

## Valley County Planning and Zoning

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<b>STAFF REPORT:</b>	C.U.P. 22-30 Shaw Family Ranch - Preliminary Plat
<b>HEARING DATE:</b>	September 8 2022
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT/ PROPERTY OWNER:</b>	Shaw Family Company, LLC 777 East Idaho Blvd Emmett ID 83617
<b>REPRESENTATIVE:</b>	James Fronk Consulting LLC P.O. Box 576 McCall, ID 83638
<b>ENGINEER:</b>	Adam Lyman, ABCO Engineering 119 Midland BLVD Nampa, ID 83651
<b>SURVEYOR:</b>	Dan Dunn Surveys 25 Coyote Trail Cascade, ID 83611
<b>LOCATION:</b>	326 Boulder Lake Road Parcels RP18N03E240005, RP18N03E244806, RP18N03E250005, RP18N03E253005, and RP18N04E195405, located in Sections 24 and 25, T.18N, R.3E, and Sections 19 and 30, T.18N, R.4E, Boise Meridian, Valley County, Idaho
<b>SIZE:</b>	721.8 acres
<b>REQUEST:</b>	Single-Family Residential Subdivision
<b>EXISTING LAND USE:</b>	Single-Family Residential Home and Agricultural (Grazing and Timber)

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Shaw Family Company LLC is requesting a conditional use permit for a 6-lot single-family subdivision on 721.8 acres. The project description submitted on July 28, 2022, states the proposed subdivision consists of five (5) lots. The preliminary plat shows six (6) lots; one of the lots is an existing house. The subdivision is for the settlement of the Shaw family estate.

Proposed lot sizes range from 10 to 510 acres.

Individual wells and individual septic systems are proposed

Access would be from Boulder Lake Road (public). Road right-of-way would be dedicated to Valley County for Boulder Lake Road.

A small portion of the property is in the designated floodplain so a base flood elevation will be required. Wetlands exist on the property.

#### **FINDINGS:**

1. The application was submitted on June 27, 2022, but was deemed incomplete. Additional submittals were received in July and August of 2022.
2. Legal notice was posted in the *Star News* on August 18, 2022, and August 25, 2022. Potentially affected agencies were notified on August 9, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent August 9, 2022. The site was posted on August 26, 2022. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on August 9, 2022.

3. Agency comment received:

Central District Health requires more information including an application, test holes, ground water monitoring, and engineering. (August 11, 2022)

Jeff McFadden, Road Department Superintendent recommends:

- 1) Dedication of 70-ft of right-of-way to the public immediately adjacent to Boulder Lake Road.
- 2) Impacts to transportation services on Elo Road and Boulder Lake Road should be mitigated by negotiating with developer a payment of road improvement costs attributable to traffic generated by proposed development. The value of the proportionate share may be determined by several methods.
- 3) 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. (August 24, 2022)

Garrett de Jong, McCall Fire & EMS Fire Chief, has no comments. (August 26, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, ground water contamination, and best management practices. (August 10, 2022)

4. Neighbor comment received: *none*
5. Physical characteristics of the site: Rolling to mountainous terrain that is partially timbered. Wetlands exist.
6. The surrounding land use and zoning includes:
  - North: Agriculture (Timber)
  - South: Single-Family Residential and Agricultural (Grazing)
  - East: State of Idaho
  - West: Single-Family Residential and Agricultural (Timber)
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.

**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.
- 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.

**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.

**9-5B-7: FIRE PROTECTION:**

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

**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.

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

- I. Driveways: Driveways on local streets should be offset a minimum distance of fifty feet (50') from intersections with collector or external streets.

**10-4-6: EASEMENTS:**

- A. Utility Easements: There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission.
- B. Stormwater Easement Or Drainage Right Of Way: Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- C. Drainage: Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.
- D. Existing Easements: All existing easements must be shown on the subdivision plat.

**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.

- 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".



- C. **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.

**10-7-4: SUBMISSION REQUIREMENTS:**

- A. **General:** All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.
- B. **Content:** The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.
1. **Preparation:** The plan shall be developed by a "professional" (see definition in section 10-7-2 of this chapter). Professionals can be prequalified by the commission and a list will be maintained at the Valley County planning and zoning office.
  2. **Format:** The plan shall consist of two (2) sections:
    - a. **Wildfire Risk Assessment:** This portion of the plan includes a map and narrative describing the current status of the land to be developed. As a minimum, the following must be included:
      - (1) Topographic map.
      - (2) Site description including discussion of slope(s), aspect(s), and significant topographic features.
      - (3) Narrative describing existing vegetation and fuel hazards, distribution and continuity.
      - (4) Fire history, including historical occurrence, causes, typical wind and climatic conditions which influence fire behavior.
      - (5) Existing roads and bridges, including a description of widths, grade percentages and weight limits.
      - (6) Location of existing structures and an estimate of the proposed density, types and sizes of planned structures.
      - (7) Infrastructure that may affect wildland fire risk (i.e., existing power lines, railroad lines, propane tanks, etc.).
      - (8) Description of existing features that may assist in controlling a wildfire (i.e., fuel breaks, water sources, etc.).
      - (9) Current structural and wildland fire jurisdictional agencies.
      - (10) Effect of proposed development on current wildland fire risk within the development area and to adjacent landowners.
    - b. **Wildfire Risk Mitigation:** This portion of the plan includes a map(s) and narrative detailing planned wildfire hazard mitigation actions to be taken by the developer prior to individual lot development to mitigate risks to life and property from wildland fire. Specific items to be addressed include:
      - (1) Access - planned ingress and egress routes.
      - (2) Water supply for structural and wildland fire response.
      - (3) Estimated response time and distances for jurisdictional fire agencies.
      - (4) Planned internal fire protection systems and/or equipment, including buried tanks, wells, hydrants, drylines, etc., along with protective measures for systems and/or equipment.
      - (5) Proposed infrastructure, including bridge standards, road widths, grades, signage, aboveground/belowground power lines, etc.
      - (6) Safety zone locations.
      - (7) Planned live and dead fuel treatment actions, including modification through thinning, pruning, piling, chipping, and fuel break construction; and removal through commercial harvest, chipping and hauling or prescribed burning.

