

Valley County Planning and Zoning

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STAFF REPORT:	C.U.P. 23-19 Cascade Valley Estates – Preliminary Plat
HEARING DATE:	May 18, 2023
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Donnelly Ranches LLC c/o T Skyler Chambers 1772 N 3300 E, Layton, UT 84040
SURVEYOR:	Dunn Land Surveys INC 25 Coyote TR, Cascade, ID 83611
LOCATION:	Southwest of the Norwood Road and Nisula Road intersection; the site is parcel RP16N03E050004 located in the E ½ Section 5, T.16N, R.3E, Boise Meridian, Valley County, Idaho
SIZE:	162 acres
REQUEST:	37-lot Single-Family Residential Subdivision
EXISTING LAND USE:	Bare Land

T. Skyler Chambers is requesting a conditional use permit for a 37-lot single-family residential subdivision on approximately 162 acres. There would be a common area with a pond and amenities. Proposed lot sizes range from 2.5 acres to 6.6 acres.

Well on the property would provide central water. The applicant has proposed that central sewer would be provided by North Lake Recreational Sewer and Water.

The lots would be accessed from new, internal paved private roads. These roads would access onto both Norwood Road and Nisula Road, public roads. Road right-of-way would be dedicated to Valley County along Norwood RD and Nisula RD. The applicant has proposed paving a portion of Norwood RD. Streetlights may be installed.

A Wildland Urban Interface Fire Protection Plan has been submitted (see Sheet C2). CCRs are proposed but a draft copy has not been submitted. Lots would have a maximum of 5,000-sqft of manicured landscaping.

A 10-ft wide landscaped berm is proposed on the east and north property boundary along Norwood Road and Nisula Road. A three-rail metal fence would be constructed around the perimeter of the site. Additionally, a barbed-wire fence would be constructed along the western boundary.

The property does have water rights. The land is currently irrigated by sprinklers, irrigation well, and above-ground pipe. The proposed subdivision would use sprinkler, irrigation well, and underground pipe. The property has two wells. One will be used to fill the pond area for irrigation. The other will service potable water and fire hydrants.

FINDINGS:

1. The application was submitted on March 30, 2023.
2. Legal notice was posted in the *Star News* on April 27, 2023, and May 4, 2023. Potentially affected agencies were notified on April 11, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on April 11, 2023; these owners were also sent the revised public hearing date information on April 21, 2023. The notice and application were posted online at www.co.valley.id.us on April 11, 2023, and updated on April 21, 2023. The site was posted on April 26, 2023.

3. Agency comment received:

Jeff McFadden, Road Department Superintendent, recommends the dedication of 35-ft of right-of-way immediately adjacent to Norwood Road and Nisula Road. He recommends mitigation of impacts to West Roseberry Road, Norwood Road, Nisula Road, and Scheline Road by negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers' proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (April 17, 2023)

Mike Reno, Central District Health, stated that an application, engineering report, and purveyor letters are required. (April 19, 2023)

Jess Ellis, Donnelly Fire Marshal, replied with requirements for roads, security gates, water supply, fire hydrants, and addressing. (May 8, 2023)

Laura Bettis, Westside Lakefork Lateral Ditch Company (WLLDC), stated this property is along a shared irrigation ditch. The landowner has rights on the ditch as does downstream water rights holders. The ditch is not identified in any manner on the site plan. WLLDC is not opposed to the proposed CUP, but continued access of downstream right holders and WLLDC personnel should be permitted. Any fuel storage or other hazardous material storage should be done in such a manner and location as to not interfere with the downstream water right holders access to clean irrigation water. (May 10, 2023)

4. Public comment received:

Lenard Long, Friends of Lake Cascade, listed deficiencies of the application. Does the applicant have water rights for the pond. Retention ponds rob the drainage of cold water which is needed to reduce algae blooms and protect fish habitat. A stormwater detention basin with temporary storage is recommended instead. Sewage handling, compatibility with agricultural land, and traffic impacts are also concerns. Developments located within 1,000-

feet of wetlands, tributaries, and the lake need to take extra "low impact" precautions.
(May 7, 2023)

Jess Dwyer, 13236 Norwood RD, has a direct view of the proposed subdivision from his home (pictures attached). It is in the best interest of the County and developer to place a condition that Norwood Road be paved and the sewer extended from Roseberry Road prior to construction of the development. The economics of this proposal are not good for the developer. There is likelihood of default. He identified all subdivisions platted in Valley County. Prior to April 20, 2023, there are 10,761 subdivided lots outside of city limits; 52% remain undeveloped. (See details in letter and spreadsheets.) Streetlights must be a hard no. There is a longstanding osprey nest just south of the proposed entrance. The low-lying flood area is not listed on the application. (May 10, 2023)

5. Physical characteristics of the site: Relatively flat; Mud Creek flows through the property.
6. The surrounding land use and zoning includes:
 - North: Single-Family Residential and Agricultural
 - South: Agricultural
 - East: Single-Family Residential and Agricultural
 - West: Agricultural and Grandfathered Multi-residences.
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 Subdivision Regulations, and Title 11 Flood Control 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".
- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance.

9-5A-4: LANDSCAPING

- B. Landscaping; Standards Of Design
8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:
 - a. The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;
 - b. All retention areas shall maintain slopes no steeper than three to one (3:1).
 9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).

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.
- G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed

9-5A-6: UTILITIES:

- A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.

- 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-2: LIGHTING

9-5B-4: EMISSIONS:

- C. Wood Burning Devices: Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.

9-5C-2: MINIMUM LOT AREA:

- B. New Subdivisions:
 - 1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
 - d. Eight thousand (8,000) square feet where both central systems 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

10-4-4: STREETS

- F. Street Layout
 - 6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

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.
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SUMMARY:

Staff's compatibility rating is a +23.

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 and within a herd district. It is not within an irrigation district but does have water rights.
2. Part of the site is in the designated floodplain; base flood elevations have been determined. Wetlands do exist on the property.
3. A Private Road Declaration is required.
4. A Declaration of Utilities is required.
5. The applicant should clarify the plan for the water rights for this property. Will they be controlled by the property owner association or by individual lot owners?
6. The applicant will need to work with the Westside Lakefork Lateral Ditch Company to continue distribution of water in accordance with Idaho water laws.
7. The proposed subdivision name and road names will need to be revised.
8. Do you really need to have streetlights? They do not fit in with the existing rural character of the area.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Floodplain Map
- Wetland Map
- Assessor Plat – T.16N R.3E Section 5
- Proposed Plat
- Pictures Taken April 26, 2023

- Responses

Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The 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. Wetlands and floodplain shall be marked as "no-build areas" on final plat.
6. The specific BFE at each lot should be identified on the final plat along with a note that requires elevation of structures in accordance with Valley County Code Title 11.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. Must have a will-serve letter from the North Lake Recreational Sewer and Water District guaranteeing that sewer capacity is available for immediate service prior to recordation of the final plat.
9. Must have an approval letter from the Idaho Department of Environmental Quality for a community well.
10. 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.
11. Prior to recordation of the plat, the Developer's engineer shall certify that the roads are constructed in accordance with the plans approved by the Valley County Engineer.
12. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
13. The applicant will need to work with the Westside Lakefork Lateral Ditch Company to continue distribution of water in accordance with Idaho water laws.
14. All easements shall be shown on the final plat.
15. The Wildland Urban Interface Fire Protection Plan must be recorded with the final plat.
16. A Private Road Declaration must be recorded with the final plat.
17. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
18. Must bury conduit for fiber optics in the roadway or with the utilities.
19. CCR's should address lighting, wildfire prevention, noxious weeds, designated floodplain, designated wetlands, well and water supply maintenance, fire wise wildland urban interface landscaping requirements, maintenance of the fire hydrant system, the pond use and maintenance, irrigation, and limit each lot to one wood-burning device.

