

PO Box 1350 219 North Main Street Cascade, Idaho 83611-1350

Phone: 208.382.7115 FAX: 208.382.7119

Email: cherrick@co.valley.id.us

STAFF REPORT

Conditional Use Permit Application 15-17
Lake Fork Commercial Center
Extension Request

HEARING DATE:

January 14, 2021

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM

APPLICANT:

Gary Swain

Dream Development Inc 13675 Farm to Market RD

McCall ID 83638

OWNER:

James and Lillian Corbet

14155 Jefferson Road McCall, ID 83638

LOCATION/SIZE:

2.5 acres. Krueger's Folly Subdivision Lots 7A & 7B

SW 1/4 Section 3, T.17N, R.3E, Boise Meridian, Valley County,

Idaho.

REQUEST:

Amend Use of Building

EXISTING LAND USE:

Storage and Maintenance Building

BACKGROUND:

Dream Development INC is requesting a two-year extension of the conditional use permit that expires on February 23, 2021.

The approval included four commercial buildings ranging from 1500 to 4000 sq. ft. All buildings will have a similar style and will be constructed by the developer and will remain in the same ownership. Rental housing will be available on the second floors to the maximum allowed by Central District Health. Fencing will be installed along the sides and rear of each unit.

A new service road from Pleasant Acres Drive would allow business access to the rear while customers would park in the front and access either from Pleasant Acres Drive or Highway 55.

A shared well and septic will be used by all structures.

Staff Report C.U.P. 15-17 Extension Page 1 of 3 The site is 2.5 acres in Lake Fork at the southeast corner of Highway 55 and Pleasant Acres Drive.

FINDINGS:

- 1. Application was made to Planning and Zoning on December 3, 2020.
- 2. Legal notice was posted in the *Star News* on December 24 and December 31, 2020. Potentially affected agencies were notified on December 15, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent December 15, 2020. The site was posted on December 29, 2020. The notice was posted online at www.co.valley.id.us/public-hearing-information on December 14, 2020.
- 3. Agency comment received:

Central District Health replied that one permit for one structure was issued for Lot 7A on April 13, 2018 for 10 employee light office and two one-bedroom upstairs apartments. This septic system has not been installed. Occupancy for the apartments should not exceed two people per apartment (Dec. 17, 2020)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Dec. 24, 2020)

Garrett de Jong, McCall Fire & EMS Fire Chief, has no comments. (Dec. 31, 2020)

4. Neighbor comments received: None

STAFF COMMENTS:

9-5H-8: ISSUANCE OF CONDITIONAL USE PERMIT:

3. Applications for extensions shall be reevaluated by the commission and the fee for a new application charged as set by the board of commissioners. The application shall summarize the original plan; describe the significant progress made in accordance with the approved application; explain what has yet to be completed; and specify an updated completion date. Financial guarantees will be reevaluated and extended to meet the updated completion date. The application shall contain an updated list of adjoining property owners and be noticed in the same manner as a new application. With the extension, impacts can be reevaluated and mitigated with the addition of new conditions of approval. A progress report schedule shall be set, with milestones identified. The commission may choose not to approve an extension based upon their reevaluation of the proposed use and lack of activity to complete the project. The extension request is a public hearing. Extensions will not be approved unless all fees are paid and/or reimbursed to the county.

ATTACHMENTS:

- Conditional Use Permit 15-17 Instrument # 396765
- Vicinity Map
- Assessor's Plat T.17N R.3E Sec. 3
- Assessor's Plat Krueger's Folly Subdivision
- Site Plan from Original Application
- Pictures taken Dec. 29, 2020
- Extension Request
- Minutes Feb. 11, 2016
- Responses

END OF STAFF REPORT



Planning and Zoning Commission VALLEY COUNTY IDAHO

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Phone: 208.382.7115 FAX: 208.382.7119

Date - TIMBERS

Approved by

Instrument # 396765

VALLEY COUNTY, CASCADE, IDAHO
2-23-2016 09:42:27 AM No. of Pages: 2
Recorded for: VALLEY COUNTY P & Z

DOUGLAS A. MILLER

Ex-Officio Recorder Deputy

CONDITIONAL USE PERMIT

NO. 15-17

Lake Fork Commercial Center

Issued to:

Dream Development, Inc.