- (8) Long term maintenance schedule to sustain fuel treatment effectiveness.
- (9) Analysis of the overall change in wildland fire risk within the development and to adjacent landowners once the planned mitigation actions are implemented.
3. Submittal, Implementation And Verification:
  - a. The plan shall be submitted with the preliminary plat application to the Valley County planning and zoning office.
  - b. Planned mitigation work must be completed or financially guaranteed prior to the recordation of the final plat. A schedule for the phased completion of mitigation work may be approved in conjunction with recordation of final plats.
  - c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative.
4. Exceptions: Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer may complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the fire district.
5. Cost: The cost and implementation of the plan preparation shall be the responsibility of the applicant.
6. Plan Retention: The approved plan shall be retained at the Valley County planning and zoning office and the jurisdictional fire district or designated agency where no fire district exists. (Ord. 10-07, 8-26-2010)

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#### **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +25.

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

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

1. This site is within the McCall Fire District. It is not within an irrigation district nor a herd district.
2. The following information was requested from the applicant but has not been received as of August 30, 2022:
  - Draft CCRs
  - Wildfire Mitigation Plan
  - Location of water courses, wetlands, significant natural features, topographic map
  - Soil profiles and water table data
  - Well logs of surrounding contiguous property
3. The application states that water rights are available. No changes are to be made to water rights or current irrigation practices.

#### **ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff

- Vicinity Map
- Aerial Map
- Floodplain Map
- Wetlands Map
- Assessor Plats – T.18N R.3E Sections 24 and 25 and T.18N R.4E Sections 19 and 30
- Preliminary Plat
- Pictures Taken August 26, 2022
- Responses

### **Conditions of Approval**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within two years, or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
6. A letter of approval is required from McCall Fire District prior to recording the final plat.
7. All easements shall be shown on the final plat.
8. Wetlands shall be marked as “no-build areas” on final plat.
9. A Fire Mitigation Plan is required in compliance with Title 10 of the Valley County Subdivision Regulations and shall be noted on the face of the plat.
10. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
11. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
12. 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.



13. 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."

**END OF STAFF REPORT**

## 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.

**MATRIX FOR RATING QUESTIONS 1, 2, and 3.**

**THE SOLID SQUARES AS +2**

# 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.



# 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)?

S.F. Residential Subdivision

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

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

Mostly Agricultural and Rural Residential

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +2 X 3 +6

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

It is large and has varying topography

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

5.

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

Yes

(+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?

Similar and less than recreation on state lands

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

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

Yes

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

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

Yes

(+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?