20. Shall place addressing numbers at the residence(s) and at the driveway entrance if the house numbers are not visible from the road. Said numbers shall contrast with their background and be at least three and one-half inches (3 ½-in) height.
21. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
22. 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.
23. 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."
 - "All structures must be located 2-ft above the base flood elevation."
 - The floodplain designation note shall be added to the final plat.

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) X 4 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 1 _____

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) X 3 _____

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

(+2/-2) X 1 _____

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

(+2/-2) X 2 _____

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

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

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

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

B. Purpose; Use:

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

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

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

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

E. Terms:

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

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

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

F. Questions 4 Through 9:

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

APPENDIX A

MATRIX FOR RATING

QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2		+1	+1	+1	+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	2
3. SUBDIVISION, S.F.	-1	+2		+1	+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	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1		+1	+	-1	+1	+1	+1	-1	+1	+1	+1	+1	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	-1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+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	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	-1	+1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	-1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1		+2	+2	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	-1	+2		+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1	+2	-1	-1	-1	-2	-1	-2	-2	+1	+2	+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-2	-1	-2	-1	+1	+2	+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

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

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

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

Use Matrix Values:

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

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

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) +2 X 3 +6

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

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

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

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

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

Sub-Total (+) 27

Sub-Total (-) 4

Total Score +23

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?

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

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?

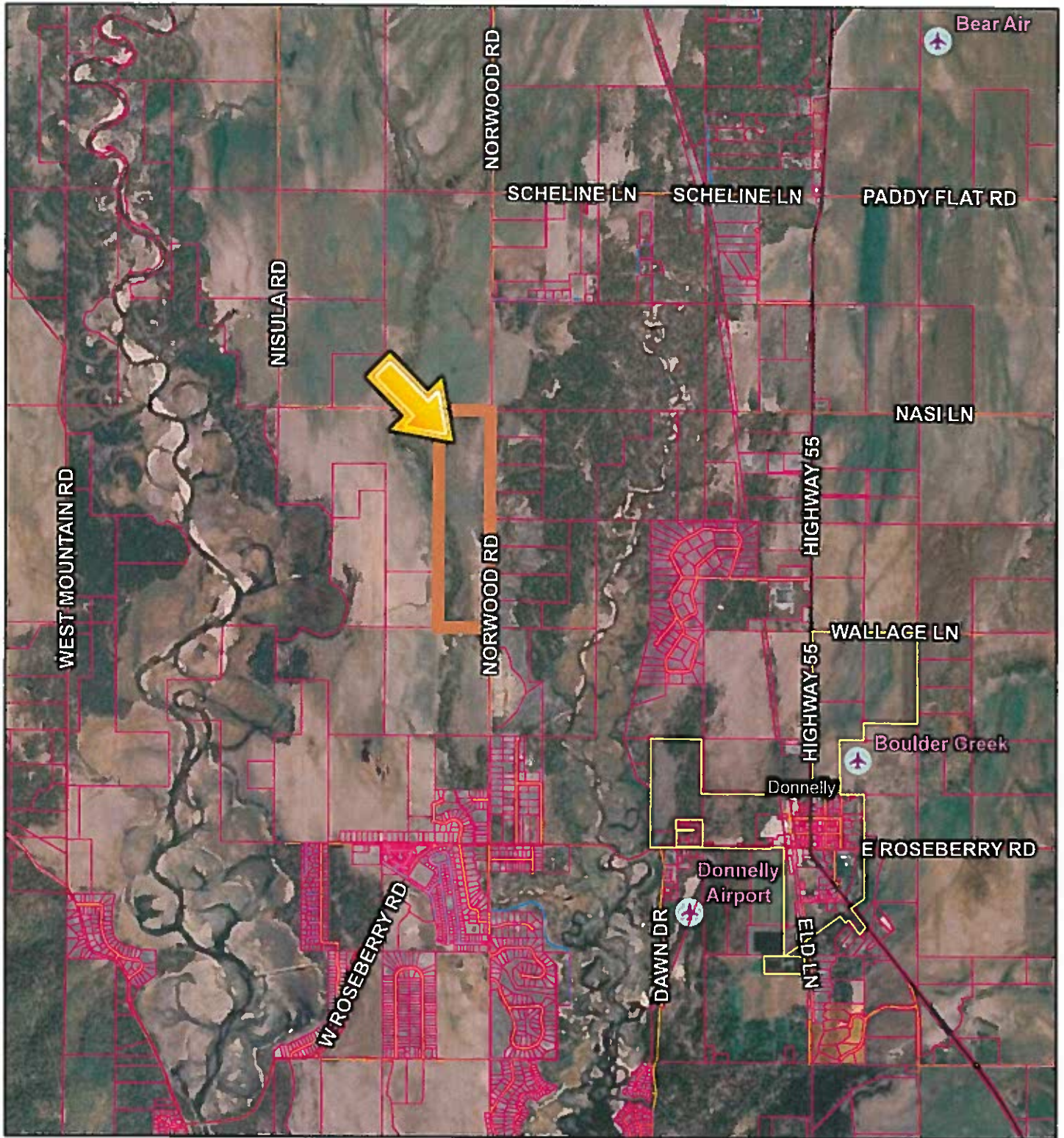
7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

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?









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?

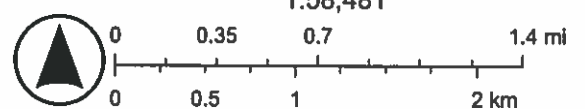
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

