

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. 23-11 South Ranch Subdivision - Preliminary and Final Plat
HEARING DATE:	April 20, 2023
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Tommy Ahlquist, AB West Mountain Holdings LLC 2275 West Navigator DR, STE 220 Meridian, ID 83642
REPRESENTATIVE	Jim Fronk PO Box 576, McCall, ID 83638
SURVEYOR:	Dunn Land Surveys INC 25 Coyote TR, Cascade, ID 83611
LOCATION:	A portion of parcel RP17N02E120635 located in Section 12, T.17N, R.2E, Boise Meridian, Valley County, Idaho
SIZE:	26 acres
REQUEST:	2-lot Single-Family Residential Subdivision
EXISTING LAND USE:	Agriculture (Grazing)

Tommy Ahlquist is requesting a conditional use permit for a two-lot single-family residential subdivision. Proposed lot sizes are 9.5 to 10.6 acres. The site is located between West Mountain Road and the North Fork of the Payette River.

Individual septic systems and individual wells would be used. There is an irrigation easement shown on the preliminary plat.

The lots would be accessed from a new private road built to Valley County standards onto West Mountain Road, a public road. Right-of-Way for West Mountain Road would be dedicated to Valley County.

A Wildland Urban Interface Fire Protection Plan has been submitted.

The Valley County GIS layers shows wetlands on this site. James Fronk Consulting LLC conducted a site wetland delineation in 2022 and found no jurisdictional wetlands.

FINDINGS:

1. The application was submitted on February 28, 2023.

2. Legal notice was posted in the *Star News* on March 30, 2023, and April 6, 2023. Potentially affected agencies were notified on March 14, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on March 21, 2023. The notice and application were posted online at www.co.valley.id.us on March 14, 2023. The site was posted on April 6, 2023.

3. Agency comment received:

Central District Health states that an application was received for a 7-lot subdivision on 60 acres. Test holes have been dug, waiting for engineering and ground water data. (March 14, 2023)

Sgt. Kelly Copperi, Valley County Communications Supervisor, does not like using a directional as part of the main road name as this causes issues for dispatch. (March 15, 2023)

Jess Ellis, Donnelly Fire Marshal, listed requirements. (March 20, 2023)

Jeff McFadden, Valley County Road Superintendent, recommends dedication of 35-ft of road right-of-way immediately adjacent to West Mountain Road. He recommends mitigation of impacts to West Valley Road, Wisdom Road, and West Mountain Road by negotiating with the developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developer's 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. (April 6, 2023)

4. Public comment received:

John Simpson, Marten Law, responded on behalf of The maria Escosa Revocable Trust. The Trust, Marietta and Charles Thompson, and AB West executed a water delivery agreement (attached) to ensure the historical deliveries to the water users relying upon the ditch are assured that the integrity of the ditch will remain intact, maintenance obligations are recognized, and water deliveries will continue. This agreement should be a condition of approval. (April 12, 2023)

5. Physical characteristics of the site: Varied topography and predominantly open ground.

6. The surrounding land use and zoning includes:

North: Agricultural (Grazing) and Associated Buildings
South: Agricultural (Grazing)
East: Agricultural (Grazing)
West: Agricultural (Grazing and 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.

Review of Title 9 - Chapter 5 Conditional Uses, Title 10, and Title 11 should be done

TITLE 9 LAND USE AND DEVELOPMENT

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.

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".
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance.

9-5A-5: FENCING:

- F. **Conditional Use Adjoins Agricultural Uses:** Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

9-5A-6: UTILITIES:

- A. **Direct Access Required:** All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- B. **Central Water Supply And Sewage Systems:** Central water supply and sewage systems serving three (3) or more separate users shall meet the requirements of design, operation, and maintenance for central water and sewage systems in the subdivision ordinance.
- 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.

9-5B-4: EMISSIONS:

- B. **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.

TITLE 10 SUBDIVISION REGULATIONS

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.

- 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.

CHAPTER 7 WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

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.
-

SUMMARY:

Staff's compatibility rating is a +22.

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

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District. It is not within an irrigation district nor a herd district.
2. A Private Road Declaration is required.
3. A Declaration of Utilities is required.
4. Note 7 should be changed to include approval from Valley County through a platting process.
5. The preliminary plat Note 10 refers to CCRs; the application states no CCRs.
6. Staff is unclear as to whether the applicant is requesting final plat approval. If so, then three 18 x 24" copies of a final plat with Certificate of Owners, Signature Page, and closures are required. This plat must be reviewed by the Valley County Cartographer and Valley County Surveyor prior to scheduling a final plat approval with the Board of County Commissioners.
7. Staff recommends that this be reviewed as a preliminary plat and that the final plat should not be approved prior to construction of the road and placement of utilities.

ATTACHMENTS:

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

- Aerial Map
- Floodplain Map
- Wetland Map
- Assessor Plat – T.17N R.2E Section 12
- Proposed Plat
- Picture Taken April 6, 2023
- Responses
- Septic System Handout

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 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.
4. The final plat shall be recorded within two years, or this permit will be null and void.
5. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
6. 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.
7. 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.
8. A letter of approval is required from Donnelly Fire District.
9. All easements shall be shown on the final plat.
10. The Wildland Urban Interface Fire Protection Plan must be recorded with the final plat.
11. A Private Road Declaration must be recorded with the final plat.
12. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat. If agreed to by the P&Z Commission, the note on face of plat should state "Utilities are the responsibility of the property owner at the time of construction."
13. Shall place addressing numbers at the residence(s) and at the driveway entrance if the house numbers are not visible from the road.
14. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
15. Must dedicate 35-ft of road right-of-way to the public from property owned by the developer immediately adjacent to West Mountain Road.
16. Existing water delivery systems (ditches) shall remain in place, unless otherwise agreed to by signers of the Water Rights Implementation Agreement of September 10, 2021.

(Recommend that the water rights agreement be recorded.)

17. 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.
18. 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 wood burning device is allowed on each lot."
 - "Surrounding land uses are subject to change."
 - "No Building Allowed in the Designated Floodplain."

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 <u>lots and/or</u> structures similar to adjacent ones? |
| (+2/-2) | _____ | X | 2 | _____ | 6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads? |
| (+2/-2) | _____ | X | 2 | _____ | 7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses? |
| (+2/-2) | _____ | X | 2 | _____ | 8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas? |
| (+2/-2) | _____ | X | 2 | _____ | 9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property? |

Sub-Total (+) _____

Sub-Total (-) _____

Total Score _____

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

9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
 - Plus 2 - assigned for full compatibility (adjacency encouraged).
 - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
 - 0 - assigned if not applicable or neutral.
 - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
 - Minus 2 - assigned for no compatibility (adjacency not acceptable).
2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
 - x4 - Indicates major relative importance.
 - x3 - Indicates above average relative importance.
 - x2 - Indicates below average relative importance.
 - x1 - Indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

E. Terms:

DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and

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

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

F. Questions 4 Through 9:

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

APPENDIX A

MATRIX FOR RATING

QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
RESIDENTIAL USES	1. AGRICULTURAL	+2	-1	-2	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+1
	2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	-1	+1	+1	-2	-2
	3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
	4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	-1	+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	-2	-2
	6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	-1	+1	+1	-2	-2
	7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	-1	+1	+1	-2	-2
CIVIC or COMMUNITY SERVICE USES	8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
	9. FRAT or GOV'T	+1	+1	+1	+1	+1	+1	+1	+1	+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
	10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
	11. PUBLIC REC.	+1	+2	+2	+2	+2	+2	-1	-1	-1	+1	+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
	12. CEMETERY	+2	+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	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
COMMERCIAL USES	14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+1		+1	+1	+2	+1	+2	+2	-1	+1
	15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1	+1	-2	-2	-1	-2	-2	+2	-1	+1
	16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
	17. RESIDENCE BUS.	+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	+2	+2	+2	+2	+2	+1		+2	+2		+1	+1
	19. AREA BUS.	-2	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2
INDUST. USES	20. REC. BUS.	-2	+2	+2	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
	21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2	+2		+1	+1
	22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	-1	-1	-1	-1	-2	-1	-2	-2	+1	+2
	23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-2	-1	-2	-1	+1	+2

RATE THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use:

#3 Single Family
Subdivision

Prepared by:

CH

YES/NO X Response Value

Use Matrix Values:

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

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

Agriculture

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

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

S.F. Residential

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

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

Mostly 1 and 2 w/ a gravel pit

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?

The property is large enough, but has no trees to screen.

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

5. 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 - S.F. residential

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

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

Yes - no emissions (noise?)

