

Valley County Planning and Zoning

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STAFF REPORT: Appeal of Planning and Zoning Commission
Approval of C.U.P. 22-21 Stag's Run Estates

HEARING DATE: August 29, 2022

TO: Board of County Commissioners

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

APPELLANT: Carolyn Troutner, et al.
193 W Lake Fork RD
McCall ID 83638

**APPLICANT /
PROPERTY OWNER:** 181 W Lake Fork RD, LLC / Urban Solutions
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: Greg Carter PLS, Idaho Survey Group
9955 W Emerald ST
Boise, ID 83704

LOCATION: 181 W Lake Fork Road - RP17N03E080605 in Section 6,
T.17N, R.4E, Boise Meridian, Valley County, Idaho

SIZE: 160 acres

REQUEST: Single-Family Residential Subdivision

EXISTING LAND USE: Agricultural

The Valley County Planning and Zoning Commission approved the conditional use permit and preliminary plat on June 23, 2022.

181 West Lake Fork Road LLC and Urban Solutions requested a conditional use permit for a single-family subdivision with common area lots and 50 buildable lots. Proposed buildable lot sizes range from 1 acre to 8 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. Power will be underground. Conduit for fiber optics will be placed in the private road right-of-way. There will be fire hydrants per

requirements of Donnelly Rural Fire District. Areas of designated floodplain and wetlands will be identified as “no-build” areas on the final plat or placed into conservation easements.

Access is from W. Lake Fork Road (public) at two locations onto new private roads. Additional right-of-way will be dedicated to Valley County along W. Lake Fork Road in order to accommodate a 70' right-of-way. The common lots will contain pathways providing interconnectivity to the roads.

A landscape buffer area will 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.

The development will be constructed in a single phase.

FINDINGS:

1. The Valley County Planning and Zoning Commission approved C.U.P. 22-21 Stag's Run Estates Subdivision at a public hearing on June 23, 2022.
2. **Appeal:** Carolyn Troutner, signatory, and nineteen listed adjacent landowners and/or neighbors have appealed the approval of the conditional use and preliminary plat. The appeal was received in a timely manner on July 5, 2022, with the appropriate fee. The appeal is attached. Summarized reasons for appeal are listed below:
 - Material Inaccuracies and Application Omissions.
 - Application does not address the required impact on water usage and discharge.
 - Application does not address the required impact on water conservation and management.
 - Application was materially inaccurate regarding water rights.
 - Application was materially inaccurate regarding irrigation easements.
 - Misrepresentation of Facts
 - Applicant mischaracterizes the property use.
 - Applicant mischaracterizes adjacent property.
 - Compatibility Evaluation was skewed by the mischaracterization of land and adjacent use.
 - Impacts to Wetlands and Floodplain
 - Wetland
 - Pollution
 - Adjacent Property Impacts & Existing Wells
 - Flood Risk
 - Traffic
 - Cost of Development to Taxpayers
 - Loss of Farmland
 - Preserving Agricultural Land & Open Space
 - Further Development Undermines Rural Land Uses
 - Commissioner Misgivings Indicate Reconsideration & Lack of Alignment to Comprehensive Plan
 - Commissioners Expressed Misgivings
 - The Comprehensive Plan is a Guide for Decision Making
 - Loss of Farmland Destroys Rural Economies and Heritage
3. **STAFF RESPONSE TO APPEAL** based on the Application, Presentation at the Public Hearing, Required as Conditions of Approval, and Laws of State of Idaho and Valley County: (See the Minutes and Facts & Conclusions of the P&Z Commission)

9-5H-12: APPEALS:

... Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

(Appellants identify themselves as aggrieved individuals.)

Definition of **Aggrieved Person**: a person sufficiently harmed by a legal judgment, decree, or order to have standing to prosecute an appellate remedy. (Merriam-Webster)

Staff Comment: There were no damages or harm to appellants expressed in the appeal received.

(Basis of Appeal – The approval of the Application was arbitrary and capricious.)

Definition of **Arbitrary and capricious**: willful and unreasonable action without consideration or in disregard of facts or law. (Black's Law Dictionary)

Staff Comment: The Valley County Planning and Zoning Commission deliberated and based their decision on the facts of law, Valley County Comprehensive Plan, and Valley County Ordinances with consideration of the preponderance of public opinion in mitigating expressed impacts.

1) Appeal: **Material Inaccuracies and Application Omissions**.

1.1 Application does not address the required impact on water usage and discharge.

(Staff Comment)

- Idaho allows individual wells that will irrigate up to ½ acre according to the Idaho Dept. of Water Resources.
- Septic systems are evaluated and permitted by Central District Health in accordance with Dept. of Environmental Quality (DEQ) standards.
- A stormwater management plan and site grading plan will be approved by the Valley County engineer prior to any working be done on-site in accordance with DEQ Best Management Practices.
- Applicant stated during the hearing they would be using any water rights for irrigation of lots.

1.2 Application does not address the required impact on water conservation and management.

(Staff Comment)

- Applicant will comply with all laws concerning water conservation and management expressed in the state statutes and Valley County Code.
- Removing cattle from tromping in the wetlands and floodplain at the headwaters of Mud Creek may have a positive effect to water quality.
- The application is not contrary to Chapter 4, Goal 1, objectives of the Valley County Comprehensive Plan as listed below...

Goal I: Conserve and manage groundwater and surface water in all its forms in order to prevent depletion or pollution.

Objectives:

1. Orient *watershed management practices* toward the improvement and maintenance of ground and surface water quality throughout Valley County.
2. Take an active role, regarding water quality and quantity, by participation in the *revision of the plans of the National Forests and Bureau of Reclamation*.
3. Encourage **open space buffers adjacent to rivers and creeks in order to preserve riparian areas**.
4. Promote agricultural practices which protect and improve water quality and the expansion of those practices.

5. Protect the recreational value of the county's water bodies and water courses.
6. Protect *important* riparian areas by:
 - a) Promoting the **designation and mapping of critical areas.**
 - b) Promoting the **preservation of riparian habitats and stream conditions.**
 - c) Promoting the **rehabilitation and enhancement of degraded riparian habitat and stream conditions.**
7. Encourage improvement of irrigation water management practices which conserve water and reduce ground and surface water pollution or contamination.
8. Promote the use of geothermal resources for recreation or commercial useage and conduct additional studies
9. Encourage the **retention of existing wetlands** in order to protect water quality and establishment of new wetlands.

1.3 Application was materially inaccurate regarding water rights.

(Staff Comment)

- Applicant stated they will comply with IDWR requirements concerning water rights and they will do further investigation.
- Shirley Florence, Lake Irrigation District, identified the water rights and statutes that they must comply with and how irrigation water will be treated. (See her attached letter.)

1.4 Application was materially inaccurate regarding irrigation easements.

(Staff Comment)

- See the Shirley Florence letter. Applicant expressed at the hearing they will comply with all Lake Irrigation requirements and desires including easements, irrigation to adjoining property, and on-site irrigation.
- Applicant will be responsible to comply with I.C. 42-1209.
- Appeal states irrigation water is crucial to preserving ground water; this applicant will use water rights for irrigation of individual lots.

2) Appeal: **Misrepresentation of Facts**

2.1 Applicant mischaracterizes the property use.

(Staff Comment)

- Recent use is not the same as historical use.
- Assessor's office values as "131 Res Impr on Cat 10". Based upon a conversation with the Assessor, it is a mixture of single family residential and agricultural (irrigated pasture).

2.2 Applicant mischaracterizes adjacent property.

(Staff Comment)

- Irrigated pasture and alfalfa hay/pasture are both considered agricultural land uses.
- Staff had a conversation with the applicant concerning floodplains and used Beaver Creek as an example which led to the confusion that this particular floodplain was Beaver Creek instead of Mud Creek. The floodplain rules applied to Beaver Creek are the same that will be applied to Mud Creek.

3) Appeal: **Compatibility Evaluation was skewed by the mischaracterization of land and adjacent use.**

(Staff Comment)

- The compatibility rating was applied as required by Valley County Code 9-11 using the matrix table and compatibility form.
- Agriculture was used as the dominant adjacent land use when compared to a single-family residential subdivision.
- There is only one agricultural use number not a different number for each type of agricultural use i.e., irrigated pasture, dry grazing, etc.
- Adjacent structures are single-family residential and that is what is being proposed.

- Traffic will be similar to adjacent single family residential subdivision.
- Will have its own fire hydrant system.
- Will have a lot more tax revenue than an agricultural use.

4) Appeal: Impacts to Wetlands and Floodplain

(Staff Comments)

4.1 Wetlands

- Will do a wetland delineation to determine specific boundaries of wetlands.
- Must comply with the Army Corps of Engineers since it is their jurisdiction.

1.2 Pollution

- The 2000 DEQ Implementation Plan “Phosphorus Sources” shows that urban/suburban/roads (11%) is less impact to water quality on Lake Cascade than Agricultural uses (29%) or forestry uses (22%). I suggest with proper BMPS, levels at specific sites can be contained on-site.
- There will be no development in the wetlands or floodplain (except for a creek crossing). A floodplain development permit in accordance with Title 11 is required.

1.3 Adjacent Property Impacts & Existing Wells

- Wetlands are the jurisdiction of the Army Corps of Engineers. Any disturbance will require a permit.
- IDWR states wells are allowed.
- DEQ states there is adequate water in Valley County.

1.4 Flood Risk

- Valley County Flood Insurance Rate maps were recently adopted on February 1, 2019.
- This development will only cross the floodplain as allowed in Title 9 and Title 11 of the Valley County Code.
- There will be no development in the floodplain.
- Anything near the floodplain will need to be elevated 2' above the base flood elevation.
- Base flood elevations have been determined for this property.

5) Appeal: Traffic

(Staff Comments)

- Jeff McFadden, Valley County Road Superintendent, responded. He will require dedication of right-of-way on Norwood and request participation in the Road Development Agreement based on the 2007 Capital Improvement Program.
- Traffic is similar to the single-family residences and single-family residential subdivisions in the general area.
- West Lake Fork Rd was recently improved with asphalt.

6) Appeal: Cost of Development to Taxpayers

(Staff Comments)

- It is anticipated that the tax revenues on 50 homes will exceed the tax revenues on 160 acres of agricultural land.
- There were no service providers who responded that they cannot service the subdivision.
- Impact fee ordinance is anticipated to be adopted soon.
- Valley County Comprehensive Plan:

CH 3 - Goal I: **Protect individual private property rights while considering community rights.**
Objectives:

1. Design all provisions of the Comprehensive Plan in order to protect both private property rights and

- the community's rights to have a safe and healthy community.*
2. *Protect private property from the negative effects of recreational uses (trespassing, property damage, opened gates) and nearby incompatible uses.*
 3. *Protect each citizen in the community from unsafe and unhealthy conditions caused or worsened by activities, uses, structures, buildings or other factors located on someone else's privately owned property.*
 4. *Implement the Plan, in order: "...to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property..."(Idaho Code section 67-6508(a)).*
 5. *Design land use regulations to protect the health, safety, and welfare of the community, avoiding any unnecessary conditions, delays, and costs.*
- CH 8 - Goal I: To encourage an adequate supply and variety of affordable and quality housing types for the local residents including current and future, working and retired.**

7) Appeal: Loss of Farmland

7.1 Preserving Agricultural Land & Open Space
(Staff Comments)

- Planning and Zoning Commission did not agree that this is some of the best agricultural land due to wetlands and floodplains.

7.2 Further Development Undermines Rural Land Uses
(Staff Comments)

- There are many single-family homes and single-family subdivisions in this general area along with agricultural. This subdivision is not spot zoning in the middle of agricultural land. There is a very large subdivision across the road and subdivisions to the southwest. Most of the appellants live in this general area or are adjacent to this proposed subdivision.

8) Appeal: Commissioner Misgivings Indicate Reconsideration & Lack of Alignment to Comprehensive Plan

8.1 Commissioners Expressed Misgivings
(Staff Comments)

- The Planning and Zoning Commission deliberated the pros and cons of the subdivision and compared to other jurisdictions.
- They did opine concerning loss of agricultural lands across America and the Treasure Valley, but the conclusion was that it complied with the Valley County Code.

8.2 The Comprehensive Plan is a Guide for Decision Making
(Staff Comments)

- The Valley County Code implements the Valley County Comprehensive Plan.

9) Appeal: Loss of Farmland Destroys Rural Economies and Heritage

(Staff Comments)

- Nobody is saying that farmlands are not an integral part of Valley County.
- There needs to be a balance between private property rights and community rights.
- Lack of housing prevents children from returning to their home towns to live.
- Some families do not have anyone to carry on the family farms so they sell the property.
- There has not been an excessive amount of farmland lost to development since the 2018 Comprehensive Plan was adopted. See attached "Analysis of Lots Platted or Approved since 2018".

Staff's Response to Julie Thrower, Mountain Top Law, attorney, representative for the appellant, received:

1. Procedural Due Process Violation – Improper Notice:

* Idaho State Statute: 67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES.

(b) Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.

* **Valley County Code: 9-5H-11: CONDUCT OF HEARINGS:**

N. At any public hearing, the commission may order the hearing to be continued by publicly announcing the time and place of continuance and no further notice thereof shall be required. Failure of the commission or board to provide actual notice to each person so entitled shall not render any proceeding hereunder invalid; provided, that the county substantially complies with the notice and hearing requirements of this chapter.

* **The Board of County Commissioners may choose to remand back to Planning and Zoning Commission for re-noticing of the hearing. Staff recommends it be remanded so there is no question as to due process and will also give the applicant a chance to re-address items brought up in this appeal.**

* Notice for P&Z Commission hearing did not include 6 neighbors, all of which are noticed for the County Commissioner hearing. Staff typically uses the GIS tools that list adjoining, but it was not accurate. For this hearing, we made a visual confirmation.

* All landowners of current record have been noticed for the Board of County Commissioners hearing.

* **Any lack of notice at the P&Z Commission hearing may be considered corrected by the current notice since this is a new public hearing process, but notice was for the appeal.**

* "Although the neighbors claimed a number of due process violations, development approval process followed by the Valley County board of commissioners did not rise to the level of a due process violation justifying reversal; there were four public hearings on the developer's application, and the neighbors were heard and participated in each hearing." Neighbors for a Healthy Gold Fork v. Valley County (2007)

* The amount of notice listed in the P&Z Staff Report and the Board of County Commissioners show evidence of the notice to neighbors, postings, website, newspaper, and on-site.

* **The number of comments received from neighbors within 300' and interested parties throughout the county are evidence that notice was effective.**

* Staff also believes the document submitted on August 22 at 4:50 pm by Julie Thrower was not timely. It was received less than 7 full days before the Board of County Commissioners hearing. But, staff recommends the Board of County Commissioners consider it.

The Valley County Code states:

9-5H-12: APPEALS:

Any administrative level or commission level decision may be appealed in accordance with the procedures established herein. All such appeals must be written, accompanied by the fee as set by resolution of the board of commissioners and submitted to the administrator prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday, the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

B. Appeals Of Commission Decisions:

1. Any decision of the commission may be appealed to the board by the applicant, any aggrieved person or the administrator. The appeal shall be filed with the administrator before five o'clock (5:00) P.M. of the tenth calendar day after the determination of the commission has been made.
2. The administrator shall ascertain that the procedural requirements have been met and notify the board of the appeal.
3. The clerk, upon notice of an appeal of a decision by the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
4. Notice of the public hearing shall be posted in accordance with subsection A3 of this section.
5. An appeal may not be withdrawn without the approval of the board.
6. All pertinent information in the planning and zoning file shall be forwarded to the board for review.
7. The board shall hold a public hearing to review the commission's proceedings and decisions and may obtain additional information from the administrator or staff, the applicant, the appellant, or the public.
8. **The board may sustain, deny, amend or modify the decision of the commission. The decision of the board is final and need not be referred back to the commission; except, the board may elect to refer the matter to the commission with specific instructions.**

II. Due Process and Valley County Code Violations – Application is Incomplete:

- This is a process that changes through the hearings. It is not a specific point in time where all submittals of build plans are made up front, reviewed, and approved. We have a Performance Based ordinance.
- The Valley County Planning and Zoning Commission agreed it was complete.
- Valley County does not require all of the detailed site grading and stormwater management plan be prepared for approval by the P&Z Commission but by the county engineer. Preliminary plans submitted and reviewed by county engineer.
- The P&Z Commission reviewed their narrative and drawings on how they would be complying with the site grading, stormwater management, etc.
- The applicant agreed to fence the property and enter into an agreement as a condition of approval.
- All single family residences will provide plans for exterior lighting as part of a building permit plan. All individual owners will be notified in the CCR's and on the face of the final plat. There will be no street lights.
- They were not required to do a Wildfire Mitigation Plan prepared by a professional forester due to the lack of forested areas. A Wildland Urban Interface Fire Protection Plan was submitted on June 3, 2022. They will be putting in fire hydrants in accordance with the requirements of the Donnelly Rural Fire District.

- An Impact Report was submitted.
- Water Rights and Irrigation will be addressed by Idaho Dept of Water Resources and the irrigation district. See the letter on file from the irrigation district.

III. LLUPA Violation – Lack of Reasoned Statement

- There is no judicial review at this time; judicial review will be after the Board of County Commissioners, if appealed.
- The Facts and Conclusions of the P&Z Commission along with the Minutes are adequate.
- Until there was appeal of the P&Z Commission decision, there were no factual disputes.
- If the Board of County Commissioners deny the appeal or uphold the appeal, detailed Facts and Conclusions will provide adequate reasoned statements, facts, and ordinances applied, along with the Comprehensive Plan analysis as provided in the Staff Report.

IV. Violations of Valley County Code

(A. Section 9-05A-1-E-1)

- See Preliminary Plat received May 23, 2022 (originally on April 26, 2022).
- Preliminary Plat clearly shows the topography and street sections.
- There is a topographic map submitted.
- Application describes using use of waddles, concrete clean-out area, replacement of vegetation, building envelopes which will reduce disturbance of natural vegetation.
- The only site grading will be for internal roads/utilities.

(B. Section 9-5A-2: Roads and Driveways)

- The Planning and Zoning Commission was aware that there were two access points that did not connect internally; they had the application. There was no mention since there was no concern. There are not a lot of lots that will access off one internal road. To connect the roads or loop the roads there would be a lot of disturbance to wetlands.
- The Valley County Code states, “wherever practicable”.

(C. Section 9-5A-5 Fencing)

- A condition of approval is, “Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.” The applicant stated they will build the fence and provide for long-term maintenance in the CCRs; cannot force adjacent owners to enter into an agreement and will not prohibit a development because an adjacent neighbor does not agree. CCRs will be reviewed with the final plat to assure this agreement.

(D. Section 9-5A-6: Utilities)

- Dept. of Environmental Quality and Central District Health will ascertain whether there is adequate septic and individual wells through their review process. The plat will not be recorded until sanitary restrictions have been released. See March 22, 2022 work session for explanation.
- Individual wells are permitted on ½ acre lots; all lots in this subdivision are a minimum of one acre.
- The P&Z Commission makes its decision based upon the proposed land use; if the soils will not support the number of septic proposed (CDH determination) then the

- number of lots will be decreased.
- Power and conduit for broadband will be underground.

(E Section 9-5-3-D: Impact Report)

- The applicant stated these will mostly be second homes with no short-term rentals, so traffic will not be the anticipated 7 trips per day.
- A Road Development Agreement will be required as per Jeff McFadden comments, that will address off-site road impacts.
- This road was recently asphalted.
- The P&Z Commission could make reasoned decisions based on their expertise, knowledge and history.
- Valley County recently listened to a presentation by a groundwater professional familiar with Valley County who concurred with the Dept of Environmental Quality that Valley County has no concerns with lack of groundwater; applicant will comply with all state requirements.
- There will be a significant increase in tax revenues over current receipts for agricultural lands.

(F Section 9-5H-5, 9-11-1 – Compatibility Rating)

There are single family residential subdivisions in the general area, as follows:

Brookdale Meadows – 62 lots (plats attached)

Wilde County Estates – 19 lots (potential for 21 lots with splits)

Long Valley Subdivision – 24 lots (potential for 7 more lots with splits)

- The P&Z Commission agreed with averaging (typical process) of the -1 with the +2 for question 3, resulting in a +1. Even if question 3 was considered a -1, there would be a 2 point difference resulting in a +18 compatibility rating. There are a number of single family houses and subdivisions within three miles.
- The compatibility rating is a tool to project the future if the land is developed in accordance with the application; a way to ascertain appropriate mitigation of impacts.
- Question 4 is looking for visual impacts.
- Question 5 is looking for comparison and similarity to size of buildings and/or lots. Structures are comparable to structures on adjoining parcels and size of lots is comparable to other subdivisions in the area, most specifically Brookdale Meadows. The P&Z Commission had a through discussion about densities in other subdivisions.
- Question 6 asks if traffic will be similar to traffic of other users; yes, it is similar to the single family residential users in the area.
- Question 7 addresses emissions, etc. There will only be one wood burning device allowed per lot.
- Question 8 is concerning service providers. Applicant will comply with all requirements of service providers and what is allowed by the state of Idaho.
- Question 9 addresses increase in revenues to expenses. Currently the land is valued for one residential use and irrigated pasture. It is logical that 50 homes will be 50 times the value of one house. No agency stated there would be a negative impact to their service.

(G Inconsistency with Comprehensive Plan)

- See comments in Staff Report
- Valley County Planning and Zoning agrees that the Ordinance rules while the comprehensive Plan is considered.

- There are single family subdivisions directly across the road and kitty corner to this subdivision; this is not spot zoning.
- This subdivision will retain open space through no build zones over wetlands and floodplains.
- This subdivision will increase the overall valley of this property and will have minimal impact to the value of adjacent agricultural lands and single family residences.
- This agricultural land has wetlands and floodplains which should be preserved, especially for the water quality of Lake Cascade. It is best to remove the cattle from this site.

(End of Appeal and Appellant's Attorney Comments with Staff Comments)

4. **Applicant's Response to Appeal** was received on August 18, 2022. It is attached directly behind the Appeal and will be presented by the Applicant. It addresses all matters in the Appeal.
5. Legal notice was posted in the *Star News* on August 4, 2022, and August 11, 2022. Potentially affected agencies were notified on July 28, 2022. The site was posted on August 5, 2022. The appeal letter and notice and the application were posted online at www.co.valley.id.us on July 28, 2022.

Property owners within 300 feet of the property line as well as people who commented for the PZ Commission public hearing were notified by fact sheet sent July 28, 2022. People noticed are:

Thomas Bateman	Shannon Rush-Call
Carl F Brown	Ben Florence & Ashley Brown
Bud S F Caldwell	Caroly & Dennis Coyle
James A Crawford	Dennis Stewart
Hans Josef Germann	Judy Anderson & Galen Shaver
Cameron Hopper	Lida Clouser
Amanda Michelle Johnson	Carl And Jayne Brown
Vern Matson	Kevin Miner
Dianne M Pruitt	Glen & Glenda Berryhill
Anne Lucille Rush	Bob Rathbone
James & Marylou Rush	Mark & Denise Finstad
Simplot Industries	David Gallipoi
Sabrina Dawn Sims	Kelly Martin
Wayne Skiftun	Stacey Kucy
Doug A & Nancy C Strand Family Trust	Liz Bailey
Keith Suemnick	Lenard Long
Art & Carolyn Troutner	

6. Additional Information:

- **Facts and Conclusions:**
 - Attached are the Facts and Conclusions that were approved by the Planning and Zoning Commission.
 - Part of the Valley County Board of Commissioners deliberation and decision should be a "reasoned statement that explains the criteria and standards considered relevant; state the relevant facts relied upon, and explain the rationale for the

decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record, 'all of which' should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting." (VCC 9-5H-11.8)

- **The following are the Conclusions of the Planning and Zoning Commission:**

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
2. That the proposed use is consistent with the Valley County Comprehensive Plan.
3. The adopted ordinances implement the Comprehensive Plan. The Comprehensive Plan is a guide.
4. Valley County must follow the laws of the State of Idaho and the Valley County Code.
5. Valley County has one mixed use zone that promotes identification of and mitigation of potential impacts of uses that are not the same.
6. The proposed use is compatible with surrounding land uses, such as Brookdale Meadows.
7. We rely on agencies to provide expertise on matters outside of our jurisdiction and/or ordinance requirements, i.e., Idaho DEQ, Road Department, and Central District Health.
8. Need 70' rights-of-way with the 28' roads for snow storage.
9. A slower build out is likely to occur with the current economy.
10. Even though we have concerns about the loss of productive farmland; farms and food are important. We do not have the best answer to what we can and cannot do legally to protect agriculture land from development; farmland will be sold. **This is not prime agricultural land.**
11. Affordable housing would require a higher density.
12. This is clustered development. There will be no development in the wetlands or floodplains, except for a crossing.
13. The application was complete.

- **Minutes with Exhibits: The minutes for the Planning and Zoning Commission meeting held on June 23, 2022, are attached.**

- **Planning and Zoning Commission Staff Report is attached for review.**

7. All 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 ROW to reduce the cost of the mitigation.
- 2) Development Agreement for mitigation of impacts to Norwood Road, Nisula 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)

Paul Aston of Parametrix, Valley County Engineer, commented on proposed road and drainage plans, wetlands, and bridge crossing. (June 23, 2022 – Exhibit 3)

8. All public comment received:

Responses Received After the PZ Commission Meeting on June 23, 2022

- All in support of the appeal.
- The application was missing a preliminary site grading plan, stormwater management plan, fencing agreements, and irrigation plan approval; had insufficient information to disclose the projects impacts; and had inaccurate material facts regarding water rights, irrigation easements, and adjacent land uses.
- 50 individual wells plus additional wells for fire hydrants and 50 additional septic systems will negatively impact water resources and neighboring wells.
- This parcel of land is historically productive farm ground. The US Department of Agriculture definition of “prime agricultural use” is given.
- Continued elimination of farmland is a concern. It should be explicitly stated that the land to the south of W Lake Fork RD be kept agricultural. Removal of agricultural land harms

the local agricultural economy.

- The site is surrounded on three sides by agricultural land accounting for 81% of adjacent land.
- Most of the land within one to three miles radius is agricultural; using this information would change the compatibility score
- In the last two years, Planning and Zoning Commission has approved four subdivisions in a two-mile radius: approximately 200-300 new homes, 1,500 more people, and 3,000 vehicles.
- People live in this area for the rural atmosphere, open area, quietness, night sky, and beauty of the area.
- The impact on wetlands and floodplain are concerns.
- Ground water and surface water contamination will be impacted. Idaho Statute Title 39 Chapter 1 states that local government has the authorization and encouragement of the state to implement ground water quality protection plans.
- Climate change needs to be taken into account in risk assessment including water quality and quantity.
- Opposed to additional traffic on W Lake Fork RD which has limited shoulder area as well as Norwood and Nisula Roads.
- PZ Conclusion 12 classifies this as a cluster development; it does not meet the definition in the Valley County Code 9-1-10
- If approved, the developer should be required to comply with the Valley County Master Pathway Plan and build separated single-track sidewalks along W. Lake Fork Road to ensure safety for non-motorized travel.
- The existing fence lines are not accurate property lines; this could reduce the size of the 1-acre lots on the preliminary sketch.
- US Fish and Wildlife data show that homeowners use up to 10 times more chemicals and pesticides per acres than farmers.
- Idaho Code 42-1209 states that there shall be no encroachments onto the irrigation easement, including roads, utilities, fences, structures, landscaping, etc.
- The Land Use Development Ordinance discourages urban sprawl and specifies avoiding undue concentration of population and overcrowding in rural areas
- A purpose of the Land Use Development Ordinance includes provisions for affordable housing.
- The application is contrary to V.C. Comprehensive Plan, particularly Chapters 2, 4, 8, and 13.
- The signed weed control document has no teeth.
- The PZ scoring system should be updated and made more transparent and open to discussion.
- The increased demand on public agencies tasked with providing services and control needs greater attention (e.g., law enforcement, Valley County Road Department, local schools, and U.S. Postal Service)
- Responsible, controlled growth is needed. Ordinances are needed to preserve agriculture.
- Homes are needed for the common person to live not second-home owners
- Not all property owners within 300-ft of the site received notice of the Planning and Zoning public Hearing. Six (6) adjacent landowners did not receive notification.

- 1) Pamela Pace, 333 Rio Vista Blvd, August 15, 2022
- 2) Lisa Mohler, 47 Johnson LN, August 17, 2022
- 3) Dennis and Carol Coyle, **appellant**, 113 Brookdale DR, August 19, 2022

- 4) John Humphries, 108 Magnetic Rock RD, August 20, 2022
- 5) Melissa Coriell, August 20, 2022
- 6) Pamela and Rich McChrystal, Donnelly, August 20, 2022
- 7) James D. and Mary Lou Rush, **appellants**, 176 Maki LN, August 21, 2022, and August 22, 2022
- 8) Carl Brown, **appellant**, owner of 13676 Norwood RD, August 21, 2022
- 9) Lenard Long, Cascade, representing Friends of Lake Cascade, August 21, 2022
- 10) Lida Clouser, **appellant**, 13873 Norwood RD, August 21, 2022
- 11) Jayne Brown, **appellant**, August 21, 2022
- 12) Shannon Rush-Call, **appellant**, Boise, August 21, 2022
- 13) Margo Conitz and James Crawford, 14075 Morell RD and owners of adjacent property, August 22, 2022
- 14) Stacey Kucy, 128 W Lake Fork Road, August 22, 2022
- 15) Sabrina and Asa Sims, 156 W Lake Fork RD, August 22, 2022
- 16) Nancy Basinger, 302 Mather RD, August 22, 2022
- 17) Linda Klind and Dean Arbach, 137 Mather RD, August 22, 2022
- 18) Art Troutner, **appellant**, 193 W Lake Fork RD and Lake Irrigation District Board Supervisor, August 22, 2022
- 19) Shirley Florence, August 22, 2022
- 20) Carolyn Troutner, **appellant**, 193 W Lake Fork RD, August 22, 2022
- 21) Deb Fereday, 315 Burns RD, August 22, 2022
- 22) Judy Anderson, **appellant**, 13775 Nisula RD, August 22, 2022
- 23) Marilyn Olson, 890 Timber Ridge CT, August 22, 2022
- 24) Mary Hart, August 22, 2022
- 25) Galen Shaver, **appellant**, 13775 Nisula RD, August 22, 2022
- 26) Maura Goldstein, August 22, 2022
- 27) Tim Hart, 301 Finn Church LN, August 22, 2022
- 28) Julie Thrower, Attorney at Mountain Top Law PLLC representing the appellants, August 22, 2022

Exhibits – June 23, 2022

Exhibit 1 – Kelly Martin is opposed. (June 16, 2022)

Exhibit 2 – Carol Coyle, 113 Brookdale Drive, is concerned about wells going dry and the lack of a shoulder on W. Lake Fork Road. (June 21, 2022)

Exhibit 3 – Paul Aston of Parametrix, Valley County Engineer, commented on proposed road and drainage plans, wetlands, and bridge crossing. (June 23, 2022)

Exhibit 4 – Slide show presented by applicant's representative. (June 23, 2022)

Exhibit 5 – Lenard Long referenced the Valley County Comprehensive Plan Chapter 2, 4, and 13. He submitted maps and pictures of wetland areas and the recent Lake Cascade algae bloom. (June 23, 2022)

Responses Included in the PZ Commission Staff Report for June 23, 2022

- 1) Art Troutner, **appellant**, 193 W Lake Fork RD, June 14, 2022
- 2) Carolyn Troutner, **appellant**, June 14, 2022
- 3) Galen Shaver, **appellant**, 13775 Nisula RD, June 15, 2022

- 4) Judy Anderson, **appellant**, West Lake Fork, June 15, 2022
- 5) Hans Germann, Mathwig Road, May 27, 2022
- 6) Stacey Kucy, 128 W Lake Fork RD, June 12, 2022
- 7) Liz Bailey, 13959 Lazy KC Ranch Way, June 15, 2022

ATTACHMENTS:

- Conditions of Approval Approved by P&Z Commission
- PZ Commission Facts and Conclusions
- PZ Commission Meeting Minutes – February 10, 2022
- PZ Commission Staff Report – June 23, 2022
- Appeal Letter
- Julie Thrower, Attorney for Appellant, received 8/22/2022
- Applicant's Response to the Appeal
- 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, and August 5, 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
- Analysis of Lots Platted or Approved since 2018
- All 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’. The request for the road width variance is not approved.
 23. A conservation easement for wetlands will be added to the plat.
 24. No short-term rentals will be allowed (*offered by the applicant*).
 25. Language regarding nuisance dogs will be added to CCRs; dogs shall not be allowed to roam freely.
 26. Shall establish a nonexclusive irrigation easement and allow a public access and pathway in coordination with the Lake Irrigation District

END OF STAFF REPORT

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

SUBJECT: Conditional Use Permit No 22-21
Stag's Run Estates Subdivision

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on June 23, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Scott Freeman, and Chairman Neal Thompson.

Mike Williams and Darcy Hart, representing the applicants, 181 West Lake Fork Road LLC and Urban Solutions, were present and requesting approval of a conditional use permit for a single-family residential subdivision with common area lots and 50 buildable lots. The 160-acre site is parcel RP17N03E080605, addressed at 181 W Lake Fork RD, and located in Section 6, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated June 23, 2022, with the exhibits, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

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

Legal notice was posted in the Star News on 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.

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

CONCLUSIONS

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

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
2. That the proposed use is consistent with the Valley County Comprehensive Plan.
3. The adopted ordinances implement the Comprehensive Plan. The Comprehensive Plan is a guide.
4. Valley County must follow the laws of the State of Idaho and the Valley County Code.
5. Valley County has one mixed use zone that promotes identification of and mitigation of potential impacts of uses that are not the same.
6. The proposed use is compatible with surrounding land uses, such as Brookdale Meadows.
7. We rely on agencies to provide expertise on matters outside of our jurisdiction and/or ordinance requirements, ie Idaho DEQ, Road Department, and Central District Health.
8. Need 70' rights-of-way with the 28' roads for snow storage.
9. A slower build out is likely to occur with the current economy.
10. Even though we have concerns about the loss of productive farmland; farms and food are important. We do not have the best answer to what we can and cannot do legally to protect agriculture land from development; farmland will be sold. This is not prime agricultural land.
11. Affordable housing would require a higher density.
12. This is clustered development. There will be no development in the wetlands or floodplains, except for a crossing.
13. The application was complete.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of 181 West Lake Fork Road LLC and Urban Solutions for Conditional Use Permit No. 22-21 Stag's Run Estates Subdivision – Preliminary Plat, as described in the application, staff report, correspondence, and minutes of the meetings be approved.

Special conditions applied to the proposed use are:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.

2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within two years, or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
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'. The request for the road width variance is not approved.
23. A conservation easement for wetlands will be added to the plat.
24. No short-term rentals will be allowed (*offered by the applicant*).
25. Language regarding nuisance dogs will be added to CCRs; dogs shall not be allowed to roam freely.
26. Shall establish a nonexclusive irrigation easement and allow a public access and pathway in coordination with the Lake Irrigation District

NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS

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

request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

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

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

END FACTS AND CONCLUSIONS


Valley County
Planning and Zoning Commission, Chairman

Date: 7-19-2022

Valley County Planning and Zoning Commission

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



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

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission

June 23, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

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

B. NEW BUSINESS:

1. **C.U.P. 22-18 Blackhawk on the River Block XIX – Preliminary Plat:** McCall Associates LLC is requesting a conditional use permit for a single-family subdivision with eight buildable lots and open space. Access would be from existing private roads and a new private road. Central water and sewage systems are proposed. The 8.5-acre site is parcel RP00705019000A, Blackhawk on the River (1, 2 & 3) Block XIX "Future Development" in the NWSW Section 30, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Aston of Parametrix, Valley County Engineer, stated changes to be made to the final plat and site grading. The dedicated right-of-way must be 70-ft. (June 23, 2022)
- **Exhibit 2** – Garrett de Jong, McCall Fire & EMS Fire Chief, replied that mitigation for wildland fire protection needs implemented or financially guaranteed prior to recording the final plat. (June 21, 2022)
- **Exhibit 3** – Wildland Urban Interface Fire Protection Plan dated June 20, 2022.