May see a small increase in revenues; most likely

Sub-Total (+) 29

Sub-Total (-) 4

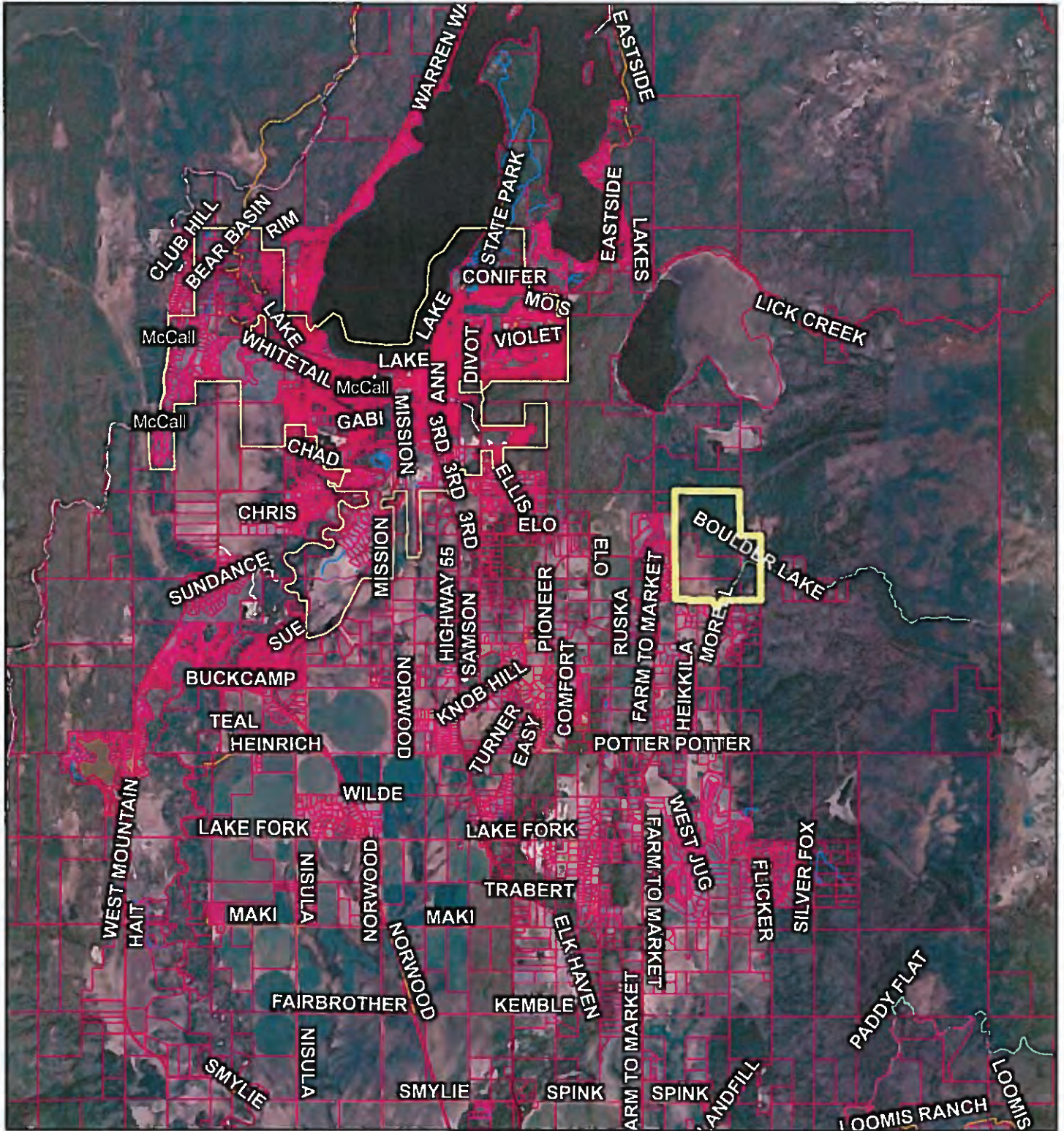
Total Score +25

Keep agricultural exemption

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



## CUP 22-30 Vicinity Map



7/6/2022, 11:49:15 AM

1:144,448

## Municipalities

COLLECTOR

## Parcel Boundaries

URBAN/RURAL

## Roads

USFS

MAJOR

PRIVATE

### MINOR COLLECTOR

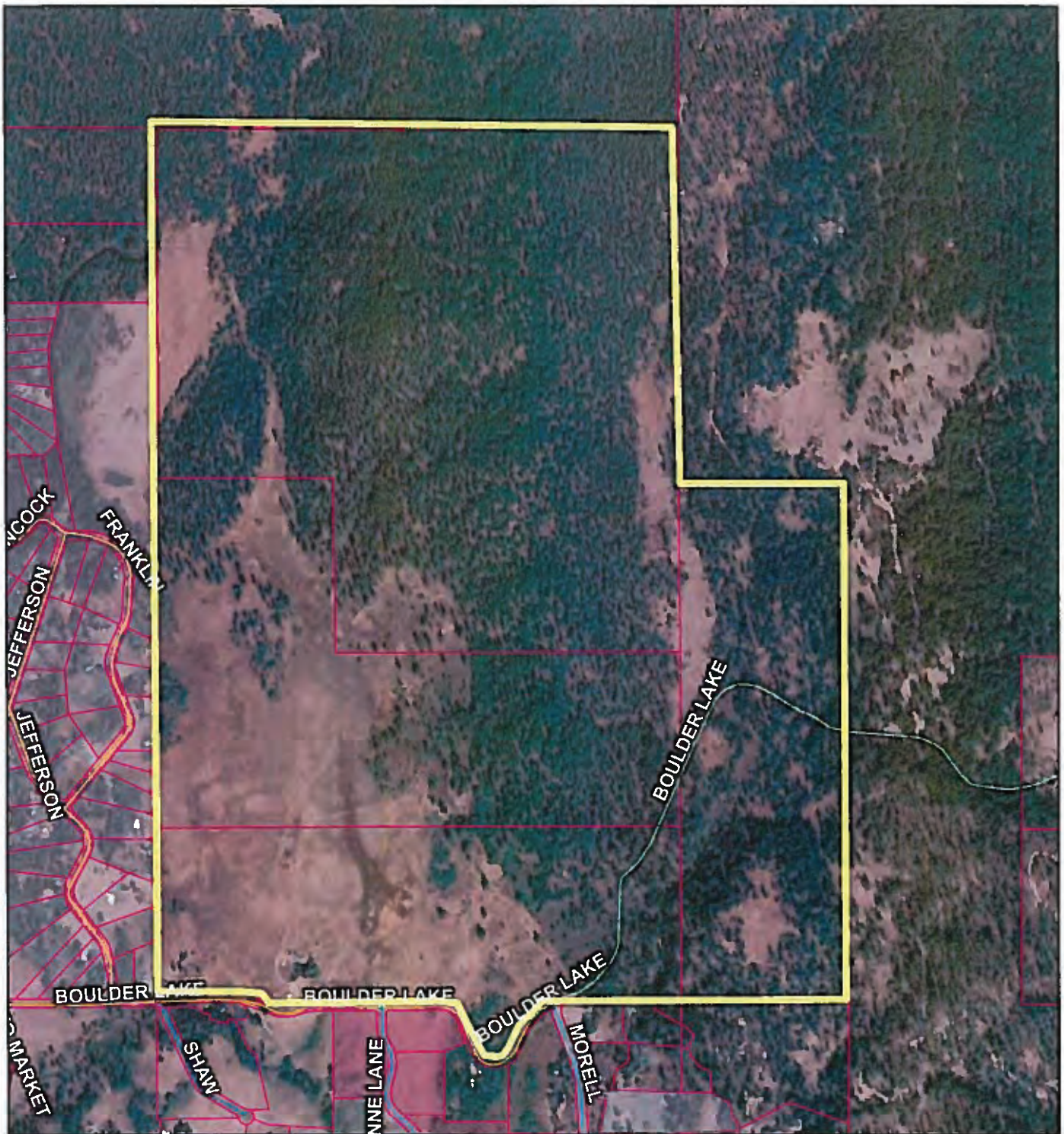
OTHER

**Earthstar Geographics**

Web AppBuilder for ArcGIS

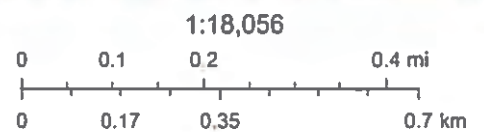


# CUP 22-30 Aerial Map



7/6/2022, 11:43:02 AM