(+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?

Yes

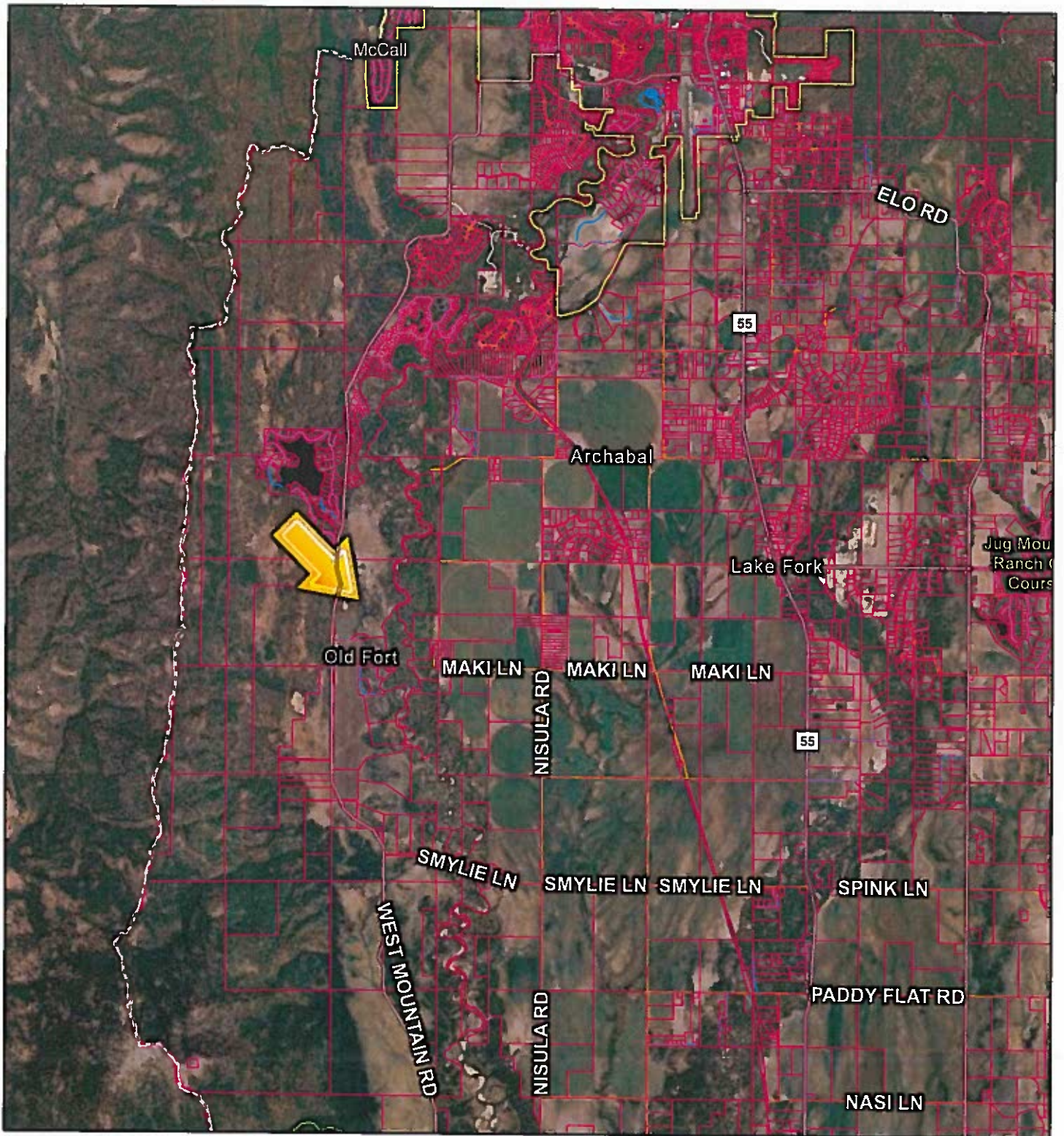
Sub-Total (+) 26

Sub-Total (-) 4

Total Score +22

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

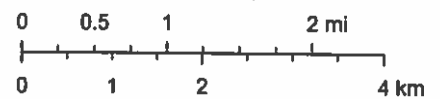
C.U.P. 23-11 Vicinity Map



March 3, 2023

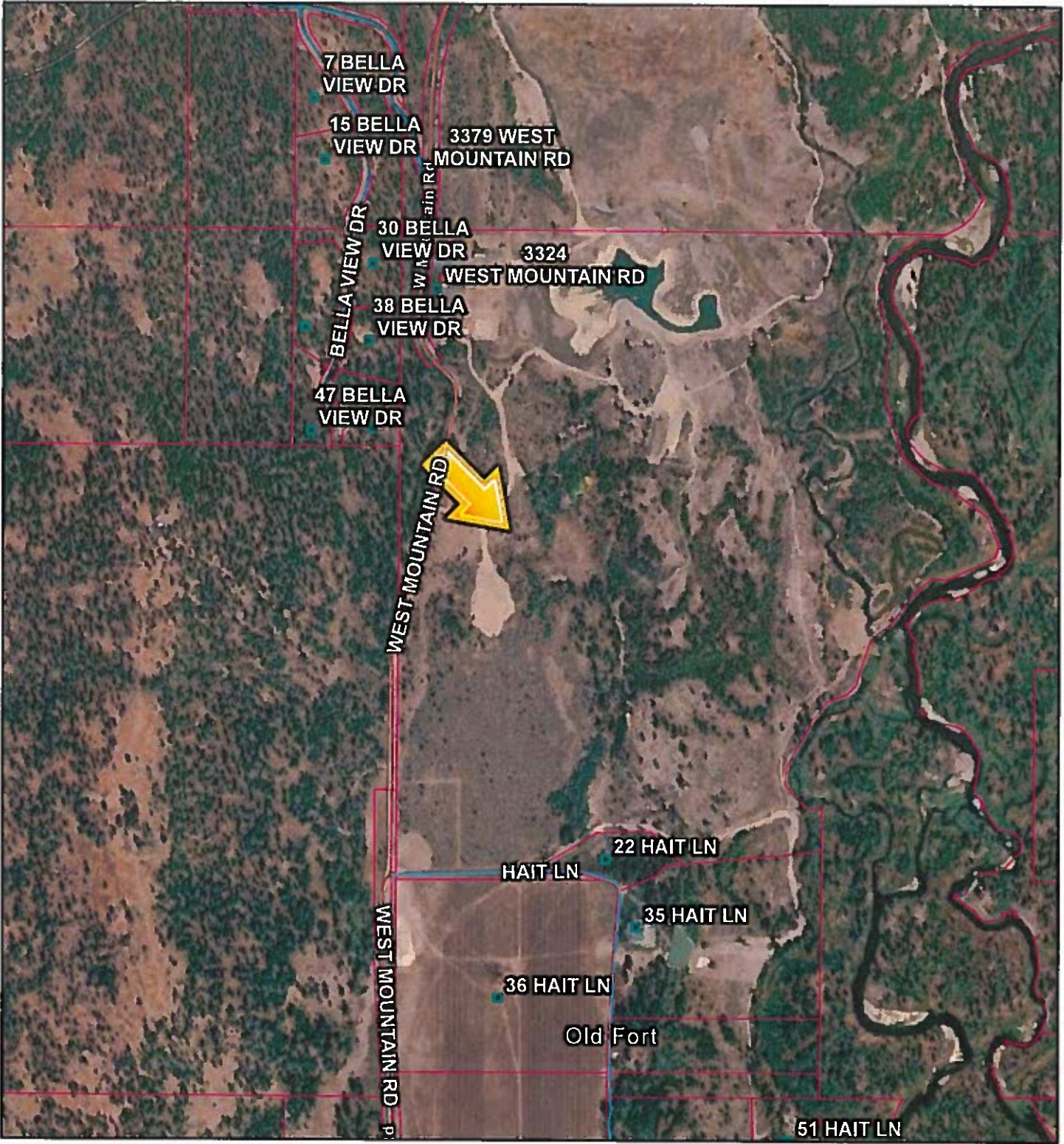
- Municipalities
- Parcel Boundaries
- PRIVATE
- OTHER
- Roads**
- MAJOR
- COLLECTOR
- URBAN/RURAL
- USFS

1:117,565



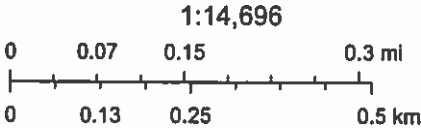
Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Earthstar Geographics