Staff responded to questions regarding the floodplain, wetlands, and proposed lot locations. The floodplain and base flood elevations are mapped for this area. Fill can not be added to the floodplain in Valley County to create building sites. Lot 133 will need to be eliminated or the applicant will need to apply for a Letter of Map Revision (LOMR).

4. **C.U.P. 22-21 Stag's Run Estates Subdivision – Preliminary Plat:** 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 buildable lots. Proposed buildable lot sizes range from 1 acre to 8 acres. Access would be from new private roads onto W. Lake Fork Road (public) at two locations. A variance is requested from the required 28-ft roadway width to 24-ft. Individual wells and individual septic systems are proposed. The 160-acre site is parcel RP17N03E080605, addressed at 181 W Lake Fork RD, and located in Section 6, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Kelly Martin is opposed. (June 16, 2022)
- **Exhibit 2** – Carol Coyle, 113 Brookdale Drive, is concerned about wells going dry and the lack of a shoulder on W. Lake Fork Road. (June 21, 2022)
- **Exhibit 3** – Paul Aston of Parametrix, Valley County Engineer, commented on proposed road and drainage plans, wetlands, and bridge crossing. (June 23, 2022)

Idaho Transportation Department was noticed but has not responded to the proposal.

Chairman Thompson asked for the applicant's presentation.

Mike Williams, Meridian and Kamiah, Idaho, representing the application. He presented a slide show (**Exhibit 4**). The proposed plat, topography, floodplain areas and wetlands were explained. The proposal includes 160.5 acres, 50 buildable lots, and eight common lots. Constraints of the property include areas of floodplain from the creek. Base flood elevations already exist. Specific wetlands areas will be designated as no build zones on the final plat. There will be no building in the floodplain. The applicant has been in contact with Jess Ellis of Donnelly Fire; two wells specific for hydrants for fire suppression are planned.

Regarding water rights, the applicant in proposing to provide an easement associated with irrigation facility at the width required by the irrigation district. A non-exclusive easement will be provided to provide irrigation to adjoining property. There will also be a public access and pedestrian easement as well. W. Lake Fork Road is narrow. The applicant is proposing sufficient width for natural pathway for pedestrians and horseback riders along the road to alleviate concerns of commentors.

Mr. Williams is a certified floodplain manager and is aware of the concerns and requirements for the designated floodplain. The proposed bridge will cross the floodplain at the narrowest spot and will be engineered to be able to provide a "no rise certification". The only way the bridge can be approved legally requires certification that the bridge would not impact the floodplain either upstream or downstream.

There is plenty of building area located outside of the floodplain area. Proposed landscaping will not be in road right-of-way. Road right-of-way will be dedicated to Valley County. There will also be a common lot with sufficient room for a pathway, irrigation easement, and a landscaping berm for a buffer.

W. Lake Fork Road is a collector road. Thus, all lots will be accessed from internal roads. The properties located south of the property have direct access to Maki Lane and do not need access to W. Lake Fork Road. Extending the proposed roads would encroach into floodplain

area. Variances for cul-de-sac length and road width are requested to reduce the impact to wetlands and increase the area for drainage and snow storage. Snow removal will be privately contracted; snow storage area exists in the rights-of-way. The common area along W. Lake Fork Road and the internal pathway common areas provide interconnectivity for residences.

The applicant agrees with all conditions of approval listed in the staff report and will work with irrigation district. Perc tests will be completed after approval of the conditional use permit. Two wells for fire hydrants are planned. The applicant will work with Donnelly Fire to determine if a water storage tank will be required to provide additional water pressure for fire suppression.

Darcy Hart, Eagle, Idaho, is the applicant. Tentative timeline is approval, ground breaking, road building, and septic approval. They met today on-site regarding septic testing. Septic testing will be finalized prior to final plat approval.

Chairman Thompson stated he is concerned that the proposed narrow road width will not be appropriate after full build-out of the development.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Anne Rush, 705 Fairway Drive, McCall, wanted to add a point of correction. The property to the east of the proposed site is agricultural land. Future owners should be aware that there will be cattle, tractor noise, and snowmobile use on the adjacent properties.

Chairman Thompson asked for opponents.

Jim Rush, 176 Maki Lane, owns the property immediately south of the proposed site with about a quarter mile of shared property line. He is opposed. Why take a beautiful piece of property and add 50 homes? The site has serious problems with drainage. The property is important for wildlife and wetlands. Some of the areas on the eastern side of the proposed plat are split by a divide; he does not believe the lots will perc. The gradient on some lots is quite steep; the septic areas will drain down into the wet areas. He does not want a subdivision there; subdivisions should stay on north side of W. Lake Fork Road. The surrounding area is agriculture and should remain so.

Leonard Long, Cascade, submitted **Exhibit 5**. He is very concerned about the wetlands. Big subdivisions impact roads, law enforcement, etc., even the post office in Donnelly is overcrowded. Proper impact fees for these new developments are needed. He referred to Chapters 3 and 4 of the Valley County Comprehensive Plan. Water quality in Lake Cascade is a concern as there is an active algae bloom occurring. The lake's water quality will be impacted by this development. Wetlands are important for filtering runoff. The Idaho Department of Environmental Quality Lake Cascade 2000 Implementation Plan indicated that urban areas, suburban uses, roads, and septic systems add to the phosphorus loading in Lake Cascade. Valley County Comprehensive Plan Chapter 13 is supposed to protect agricultural land.

Bob Rathbone, 316 W Lake Fork Road, is not excited about being downstream of 50 new septic systems. He is concerned with the community infrastructure. An increase in traffic would present huge safety issues on W. Lake Fork Road which is a narrow road lacking shoulders and striping. The traffic would increase at the dangerous intersections of Norwood Road x Johnson Lane and W. Lake Fork Road x Highway 55. He came to Lake Fork area for the rural aspect; the area is not ready for "urban solutions".

Joey Pietri, 225 Valley Springs Road, McCall, said urban solutions are not needed in this rural agricultural area. People in the area have an emotional and spiritual interest in this property that would be negatively impacted.

David Gauipoi, 200 Scott Street, McCall, is concerned about housing issues in our communities. Approving additional high value homes will not help people living here nor help the business hire people. Does the additional tax revenue pay for the additional cost of development? The approval process favors developers and ignores science. New studies should be completed on the aquifer. This site is sandhill crane habitat. Runoff from the homesites will be detrimental to Lake Cascade which will harm our recreational economy. This proposal contrasts with the Comprehensive Plan Chapter 13 which is supposed to protect agricultural land.

Art Troutner, 193 W. Lake Fork Road, also submitted written comments. He is on the Lake Irrigation Board and stressed that the proposed berm cannot be built on the Lake Irrigation Easement. The proposed pathway would also have to be given permission by the irrigation district. This site has been sprinkler-irrigated for 40-plus years; sprinklers are more efficient and use less water. The site is productive farmland. The common areas will not sufficiently store snow. The correct name of the drainage is Mud Creek.

Mark Finstad, 11 Barber Court, stated that this area is a rural agricultural setting and does not need urban solutions. The Commissioners should look at the long -term picture, not just the increased tax revenues. An "Avimor North" is not needed at this site. Currently local businesses cannot hire employees because no one can afford to live here. Adding 50 more luxury households would only add to the difficulties and the costs to Valley County. It would negatively impact existing wells. He bought his house in 2017 for the rural area. This proposal is the wrong type of development for the area

Galen Shaver, 13775 Nisula Road, has lived about a quarter mile from the property for about 40 years. Sandhill cranes use this property. Brookdale Meadows Subdivision has had slow growth and contains larger lots with enough land for horses and other animals. Wetlands are a concern. A few years ago, floodwaters washed out Maki Lane and many surrounding areas. Much of the property is either in the floodplain or wetlands. This will affect the water table as well as drainage to Lake Cascade. It will be ugly. The only reason for this proposal is profit. The major consideration of the Commission should not be the addition of property tax money or to make money from outside developers but to protect the land, people, and the economy of Valley County.

Mary Lou Rush, 176 Maki Lane, has lived due south of the site for almost 50 years. She is worried about her well and water quality. The wetlands are year-round, water is always present, and the site is too beautiful to destroy. All the water flows into Lake Cascade. Septic systems will drain downhill to her well and into Lake Cascade.

Carolyn Troutner, 193 W Lake Fork Road, said the application contains flaws. The site is agricultural. There are no subdivisions with this density south of W. Lake Fork Road. The area is primarily agricultural almost all the way to McCall. There has been no argument supporting a change in zoning. The creek is named Mud Creek. Perc tests have not been done. The applicant not ready.

Lida Clouser, 13873 Norwood Road, is the owner of Pelican Cycling Adventures. The Valley County Pathways Plan supports recreational opportunities in the Lake Fork Area. The additional traffic would detrimentally affect the master pathways plan along W. Lake Fork Road.

Judy Anderson, 13775 Nisula Road, lives about a quarter mile from the site and sent a letter in opposition. A loss of place and home is hard on the soul. The proposal would result in a loss of peace, quiet, access, clean air, wetlands, meadowlarks, and topsoil. The proposal would impoverish the community. Priorities should be determined. The Commissioners should have the courage to say limits exist and the development is counterproductive to our water, top soil, farmlands, and neighborhoods.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Williams addressed stated concerns. The preserved wetlands and floodplain will act as a wildlife corridor. Algae blooms are complicated. Causes include not just septic systems and subdivisions but also agricultural uses. He has been in the planning business for over twenty plus years; this is not a urban development. Proposed density is 0.31 homes per acre compared to the allowed one home per acre. This is not a rezone request. The proposal fits within the area. The Comprehensive Plan is merely a guide. Brookdale Meadows Subdivision has a similar density to the proposal. Many of these homes would likely be second homes with less impact to Valley County services. Property tax revenue will increase. This property was previously farmed; however, it is not prime agricultural land due to wetland and floodplain areas. The proposed common areas are for connectivity and fire hydrants. The lots are large enough to store snow. Perc tests are often done after approval is granted for a subdivision. The septic systems are designed to filter water. The applicant is willing to delineate conservation easement on the plat. Mr. Williams did not see any proposed pathways along W. Lake Fork Road in the Pathways Plan.

Darcy Hart stated her husband founded Urban Solutions five years ago. He spent 20+ years recreating in McCall area, have a home in McCall, and purchased this property with the wetlands. Soon after the land purchase, he passed away from brain cancer. She has a personal connection to this property.

Mr. Williams answered commissioner questions about infrastructure and build out. The homes will be custom built homes, not cookie-cutter homes. The lot purchasers will be choosing their own builders. Design guidelines and an architectural control committee will be required. Short-term rentals will be not allowed by CCRs. The applicant is willing to add language in CCRs regarding dogs and livestock.

Chairman Thompson closed the public hearing. The Commission deliberated. Proposed density and the average lot size of Brookdale Meadows Subdivision was discussed.

Commissioner Caldwell referred to the information in the staff report from experts such as Idaho DEQ, Road Department, and Central District Health. Central District Health will still have chance to deny or approve perc tests and septic sites. The proposal does have a slightly higher density than the subdivision to the north. Water and wetland protection is important. The Comprehensive Plan is a guide. The agricultural land is not a recent sale. A wider road would be preferable. Snow storage is a concern. Affordable housing would require a higher density. This is a rural area.

Commissioner Freeman is concerned about the loss of productive farmland; farms and food are important. Approval will result in more houses and more people.

Chairman Thompson personally knows the piece of property. He said the applicant's representative gave a good presentation. Chairman Thompson does not have the best answer to what we can and cannot do legally to protect agriculture. Farmland will be sold.

Director Herrick stated that ordinances implement the Comprehensive Plan. The Commissioners should determine if this application complies with Valley County ordinances.

Chairman Thompson stated the application meets requirements of Valley County Code.

Commissioner Caldwell stated that a slower build out is likely to occur with the current economy. The application does look rushed. The applicant must continue to have additional discussions with the Lake Irrigation District and Valley County Pathways.

Chairman Thompson stated some sites may not perk which would decrease the density and total number of lots allowed.

Commissioner Caldwell moved to approve C.U.P. 22-21 with the conditions stated in the staff report plus:

- **COA:** The request for the road width variance is not approved.
- **COA:** A conservation easement for wetlands will be added to the plat.
- **COA:** No short-term rentals allowed.
- **COA:** Language regarding nuisance dogs will be added to CCRs; dogs shall not be allowed to roam freely.
- **COA:** Shall establish a nonexclusive irrigation easement and allow a public access and pathway in coordination with the Lake Irrigation District.

Commissioner Freeman seconded the motion. Motion carried unanimously.

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

C. FACTS AND CONCLUSIONS – Action Items:

- PUD 22-01 Roseberry Park

Commissioner Caldwell moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

Upcoming Commission meetings are:

- July 14, 2022, beginning at 6:00 p.m.
- July 19, 2022, beginning at 5:30 p.m.

Chairman Thompson adjourned the meeting at 9:15 p.m.

Valley County Planning and Zoning

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



Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us

STAFF REPORT: C.U.P. 22-21 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	+1	+1	+1	-1	-1	-1	-1	-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	+1	+2	+1	-1	+1	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.																							
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	+2	+2
10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1	-1	+1	+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
11. PUBLIC REC.	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1	+2	+1	+1	+1	+1	+1	+1	+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	+1	+1	+2	+1	+1
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	+2	+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	+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	+2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1	+2	+2	+2	+2
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1	+2	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-1	-1	-1	+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 192

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 ~~Brookdale~~ 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 end ag user*

(+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.

Appeal to Valley County Commissioners

Cynda Herrick
Valley County Planning and Zoning Administrator
219 N. Main Street Cascade, ID 83611

RE: Notice of appeal of C.U.P. 22-21

RECEIVED
JUL 05 2022
BY: 3:45 p.m.

~~RECEIVED
JUN 23 2022
BY: 3:45 p.m.~~

Dear Ms. Herrick

PLEASE TAKE NOTICE that according to Valley County Code section 9-5H-12, aggrieved individuals James D. Rush, Marylou Rush, Shannon Rush-Call, Amy Rush, Art Troutner, Carol Troutner, Ben Florence, Ashley Brown, Judy Anderson, Galen Shaver, Carol Coyle, Dennis Coyle, Dennis Stewart, Kevin Miner, Carl Brown, Jayne Brown, Glenda Berryhill, Glen Berryhill, Leda Clouser, each an adjacent landowner or other neighbor of proposed Stag's Run Estates subdivision (collectively, "Appellants") hereby appeal the Valley County Planning and Zoning Commission's June 23, 2022 approval of Conditional Use Permit application C.U.P. 22-2 for Stag's Run Estates Preliminary Plat (the "Application"). Appellants' interests were expressed in letters to the commission included in the staff report and in live testimony to the P&Z Commission at the June 23 hearing. Appellants' interests are further elaborated below, and Appellants intend to provide additional information at the hearing to review the commission's decision..

The appeal fee of \$500 is submitted to the County Clerk concurrently.

Prior Proceedings

On July 23, 2022, the Valley County P&Z held a public hearing on the Application. The commission received seven letters and heard testimony from fourteen individuals opposing the Application. The commission received no letters supporting the Application, and nobody testified in favor.

Opponents raised many concerns with the Application, including, but not limited to: the incomplete and inaccurate application submitted by the developer; the accelerating loss of farmland and deleterious effect on the farming community; the effect on the water table and neighboring wells from the proposed 50 wells and septic systems; the potential pollution of the many wetlands on the property and the impact on downstream water quality; the increased traffic on rural roads; and the misuse of resources in building more second homes in the midst of a county-wide affordable housing crisis.

Despite the lack of public support, and its own misgivings about the Application, the commission approved the application (3 in favor, 2 absent) with some conditions.

Basis of Appeal

For the reasons discussed below, Appellants submit that the approval of the Application was arbitrary and capricious, based on incomplete and inaccurate information, contrary to Valley County's 2018 comprehensive plan. Appellants urge the Board of County Commissioners to sustain the appeal and invalidate the commission's approval of Stag's Run Estates.

Material Inaccuracies & Application Omissions

1. The Application was incomplete, failed to address numerous application requirements, and was materially misleading and inaccurate. Moreover, the commission relied in part on a flawed compatibility evaluation .
 - 1.1. **The Application does not address the required impact on water usage and discharge.** Valley County Code 9-5-3-D #6 expressly requires an applicant for a conditional use permit to address: "Water demand, discharge, supply source and disposal method for potable uses, domestic uses and fire protection calls for identifying existing surface water drainage, wetlands, flood prone area and potential changes, identify existing groundwater and surface water quality and potential changes due to this proposal." The Application fails to adequately address this requirement because it does not describe impacts on groundwater and potential changes resulting from the proposed subdivision or effects on groundwater quality and quantity and potential contamination due to well and septic development. In particular, although the description of lots # 26-39 and #53-56 reveals that they each could contaminate runoff, the Application makes no mention of any plan to mitigate those effects.
 - 1.2. **The Application does not address the required impact on water conservation and management:** The Application is contrary to Chapter 4, Goal 1, of the Valley County Comprehensive Plan, which directs that development should "Conserve and manage groundwater and surface water in all its forms to prevent depletion or pollution." First, the required drainage plan information is missing from the application, even though it is apparent that the proposed subdivision's drainage will be limited by the large numbers of impermeable surfaces, which will increase urban run-off and contribute substantial pollutants, including nutrients, suspended solids, litter, oil and grease, pesticide, herbicides, and fertilizers, among others. Second, building a dense subdivision at the headwaters of Mud Creek, which drains into Lake Cascade, is counterproductive to the many efforts to improve water quality and prevent toxic algae blooms. Third, the proposed subdivision threatens current property owners' access to clear, dependable well water, particularly given ever-increasing well water demands in the immediate area and the effects of warmer summers and expanding drought conditions on ground and surface water.

The Application does not even attempt to assess the impact of the proposed 50 wells on the water table and the resulting effects on the wells of neighboring property owners. This, of course, is a critical issue, with the potential for serious negative effects on the habitability of neighbors' property—not to mention their property values. What will neighbors do if their wells run dry and they do not have thousands of dollars for a new well or even the capability of getting more water? Appellants maintain that depriving current residents of that critical access to water violates the protection of property rights enshrined in the Valley County comprehensive plan Chapter 1.

1.3. The Application was materially inaccurate regarding water rights. The first question asks whether the property has water rights available; if it does, the applicant is required to fill out an extensive irrigation report. Although the subject property is within the boundaries of the Lake irrigation district and has rights to lake irrigation shares, the applicant inexplicably answered "no" and left the document blank.

1.4. The Application was also materially inaccurate regarding irrigation easements. Question 9 asks if there are any irrigation easements. It does: the Lake Irrigation District has an easement on the subject property for the operation and maintenance of the pipeline delivering water to the subject property and lands to the south. But the applicant did not answer the question.

The Application indicates that the proposed subdivision will include a berm apparently located over the L.I.D pipeline in violation of Idaho Code Chapter 12 section 42-1209. Page 1 paragraph 4 of the Application's cover letter describes berm construction between West Lake Fork Road and lots on the north side of the development, which appears to include property within the boundaries of the Lake Irrigation District easement. Yet the applicant has never contacted the Lake Irrigation District with any inquiries regarding rights and obligations.

This is part of a larger problematic pattern in Valley County: Poor planning by developers and a lack of oversight by Planning and Zoning has created numerous problems for the irrigation district to address. Irresponsible development has created conflicts between shareholders in the district every irrigation season along with poor planning, a failure to understand and value the importance of the irrigation district and the failure to build the infrastructure for water delivery in a timely fashion. Irrigation water is crucial to preserving ground water, which can be depleted by using wells to water when irrigation could have been a better choice. The Valley County code supports this.

2. Misrepresentation of Facts

2.1. The applicant mischaracterizes the property. Question 6 asks about uses of the land. The applicant answers that the land is devoted to "bare land grazing." The answer is incomplete and misleading as the property

has a history of producing good crops of irrigated alfalfa hay, oats, potatoes, as well as irrigated grazing for cows- all important products for our community.

- 2.2. **The applicant mischaracterizes adjacent property.** Question 8 on the application asks for a description of the uses of adjacent properties. Some of the descriptions provided by the applicant are misleading.
- a. To the South is described as bare agricultural land, actually it is irrigated pasture.
 - b. To the East is described as bare land. It is alfalfa hay/pasture.
 - c. To the West is described as agriculture. It is irrigated agriculture.
 - d. Also, they consistently referred to Mud Creek as Beaver Creek, a name no one has ever heard of.

These are important details. This property and the properties surrounding it on 3 sides are actively farmed and productive farmland. Only to the North has the land use changed from agriculture to housing; 81% of surrounding properties are productive agricultural land. The majority 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 crucial to demonstrate that the requested change of the use will have real and very likely negative impacts on neighboring farm producers. A proper description of the land and adjoining parcels is crucial to a fair compatibility evaluation. What is being requested by the Applicant is to take irrigated productive farmland forever out of production. Every piece of productive land changed into a non-agricultural use weakens the local agricultural economy.

When the P and Z commissioners commented at the end of the presentation, Commissioner Caldwell politely mentioned, "I do think the application looked a little rushed..." and she added that the applicant needed to do more homework (3:10 on video tape). We maintain the "homework" should have been done before the application was turned in. The casual, inaccurate and shabby way the applicant approached the application shows a disdain for the county's procedures and for the impacts that the project could have on the surrounding landowners and on agriculture in this Valley. The applicant showed no understanding or respect for the current or historical livelihoods and land management of this area.

3. Compatibility Evaluation

The appellants question the Compatibility Evaluation in the Staff Report. As previously pointed out, a mischaracterization of the land and the properties adjacent can cause a skewed evaluation for the compatibility score. All but one of the questions/scores were viewed from the perspective of Brookdale Meadows, therefore missing the perspective of the majority of the land bordering and surrounding the proposed subdivision. If the Compatibility Evaluation were viewed through the lens of those of us who own agricultural land adjoining, the score would be markedly different.

4. Impacts to Wetlands and FloodPlain

- 4.1. **Wetland:** A large share of the 160 acres is natural wetland; meaning it is not a wetland because of irrigation. It naturally subs water. The land also has sections of steep slopes. The parcels in the subdivision on the northeast side are steep slopes with a wetland swamp at the bottom. Of course disturbing wetlands is illegal. How can this subdivision be built without disturbing the wetlands? Clay drains were put in many, many years ago (before it was illegal) to absorb water and to increase the farmability of the land. When construction happens in these areas, and those tiles are disturbed, there will be more wetlands.
- 4.2. **Pollution:** Most of the proposed lots are connected to the creeks or swamps that run through this property, these waters are tributaries to Mud Creek which then runs into the Payette River down to Cascade Reservoir. Mud Creek is a high concern and a priority in cleaning up the reservoir. A subdivision of this density will put more pollutants in Mud Creek than if it was left as agricultural land. Homeowners are notorious for over fertilizing, using copious amounts of herbicides and pesticides, plus the run-off from driveways, patios, and roads carrying debris, gas and oil, detergents, etc. The US Fish and Wildlife states: "Homeowners use up to 10 times more chemicals and pesticides per acre on their lawns than farmers use on crops."
- 4.3. **Adjacent Property Impacts & Existing Wells:** One adjacent owner says, "The wetland drains into our wetland area and the wetland area of the neighbor on the SE corner of the proposed subdivision. The water runs year round. We are concerned about the destruction of these wetlands due to drainage from road run-off as the drainage for the roads is in borrow pits running downslope to the wetlands. We are also concerned about the effect of 50 domestic wells and 50 separate septic systems will have on the groundwater and the wetlands which are downslope from this parcel. How will this affect the water table and those who already have established wells? Who will monitor for contamination? These issues were not addressed in the P&Z hearing."
- 4.4. **Flood Risk:** The Flood Plain Map in the Staff Report shows 100 year flood levels with 1% annual chance and 500 year Floodplain with 0.2% annual chance. Given the unpredictability of climate change and precipitation, these projections could be wildly inaccurate. Over and over insurance representatives are saying that the 100 year events are now 10 year or 5 year events. Valley County needs to update its projections to reflect the realities of the 21st century and climate change or risk courting disaster in its "planning." In Chapter 13 Goal 1, objective 6, the comprehensive plan says " Relate future county development to natural site advantages and limitations such as soil, slope, water table, view,

flood hazards, and wind direction. Recognition of such factors will produce optimum development and prevent hazardous and costly conditions from developing."Because of water table and flood hazards, as well as the very superficial way this application was presented, the Commissioners need to make sure that they won't be faced with legal action in the future when nearby properties are negatively impacted by the developer's lack of a thorough assessment of the property and its suitability for residential housing.

5. Traffic

The impact statement regarding traffic is incomplete. It does not address impacts of increased traffic along Norwood, West Lake Fork Road and Highway 55. It does not address the dangers caused by lack of striping. It does not address the traffic problem of the 2 entrances along West Lake Fork Road, especially the entrance which is closely offset with an entrance to Brookdale Meadows. It does not promise pathways for pedestrians, bicyclists, or horseback riders. Astonishingly, the developer's only plan for a small portion of pathway is to use the irrigation district easement, which would be problematic on several levels. There is no mitigation for the majority of road frontage.

New homes means more vehicles traveling on average at least 2 times a day on our narrow neighborhood roads. Since this is a rural agricultural area, there is daily activity by the area's farmers and ranchers. Tractors, cattle trucks, and farm ATVs use the public roads. There is anxiety about the danger of accidents happening involving slow-moving agricultural equipment and autos with impatient people in a hurry. Farmers feel a palpable danger of being run over or forced off the road. And although West Lake Fork road has been repaved, it is still a dangerously narrow road with 9-12 in shoulders of loose gravel and 5-20 foot steep drops into the borrow pit.

6. Cost of development to taxpayers

Ms. Herrick in her compatibility report claimed that there would be no cost to the taxpayers from this development because it is "upscale homes" built for 2nd homeowners. The developer claimed in his rebuttal that "They won't live here", meaning they will need no services and will not impose a burden on taxpayers. So it will just be a gain to the county of some tax revenues. This is a short sighted view. Even the comp plan in Chapter 8 says that in the early stages of recreational homes there is tax benefit to the county but as the developments become more settled and especially as retirees spend more time in their 2nd homes demands for services, especially police protection, fire protection, emergency services, medical services, demands for more access, pressure on parks and rec, library, post office and especially internet services go way up and cause the costs of government to increase as well as a decrease in the quality of those services for locals. Chapter 3, Goal 1 of the Comprehensive Plan directs us to accommodate growth and development while protecting quality of life within Valley County, maintaining or improving existing levels of service in order to protect both private property rights and the community's right to services, economic well being, and quality of life.

7. Loss of Farmland

Despite the expressed concern of commissioners and stated objectives of the Comprehensive Plan to protect farmland, this proposed subdivision would destroy 160 acres of productive farmland.

7.1. **Preserving Agricultural Land & Open Space:** CUP 22-21 is situated on some of the best agricultural land, yet we seem unable to protect it in agricultural land use. Under land use in the Comprehensive Plan, agricultural land is valued as open space as well as production area. The first goal in Chapter 13 is to "retain the rural atmosphere of Valley County by protecting its natural beauty and open characteristics..." The first objective is encouraging those land use practices that protect and reserve the best agricultural land for agricultural use. The appellants realize that agricultural land does not generate the property tax revenue that residential land does. But the intrinsic value of agricultural land and those who work the land cannot be underestimated. A local farmer or rancher contributes more to the local community than any part-time second home owner who comes up to their property once in a while.

7.2. **Further Development Undermines Rural Land Uses** The Comprehensive Plan warns of the need to thoughtfully consider tradeoffs between development and damages to the community and the environment. Chapter 13 No. 12 "Land use patterns in Valley County have radically altered during the past decades away from the traditional agricultural use pattern to one of recreation home and subdivision development. This rapidly evolving pattern which places more demands on the environment and community than the former one, creates the need for a thoughtful response from the community to prevent future damages to the environment and community which attracted development here in the beginning" (p.69).

The above passage clearly reflects the paradox—the contradiction that the subdivision exemplifies. The subdivision is fashioned as "upscale" (Ms. Herrick's words), "second homes" (developer's words) designed around recreation and using our "rural atmosphere" as an amenity to jack up the prices. At the same time the subdivision will be undermining the "rural atmosphere" and rural livelihoods, driving wildlife away, endangering neighbor's wells, setting a domino precedent to lose more farmlands and "ruralness."

8. **Commissioner Misgivings Indicate Reconsideration & Lack of Alignment to Comprehensive Plan**

8.1. **Commissioners Expressed Misgivings:** The county P&Z commissioners were unable to say no- even though they articulated their misgivings with their decision making and disconnects between the decision to approve the subdivision and the guidance of the Comprehensive Plan. As Commissioner Scott Freeman said in his comments, " I have been struggling lately with the farm ground going

away. That's a huge problem. You go down to Boise and all that was irrigated and made productive and now it's just homes. In case you're not watching, farms and food and all that—it's a big deal. I hate to see it go away, just for the fact that it produced something - now we have houses and more people (video of P&Z hearing, June 23, 3:06)." Commissioner Caldwell said, "Protecting water and wetlands as well as keeping agricultural ground is in the Comprehensive Plan, but that's just a guide...Again, it is in a rural area (video of P&Z hearing, June 23, 3:05)." Commissioner Neal Thompson said that he was kinda with Scott..."not sure I have a good answer (video of P&Z hearing, June 23, 3:07)." Then staff stepped in and said that the application complied with all the ordinances- something that the appellants question- and the commissioners voted to approve it. There is a terrible disassociation here. We seem to be unable to protect farmland, despite it being an expressed objective in the Comprehensive Plan and a concern for our commissioners.

- 8.2. **The Comprehensive Plan is a Guide for Decision Making:** Idaho Statutes 67-65 35 states: "decisions must be based upon criteria set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance." Ken Roberts was quoted in the minutes of the P&Z meeting on May 12, 2022 saying "The Valley County Code and the Comprehensive Plan must be the foundation for the Commissioner's decision." In Chapter 14 of the Comprehensive Plan, titled Implementation it says "The goals and objectives outlined in the plan will only be realized if the necessary tools for implementation are fully utilized" What are the necessary tools? And why are they not being fully utilized? Is there a contradiction between the comprehensive plan and the ordinances? Why are there goals if they cannot be realized? Can the compatibility evaluation ever show a score that would protect farmland?

9. **Loss of Farmland Destroys Rural Economies and Heritage**

Since the Valley County Comprehensive Plan was updated in 2018, acre after acre of farmland has been lost to residential and commercial development. Obviously what we have been doing is not working to preserve farmland and open space. There is a deep pathology operating here that does not allow us to acknowledge that this is really about a rural economy, families supporting themselves, food security for the community, preservation of topsoil, and our ability to feed and take care of ourselves. Ben Florence, a 3rd generation farmer who farms with his family on some of the land adjacent to this proposed subdivision says it best..

"Why would anyone want to put homes that are not needed on quality farmland? Land that has produced a variety of crops over the past century it has been farmed—crops that actually benefit the local community?."

This land has produced food while providing invaluable educational opportunities for the local community. We should be preserving the precious land we have and not literally destroy it with a subdivision that only serves to line the pockets of the developers.

He goes on to say, " How does this impact me personally? Well first, my wife and I live here. In fact, my family has been here for generations. My family used to lease this particular piece of land to grow potatoes. I have distinct memories of driving back and forth between our cellars and the potato fields. I remember driving the tractor pulling the potato digger across this land alongside my father and grandfather. While we were out there working, my parents invited the kids from local Head Start to learn about Idaho's Famous Potatoes, from the history, to the process. This land has been used to nourish this community through education and nutrition. Now these developers have purchased it and want to destroy it by building a bunch of houses. We are strongly against this subdivision and frankly we are appalled that P&Z would approve it so hastily. What research has been done about the impact to the area?"

The most critical issue is what is irreparably at stake; the integrity of our agricultural community, including the people who have cared for the land and supported each other for generations. The integrity of our community must be maintained.

As discussed above, the approval of CUP 22-21 is arbitrary and capricious; the developer's application was incomplete and inaccurate and mischaracterized the 160 acres of productive farmland, as well as the surrounding land thus skewing the information used by the commissioners in their decision and the staff in their report. The approval runs contrary to the County's Land Use goals in the Comprehensive Plan of 2018 and the crucial need to protect not only farmland but the water table, wetlands and Mud Creek. The proposed subdivision is incompatible with most of the land use surrounding it and the rural landscape of West Lake Fork.

We ask the commissioners to sustain the appeal and invalidate the P&Z's approval of CUP 22-21.

Respectfully submitted this 5th day of July, 2022.

Carolyn Troutner

Carolyn Troutner

Adjacent Landowner to the West for the Lake Fork Neighbors:

Art Troutner
193 Lake Fork Road
McCall

Marylou Rush and James D. Rush
176 Maki Lane McCall

Adjacent Landowners to the South

Amy Rush
127 Ken's Place
McCall

[REDACTED]
Heir

Shannon Rush-Call
9845 N.Lariat St.
Boise 83714

[REDACTED]
Heir

Ben Florence
Ashley Brown
96 W. Lake Fork Rd.
McCall

[REDACTED]
Farms adjacent property to the West

Carol Coyle
Dennis Coyle
113 Brookdale Dr.
McCall

[REDACTED]
Dennis Stewart
13784 Nisula Road
Lake Fork

Judy Anderson
Galen Shaver
13775 Nisula Road
McCall

[REDACTED]
Leda Clouser
13873 Norwood road
McCall

[REDACTED]
Carl and Jayne Brown
13676 Norwood Road
Lake Fork

[REDACTED]
Adjacent landowner to the south east

Kevin Miner
13853 Nisula Road
McCall

[REDACTED]
Runs cattle on adjacent land to the south

Glen and Glenda Berryhill
13785 Nisula road
McCall

[REDACTED]



614 Thompson Avenue, McCall, ID 83638
[REDACTED]

Cynda Herrick, AICP, CFM
Planning and Zoning Director
P.O. Box 1350
Cascade, ID 83611
[REDACTED]

Date: August 22, 2022

Re: Appeal of PZ Commission Approval of C.U.P. 22-21 Stag's Run Estates
(Public hearing scheduled for August 29, 2022)

Dear Ms. Herrick and Board of County Commissioners:

The undersigned property owners and adjoining landowners ("Appellants") have serious concerns regarding the Planning and Zoning Commission's approval of the Conditional Use Permit ("CUP") 22-21 for the Stag's Run Estates. Along with procedural and due process errors, the approval violates the Local Land Use Planning Act ("LLUPA"), the Idaho Administrative Procedures Act, and several provisions of Valley County Code. For these reasons, as discussed below, Appellants request that the Board of Commissioners deny the Planning and Zoning Commission's approval of CUP 22-21.

This letter incorporates by reference the July 5, 2022 Notice of Appeal submitted by Appellants ("Appeal Letter").

I. Procedural Due Process Violation - Improper Notice

- Idaho Code § 67-6512(b): Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. . . . Notwithstanding jurisdictional boundaries, notice shall also be provided to property owners or purchasers of record within the land being considered, three hundred (300) feet of the external boundaries of the

land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission, provided that in all cases notice shall be provided individually by mail to property owners or purchasers of record within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered

- Valley County Code 9-5H-6-B: Notice: A notice to adjoining property owners within three hundred feet (300') and the public relating a brief description of the proposed use and the date, time, and place for the hearing will be posted by the administrator or staff not less than seventeen (17) days before the hearing. Posting shall include direct mail to adjoining owners and advertising in a newspaper of general circulation in the county at least fifteen (15) days prior to the hearing. The site of the application shall be posted at least one week prior to the hearing. Agencies shall be noticed thirty (30) days prior to the hearing.

Proper notice of the Planning and Zoning Commission's public hearing was not provided to adjoining landowners or purchasers of record. Furthermore, these adjoining landowners were unaware of the Planning & Zoning Commission's June 23, 2022 public hearing, and thus did not participate either by submitting written comments or appearing at the public hearing with oral testimony. On this basis alone, this appeal should be sustained, and the approval of CUP 22-21 denied.

Due process is that process which a government, including Valley County, is required to give an individual citizen that is subject to or may be affected by regulation or other targeted governmental action. The two pillars of procedural due process are notice and a hearing. Notice and hearing function to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The purpose is to protect persons from the arbitrary encroachment of the use and possession of their property.