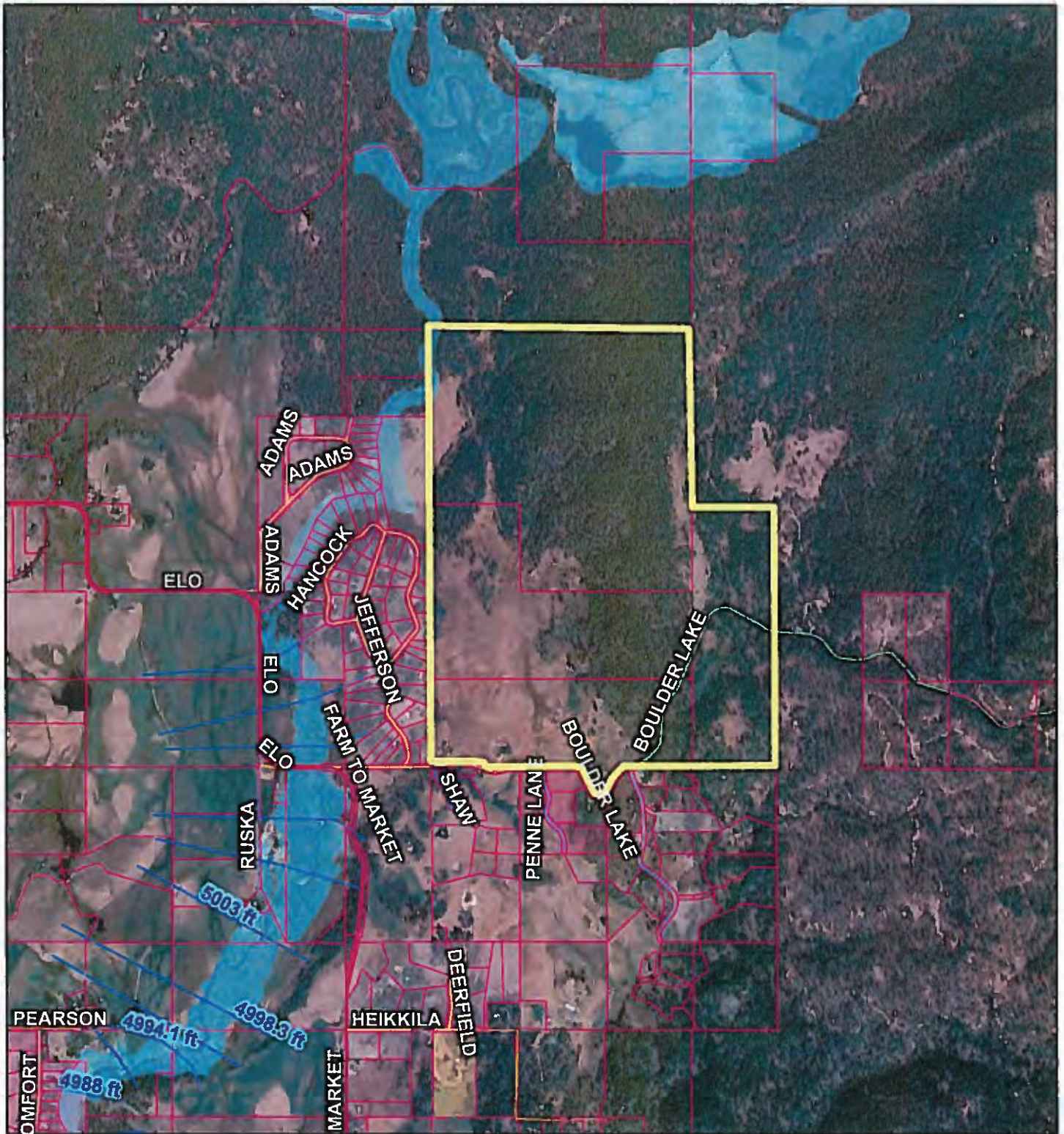
- Parcel Boundaries
- USFS
- Roads
- PRIVATE
- URBAN/RURAL



Maxar



# CUP 22-30 Floodplain



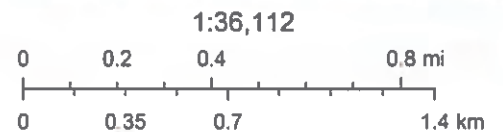
7/6/2022, 11:47:19 AM

## Floodplain

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

## Roads

- COLLECTOR
- URBAN/RURAL
- USFS
- PRIVATE
- Base Flood Elevation



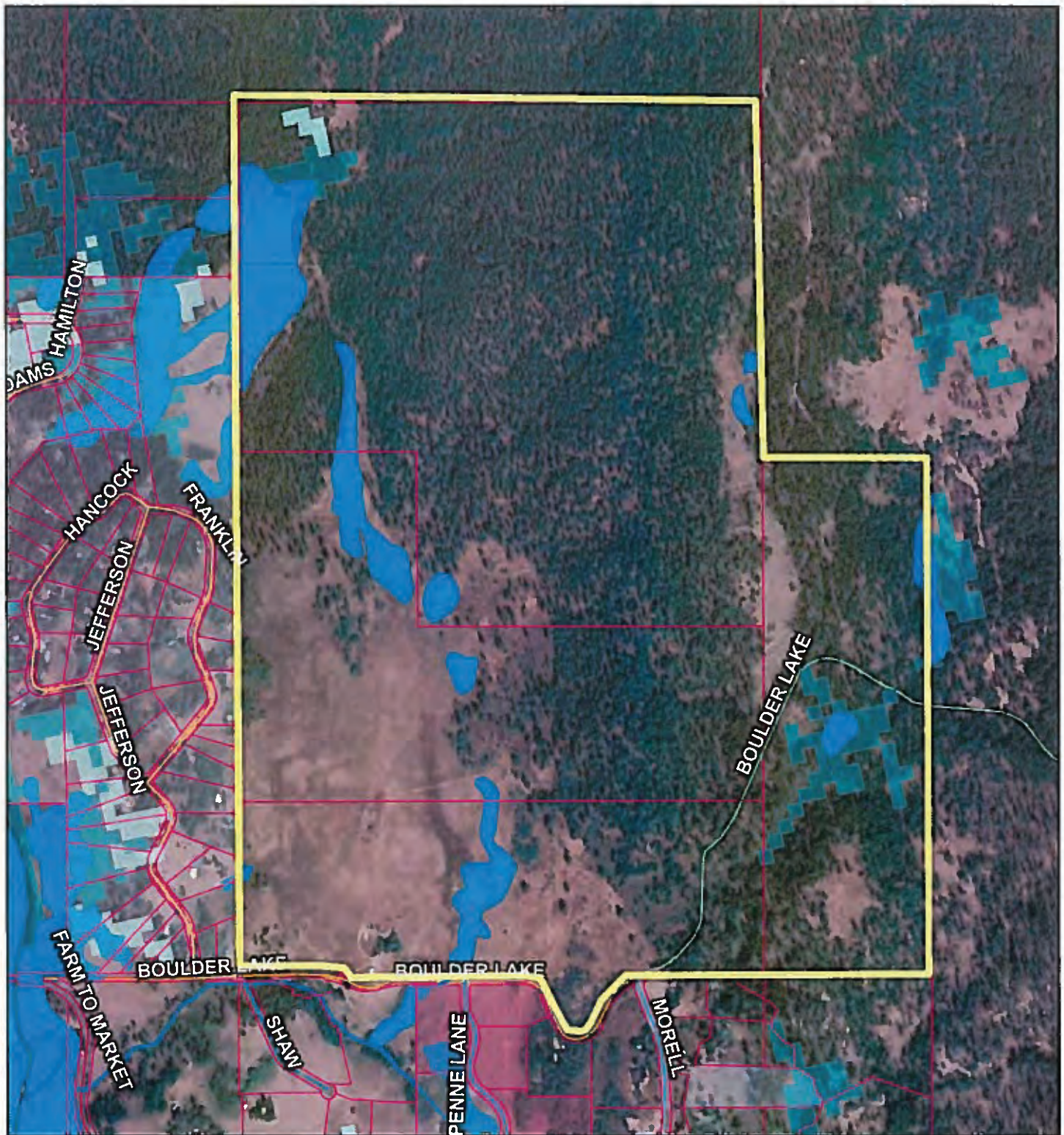
Valley County IT, Maxar

Web AppBuilder for ArcGIS

Maxar | Valley County IT | Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530 | United States Forest Service Natural Resource Manager (NRM) Infra