CUP 23-19 Vicinity Map



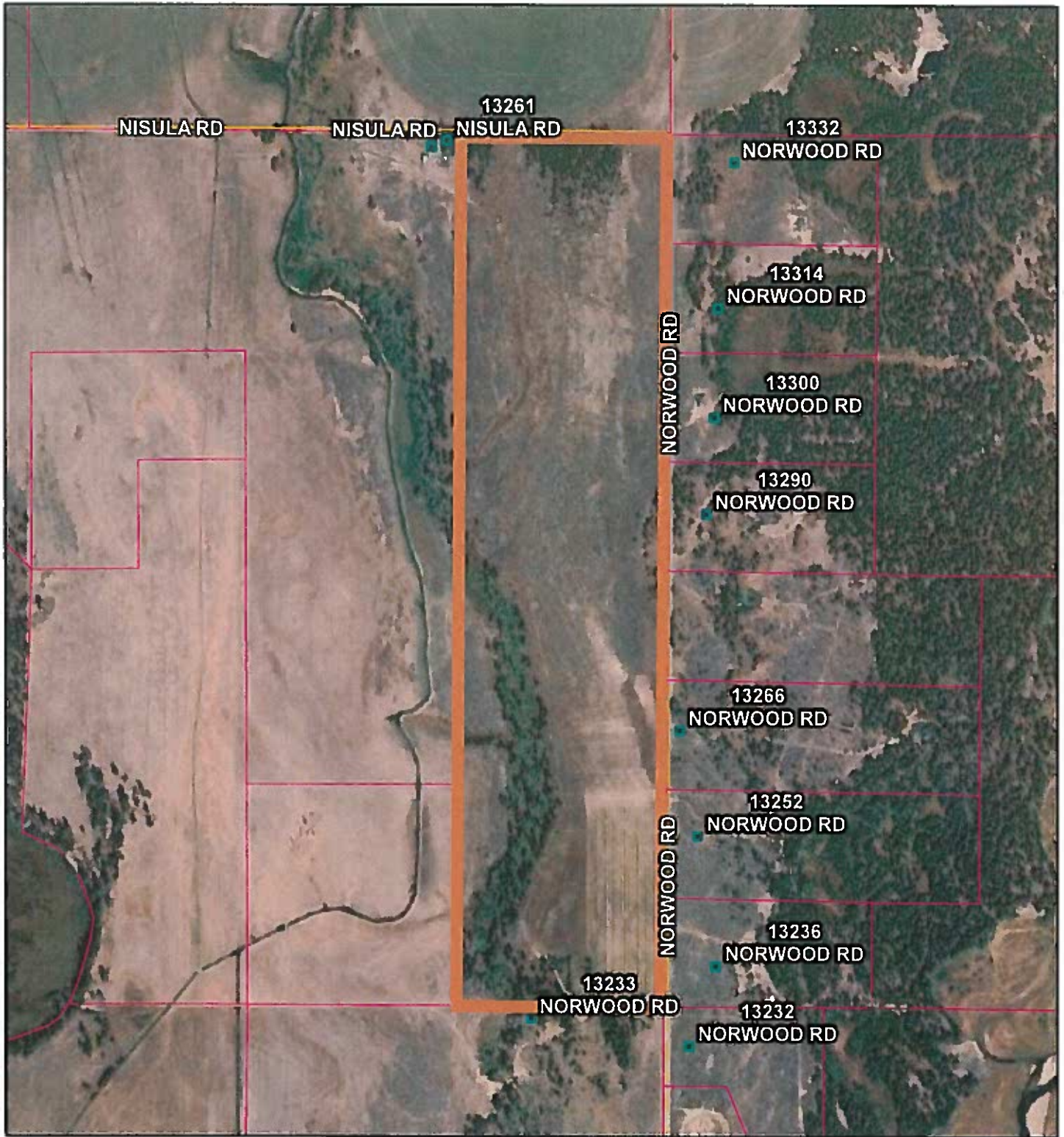
March 30, 2023

- | | |
|--|---|
|  Municipalities |  COLLECTOR |
|  Parcel Boundaries |  URBAN/RURAL |
|  Airstrips |  USFS |
| Roads |  PRIVATE |
|  MAJOR | |






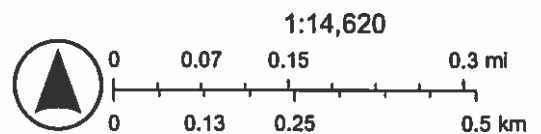
Earthstar Geographics

CUP 23-19 Aerial Map



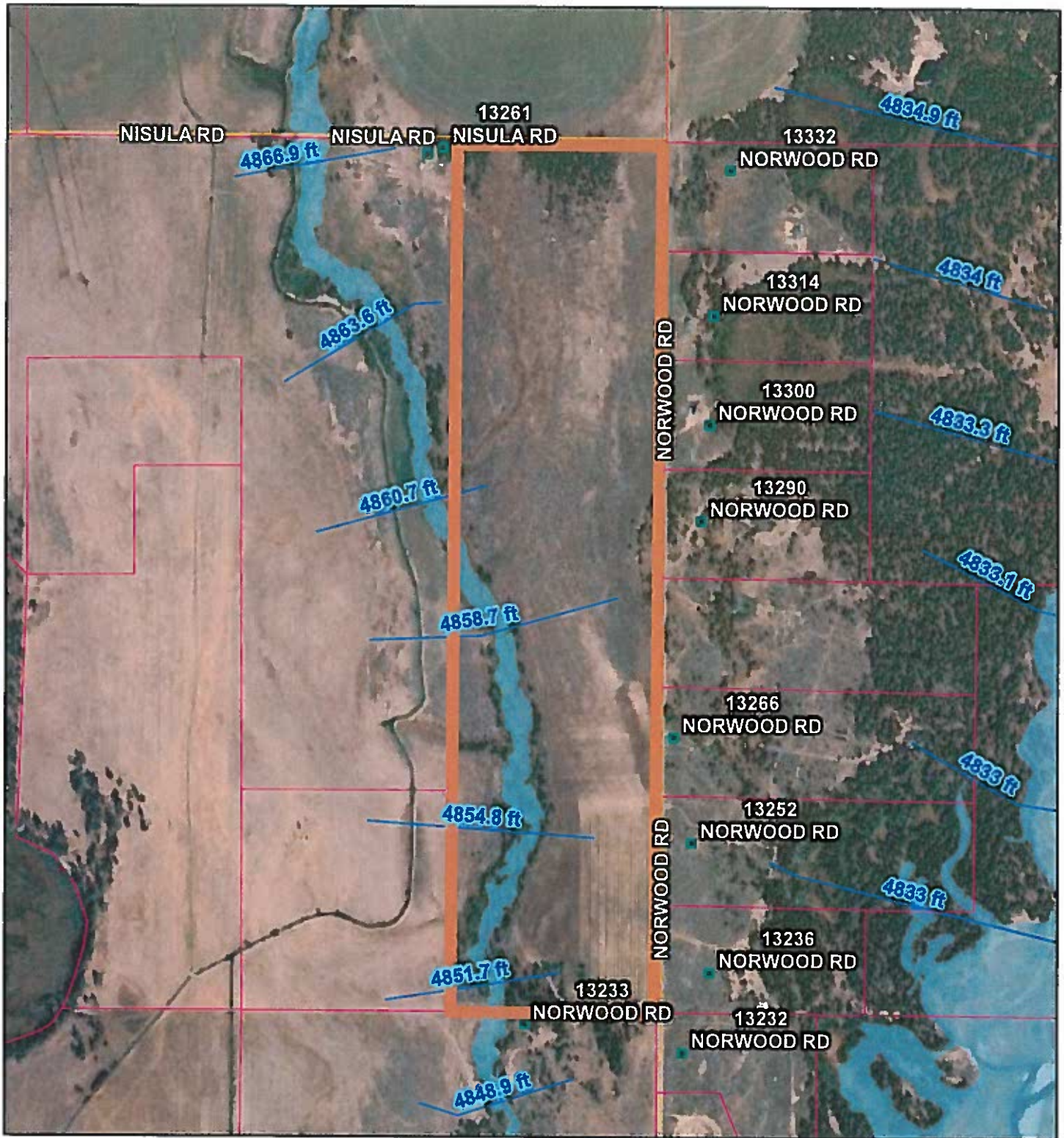
March 30, 2023

-  Address Points
-  Parcel Boundaries
- Roads
 -  URBAN/RURAL



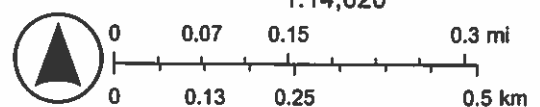
Maxar

CUP 23-19 Floodplain Map



March 30, 2023

- | | |
|------------------------|--|
| ■ Address Points | Floodplain |
| ▭ Parcel Boundaries | ■ A (1% Annual Chance, 100-Year) |
| Roads | ■ AE (1% Annual Chance, 100-Year) |
| — URBAN/RURAL | ■ Floodway (1% Annual Chance, 100-Year) |
| — Base Flood Elevation | ■ 500-Year Floodplain (0.2% Annual Chance) |