LLUPA dictates that due process in the form of notice and a hearing for those whose substantial rights may be affected must be provided in the context of land use decisions, such as the consideration of conditional use permits applications. Specifically, LLUPA provides that notice of a public hearing "shall be provided individually by mail to property owners or purchasers of record within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered . . ." Section 67-6512(b); *see also* Valley County Code 9-5H-6-B. Proper notice was not provided in this case.

The map in Figure 1, obtained from the Valley County Assessor’s parcel map, depicts the property owners or purchasers of record for properties within 300 feet of the external boundaries of 181 West Lake Fork Road, the proposed Stag’s Run Estates. According to a document obtained from the County which certifies that “notification was mailed to neighbors on this sheet,” *see* Figure 2, only the landowners of six of the 13 adjoining parcels are listed on this document as having been mailed notice for the June 23, 2022 Planning and Zoning Commission meeting for CUP 20-21 (marked with a “star” on the map in Figure 1). None of the adjoining properties to the north of the proposed development, in Brookdale Meadows, received notice. The document does indicate that notice was sent to the Brookdale Meadow No. 1 HOA. *See* Figure 2. However, this is insufficient to meet the requirements in LLUPA and Valley County Code that requires mail notification “individually” to “property owners or purchasers of record.”

Proper notice and hearing are necessary requirements to fulfill the County’s responsibility to provide those persons potentially affected by the proposed development due process. The right to notice and a hearing is a basic aspect of the duty of the government to follow a fair process of decision-making, particularly when that government action acts to prejudice a person’s substantial rights. Due process requirements cannot be dispensed with. Therefore, the Board should sustain the appeal and deny the Planning and Zoning Commission’s approval of CUP 22-21.

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FIGURE 1: Valley County Assessor’s parcel map with parcel boundaries (red lines), adjoining property owners (pink text). The pink stars indicate adjoining property owners who received proper notice of the Planning and Zoning Commission’s June 23, 2022 hearing for CUP 22-21.

C.U.P. 22-21 5/4/2022

181 W Lakefork RD, LLC / Urban Solutions 8090 East Portico Terrace Orange, CA 92867	APPLICANT & OWNER Sent applicant letter
DARCY HART / URBAN SOLUTIONS P.O. Box 1304 EAGLE, ID 83616	REPRESENTATIVE -- sent applicant letter
Chad Kinkela, CK Engineering 1300 E State Street, Suite 102 Eagle, ID 83646	ENGINEER
Idaho Survey Group Greg Carter PLS 1450 # Watertower Meridian, ID 83642	SURVEYOR
BROOKDALE MEADOWS PHASE 1 & 2 PO BOX 482 MCCALL, ID 83638	
BROOKDALE MEADOWS NO. 1 HOA (362271) CHRIS LACY, PRESIDENT 3140 W BELLTOWER DR MERIDIAN, ID 83646	POA/HOA if applicable

THOMAS BATEMAN
152 W LAKE FORK RD
MCCALL ID 83638

CARL F BROWN (C/B)
510 COVENTRY RD #5 D
DECATUR GA 30030

BUD S F CALDWELL
3305 NEAL RD
PARADISE CA 95969

HANS JOSEF GERMANN
2007 N 13TH
BOISE ID 83702

CAMERON HOPPER
PO BOX 558
DONNELLY ID 83815

DIANNE M PRUITT
13786 NISULA RD
MCCALL ID 83638

ANNE LUCILLE RUSH
PO BOX 1586

MCCALL ID 83638

JAMES D RUSH
PO BOX 3146
MCCALL ID 83638

SIMPLOT INDUSTRIES
PO BOX 27
BOISE ID 83707

DOUG A & NANCY C STRAND FAMILY
TRUST
3232 MEADOW RIDGE LN
TWIN FALLS ID 83301

ART L TROUTNER JR
193 W LAKEFORK RD
MCCALL ID 83638

<p>I hereby certify that on <u>5-17-2022</u> I mailed notification to neighbors on this sheet. <i>Lozi</i></p>
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FIGURE 2: Mailing list for the Planning and Zoning Commission's June 23, 2022 hearing for CUP 22-21.

II. Due Process and Valley County Code Violations - Application is Incomplete

The CUP application should have never been reviewed by the Planning and Zoning Commission because it is incomplete and there are material facts that are inaccurate. As discussed further below, there are several documents that are required by Valley County Code to be submitted with the application, but were not. Furthermore, there are material facts that are important to the Planning and Zoning Commission's decision-making process that are inaccurate. Approving the CUP based on an incomplete and inaccurate application creates two problems.

First, approval of the CUP establishes a conclusive presumption that the development does not adversely affect the area and adjoining properties, and thus precludes further inquiry into its effect on traffic, municipal services, property values, or the general harmony of the community. Without this information, adjacent landowners and other potentially affected persons do not have the ability to examine the evidence and provide rebuttal information. Having the ability to fully participate in the public process by having all the required information is particularly paramount in land use cases because adjoining property owners have unique concerns about issues that may materially affect their own property—such as drainage concerns, availability of well water, and protection from septic sewage contamination. Once the CUP is approved, affected persons have no recourse to try and mitigate adverse impacts through the land use approval process—impacts that may have a real and significant adverse effect on the use (including economic use), enjoyment, and value of their property.

Second, the information that these missing documents would contain furnish material facts about the proposed development, and provide the basis for the Planning and Zoning Commission to assess the application's impacts on the local vicinity and its resources, and to prepare conditions of approval to mitigate impacts, or deny the application, rendering its decision to either approve or deny the CUP application arbitrary and capricious, and not based on substantial evidence.

Documents that are missing or contain mistakes in material facts, include:

- Preliminary site grading plan (Valley County Code 9-5A-1-E-1);
- Stormwater management plan (Valley County Code 9-5A-E-2);
- Fencing agreements (Valley County Code 9-5A-5-F);
- Phasing plan and construction timeline (*see* CUP & Preliminary Plat Application);

- Plot plan “drawn to scale, showing existing utilities, streets, easements, ditches, and buildings” (*see* CUP & Preliminary Plat Application);
- Lighting plan (*see* CUP & Preliminary Plat Application);
- Wildfire mitigation plan (Valley County Code 10-7-4-A);
- Application for irrigation plan approval (Idaho Code 31-3805);
- An Impact Report with sufficient information and detail to meet the basic requirements to disclose project impacts (Valley County Code 9-5-3-D; *see also infra* at 16; Appeal Letter at 2-6);
- An application with accurate material facts regarding water rights, irrigation easements, and characterization of adjacent land uses (*see* Appeal Letter at 3-4);

Point blank, without the information these documents provide, it is impossible for the Planning and Zoning Commission to have a reasoned basis for its decision to approve or deny the application. Acting on an incomplete application flies in the face of due process requirements. There is no way for potentially affected persons to rebut evidence if it is not there. There is no way for the Planning and Zoning Commission to make a reasoned decision. Board should therefore deny the approval of CUP 22-21.

III. LLUPA Violation - Lack of Reasoned Statement

- Idaho Code § 67-6535(2): Approval or denial of any application . . . shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinances and statutory provisions, pertinent constitutional principles and factual information contained in the record.

The Planning and Zoning July 19, 2022 Findings of Fact and Conclusions of Law is not a reasoned statement as required by LLUPA.

For “effective judicial review of the quasi-judicial actions of zoning boards, there must be . . . adequate findings of fact and conclusions of law.” *Workman Family P’ship v. City of Twin Falls*, 104 Idaho 32, 36, 655 P.2d 926, 930 (1982). Conclusory statements are not sufficient; instead “[w]hat is needed for adequate judicial review is a clear statement of what, specifically, the decision-making body believes, after hearing and considering all of the evidence, to be the relevant and important facts upon which its decision is based.” *Id.* at 37, 655 P.2d at 931

(quoting *S. of Sunnyside Neighborhood League v. Bd. of Comm'rs*, 280 Or. 3, 21-22, 569 P.2d 1063, 1076-77 (1977)).

In short, "the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest." *In re Jasso*, 151 Idaho 790, 264 P.3d 897 (Idaho 2011). The Planning and Zoning Commission's Finding of Fact and Conclusions of Law ("FFCL") failed to meet this standard.

For example, the FFCL states that "the proposed use is in harmony with the general purpose of Valley County ordinances and policies" and "the proposed use is consistent with the Valley County Comprehensive Plan." But it doesn't recite any facts or explain the basis to support this conclusion. The FFCL states that the "proposed use is compatible with surrounding land uses" but does not describe the evidence supporting that determination despite the fact that there was conflicting evidence in the record. Same goes for the conclusion that "[t]his is not prime agricultural land" and that this "is clustered development." There is no explanation of what evidence was used to support this conclusion. Considering there was conflicting evidence, it is important for the governing body to provide a reasoned statement for its decision.

This utter lack of a reasoned statement as required under LLUPA violates Appellant's substantial right to due process. If the Board approves the CUP now, its decision will suffer from the same flaws as that of the Planning and Zoning Commission. The Board therefore must sustain the appeal, and deny the approval of CUP 22-21.

IV. Violations of Valley County Code

A. Section 9-5A-1: Grading

- Valley County Code 9-5A-1-E-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.

- Valley County Code 9-5A-1-E-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.

A site grading plan outlines the criteria for land development. It typically includes information such as design elevation, surface gradient, lot type, swale location, elevations, dimensions, slopes, locations of erosion control, and drainage patterns. One of the most important pieces of information for future homeowners, adjacent property owners, and Valley County is that a site-grading plan considers the existing topography of the development and its relationship with adjacent properties. A site grading plan tells you how the proposed development can alter existing drainage patterns. A site grading plan provides the necessary information to ensure that property damage, flooding, standing water, and erosion of embankments areas is prevented. Critically too, here, it would also provide information on how changes to drainage patterns might impact surface water and wetlands on the parcel. The wetlands in this case are also a significant component of the Mud Creek system, which enters Lake Cascade not too far down south, as depicted below in Figure 3. *See L. Long Comment Letter.*

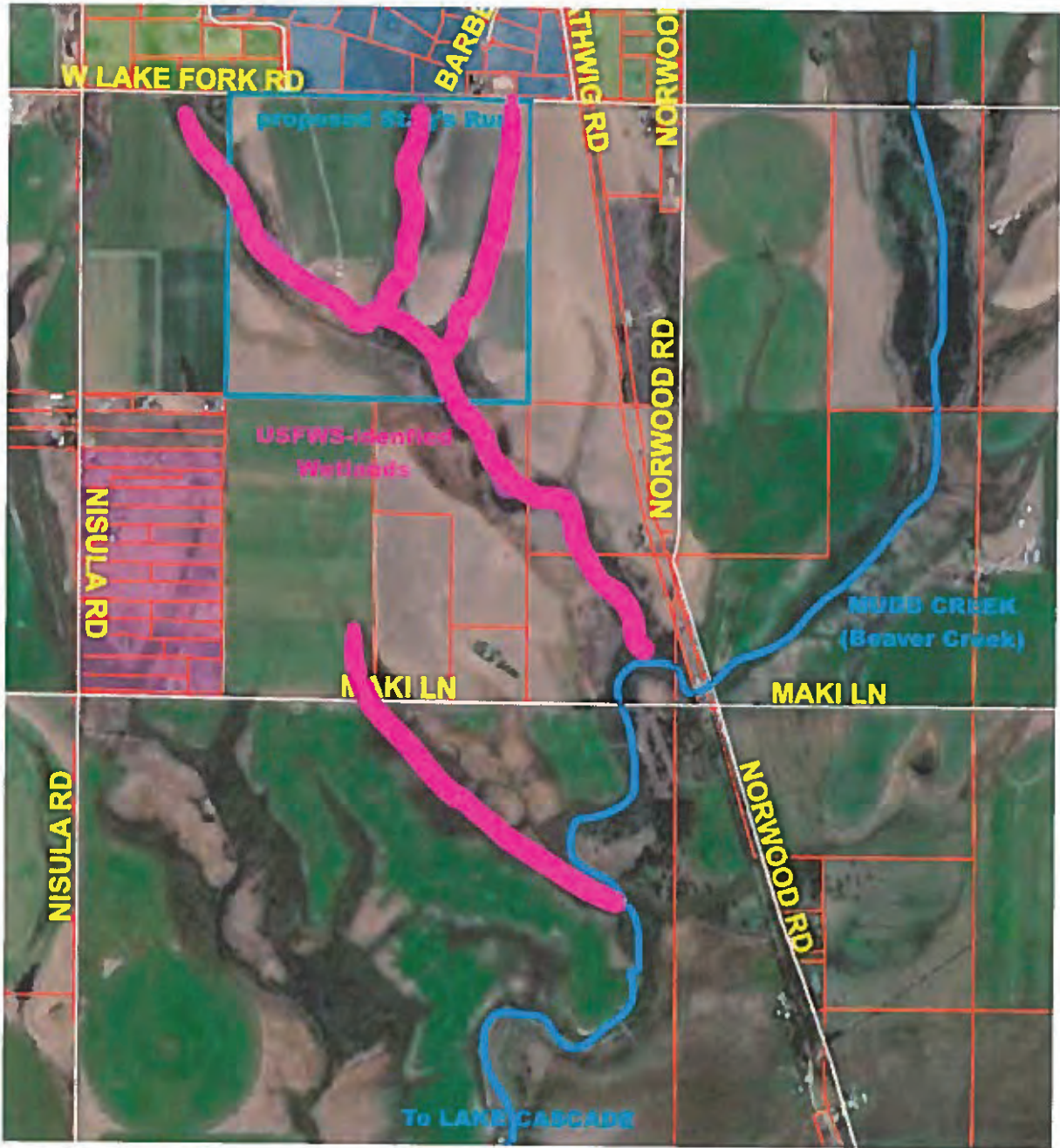


FIGURE 3: Valley County Assessor's parcel map with parcel boundaries (in red lines) of the vicinity of the proposed Stag's Run Estates development. The blue line depicts Mud Creek (aka Beaver Creek). Pink lines identify wetland areas.

Similarly, a stormwater management plan must be presented for review and approval by P&Z as part of the CUP application. Stormwater management plans help to drastically reduce the impact of stormwater on the environment and protect local land, wetlands, streams and rivers, wildlife, and residents and their property.

The site grading plan and stormwater management plan is so important to the CUP review process and the preparation of the conditions for approval that Valley County Code requires the Planning and Zoning Commission to consider these plans as part of the decision-making process prior to approval or denial of an application.

There is nothing in the application or record from the proceedings below that indicates that the applicant has prepared a preliminary site grading plan or stormwater management plan. The only documents included in the application are (1) a general map of the parcel containing parcel lines; (2) a schematic of the entryway structure; and (3) two general maps called a “preliminary development plan” or “preliminary plat” and a preliminary plat showing landscape frontage; and (4) two very general topographical surveys that do not show the relationship between the topography and the proposed development of the site; and two maps generally marking the area of floodplain and wetlands, again showing no relationship to the preliminary plat, showing no drainage patterns, and showing no site grading plans. The only statement regarding stormwater management is in the impact report, which states that “internal streets . . . will be bordered by a barrow pit for drainage located on each side of the road.” This is wholly inadequate.

Without these two plans, this application should have been considered incomplete and should never have been reviewed by the Planning and Zoning Commission. The Board should therefore sustain the appeal and deny the approval of CUP 22-21.

B. Section 9-5A-2: Roads and Driveways

- Valley County Code 9-5A-2-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.

The proposed development plan fails to meet the requirements that there are two access roads to a public street for residential developments. Technically, there are two access points to West Lake Fork Road from the development—Morning Mist Court and Stag’s Run Court. *See* Figure 4 (drawing taken from the CUP application). These access points, however, are not

connected; they each do not serve the entire development. Stag's Run Court serves up to 32 home sites. Morning Mist Court serves 18 homes. To reach one road from the other would require travel by foot through private property, potentially through wetlands.

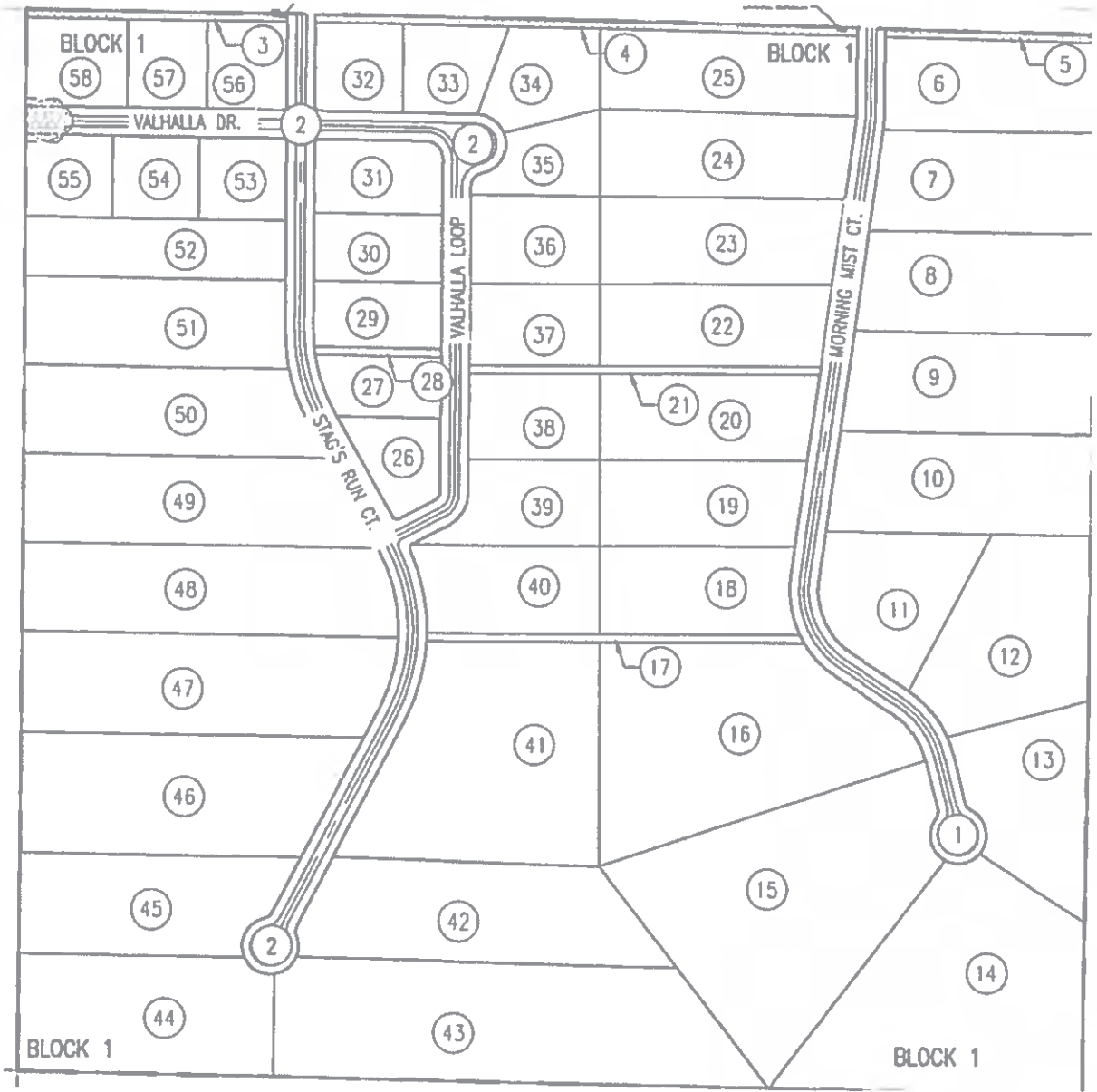


FIGURE 4: Drawing depicting road and lot lines.

Valley County Code 9-5A-2-B requires that residential developments have at least two access roads to a public street, wherever practicable. This Code provision was not identified in the Staff Report; discussion of access roads was not deliberated by P&Z. Point blank, it was never considered.

This is a very vague provision in that the language does not literally require the two access points to be connected. But the purposes of having two access points are to control and minimize traffic through the development, and more importantly, for safety. In the event one access point becomes unusable for emergency services or evacuation, then another is available. Both of these purposes for having two access points are only served if the two access points are connected within the development.

One study on land development and subdivision regulations put it this way:

Linear subdivisions served by a single access drive ending in a cul-de-sac may inhibit emergency access and increase traffic congestion during peak hours by providing only one point of ingress and egress. Single access problems may also result in phased subdivisions where additional access is proposed for future phases. If future phases are not built, the remaining subdivision may have insufficient access. Although this is not a problem where only a few dwelling units are served, how many lots is too many? Average daily trips for residential streets provide a baseline for access and cul-de-sac standards. Listokin and Walker (1989) recommend that when a subdivision on a single access rural road exceeds 20 lots (or 20 dwelling units), it should have at least two access points.

K.M. Williams, *Model Land Development and Subdivision Regulations that Support Access Management* (2021).¹

This excerpt addresses both purposes—control of traffic congestion through the development by looking at average daily trips, and access for emergency services and evacuation. Neither of these issues was considered when the Planning and Zoning Commission approved the CUP.

Consideration of these issues is a part of smart planning and ensuring that the County approves developments using the best of our current knowledge to approve safe and

¹ Available at: https://www.cutr.usf.edu/wp-content/uploads/2021/03/Land_Regs.pdf.

well-planned developments. The proposed development does not meet the intent of and is inconsistent with County Code.

C. Section 9-5A-5: Fencing

- Valley County Code 9-5A-5-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.

Valley County Code 9-5A-5 states that where animal grazing is known to occur for more than 30 consecutive days per year, the permittee “shall” provide a fencing agreement, and the Planning and Zoning Commission must accept the agreement “prior to approval of the permit.” The Planning and Zoning Commission did not have any fencing agreements in front of it during the time it considered the CUP and therefore does not have the authority to approve the application.

Here, adjacent properties have allowed and plan to continue to allow cattle grazing for more than 30 consecutive days per year.²

The Code clearly contemplates why it is important for a fencing agreement to be in place prior to approval—“so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.” By approving the CUP without providing those assurances, the Planning and Zoning Commission is putting adjacent property owners at risk that this commitment by the permittee is never made. First, approving the CUP without an agreement in place that is “acceptable to the commission” puts the adjacent property owners at a disadvantage in negotiating the terms of the agreement. Second, once the permit is issued without an agreement in place, the adjacent property owners have little

² These adjacent property owners will provide this information in their own comment letters and/or oral testimony at the August 29, 2022 public hearing on the appeal.

recourse to ensure that this gets done other than through Valley County's discretionary enforcement authority, leaving the adjacent property owners with absolutely no recourse.

The Planning and Zoning Commission should not have approved the CUP without reviewing and approving fencing agreements, and thus this appeal should be sustained, and the approval denied.

D. Section 9-5A-6: Utilities

- Valley County Code 9-5A-6-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.
- Valley County Code 9-5A-6-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.
- Valley County Code 9-5A-6-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.
- Valley County Code 9-5A-6-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.

Valley County Code requires that all parcels shall have direct access to a water supply and sewage disposal. Here, although the application discloses that each of the 50 parcels planned for residential units will have individual well and septic systems, there is nothing in the record to indicate that the probability of this water supply is likely, or that 50 septic systems are possible.

First, with respect to water, as indicated in Valley County Code 9-5A-6-C, the probability of a water supply "can be shown by well logs in the general area or by a determination of a

professional engineer, hydrologist, or soil scientist.” The application does not contain any well logs despite the fact that the Idaho Department of Water Resources has information on four wells in the area. *See P. Pace Comment Letter.* Moreover, there is no information about the current number of wells, where the proposed wells will be located, or where current wells are located. In essence, there is no information about whether this parcel and this area can support 50 new wells and ensure not only that there is a probability of a water supply for the proposed development, but also for current residents in the area.

Second, there is no information about whether the area can support 50 individual septic systems. Although the application was forwarded to the Central District Health Department, the Department stated that it needed “more data concerning soil conditions,” “more data concerning the depth of high seasonal ground water,” an “application, test holes, groundwater monitoring, and engineering report” before it could comment on the proposed septic plan.

This information—the probability of a water supply and sewage disposal—is crucial for the Planning and Zoning Commission to have in order to consider this application and make a reasoned decision to approve or deny it. Right now, there is no way to know whether the water supply and land can support 50 units with 50 individual wells and 50 individual septic systems without potentially adversely impacting either the quantity or quality of groundwater available to current residents. There is no way to ensure that, under the Code, all lots “will be provided direct access to . . . [a] water supply, and sewage disposal.” The Planning and Zoning Commission’s approval of 50 units for this proposed development is not based on substantial evidence that the development can provide sufficient water and have sufficient sewage capacity. The Commission’s decision is arbitrary and capricious. The Board should sustain the appeal, and deny the approval of the CUP application.

E. Section 9-5-3-D: Impact Report

- Valley County Code 9-5-3-D1: Required: An impact report shall be required for all proposed conditional uses.
- Valley County Code 9-5-3-D2: Potential Environmental, Economic And Social Impacts: The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:
 - (a) Traffic: Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes

the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.

(f) Water: Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing groundwater and surface water quality and potential changes due to this proposal.

(k) Site Grading And Improvements: Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.

(n) Increased Revenue: Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.

(o) Economic Impacts: Approximation of costs for additional public services, facilities, and other economic impacts.

An Impact Report is required for all subdivisions, as subdivisions are a conditional use. This is a product of the County's decision to have performance-based or one district multiple-use, zoning. Rather than determining in advance where certain uses are appropriate with a specific zoning ordinance, the decision of whether a use is appropriate becomes a case-by-case decision, making evaluation of the items in the Impact Report and review of the Compatibility Rating all the more important.

The Impact Report submitted with the CUP application is a simple, 4-page narrative with lack of any detail or analysis of the potential impacts. It is deficient in several respects, as discussed below.

i. TRAFFIC

The applicant's impact report does not address traffic volume or the changes that the proposal will bring during construction or after completion, build-out, or full occupancy of the proposed development, including pedestrian, bicycle, auto, and truck traffic.

Other than stating a few facts about the development, the only conclusion the impact report makes is that the West Lake Fork Road is designed to handle vehicles trips generated from the development. There is no disclosure of how many vehicle trips will be generated, no disclosure

of estimated future traffic volume, no discussion how that additional volume compares with the existing traffic volume, and no analysis of the impacts on bicycles and pedestrians, which public comment demonstrates that the road is an important pedestrian and bicycle route for residents in the area.

Current traffic volumes should be estimated based on the number of residences that currently use Lake Fork Road to access the highway. Additional traffic volume from proposed development should assume all residences will be occupied.³ This information—at a very basic level—can be easily obtained so that the Commission can, at a minimum, assess whether more information is needed.

For example, a simple Google search of vehicular trips per day returned a U.S. Department of Transportation county-by-county study which indicated that for Valley County, the average trips per household per day was 4 to 5.⁴ Based on this study, 50 homes could generate 200-225 extra vehicle trips per day.

Without this information, the Planning and Zoning Commission could not compare the current situation with respect to vehicular traffic and how the project will impact vehicular traffic. Without this information, there is no basis to consider the potential impacts on pedestrian and bicycle use and access of current residents. Without this information, there was no way for the Planning and Zoning Commission to make a reasoned decision about whether mitigation of these impacts would be required.

ii. WATER

The Impact Report's analysis of the existing surface water drainage, wetlands, groundwater quantity and quality, and potential changes due to the proposal is utterly lacking. This development proposes 50 individual wells, and 50 individual septic systems. The development borders other groundwater users; some current wells on adjoining property are as close as 45 feet from proposed parcels. Adverse changes to groundwater—either in quantity or

³ Considering the trend in remote work post-COVID, it should not be assumed when assessing traffic impacts that all or most of the homes will be second homes and largely unoccupied for most of the year.

⁴ Available at:

<https://www7.bts.dot.gov/sites/bts.dot.gov/files/docs/browse-statistical-products-and-data/surveys/24071/vtrpmap.pdf>

quality—would have a significant and severe impact on adjacent landowners' use and enjoyment of their property, cost them significantly in time and resources to drill new or deeper wells, and would significantly impact property values.

The availability of groundwater is a real and serious issue that the County needs to address not only Valley-wide, but in consideration of each proposed development and how it might affect adjacent property owners. *See* Attachment B; *see also* P. Pace Comment Letter. Proceeding in approving developments without information about the availability of groundwater resources in the vicinity of the proposed project and understanding how it may impact adjacent landowners is reckless at best.

Questions that the Impact Report should have addressed, but did not, are:

- How will the water table and groundwater quantity be impacted for current groundwater users from the change of land use from irrigated agriculture to residential development? Was there significant recharge of groundwater from the prior use that will not be present once the parcel is developed.
- How will the water table and groundwater quantity be impacted for current groundwater users from adding up to 50 additional wells?
- Can the parcel support 50 individual septic systems without contaminating groundwater resources?
- How will the quantity and quality of surface water resources (wetlands) be impacted from the change of land use? *See* Appeal Letter at 5 (stating that U.S. Fish & Wildlife Service data shows that homeowners use up to 10 times more chemicals and pesticides per acre on their lands than farmers use on crops; *see also* U.S. Environmental Protection Agency, *Soak Up the Rain: What's the Problem*, available at: <https://www.epa.gov/soakuptherain/soak-rain-whats-problem> (“Runoff picks up fertilizer, oil, pesticides, dirt, bacteria and other pollutants as it makes its way through storm drains and ditches - untreated - to our streams, rivers, lakes and the ocean. Polluted runoff is one of the greatest threats to clean water in the U.S.”).
- Do the wetlands on the property and in the vicinity contribute to the protection or enhancement of ground water, and provide recharge for well heads, and if so, how will the development change those wetland functions? *See* <https://dec.vermont.gov/watershed/wetlands/functions/water-quality> (stating that wetlands can make important contributions to the protection or enhancement of ground water, provide recharge for well heads, reduce levels of contaminants in surface

waters which recharge underlying or adjacent groundwaters, and generally contribute to the protection or improvement of water quality).

- Will stormwater discharge from impervious surfaces be prevented from reaching wetlands?
- What are the impacts to the quality and quantity of water reaching Mud Creek? If there are potential impacts to the quantity of water reaching Mud Creek, are downstream water rights holders affected? If water quality and quantity are impacted, what are downstream effects on Lake Cascade?

The answers to these questions are critical for the Planning and Zoning Commission to make a reasoned decision and provide reasonable conditions of approval. Under Valley County Code, the burden to provide this information is on the applicant. This is not an exercise in futility that should be summarily dismissed by County decision-makers. Meaningful information that is a required part of the Impact Report is essential for adjacent property owners and others that might be affected to be on notice of potential adverse effects of the development so they can meaningfully participate in the public process and protect their real and water property rights. Planning and Zoning Commission's approval of the CUP application without this information is illegal because it is not based on substantial evidence; it is arbitrary and capricious; and it violated procedural and substantive due process of potentially affected persons.

Moreover, the County has the obligation and authority under State law to protect groundwater resources. In enacting Title 39, the legislature's intent was "to prevent contamination of ground water from point and nonpoint sources of contamination to the maximum extent practical." Idaho Code § 39-102(2) not only gives local jurisdictions the authority, but also places on them the obligation to protect groundwater resources. Moreover, Idaho Code § 39-126(1) requires that all political subdivisions of the state "incorporate the ground water quality protection plan in their programs and are also authorized and encouraged to implement ground water quality protection policies within their respective jurisdictions." Additionally, Idaho Code § 39-126(2) provides that

whenever a state agency, city, county or other political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual

adverse effects from the permitted or license activity on the groundwater of the state.

The Idaho Department of Environmental Quality’s Ground Water Quality Rule requires that “[a]ctivities with the potential to degrade [] aquifers [] be managed in a manner which maintains or improves existing ground water quality through the use of best management parties and best practical methods to the maximum extent practical.” IDAPA 58.01.11.301.02.a; *see also* IDAPA 58.01.11.150.01 (Ground Water Quality Standards), 105.04 (Interagency Coordination).

In approving the CUP application without any information regarding the potential to impact both groundwater quality and quantity, the Planning and Zoning Commission was acting without any reasonable basis in fact or law, which reflects a less than deliberative approach during June 23, 2022 public hearing. The approval is not based on substantial evidence, it is arbitrary and capricious, and it is inconsistent with Valley County Code and State law.

iii. REVENUE AND ECONOMIC IMPACTS

The question of whether a proposed development pays for itself—pays for the infrastructure and public services—is an important consideration not just for adjoining landowners, but for all Valley County residents. It is a common question when cities and counties experience growth, especially sudden and fast growth—who should pay for that growth?

The Impact Report requires the applicant to provide that analysis. That analysis is also a component of the compatibility rating. However, in this case, rather than an actual analysis of how the proposed subdivision might impact the costs for additional public services and facilities, it provides a single, conclusory statement: “Based on the anticipated property valuation and property taxes collected at build-out it is not anticipated there will be additional costs for public services of facilities.” Although there is some information about the anticipated increase in property valuation, and thus tax revenue, in the Impact Report, there is no discussion about how that tax revenue might be limited by State law that places limits on a local government’s ability to assess levies for new construction. And, notably, there is no estimate of the costs of providing public services – including emergency services, schools, parks and recreation facilities and programs, to state just a few—to a sprawling subdivision.

The responses in the Impact Report are insufficient and do not provide the public taxpayer or the governing body the required information to assess whether this proposed development is

compatible with land uses in the vicinity, is consistent with the goals and objectives of the Comprehensive Plan, and whether it is going to ultimately cost Valley County taxpayers in reduced services or higher taxes.

F. Sections 9-5H-5, 9-11-1 – Compatibility Report

- Valley County Code 9-5H-5-B: Compatibility Evaluation: The administrator or staff shall evaluate the compatibility of the proposed use in accordance with the guidelines in section 9-11-1 of this title. A copy of the report and the compatibility rating shall be sent to the applicant and/or his agent and to members of the commission the week prior to the hearing.
- Valley County Code 9-5H-5-D: Compatibility Rating: The commission may choose to accept the compatibility rating as prepared by staff or may choose to complete their own compatibility rating. The commission's ratings may be done at the public hearing and shall be an average of all the commissioner's values of each question after discussion.
- Valley County Code 9-11-1-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.
- Valley County Code 9-11-1-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.

- Valley County Code 9-11-1-E-3: 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.
- Valley County Code 9-11-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.

The Planning and Zoning Commission ignored its obligation to address the compatibility of the proposed development with adjoining land uses and the character of the vicinity. The purpose of the compatibility rating is to “ensure that the county can continue to grow and develop without causing [] land use problems and conflicts. Valley County Code 9-11-1-A. But the compatibility rating cannot serve its purpose if it is done in an arbitrary manner and is not based on substantial evidence—as was done here.

First, the rating for Question 3 is arbitrary, is not based on substantial evidence, and is in conflict with Valley County Code. An adjacent land use is defined under County Code as “[a]ny use which is within three hundred feet (300’) of the use boundary being proposed.” Dominant and other “adjacent” land uses are the subject of questions 1 and 2 on the compatibility rating. Question 3, however, asks the evaluator to consider overall land use in the “local vicinity,” which under County Code is defined as “[l]and uses within a one to three (3) mile radius.” Moreover, in determining the “overall land use in the local vicinity,” the evaluator should identify the various land uses “and take an average[] to determine the overall use of the land.”

Although there is a “local vicinity” map in the record, there is nothing to indicate that the evaluator actually considered the “local vicinity” in the rating for Question 3. Rather, it appears that the evaluator just added the values of Questions 1 and 2 to determine the value for Question 3 (commenting under Question 3 to “see 1 + 2”), and gave Question 3 a value +1. An assessment of the “overall land use in the local vicinity” from simply viewing the Valley County assessor’s parcel map demonstrates that the overall land use in the local vicinity is agricultural. *See* Figure 5.