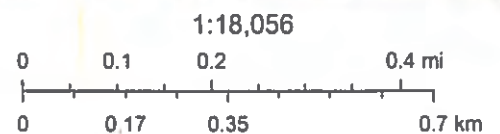


# CUP 22-30 Wetlands



7/6/2022, 11:44:35 AM

- |  |  |
|--|--|
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| <span style="background-color: blue; display: inline-block; width: 20px; height: 10px;"></span> Wetlands (USFWS)               | <span style="border-bottom: 2px solid red; width: 20px; display: inline-block;"></span> COLLECTOR      |
| Wetlands (NLCD)  | <span style="border-bottom: 2px solid yellow; width: 20px; display: inline-block;"></span> URBAN/RURAL |
| <span style="background-color: lightblue; display: inline-block; width: 20px; height: 10px;"></span> Emergent Herbac. Wetlands | <span style="border-bottom: 2px solid gray; width: 20px; display: inline-block;"></span> USFS          |
| <span style="background-color: darkblue; display: inline-block; width: 20px; height: 10px;"></span> Woody Wetlands             | <span style="border-bottom: 2px solid blue; width: 20px; display: inline-block;"></span> PRIVATE       |



Maxar

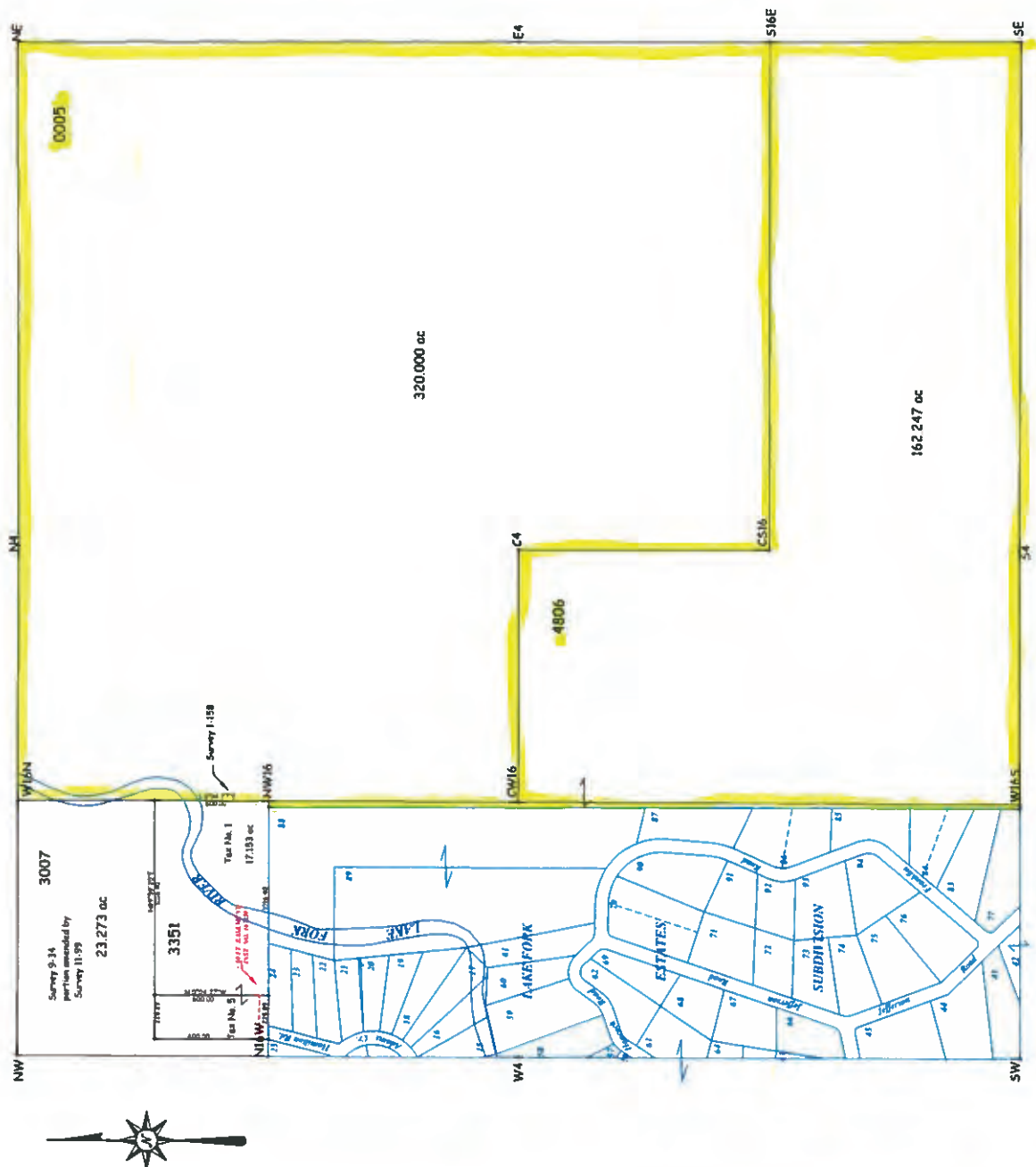
Web AppBuilder for ArcGIS

Maxar | Valley County IT | Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530. | United States Forest Service Natural Resource Manager (NRM) Infra