C.U.P. 23-11 Aerial Map



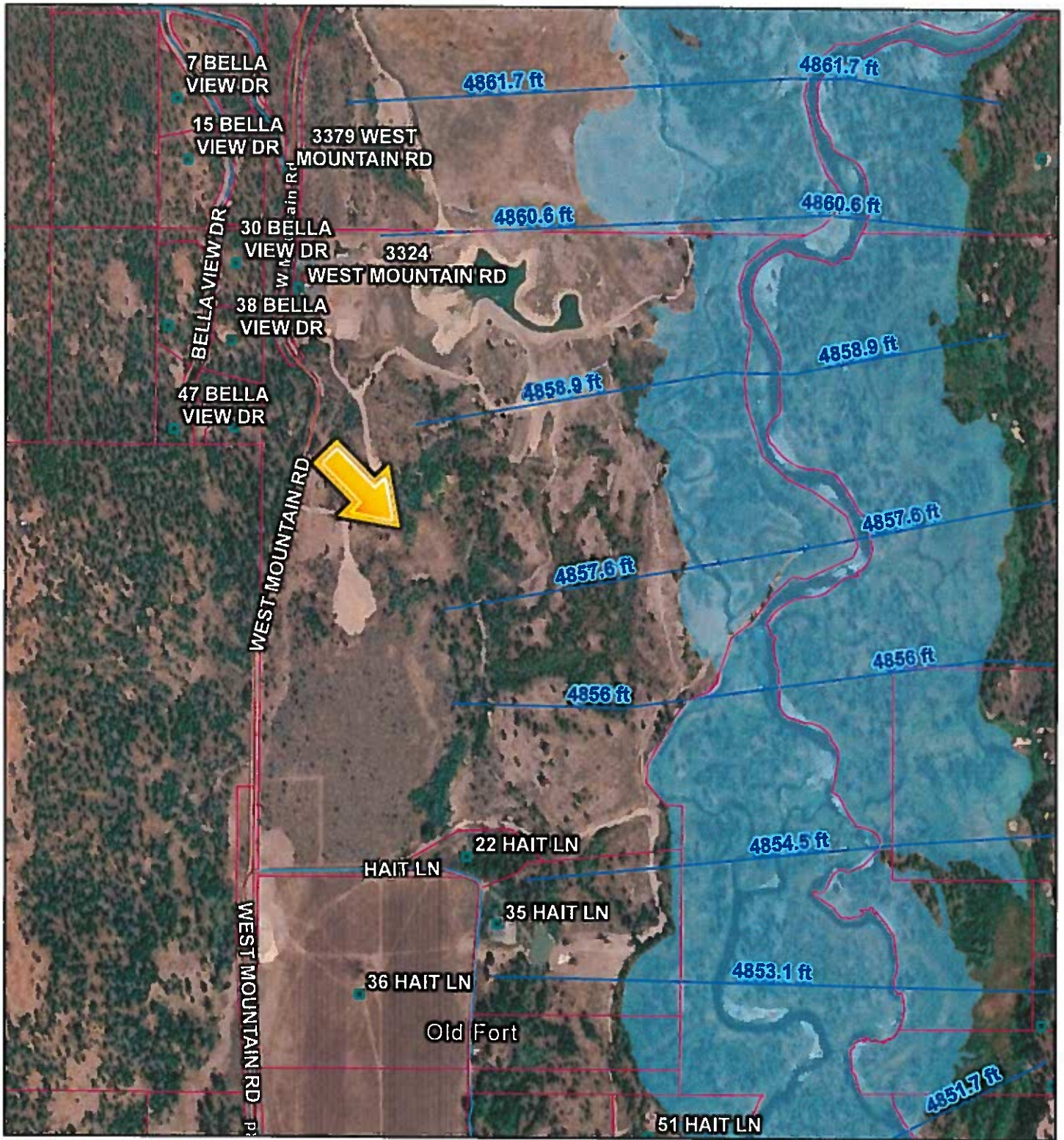
March 3, 2023

- Address Points
- Parcel Boundaries
- Roads
 - COLLECTOR
 - PRIVATE
- World Imagery



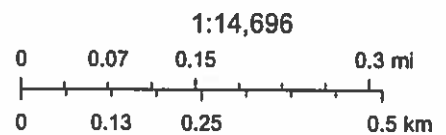
Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Maxar

C.U.P 23-11 Floodplain



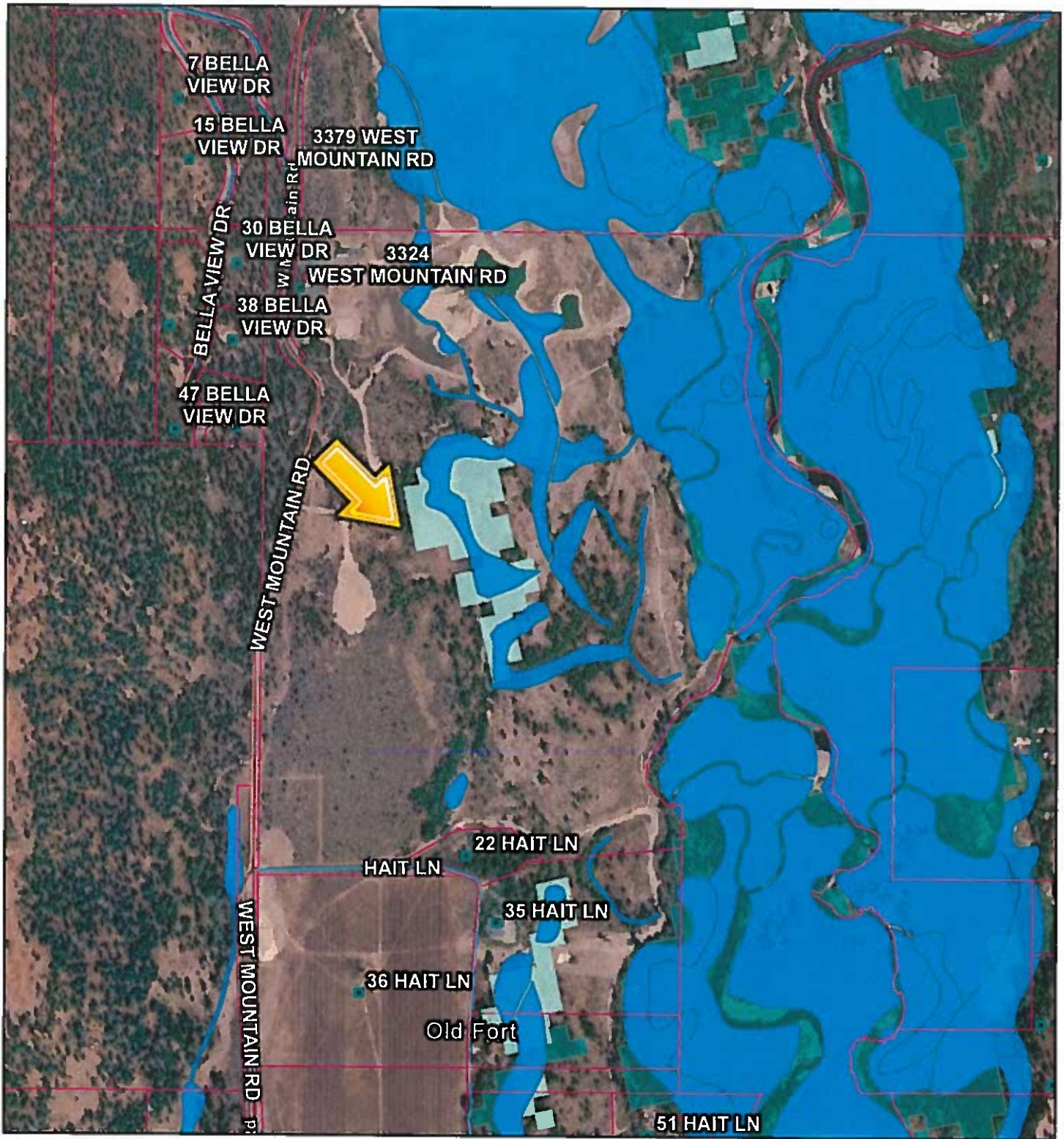
March 3, 2023

- | | |
|--|--|
| <ul style="list-style-type: none"> Address Points Parcel Boundaries Roads <ul style="list-style-type: none"> COLLECTOR PRIVATE Base Flood Elevation | <ul style="list-style-type: none"> Floodplain <ul style="list-style-type: none"> 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) |
|--|--|