Gary Swain

13675 Farm to Market Road

McCall, ID 83638

Property Location:

Located on RP0012500007B0 and RP0012500007A0 in Krueger's

Folly Subdivision, in the SW ¼ Section 36, T.17N, R.3E, Boise

Meridian, Valley County, Idaho. The site is 2.485 acres.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of February 11, 2016. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 15-17 with Conditions for establishing commercial buildings with residential apartments on the 2nd floor as described in the application, staff report, and minutes.

The effective date of this permit is February 23, 2016.

Conditions of Approval:

- 1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
- 2. Any change in the nature or scope of land use activities shall require an additional

Conditional Use Permit
Page 1

Conditional Use Permit.

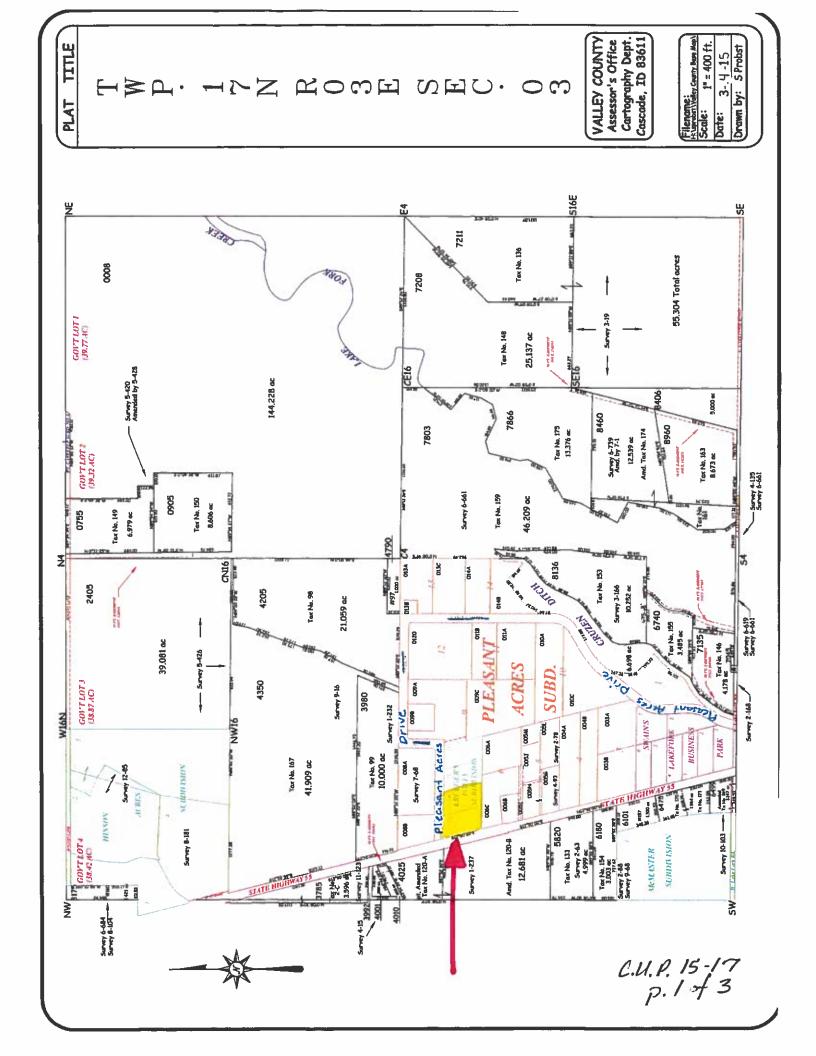
- 3. The use shall be established within five years of the date of approval. Establishment requirement will be met with the construction of one building.
- 4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws 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. There shall be no outside storage that is not screened and within the fenced area.
- 6. All lights shall be fully shielded so that there is no upward or horizontal projection of lights. If security lights are required in the fenced storage yard, motion detector lights shall be used.
- 7. The landscaping shall be placed so that it does not obscure the views to the mountains. Planter boxes only where feasible.
- 8. There shall be only one ground mounted sign in the 100' setback. Signage can also be located on the buildings.