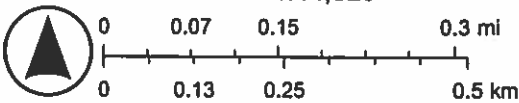
Valley County IT, Maxar

CUP 23-19 Wetlands Map



March 30, 2023

- Address Points
- Parcel Boundaries
- Wetlands (USFWS)
- Wetlands (NLCD)
- Emergent Herbac. Wetlands
- Woody Wetlands
- <all other values>
- Roads
- URBAN/RURAL



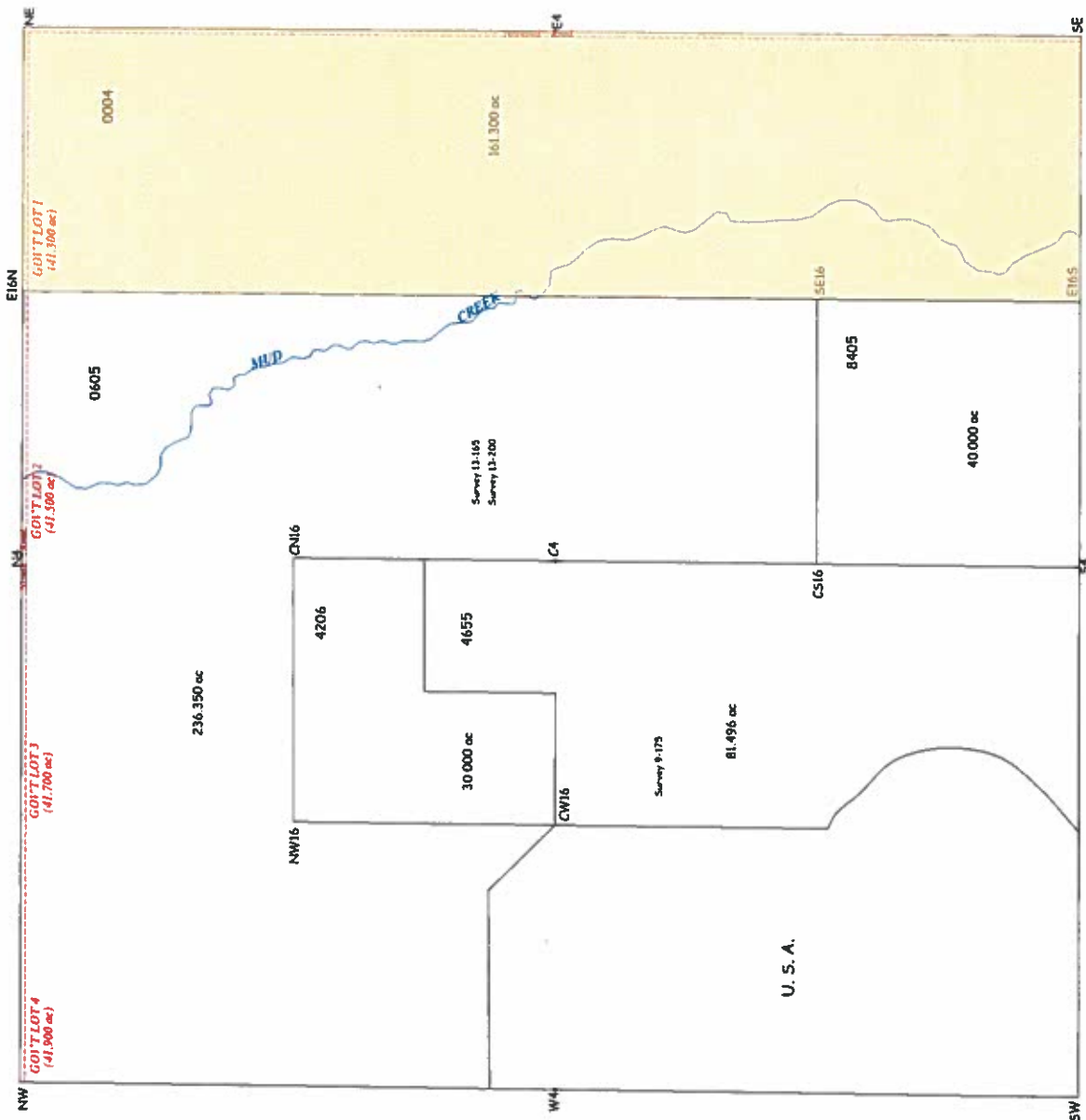
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PLAT TITLE