Valley County IT, Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Maxar

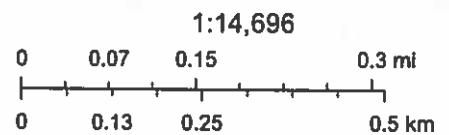
C.U.P. 23-11 Wetlands



March 3, 2023

- Address Points
- Parcel Boundaries
- Wetlands (USFWS)
- Wetlands (NLCD)
 - Emergent Herbaceous Wetlands
 - Woody Wetlands
 - <all other values>

- Roads
- COLLECTOR
- PRIVATE

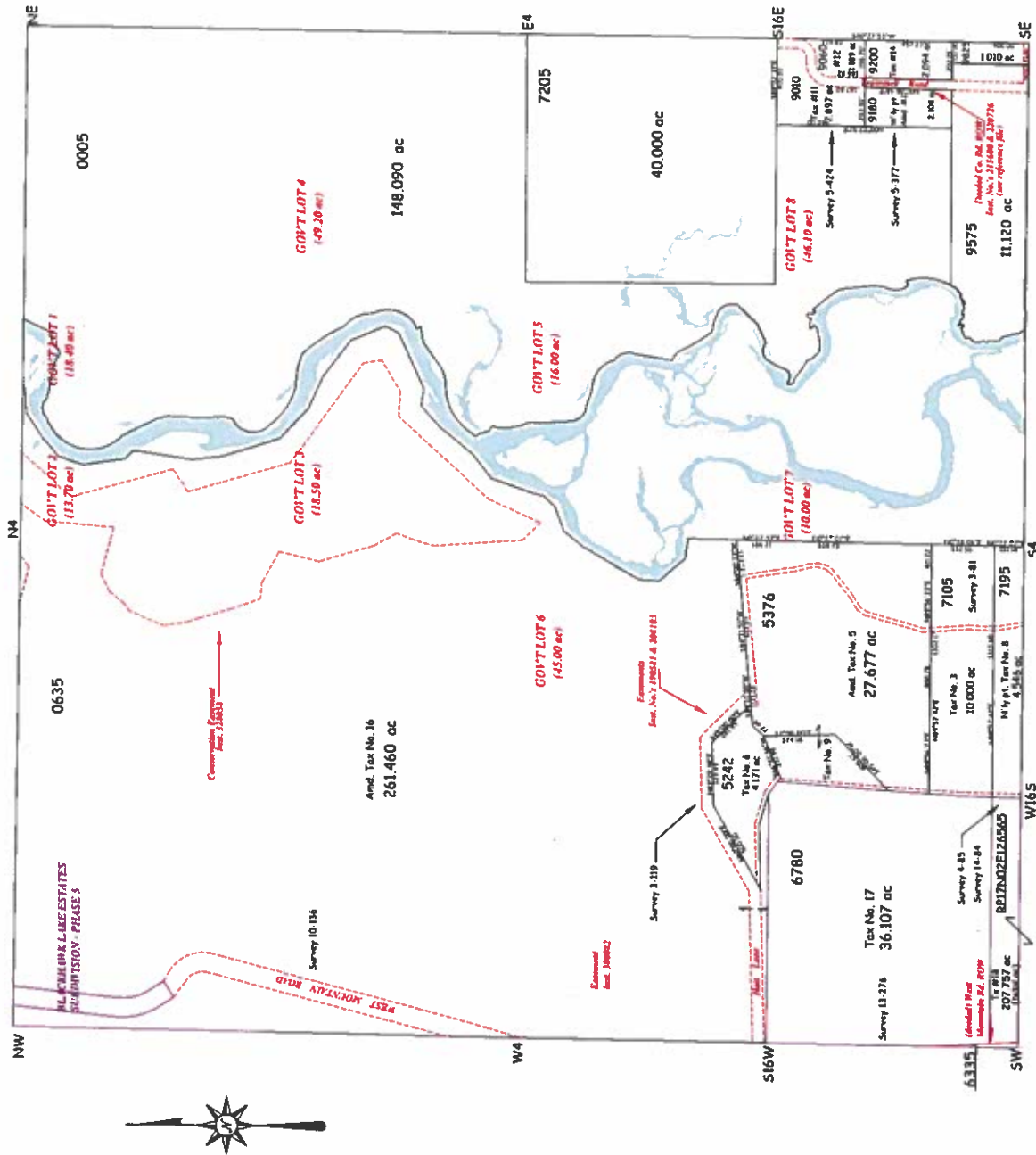


Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Maxar

TWP. 17N RONE SEC. 12

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

Filename: Valley County Base Map
Scale: ~~1"=100 ft.~~
Date: 4/4/2022
Drawn by: L. Frederick



This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Compared Hereto.





Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____
Conditional Use # CUP 23-11
Preliminary / Final / Short Plat South 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 received for a 7 lot subdivision on 60 acres.
Test holes dug. Waiting engineering & ground water data

Reviewed By: [Signature]

Date: 3/14/23

Proposed Road Name - South Ranch Road

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

Wed 3/15/2023 6:56 AM

To:

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

I really do not like directionals as parts of the main road name. It causes an issue for us when we are entering calls.

Sgt. Kelly Copperi
Valley County Sheriff's Office
Communications Supervisor
Office: 208-382-5160
Cell: [REDACTED]



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

Sent: Tuesday, March 14, 2023 16:28

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

Subject: Proposed Road Name - South Ranch Road

We have received a proposed name for a private road - South Ranch Road.
Map is attached.

Any issues?

Lori Hunter
Valley County Planning & Zoning Assistant Planner
208-382-7115
219 N. Main Street • P.O. Box 1350
Cascade, ID 83611

Service **T**ransparent **A**ccountable **R**esponsive



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 20, 2023

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

RE: C.U.P. 23-11 South Ranch Subdivision Preliminary & Final Plat

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

- All fire apparatus access roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**
- **Section 503.2.1 IFC 2018** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches
- **Section D103.4 IFC 2018** Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turn around provisions in accordance with table D103.4
- **Section 503.7 IFC 2018** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width may require turnouts in addition to turnarounds
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter the address needs to be visible and legible from the road on which the address is located

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal
Donnelly Fire Department



Valley County Road & Bridge

PO Box 672* Cascade, Idaho 83611

Jeff McFadden
Superintendent

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

C.U.P. 23-11

April 6, 2023

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 23-11 is a preliminary and final plat submitted by Tommy Ahlquist seeking approval of a 2 lot single-family subdivision on 26 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include West Valley Road, Wisdom Road and West Mountain 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 Mountain 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 2023 Capital Improvement Program cost comparisons for the North West Mountain 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



MARTEN LAW

April 12, 2023

Via E-Mail and First-Class Mail

Cynda Herrick, AICP, CFM
Planning and Zoning Director
P.O. Box 1350
Cascade, ID 83611
cherrick@co.valley.id.us

RE: *AB West Mountain Holdings LLC, C.U.P. 23-11*
South Ranch Subdivision, Preliminary & Final Plat

Dear Cynda,

On behalf of our client The Maria Escosa Revocable Trust, please accept the following comment in response to the Valley County Planning and Zoning Commission's request for same concerning AB West Mountain Holdings LLC (AB West) Conditional Use Permit 23-11, for a two-lot single-family residential subdivision located in Section 12, T. 17N, R2E, Boise Meridian, Valley County, Idaho.

On or about September 10, 2021, The Maria Escosa Revocable Trust (Escosa), Marietta and Charles Thompson (Thompson) and AB West executed a water delivery agreement (Agreement enclosed). The intent of this agreement is to ensure that the historical deliveries to the water users relying upon the ditch are assured that the integrity of the ditch will remain intact, maintenance obligations are recognized and water deliveries will continue. Escosa's comments to the conditional use permit application by AB West would be to ensure that this water delivery agreement is abided by, and that AB West would give assurances that any changes in the land use would ensure future deliveries remain consistent. Further, any conditional use permit should include a condition that assures that existing water delivery systems (ditches) remain in place, unless otherwise agreed to by all parties. Such condition is consistent with Idaho Code, specifically Idaho Code Title 42, Chapter 12.

Thank you for the opportunity to provide these comments. Please contact me should you wish to discuss further or have any questions.

///

Cynda Herrick, AICP, CFM
Planning and Zoning Director
April 12, 2023
Page 2

Sincerely,



John Simpson
Attorney at Law

Direct: [REDACTED]
E-mail: [REDACTED]

Enclosure

cc: J. Lynch
M. Escosa

WATER RIGHTS IMPLEMENTATION AGREEMENT

This WATER RIGHTS IMPLEMENTATION AGREEMENT ("Agreement") is entered into as of the date of last signature below ("Effective Date") by and among AB West Mountain Holdings LLC ("AB West"), Maria Escosa Emmerson as trustee for the Maria Pilar Escosa Revocable Trust ("Trust"), and Charles and Marietta Thompson (the "Thompsons") (collectively, the "Parties" and individually a "Party").