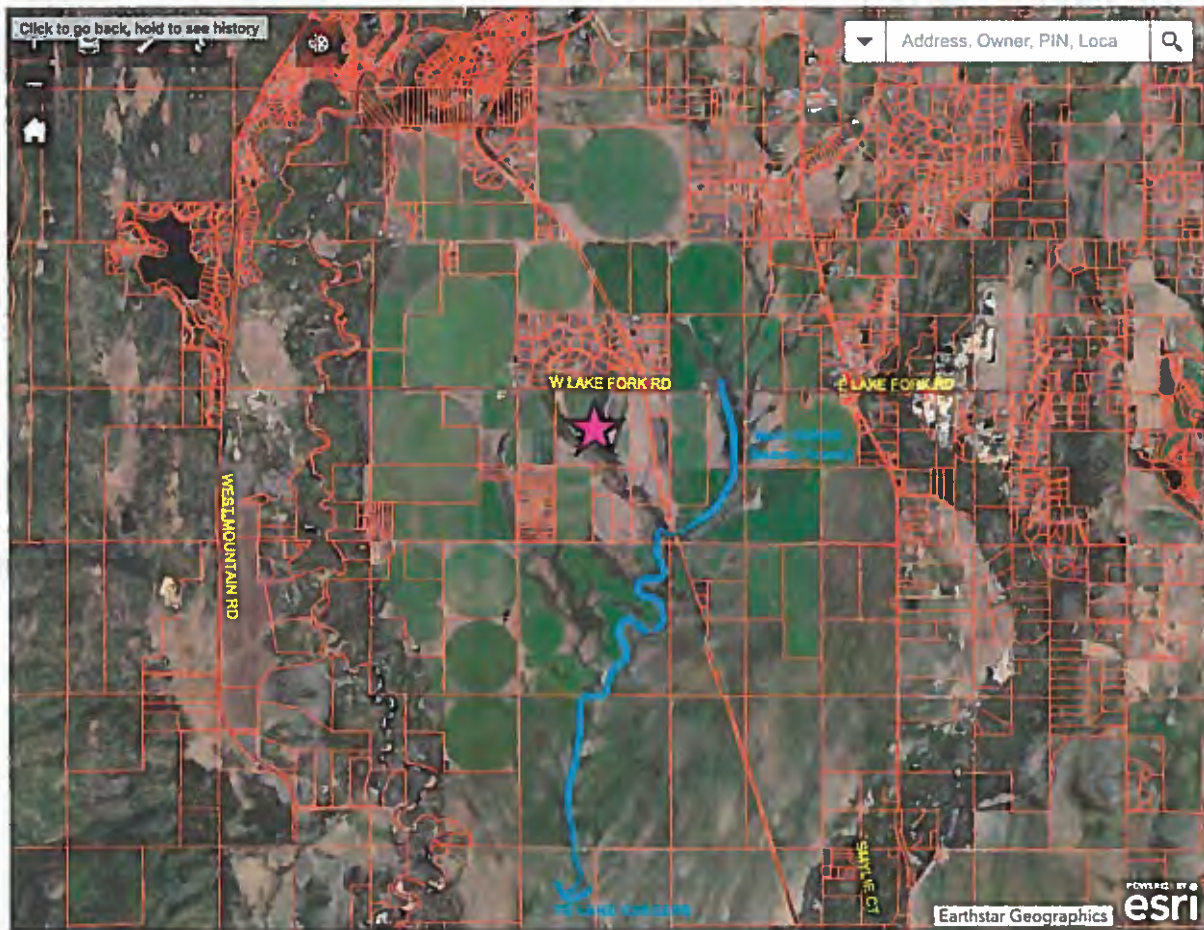


FIGURE 5: Valley County Assessor’s parcel map of vicinity. Pink star marks the location of the proposed Stag’s Run Estates development. Blue line indicates the location of Mud Creek (aka Beaver Creek).

The only uses that are given a +1 rating if agriculture is the overall land use in the vicinity are (#8) Rel, Educ., & Rehab; (#9) Frat or Govt; (#10) Public Util.; (#11) Public Rec.; (#13)

Landfill or SWR Plant; (#14) Private Rec.; or (#21) Light Ind. Single-family residential subdivision—which would have resulted in a value of -1—is not on the list.

Second, the rating for the remaining Questions 4 through 9 are arbitrary, not based on substantial evidence, and may have substantially and improperly skewed the rating upward as well. Questions 4 through 9 are not evaluated based on the matrix. Rather, “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 staff.” The text of the language indicates that the evaluator has to consider *all* types of information, not just that which was provided by the applicant. There is no indication that there was an “actual inspection of the site,” and no further information that appears to have been gathered by staff. In fact, it does not appear that information in comment letters was even considered.

Many of the questions in the compatibility rating would have been informed by a complete application that included the site grading plan, the stormwater management plan, and the impact report. For example, questions about how the “lay of the land” will help minimize potential impacts” on adjacent land uses should consider drainage issues and how those might be mitigated, and whether it is large enough to support the 50 proposed wells and septic systems so as to not impact adjacent land uses—which rely on clean and sufficient groundwater for residential and agricultural uses. Instead, the comments on the compatibility rating indicate the only information the evaluator considered was that the parcel is large and has no trees, but landscaping is proposed.

Question 5 asks whether the size or scale of the proposed lots and/or structures are similar to adjacent ones. The evaluator’s only response is, “yes - single family residential.” There is no actual comparison of the size of the proposed lots (which average about 2.94 acres) and the adjacent ones (which from all sides but the north are from 40 to 80 acres). There is no comparison of the size of the structures. Answering single family residential only speaks to the use of a parcel, and not to the size of the actual structures.

Question 6 asks about traffic volume and character. As discussed above, there is no information in the application or in the record that would indicate the evaluator would have a basis for concluding that the volume of traffic is compatible with the character currently generated.

Question 8 evaluates whether the proposed use is compatible with providing services, including utilities, such as water and waste disposal. As discussed above, there is no information in the record that indicates that the proposed development can provide sufficient well water or the land can carry 50 individual septic systems. The compatibility rating was done without any basis.

Question 9 suffers from the same problem. There is no information in the record that the proposed use is cost effective when comparing the cost for providing public services and revenue generated by the improved property. The evaluator states that the proposed use “will greatly increase tax revenues,” but there is no indication that a comparison to the current tax revenues was done to make that assessment. There is also no estimate of the costs of providing public services – including emergency services and schools–when, as discussed above, there are studies showing that parcel sizes larger than about one-quarter acre tend to cost a community more than they bring in in tax revenue. Additionally, the tax revenue that might be gained from the proposed development should also be evaluated against State law that places limits a local government can assess from new construction. None of this information was considered in the evaluation of Question 9.

Based on the discussion above, the compatibility rating is inconsistent with the requirements of Valley County Code and is completely arbitrary.

G. Inconsistency with Comprehensive Plan

- Idaho Code 67-6512(a): A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan.
- Valley County Code 9-5-2: Policy (A) The comprehensive plan states in part that the rural atmosphere of the valleys be protected, that recreation should be encouraged, and that the economic value of privately owned land be increased. (B) This chapter is intended to fulfill those goals and objectives by: (1) Defining those uses which are not inherently compatible with the “permitted uses” defined in chapter 4 of this title. (2) Limiting the impact of conditional uses through standards and procedures. (3) Allowing conditional uses in areas and to standards that will increase the value of privately owned property without

undue adverse impact on the environment, adjoining properties, or governmental services and where consistent with the county comprehensive plan. In order to achieve these goals, the maintenance of agricultural uses and low density development will be more acceptable located on the valley floor; higher density development will be more acceptable adjacent to the valley perimeter; commercial and industrial development will be more acceptable in commercial hubs, villages, or near existing established incorporated communities with similar characteristics and infrastructure to serve the more intense land use needs.

- Valley County Code 10-1-5: COMPLIANCE WITH COUNTY COMPREHENSIVE PLAN: To carry out the purpose of this title, all subdivisions of land and all dedications and vacations of streets shall be reviewed for compliance with applicable policies and plans adopted by the board of county commissioners.

The Comprehensive Plan provides a vision for the future of the community along with the steps that are needed to make that vision a reality. The County uses performance-based, or one multiple use district, zoning, as opposed to traditional zoning, which separates and defines uses into specific geographic zones. Performance-based zoning provides a landowner “maximum flexibility in using and developing their properties.” Comprehensive Plan at 70. At the same time, because zoning ordinances don’t list land uses as absolute under performance-based zoning, it requires a closer look at the goals and objectives of the Comprehensive Plan to ensure that the proposed project aligns with the community’s vision, implemented by consistency with the Plan’s stated goals and objectives. *See* Valley County Code 10-1-5.

It’s no doubt that the Planning and Zoning Commissioners expressed significant concerns about approving this subdivision due to the loss of agricultural land. *See* Appeal Letter at 7-11. Loss of farmland is inconsistent with many goals and objectives expressed in the Comprehensive Plan, including:

- Retaining Valley County’s attractive rural character;
- Protecting private property from the negative effects of nearby incompatible uses;
- Conserving and managing groundwater and surface water in order to prevent depletion or pollution;
- Promoting and encouraging activities which will maintain a strong, diversified economy;

- Encouraging the development of adequate water and sewer systems that meet current and anticipated needs while protecting the public health;
- Retaining the rural atmosphere of Valley County by protecting its natural beauty and open characteristics and preserving its historical and scenic beauty;
- Encouraging those land use practices that protect and reserve the best agricultural land for agricultural use.

However, overall, there is no review in the record of how the proposed development is or is not consistent with the Comprehensive Plan, and there was little to no discussion during the Planning and Zoning Commission's deliberations.

LLUPA requires that CUP be "consistent" with the Comprehensive Plan. Valley County Code states that subdivisions "shall be reviewed for compliance with" the Comprehensive Plan. The approval of the CUP does not comply with either provision. The Board should deny the approval of CUP 22-21.

V. Conclusion

As discussed above, the approval of CUP 22-21 violates due process requirements, LLUPA, state law on groundwater protection, and Valley County Code. The Board of Commissioners should sustain the appeal and deny the approval of CUP 22-21 in its entirety.

Respectfully submitted,



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Submitted on behalf of the following affected persons:

(next page)

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James and Marylou Rush
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13775 Nisula Road, McCall

Leda Clouser
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Attachment A

Appeal of PZ Commission Approval of C.U.P. 22-21 Stag's Run Estates (Aug. 22, 2022)

Attach. A: Appeal of PZ Commission Approval of C.U.P. 22-21 Stag's Run Estates (Aug. 22, 2022)

<https://idahonews.com/amp/news/local/wells-drying-southwest-boise>

Some wells in Boise dry up amid development, neighbors say long-term planning is needed

by Angela Kerndl
Monday, August 15th 2022



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SW Boise 1964



SW Boise 1986



SW Boise 1992



drone footage over Boise (CBS2)



BOISE, Idaho (CBS2) — Some wells in Southwest Boise are drying up. It's not because of the hot dry summers, but in part because of development in the Boise area.

Steve and Kara Nadeau's well has already gone dry once, and they worry it's only going to get worse.

"It's not endless," said Kara Nadeau.

The Boise area and the state, in general, rely heavily on wells - water from underground aquifers that are primarily recharged by canals and flood irrigation farmers use.

"The groundwater makes up about 95 percent of our drinking water," Dennis Owsley, who monitors wells for the Idaho Department of Water Resources, said.

But as agriculture is pushed aside by development, less water seeps into those aquifers.

"Even if we connect to city water down the road, what's going to happen? I mean, maybe they're going to not have water in the future even for the city, or they're going to have to put controls on that," said Kara.

The Nadeau's 100-foot deep well near Maple Grove and Highlander dried up for the first time in April, and it stayed that way for over a month.

"Anybody that goes without water realizes how much water you use on a daily basis and how critical it is to everything that you do," Steve said.

Eventually the well started producing again and they were able to irrigate their pasture.

"Everybody here in the neighborhood saw what was happening to us, so yeah, they're kind of nervous," Kara said.

And it's not just one neighborhood.

"It's square miles worth of residential development," Dennis Owsley with the Idaho Department of Water Resources said.

"Once the irrigation stops in the New York canal, and we aren't irrigating our pasture, we don't have a clue how long we're going to have water," Kara said.

What was once farmland is now subdivisions.

"Well all around us was corn and alfalfa when we came in, all around this subdivision on both sides," Steve said. He and his wife moved into their home 20 years ago, and it was built in the 70's.

The photos below show just how much growth has happened over the last several decades in Southwest Boise.

SW Boise 1964



Aerial photo of southwest Boise in 1964 (courtesy: Idaho Department of Water Resources)

SW Boise 1986



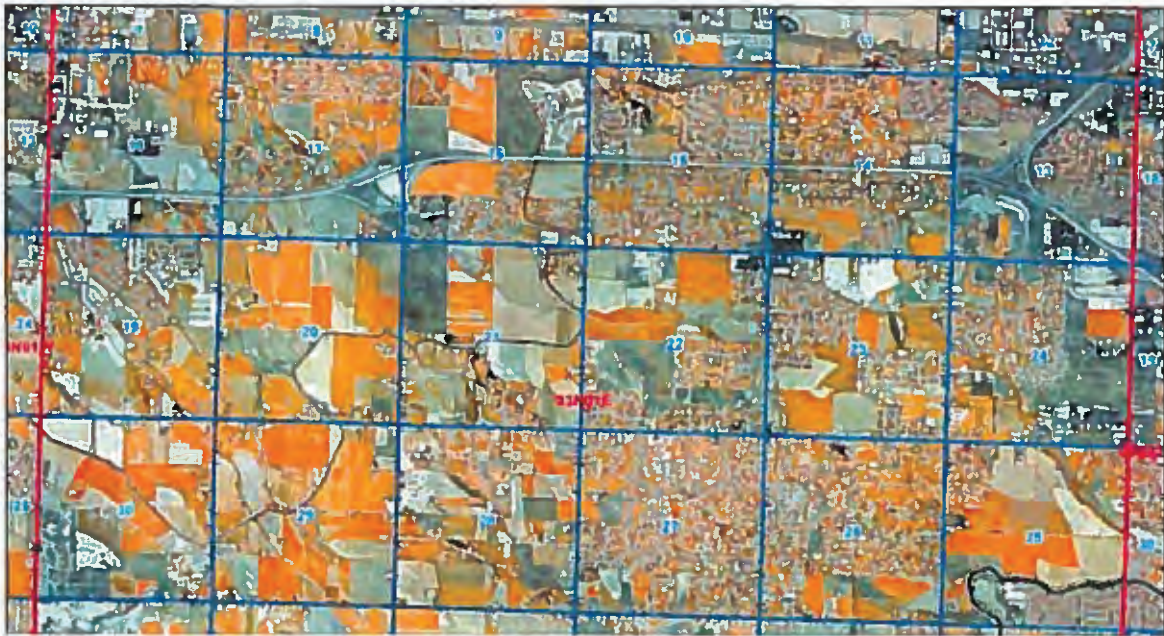
Aerial photo of southwest Boise in 1986 (courtesy: Idaho Department of Water Resources)

SW Boise 1992



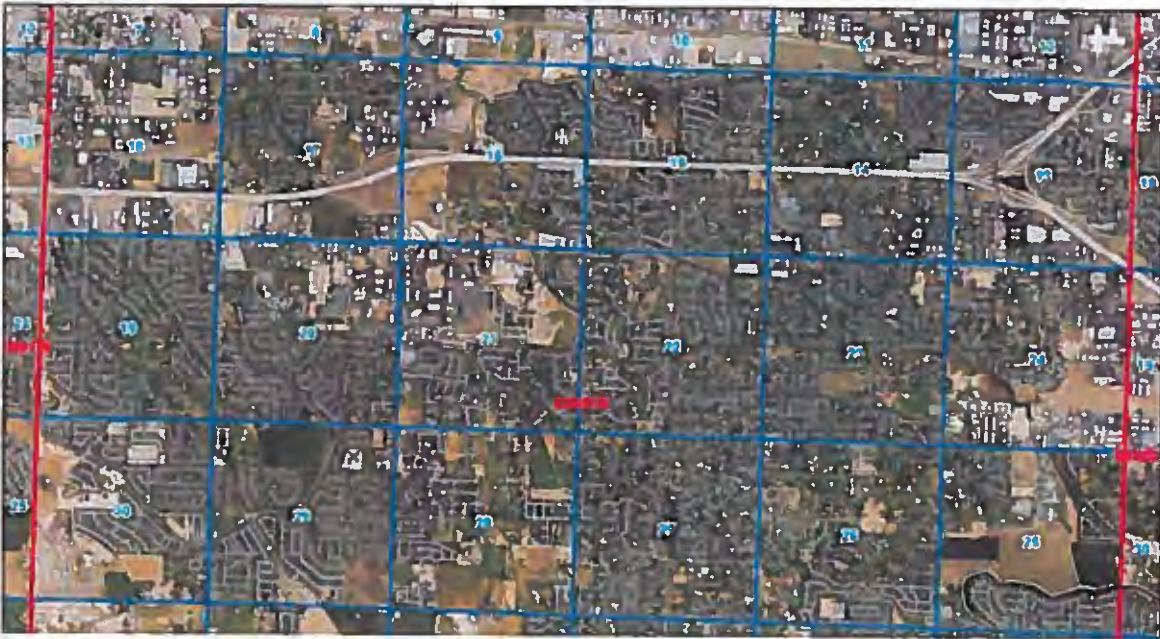
Aerial photo of southwest Boise in 1992 (courtesy: Idaho Department of Water Resources)

SW Boise 1994



Aerial photo of southwest Boise in 1994 (courtesy: Idaho Department of Water Resources)

SW Boise 2019



Aerial photo of southwest Boise in 2019 (courtesy: Idaho Department of Water Resources)

"The unlimited growth, that's the mentality of a cancer cell and that's not what we should be looking at," Steve said.

According to data tracked by Water Resources, the groundwater levels are falling about a foot per year in Southwest Boise.

"If you only have ten feet of water in your well left, you have ten years, ten to twenty years of life of your well left if the rates continue at the rate they are," Owsley said.

He says folks can drill deeper - an expensive proposition, or they can connect to city water - also an expensive proposition.

Drilling deeper could cost \$30,000 to \$40,000 or more, and hooking up to city water would take buy in from neighbors. Even with several neighbors agreeing to hook up to city water together, it could cost tens of thousands per neighbor.

Drilling deeper is not something you can have happen overnight. Steve says he's been told by well drilling companies they have waitlists of six months to a year.

Steve says smarter and more responsible development is what our community really needs.

"We should be asking our politicians and so forth about what their plans are for the future of Boise, besides just putting more homes and homes and homes, what are they going to do to preserve and protect our water resources," Steve said.

Owsley says for now, based on the data he's tracking, there should be enough water in the aquifers for our community. That answer doesn't really help those with shallow wells that are coming up dry today.

"At this current state, I'd say we're okay. Knock on wood that it continues that way," Owsley said. "It is kind of scary to see the growth in this valley happening so quickly, but there's been some studies done that have forecasted that we can handle the growth, the water supplies can handle the growth, as long as it's properly developed and planned out ahead of time."

Other neighbors in Southwest Boise say they're hoping to push local leaders to keep some of the former agricultural land from becoming developments. Owsley says more green open spaces would certainly help.

He says counties and cities could also put limitations on the drilling of new individual wells, saying community style wells are a much better route.

<https://idahocapitalsun.com/2022/08/18/exploding-population-boom-in-idaho-is-affecting-domestic-water-supply/>

Exploding population boom in Idaho is affecting domestic water supply

Along with high water usage per capita, growth is causing groundwater tables to diminish statewide

BY: ANTEIA MCCOLLUM - AUGUST 18, 2022 4:35 AM



Tourists and locals alike enjoy a beach along the shores of Coeur d'Alene Lake near the resort in Kootenai County. (Anteia Elswick/Idaho Capital Sun)

As more people migrate to Idaho, counties like Ada and Kootenai are seeing the effects of the rising population on the areas' already diminishing water sources. Whether water is coming from groundwater sources like aquifers or

surface water sources like rivers and reservoirs, local officials say Idaho's water is being used faster than it can be replenished.

In 2015, Idaho had the highest water usage per person in the nation with an average of 184 gallons of water being used a day, according to a report from the U.S. Geological Survey. While 1.6% of Idaho's water withdrawals were used for public supply and domestic water, meaning water used in and out of a home, as well as any water withdrawn for the public water system, nearly all of Idaho's water is used for agricultural irrigation.

Of the water being used for domestic and public supply in 2015, 89% was pulled from groundwater sources. Springs, wells and aquifers are what fuels the water supply in Idaho's homes. However, more homes are being built in Idaho as the population booms in areas like the Treasure Valley and around Coeur d'Alene Lake.

Ada and Kootenai counties are among the fastest growing counties in the state since 2010, with Ada County's population increasing by nearly a third and Kootenai County close behind with a 29% population increase. Teton County is the fastest growing county in the state with a 34% population increase since 2010. While Teton County's population is significantly lower than Ada's and Kootenai's, the growth rate exceeds those areas.

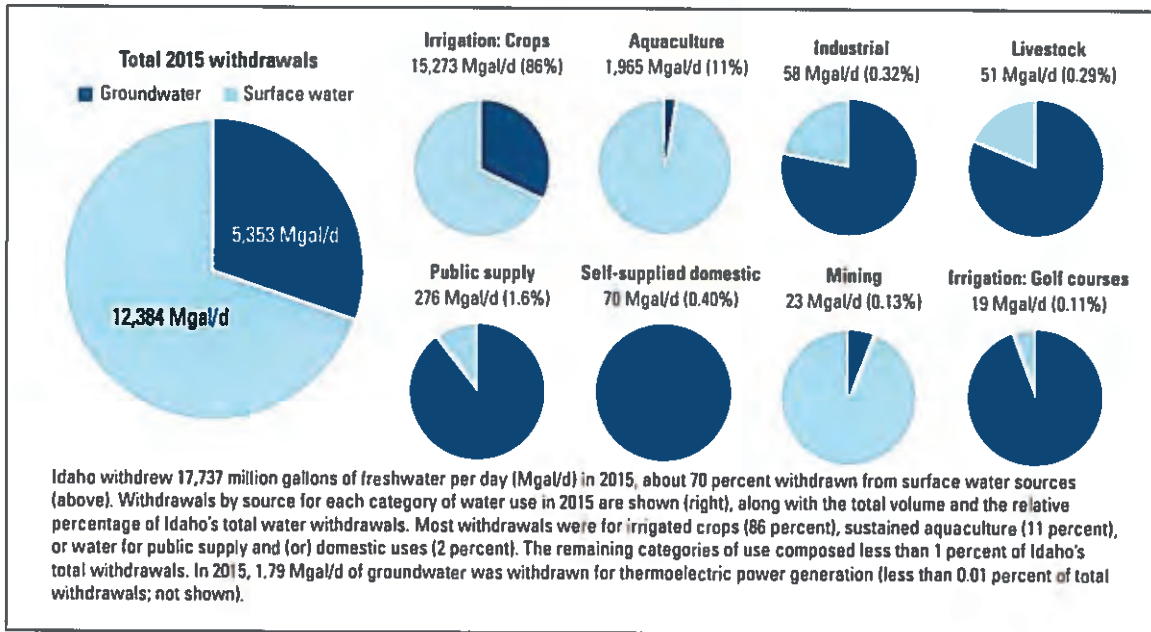


Figure 1. Withdrawals by source and category in Idaho, 2015.

A series of graphs showing how much of Idaho's water withdrawn from groundwater and surface water sources in is used for different purposes as of 2015. (Courtesy of the U.S. Geological Survey)

All three counties are experiencing a shortage of water, even in Teton County where there are 27 people per square mile, compared to Ada's 447 and Kootenai's 131 people per square mile. According to the Teton Water Users Association's website, less snowpack, higher demand and irrigation are the top reasons for the continuing decline of Idaho's aquifers.

Wells in quickly expanding areas are running dry

All three counties are facing water accessibility issues, whether that be wells going dry because the water table has diminished or water rights being passed to private owners.

Stan Ridgeway, former mayor of Eagle, said people in his subdivision are having to pay tens of thousands to drill new wells because theirs had dried up.

“My neighbor here, who had their well drilled last year, told me that the estimate to have that well drilled was \$20,000,” Ridgeway said. “I don’t know if they spent that much for it but, with supply and demand and all of the building and things that are going on, it was just outrageous.”

A neighborhood in southwest Boise has pushed for local officials to stop developing land historically used for agriculture as a way to help prevent the more shallow wells from drying up, according to reporting from CBS 2 IdahoNews. Data from the Department of Water Resources shows the water levels in the aquifer system in southwest Boise drop about a foot every year.

Other solutions include using deeper community wells instead of a private well for each individual property, or paying the tens of thousands of dollars it would take to either drill a deeper well or hook up to city water.

Kootenai County Commissioner Chris Fillios said wells in an area of his community south of Coeur d’Alene, called Cougar Gulch, have been drying up, too. In response to dry wells and the approval of a small subdivision nearby after public opposition, the representatives of the Cougar Gulch subdivision are trying to raise the minimum lot size from two acres to five acres.

This could accomplish a couple of goals, according to Fillios. One solution could be one individual owning more land and water rights, and another solution could be limiting the population of new neighborhoods without significantly impacting and decreasing growth, he said.

Fillios said he has two wells on his 10-acre property: a private well and a community well that supplies water for up to seven other lots.

He said for a developer to receive a building permit for the Cougar Gulch area, the Kootenai County Land Use and Development Code requires the developer to prove the well can run five gallons of water per minute for four consecutive hours.

“The situation in Kootenai County has quite a bit to do with whether or not a particular property or area is over the aquifer,” Fillios said. “If properties are over the aquifer, which extends into Washington, usually those wells, and especially since many are situated on five acre minimum lot sizes, are generally OK. When you get outside of that sphere, it’s a different situation.”

Conserving water could mean getting rid of grass lawns

Idahoans may need to begin looking at other measures to take to protect the water supply.

For example, many homeowners associations have requirements to keep neighborhoods aesthetically similar, and grass lawns are part of that, but keeping that fresh, green look means wasted water, according to Ridgeway.

He said that when agricultural land is turned into new subdivisions, the water rights purchased along with that land are used to install ponds that feed the neighborhoods’ sprinkler systems.

“They’re all required to put in sprinklers to water their lawn, and they get the water from those ponds,” Ridgeway said. “But 10 years ago, before that subdivision was built, it was a farmer’s field. All of the irrigation that went in there was flood irrigation, and it eventually went back into the aquifer. With sprinklers, it never makes it back to the aquifer because it’s just putting (out) enough water to water your lawn and your trees.”

Miranda Gold, a former Eagle City Council member, agreed with Ridgeway, saying she believed the amount of water being used for landscaping was having an impact on the area’s water security. Ridgeway said many people in

Eagle, if they are able to, are switching out their grass for species that are native to the arid high desert habitat in the Treasure Valley. The switch, often called xeriscaping, allows for customized landscaping without requiring so much water.



The city of Moscow coined the term wisescape to define a form of xeriscaping customized to the Palouse. This is the display outside of Moscow City Hall. (Anteia Elswick/Idaho Capital Sun)

In 2008, the city of Moscow established its Wisescape Concepts program to encourage water conservation through landscaping specifically for the Palouse. Latah County also relies on aquifers to support its growing population, but they aren't recharging swiftly enough, according to Moscow Public Works and Services.

The concepts used in xeriscaping still allow for an aesthetically pleasing environment, but it also helps to create biodiversity, save on water, reduce someone's carbon footprint and saves time on yard maintenance, according to the city of Moscow's website.

"We like to use a lot of water here," Gold said. "Especially in areas like Star and Eagle that are growing quite a lot. They want low density housing and big lawns and lots of nice landscaping and things like that. That takes a lot of water because that's not our area's natural landscape."

Correction: The attribution of the graph from the 2015 U.S. Geological Survey on Idaho water use has been updated.

August 18, 2022

Valley County Board of County Commissioners
219 North Main Street
P.O. Box 1350
Cascade, ID 83611

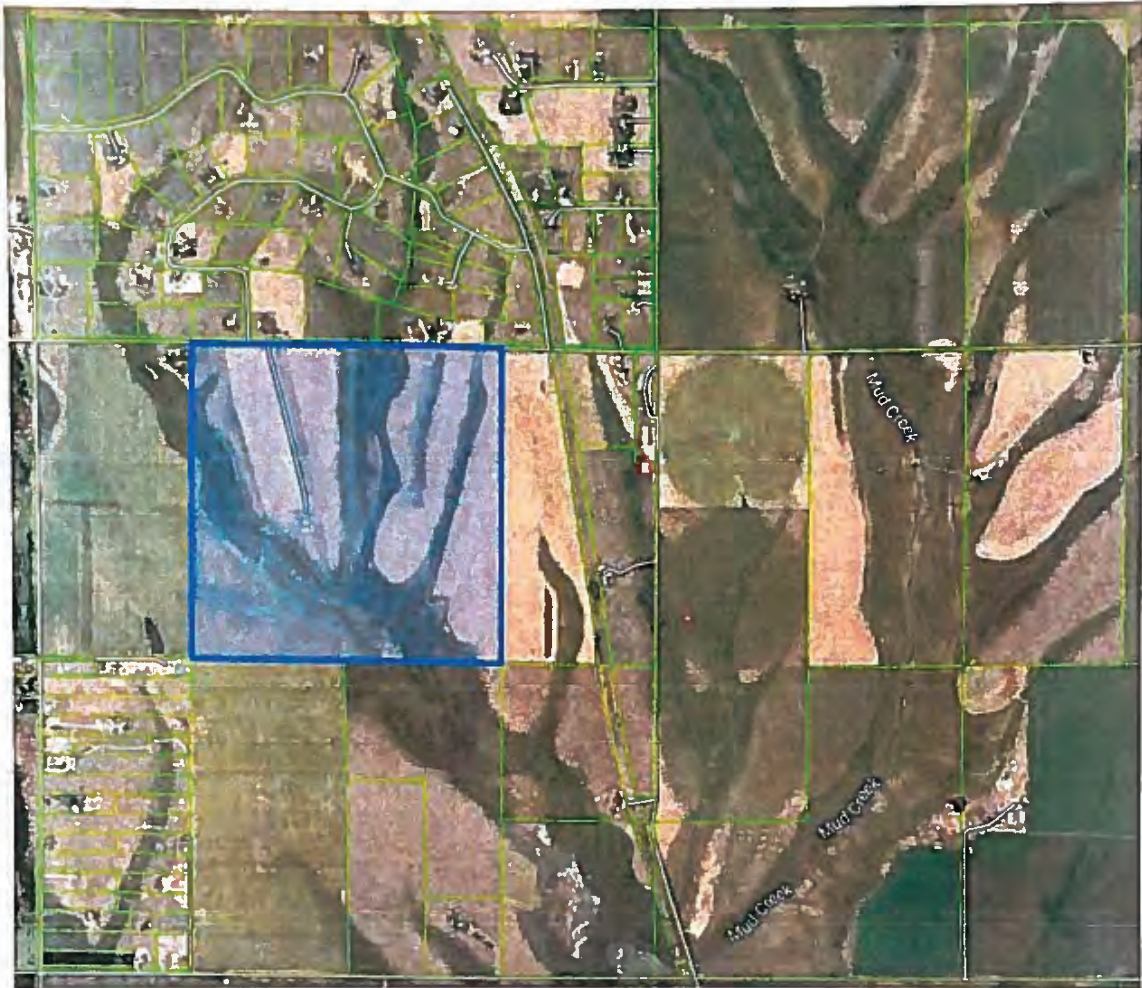
RE: Appeal associated with Stag's Run Estates Subdivision

Dear Commissioners,

On July 23, 2022, Valley County Planning and Zoning Commission approved a Conditional Use, Permit No. 22-21 for Stag's Run Estates Subdivision. Their findings of fact and conclusions of law are part of the record. Subsequently, on July 5, 2022, an appeal of the Planning and Zoning Commission's decision was filed by several individuals citing various reasons the application should be denied.

The first section of the appeal is based on material inaccuracies and application omissions based on ground and surface water concerns. Section 1.1 of the appeal cites Valley County Code (VCC) Section 9-5-3-D #6. VCC does not contain the cited section. It is the applicant's understanding that Valley County has adopted the Valley County Ground Water Quality Improvement and Drinking Water Source Protection Plan. It is the applicant's intent to follow the guidelines of the adopted plan. The applicant is also required to comply with all requirements of the Idaho Department of Water Resources, Department of Environmental Quality, and the Central District Health Department.

Section 1.2 of the appeal cites the application does not address the required impact on water conservation and management. The appellants have indicated that based on the description of specific lots there is a possibility of runoff contamination. Special condition #3 of the Commission's decision (should be #5) the applicant is required to have an approved storm water management plan. As part of the storm water management plan the applicant is required to address runoff. The appellants have also indicated that building a dense subdivision at the headwaters of Mud Creek is counterproductive. It should be noted that the headwaters of Mud Creek are located north and west of the proposed development and flows through agricultural and residential development before reaching the subject site (see aerial below). The appellants indicated a concern with impacts to well water, the Valley County Ground Water Quality Improvement and Drinking Water Source Protection Plan shows that ground water flows from north to south in the general vicinity of the subject property.



Section 1.3 of the appeal cites the application does not address water rights associated with the property. It is the applicant's understanding that only a portion of the property has surface water rights. Special condition #7 of the Commission's decision the applicant is required to provide documentation showing compliance with specific Idaho State Statutes relating to irrigation water. The subdivision will be constructed with an irrigation system (based on available water rights) which will need to reviewed and approved by the Lake Fork Irrigation District. Special condition #14 requires that the CC&Rs contains provisions which address irrigation water.

Section 1.4 of the appeal cites the application provides materially inaccurate information regarding irrigation easements. During our due diligence we were unable to identify any recorded irrigation easements within the property. The Lake Fork Irrigation District has infrastructure located across the northern portion of the property. Pursuant to special condition #26 the applicant is required to provide a non-exclusive easement based on the location of the irrigation infrastructure; therefore, upon recordation of a final plat the irrigation district will have a recorded irrigation easement. Also, the proposed berm adjacent to the northern property line will be constructed outside of the irrigation easement to avoid any impacts to the irrigation infrastructure.

Section 2.1 of the appeal cites the application mischaracterizes the property since the application indicated the property was used for dry land grazing. The applicant has leased the property to an individual to allow for cattle grazing. The applicant is not aware of the history of the property regarding crop production. The property contains an area of special flood hazard and several wetlands which impacts the ability for profitable farming. Based on the area of special flood hazard and wetlands the property is not prime agricultural land. Also, due to the topography and wetlands farming and/or ranching may impact the surface water within the site which may have a detrimental effect on downstream users and Lake Cascade.

Section 2.2 of the appeal cites the application mischaracterizes the adjacent property. The descriptions were based on aerial photography. With the exception of the property to the east, the application did identify the properties to the south and the west as agricultural land. VCC does not define irrigated agricultural land separately from agricultural land.

Section 3 of the appeal addresses the compatible evaluation. Since the applicant does not prepare the evaluation, we will defer to staff and the Board.

Section 4.1 of the appeal cites concerns with impacts to wetlands. The appellants indicated a large share of the property is natural wetlands. The applicant will be delineating the wetlands and subsequently preparing a conservation easement associated with those wetlands to be recorded with final plat (as required by special condition #23). The conservation easement will restrict any uses that will impact the wetland areas. Also, special condition #12 requires the final plat identifies the wetland and floodplain areas as "no-build" areas.

Section 4.2 of the appeal cites concerns with pollution from homeowners into the creeks or swamps within the property. It is indicated that homeowners are notorious for over fertilizing, using copious amounts of herbicides and pesticides. This is an assumption and not based on fact. Regarding the reference to runoff, as previously addressed the applicant is required to prepare a storm water management plan.

Section 4.3 of the appeal cites concerns regarding adjacent property impacts and existing wells. One of the concerns is regarding the destruction of wetlands. It is the applicant's intent to preserve and protect the wetlands and place them within a conservation easement to ensure they are maintained. Special condition #14 requires that the CC&Rs contain provisions which address the wetland and floodplain areas. Special condition #14 also requires that the CC&Rs contain provisions for septic system maintenance which will address the functionality of those systems so that they do not impact the adjacent neighbors.

Section 4.4 of the appeal cites flood risk concerns. Other than a bridge crossing there will be no encroachment into the area of special flood hazard. As previously identified the applicant is required to identify the wetland and floodplain areas as "no-build" areas.

Section 5 of the appeal cites traffic concerns. As designed, there is no direct lot access to Lake Fork Road. Also, more than likely the homes within the subdivision will be vacation homes; therefore, the traffic impacts should be reduced. The applicant is proposing a pathway located in proximity to Lake Fork Road to provide a safe area for pedestrians and/or equestrians to travel.