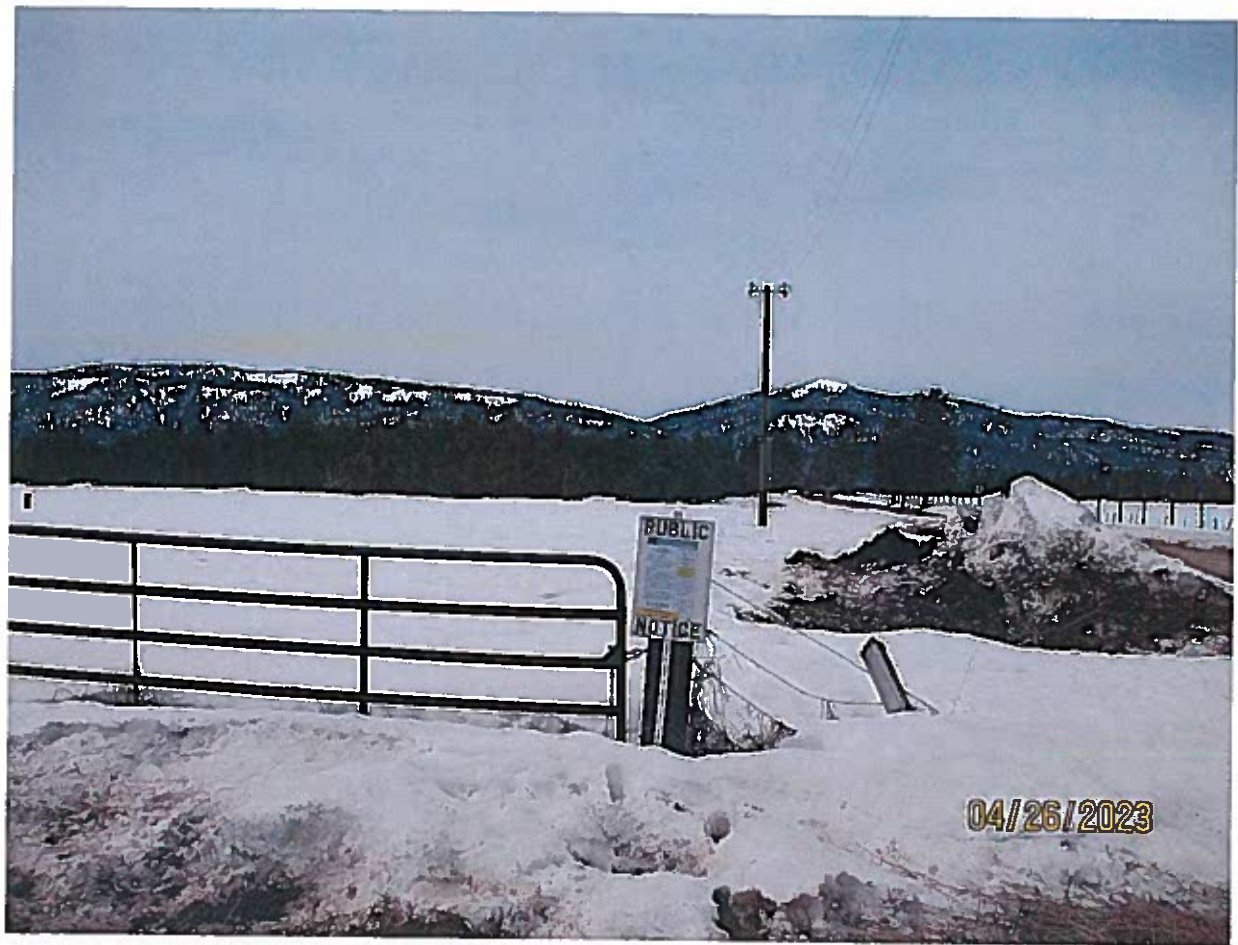
T W P . 1 6 N R O 3 E S E C . 0 5

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

Filename:
Valley County Base Map
Scale: 1" = 1000'
Date: 5/12/2021
Drawn by: L. Frederick



This Drawing is to be used for Reference Purpose ONLY. The County is NOT Responsible for Any Improvements Constructed Herein.







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. 23-19

April 17, 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 23-19 is a preliminary plat submitted by T. Skyer Chambers seeking approval of a 37 lot single family subdivision on 162 acres. Proposed lot sizes range from 2.5 acres to 6.6 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include West Roseberry Road, Norwood Road, Nissula Road and Scheline 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 Norwood Road and Nissula Road.
- 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 Cruzen CIP with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.
-

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

Valley County Road Superintendent

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

Jeff McFadden



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 23-19

Preliminary / Final / Short Plat Cascade Valley Estates

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

Reviewed By: Mr. Hh

Date: 4/19/23



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

May 8, 2023

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

RE: C.U.P. 23-19 Cascade Valley Estates

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 26 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
- Any security gates shall be installed in accordance with UL325, have an SOS gate module installed for emergency means of operation **Section 503.6 IFC 2018**, and meet the width standards according to **Section D103.5 IFC 2018**
- **Section 503.4 IFC 2018** Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles, minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times
- **Section 503.4.1 IFC 2018** Traffic calming devices shall be prohibited unless approved by the fire code official
- **Section D107.1 IFC 2018** developments of one- or two- family dwellings where the number of dwellings exceeds 30 shall be provided with two separate and approved fire apparatus access roads
- **Section D107.2 IFC 2018** Where two fire apparatus roads are required, they shall be placed a distance apart equal to, and not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served. This is measured in a straight line between accesses
- All roads shall be inspected and approved by the DRFPD prior to final plat
- **Section 507.1 IFC 2018** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- The required water supply for this development shall be a fire hydrant system. All fire hydrants shall have 5 inch Storz connector installed on the hydrant. Fire hydrants shall be placed every 400 to 600 feet, depending on occupancy

classification and capable of providing adequate flow. Redundant power supply and redundant fire pump shall be required

- An engineered drawing of the water system complete with hydrant locations shall be submitted to the Donnelly Rural Fire Protection District for review prior to construction. All fire hydrants shall be installed in accordance with **Section C102.1 IFC 2018**
- The required fire flow for this development shall be 1125 gallons per minute with duration of not less than two hours
- All hydrants shall be flow tested prior to final plat
- In accordance with **Section 501.5 IFC 2018** Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with Section 505.2
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter

Please call 208-325-8619 with any questions.

Jess Ellis



Fire Marshal
Donnelly Fire Department

CUP 23-16

From: Laura Bettis [REDACTED]
Sent: Wednesday, May 10, 2023 12:27 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: CUP 23-16

To Whom It May Concern,

It was brought to my attention as Secretary of the Westside Lakefork Lateral Ditch Co. (WLLDC) that this CUP was along our shared irrigation ditch. The landowner has rights on the ditch and the ditch runs through the property to a couple of downstream water rights holders. These water rights are all in District 65K. The ditch is not labeled or identified in any manner on the site plan for the CUP. WLLDC is not opposed to the proposed CUP, but consideration should be made to ensure that continued access of downstream right holders and WLLDC personnel to the ditch is permitted when required. Additionally, any fuel storage or other hazardous material storage should be done in such a manner and location as to not interfere with the downstream water right holders access to clean irrigation water.

Thank you,
Laura Bettis
Secretary
Westside Lakefork Lateral Ditch Co.
[REDACTED]



May 7, 2023

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

Subject: CUP 2319 Cascade Valley Estates
Southwest of Norwood at Nisula Road Intersection, Valley County

We wish to inform the P&Z Commissioners that the application has flaws, appears hastily prepared and is non-compliant with some County Codes and the intent of the Comprehensive Plan. We seek low impact development near sensitive receiving waters and encourage the P&Z Commissioners to think about the cumulative water quality consequences before making a decision. This proposed development site includes jurisdictional wetlands, Flood Zone and the receiving waters of Mud Creek which discharges into the Lake Fork Arm which in turn drains into Lake Cascade. According to IDEQ reports all three receiving waters are impaired, failing to meet Clean Water Act standards. Below is a partial list of deficiencies:

- **Retention vs Detention Pond (ref: VCC 4-5-2.2 "To protect all County waterways against pollution from contaminants", VC Waterways Management Plan county-wide objective CW5 and Priority Strategy LC3, and VC Comprehensive Plan chapters 4 and 6).** The application state that a retention pond is proposed and "There will be a recreational pond on the property that will allow for non motorized watercraft". Section 42-201, Idaho Code, makes it unlawful to divert or use public water without a valid water right. Water rights permits are issued by IDWR and this issue has not been sufficiently addressed in the application.

Retention ponds rob Mud Creek and downstream receiving waters of cold water which is much needed to tone-down harmful algae blooms and protect fish habitat from thermal warming. They also contribute to wetland degradation robbing filtering wetlands of moisture needed for ecosystem survival. Compounding the retention pond problem in this County are water rights issues, stagnant pond algal growth (FoLC is contacted annually by pond owners experiencing algal problems seeking solutions) and mosquito infestation issues.

We recommend as a condition of approval, working with the county engineer and Valley Soil and Water Conservation District (per Valley County Code 9-5A-1-E), to design a stormwater detention basin (**NOT RETENTION**) with temporary storage to filter/treat runoff (especially the first flush) and then allow filtered flow to continue to the wetlands, river and lake to attempt to mimic natural hydrologic processes in this sensitive area allowing for the beneficial re-use of stormwater.



Figure 1; September 30, 2022 Harmful Algae Bloom viewed from Sentinel2 satellite. The brilliant green streaks and swirls that you see are caused for the most part by a bloom of toxic producing cyanobacteria called Dolichospermum. Other toxic producing cyanobacteria like Aphanizomenon, Woronichinia, and Microcystis are also present. Consider the cumulative water quality consequences and need for permanent BMPs before deciding.

➤ **Sewage Handling:**

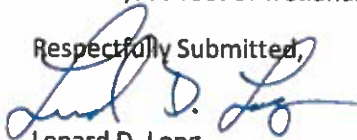
The information provided indicates "We will be tapping into the sewer system for disposal". That's a vague statement and we are unaware that North Lake Recreational Water and Sewer District has a lateral nearby. Sewage handling should be better defined and if septic systems are proposed, the application should be resubmitted for evaluation as septic systems near flood zones can be problematic.