RECITALS

A. The Parties each possess irrigation water rights in the area known as Hait Lane, near McCall Idaho. Specifically, AB West possesses Water Right No. 65-23928 (further described in Exhibit A attached hereto), the Trust possesses Water Right No. 65-7653F (further described in Exhibit B attached hereto), and the Thompsons possess Water Right No. 65-7653D (further described in Exhibit C attached hereto) (collectively the "Water Rights").

B. The Water Rights share a common priority date of August 24, 1976, and a common point of diversion on the North Fork Payette River, Idaho. The total diversion rate of the Water Rights is 2.39 cfs, with 1.87 cfs to AB West under 65-23928, 0.29 cfs to Trust under 65-7653F, and 0.23 cfs to Thompsons under 65-7653D.

C. Subject to the priority of senior water rights, the Water Rights provide that each Party will have access to available irrigation water from June 1 to October 1 of each year (the "Irrigation Season").

D. Water associated with the Water Right flows from the common points of diversion on the North Fork of the Payette River across AB West's property, to the Trust's property, and then to the Thompsons' property.

E. Given the common priority date and common points of diversion of the Water Rights, each Party possesses an obligation to convey available water during the Irrigation Season to their downstream neighbor, and not unreasonably interfere with water flows or water quality during the Irrigation Season.

NOW, THEREFORE, in consideration of the foregoing facts and the mutual representations, warranties, covenants and agreements set forth herein, the parties agree as follows:

1. Lateral Ditch Water Users. By entering into this Agreement, the Parties acknowledge the existence of Idaho Code §§ 42-1301 *et. seq.* governing the creation of Lateral Ditch Water User Associations, and agree to instead operate pursuant to this Agreement in lieu of forming such an Association.

2. Irrigation Season. The Irrigation Season as established in the Water Rights is June 1 to October 1 of each year. Provided, however, that the availability of water under the Water Rights shall be subject to the priority of senior water rights.

3. Irrigation System. Each Party will maintain ditches, conveyances, and other irrigation system facilities located on their respective properties in good and working order so as to not unreasonably interfere with the flow or quality of irrigation water across their respective properties.

4. Irrigation Water Flow. Each Party will convey available irrigation water across their respective property to their downstream neighbor during the Irrigation Season consistent with Parties' respective Water Rights. In the event that a Party interrupts the flow of irrigation water to their downstream neighbor during the Irrigation Season, or unreasonably degrades the quality of irrigation water, the Party causing the interruption or water quality degradation will promptly notify the affected Parties, and implement reasonable mitigation measures within 48 hours of such an event.

5. Improvements and Maintenance of Irrigation System. Each Party will be responsible for maintaining in good and working order irrigation ditches and conveyance structures on their respective properties. In the event improvement or maintenance of the irrigation system becomes necessary at the points of diversion, or in other areas upstream of a Parties' property, the Parties will meet and confer, and mutually agree on the scope and type of necessary improvements or maintenance. Thereafter, the Parties will mutually agree on cost sharing for such improvements or maintenance in proportion to their respective Water Rights conveyed through the improvements: 78.2% to AB West, 12.15% to Trust, and 9.65% to Thompsons.

6. Water Master Communications. Before February 2022, the Parties will designate a representative ("Representative") to coordinate with the Water Master prior to the 2022 Irrigation Season in order to implement the terms of this Agreement.

7. Annual Storage Water Rental Payment. The Parties may mutually agree to acquire storage water to serve the irrigation system. Upon such an agreement, prior to March 2022, and thereafter during the term of the Agreement, the Representative will coordinate with the Water Master and arrange for payment of the required annual storage water rental payment. The Parties agree to then reimburse the Representative for their proportionate share of the payment due as defined in Section 5 of this Agreement by the beginning of the Irrigation Season.

8. Irrigation System Stream Gauging. Prior to June 1, 2022, and thereafter during the term of this Agreement, the Parties will install and operate an Irrigation System stream gauge to monitor irrigation flows in the Irrigation System. The purpose of this gauge is to provide accurate streamflow data in the Irrigation System so that each Party can verify that its respective Water Rights are realized. The Parties will mutually agree on the location, type, and cost sharing for ongoing stream gauge operations. Information from this stream gauge shall be made available to all Parties.

9. Dispute Resolution. The Parties will attempt in good faith to resolve any dispute arising out of or relating to this Agreement promptly by negotiations between the parties who have authority to settle the controversy. If the matter has not been resolved within thirty (30) days of notification by one party to the other of the existence of such a controversy or claim, or if either party will not meet within thirty (30) days of such notification by one party to the other, the

Execution Version

disputing Party will notify the Department of Water Resources pursuant to Idaho Code § 42-1308(1). Consequently, the controversy shall be settled in accordance with the Lateral Ditch Water Users Association statute, including by way of appointment of a Lateral Manager by the Director of the Department of Water Resources. Said Lateral Manager will then exercise all duties pursuant to Idaho Code § 42-1308(2).

10. Governing Law. This Agreement shall be deemed to have been entered into in the State of Idaho, and all questions concerning the execution, delivery, validity, interpretation or performance of any of its terms, or of any rights or obligations of the party hereto, shall be governed by and resolved in accordance with the internal laws of the State of Idaho.

11. Remedies Cumulative. None of the rights, powers or remedies conferred upon the parties hereto shall be mutually exclusive, and each such right, power or remedy shall be cumulative and in addition to every other right, power or remedy, whether conferred hereby or hereafter available at law, in equity, by statute or otherwise.

12. No Implied Waiver. No course of dealing between the parties hereto and no failure or delay in exercising any such right, power or remedy conferred hereby or now or hereafter existing at law, in equity, by statute or otherwise shall operate as a waiver of, or otherwise prejudice, any such right, power or remedy. No waiver by either party hereto of any breach of this Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.

13. Notices. Any notice required under this Agreement shall be in writing and shall be emailed and delivered personally or mailed, certified or registered United States mail, postage prepaid, return receipt requested, or sent by Federal Express or other reliable overnight carrier for next business day delivery, or by fax. Notices shall be addressed to the party to whom such notice is to be given at the party's address set forth below or as such party shall otherwise direct by notice sent pursuant to this Section:

If to

AB West:

AB West Mountain Holdings LLC
2775 W. Navigator Drive, Suite 220
Meridian, Idaho 83642
Attn: J. Thomas Ahlquist
Telephone: [REDACTED]
Email: [REDACTED]

If to the

Trust:

Maria Escosa Emmerson as trustee for
the Maria Pilar Escosa Revocable Trust
Address: 19794 Riverside Ave, Anderson, CA 96007
Attn: Jim Lynch
Telephone: [REDACTED]
Email: [REDACTED]

Execution Version

If to the

Thompsons:

Mr. and Mrs. Thompson

Address:

Telephone:

Email:

13. Severability. Should any one or more of the provisions of this Agreement or of any agreement entered into pursuant to this Agreement be determined to be illegal or unenforceable, all other provisions of this Agreement and of each other agreement entered into pursuant to this Agreement shall be given effect separately from the provision or provisions determined to be illegal or unenforceable and shall not be affected thereby.

14. Successors and Assigns. All the terms and provisions of this Agreement shall be binding upon, inure to the benefit of and be enforceable by the respective permitted heirs, distributees, executors, administrators, legal representatives, successors and assigns of the parties hereto, whether so expressed or not.

15. Counterparts. This Agreement may be executed in two or more counterparts and by different parties hereto in separate counterparts, with the same effect as if all parties had signed the same document. All such counterparts shall be deemed an original, shall be construed together and shall constitute one and the same instrument.

16. Term and Termination. This Agreement shall become effective as of the Effective Date, and shall remain in force until terminated by the Parties. Any Party may terminate its participation in this Agreement by providing ninety (90) days advance written notice to the other Parties.