Section 6 of the appeal cites cost of development to taxpayers based on services required for the homeowners within the subdivision. Although homes within the subdivision may be second homes, it should be noted that as people retire and spend more time within those homes those homeowners are taxpayers as well and are required to pay taxes for the provided services.


Section 7.1 of the appeal cites a concern with the preserving agricultural land and open space. The appellants have indicated the proposed subdivision is located on some of the best agricultural land. In Section 4.1 Wetland of the appeal, the appellants noted that a large share of the property is natural wetlands which is a true statement. Also, there is a large area of special flood hazard along the western portion of the property; therefore, based on the wetlands and area of special flood hazard areas located within the property the majority of the property is not conducive for farming.

Section 7.2 of the appeal cites Chapter 13, No. 12 of the comprehensive plan which addresses land use patterns in Valley County rapidly evolving from agricultural uses to recreation home and subdivision development which creates a demand on the environment. The proposed subdivision is designed to protect the natural features (wetlands and floodplain areas) located within the property. Also, the average lot size within the proposed subdivision is 2.94-acres which is rural in nature based on size. Based on the size of the lots and the preservation of the wetlands and floodplain areas, as proposed the development will allow for wildlife corridors within the development.

Section 8.1 of the appeal cites the loss of farm ground being removed from production. Although a portion of the property was farmed in the past, the majority of the property contains wetlands and floodplain areas which cannot be farmed. These areas will be protected as part of the subdivision to allow for preservation into the future.

Section 8.2 of the appeal cites that decisions must be based on the comprehensive plan, zoning ordinances, and other ordinances. As stated in the Conclusions within the Planning and Zoning Commission's findings of fact and conclusions of law the Commission concluded that the conditional use permit and subdivision were in conformance with the comprehensive plan and the required ordinances. They also concluded that the proposed use is compatible with the surrounding area. They also concluded that the subject property is not prime agricultural land.

We are prepared to take the necessary steps to protect the environment, dedicate additional right-of-way (as required), and provide a safe pedestrian/equestrian pathway along West Lake Fork Road. We request that the Board of County Commissioners uphold the Planning and Zoning Commission's decision associated with Conditional Use Permit No. 22-21 with the required special conditions. We look forward to working with the Board and staff to address those conditions and additional conditions which may be placed on the application.

Sincerely,

Darcy Hart

Urban Solutions, LLC

Urban Solutions | 

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 0.7 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

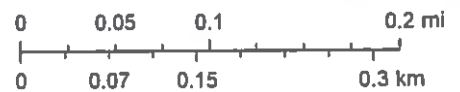
C.U.P. 22-21 Aerial Map



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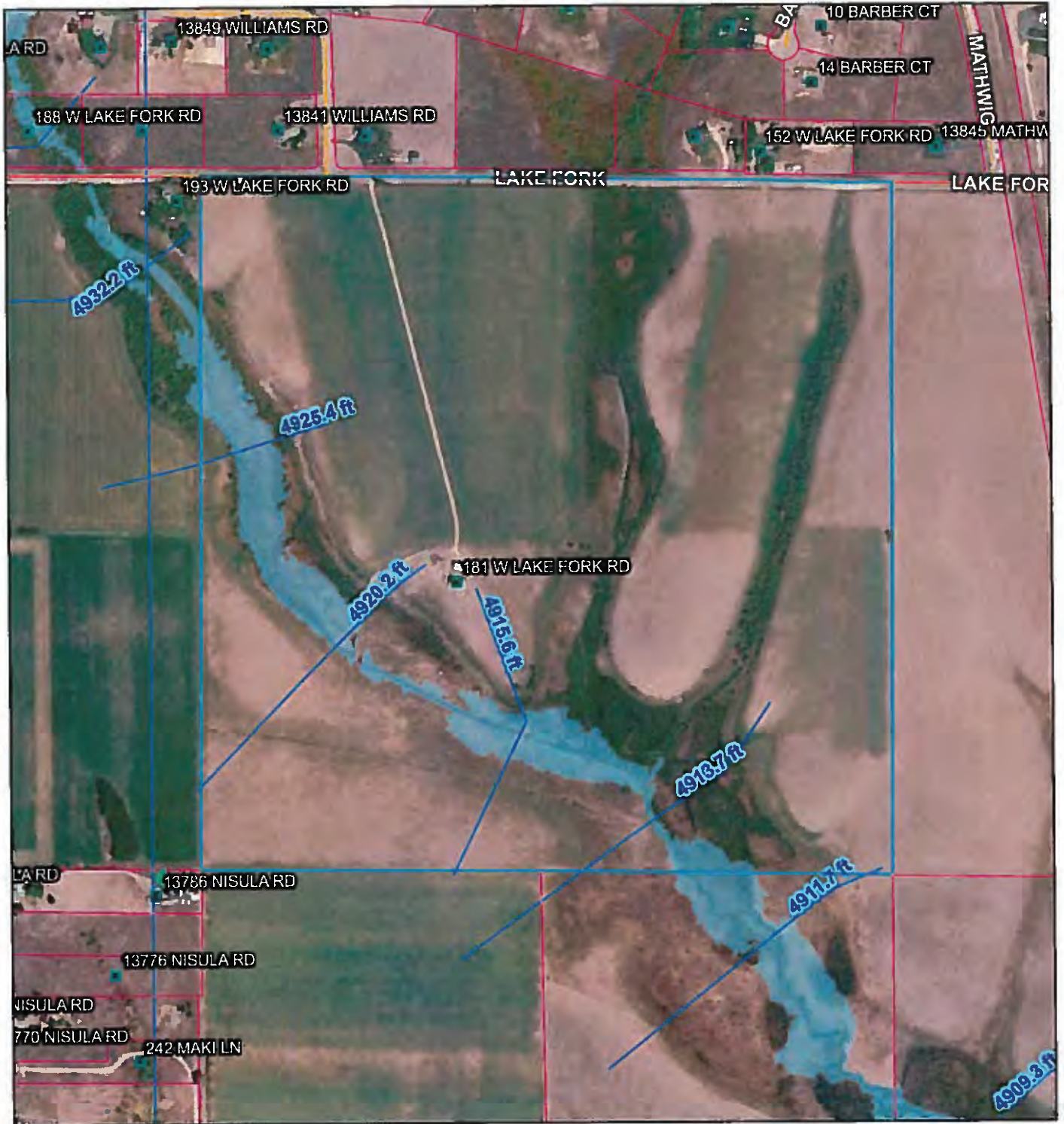
- Addresses
- Parcel Boundaries
- Roads
- URBAN/RURAL



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

Web AppBuilder for ArcGIS

C.U.P. 22-21 Floodplain Map



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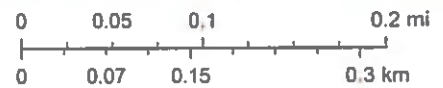
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Floodplain

- 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

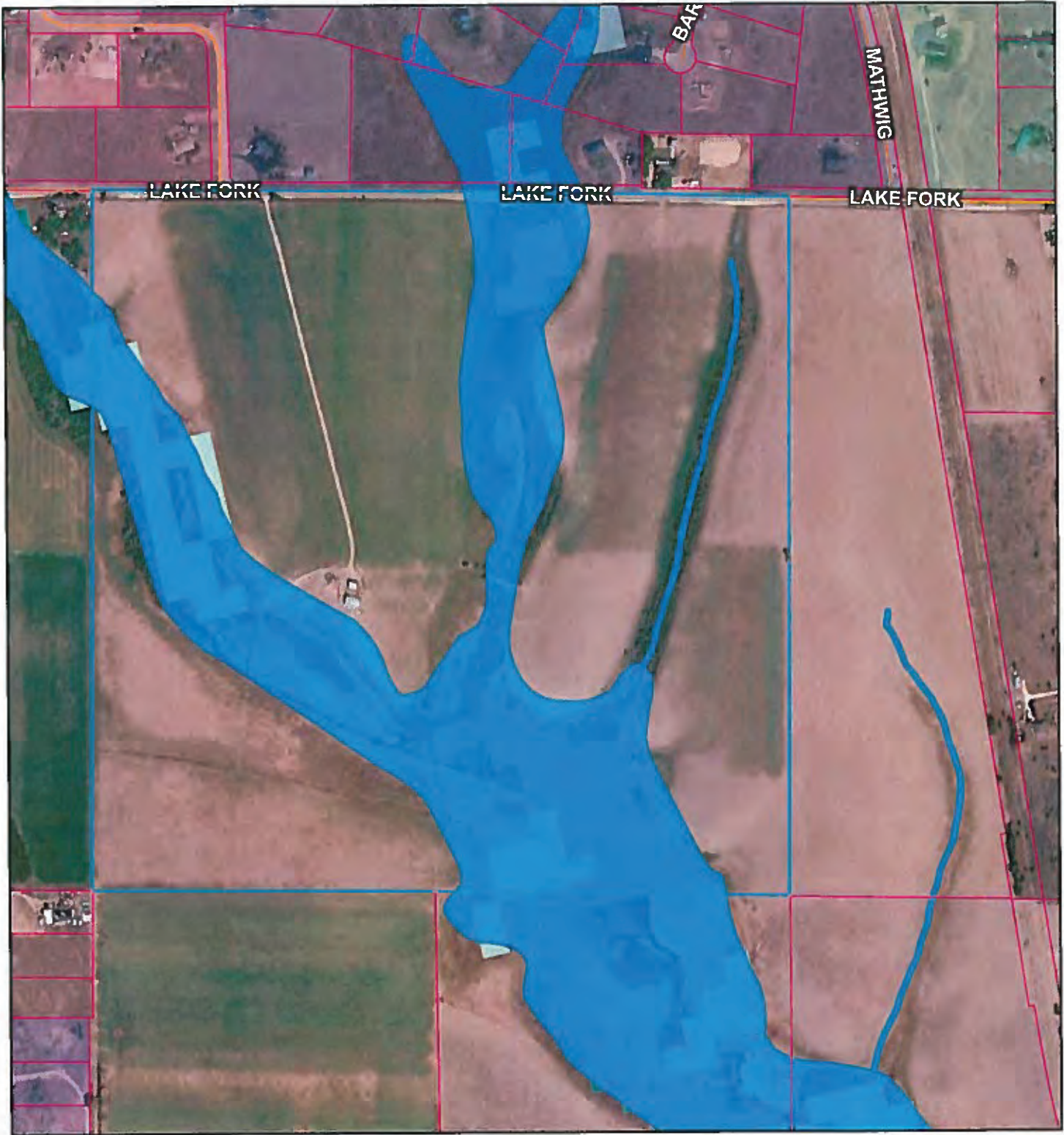
- ◆ CUP



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




Web AppBuilder for ArcGIS



C.U.P. 22-21 Wetland Map

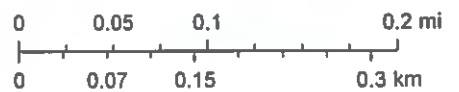


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-  Parcel Boundaries
-  Wetlands (USFWS)
- Wetlands (NLCD)
-  Emergent Herbac. Wetlands

-  Woody Wetlands
- Roads
-  URBAN/RURAL



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

ADDRESSES:

STAG'S RUN ESTATES
MCALL, VALLEY COUNTY, IDAHO

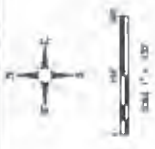
PRELIMINARY PLAN

CM ENGINEERING
209 E. 2ND ST. SUITE 402
BOISE, IDAHO 83724
PHONE: 476-1111
FAX: 476-1112
WWW.CMENGINEERING.COM



SHEET
P1.2

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



PUBLIC NOTICE

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

C.U.P. 22-21
Stage 2 Run Estable Subdivision
Public Hearing

June 23, 2022
6:00 p.m.
Conference Building
2nd Floor
218 Henry Mann Street
Condon, ID

Applicant & Property Owner: 181 West Lake Park Road LLC and Urban Solutions
Location: 181 W Lake Park Road, Condon, ID 83411
Project Description: 181 West Lake Park Road LLC and Urban Solutions are submitting a conditional use permit for a single-family residential with common area lots and 30' to 40' access.

Proposed Schedule: 181 West Lake Park Road LLC and Urban Solutions are submitting a conditional use permit for a single-family residential with common area lots and 30' to 40' access.

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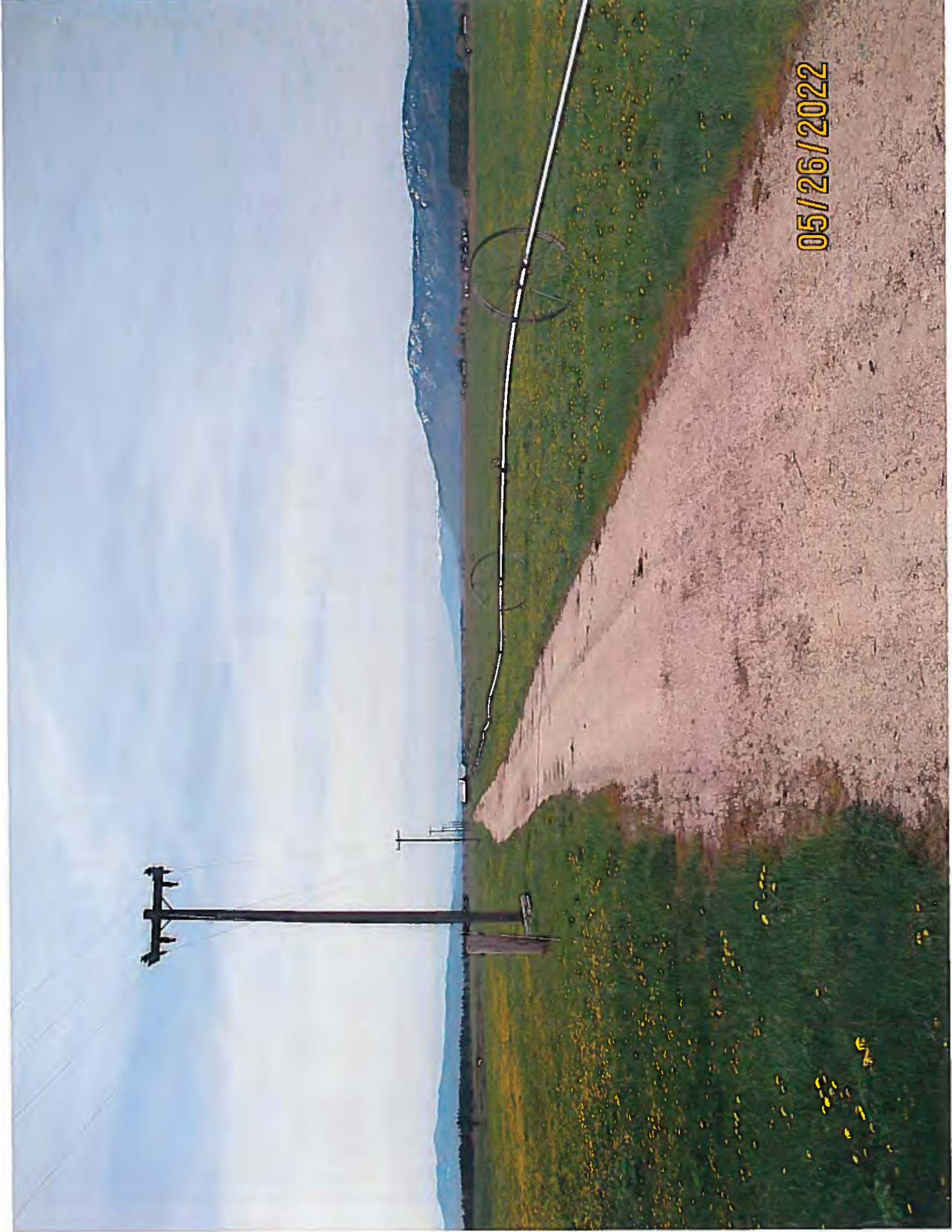
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05/26/2022

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

Analysis of Lots Platted or Approved since 2018

Agricultural Land

2022	CUP#	Year Recorded	Comments	# Lots platted	# lots pending	Acreage	Location
Curved Horn Ranch	22-04				8	20	Johnson LN and Norwood RD
Gold Fork Reserve	22-05		timbered		28	80	Gold Fork RD
Schafer (Mill Site)	22-06		mixed-use		4	14.67	Highway 55 Smylie LN
Bear's Den	22-08		(will continue ag use)		4	80.65	Nisula RD
Tamarack Resort - Osprey Meadows Estates	22-09				17	15.8	Tamarack
Roseberry Park PUD (PUD 22-01)	22-10		manufactured home park replat		8	39	Roseberry RD - Meadows at West
Blackhawk on the River Block XIX	22-18				8	8.5	Moonflower PL
Valley Heights	22-19		steep topography		5	33	Finlandia RD
Stag's Run Estates	22-21		50 buildable lots			160	W Lake Fork RD
Round Valley Haven	22-22		timbered		2	34	South of Cascade on HWY 55
Paddy Summit	22-25		timbered		13	280	Paddy Flat RD
Glory Ridge	22-26		timbered		14	33.5	Rainbow RD - Coho
Valley Meadows PUD (PUD 22-02)							
Shaw Family Ranch	22-29		Mixed Use - Apartments, Townhouses, Commercial			20.8	Roseberry RD
Ashton Meadows	22-30		Split of an Estate		5		Boulder Lake RD
	22-31				1		
			TOTALS	0	109		

2021	CUP#	Year Recorded	Comments	# Lots platted	# lots pending	Acreage	Location
JanGo Acres	21-01		Water Sports		4	20	JanGo - Tamarack Resort - Phase 1 Village Block
Tamarack Resort PUD Phase 3.1	21-03	2022	Tamarack		20	16	19
Tamarack Resort PUD Phase 2.5	21-04	2022	Tamarack		7	6.6	Tamarack Phase 2.1 Block 6
Moon View Ranch	21-06				13	63	Moonridge DR
Copper Rock	21-09				14	16	Dawn DR
Pearson Landing	21-10	2021			8	11.82	Pearson LN
360° Ranch	21-15				20	67.5	Norwood RD

Property Name	CUP#	Year Recorded	Comments	# Lots platted	# lots pending	Acreege	Location
Pines by the Lake	21-19		timbered		6	5.25	Old State Hwy
Gold Fork River Estates	21-20		timbered		7	67.7	Davis Creek LN
Finn Barn	21-25		commercial		2	4.86	HWY 55
Kinney Mountain	21-26	2022	timbered	2		20	HWY 55 -Ltl Donner
Timber Creek Reserve	21-27		timbered		32	37	Durham LN
Saddle Rock	21-34		timbered		2	165	Herrick Hill
Bowman	21-35				2	4.9	Potter LN
Tamarack Resort P.U.D. - Blue Mountain AMD	21-36		Tamarack		8	13	Tamarack
Tamarack Resort P.U.D. - Ponderosa Ridge	21-37		Tamarack		15	8.8	Tamarack
Jug Mountain Ranch - Phase 3 Village South	21-38		Jug Mountain		8	3.33	
Finn Church Lane	21-39	2022	Jug Mountain		1	2.2	Finn Church LN -
Jug Mountain Ranch - Phase 3B	21-40		Jug Mountain		16	29.37	
Huckleberry Ridge	21-43				9	40.17	West MTN
Hidden Valley	21-44				4	20	Norwood RD
Redridge Preserve	21-45		timbered		135	1614	West MTN
TOTALS				37	296		

2020	CUP#	Year Recorded	Comments	# Lots platted	# lots pending	Acreege	Location
Blackhawk Lake Estates Phase 5	20-02	2021		16		78	West MTN
Treetop Terrace	20-05	2021	timbered	7		25	Franks Road
Appel	20-06	2021		2		5	Samson
Clear Creek Estates	20-10	2021	Lot 9 = open space	9		80.23	Atkin LN
Lindi Lane	20-32		private road		0	16	Laurins LN - Skunk Creek RD
TOTALS				34	0		

2019	CUP#	Year Recorded	Comments	# Lots platted	# lots pending	Acreege	Location
Herrick Hills No. 1.1.	19-02	2019	timbered	2		10.88	Herrick Hills
Pickens	19-12	2020	timbered	2	0	4.8	"unplatted" Northlake Subdivision
Gebhards	19-33	2020		1		11.99	Potter LN
Lake Fork Landing	19-35	2021		10		21	Lake Fork Landing
TOTALS				15	0		



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 Stag'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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center

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



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

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 [REDACTED] with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department

District Manager:
John Leedom [REDACTED]

LAKE IRRIGATION DISTRICT
PO Box 3126
McCall, ID 83638

Board Members:
Art Troutner [REDACTED]
Justin Florence [REDACTED]
Will Maki [REDACTED]

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 [REDACTED] >

Fri 5/20/2022 11:33 AM

To: Kelly Copperi [REDACTED] Lori Hunter [REDACTED]

No issues here 😊

Laurie Frederick

Cadastral Specialist

Cartography Dept.

Valley County

[REDACTED]

Service

Transparent

Accountable

Responsive

From: Kelly Copperi [REDACTED]

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

To: Lori Hunter [REDACTED] Laurie Frederick [REDACTED]

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

Cell: 208-630-3566



From: Lori Hunter [REDACTED]

Sent: Thursday, May 19, 2022 14:06

To: Kelly Copperi [REDACTED] Laurie Frederick [REDACTED]

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
[REDACTED]

Brad Little, Governor
Jess Byrne, Director

May 20, 2022

By e-mail: [REDACTED]

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 [REDACTED]

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 [REDACTED]
[REDACTED]

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 [REDACTED]
[REDACTED]

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 [REDACTED].
- 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 [REDACTED] 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 [REDACTED] for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at [REDACTED]

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at ([REDACTED])

6. ADDITIONAL NOTES

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

Response to Request for Comment

May 20, 2022

Page 5

- 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 [REDACTED]

Sincerely,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2022AEK113

Pamela Pace, P.E. retired
333 Rio Vista Blvd.
McCall, ID 83638

Cynda Herrick, AICP, CFM
Planning & Zoning Director
P.O. Box 1350
Cascade, ID 83611

August 15, 2022

Dear Ms. Herrick:

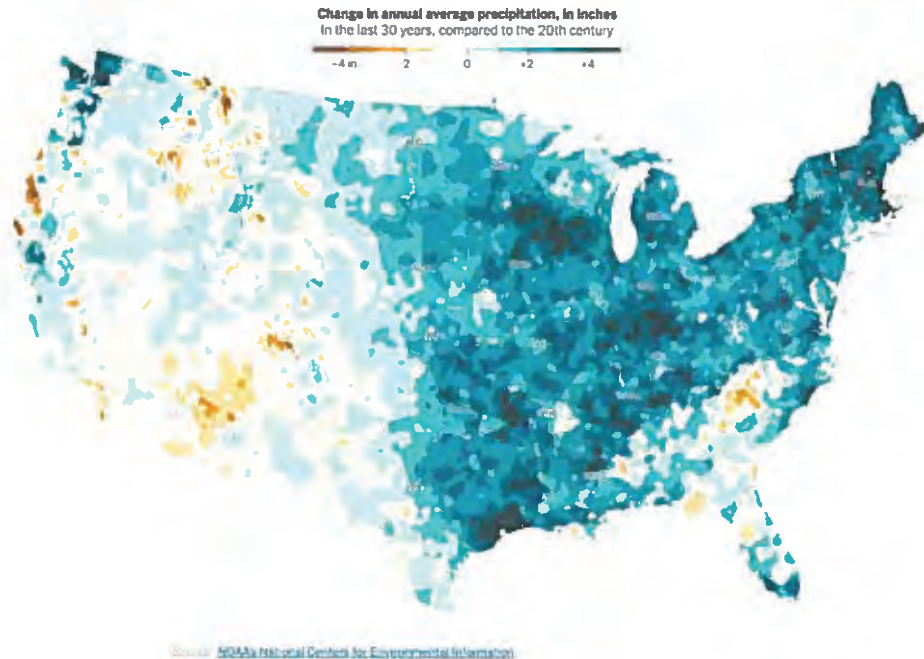
I am writing to express my opinion concerning the appeal of PZ commission approval of C.U.P. 22-21 Stag's Run Estates. Stag's Run Estates plans to add 50 wells. I recommend that a more thorough evaluation of impacts of these 50 wells be conducted before approval of this project.

I am a retired professional engineer with a career focused on water resources. I have worked for Idaho Power and the Idaho Department of Water Resources. I have lived in McCall since 2000 and especially enjoy sailing, rowing and canoeing on Long Valley's lakes and rivers. I am concerned about the future of water in Valley County.

The University of Idaho finished a Climate-Economy Impacts Assessment in 2022. One of their key findings is that, "Idaho is projected to experience increasing temperatures, changes in precipitation and decreasing snowpack". One of the key messages is "Infrastructure systems - such as transportation, water and energy - are connected. Weather-related disruptions in one system often cascade into others, which can greatly increase the economic impact of a disruption. The integrity of the entire infrastructure system hinges on the strength of the most vulnerable link." The vulnerable link in Valley County is likely to be our aquifer.

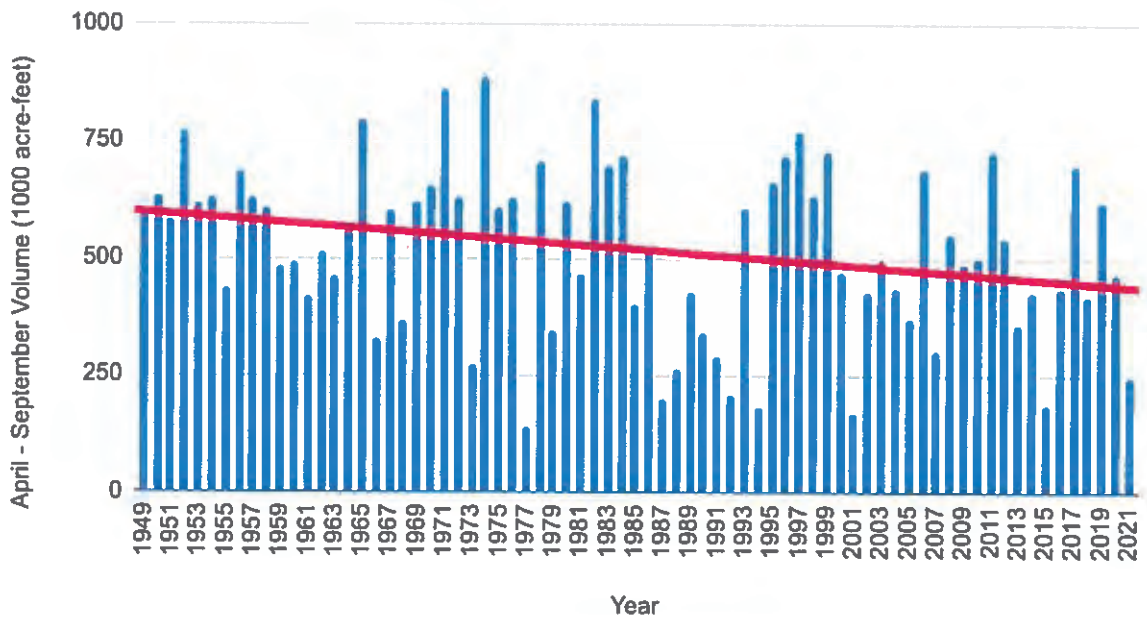
The following map published by the New York Times illustrates the findings outlined in the University of Idaho assessment, that some places in Idaho in the

21st century are wetter and some are dryer than in the 20th century. The bad news is that Valley County is dryer. Significantly drier.

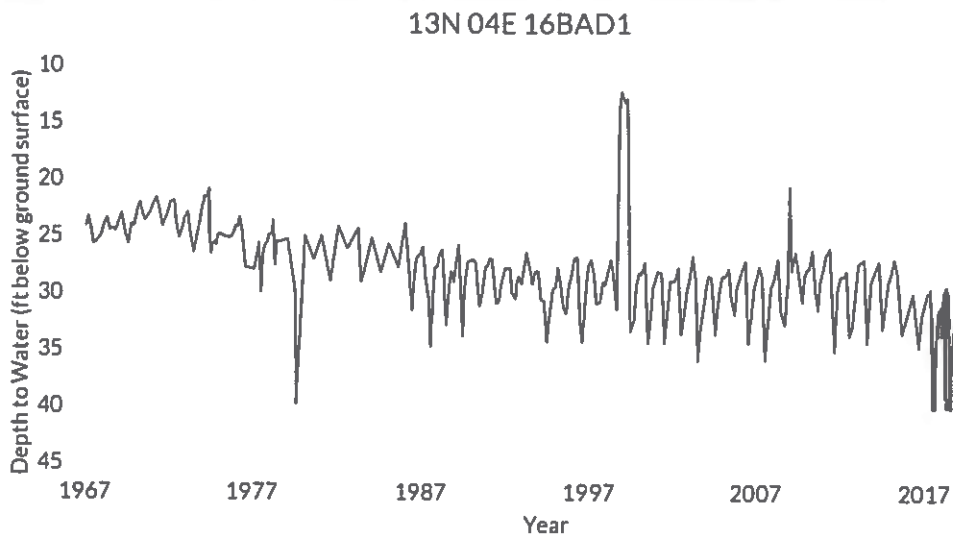


The following graph shows that Lake Cascade inflow is trending lower. Why? It is most likely due to changes in climate and the resulting impacts to our aquifer plus an increase in the number of wells. We do not have enough ground water data to really know.

Lake Cascade Inflow History with Linear Trendline



The Idaho Department of Water Resources (IDWR) monitors only 4 wells in Valley County. One of the 4 wells monitored by IDWR shows a decline in water level as shown in the following graph. IDWR scientists report that groundwater levels are sensitive to precipitation and runoff in Long Valley. This also is apparent in the graph. Drought years, such as 1977, show a significant lowering of the water table.



We have been lucky to avoid having multiple very dry years in a row in recent years in Valley County. The Wood River Valley and Upper Snake River have not been as fortunate. If Valley County experiences a drought similar to that experienced here in the 1930's, our aquifer could be in trouble.

In Valley County our groundwater is connected to our surface water, so Idaho water law applies to groundwater users and surface water users alike. In Idaho, if water is in short supply, water users with the oldest rights (senior rights) get the water. The most senior rights for water providing inflow to Cascade Reservoir are the property of landowners in the lower Payette River valley. Most Valley County water rights are junior. Valley County officials need to consider the impacts of water law as they make decisions about future water use.

Valley County wells could dry up for a number of reasons including; warmer temperatures, decreased precipitation and increased demand for groundwater and surface water. Will 50 new domestic wells impact neighboring wells? Most likely, yes. Additional wells from other new developments will impact the groundwater levels even more. Water is irreplaceable once it is gone. Can we afford to take that risk?

Sincerely,

A handwritten signature in cursive script that reads "Pamela P. Pace".

Pamela Pace, P.E. retired

Stag's Run Estates

From: Lisa Mohler [REDACTED]

Sent: Wednesday, August 17, 2022 12:00 PM

To: Valley County Commissioners [REDACTED]

Subject: Stag's Run Estates

Lisa Mohler 47 Johnson Lane McCall ID 83638

Aug. 17, 2022

C.U.P. 22-21
Stag's Run Estates
181 West Lake Fork Road

Valley County Board of Commissioners
C. Herrick P&Z Director

Strongly Oppose
C.U.P. 22 – 21 Stag's Run Estates

I am in complete agreement with Carolyn Troutner's and all the Citizens who signed the request for appeal on C.U.P. 22-21 Stag's Run Estates.

I live at the South end of McCall airport. In the last 2 years P&Z has approved 4 subdivisions in a 2-mile radius. That comes to 200 to 300 new homes, around 1,500 more people and 3,000 vehicles. These vehicles will be traveling on Norwood & Hwy 55, North & South traffic and all the other back roads in the Lake Fork area.

We live in the country for a reason, no city traffic and people. Why do you feel our roads, water and quality of life is able to handle all these extra houses?

Please say No and give yourselves and the P&Z Board time to update the application process. The surrounding landowners need 6 weeks before Public Hearing and longer than 4 minutes to speak about their reasons for you to deny the Applicant. Or consider Hometown meetings must be held before any Public Meeting. Give us a sense that our opinions still matter in Valley County, and all the personal time we have devoted to Valley County without pay, just the feeling of Community Pride.

Thank- you for your time,
Lisa Mohler
[REDACTED]

August 19, 2022

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

Dear Commissioner Allen, Commissioner Hasbrouck, and Commissioner Maupin,

Thank you for providing us the opportunity to respond to the appeal of C.U.P. 22-21 Stag's Run Estates. We are certain you realize that this application has generated a significant amount of interest by the community, and for good reason.

When we first reviewed the application in June, 2022, we were struck by how limited and vague it was. It appeared that the applicant did absolutely the bare minimum to satisfy the requirements for a Valley County Conditional Use Permit and really was not all that familiar with the property. There were errors in the application that could have been easily corrected with the proper research. While the Findings and Conclusions for the application deemed it "complete", we believe you will see through the appeal process the many deficits of the application.

Throughout our careers in state and city government, we learned the critical importance of demanding that an applicant adheres and complies with ALL of the submittal requirements for a development application. Those who review and approve these applications are charged with following the law and must be given the necessary information to be able to make informed decisions which will have significant, long-term impacts. We feel this was not the case with the Stag's Run Estates application.

We strongly believe that Valley County, its citizens, elected officials, Planning and Zoning Commission members, Planning and Zoning Director, and all others impacted by this application deserve better than what Valley County was handed by the applicant. Please send this application back to the "drawing board" for deeper consideration by the Planning and Zoning Commission and require the applicant to submit a quality application. The applicant has much to gain through this process if you decide to uphold the approval recommendation of the Planning and Zoning Commission, while Valley County could very well have much to lose.

Thank you for your consideration of this letter and we appreciate the opportunity to comment.

Sincerely,

Dennis Coyle
Carol Coyle
113 Brookdale Drive
McCall, ID 83638

To: Valley County Commissioners

CC: Cynda Herrick, Planning and Zoning Director

Subject: Appeal of CUP 22-21, Stag's Run Estates

From: John Humphries

Date: August 20, 2022

I am writing in opposition to the Valley County Planning and Zoning Commission's decision to approve C.U.P. 22-21, Stag's Run Estates.

This proposed Single-Family Residential Subdivision, with 50 building lots, is not appropriate for this piece of property. In reviewing the preliminary plat, it appears the road system and lots cover almost the entire parcel and infringe on the wetlands and floodplain. Beaver Creek has several branches which flow thru the property and is currently classified as an "A" zone on the Flood Insurance Rate Map (FIRM). The applicant states they are currently under contract to map the floodplain and wetlands area. This map should be part of the application and not done after the C.U.P. is approved.

The 50 wells and septic tanks in this large wetland area is cause for concern. Central District Health requires additional information including an application, test holes, ground water monitoring, and engineering report. Ground water contamination and surface water contamination are very likely with this number of septic tanks and runoff from manicured lawns and landscaping.

If this property is suitable for a 50 home subdivision then why is the applicant requesting a 24-foot road width instead of the standard 28-feet? They claim it is to mitigate damage to the areas of special flood hazard, wetlands, and provide for borrow pits for drainage and future snow storage. Drainage flows downhill and will inevitably end up in Beaver Creek.

Another concern is the tremendous increase in traffic on West Lakefork Rd. and the impacts to current residences and the road surface. Jeff McFadden, the Road Department Superintendent, is requesting a Development Agreement with the applicant for mitigation of impacts to nearby county roads. I'm not familiar with such an agreement but it appears to be a voluntary negotiation and not a requirement.

This 50 lot subdivision will eliminate another piece of agricultural land from Valley County for the purpose of million dollar homes. Agricultural lands are valued not only for production, but as open space as well. One purpose of the Valley County Land Use and Development Ordinance is to discourage urban sprawl and another is to include provisions for affordable housing. This C.U.P does neither. In fact, the applicant is not proposing any provisions for mitigation of impacts on housing affordability. Where are

the people whom million dollar homeowners hire to maintain their lawns, clean their houses, etc. supposed to live?

Lastly, I hope you deny this CUP for the neighbors who have worked so hard to maintain a rural lifestyle which will be lost with this subdivision. Many have lived nearby for decades and this subdivision will certainly change their lives forever.

Thank you for accepting my comments and please uphold this appeal and deny this C.U.P.