There are other issues concerning compatibility with Ag land (the dominate land use) and traffic impacts to roads and bridge that should also be considered.

Changes in land-use and associated man-made activities (e.g., landscape, construction sediments, oil & grease road runoff, excess fertilizers, litter and pets) increase pollutants degrading our waterways. Lake Cascade, with its complexity of nutrient and thermal problems, is impaired for failing to meet Environmental Protection Agency's (EPA's) list of 303(d) water quality standards (primarily phosphorus). The lake has exceeded its natural ecological rebound capacity and currently has no remaining natural resiliency to annual nutrient loading and resulting eutrophication (see attached lake photos).

The cumulative impact of developments adds lake pollutants and destroys filtering wetlands ... unless permanent and well-engineered BMPs are installed like detention basins and constructed wetlands for filtration. Developments located within 1,000 feet of wetlands, tributaries and the lake need to take extra "low impact" precautions.

Respectfully Submitted,



Lenard D. Long
Friends of Lake Cascade
250 3rd Street
Cascade, Idaho 83611

[REDACTED]
(Representing 1,800+ concerned lake enthusiasts)

Cc:

Cody Janson, PE (via email: cjanson@parametrix.com)
Parametric (Valley County Engineers)

Sarah Windham, Regulatory Project Manager, (via email: Sarah.V.Windham@usace.army.mil)
U.S. Army Corp of Engineers, Walla Walla District
Boise Regulatory Office Via email: CENWW-RD-B01-SE@usace.army.mil

Jordan Messner, Southwest Regional Fisheries Manager – (via email: jordan.messner@idfg.idaho.gov)
Idaho Department of Fish and Game – McCall

Durena Farr, District Manager (via email: Durena.Farr@id.nacdnet.net)
Valley Soil and Water Conservation District

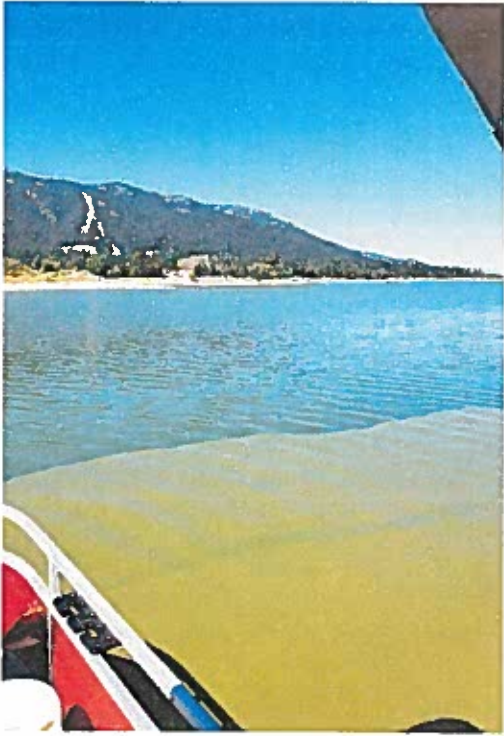


Figure 2; September 2019 Tamarack Bloom in the NFR Arm near this site's drainage discharge. Consider the cumulative and unintended water quality consequences and need for good permanent BMPs before deciding.

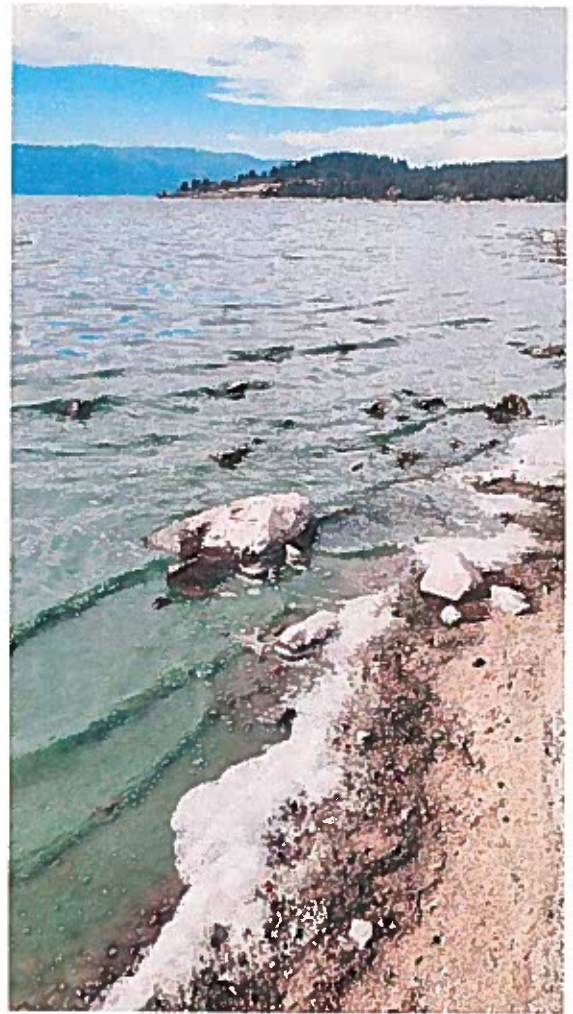


Figure 3; October 8, 2022 Van Wyck Beach looking toward Crown Point. Consider the cumulative and unintended water quality consequences and need for good permanent BMPs before deciding.

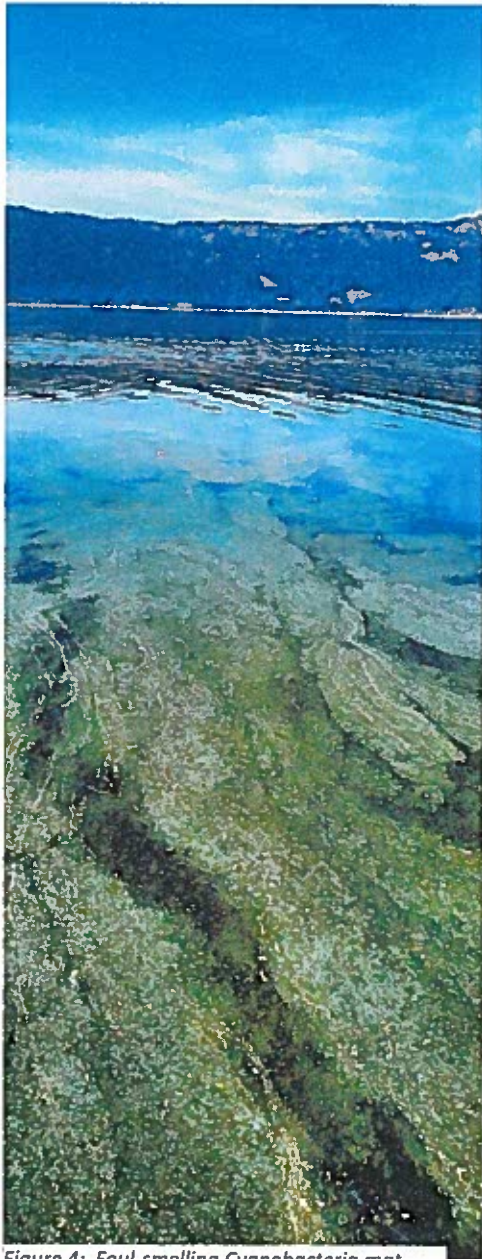


Figure 4; Foul-smelling Cyanobacteria mat October 5th, 2022 mid Lake Cascade near Sugarloaf SP. Consider the cumulative and unintended water quality consequences.