TWP. 18N R03E SEC. 24

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

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Drawn by: S Probst

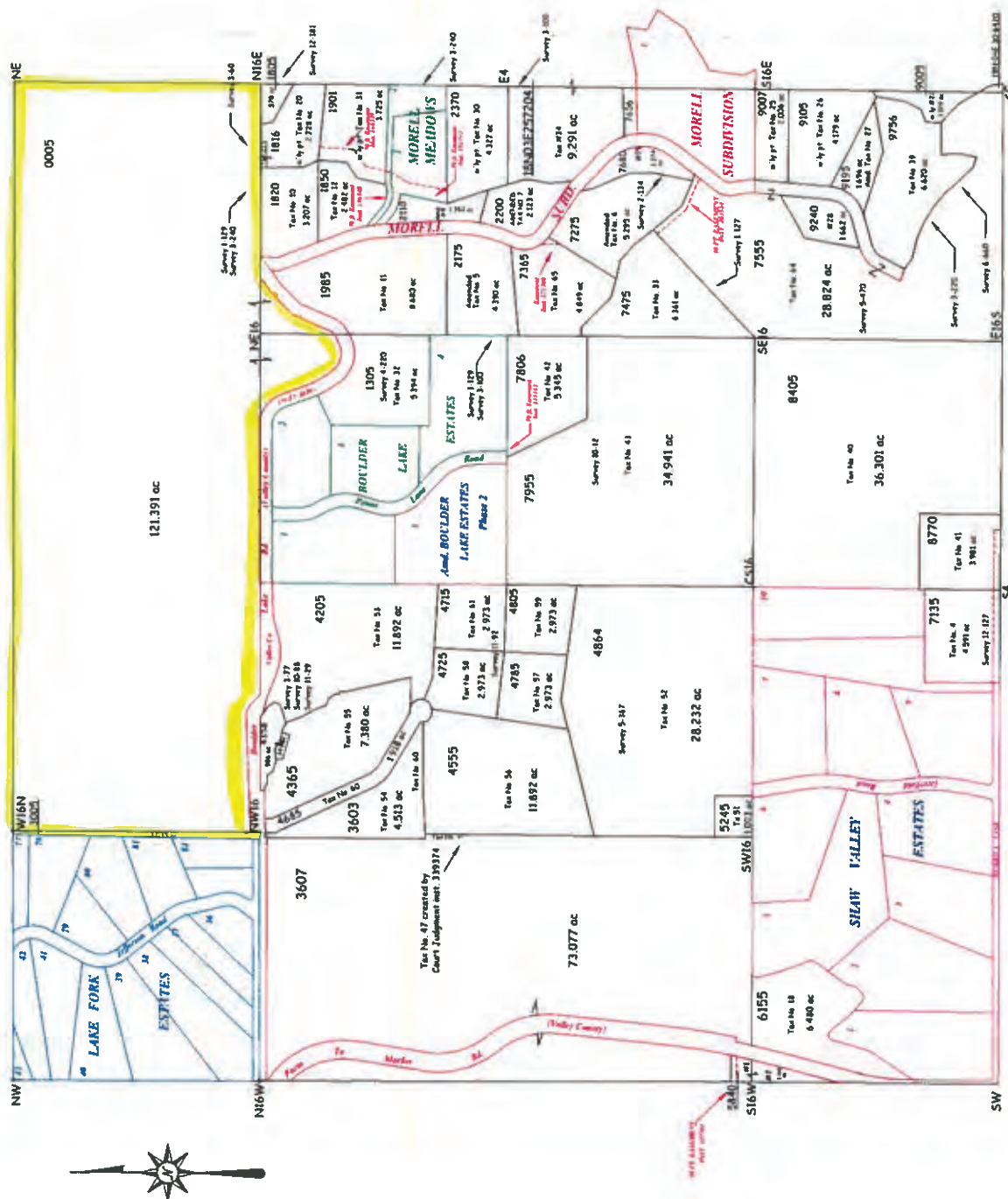




## T W P . 1 8 N R O 3 E S E C . 2 5

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

Filename: Valley County Base Map
Scale: 1" = 400 ft
Date: 3/2/2020
Drawn by: L Frederick