John Humphries
108 Magnetic Rock Rd.
McCall, ID 83638

C.U.P 22-21 public comment

From: Melissa Newell <[REDACTED]>
Sent: Saturday, August 20, 2022 4:20 PM
To: Cynda Herrick <[REDACTED]>
Subject: C.U.P 22-21 public comment

Dear Valley County Board of Commissioners:

Please appeal the decision by the Valley County P&Z to approve the C.U.P 22-21 Stag's Run Estates. The application submitted by the developer was incomplete and inaccurate. The application does not address the required impacts on water usage, discharge, water conservation, or management. It is also an incredible waste of resources to accommodate the second-home development, especially when more resources could be put toward the affordable housing crisis. I am concerned that instead of working to preserve open space, farmlands, and clean water, the County will be stuck trying to mitigate and pay for the many issues that will arise with a development that is not suited to Lake Fork.

As a long time Valley County resident, I do not want to see any more farmland disappear, nor do I want to see our 2nd, 3rd, 4th generations farmers go away. Farmers and long-time residents do not want to be backed up to million dollar home developments. These developments will have disproportionate impacts on wetlands, floodplains, pollution, wells, traffic, and cost of development to taxpayers.

Thank you for your time.

Sincerely,

Melissa Coriell

Appeal of approval c.u.p. 22-21

From: Pamela McChrystal [REDACTED]

Sent: Saturday, August 20, 2022 4:22 PM

To: Cynda Herrick [REDACTED]

Subject: Appeal of approval c.u.p. 22-21

We are in complete agreement with the reasons of appeal as stated on the appeal notice and the submitted appeal letter of Appeal of VC approval cup 22-21.
We are strongly opposed to C.U.P. 22-21

Thank you

Pamela & Rich McChrystal

[REDACTED]

Donnelly Idaho 83615

TO: Valley County Board of County Commissioners

FROM: James D. and Mary Lou Rush
176 Maki Lane, McCall, Idaho 83638



Dear Commissioners;

We are writing to appeal the P&Z Commission's approval of C.U.P. 22-21 Stag's Run Estates. The CUP application should never have been reviewed or approved as it was incomplete. The application was missing a preliminary site grading plan, stormwater management plan, fencing agreements, had insufficient information to disclose the projects impacts, and no irrigation plan approval. It also had inaccurate material facts regarding water rights and irrigation easements as well as mischaracterization of the adjacent land uses.

This piece of ground is surrounded on three sides by agricultural land accounting for 81% of adjacent land. The Impact Report's analysis of the existing water drainage, wetlands, groundwater quantity and quality, and potential changes due to the proposed 50 domestic wells and 50 separate septic systems was not addressed (County Code 9-5-3 D). Central District Health could not comment based on the information provided. There was no input from Idaho DEQ which has many requirements when a project of this nature is near a source of groundwater. Who will monitor and bear responsibility for contamination and ground water depletion?

Much of the 160 acres is wetlands which drain into our wetlands and those of the neighbor on the SE corner. This is the Mud Creek drainage and it continues to the NF of the Payette River and Lake Cascade. This water runs year round. We are concerned about the destruction of these wetlands due to septic discharge and road runoff which picks up fertilizer, oil, pesticides, dirt, bacteria, and other pollutants. US Fish and Wildlife data show that homeowners use up to 10 times more chemicals and pesticides per acre than farmers. How will the stormwater from impervious surfaces be prevented from reaching the wetlands? We can only assume that the wetlands on the proposed development and the surrounding vicinity contribute to the protection and enhancement of ground water, and provide recharge for well heads. The Impact Report does not address these issues. The Application is contrary to Chapter 4, Goal 1 of the Valley County Comprehensive Plan.

The County has the obligation and the authority under State law to protect groundwater resources. In 2015, Idaho had the highest water usage per person in the nation. Of the water for domestic use, 89% was pulled from groundwater sources. Ground water sources are finite. Three counties in Idaho (Ada, Kootenai, Teton) are now experiencing water shortages indicating a continued decline in Idaho aquifers due to increased need for water due to climate change and population growth. These counties are facing water accessibility issues some of which are

due to wells going dry. Will 50 new wells in near proximity of existing wells cause this to happen to those of us with those existing wells and water rights? Who will bear the financial responsibility if wells go dry?

The Compatibility report used by the P&Z incorrectly conflated the adjacent land use with vicinity land uses. An adjacent land use is defined under County Code as "any use within 300 feet of the boundary proposed". Dominant and other adjacent land uses are the subject of question 1 and 2 on the compatibility rating. Question 3, however, asks the rater to consider overall land use in the local vicinity, which under County Code is defined as "land uses within a one to three mile radius". Most of the land within this defined radius is agricultural. These are land parcels that have for generations been farmed and ranched. If the Compatibility report were to be completed from this point of view, the score would be markedly different.

The Valley County Land Use and Development Ordinance specifies avoiding undue concentration of population and overcrowding and in rural areas. It also states encouraging urban and urban-style development within incorporated cities, impact areas and other designated areas. Developments like Stag's Run, placed in the middle of agricultural land, restructure rural spaces, usually with the only goal being to make them profitable for those with the capital to develop them. We have owned our property for nearly 50 years raising our family here. We are year round residents who value the quality of life we have. We urge the Commissioners to move with caution on this project. We urge you to look at the ramifications of this project and how it will affect the water quality and quantity, wetlands health and its effects on people and wildlife, and the rural nature of the valley today and in the future.

resubmission of comments regarding C.U.P. 22-21

From: Marylou Rush [REDACTED]

Sent: Monday, August 22, 2022 7:51 AM

To: Cynda Herrick [REDACTED]

Subject: resubmission of comments regarding C.U.P. 22-21

TO: Valley County Board of County Commissioners

FROM: James D. and Mary Lou Rush
176 Maki Lane, McCall, Idaho 83638

Dear Commissioners;

We are writing to appeal the P&Z Commission's approval of C.U.P. 22-21 Stag's Run Estates. The CUP application should never have been reviewed or approved as it was incomplete. The application was missing a preliminary site grading plan, stormwater management plan, fencing agreements, had insufficient information to disclose the projects impacts, and no irrigation plan approval. It also had inaccurate material facts regarding water rights and irrigation easements as well as mischaracterization of the adjacent land uses.

This piece of ground is surrounded on three sides by agricultural land accounting for 81% of adjacent land. The Impact Report's analysis of the existing water drainage, wetlands, groundwater quantity and quality, and potential changes due to the proposed 50 domestic wells and 50 separate septic systems was not addressed (County Code 9-5-3 D). Central District Health could not comment based on the information provided. There was no input from Idaho DEQ which has many requirements when a project of this nature is near a source of groundwater. Who will monitor and bear responsibility for contamination and ground water depletion?

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My Adjacent Landowner Comments for Appeal/Public Hearing of CUP 22-21 Stag's Run Estates

From: Brown, Carl [REDACTED]

Sent: Sunday, August 21, 2022 4:40 PM

To: Cynda Herrick [REDACTED]

Subject: My Adjacent Landowner Comments for Appeal/Public Hearing of CUP 22-21 Stag's Run Estates

COMMENTS for Public Hearing on August 29, 2022

Appeal of P&Z Commission Approval of CUP 22-21 Stag's Run Estates @ West Lake Fork Road

Submitted by Carl Brown [REDACTED] 510 Coventry Road #5-D, Decatur GA 30030

Address of our Valley County property 13676 Norwood Road (The Old Kangas Homestead)

Thank you to P&Z Commissioners and staff for facilitating this appeal.

I am writing to update my comments of 2 July 2022 to Appeal the approval of the conditional use permit and plat of 23 June 2022. My intent of this letter is to highlight my even deeper concerns, and to offer a positive, creative solution for all parties concerned. I request that my letter be read in full by all members of Planning and Zoning, rather than summarized or quantified on a checklist.

In addition to being a neighbor impacted by the proposed land use change, I have nearly 50 years of professional experience in balancing the "rights" of profit oriented real estate investments with the "rights" of existing rural communities who have an intimate knowledge of the land. I find it ironic that I am now amid such contention in a place so close to my heart. I will first summarize my concerns about the proposed land use & community changes. Then I will offer some ideas that I trust will be improved upon.

CONCERNS

As mentioned in my previous letter, I strongly agree with the valid concerns about long-term effects of so many proposed wells and drain fields upon existing wells, water quality and wetlands. Despite the complex outwash geology of Long Valley and the dropping levels of aquifers across western states, Valley County seems to be betting that all will be OK. This is not theory, we recently had to replace our 25-foot-deep domestic hand-dug-well with a new 100 foot well on the Old Kangas Homestead, which is next door to the proposed major subdivision.

In addition to these critical environmental concerns, I strongly believe that the primary threat of a subdivision here is to the vitality of the Long Valley agricultural community. Perhaps we who live to the south of West Lake Fork Road should have been more vocal about all we have done over the years, and generations, to nurture our community and the land that supports us. For example, years ago we purchased a small parcel of grazing land, adjacent to the Kangas Place, that was being surveyed for a trailer court. Thankfully, an anonymous neighbor graciously offered us a loan that took years to pay off. It remains today as important grass land. I know others have quietly made similar sacrifices for the good of community. Ironically, thanks

to the poorly conceived Stag's Run, the shock has finally awakened us that there are now bigger threats with deeper pockets.

The controversy about Stag's Run on Beaver Creek (known to some as Mud Creek Farms Subdivision) is about far more than this project. Valley County seems to be at an irreversible tipping point about its values. Stag's Run is an opportunity to choose whether to open the floodgates.

GOALS & CONSIDERATIONS

(1) The MAIN goal, at this critical time, is to stop the switchover from PRODUCTIVE agricultural land/community to CONSUMPTIVE (purely recreational, "upscale" second homes) at the southern boundary of West Lake Fork Road. This is a question of basic values.

(2) I realize the importance of tax-based income to the county. This is a major, realistic, need in all such land/culture conflicts. Simply put, this ill-advised subdivision of productive land and community is not the right place. The land and community here are already "developed". Subdivision will erode both. There are other places in Valley County that are more fitting and more welcomed.

(3) From watching the P&Z hearing, I have the feeling that Urban Solutions is not sensitive to community values. They misrepresented basic facts, and their approach came across as arrogant and privileged. After rural neighbors expressed their concerns, Urban Solutions seemed dismissive and combative rather than thoughtful. With this attitude, Urban Solutions might not be right for anything in the rural Long Valley.

(3) I also sensed from the video that several P&Z Commissioners might truly be supportive of the concerns expressed by the community, but felt that their hands were tied by legal considerations.

SOME SUGGESTIONS FOR A POSITIVE, COOPERATIVE RURAL SOLUTION.

I offer these suggestions in the hope that they will trigger even more creative and pragmatic ways forward for Valley County.

(1) It should be explicit stated that the land/community to the south of West Lake Fork Road be kept agricultural. The income from "upscale" subdivisions should occur on other more appropriate lands, and with the cooperation of the neighbors. I'm sure there are hurdles but this time offers us a rare opportunity to create our own Rural Solutions.

(2) If legal issues are currently restrictive, they should be changed to reflect community values. This has been done in other places.

(3) The P&Z scoring system be updated and made more transparent and open to discussion.

(4) Urban Solutions can become part of a collaborative solution if they are so inclined. This might be best for their reputation, and for their business in the long run. Protecting community could become a hallmark of their professionalism, and a fitting honor to the true legacy of their founder. The collaborative expertise to help us is out there.

I have attached some links that clearly illustrate the crop and grazing productivity of the Morell Ranch (Stag's Run Subdivision). They come from sales brochures and marketing sites.

Respectfully, Carl Brown

Please acknowledge receipt of this email by return email.

this photo of the Morell farm, used for promotions, shows that it has been tilled as productive farmland. It has been used on several articles announcing Urban Solutions plans.



<https://www.google.com/imgres?imgurl=https%3A%2F%2Fboisedev.com%2Fwp-content%2Fuploads%2F2022%2F06%2FScreen-Shot-2022-06-14-at-11.51.26-AM.png&imgrefurl=https%3A%2F%2Fboisedev.com%2F2022%2F06%2F14%2Festate-subdivision-valley-co%2F&tbnid=qj9hf9SsICY-2M&vet=12ahUKEwj3v9Cntdb5AhVIB1MKHcbgAo4QMygAegQIARAh..i&docid=UZHIBDcNiaoLM&w=2111&h=806&q=stag%27s%20run%20valley%20county&ved=2ahUKEwj3v9Cntdb5AhVIB1MKHcbgAo4QMygAegQIARAh>

a series of photos from a real estate marketing brochure/link showing the lushness of native pastures and grain on the Morell Farm. Sales promotions advertised the homestead as suitable for either agricultural use of subdivision.

<https://www.realtor.com/realestateandhomes-detail/181-W-Lake-Fork-Rd-McCall-ID-83638-M11412-33432>

[181 W Lake Fork Rd, McCall, ID](https://www.realtor.com/realestateandhomes-detail/181-W-Lake-Fork-Rd-McCall-ID-83638-M11412-33432)

[83638 | realtor.com®](https://www.realtor.com/realestateandhomes-detail/181-W-Lake-Fork-Rd-McCall-ID-83638-M11412-33432)

View detailed information about property 181 W Lake Fork Rd, McCall, ID 83638 including listing details, property photos, school and neighborhood data, and much more.

www.realtor.com



August 21, 2022

Valley County Commissioners
c/o Cynda Herrick
219 N. Main St.
Cascade, Idaho 83611

Subject: CUP 22-21 Stag's Run Estates Subdivision, Lake Fork, Valley County, ID

The purpose of this letter is to inform the Commissioners that the subject Development is non-compliant with the Comprehensive Plan and we request the Board to deny this application. The project **does not** meet the goals of the Comprehensive Plan and **will have incalculable impacts** that will not be adequately mitigated. We would like to see a better plan for the land.

We represent over 1,700 lake enthusiasts and oppose the development for the following reasons:

Wetlands

A large share of the 160 acres is natural wetland. These wetlands function to filter/purify stormwater, detain floodwaters, provide wildlife habitat, resist erosion and recharge groundwaters; all vital functions for the sensitive Lake Cascade watershed. Unfortunately, it seems to be human nature to disturb wetlands. Based on aerial photography, residential developments in the area have a history of damming, building roads in, filling in and generally disturbing them. Wetland degradation is counterproductive to the many efforts to improve water quality and prevent toxic algae blooms in Lake Cascade.

As a minimum, the developer did offer to make the wetlands a Conservation Easement and we agree that should be done with restrictions from all disturbance.

Septic Systems

The developer's public meeting comment "*septic systems are designed to filter everything coming from those residential homes*" is completely wrong and misleading. Modern septic systems **were not** designed to remove nutrients, they are installed because of increasing awareness of pathogen waterborne diseases and the popularity of indoor plumbing without privy odors ... so they do leach nutrients into the soil that can eventually reach groundwater, streams and lakes.

Septic nitrate is a very soluble chemical which in dissolved form is transported readily into and through the groundwater and ultimately to surface waters. Septic phosphorus tends to attach or sorb to soil particles in the unsaturated zone in the septic drainfields until overloaded and then soil break-through occurs. It is common for a well-maintained septic process to remove a high percentage of phosphorus. However, EPA and personal experience in this area indicates a high percentage of septic systems are not well maintained (out of sight – out of mind) so this is not always the case especially where harsh chemicals (i.e. bleach and some wash detergents) or over water usage are introduced or where periodic maintenance tank sludge pumping is not performed —particularly where soils have high permeability and where distances to surface water are short, like at this site with wetlands.

Significant break-through phosphorus has been detected in groundwater below some drainfields and phosphorus plumes have been measured moving down-gradient from septic drainfields in sandy shallow

aquifers (Harman et.al. 1996, Ver Hey, 1987). Septic-derived nitrogen and phosphorus thus can reach subsurface and surface waters. It's time in this county for a paradigm shift in rural wastewater treatment and move away from on-site septic systems that rely heavily on untrained homeowner responsibility to ensure proper maintenance, to small cluster (de-centralized) treatment system operated by a trained technician. As a minimum, the developer should have wastewater engineers investigate funding resources and alternative treatment technologies to implement a small cluster (de-centralized) collection and treatment system for this ecologically sensitive site.

Why nutrient leaching is Important to Waterways: Nitrogen and phosphorus support the growth of toxic algae. Lake Cascade has 9+ different varieties of Cyanobacteria (aka toxic algae) that thrive on Nitrogen and Phosphorus nutrients. Ratios of total nitrogen to phosphorus (TN:TP) in the lake water column determines dominate Cyanobacteria species and changing the ratio can change species composition. When the N:P ratio of the water is changed...it can change bacteria dominance. We currently have a dominate Dolichospermum cyanobacteria which could be replaced in a worst-case-scenario with more toxic Microcystis by changing the N:P ratio of the water. Concentrations of all cyanotoxin groups can increase with increasing TP and TN congruent with the biovolumes of their likely producers. (Cyanobacteria and Cyanotoxins: The Influence of Nitrogen versus Phosphorus 2012 by Dolman, Rücker, Pick, Fastner, Rohlack, Mischke, and Wiedner).

Septic systems near waterways, increased public use, and changes in land-use are known to threaten water quality, designated beneficial uses such as aquatic life, recreation (primary and secondary contact), domestic water supply, wildlife habitat and aesthetics (USEPA 2021, Smith and Schindler 2009).

Development Plan Deficiencies regarding the Comprehensive Plan

This application is flawed with respect to the **COMPREHENSIVE PLAN GOALS** in several ways. The text box below is an excerpt from the Comprehensive Plan followed by applicable text explaining the non-conformance:

COMPREHENSIVE PLAN CHAPTER 2: POPULATION

Goal I: Accommodate growth and development while protecting quality of life within Valley County.

Objectives:

- 1. Maintain or improve existing levels of service as new growth occurs.**
- 2. Evaluate the likely impact on the costs of services for new growth to ensure it does not create an undue hardship for Valley County residents.**

The current planned development is not compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands.

This development would have economic impact costs for road improvement, and Valley County only has token impact fees to recoup some of the costs. There are other incalculable direct economic impacts that become a burden on taxpayers including:

- Law enforcement
- Fire department
- Hospitals and emergency response
- School classrooms and transportation
- Post office
- Internet service

Medical Centers, fire protection, and emergency medical services along with sheriff protection are already stretched thin and overworked and these services have been asking taxpayers for increases to handle the load.

All Of these improvements and impacts should be covered by new development, not existing taxpayers!

COMPREHENSIVE PLAN CHAPTER 4: NATURAL RESOURCES

BACKGROUND

3 Overall water quality in Valley County, Lake Cascade and Payette Lake has been found to be declining. Lake Cascade is of particular concern. Since declining water quality in Lake Cascade and Payette Lake have caused particular concern, some water quality practices have been implemented in order to make improvements.

Changes in land-use and associated man-made activities (e.g. septic systems, construction erosion, road and parking lot runoff, fertilizers, and organics) increase pollutant (sediment and nutrients - nitrate and phosphorus) loading into surface waters. The Idaho Department of Environmental Quality Lake Cascade 2000 Implementation Plan indicated that approximately 11% of Lake Cascade's phosphorus loading came from Urban/Suburban/Roads and 6% from Septic Systems. These percentages are two decades old and have no doubt changed but are inductive of problem areas.

Development drainage contributes substantial pollutants including nutrients, suspended solids, organic mass, litter, oil and grease, metals and other pollutants to the waterways [plus thermal warming], which contributes to lake toxic algae growth. Growth also creates more nutrient loading amenities like golf courses, marinas, boat wave traffic, etc.

Water pollution and drainage controls, wetlands degradation are concerns and need to be protected.... they adversely impact the recreation industry, drinking water supply and the need for VSWCD to fund and implement Restoration Projects. I am suggesting here a \$10,000 per acre Ecological Impact Development Fee be charged to the new subdivision to cover pollution education and restoration activities paid to the county for funding Valley Soil and Water Conservation District programs.

CHAPTER 8: HOUSING AND COMMUNITY DESIGN

BACKGROUND

b) As the developments become more permanent, new demands will be placed on local institutions and services. As lot owners retire and move into their second homes, greater needs for access, lighting, fire, and police protection will be required. Those demands cause the costs of government to increase.

We and the Comp Plan question if the development tax revenues are really cost-effective when compared to the long-term impact costs for providing public services and facilities. As mentioned above, Impact Costs are really incalculable but land in the lap of county tax payers.

COMPREHENSIVE PLAN CHAPTER 13: LAND USE

Goal I: Retain the rural atmosphere of Valley County by protecting its natural beauty and open characteristics and preserving its historical and scenic beauty.

Objectives:

1. Encourage those land use practices that **protect and preserve the best agricultural land** for agricultural use.

This project would take away good Ag land with filtering wetlands that are supposed to be protected by the Comprehensive Plan.

Why Ag land is important: When properly managed with current Best Management Practices, agriculture crops and cattle grazing uptake phosphorus and other nutrients from the soil and export it out of Valley County. Since Lake Cascade is impaired by phosphorus properly implemented Agriculture is one of the keys to saving Lake Cascade.

In our opinion, this proposed development is flawed and is not the right solution to our county's long-term needs, the environment or neighborhood harmony. Please do the right thing and send it back to the drawing board to come up with a more appealing product in full compliance with the intent of the Comprehensive Plan and codes.

Respectfully Submitted,



Lenard D. Long
Friends of Lake Cascade
(Representing 1,700+ concerned lake enthusiasts)

From: ([REDACTED])
Sent: Sunday, August 21, 2022 10:19 AM
To: Cynda Herrick ([REDACTED])
Subject: Comments on C.U.P. 22-21 Stag's Run Estates

Written Comment on Proposal C.U.P. 22-21 Stag's Run Estates

To: Valley County Planning and Zoning Commission and Board of County Commissioners
This letter is to urge you to sustain the appeal and deny the C.U.P. 22-21 Stag's Run Estates on 160 acre property at 181 W Lake Fork Road

Listed below are several key reasons for reconsidering the approval given on June 23, 2022: The application process was deficient. Several adjacent landowners were not given notice. As such, the due process for several important members of the process was violated. Preliminary site grading plan as well as storm water plan were not included; fencing plan was missing as well.

The application included false statements. For example, the application calls for "Cluster Development". Cluster development definition specifically requires common areas while this project does not have any. The land was called "bare land" while it is currently irrigated and farmed. Wetland was not considered for preservation.

Compatibility of this development is not consistent with the Valley County Comprehensive Plan where rural and agricultural land is valued and recreational activities are a priority. In fact, the Valley County Pathways Master Plan currently approved by Valley County sets priorities for developing safe, non-motorized corridor in the area directly impacted by the proposed development. Please require the developer to comply with the VCP Master Plan and build separated Single Track Sidewalks along W.Lake Fork road to ensure safety for non-motorized travel.

Thank you for considering these key points and reviewing the application.
Best,

Lida Clouser
13873 Norwood Rd.
McCall, ID, 83638

From: Brown, Jayne M [REDACTED]
Sent: Sunday, August 21, 2022 2:03 PM
To: Cynda Herrick [REDACTED]
Subject: FW: Appeal to CUP 22-21, Stag's Run Estates Subdivision

To Valley County Planning and Zoning Commissioners,

Initially my thoughts and comments were incorporated with my husband Carl's letter when the proposed 160 acre West Lake Fork Road subdivision was presented. The SE corner of this acreage abuts our property. I received the Conclusion notes from the P & Z meeting, including the subjective numerical grading evaluations and the under estimations of the detrimental impacts. For the Appeal process of this subdivision, I now submit these separate comments in objection.

I read and reviewed all the published comments. I agree with the written, published Appeal letters regarding the short and long term environmental risks of degradation to water quality and quantity. The drilling of over 50 plus individual wells (including those needed for fire protection) and the installation of 50 individual sewage systems would seem to necessitate a greater hydrological evaluation than has been offered or asked for. The impact and cumulative effects, of all these together, to the aquifer, to year around running Mud Creek, and to drainage systems has not been addressed or considered. Additionally, the increased demand on public agencies tasked with providing services and control seems to deem greater attention than has been addressed to this proposed overload.

I strongly disagree with the Committee's evaluation of this proposed subdivision's compatibility with the dominant adjacent land use, as indicated on the Compatibility Questions and Evaluation Form. I see no submitted evidence of professional evaluations stating this proposed amount of impact could be safely and environmentally incorporated or sustained on this property without lasting damage to adjacent dominant land uses and potential injury to those properties.

In general, I find the overlooking of major impacts on sociological, agricultural, and biological systems in this proposal very concerning. I also am concerned of the negative impacts on the longstanding healthy rural lifestyle in Long Valley. Without the guidance of a more structured and clearly defined plan to sustain this area of mostly single residences on larger acreages, specifically south of West Lake Fork Road, the potential for additional future abuse is left wide open. The Findings of Fact and Conclusions (#10) states "...We do not have the best answer to what we can and cannot do legally to protect agriculture land from development...". For the public's well-being, I suggest the development of a better answer, updating the long term planning and zoning goals with vision to the future, might be a beneficial start within the reach of the Commissioners. How much of a priority is preservation of rural agricultural life in Long Valley?

Most importantly, I propose the Commissioners consider a larger, wider scope for sustainable, regenerative long term, high quality of life in Long Valley. Today the County may be facing the evaluation of this large intrusive subdivision paving the way. Tomorrow may be another devastatingly poorly planned and potentially destructive subdivision without compensative, non-financial community benefit. No Planning and Zoning guidelines seem to speak to the issue of responsible, controlled growth. Examples, even within Idaho, of this type of loosely planned, scattered urban subdividing, negatively effecting community identities, do exist and can learned from. What are the repercussions to the community of Long Valley residents who want to

continue to live and work here, whose children attend school here? Is Long Valley's future to be a bedroom community, with no limit to upscale residences where no one permanently lives, offering no contributions except revenue to the community? If so, then that goal should be clearly put forth - that the increase in tax income along with scattered subdividing is a higher priority to Long Valley. Instead of stating that "...farmland will be sold..." as stated in Findings of Fact and Conclusions #10 CUP 22-21.

We should sustain and maintain the existing, higher quality lifestyle of health and integrity for Valley County residents. I believe approval of this subdivision would threaten the most treasured values and reasons people have chosen to live here over many generations.

Thank you for your time and consideration.

Please confirm your receipt of this statement by return email.

Jayne Brown

Written Appeal of PZ Commission Approval of C.U.P 22-21 Stag's Run Estates

From: Shannon Rush-Call [REDACTED]

Sent: Sunday, August 21, 2022 4:27 PM

To: Cynda Herrick [REDACTED]

Subject: Written Appeal of PZ Commission Approval of C.U.P 22-21 Stag's Run Estates

Dear Valley County P&Z Officials:

I'm writing to express my objections to the recent approval of the conditional use permit for the proposed single-family subdivision called Stag's Run.

The reason for my objections to the approval are:

- The addition of 50 single-family homes supported by individual wells and septic systems holds significant potential to overtax the existing water supply and those neighbors who currently depend on the existing water table. The plan also fails to adequately consider the potential impacts to water quality.
- The proposed building site is home to a sizeable wetland. In fact, much of these 160 acres is a natural wetland. And, although the plans include "no-build areas", this consideration fails to adequately protect this environment.
- 81% of the surrounding properties are productive agricultural land. The addition of 50 single-family homes is incompatible with the existing properties.
- The addition of 50 homes and the resulting traffic, noise, and light erodes the quality of life for those who currently reside here.

Please note that as an heir to 55 acres adjacent to the proposed development, I have also signed my name to the official appeal submitted to the County.

I can be reached at the contact information below.

Thank you,

Shannon Rush-Call
9845 North Lariat Street
Boise, ID 83714
[REDACTED]

Letter to the Valley County Planning and Zoning Commission concerning PZ Commission approval of C.U.P. 22-21 Stag's Run Estates

Hello Planning and Zoning Commissioners,

August 22, 2022

Thank you for hearing my comments concerning C.U.P. 22 -21 Stag's run Estates.

Item 4 in the 'Findings of Fact' report by the commissioners states that property owners within 300 ft of the property line were notified by fact sheet sent May 17, 2022. My husband and I own two lots in Brookdale subdivision bordering West Lake Fork Road and directly across from the property being considered and received no such notice. Therefore we did not attend the first hearing.

Another big concern is, of course, water. The developer is selling lots with the unstated assumption that the lot owners will drill wells and find water. By approving this subdivision, Valley county is giving a nod of approval for an out of state developer to sell and profit off Valley County water. According to Valley County maps, the sections surrounding the section including the proposed Stag's Run have an average of 10 wells or less. The section that includes Brookdale shows 34 wells in Brookdale and 5 other wells in that section. 50 lots with 50 wells is going to increase the density of wells in that area sharply. The depth of the wells in the close area around the proposed Stag's Run vary from about 50' to 150', with the majority of the wells being approximately 80' to 100' in depth. This give one the idea that the wells in that area are all drawing water from the same aquifer. Does Valley County have a plan in mind to protect this aquifer or a plan in mind for when the water level in the wells starts to drop?

The fact finding report states in item 10 that the land in question is not prime agricultural land but it does not back up this statement with any definitions or official classifications. Looking into this a little, the USDA states, 'because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.' Valley County appears to be brushing this aside.

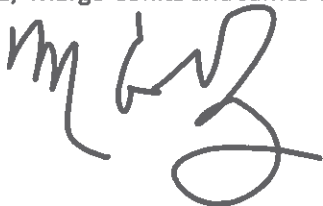
I was very confused by the reference to Beaver Creek. As I see it, the drainages going through the property are all forks of Mud Creek. Mud Creek flows into Cascade Reservoir which has been having serious water quality issues. Every tributary is important to the health of the reservoir and a lot of new construction and traffic is not going to help.

The fact finding document contains a signed letter saying the developer who lives in CA will keep the weeds under control. There are no teeth in this sort of agreement.

Increased traffic is a safety concern along West Lake Fork Road. The recent resurfacing has left some sharp drop offs with no attempt at feathering out a shoulder. Some of these drop offs are scary at best.

Though we all understand there is a lot of pressure in Valley County for new housing, we need to have some assurance that wetland areas are not going to be crisscrossed by development, that some effort is put into studying the extent of our underground water supplies and that safe roadways are maintained for access.

Thank you, Margo Conitz and James Crawford



14075 Morell RD
McCall ID

August 2, 2022



To Ms. Cynda Herrick, and our County Commissioners,

I am writing in regard to the Stag's Run Estate subdivision proposal at 181 West Lake Fork Road.

I am highly against this proposal. I feel as though this valley needs to take a step back and slow down. It is not all about the dollars put into the valley but what we all live here for. If every subdivision that comes to the table is approved before we know it, we will be right on top of one another.

I do not feel the appropriate studies have been made to see what effects this subdivision may have on existing wells, what effects this subdivision will have on the wetlands that exist. How are the wetlands going to be protected from all the run off salt from the roads, fertilizers from yards, and other pollutions? Yes, it says it's a no build zone but are they going to be protected? And how? How is this approval going to impact our infrastructure of the area?

The comment made by the applicant saying this subdivision will mainly be second home owners is a

disgusting comment. Here we are living in an area that needs homes for the common person to live, and work in the area. This is only adding to the problem not solving the problem so good job!

Approving this subdivision, you are also taking away farm lands which is a big part of this area. Once it is gone you can't take it back.

We live in this area for the open area, the quietness, the night sky, and the beauty of the area.

Before you know it all that we love of the area will be taken away at the rate subdivision are being approved. How about we STOP, slow down, and think about the future of the area and not the dollar signs.

Thank you,
Stacey Kucy
128 West Lake Fork Road.



Dear Valley County Commission,

We own the home at 156 W. Lake Fork Rd. McCall ID and are very opposed to the proposed subdivision across the street from our home. We were never notified of the proposed subdivision, or we would have been at the previous hearing. The traffic on W. Lake Fork Rd is already a huge problem, there is constant speeding and reckless driving mostly by out of county plates. It is highly unsafe for children to travel to friends' homes in the area as there is no sidewalks or pathways for separation. The increase in traffic that this subdivision would make this a deadly situation for not just our children but for walkers and bikers.

There is also the concern of water quality with all the development in Valley County I truly worry about the drawdown of the water table within our area. Water is not infinite! As we can see with what is happening with Lake Mead and other Aquifers around the country water needs to be protected above and beyond anything and one of the most effective ways to do that is through responsible development. If we build too much the water table will be drawn down even more so if it cannot be replenished due to increased use upstream and depleted recharge due to decreased snowpack and rising temperatures. When all this happens you also get degradation in water quality, which can lead to the leaching of Arsenic and other contaminants into the water supply. As a water professional I cherish the water at my tap and would hate to think of what could happen to it. I know firsthand the difficulty of having to treat contaminated well water and I would hate to think of any of my friends and neighbors going through that.

For these reason and more that are personal I hope you reverse your decision on the Stags Run Subdivision.

Sincerely,

Sabrina & Asa Sims

156 W. Lake Fork Rd

McCall ID 83638



Stag's Run Estates

From: Nancy Basinger [REDACTED]

Sent: Monday, August 22, 2022 2:36 PM

To: Cynda Herrick [REDACTED]

Subject: Stag's Run Estates

Dear Ms. Herrick,

I am writing to express my support of the appeal of this project. Placing a large subdivision in the middle of open and productive farmland is not the type of development I believe the vast majority of Valley County residents want. Yes, there are some existing houses, but this is a rural area. This is subdivision sprawl into precious open space and farmland. It will degrade the quality of life, potentially water quality, and the essence of what makes Valley County so wonderful. Please be forward thinking about what this type of development will do to the character of our community going forward. We owe it to future generations as well as those who have made their home in this area for years.

Sincerely,

Nancy Basinger
302 Mather Road
McCall

Public Hearing, Stag's Run Estates

From: Linda Klind [REDACTED]

Sent: Monday, August 22, 2022 2:47 PM

To: Cynda Herrick [REDACTED]

Subject: Public Hearing, Stag's Run Estates

Good afternoon Cynda. Thank you for the opportunity to comment regarding the August 29 meeting to further consider "Stag's Run Estates."

Our thoughts are in support of cautious consideration for development and the preservation of the overall wellness of Valley County, residents, visitors, and our ever changing and fragile lands. If our understanding is correct this proposal would replace prime agricultural land with "pristine, large, usually uninhabited homes with focus on wealthy, part-time residents." We understand that this proposed development does not suggest homes for residents working, living, and educating their children in the communities we are fortunate to call home. Further, it would displace prime agricultural lands, and their logical uses.

We request extreme caution when further considering the erosion of a balance of homes for families living, working, and voting in the community. While we acknowledge the interest in others who wish to "have a piece" of this wonderful place, we have an equally important need to advocate for the culture of community that only comes with homes inhabited by full time residences, land that is treasured for its primary purposes, and the preservation of a diverse and mutually focused society. The information friends and colleagues have offered suggests that this endeavor is likely misplaced and without respect for the need to preserve agricultural lands.

Our request is that you will again hear the concerns of neighbors, farmers, and those who will be directly and likely adversely impacted by this proposal. Their concerns are far from frivolous.

Thank you for your advocacy of transparent consideration of the complexities of development and for weighing the balances that best serve society as a whole, with avoidance of the largest perceived short-term financial gains. As we see more mostly uninhabited homes scattered throughout the valley and fewer fully occupied homes, risks escalate that society will suffer far beyond financial measures.

Respectfully;

Linda Klind and Dean Arbach
137 Mather Rd, McCall

CUP 22-21, Stag's Run Estates

Honorable Valley County Commission,



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

[REDACTED]

[REDACTED]

Lake Irrigation District Board Supervisor

August 22, 2022

Valley County Commissioners
Cynda Herrick
Planning & Zoning Director

RE: Stag Run Subdivision

TO whom it concerns:

My concerns regarding the Stag Run proposed subdivision.