Figure 5, June 2022, Cyanobacteria bloom at the Cascade Golf Course. Consider the cumulative and unintended water quality consequences.

Jesse Dwyer
PO Box 785
Donnelly, ID 83615

May 10, 2023

RE: C.U.P. 23-19

To Whom It May Concern:

As a year-round resident of 13236 Norwood Rd, I have a daily and direct view of this proposed subdivision. For reference the attached Pics 1-3 for the view from my office (I run a small business from my home) and from my deck, both taken as I write this letter. I would like to bring your attention to some concerns I have with this application.

Almost all of the oversights and issues in C.U.P. 23-19 are solvable, but they are also so problematic that they **MUST BE SOLVED** in order for this development to be good for the economy and people of Valley County.

I.

First, and most important, the applicant proposes to pave Norwood Road and extend the sewer for NLSD from Roseberry Rd. **It is in the best interest of the county and the developer to place a condition on this promise that it must be fulfilled BEFORE construction of the development can begin.**

Here is why.

1. **The economics of this proposal are not good for developers in general.** Having this infrastructure in place before a likely default (more on that below) would serve the county and NLSD in cost-savings: Norwood has been slated to be paved in several years anyway, and development of this area (which I can credibly say may be the most perfect in our County) is surely inevitable. It would also help the developer. In the likely scenario of a default, the developer would have a much better chance of re-selling the property to another developer if that infrastructure is already in place. Here are a few numbers to illustrate the likelihood of a default:
 - a. As of the most recent tax assessment prior to April 20, there are 10,761 parcels in Valley County outside of city limits and subdivided as rural residential property, as C.U.P. proposes to become.
 - b. Of those, 5,565 remain undeveloped, or 52%. If the applicant sells 48% of 37 lots at the proposed (albeit unrealistic) pricing of \$400-\$700K, they could expect better odds of profit by spending the same amount at a casino craps table.
 - c. The numbers are worse as you drill in. Those 10,761 "RP00" parcels in class 515 and 537 represent about 587 individual subdivisions (1350 if counting

phases separately). As anyone who lives here and drives around could predict, the developments that are more than half built are fairly developed, and those that are less than half built are much less than half. The real numbers are 84% developed and 17% developed, respectively. Knowing this, the developer is now facing worse odds than roulette, with the county as its creditors. (With my family and neighbors bearing the brunt of slow and failed construction; but this letter is to focus on the best interests of the county and applicant).

d. (See attached data sheets 1-3 for these numbers)

2. The economics of this proposal are not good for this developer in particular.

a. Within 20 minutes of speaking with me for the first time several months ago, the applicant of C.U.P. 23-19:

- i. revealed they had already lost one capital partner
- ii. asked me if I would like to invest as one

b. I have worked on a lot of very big deals in my career, and I can say from experience a fact which we all inherently know: That is there are two types of people who speak this way—

- i. Well-meaning but naively inexperienced
- ii. Ill-meaning grifters

c. Whichever the applicant is, I trust we can give them the benefit of the doubt on and possibly even admire their entrepreneurial spirit. But bad math for the developer is worse math for the county.

3. The economics are not good for the county. Further analysis of the properties mentioned above reveals that subdivisions which make it past the 50% developed mark have a *total* assessment value (sum of all developed and undeveloped lots) that is **228% higher** than subdivisions which are less than 50% developed. (See attached data sheets 1-3). A few key takeaways from this:

- a. **As a county, we have a very strong revenue incentive to ensure that developments which are started get completed.** Given the risk values above (now applying 50/50 likelihood to whether the applicant is well- or ill-meaning), this leaves this particular applicant *with around 8.5% chance of success*. In that event, requiring the infrastructure improvements of Norwood road paving and NLSD extension up front help make this project more likely to be taken up by a second developer in the 91.5% chance of the first one's failure. The math is clear: **For the county, seeing a project to completion is much more important than seeing any individual applicant succeed.** The simplest way to do this is to require fulfillment of the paving and sewer promises upfront.
- b. For businesses in Valley County, the same is true. Our typical businesses (trades, real estate, food & beverage) do not make the bulk of their revenue on the existence of undeveloped lots. Similar to tax revenues. Our small businesses in the building industry don't have work until ground is breaking for a residence. MLS data would be more accurate, but we can assume 228% higher tax assessments would loosely translate to at least a similar 2.8X multiple in real estate sale values, e.g. commissions to our strong community of local realtors. And of course, empty lots don't send people to our restaurants and retail

businesses. If we start a development, it's in everyone's interest to get it *at least* past half-finished. Requiring paving and sewer upfront increases our chance of that happening.

Requiring Norwood Road paving and sewer installation PRIOR to the beginning of any construction fundamentally de-risks this scenario for the county AND for this out-of-town developer who may not fully understand the math of his gamble here. (This development should be an early part of his career, instead of an embarrassing end to it.)

Considering the math involved, the county faces enormous risk of failure of this development by not making these upfront requirements critical conditions of the C.U.P. A failed community on a country road is a failure for the developer and the county, and the surrounding neighborhood is left looking at the remains. The best way to ensure a good outcome for everyone (except possibly me who enjoys living here with few neighbors), is to require infrastructure improvements up front.

II.

Second: this could sound like a small quibble at first, but it's important for the value of our county, the character of our neighborhood, and a cost-savings for the developer: no streetlights.

The applicant has indicated they may install "tasteful street lights." Without parsing what, if anything, makes a streetlight tasteful, it is an objective fact they are neither common nor character here. One of the closest subdivisions to this location with street lights is 7 miles away at Tamarack (incidentally, in another large development by outsiders who promised our county paving and sewer infrastructure but whose vision was ultimately bigger than economic reality, yet was ultimately re-taken up by developers who may not have if sewer and pavement were not in already).

One of the reasons I live right here, and why my neighbors live right here is because it is dark, quiet, and wild. Streetlights must be a hard no. Dark-sky compliance is an obvious requirement, but the character of this neighborhood is more than dark sky, it is a dark neighborhood. (See pics 4-5)

It is an easy solution for the county to explicitly disallow street lighting as a condition of approval for C.U.P. 23-19

Here is some context for the claims above. Since May 2019, I have been on this land every day of every year (except for my wedding in 2021, a vacation or two, and a few nights at St Lukes having our daughter). I watch the seasons change, the birds hunt, the stars migrate, and fires burn. I have seen cougar, moose, coyote, wolf, elk, deer, bear, great grey owl, golden eagle, bald eagle, osprey, hawk, and dozens of other species on this land and the proposed development. I know the people who drive here to walk this stretch of road, or to walk their dogs. I know the usual speeders and standard rubberneckers. I speak with trespassers on the land in question, and I've witnessed arson on it. I know it is a cold sink (-30° was our low this

year), and I know it is prone to microburst but only in north/northwest storms. I am trying to say I know this specific area and I know it really well.

III.

Third and finally, there are several minor issues I do not want to take too much of your time with, but as a whole matter.

For instance, see pic 6 of the longstanding Osprey nest which stands just a few feet south of the applicant's proposed entrance to the subdivision. See Pic 7 of the low lying flood area directly at that proposed entrance and not listed on the CUP application. Applicant also falsely indicates this road is characterized by heavy truck noise. As someone who lives on it and watches it daily and year-round, this is either a lie meant to pad the application or yet another naive misunderstanding.