17. Entire Agreement. This Agreement constitutes the final agreement of the parties with respect to the subject matter hereof, superseding all prior and contemporaneous promises, inducements, representations, agreements and understandings, whether written or oral, pertaining thereto. This Agreement cannot be amended, modified or supplemented in any respect except by an agreement in writing signed by the party against whom enforcement is sought.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

/// /// ///

/// /// ///

/// /// ///

/// /// ///

/// /// ///

Execution Version

AB West Mountain Holdings LLC

AB West Mountain Holdings, LLC,
an Idaho limited liability company, by its Manager

Ahlquist Development, L.L.C.,
an Idaho limited liability company

By: 
Name: J. Thomas Ahlquist
Its: Manager

Date: _____

Maria Pilar Escosa Revocable Trust,
Maria Escosa Emmerson, Trustee

By: _____

Name: _____

Date: _____

Charles and Marietta Thompson

By: _____

Name: _____

Date: _____

Execution Version

AB West Mountain Holdings LLC

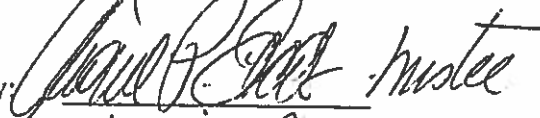
AB West Mountain Holdings, LLC,
an Idaho limited liability company, by its Manager

Ahlquist Development, L.L.C.,
an Idaho limited liability company

By: _____
Name: J. Thomas Ahlquist
Its: Manager

Date: _____

Maria Pilar Escosa Revocable Trust,
Maria Escosa Emmerson, Trustee

By:  Trustee
Name: MARIA PILAR ESCOSA
Date: Sept 10, 2021

Charles and Marietta Thompson

By: _____

Name: _____

Date: _____

Execution Version

AB West Mountain Holdings LLC

AB West Mountain Holdings, LLC,
an Idaho limited liability company, by its Manager

Ahlquist Development, L.L.C.,
an Idaho limited liability company

By: _____
Name: J. Thomas Ahlquist
Its: Manager

Date: _____

Maria Pilar Escosa Revocable Trust,
Maria Escosa Emmerson, Trustee

By: _____

Name: _____

Date: _____

Charles and Marietta Thompson

By: Charles Thompson

Name: CHARLES THOMPSON

Date: Sept 10, 2021

Marietta Thompson

Marietta Thompson

Exhibit B

Maria Pilar Escosa Revocable Trust, Water Right 65-7653F

Place of Use and Point of Diversion
(to Trust's predecessor interest)

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BEATRICE PEREZ
Address: PO BOX 4187
MC CALL ID

83638

2. Date of Priority: AUG 24, 1976

3. Source: PAYETTE RIVER, NORTH FORK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	02E	36	NE	NE	NE	2	VALLEY
			NE	SW	SW	6	VALLEY

5. Description of diverting works:
DYKE W/CULVERT CONTROLS INFLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.290		45.00

7. Total Quantity Appropriated is:
0.290 C.F.S. (and/or) 45.00 A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	02E	12	NE	SW	6	IRR	3.0
			SE	SW		IRR	12.0

Exhibit C
Thompsons Water Right 65-7653D

Place of Use and Point of Diversion

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES THOMPSON
Address: 3885 N SADDLEMAN PL
EAGLE ID 83616
- AND
- Name: MARIETTA THOMPSON
Address: 3885 N SADDLEMAN PL
EAGLE ID 83616
2. Date of Priority: AUG 24, 1976
3. Source: PAYETTE RIVER, NORTH FORK Trib. to: PAYETTE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 18N | 02E | 36 | NE | NE | | 2 | VALLEY |
| | | | NE | SW | | 6 | VALLEY |
5. Description of diverting works:
DYKE W/CULVERT CONTROLS INFLOW
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 06/01 | 10/01 | 0.230 | | 36.00 |
7. Total Quantity Appropriated is:
0.230 C.F.S. (and/or) 36.00 A.F.A.
8. Total consumptive use is 24.0 Acre Feet Per Annum.
9. Non-irrigation uses:

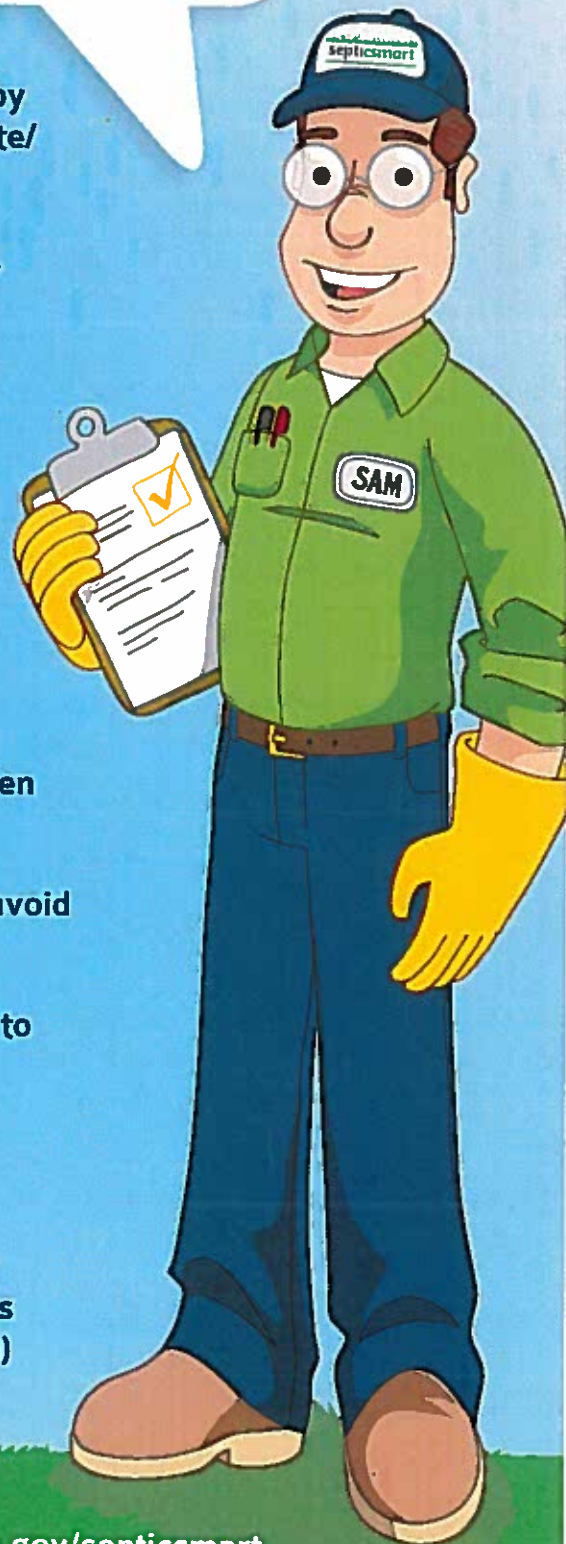
Execution Version

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	02E	12	SE	SW		IRR	1.0
						Section Acres	1.0
		13	NE	NW	2	IRR	11.0
						Section Acres	11.0
						Total Acres	12.0

Top 10 Ways to Be a Good Septic Owner

- ✓ Have your system inspected every three years by a qualified professional or according to your state/ local health department's recommendations
- ✓ Have your septic tank pumped, when necessary, generally every three to five years
- ✓ Avoid pouring harsh products (e.g., oils, grease, chemicals, paint, medications) down the drain
- ✓ Discard non-degradable products in the trash (e.g., floss, disposable wipes, cat litter) instead of flushing them
- ✓ Keep cars and heavy vehicles parked away from the drainfield and tank
- ✓ Follow the system manufacturer's directions when using septic tank cleaners and additives
- ✓ Repair leaks and use water efficient fixtures to avoid overloading the system
- ✓ Maintain plants and vegetation near the system to ensure roots do not block drains
- ✓ Use soaps and detergents that are low-suds, biodegradable, and low- or phosphate-free
- ✓ Prevent system freezing during cold weather by inspecting and insulating vulnerable system parts (e.g., the inspection pipe and soil treatment area)



A Homeowner's Guide to Septic Systems



**Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706**

January 2001

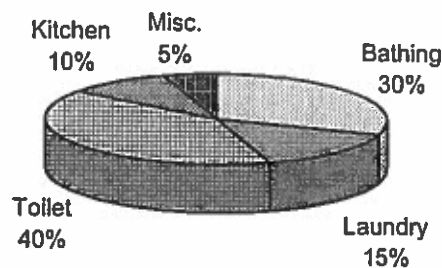


Do you have a home septic system? As an Idaho resident, there is a good chance you do—thirty-six percent of Idaho's homes, or about 210,000 residences, use septic systems to treat their sewage. These systems discharge more than 53 million gallons of wastewater into Idaho's soils annually, and this figure grows each year. In 1999, Idaho's seven health districts issued over 6,100 permits for new septic systems.

Septic systems dispose of household sewage, or wastewater, generated from toilet use, bathing, laundry, and kitchen and cleaning activities. Because septic systems are underground and seldom require daily care, many homeowners rarely think about routine operations and maintenance. However, if a septic system is not properly designed, located, constructed, and maintained, groundwater may become contaminated.