END - CONDITIONAL USE PERMIT

C.U.P. 15-17







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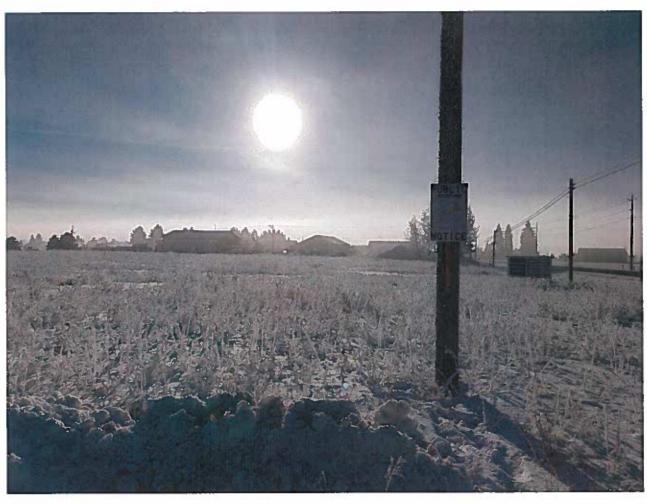
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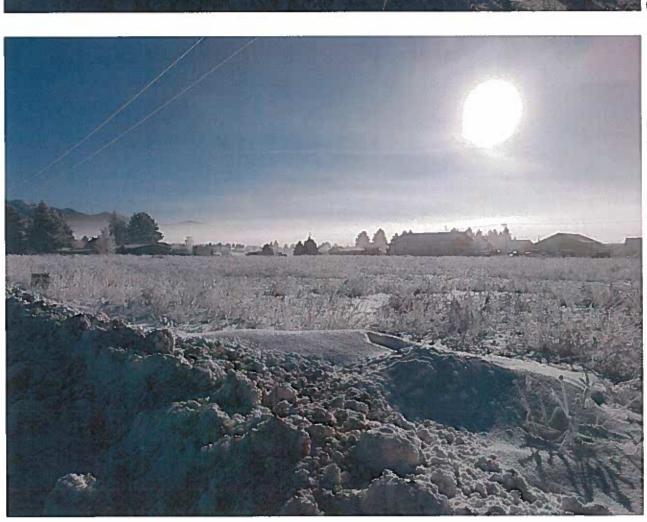
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MOWED GRASS

STATE HWY. 55







Valley County Planning & Zoning,

This letter is a request by the developer, Dream Development Inc. – Gary Swain President, for an extension on C.U.P. No. 15-17 Lake Fork Commercial Center approved by this board on February 11, 2016 consisting of 16,000 square feet of commercial buildings and two employee housing units.

During the five year time frame given my goal was to find businesses that would dictate their needs and I would build structures and housing units according to those needs creating long term leases from those entities. The idea is still viable but the timing was a little premature.

For four and a half years little progress was made but within the last six months several businesses have approached me wanting to engage in this idea. The two employee housing units are a definite attraction to businesses. The stimulus for this recent activity seems to be investors from outside the county purchasing a lot of raw land for speculation.

I currently have three individuals I am working with, two are local businesses wishing to expand, but I need additional time to bring those leases to fruition. Delays are now caused by the high cost of construction we face in Valley County causing rents to soar requiring downsizing by the lessee to fit their budgets.

I am asking for a 24 month extension which will give me time to finalize the current negotiations and hopefully move beyond the Covid pandemic crisis to an environment where businesses feel more comfortable taking on expansion and investing more in their businesses.

Thank you,

Gary L. Swain - President

\$50 -Paid 12-3-2020 CHK # 1020



Va 2y County Planning & ning Commission

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
Website: www.co.valley.id.us

Rob Garrison, Chairman Kathy Deinhardt Hill, Vice-Chairman

Ed Allen, Commissioner Scott Freeman, Commissioner Bryan Cooley, Commissioner

MINUTES

Valley County Planning and Zoning Commission February 11, 2016 Valley County Court House - Cascade, Idaho

A. OPEN: Call to Order at 6:00 p.m.

P&Z Administrator - Cynda Herrick, AICP,: Present

P&Z Commission, Chairman - Rob Garrison: Present

P&Z Commissioner - Ed Allen: Present

P&Z Commissioner - Bryan Cooley: Present

P&Z Commissioner - Scott Freeman: Present

P&Z Commissioner - Kathy Deinhardt Hill: Absent

B. MINUTES: January 14, 2016

Motion: To approve the minutes of January 14, 2016.