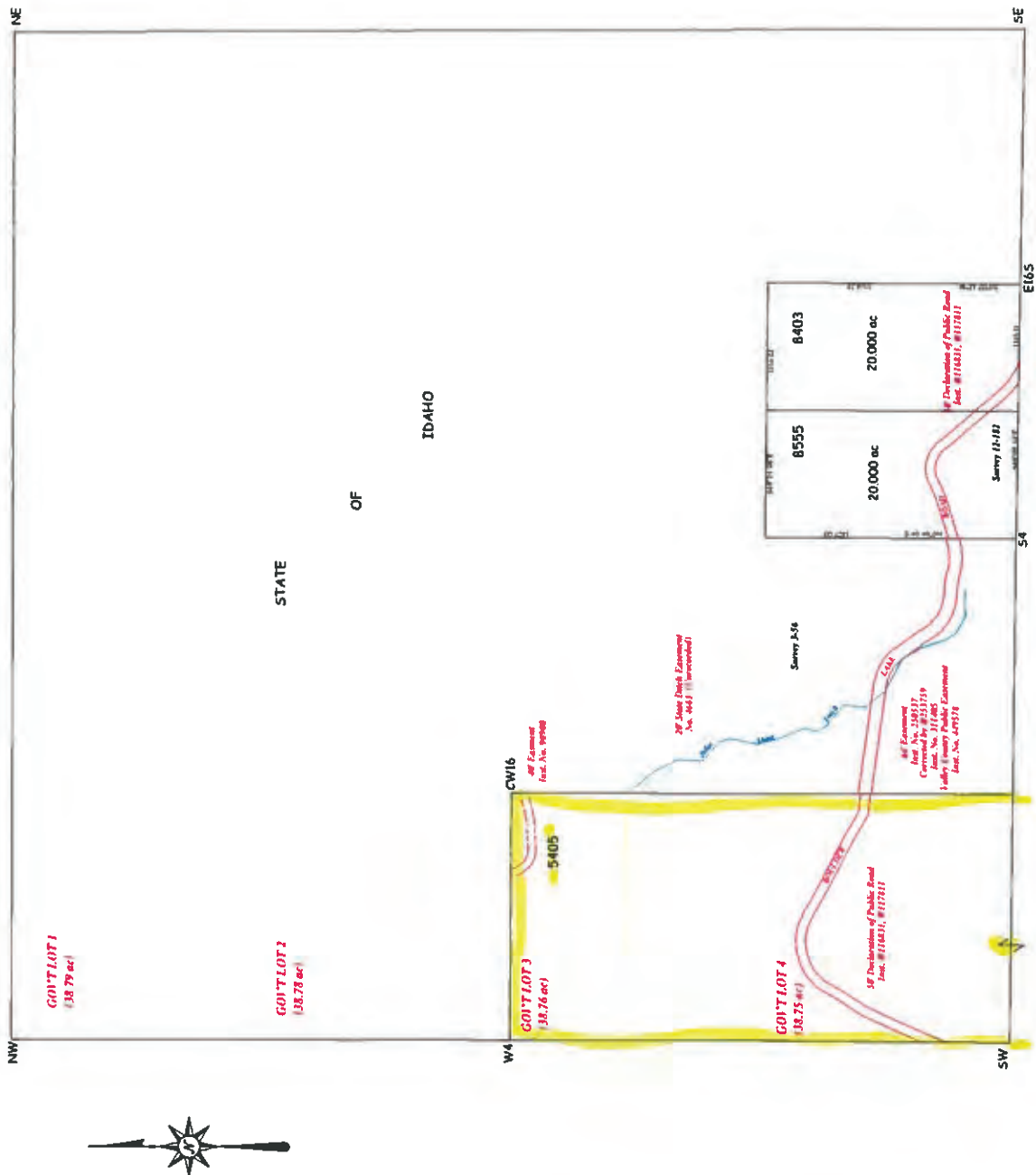


PLAT TITLE

T W P . 1 8 N R O 4 E S E C . 1 9

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

Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 4/22/2022  
Drawn by: L. Frederick