Household Wastewater

Households that are not served by public sewers depend on septic tank systems to treat and dispose of wastewater. Household wastewater carries with it all wastes that go down the drains in our homes, including human waste, dirt, food, toilet paper, soap, detergents, and cleaning products. It contains dissolved nutrients, household chemicals, grease, oil, microorganisms (including some that cause disease), and solid particles. If not properly treated by your septic system, chemicals and microorganisms in wastewater can travel through the soil to groundwater and pose a health hazard.



The average person uses between 50 and 75 gallons of water per day; mostly in the bathroom. Reducing your water use will help your septic system to work more efficiently.

Your Septic System

A conventional septic system has three working parts: a septic tank, a drainfield, and surrounding soil.

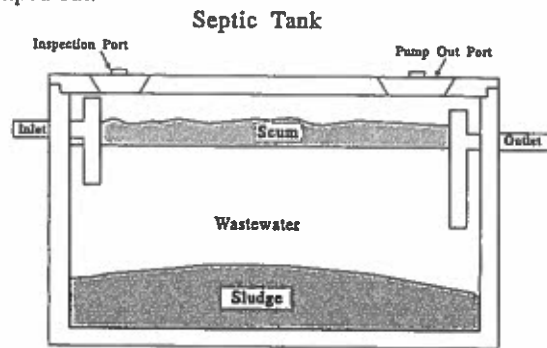
Septic Tank

Septic tanks can be made of concrete, fiberglass, or plastic and must be approved by the state. Minimum sizes of tanks have been established for residences based on the number of bedrooms in the dwelling. In Idaho, a 1,000-gallon septic tank is required for homes with three or four bedrooms. Larger tanks are required for larger homes. Local district health departments issue permits for septic systems and specify the minimum size tank. Some systems installed before the current rules and regulations may have smaller septic tanks.

A septic tank has three main functions:

- to remove as many solids as possible from household wastewater before sending the liquid, called “effluent,” to a drainfield;
- to decompose solids in the tank; and
- to store solids that do not decompose.

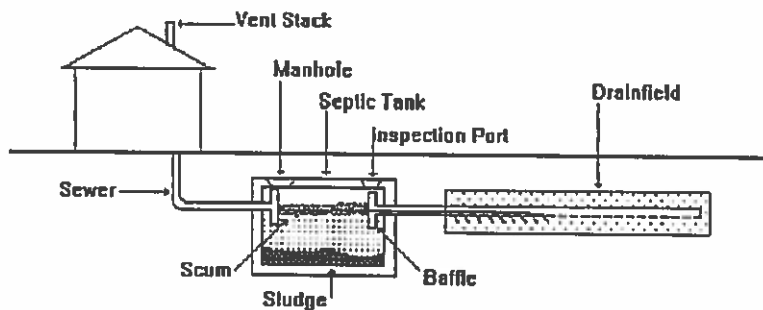
When raw wastewater enters the tank, heavy solids sink to the bottom of the tank as sludge. Light solids, such as grease and paper, float to the surface as scum. During the wastewater storage period, bacteria digest organic material in the wastewater. During this process, the solid material is reduced in volume and composition. Solids that do not decompose accumulate in the tank and eventually must be pumped out.



Tees, or baffles, are provided at the tank's inlet and outlet pipes. The inlet tee slows the incoming wastes and reduces disturbance of the settled sludge. The outlet tee keeps the solids and scum in the tank. As new wastewater enters the tank through the inlet tee, an equal amount of wastewater is pushed out of the tank through the outlet tee. The effluent that leaves the tank has been partially treated but still contains disease-causing bacteria and other pollutants.

Drainfield

Each time raw wastewater enters the tank it forces an equal amount of effluent into a drainfield. A standard drainfield is composed of a series of perforated pipes buried in gravel-filled trenches in the soil. The effluent seeps out of the perforated pipes and percolates through the gravel to the soil.



Soil

The soil below the drainfield provides the final treatment and disposal of the septic tank effluent. After the effluent has passed into the soil, most of it percolates downward and outward, eventually entering the groundwater. Soils are critical to the treatment of septic tank wastewater.

A system that is not functioning properly will release nutrient-rich and bacterial-laden wastewater into the groundwater and/or surface water. These contaminated waters pose a significant public health threat to people that come into contact with them. Wastewater that moves with groundwater can transport bacteria considerable distances. This can result in a threat to public health and adversely affect the quality of ground and surface waters.

Caring for Your Septic System

Installing Your System

In order to have a septic system installed on your property, you must first obtain a permit. Permit applications are available from your local district health department. Next, you must have a site evaluation performed. Make arrangements for this with your district health department and with a licensed septic system installer. Note that not all property is suitable for septic systems, so some permits may be denied. It is recommended that you have a site evaluation performed before you purchase property. Finally, have your system installed by a licensed installer and inspected by your local health district. Provide regular, preventative, maintenance to keep your system running smoothly.

Inspecting Your System

When too much sludge and scum are allowed to accumulate in your tank, the incoming sewage will not have enough time in the septic tank for solids to settle. Solids may flow to the drainfield and clog the pipes, causing the sewage to overflow to the ground surface, where it exposes humans and animals to disease-causing organisms. To prevent this from happening, it is very important to inspect your tank regularly and have it serviced when needed. All tanks have accessible manholes for inspecting and pumping. Some excavation work may be needed to uncover the manhole.

Properly designed tanks should have enough capacity for three to eight years of use before needing service. This is dependent upon the amount of wastewater generated. It is recommended that an average family of four have its septic tank pumped out every three to five years. Don't wait for signs of system failure to have your tank pumped. Your tank should be checked annually to measure sludge and scum levels. A licensed septic tank pumper can provide a septic tank inspection and recommend when the tank should be pumped. A tank inspection should include measuring the depth of scum and sludge and inspecting the tees in the septic tank.

If you do the inspection yourself, it is important to understand that septic tanks always appear full because both the inlet and the outlet are at the top of the tank. What you will need to know is how much of the tank's volume is being taken up by scum and sludge. When sludge and scum take up more than 35 percent of the tank volume, these solids need to be removed by pumping. A pole wrapped in a coarse weave cloth can be used to check the sludge depth. An extension on the pole can be used to measure the scum depth. Record these measurements as part of your pumping records. To check the tees, uncover the inspection ports.

Never allow anyone to enter your septic tank. Dangerous gases and the lack of oxygen can kill in minutes.

While it is impractical to inspect the pipes in your drainfield, it is important to watch for drainfield failure or overuse. See "Warning Signs of System Failure" in this booklet for information.

Maintaining Your System

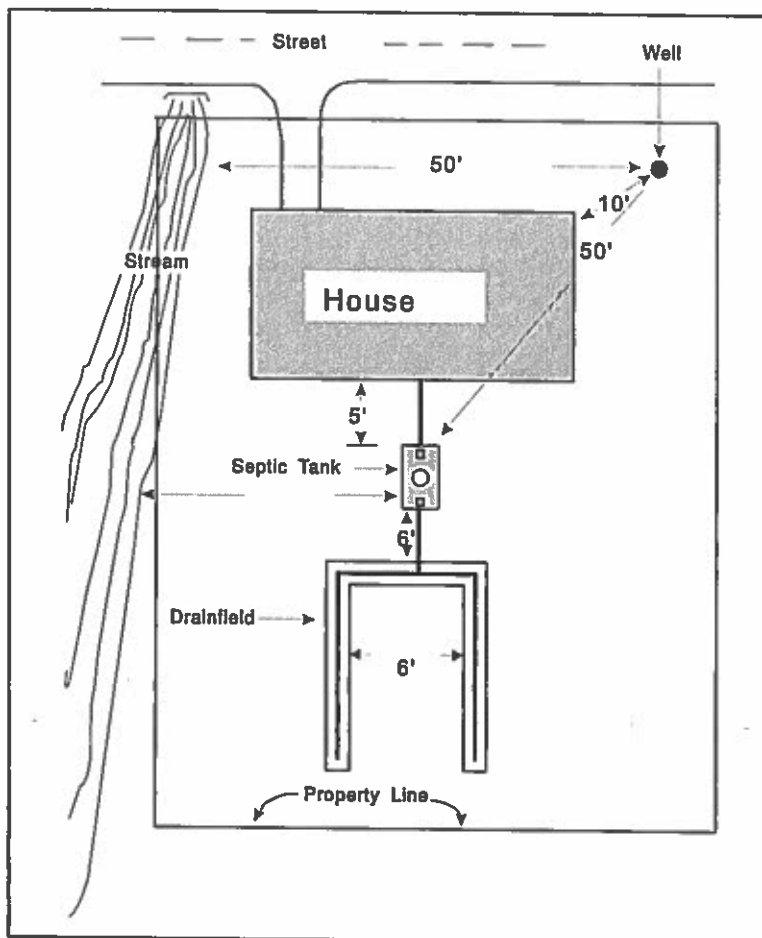
Pumping your septic tank every three years (or as determined by your inspections) will remove accumulations of solids, help keep the drainfield from becoming clogged, and help prevent you from experiencing sewage backups or septic system failure. An accumulation of sludge exceeding 35% of the total water depth in the septic tank could cause solids to enter the drainfield and clog the system. Hire a licensed septic tank pumper to pump your tank for you.