P&Z Commissioner - Ed Allen: Motion P&Z Commissioner - Bryan Cooley: 2nd

P&Z Commission, Chairman - Rob Garrison: Approve

P&Z Commissioner - Ed Allen: Approve

P&Z Commissioner - Bryan Cooley: Approve

P&Z Commissioner - Scott Freeman: Approve

P&Z Commissioner - Kathy Deinhardt Hill: Absent

C. OLD BUSINESS:

There was none.

D. NEW BUSINESS:

 C.U.P. 15-17 Lake Fork Commercial Center: Dream Development INC is requesting approval for a maximum of four commercial buildings ranging from 1500 to 4000 sq. ft. All buildings will have similar style and will be constructed to the developer and will remain in the same ownership. Rental housing will be available on the second floors to the maximum allowed by Central District Health. Fencing will be installed along the sides and rear of each unit. A service road from Pleasant Acres Drive would allow business access to the rear while customers would park in the front and access either from Pleasant Acres Drive or Highway 55. A shared well and septic will be used by all structures. The site is located in Lake Fork at the southeast corner of Hwy 55 and Pleasant Acres Drive in Lots 7A & 7B of Krueger's Folly Subdivision. The 2.485 acre site is in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Garrison introduced the item. Chairman Garrison asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits: Letter from Valley County Road Dept. (exhibit 1), Letter from Idaho Transportation Dept. dated February 5, 2016 (exhibit 2), Letter from McCall Fire District (exhibit 3), and a Letter from Central District Health (exhibit 4). Staff mentioned landscaping requested by Payette River Scenic Byway.

Chairman Garrison asked for the applicant's presentation.

The applicant, Gary Swain, 13675 Farm to Market, introduced himself and made the following comments:

- Would like to have the option to do a steel building with wood facades.
- Will only have planter boxes, if feasible. If the business in the building is a business that needs to display small items on the "porch" then there will not be planter boxes.
- The northern building will have 2 employee housing units, which will have parking on the north side of the building.
- Would like to have approval into perpetuity does not know how long it will take to build out. He is not selling the property, but will have to market so that he can build as tenant would desire.
- May be a fourth building in the back.
- Doesn't look like he will get access on Highway due to 1000' setback from a public road, but would like to work with neighbor to the south for a shared access for all businesses.

Commissioner Allen asked about the landscaping. Gary Swain said that if they don't park product under the eaves there will be planter boxes. He will plant additional trees in strategic locations as shown on the landscaping plan. It will not be one long strip of trees.

Chairman Garrison asked if there were 2 accesses on Pleasant Acres? Gary said one is a service entrance and the other entrance is for customers/office help, north side for employee parking. Fences will be placed when contained area needed.

Chairman Garrison commented that he likes the proposal to work with the neighbors to the south for shared accesses and even the 50' frontage road through to East Lake Fork Road. Gary said 20 years ago he envisioned a frontage road from Pleasant Acres to East Lake Fork, at some point.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Allen commented about the time frame. He has no issues with the open ended time frame. Will not start something and then walk away. Questioned whether further approvals needed. Staff said, no.

Commissioner Cooley stated that this is a good spot, encourages the clustering of similar uses, addresses some affordable housing for employees, idea of sharing road going through to south is a good idea, buildings look well laid out, and would be a good addition to the area.

Commissioner Freeman agreed with all of the things stated by Commissioner Cooley.

Chairman Garrison stated he is not opposed to open ended time frame, but would like updates so we know how it is progressing -- update to staff with staff reporting to the Commission.

Staff clarified that one building would establish use.

COA #3: Establishment requirement will be met with the construction of one building.

COA #7: Planter boxes only where feasible.

Motion: To approve C.U.P. 15-17 Lake Fork Commercial Center with the conditions of approval as stated.

P&Z Commissioner - Bryan Cooley: Motion

P&Z Commissioner - Ed Allen: 2nd

P&Z Commission, Chairman - Rob Garrison: Approve

P&Z Commissioner - Ed Allen: Approve

P&Z Commissioner - Bryan Cooley: Approve

P&Z Commissioner - Scott Freeman: Approve

P&Z Commissioner - Kathy Deinhardt Hill: Absent

Chairman Garrison explained the ten day appeal period.