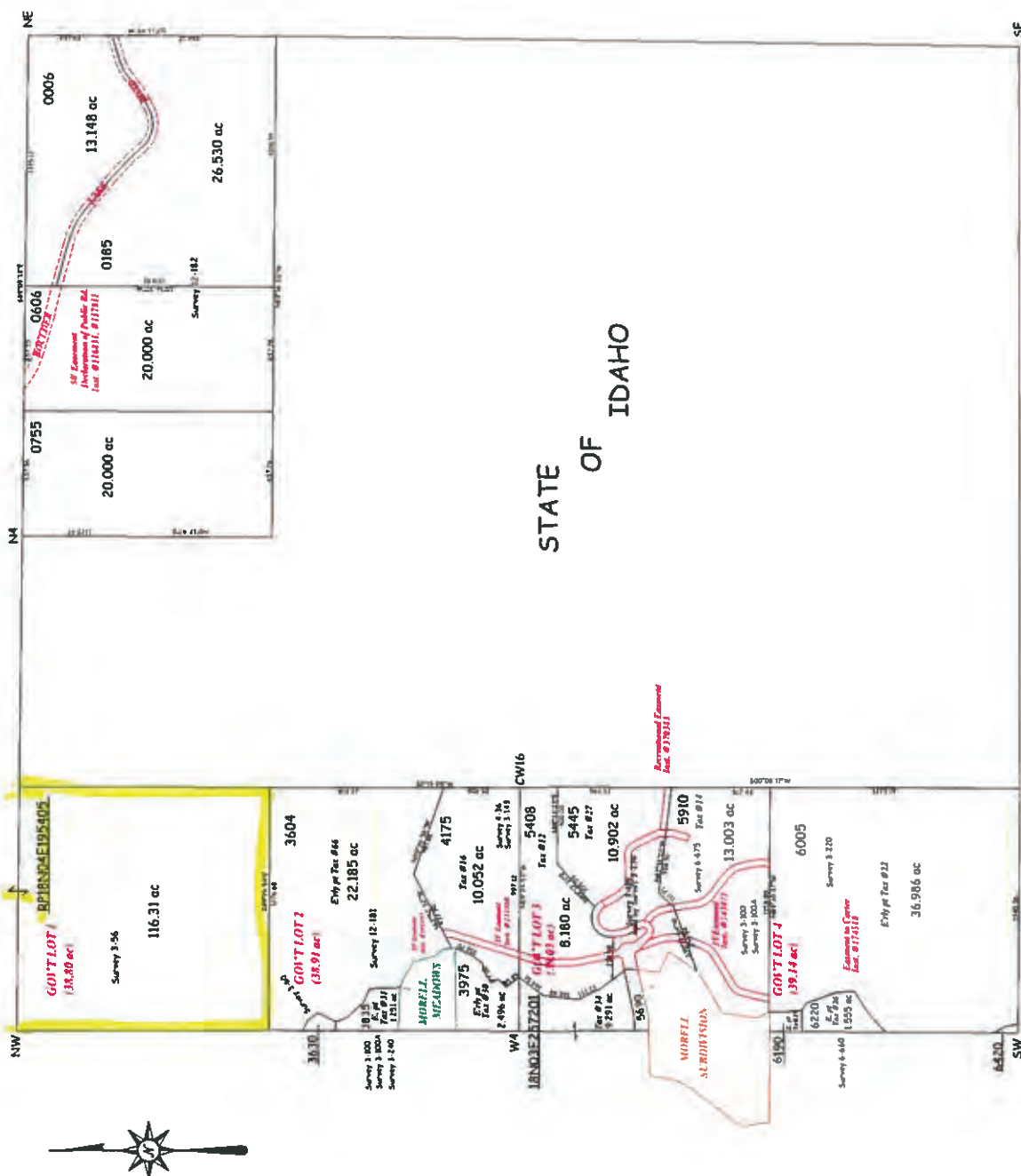


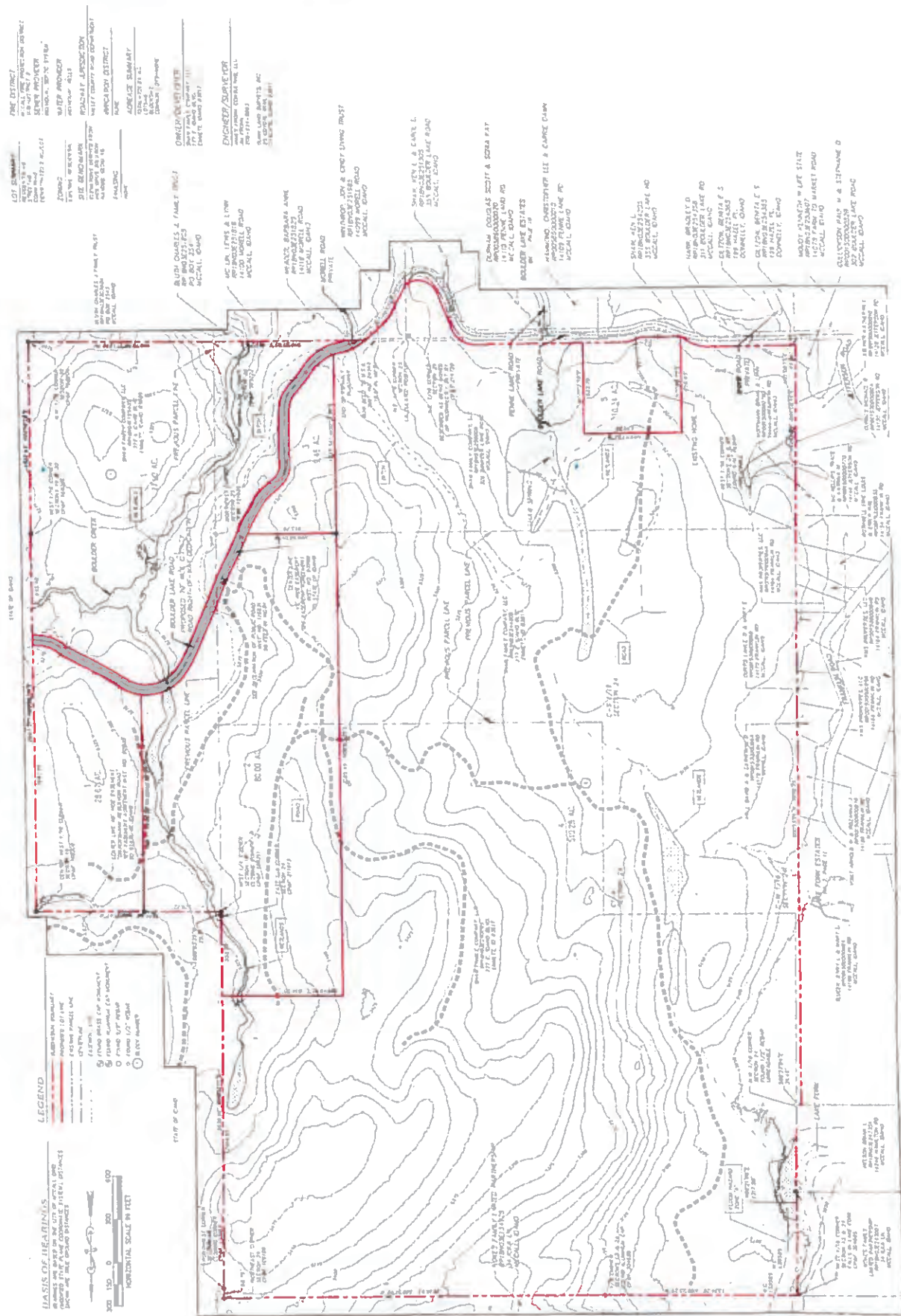
PLAT	TITLE
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2	2. The second part of the report is a description of the work done during the year.
3	3. The third part of the report is a description of the work done during the year.
4	4. The fourth part of the report is a description of the work done during the year.
5	5. The fifth part of the report is a description of the work done during the year.
6	6. The sixth part of the report is a description of the work done during the year.
7	7. The seventh part of the report is a description of the work done during the year.
8	8. The eighth part of the report is a description of the work done during the year.
9	9. The ninth part of the report is a description of the work done during the year.
10	10. The tenth part of the report is a description of the work done during the year.

T W P . 1 8 N R 0 4 E S E C . 3 0

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

Filename:	Valley County Base Map
Scale:	1" = 400 ft.
Date:	3/2/2020
Drawn by:	L. Frederick















Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

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

Conditional Use # CUP 22-30

Preliminary / Final / Short Plat Shaw Family Ranch Sub

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☒ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☒ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☒ high seasonal ground water ☐ waste flow characteristics  
☒ bedrock from original grade ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem.
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☒ 14. Application, Test holes, ground water monitoring & engineering report needed.

Reviewed By: [Signature]

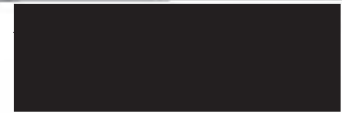
Date: 8/11/22



Valley County Road & Bridge

PO Box 672\* Cascade, Idaho 83611

Jeff McFadden  
Superintendent



C.U.P. 22-30

August 24, 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 22-30 is a preliminary plat submitted by Shaw Family Company LLC seeking approval of a 5 lot single-family subdivision on 721.8 acres. Proposed lot sizes range from 10 acres to 510 acres. Access would be from Boulder Lake Road.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include Elo Road and Boulder Lake 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 70' right-of-way to the public for property owned by the developer immediately adjacent to Boulder Lake Road. Prior to final plat, the developer agrees to provide an appraisal for the value of the ROW along with a legal description 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 Farm to Market 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



## **CUP 22-30 Shaw Family Ranch Subdivision**

**From:** Garrett de Jong <[REDACTED]>

**Sent:** Friday, August 26, 2022 10:27 AM

**To:** Cynda Herrick <[REDACTED]>

**Subject:** CUP 22-30 Shaw Family Ranch Subdivision

Hi Cynda,

I do not have any comments regarding the CUP 22-30 – Shaw Family Ranch Subdivision – Preliminary Plat application.

Thank you,

**Garrett de Jong**  
**Fire Chief**  
**McCall Fire & EMS**  
**201 Deinhard Lane**  
**McCall, ID 83638**  
**[REDACTED]**



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STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1445 N. Orchard Street, Boise ID 83705  
[REDACTED]

Brad Little, Governor  
Jess Byrne, Director

August 10, 2022

By e-mail: [REDACTED]

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

**Subject: September 8, 2022 Public Hearing**  
C.U.P. Pines by the Lake Subdivision; C.U.P. Saddle Rock Subdivision;  
C.U.P. Shaw Family Ranch Subdivision; C.U.P. Esplin Glamping & Short-Term Rentals;  
C.U.P. Barton Short-Term Rentals, Barton Shared Driveway

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).

For questions, contact David Luft, Air Quality Manager, at [REDACTED]

- For new development projects, 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]



- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline 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 ( )

#### 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 ( )
- 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 ( ) for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at ( )

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

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

For questions, contact Albert Crawshaw, 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.
- 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.

Response to Request for Comment  
August 10, 2022  
Page 5

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,

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

Aaron Scheff  
Regional Administrator

EDMS#: 2022AEK