Mapping Your System

In order to take proper care of your septic system, you must know the location of the septic tank and drainfield. The location of your septic tank can be determined from plot plans, septic system inspection records, architectural or landscape drawings, or from observations of the house plumbing. If you do not have access to drawings, find where the sewer pipe leaves your house. Some installers mark the location where the waste pipe comes out of the house with an "S" on the foundation. You may want to do this as well. Probe in the ground 10 to 15 feet directly out from the location where the pipe leaves your house to find your tank.

Once the septic tank has been located, make several plot plan diagrams (with measurements) that include a rough sketch of your house, septic tank cover, drainfield area, well, and any other permanent reference points (such as trees or large rocks) and place them with your important papers. You'll find a sample system diagram on the next page, and a place to draw your own inside the front cover of this booklet. You may also want to hang a diagram in your garage and provide one to your local district health office.

Maintain a permanent record of any septic system maintenance, repair, sludge and scum levels, pumping, drainfield condition, household backups, and operations notes.



Create a septic system diagram, similar to this one, for your system.

Warning Signs of System Failure

While proper use, inspections, and maintenance should prevent most septic tank problems, it is still important to be aware of changes in your septic system and to act immediately if you suspect a system failure. There are many signs of septic system failure:

- surfacing sewage or wet spots in the drainfield area;
- plumbing or septic tank backups;
- slow draining fixtures;
- gurgling sounds in the plumbing system;
- sewage odors in the house or yard (note that the house plumbing vent on the roof will emit sewage odors and this is normal); and
- tests showing the presence of bacteria in well water.

If you notice any of these signs, or if you suspect your septic tank system may be having problems, contact a licensed septic system professional or your local district health agency for assistance.

Septic System Dos and Don'ts

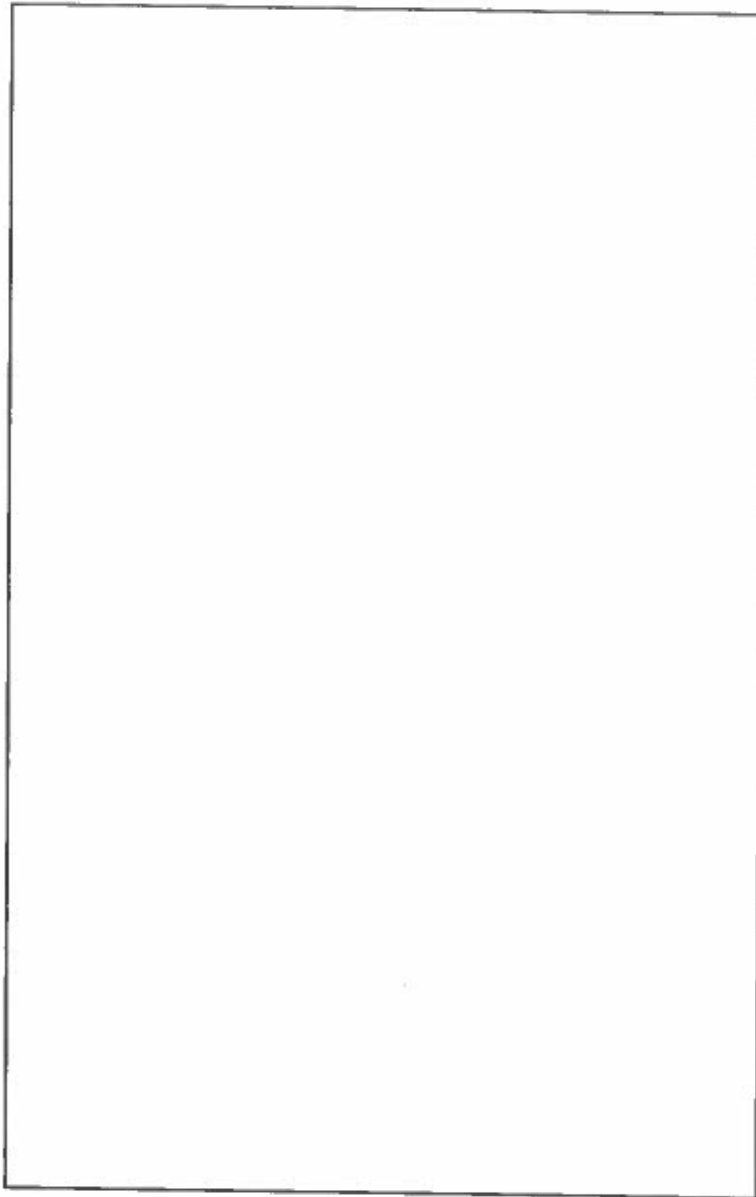
Proper operation of a septic system can prevent costly repairs or replacement. Observing the following guidelines will help to keep your system running efficiently.

Do

- ...practice water conservation. The more wastewater you produce, the more wastewater your system must treat and dispose. By reducing and balancing your use, you can extend the life of your system and avoid costly repairs.
 - Use water saving devices such as low flow showerheads.
 - Repair leaky faucets and plumbing fixtures immediately.
 - Reduce toilet reservoir volume or flow.
 - Take short showers.
 - Take baths with a partially filled tub.
 - Wash only full loads of dishes and laundry.
 - Shut off the water while shaving or brushing your teeth.
 - Balance your water use (e.g., avoid washing several loads of laundry in one day).
- ...keep accurate records. Know where your septic tank is, keep a diagram of its location using the space provided in this booklet, and keep a record of system maintenance.
- ...inspect your system annually. Check the sludge and scum levels inside the tank and periodically check the drainfield for odors, wet spots, or surfacing sewage.
- ...pump your system routinely. Pumping your septic tank is probably the single most important thing you can do to protect your system.
- ...keep all runoff away from your system. Water from roofs and driveways should be diverted away from the septic tank and drainfield area. Soil over your system should be mounded slightly to encourage runoff.
- ...protect your system from damage. Keep vehicles and livestock off your drainfield. The pressure can compact the soil or damage the pipes. Before you dig for any reason, check the location of your system and drainfield area.
- ...landscape your system properly. Plant grass over the drainfield area. Don't plant trees or shrubs or place impermeable materials, such as concrete or plastic, over the drainfield.
- ...use cleaning chemicals in moderation and only according to manufacturer's directions.

Don't

- ...flood irrigate over your system or drainfield area. The best way to irrigate these areas is with sprinklers.
- ...use caustic drain openers for clogged drains. Use boiling water or a drain snake to clean out clogs.
- ...enter a septic tank. Poisonous gases or a lack of oxygen can be fatal.
- ...use septic tank additives. They are not necessary for the proper functioning of your tank and they do not reduce the need for pumping. In fact, some additives can even harm your system.
- ...flush harmful materials into your tank. Grease, cooking oil, coffee grounds, sanitary napkins, and cigarettes do not easily decompose in septic tanks. Chemicals, such as solvents, oils, paints, and pesticides, are harmful to your systems operation and may pollute groundwater.
- ...use a garbage disposal. Using a garbage disposal will increase the amount of solids entering the septic tank and will result in the need for more frequent pumping.



Map your septic system here

For More Information

If you need to obtain a permit for a new or replacement septic system, or if you have questions about septic systems and their operation and maintenance, please contact your local health district.

Panhandle District Health Department
8500 N. Atlas Road
Hayden, ID 83835
208-415-5100

North Central District Health Department
215 10th Street
Lewiston, ID 83501
208-799-0353

Southwest District Health Department
920 Main Street
Caldwell, ID 83605
208-455-5400

Central District Health Department
707 N. Armstrong Place
Boise, ID 83704
208-327-7499

South Central District Health Department
1020 Washington Street North
Twin Falls, ID 83303
208-734-5900

Southeastern District Health Department
1901 Alvin Ricken Drive
Pocatello, ID 83201
208-239-5270

District 7 Health Department
254 "E" Street
Idaho Falls, ID 83402
208-523-5382