses and this will impact so many aspects of our area. Each lot will have its own septic and water but has anyone done a study on how that will potentially affect the surrounding areas and the water supplies? What about increased traffic? It is already challenging to navigate the roads and this proposal could bring up to 50 more homes/cars to our town.

I hope that you will consider this carefully and I appreciate all that you do for your constituents.

Sincerely,

Liz Bailey
13959 Lazy KC Ranch Way
McCall

From: Galen Shaver [REDACTED]
Sent: Wednesday, June 15, 2022 2:20 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: new subdivision on West Lake Fork Rd

to Valley County Planning and Zoning Commission:

I would like to submit the following comments for consideration by the Valley County P and Z in regard to the CUP 22-21 Stag's Run Estates at 181 West Lake Fork Rd. application to create a new, very dense subdivision in our Agricultural area of West Lake Fork. My home is within a half mile of the proposed subdivision and I have grave concerns about the negative effects on our water table when 50 more wells and septic systems are added so close by. This is an agricultural area with active farming taking place on three sides of this proposed subdivision. North of the proposed area is a subdivision that is not similar to this new proposal in so far as there are larger and fewer lots, bigger roads that are Public use, it is not completely built out, it was not in active agricultural use when established 30+ years ago and the wetland areas are protected and not built on. West Lake Fork Road was recently upgraded in that area, but is still a narrow road and used by walkers and bikers in the area at their own risk. It will be even more dangerous with traffic from 50 new homes. I am also greatly concerned about the lack of specific protections for the wetland riparian areas within the subdivision. Water is life and needs to be protected everywhere.

This project does not fit in this agricultural area and should not be approved in its current proposed form. We do not need 50 more second homes for rich people to use more valuable resources and further harm the land, air, and water in our neighborhood, our county and our world.

Thank you,

Galen Shaver
13775 Nisula Rd
McCall, ID 83638
[REDACTED]

From: Galen Shaver [REDACTED]
Sent: Wednesday, June 15, 2022 4:22 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: comment on subdivision 22-21 Stag's Run

Dear Cynda, Please share this with each commissioner. Thank You. Judy Anderson

Letter to P&Z commissioners June 15, 2022

Dear Commissioners,

I wish to comment on the proposal for a subdivision 22-21, Stag's Run on West Lake Fork Road. I am asking you to deny this request. The proposal undermines the absolute need to keep farmland as farmland, to keep topsoil intact, to keep rural lands as rural land, to keep wetlands undisturbed.

Dropping what is basically a gated urban development, with homes designed for people who don't live in them, replete with ridiculous monuments to unknown stags, insulting to the local community in its presumptuousness, with its "sensitive undulating berm" and its complete recreational orientation is an abomination. The name of the outfit designing the place says it all- "URBAN SOLUTIONS" With its cute motto, "Urban problems need urban solutions". But we aren't urban and we don't want to be on our way to being another Eagle or Avimor. We are rural, working people, there are working farms and ranches surrounding the plot on 3 sides. How much land are we going to destroy to feed this insatiable greed of people trying to capitalize on a frenzied real estate bubble and litter the countryside with these overbuilt and resource hungry "homes" that no one really lives in. When will common sense prevail and we say NO MORE? All systems have limits. Ecosystems have limits... biological limits of water availability, biological limits of the amount of waste that can be handled and vegetation that can be removed. Limits of what a countryside can absorb before it becomes unhealthy for all living creatures and no longer productive but just a dead holding ground for people's unlimited toys. Don't continue down this path. What do you want this valley to look like in 10 years?

With its very aggressive build out plan, the developers would be condemning the neighborhood to 2 years of intense noise, dust, congestion, traffic as 50 homes in a short space of time are erected on what was a quiet pasture. And the bit about preserving the wetland by bringing in PLT.. I thought destroying wetlands was against the law in the first place, why should anyone be praised for preserving it. And frankly, what the developers are going to do with the land will be very destructive to the wetland regardless. 50 septic systems in a small area many of which, because of lot positioning, will be very close to the wetlands. The cumulative effect of septic system drainage and then runoff from impermeable surfaces- driveways, roads, houses, patios, paths contaminated by gas, oil, salt, pesticides, herbicides and fertilizers will eventually degrade the wetlands. So the "crowing" about preservation of "important resources" looks like nothing more than greenwashing. In addition, I love my water table and do not want it endangered with 50 new wells.

Again I ask you to deny this subdivision. South of Lake Fork Road is agricultural. That should not change lest we have a domino effect that undermines all agricultural use in Lake Fork and fragments the irrigation district.

Sincerely,
Judy Anderson
West Lake Fork