Minor errors like this are throughout the application. And while all of them seem solvable, as a whole they collectively give the county a very clear takeaway: the applicant does not understand where they are proposing to develop.

For this reason, and the ones listed above, the obvious and best course of action for the county and the developer is for the county to require road-paving and sewer to be complete before construction, and for streetlights to be explicitly prohibited.

CONCLUSION

My family and I will endure years of construction noise, dust, disruption and unwelcome change from this development. That is not what the above letter is about. This letter is about what is best for the economy and the people of all of Valley County. Which is to require upfront work from the applicant which happens to also benefit him, and to ensure the character of this neighborhood remains quiet and dark.

Please let me know if I can provide additional context or insight on any of the above data and proposed solutions.

Thank you,

Jesse Dwyer

A handwritten signature in black ink, appearing to be 'Jesse Dwyer', with a long horizontal line extending to the right.



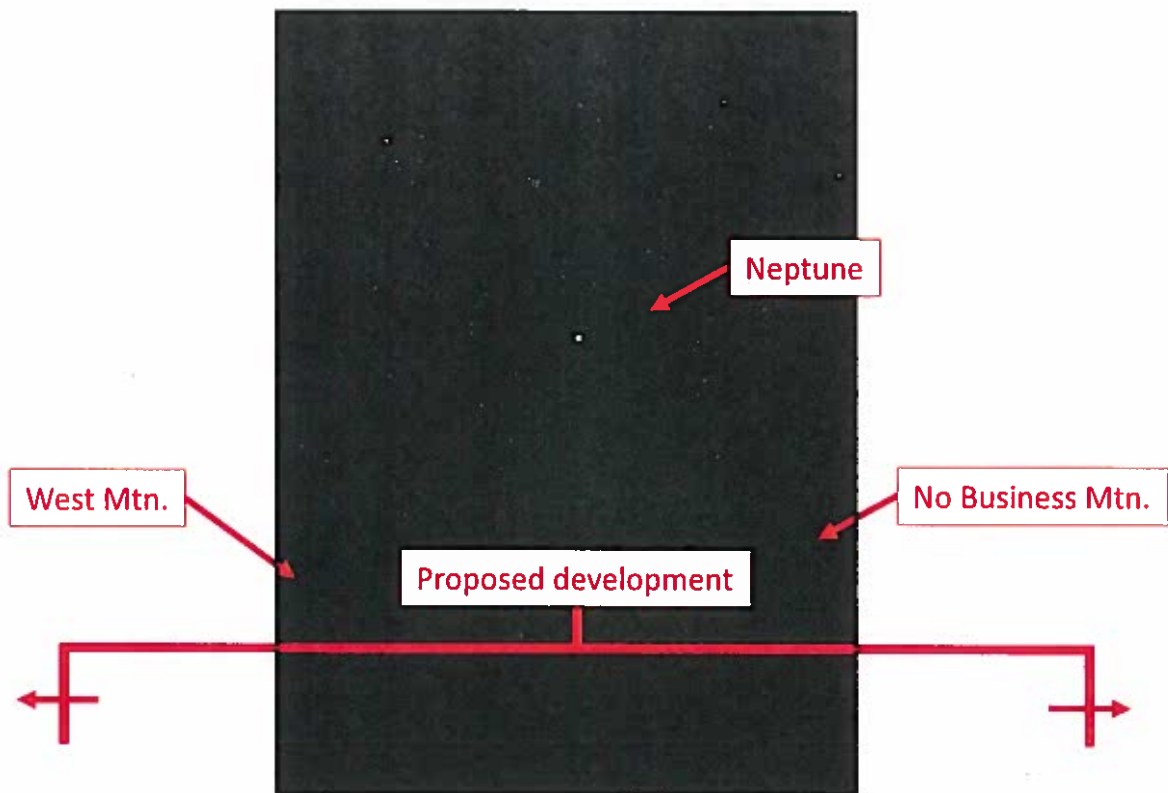
Pic. 1 *realtime daily view from my office of proposed development*



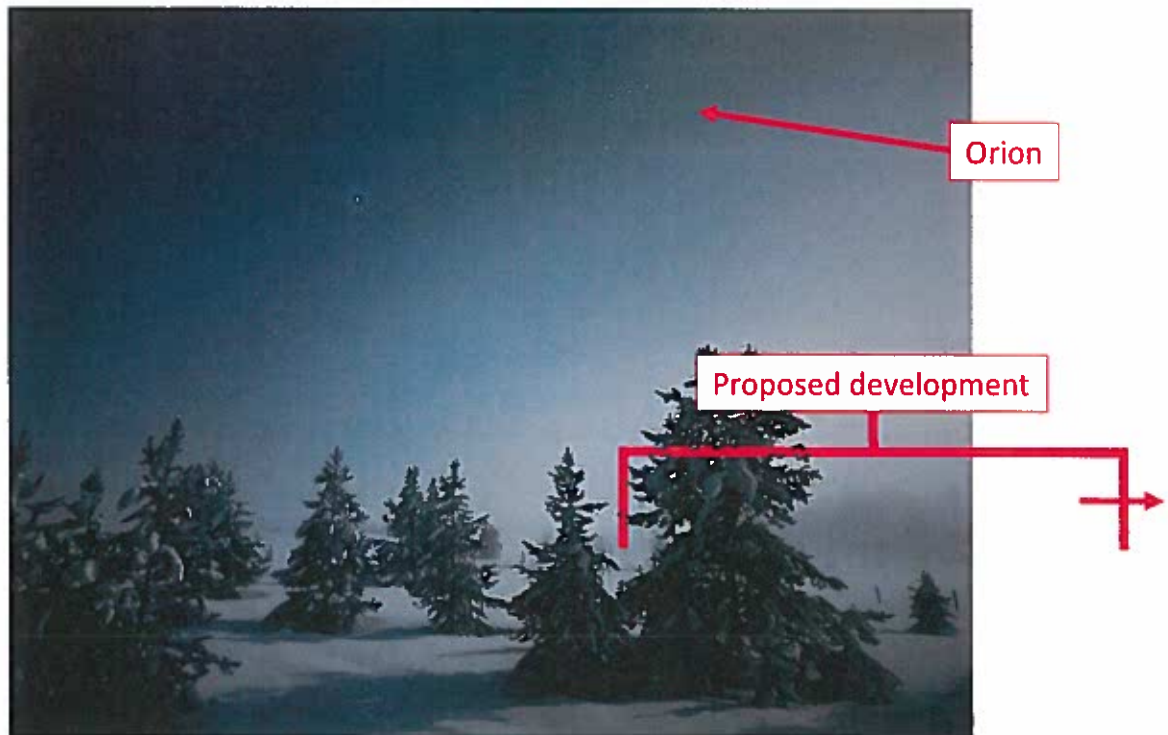
Pic. 2 *realtime daily view from my deck of proposed development*



Pic. 3 *realtime daily view from my deck of proposed development*



Pic. 4 *Night time view from my kitchen of proposed development*



Pic. 5 *1am, full moon, long-exposure view from my deck of proposed development*



Pic. 6 *longstanding Osprey nest at proposed Norwood Road entrance*



Pic. 7 Low-lying flood prone area at proposed Norwood entrance and not identified in application

Submitted spreadsheet information is available at the Planning and Zoning Office.

- Sheet 1_output processed
- Sheet 2_VC Res Rural Data Relevant Parcels
- Sheet 3_VC RP listing master sheet