- The lots which have a Lake Irrigation District easement through them are 1 acre lots. Taking this right-of-way into consideration, does it make the lots less than 1 acre? Is it county code that a lot must be at least 1 acre in size in order for a septic and a well to be put in? Idaho code 42-1209 states that there shall be no encroachments onto the irrigation easement, including roads, utilities, fences, structures, landscaping, etc.
- Just because a parcel of land borders or is in close proximity, does not necessarily mean it is sub-dividable ground. A big share of this land is natural wetlands and has some steep slopes. The creeks flowing through this parcel are a part of mud creek, which flows into Lake Cascade Reservoir, which is a target for clean up and has been for years. The addition of 50+ houses has the potential of adding more pollutants into the reservoir. In fact, the US Fish and Wildlife Service states: "Homeowners use up to 10 times more chemical pesticides per acre on their lawns than farmers use on crops, and they spend more per acre, on average, to maintain their lawns than farmers spend per agricultural acre.
- What will 50+ new wells and septic systems on this land do to wells already established in outlining areas? Will older wells dry up? I've witnessed this happening in this area. Is this a fair thing to do to those people already established in this area? Making them spend money to drill a new well? I do not find this good for the neighborhood.
- One big concern that I have that will effect me personally is the increase of traffic. 50+ more homes means at least 100 more vehicles traveling at least 2 times a day or more on our narrow county roads. Since this is in a rural agricultural area, there is daily activity by the area farmers and ranchers. Tractors, cattle trucks, ATVs, etc. use the public roads in this neighborhood. I worry about the danger of accidents happening involving slow moving vehicles and automobiles with impatient people in a hurry to get to where they are going. The concern of being run into or run over is a serious issue for us, as we experience this daily now. More cars only means more chances of an accident. This includes the roads of Norwood, Nisula, and West Lake Fork.
- As a generational farmer, our wish is to pass our farm on. Currently, the fifth generation is in the process of taking over, while raising the 6th generation on the farm. All the land dividing happening in this area is making it harder to carry on the farming tradition. Through impeding our travel to and from fields, to the safety of our loved ones young and old, condensed housing developments can have a negative effect on farming and ranching.
- This property is surrounded on 3 sides by actively engaged agriculture land. This parcel of land is historically productive farm ground. It has produced oats, potatoes, hay, and cattle. All important products to our community and outside of our community.

- Taken from Valley County's comprehensive plan under Purpose....to encourage protection of ag land and avoid undue concentration of population and overcrowding of land. Under Objective it states....to encourage open space buffers to preserve riparian areas and promote agricultural practices. This application should be encouraged to eliminate the overcrowding purposed.
- I feel this application should be returned to the county P&Z to be re-evaluated.

Sincerely,

Shirley Florence

193 W. Lake Fork Rd.

McCall, Id 83638

██████████

August 22, 2022

Valley County Commissioners

Cynda Herrick

Box 1350

Cascade, Id 83611

To Valley County Commissioners:

Thank you for your time. I am Carolyn Troutner, writing regarding CUP22-21 Appeal. I am asking you to take a second look at the approval of CUP22-21. I appreciate the time it takes to review our efforts.

There are multiple issues involved here. First and foremost, is the issue of whether or not this CUP should even have been issued. I also have concerns about the Findings of Facts and Conclusions of Law before the Valley County Planning and Zoning Commission. I would like to County Commissioners to examine my concerns.

As an adjacent land owner, I am thankful that P&Z staff made certain Urban Solutions, the presenter for 181 W. Lake Fork Rd, realized that fence lines are not property lines. Of personal concern is the east property line of 193 W. Lake Fork Rd and the west property line 181 W. Lake Fork Rd. We are in the process of having our property surveyed. It will include land to the east of our fence line, probably 35 more feet. It is hasty to have Urban Solution's CUP 22-21 approved without this knowledge. This could impact the 1 acre lots on the preliminary sketch, making them less than 1 acre. We cannot have roads or structures built on our land. I imagine Urban Solutions doesn't want to invest money in something that will later have to be removed. Central District Health won't allow lot sizes less than 1 acre for septic and wells. The decision to allow CUP22-21 go forward without clear property lines is only one reason to deny this application.

I request Valley County Commissioners deny CUP22-21 permit because of a procedural problem brought to my attention. After listening to several neighbors, I did some research. Thank you P&Z staff for providing these public records. Several landowners on the north 300' of 181 W. Lake Fork Road did not receive the required notices before the June 23, 2022 public hearing. Missing from this list are 6

property owners on W. Lake Fork Rd. This is a procedural error and is a major concern. I noticed that the HOA received a notice? An HOA is not a landowner. According to Valley County Code 9-5H-6, "A notice to adjoining property owners within three hundred feet (300') and the public relating a brief description of the proposed use and the date, time, and place for the hearing will be posted by the administrator or staff not less than seventeen(17) days before the hearing. Posting shall include direct mail to adjoining owners and advertising in a newspaper..." (Ord 10-06,8-23-2010). Valley County must follow the laws of the State of Idaho and the Valley County Code. Deny CUP22-21.

The third reason, this permit should never have been issued is because the land use is agriculture. The very first goal and the very first objective of land use for Valley County is to protect agricultural land. The intent of the code, the reason it was written, is to "encourage efficient use while maintaining open space and the rural feel of the county..." (VCC9-1-4). Under 9-4-2A, planning is to be instituted to "observe the open characteristics of the county." CUP22-21 chops 160 acres of agricultural land up into 1-8 acre lots. This is not preserving agriculture. There is no open space on this large piece of property. Current landowners voiced concern over this at the public hearing. People come to Valley County because of our open space. The P&Z commissioners struggled with this decision. Urban Solutions didn't offer any solutions or mitigations. I get the feeling CUP22-21 doesn't seem to think preserving agriculture is worth a solution.

The major concern with this decision to allow this permit is water. This is addressed by letters of concern from experts who can quote trends, as well as from landowners worried about our wells; and by recent articles in Idaho newspapers about Idaho water. The water issue also affects downstream users. It is a regional problem, not simply a neighborhood problem. It affects people throughout the county and throughout the state; irrigators, fisherman, and recreationalist utilizing Cascade Lake. It must be addressed before any more permits are issued. There is money involved here. Money the county has spent on improving water quality. How much money has Valley County spent on cleaning up Cascade Lake? How much has the state spent? How much has been spent through grants? Mud Creek is a major tributary of Cascade Lake. What a waste of money to allow 52 septic systems with no mitigating irrigation water to add more nutrients to the valuable water source. Myself, I like my water. I like the fact that I have it. My property value would depreciate without it. The cost of a new well would run \$20,000. Living without water until a new well can be dug would include rent for a dwelling with water, around \$2,000 per month. I understand well drillers in McCall are about 2 years out. \$24,000 is the cost to rent a place with water. What a preventable waste of money, what a needless hassle. The Valley County commissioners would be wise to stop this waste of money and require prospective land use changers to come up with a plan to preserve ground water before wells go dry and nutrients are loaded into tributaries like Mud Creek.

Under the State of Idaho Statutes Title 39 Chapter 1, the state policy on the duties of local units of government states that local government has the authorization and encouragement of the state to implement ground water quality protection plans. Please, follow the State Statutes and protect our groundwater.

I am going to refer to the Findings of Fact and Conclusions of Law Before the Valley County Planning and Zoning Commission. Referencing the Conclusions, I would like to address Item 6: The proposed use is compatible with surrounding land uses, such as Brookdale Estates. Surrounding land is not adjacent land. Surrounding land use is described in VCP as 1-3 square miles in each direction. This land is surrounded by a minimum of 85% open and agriculture. 3 square miles to the north contains 2 ½ miles of agriculture ½ mile of Brookdale. 1-2 miles to the east, to highway 55 is 100% agriculture. 1-3 miles to the south is 100% agriculture. 1-3 miles to the west, beyond Payette River is 100% agriculture. The predominant land use is agriculture. Giving Brookdale Meadows as the reason for compatibility is not consistent with the surrounding land use. ½ of a mile compared to surrounding 10 miles of agriculture is 95% agriculture. Weighing Brookdale so heavily is not in compliance with Valley County Code. The predominant use of surrounding land is what determines compatibility.

In item 10, the conclusion that this is not prime agricultural land is not supported. On their application, Urban Solutions has presented the idea that this land is "bare land and grazing" The P&Z believed this misleading idea and classified it as "not prime" without defining prime. The USDA classifies prime agriculture land as:

Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable last and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturate with water for long periods, and it either is not frequently flooded during season or is protected from flooding. Slope ranges mainly from 0-6 percent. (www.nrcs.usda.gov/soils/prime and other important farmlands definitions.)

This land is both pastureland and historically cultivated land. It is not urban or built-up. The soil quality has produced seed crops and hay. The growing season is short which allows for fewer bugs and diseases, a sought after quality. It has an adequate and dependable supply of irrigation water. The soil where crops have been grown and multiple housing units are proposed is permeable to air and water. Parts of this acreage are wetlands. No buildings are allowed there. All the agricultural land that Urban Solutions proposes to build on is USDA prime agricultural land.

P&Z conclusion 12 classifies CUP22-21 as a cluster development. According to Section 9-1-10 of the VCP, CUP22-21 is not a cluster development. The VCP definition states "clustered developments group structures or lots into relatively concentrated areas while providing a unified network of open space, wooded area, recreation or agricultural land." Referring to the lot map provided with the application, every single lot is bordered by another lot or road. There is no reserved open space, no reserved land for

recreation, no reserved space for agriculture. Even the proposed wetland easement is included in individually owned lots. CUP22-21 is not a cluster development.

Item 13 of Facts and Conclusions states that the application was complete. In fact the application of Urban Solutions was missing quite a lot of data and some of the data is inaccurate, such as describing this as bare land, while in fact it produced quite a crop of hay this year. There are 20 questions on this application. Eight are inaccurate, misleading or simply not filled out. Items 3, 6, 8, 9, 11, 12, 14, 18. This does not include the impact statement. Trying to address 8 questions in 3 minutes is impossible. Opponents didn't have enough opportunity for due process. Commissioners don't have enough information to form a fully thought out opinion. This doesn't even leave time to address personal concerns like traffic, noise, height restrictions, safety, water, wetlands, wells, property lines, and other items in the impact statement. Submitting 60% of the questions is not submitting a complete application.

Because this application was missing so much data, some of the special conditions are missing important pieces. For example, the easements were not included on the maps. The maps show several one acre lots where Lake Fork Irrigation has an easement. Does this diminish the lot size making it smaller than one acre? If so, this is not allowable. No lots can be smaller than one acre and contain both a well and a septic tank. Does the 70 foot road right of way also affect the lot size? I cannot find anything here about the height of buildings. Is there no limit? Why does the public access and pathway only include the easement along the irrigation district? That leaves 3/8 mile of no pathway. People walking, riding horses, riding bikes along a road that is only wide enough for two cars, 24 feet, are in jeopardy. This road is not wide enough for gravel trucks, pedestrians, and cars. What about the cost of the damage these trucks could do to our brand new road. How much money did that cost Valley County? What a shame to have this rural road destroyed by Urban Solutions' traffic. What about the arbitrary renaming of Mud Creek. Mud Creek is a watershed. It is on state documents (www.deq.idaho.gov, <https://twistcms-shared.s3.us-west-2.amazonaws.com>). There are more documents, I'm sure.

CUP 22-21 was granted with very little data. It was granted without giving adjacent neighbors due process. The people of this county deserve a complete application. CUP22-21 was submitted with so much missing, inaccurate, and incomplete data that due process cannot possibly have been served. Water, such a valuable commodity to every individual in this county, is not protected. CUP22-21 doesn't address the impact of 52 septic systems into the Mud Creek watershed. Some lots may be smaller than the allowable one acre. There are multiple reasons for sustaining our appeal.

Sincerely,

Carolyn Troutner

315 Burns Rd.
McCall, ID. 83638
August 22, 2022

Valley County Commissioners
Cascade, Idaho 83638

Re: Appeal of PZ Commission Approval of C.U.P. 22-21, Stag's Run Estates; 181 W. Lakefork Rd.

Dear Commissioners,

I have been a Valley County resident my entire life. I have childhood memories of being on the nearby Florence farm/ranch which is in the neighborhood of the proposed Stag's Run Estates. One summer, when I was in high school, I even rogued potatoes near this land.

Being a lifelong resident of Valley County and raising my family here, I do not take its beauty and open spaces for granted, as I once did. The value of farmland is irreplaceable and the magnificent agricultural landscapes are what make our county special. This is our home.

I dislike the phrase, "Development is inevitable." As Commissioners, you have thought about this concept, I hope. Controlled, well placed development is important for housing needs in our valley. However, development on workable farmland which also has a wetland in the middle of it seems like a poor choice. The County's own comprehensive plan speaks of preserving farmland. I hope the comprehensive plan is a guiding document for decisions regarding this proposed plan.

Our water table must be considered when looking at a housing project of this density with 50 homes. This means 50 more septic tanks and 50 more drinking water wells. It bears mentioning that the effects of climate change bring complications regarding water supply and distribution. How will wells and septic tanks be administered and then monitored properly in a subdivision of this density? How do we know the land can support this number of septic tanks and wells?

I urge the commission to repeal this C.U.P. and to preserve our working farmland which provides many benefits and services to us and is worth more than a development. I am afraid of developments in the Boise valley like Avamor coming to Valley County. I hope there is a more wholistic vision for our valley than "development is inevitable". Future generations deserve our thoughtful intensions when it comes to planned developments and not just a rubber stamp of approval.

Sincerely,

Deb Fereday, McCall, ID

Comment on appeal of CUP 22-21

From: Galen Shaver [REDACTED]

Sent: Monday, August 22, 2022 4:10 PM

To: Cynda Herrick [REDACTED]

Subject: Comment on appeal of CUP 22-21

Valley County Commissioners August 22, 2022
c/o Cynda Herrick

RE: CUP 22-21 proposed Stag's Run Estates subdivision

Dear Commissioners;

There comes a time in our individual histories and in the history of this community to ask ourselves : Are we paying attention to the right things; are our priorities in line with the reality of what the world demands of us at this moment?

I am afraid the answer for us, in Valley County, today, would have to be a resounding NO. The reasons for this are many and have much to do with the systems we live under but the time for excuses is yesterday. We are in the midst of a planetary upheaval of the physical operating principles of our earth. Reports of the repercussions from this upheaval dominate the news every day- even today as the smoke fills the valley. The ramifications of this climate chaos are subtle and enormous at the same time. But there is no question that the effects in Valley County will continue to accelerate: " drought frequency will increase despite increases in heavy precipitation due to increased evaporative demand with warming"; "more runoff in the winter and spring and less during the summer months"; "frequency of heat stress days will increase"; "lower stream flows"; "conditions that are detrimental to water quality and aquatic life are expected to increase substantially"; "the duration of the summer period under which forests and high desert landscapes are predicted to be critically dry is projected to increase 40-100%". (Assessment prepared by BSU, U of I and Langdon Group)

What does this all portend?

- The water table is under stress and it will only get worse.
- Water quality is endangered and will only get worse.
- Water availability will become even more of a critical issue
- Forests, and vegetation in general will be increasingly stressed.
- Chronic air quality problems will accelerate
- Human health will be significantly impacted.

Every elected official, every city and county planner needs to take climate change into account in their assessment of risks , in their decisions where precious resources should go, in deciding where or what can be approved or built, in writing and enforcing codes, in following or expanding the goals of the comprehensive plan, in their stewardship of our water, air quality and land and in their roles in protecting the health, safety and welfare of the people of this valley. It is an awesome responsibility and I admire you for taking it on. We are here to help.

One of the most important ways we as citizens can help is by providing oversight on decisions that were perhaps hastily made and not well thought out. The decision by the P&Z to approve the Stag's Run Estates subdivision is one example. In our appeal of that decision, we have tried to point out the dangers this subdivision will pose to the

neighborhood, to the farming economy, to the water table, to the wetlands, to our wells, to the taxpayers and to the direction the county needs to take to preserve and protect what we have left of farmland and topsoil.

The simple reality is we do not need more "recreational homes" which have an enormous carbon footprint and take good farmland out of production forever.

By not valuing farmland and approving more and more development, counties are imagining they will be making money on the new property taxes on "high-end homes." They also imagine the new developments will demand few services from the county as "no one will live there". Unfortunately, that is shortsighted and the reality over the long-term is very different, something our comprehensive plan even warns us about... Chapter 8 "as developments become more permanent, new demands will be placed on local institutions and services. As lot owners retire and move into their second homes greater needs ...will be required. These demands cause the costs of government to increase"

In truth, as the American Farmland Trust points out for every tax dollar collected from working farms, the county will pay out way less than a dollar in services. But the opposite is true of low density residential developments like Stag's Run. For every dollar collected in property taxes from similar developments, much more than a dollar is paid out in services. So basically, the tax money from the farms and ranches is subsidizing the cost of new and existing developments. If you undermine your agricultural base, you are endangering your county budget.

Farmlands are essential to life. That is a no-brainer. But well-run farm and ranch land is also a major sequester of carbon, which is crucial to curtailing climate change. Valley County is 30 years behind the rest of the country in planning for agriculture. We need to proactively plan for preserving agriculture in this valley. Putting statements in the comprehensive plan about protecting agriculture is not enough. We have got to have ordinances that support that goal. And there are plenty of counties and states all over this country that have created plans we could take inspiration from.

The threats to the water table, to wetlands, to our wells that this development poses and that are documented in our appeal and brief are all exacerbated by climate change. We are in extraordinary times and we need to be extraordinary thinkers and planners... And err, if we do, on the side of caution.

Thank You.

Judy Anderson
13775 Nisula Road
McCall

CUP 22-21

From: Marilyn Olson [REDACTED]
Sent: Monday, August 22, 2022 3:48 PM
To: Cynda Herrick [REDACTED]
Subject: CUP 22-21

Cynda, I am concerned with the CUP 22-21 as to the water, wetlands and traffic. The water and sewage are major concerns to the neighborhood. As I understand this development is for second homes and the home owners are concerned about retaining their water and the wells in the area.

Thank you for your time and consideration.

Marilyn Olson
[REDACTED]
890 Timber Ridge Ct
McCall, ID 83638

From: Mary Hart [REDACTED]
Sent: Monday, August 22, 2022 2:50 PM
To: Cynda Herrick [REDACTED]
Subject:

To the Valley County Board of Commissioners
and Cynda Herrick, Planning and Zoning Director

From Mary Hart, former Valley County Planning and Zoning Commissioner

I am writing in regard to the Appeal to the approval of C.U.P. 22-21, Stag's Run Estates. Having reviewed the Application, the Staff Report, all the letters opposing the project and the Conditions of Approval. I respectfully ask you to support the Appeal and deny this C.U.P.

I believe the Compatibility Rating was in error. This is an active and productive agricultural area as demonstrated in several of the letters you received from the neighbors. I wonder if the Commissioners are aware of the increase in small farming operations in the county? Many more people are buying their vegetables and meat at local markets or directly from the producers. Given the demand for local, clean food the County should support these efforts by protecting our ag lands.

The water issue is paramount. It has come to my attention in recent years that well drillers in the valley have had to go much deeper to get adequate water supplies for homeowners. It has also come to my attention there are increased water quality issues from impacts which cannot be mitigated.

Rather than duplicating comments, I would refer you to the individuals who submitted letters in of Appeal, most of whom I agree with because they know their neighborhood and want to protect their property rights. Rights which include adequate, clean water and a rural enjoyment of their land.

Thank you for the opportunity to comment on the Appeal.

Sincerely,

Mary Hart

CUP 22-21 Stag's Run Estates Subdivision, Lake Fork, Valley County, ID

From: Galen Shaver [REDACTED]

Sent: Monday, August 22, 2022 2:28 PM

To: Cynda Herrick [REDACTED]

Subject: Re:CUP 22-21 Stag's Run Estates Subdivision, Lake Fork, Valley County, ID

To: Valley County Commissioners
c/o Cynda Herrick

I request the Valley County Commissioners deny the CUP 22-21 application and sustain the Appeal of PZ Commission Approval of C.U.P. 22-21 Stag's Run Estates. As a signed Appellant I wholeheartedly endorse the entirety of the Appeal. As noticed in the Appeal letter, the entire process of the Pand Z approval was fatally flawed by straight up omissions, incomplete evidence, and lack of information to make a reasoned judgement based on required factual elements. It is truly appalling to read that the judgement and approval of the P and Z for this CUP following the public meeting was based on the false conclusion that "The application was complete".

There are many elements of the approval process and the Comprehensive Plan that could lead to outcomes that truly protect, preserve and sustain the health, economy and safety of our citizens and the air, water, land and culture of this valley and the earth. However, the current process appears to value big money, unsustainable growth and some disconnected ideas of individual "property rights" over the greater good of all.

Let's get out of the weeds here and do the right thing. We can do better. There are many other plans/developments/uses for this land that could be done that would benefit the people and this place. Please deny the CUP 22-21 application and sustain the Appeal of PZ Commission Approval of C.U.P. 22-21 Stag's Run Estates.

Thanks for your time,

Galen Shaver
13775 Nisula Rd
McCall, ID 83638

CUP 22-21 Appeal

From: Maura Goldstein <maura.goldstein@gmail.com>

Sent: Monday, August 22, 2022 2:17 PM

To: Cynda Herrick [REDACTED]

Subject: CUP 22-21 Appeal

Hi,

I am writing in support of the appeal of the approval of CUP 22-21. I think this permit should be denied on the basis of being inconsistent with the County's Comprehensive Plan and with having improper regard for the impact on water and the land. I am also concerned about the resulting loss of farmland that is vital to our County's character and sustainability.

Thank you,
Maura Goldstein
McCall

From: Tim Hart
301 Finn Church Lane
McCall ID 83638

To: Cynda Herrick, Planning and Zoning Director
Valley County Planning And Zoning Commissioners

Date: August 22, 2022

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

This application is not compatible with the surrounding area. The subdivision across the street, Brookdale, was a mistake. It shouldn't be compounded.

Communities and neighborhoods are being lost as applications are not being adequately considered by Planning staff.

This project on this site does not offer the values people (buyers) want:

- ~ Water quality and security (not possible with 50 wells and sewer systems).
- ~ Excellent planning (i.e. snow removal and storage not adequately considered.)
- ~ Park, Common Areas (is developer planning on using his neighbors property?)
- ~ Excellent public services. Our present system is maxed out and underpaid.

I've never seen a "stag" in Valley County. And I don't need to see this project.

Thank you for this opportunity to comment.

Tim Hart

TO: Cynda Herrick, Valley County Planning and Zoning Commission
RE: OPPOSE C.U.P. 22-21 Stag's Run Estates Subdivision – Preliminary Plat: 181 West Lake Fork Road LLC and Urban Solutions
FROM: Kelly Martin Resident of Valley County
DATE: June 16, 2022

Please advise the citizens of Valley County when we can engage in important county subdivision proposed developments like this in the future prior to public Planning and Zoning meetings. There seems to be little to no citizen involvement prior to public P&Z meetings and as such these meetings seem to be all but predetermined final plat decisions by the Planning and Zoning Commissioners and the subdivision developers.

Project Description:

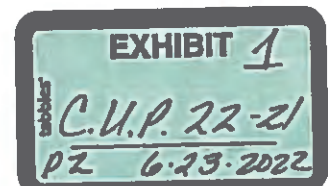
Stag's Run Estates Subdivision – Preliminary Plat: 181 West Lake Fork Road LLC and Urban Solutions are requesting a conditional use permit for a single-family subdivision with common area lots and 50 buildable lots. Proposed buildable lot sizes range from 1 acre to 8 acres. Access would be from new private roads onto W. Lake Fork Road (public) at two locations. A variance is requested from the required 28-ft roadway width to 24-ft. Individual wells and individual septic systems are proposed. The 160-acre site is parcel RP17N03E080605, addressed at 181 W Lake Fork RD, and located in Section 6, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

For the record, I Kelly Martin OPPOSE C.U.P. 22-21 Stag's Run Estates Subdivision – Preliminary Plat: 181 West Lake Fork Road LLC and Urban Solutions.

The C.U.P. and Preliminary Plat Application submitted on April 28, 2022 **FAILS** to address application requirement: IMPACT REPORT (from Valley County Code 9-5-3-D) #6: Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing groundwater and surface water quality and potential changes due to this proposal.

****The applicant FAILS to adequately address this requirement: DEMAND, DISCHARGE, SUPPLY SOURCE AND DISPOSAL. PLEASE HAVE THE APPLICANT DESCRIBE IMPACTS ON GROUNDWATER and POTENTIAL CHANGES DUE TO THIS PROJECT. Please require the applicant to assess these impacts to groundwater quality and quantity and potential contamination due to well and septic development when high density development of residential homes are built on one acre lots especially when one acre lots are located immediately adjacent to one other. For example refer to lot descriptions #26-39 and lots #53-56 and lots #42-56 located next to a floodplain with septic systems potentially contaminating surface water runoff.**

Of the described "50 buildable lots" I could only determine 7 lots that were a minimum of 5 acres, which works out to 85% of the buildable lots will be located on



less than 5 acres; many less than 2 acres; many lots occur next to an identified surface water flood plain. This is simply an environmentally irresponsible subdivision design and should be denied by Valley County Planning and Zoning Commissioners and Valley County citizens.

Should the final CUP plat increase the lot size to a minimum of 5 acres, I will not oppose the subdivision. Please keep me informed on the deliberations and requests I have made to the Planning and Zoning Commission on this particular project and future subdivision projects which propose "buildable lot sizes less than 5 acres"

Subdividing building lots less than 5 acres in Valley County is an issue which is much bigger than just this subdivision decision; it is occurring throughout Valley County at a rapid rate. Valley County Planning and Zoning must begin public deliberations with citizens and developers for smart growth development in all rural parts of our county. Hasty, unchecked expansion of new home construction and the negative impact of high density wells and septic systems on our local water aquifer can and should be an expected outcome of these short sighted decisions.

Given ever increasing well water demands in this area and ever-increasing warmer summers and drought conditions seriously affecting ditch water reliability; access to clean, dependable well water must be maintained for current and future property owners.

Minimum 5 acres lots would maintain separation between well sources and septic and would hopefully put in place mitigation measures to ensure dependable well water access to existing and future residents of Valley County.

Without a sustainable Growth and Development Plan for Valley County, allowing small parcels less than 5 acres to be permitted by Valley County P&Z is setting a detrimental community growth precedent. Unplanned, high density lot development is unsustainable for the rural quality of life many of us have come to expect as part of calling Valley County home.

Respectfully submitted,

Kelly Martin
Valley County
McCall, ID 83638

comments on CUP 22-21 Stag's Run Estates

Carol Coyle [REDACTED]

Tue 6/21/2022 9:01 PM

To: Cynda Herrick [REDACTED]; Lori Hunter <[REDACTED]>

Hello Cynda and Lori-

I realize that the official public comment period is over for the above application. However, for what it's worth, I want to share a few thoughts. Please pass on the P & Z Commission if that is allowed. I've read the application and your staff report.

In general, I feel the applicant took a pretty light touch when addressing the various requirements for approval. It seems to me that the developer may not really understand what daily life is like here. The section on current traffic use does not represent actual uses of W. Lake Fork Road, as it is also used by pedestrians, people on horseback, heavy trucks like dump trucks, logging and concrete trucks, farming equipment and cattle trucks. There's no shoulder on the road, and it was built at 24' only because that is all the wider it could be built in some areas. There are steep drop offs in several places along the road, limiting the County's ability to build a wider road.

The concern about wells going dry is shared by anyone out here who has a well. With the ongoing drought and high development pressure, I expect our pond, including our water rights for irrigation and stock uses, to dry up, especially if the proposed subdivision's plan for wells is approved. A pond is one thing, but the loss of residential water can be catastrophic. The developer should study this issue further, and perform a serious hydrologic study of the subdivision's impacts as a number of local wells are only 45'-65' feet deep according to well logs found on the Department of Water Resource's website.

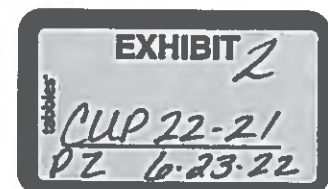
It's well known that there is a thick clay layer in this area. Clay doesn't let water pass through very quickly. If the 160 acres contains this clay layer, does the developer understand that the septic drain fields may not drain? Could that wastewater end up finding its way into Mud Creek or adjoining properties? Again, the developer could do an actual impact analysis and address that situation now instead of just saying, "Oops, my bad" in the future.

I expect this subdivision will get approved. I just hope Valley County would demand a better application from this applicant than you are getting. After all, the landscape will be forever changed if this subdivision goes ahead. Might as well make that change as positive as it can be for all involved.

Thank you for taking the time to hear me out.

Sincerely,

Carol Coyle
113 Brookdale Drive
McCall, ID 83638



TECHNICAL MEMORANDUM

DATE: June 23, 2022
TO: Cynda Herrick, AICP
Valley County Planning and Zoning Administrator
FROM: Paul Ashton, PE
SUBJECT: June 23, 2022, Planning and Zoning Agenda Items
CC: Cody Janson, PE
PROJECT NUMBER: 314-4875-011
PROJECT NAME: Valley County Engineering Services

The following comments are for the items listed in the on the June 23, 2022, Valley County (VC) Planning and Zoning Commission agenda:

Old Business:

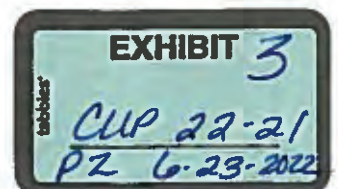
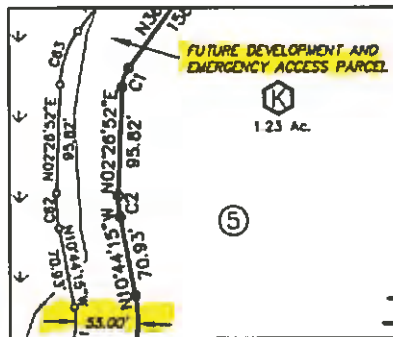
1. *None*

New Business:

1. **C.U.P 22-18 Blackhawk on the River Block XIX**

Preliminary site grading and drainage plans were submitted to Valley County with the C.U.P. application for review. This project will require review and approval by Valley County of the final site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comments:

- The recorded plat for Blackhawk on the River Subd. Phase 3 (Instrument #315818) identifies a 55-ft ROW dedicated for "Future Development and Emergency Access Parcel." (See clip below.) The Block XIX Preliminary Plat is showing a 70-ft ROW for Moonflower Place.



- Wetlands are identified on the site plan. The Applicant will need to coordinate with all applicable agencies and receive all required approvals/permits prior to County approval of the final site grading and drainage plans.
- Moonflower Place will be in a fill section in front of Lot 133. The Applicant will need to provide measures to retain stormwater runoff from the roadway to prevent it from entering the lot.

2. C.U.P 22-19 Valley Heights Subdivision – Preliminary Plat

Preliminary site grading and drainage plans were submitted to Valley County with the C.U.P. application for review. This project will require review and approval by Valley County of the final site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comments:

- The preliminary plans are using the standard 28-ft private gravel road section, but the Applicant is requesting a variance to narrow the road section to 24 feet in order to lessen the cut/fill impacts to the hillside. The proposed section also uses 2:1 ditch and side slopes from the edge of the roadway, which varies from the standard 3:1 slopes.

A high-level look in Google Earth at the road width in the adjacent development, Finlandia Estates Subd No. 1, indicates a similarly narrow road width as is being requested. Though not desirable, a narrower section is used on various private roads in mountainous areas throughout the county, including the Tamarack PUD, which only requires 22 feet for local roads. The 2:1 side slope is also typical of local road sections in mountainous areas.

- The angle of intersection between the proposed Valley Heights Drive and the existing Finlandia Road is less than the standard 70 - 90°.

3. C.U.P 22-20 CAT Rental Store

Detailed preliminary site grading and drainage plans and drainage design documentation have not been submitted to Valley County for review. This project will require review and approval by Valley County of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have no preliminary comments.

4. C.U.P 22-21 Stag's Run Estates Subdivision – Preliminary Plat

Preliminary site plans were submitted to Valley County with the C.U.P. application for review. This project will require review and approval by Valley County of the final site grading and drainage plans, drainage calculations, erosion control measures and best management practices prior to final plat approval. After reviewing the C.U.P. application, we have the following preliminary comments:

- The proposed road section includes 24 feet of asphalt pavement with no shoulders and 2:1 side slopes on a 2-ft wide ditch. The Applicant is requesting a variance for the narrower section. Per VC standards for private roads, 2-ft gravel shoulders and 3:1 side slopes are required. The roadside ditch bottom must also be at least 6 inches below the bottom of the subbase course.

Grading and roadway profiles were not included in the preliminary plan set so we are unable to determine the potential impacts of the proposed roadway section but based on the existing topography and size of the overall development, we are not sure why the variance for a narrower road section is necessary.

- The maximum length for a public cul-de-sac road is 900 feet. The private road standards do not call out a maximum length, but for reference, the approximate length of Morning Mist Rd. is 2500 ft.
- The Stag's Run Ct. access to W Lake Fork Rd. is offset from Williams Dr. approximately 40 feet. The Applicant should verify sufficient sight distance between the two accesses.
- Wetland limits should be identified on the final plans. The Applicant will need to coordinate with all applicable agencies and receive all required approvals/permits prior to County approval of the final site grading and drainage plans.
- The sizing of the Stag's Run Ct. bridge crossing at Beaver Creek should be coordinated with the VC Flood Plain coordinator.

Please contact me if you have any questions.

Sincerely,

PARAMETRIX
Valley County Engineer



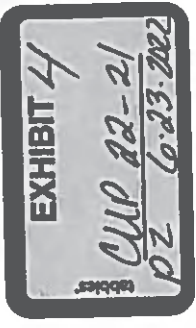
Paul Ashton, PE

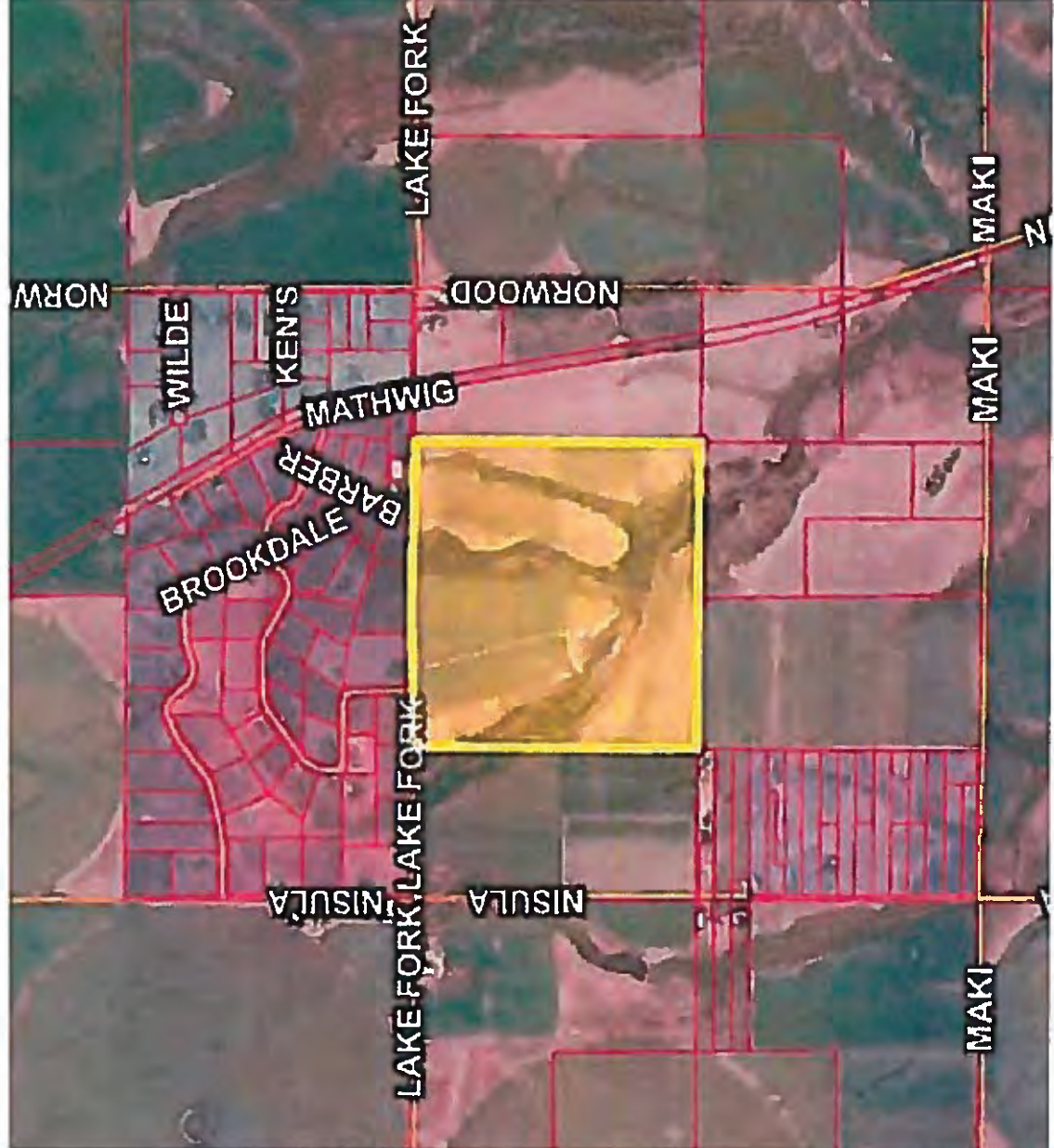


STAG'S RUN ESTATES SUBDIVISION

June 23, 2022

Applicant: Urban Solutions – Darcy Hart
Engineer: CK Engineering – Chad Kinkela, P.E.
Surveyor: Idaho Survey Group – Greg Carter, P.L.S.