E. FACTS AND CONCLUSIONS

- C.U.P. 15-15 Horsethief Heights
- C.U.P. 15-16 Boy Scout Camporee

| | (Career of the Career of the C | CENTRAL Valley County Transmittal DISTRICT Division of Community and Environmental Health one # | Return to: Cascade Donnelly McCall | |
|-----|--|--|-------------------------------------|--|
| 1 | Conditional Use # CUP 15-17 | | McCall Impact | |
| 1 | | iminary / Final / Short Plat Lake fork Commercial | Valley County | |
| ' | | Lots 7A-87B Krueger's Folly Sub | | |
| L | | | | |
| П | 1 | We have No Objections to this Proposal. | | |
| | ا. ئ | 2. We recommend Denial of this Proposal. | | |
| | ۷. | | | |
| | 3. | | | |
| | 4. We will require more data concerning soil conditions on this Proposal before we can comment. | | | |
| Ц | 5. | we can comment concerning individual sewage disposal, we will require more data concerning the depth high seasonal ground water | | |
| | 6. | his office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface vaters. | | |
| | 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 ☐ communit☐ interim sewage ☐ central water ☐ individual water | y water well | |
| [] | | The following plants) would be submitted to and appropriate by the little Department of Facilian areas | -t-1 OID (8) | |
| لبا | 9. | The following plan(s) must be submitted to and approved by the Idaho Department of Environment central sewage community sewage system community sewage dry lines central water | | |
| | 10. | n-off Is not to create a mosquito breeding problem | | |
| | n. | This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval. | | |
| | 12. | f restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations. | | |
| | 13. | Ve will require plans be submitted for a plan review for any: food establishment swimming pools or spas child care center beverage establishment grocery store | | |
| 対 | 14. | ONE permit for one structure was issued for Lot 7A on 4/1 | 3/18 for 10 employed | |

light office & 2 each I bedroom Apartments upstalts. This septic system

has not been installed or inspected. Reviewed By: 1-1/R

Occupancy for the apartments should not oxceed

Two people per apartment.

Date: 12 17 120

6/20 im



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

Brad Little, Governor Jess Byrne, Director

December 24, 2020

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

Cyda Herrick Valley County Planning & Zoning Commission PO Box 1350 Cascade, Idaho 83611

Subject:

Lake Fork Commercial Center – Extension Request, CUP 15-17

Dear Ms. Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

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 (208) 373-0550.

• 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 DEO Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

DEQ recommends verifying that there is adequate sewer to serve this project prior to approval.
 Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems
 or a centralized community wastewater system whenever possible. Please contact DEQ to
 discuss potential for development of a community treatment system along with best
 management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
 - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. WASTEWATER AND RECYCLED 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: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management
 plan which addresses the present and future needs of this area for adequate, safe, and sustainable
 drinking water. Please schedule a meeting with DEQ for further discussion and
 recommendations for plan development and implementation.
 - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- A DEQ short-term activity exemption (STAE) from this office is required if the project will
 involve de-watering of ground water during excavation and discharge back into surface water,
 including a description of the water treatment from this process to prevent excessive sediment
 and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution
 Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA 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.
- If this project is near a source of surface water, DEQ requests that projects incorporate
 construction best management practices (BMPs) to assist in the protection of Idaho's water
 resources. Additionally, please contact DEQ to identify BMP alternatives and to determine
 whether this project is in an area with Total Maximum Daily Load stormwater permit
 conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
 - For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- Hazardous Waste. The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- 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, Rules and Regulations for Hazardous Waste, and Rules
 and Regulations for the Prevention of Air Pollution.
- 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 (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deg.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Aaron Scheff

Regional Administrator DEQ-Boise Regional Office

Jaion Schiff

EDMS#: 2020AEK287

From: Garrett de Jong <garrett@mccallfire.com>
Sent: Thursday, December 31, 2020 7:57 AM
To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: CUP 15-17 & VAC 20-03

Hi Cynda,

I do not have any comments regarding CUP 15-17, or VAC 20-03.

Happy New Year!

Garrett

Garrett de Jong Fire Chief McCall Fire & EMS 201 Deinhard Lane McCall, ID 83638 www.mccallfire.com

PH: 208.634.7070 FAX: 208.634.5360