Vicinity Map

Stag's Run Estates Subdivision



Site Data

Total Acreage of Site – 160.52-acres

Total Number of Lots – 58

Residential – 50

Commercial – 0

Industrial – 0

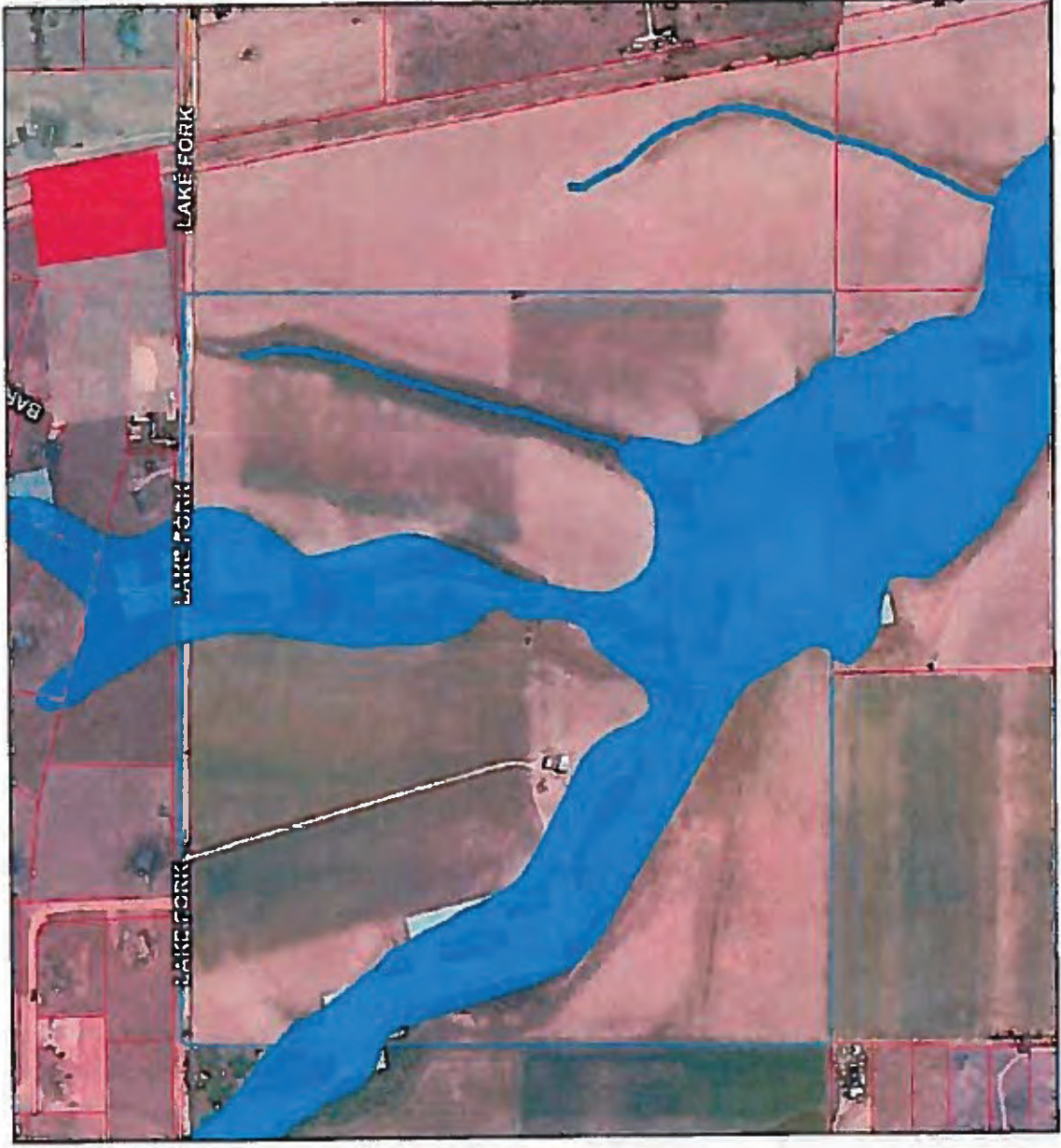
Common – 8

Total Number of Units – 50

Single-family – 50

Multi-family – 0

Total Acreage of Any Out-Parcels – 0



Wetlands
(USFWS)

Staff Comments/Questions

1. The site is located within the Donnelly Rural Fire District and is not within a herd district.
2. The 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:
 - 31-3805 Delivery of Water
 - 42-1102 Owners of Land – Right to Right-of-Way; and
 - 67-6537 Use of Surface and Ground Water

Staff Comments/Questions

4. Floodplain and wetlands shall be designated on the final plat. There is a minimum 30-foot setback from high water line and no construction is allowed within floodplain except for approved 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-feet above the base flood elevation."
6. Is the proposed landscaping area located within the area that should be dedicated as road right-of-way? Berms may not be located within the West Lake Fork Road right-of-way.
7. All access shall be from internal roads.

Staff Comments/Questions

8. What is the cul-de-sac width?
9. How wide is the travel surface of the private roads that are located within the 70-foot-wide right-of-way? Private roads must meet the Private Road Standards.
10. Minimum requirements:
 - Must be 70-foot internal right-of-way.
 - Must meet minimum standards for private roads of 24-feet.
 - Must provide a 70-foot right-of-way along West Lake Fork Road or 35-feet from centerline.

Staff Comments/Questions

11. There should be consideration as to whether the private road should be continued to the adjacent property to the south for future circulation through the County.
12. Approval of the subdivision includes approval of the cul-de-sac longer than 900-feet and road surface of 24-feet instead of 28-feet. Provide an explanation why a 24-foot road width is being utilized instead of 28-foot.

Applicant response

1. The site is located within the Donnelly Rural Fire District and is not within a herd district.
The applicant has been in contact with Fire Marshall Jess Ellis from Donnelly Fire and we are in agreement with their requirements.
2. The 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?
The property has 59-inches of irrigation associated with the property. It is not our intent to utilize the irrigation water based on the amount of water will not serve the property in its entirety. As part of the final plat we will include a specific easement associated with the irrigation line(s).
3. Compliance with each of the following Idaho Codes should be explained:
 - 31-3805 Delivery of Water
 - 42-1102 Owners of Land – Right to Right-of-Way; and
 - 67-6537 Use of Surface and Ground Water

Applicant' response

4. Floodplain and wetlands shall be designated on the final plat. There is a minimum 30-foot setback from high water line and no construction is allowed within floodplain except for approved crossing.
We are currently under contract to map the floodplain and wetland areas to include those areas within the final plat. We are in agreement regarding the 30-foot setback. Also, it is our intent to prohibit any development within the Area of Special Flood Hazard with the exception of a 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-feet above the base flood elevation."
We will add the requested note to the final plat.
6. Is the proposed landscaping area located within the area that should be dedicated as road right-of-way? Berms may not be located within the West Lake Fork Road right-of-way.
The proposed berm will not be located within the dedicated right-of-way area. Also, we will provide adequate room to allow for the irrigation easement.
7. All access shall be from internal roads.
The final plat will contain a plat note stating that direct lot access to West Lake Fork Road is prohibited.

Applicant's response

11. There should be consideration as to whether the private road should be continued to the adjacent property to the south for future circulation through the County. *The properties located south of the proposed subdivision have direct access to a public road (Maki Road) and should be required to take access from that public road.*
12. Approval of the subdivision includes approval of the cul-de-sac longer than 900-feet and road surface of 24-feet instead of 28-feet. Provide an explanation why a 24-foot road width is being utilized instead of 28-foot. *We are requesting a reduction of the road width to mitigate for the area of special flood hazard, wetlands, and provide for borrow pits for drainage and future snow storage.*

Applicant's response

The applicant is in agreement with the Conditions of Approval starting on Page 9 of 11 of the staff report.

We have contacted the individuals (listed) regarding concerns, questions, and agency comments.

It is our intent to maintain an open door policy for any, and all questions as this project moves forward.

**John Leedom, Lake Irrigation
District**

**Fire Marshal Jess Ellis, Donnelly Fire
Department**

Tom Bateman, Neighbor

Randy Morel, Neighbor

Urban Solutions | 



THANK YOU!



C.U.P. 22-21

Stag's Run Estates, Lake Fork Road

The flaws as we see them:

Local infrastructure capabilities in the valley are limited and the development has incalculable economic impacts. It goes sideways with the COMPREHENSIVE PLAN GOALS in several way:

CHAPTER 2: POPULATION

Goal I: Accommodate growth and development while protecting quality of life within Valley County.

Objectives:

1. Maintain or improve existing levels of service as new growth occurs.
2. Evaluate the likely impact on the costs of services for new growth to ensure it does not create an undue hardship for Valley County residents.

All the current planned development is not compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands. I question if the development tax revenues are really cost-effective when comparing the long-term impact costs for providing public services and facilities.

This development would have impact costs for road improvement, and the county has token impact fees to recoup some of the costs.

There are other incalculable direct economic impacts including:

- Law enforcement
- Fire department
- Hospitals and emergency response
- School classrooms and transportation
- Post office
- Internet service

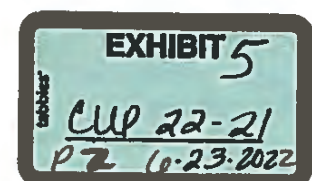
Medical Centers, fire protection, and emergency medical services along with sheriff protection are already stretched thin and overworked and these services have been asking taxpayers for increases to handle the load.

All these improvements and impacts should be covered by new development, not existing tax payers.

CHAPTER 4: NATURAL RESOURCES

BACKGROUND

3 Overall water quality in Valley County, Lake Cascade and Payette Lake has been found to be declining. Lake Cascade is of particular concern. Since declining water quality in Lake Cascade and Payette Lake have caused particular concern, some water quality practices have been implemented in order to make improvements.





C.U.P. 22-21
Stag's Run Estates, Lake Fork Road

The Idaho Department of Environmental Quality Lake Cascade 2000 Implementation plan indicated that approximately 11% of Lake Cascade phosphorus loading came from Urban/Suburban/Roads and 6% from Septic Systems. These percentages are two decades old and have no doubt changed but are inductive of problem areas.

Development drainage contributes substantial pollutants including nutrients, suspended solids, organic mass, litter, oil and grease, metals and other pollutants to the waterways including thermal warming, which contributes to lake toxic algae growth.

Water pollution and drainage controls, wetlands degradation are a concern need to be protected.... impacts the recreation industry and the need for VSWCD to fund and implement Restoration Projects. I am suggesting **\$10,000 per acre Ecological Impact development** fee be charged to the new subdivision to cover pollution education and restoration activities paid to the county for funding Valley Soil and Water Conservation District.

CHAPTER 13: LAND USE

Goal I: Retain the rural atmosphere of Valley County by protecting its natural beauty and open characteristics and preserving its historical and scenic beauty.

Objectives:

1. Encourage those land use practices that protect and reserve the best agricultural land for agricultural use.

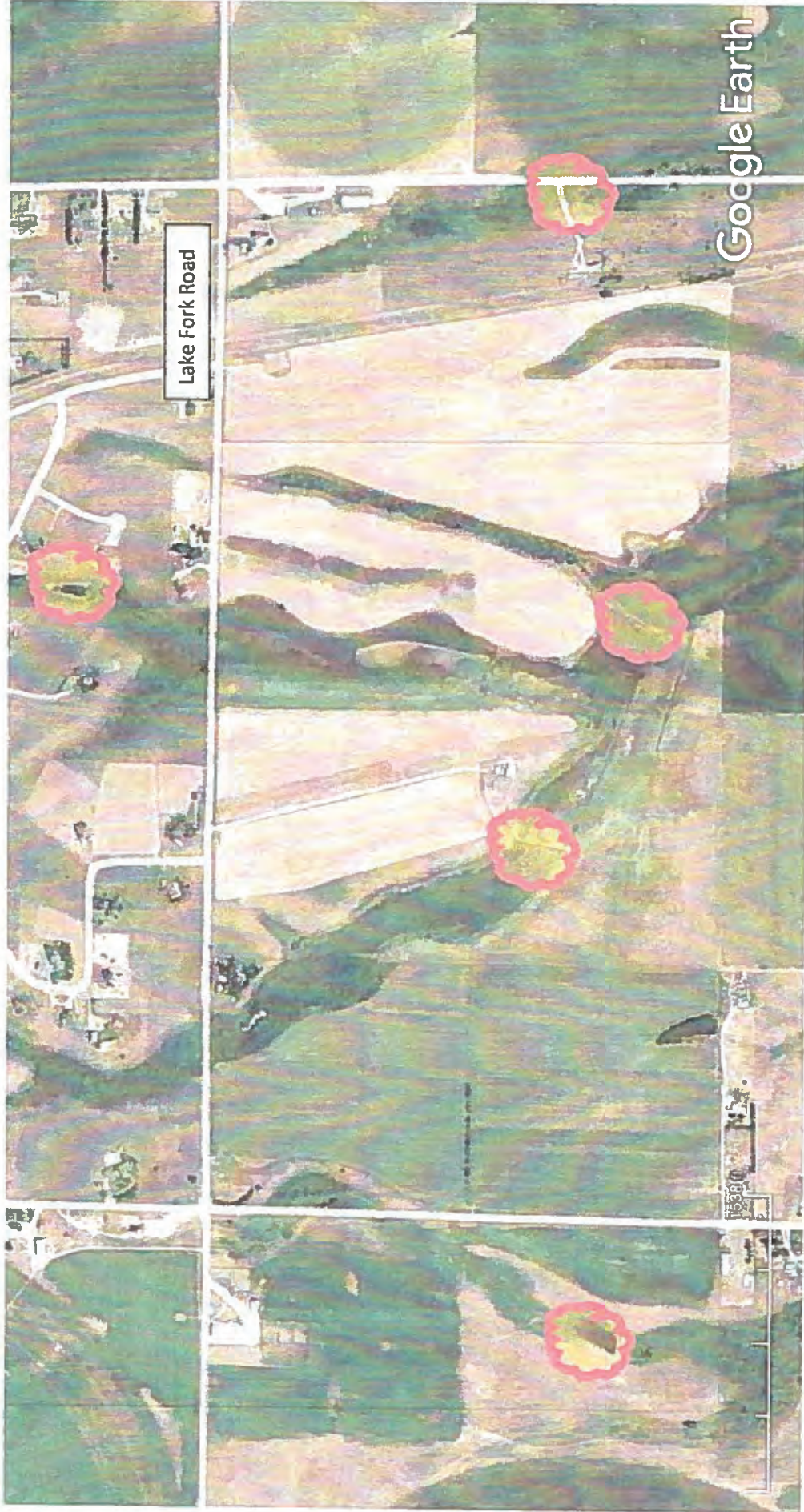
This project takes away good Ag land, which is supposed to be protected by the Comprehensive Plan

By: Lenard D. Long

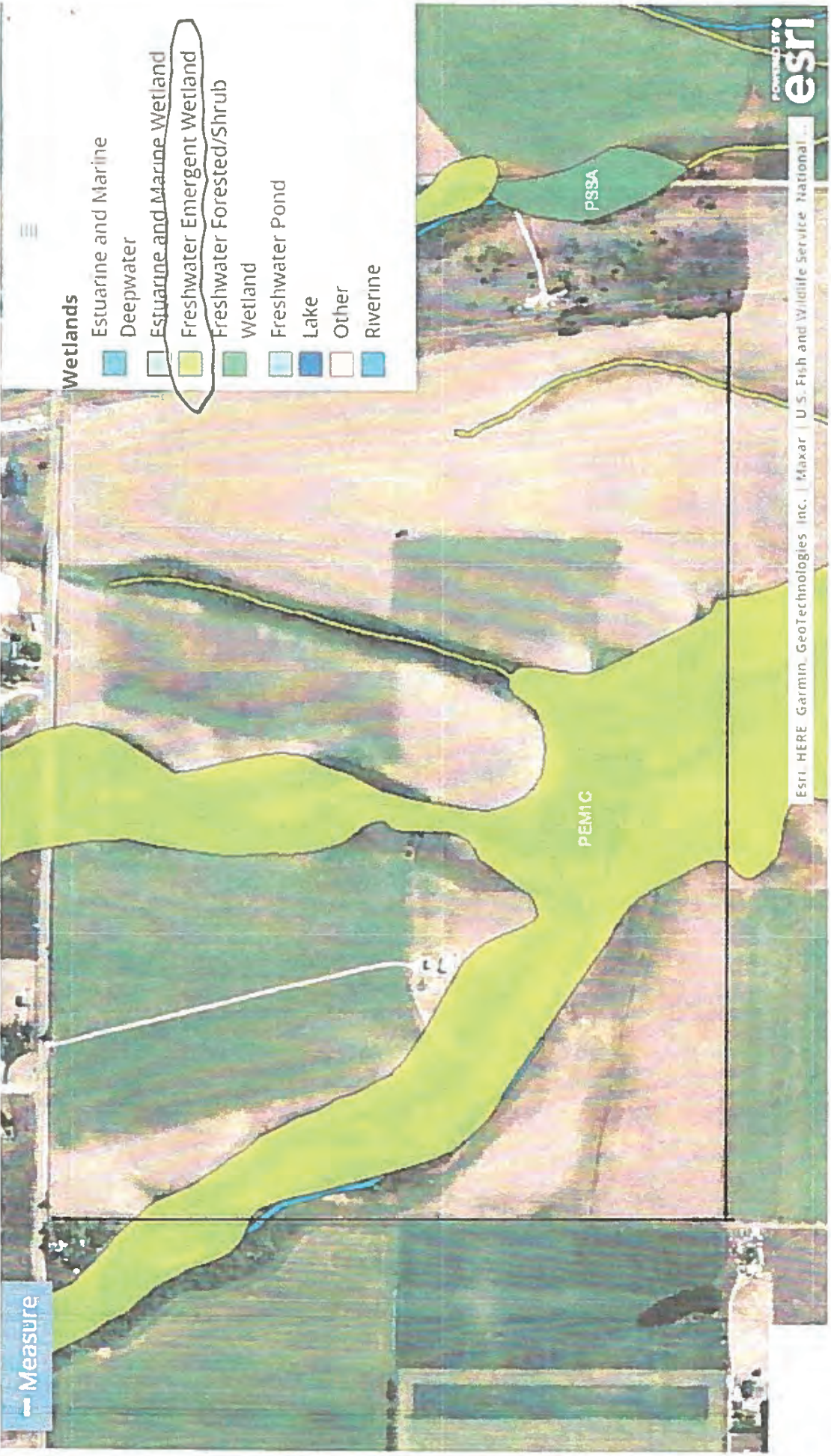
EMAIL: [REDACTED]

[HTTPS://WWW.FACEBOOK.COM/FRIENDSOFLAKCASCAD/](https://www.facebook.com/friendsoflakcascade/)
[HTTPS://SITES.GOOGLE.COM/VIEW/FRIENDSOFLAKECASCAD/HOME?AUTHUSER=0](https://sites.google.com/view/friendsoflakcascade/home?authuser=0)

Wetland Disturbances



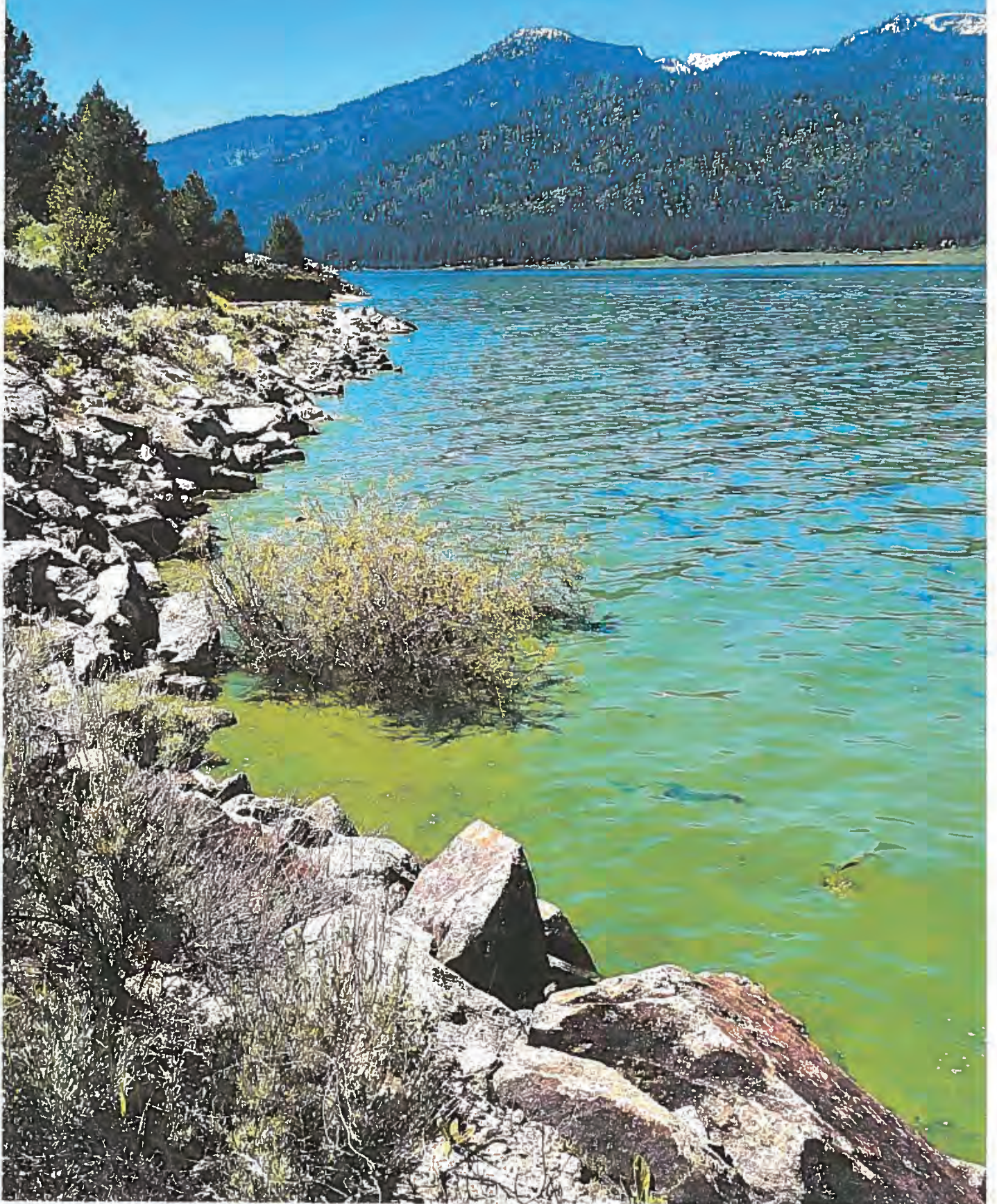
Measure



POWERED BY
esri

Esri | HERE | Garmin | GeoTechnologies Inc. | Maxar | U.S. Fish and Wildlife Service | National...

6/23/22 SAGE Bluff

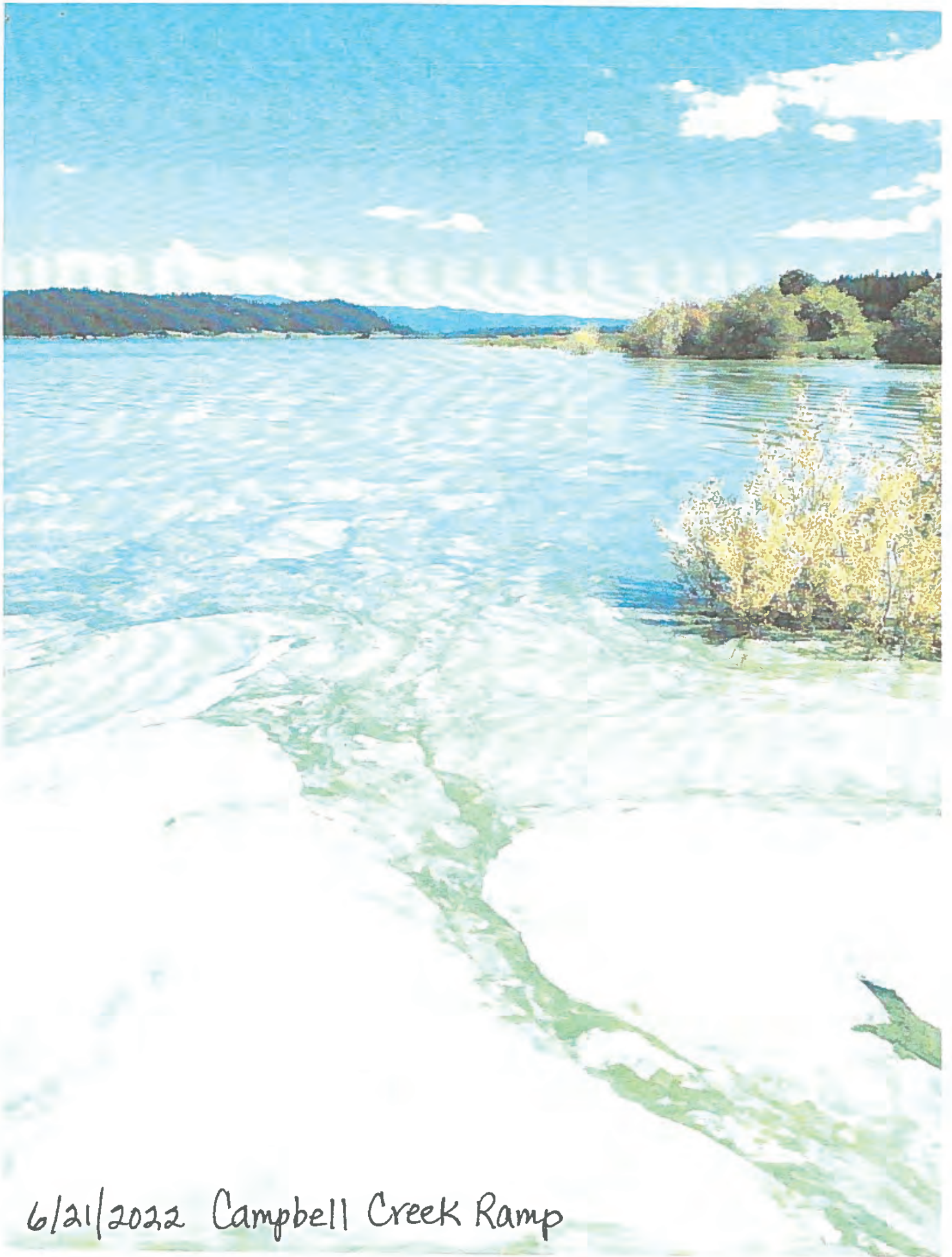




6/22/2022 Crown Point



6/22/2022 Big Sage



6/21/2022 Campbell Creek Ramp



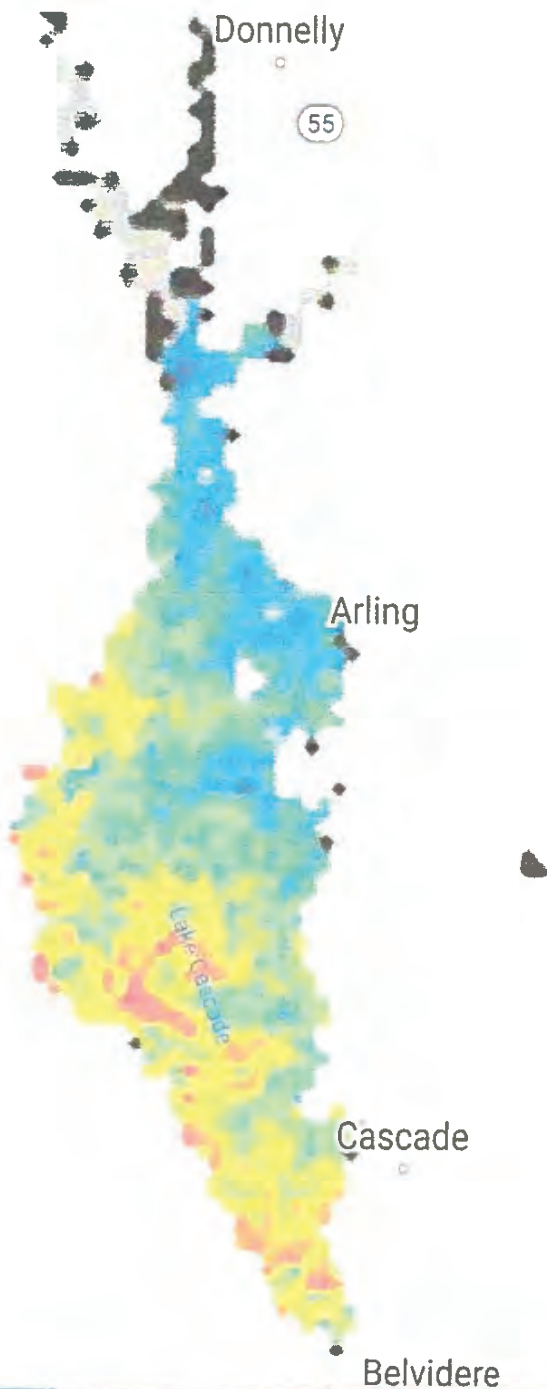
6/21/22 South of Golf Course



Lake Cascade

L 06/21/22

Transparency



Legend

Screenshots from the EPA CyAN app weekly summary for the Lake indicating cyanobacteria cells per milliliter. The scale is ROYGBIV with red being severe and the green/blue in this picture being on the lower end of the spectrum.

Cyanobacteria (cells/ml)



Categorical values

- Below Detection
- Land
- No Data

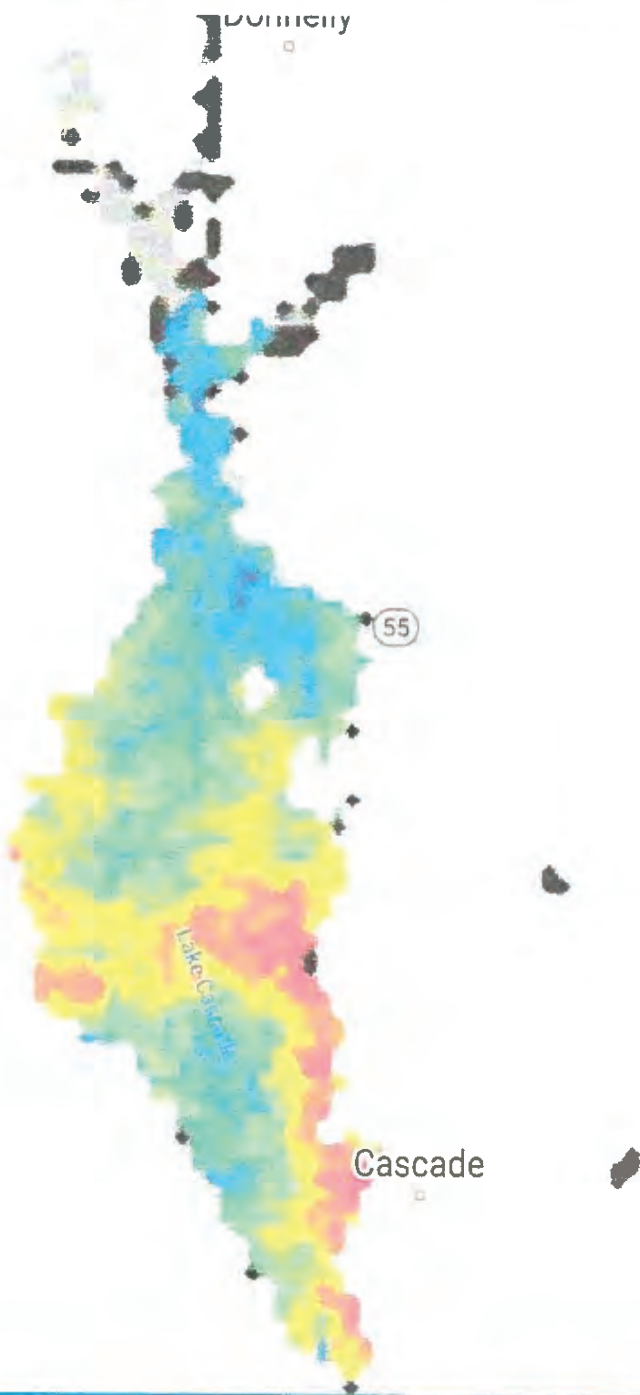
Below Detection Limit
(> 10,000 cells/ml)



Legend

Google Map

Transparency 






Legend

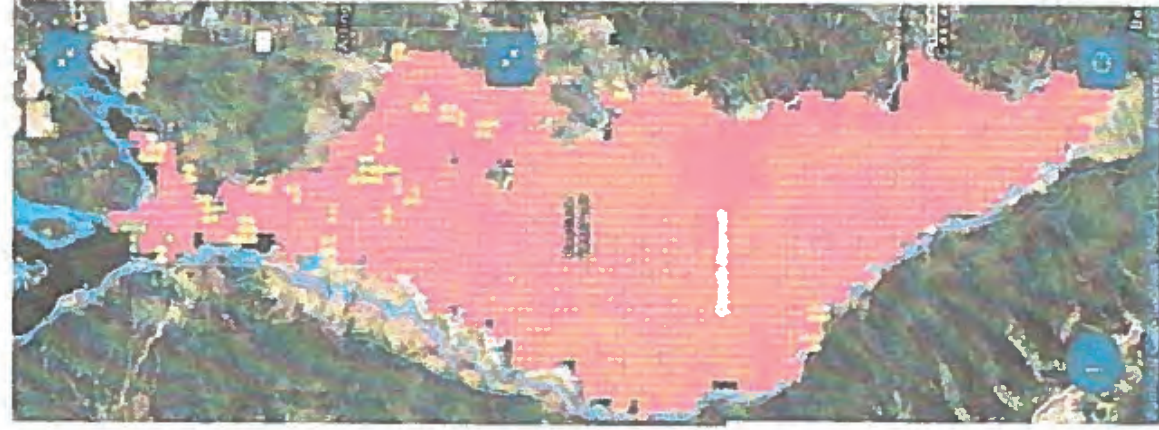
Screenshots from the EPA CyAN app weekly summary for the Lake indicating cyanobacteria cells per milliliter. The scale is ROYGBIV with red being severe and the green/blue in this picture being on the lower end of the spectrum.

Cyanobacteria (cells/ml)



Categorical values

-  Below Detection
 -  Land
 -  No Data
- Below Detection Limit (>10,000 cells/ml)



EPA CyAN satellite imagery estimated cyanobacteria population densities (updated every 3-4 days) compared to Idaho cyanobacteria Response Plan safe recreational contact thresholds.



Ref:

<https://www.deq.idaho.gov/water-quality/surface-water/cyanobacteria-harmful-algal-blooms/...tabPotentialBloomMap> (generated June 22, 2022)

CUP 22-21, Stag's Run Estates

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 percolated. 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: Galen Shaver [REDACTED]
Sent: Wednesday, June 15, 2022 2:20 PM
To: Cynda Herrick [REDACTED]
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 <[REDACTED]>
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

From: Hans Germann [REDACTED]
Sent: Friday, May 27, 2022 2:17 PM
To: Cynda Herrick <[REDACTED]>
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

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