

Valley County Planning and Zoning

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



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

STAFF REPORT:	C.U.P. 22-19 Valley Heights Subdivision - Final Plat
HEARING DATE:	October 19, 2023
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT/ PROPERTY OWNER:	Randall L Valley II 5663 E Felly Rim CT, Boise, ID 83716
ENGINEER:	Crestline Engineers P.O. Box 2330, McCall, ID 83638
SURVEYOR:	Dan Dunn, Dunn Land Surveys 25 Coyote Trail, Cascade, ID 83611
LOCATION:	Parcel RP16N04E065407 approximately 33 acres east of Finlandia Road; in Section 6, T.16N, R.4E, Boise Meridian, Valley County, Idaho
SIZE:	33 acres
REQUEST:	Single-Family Residential Subdivision
EXISTING LAND USE:	Rural Parcel – Single-Family Residential

Randall Valley is requesting final plat approval. The Commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit.

The approval of the conditional use permit and preliminary plat for 5 single-family residential lots was effective July 6, 2022. This plat consists of 5 single-family residential lots on 33 acres. Lot sizes range from 5 acres to 7.6 acres. Individual wells and individual septic systems are proposed. A water storage tank will be installed for fire mitigation purposes; the location is shown on the plat at the entrance. All proposed utilities are to be installed underground and complete by summer 2024.

Access would be from a new private road onto Finlandia Road (public). Shared driveways are proposed. A shared driveway maintenance document is needed for recording. Preliminary plat approval included a variance from the required 28-ft roadway width to 24-ft to minimize the required cut and fill disturbance to the hillside while maintaining a maximum gradient of 10%. A variance is also requested for a cul-de-sac longer than 900-ft in length.

Draft CCRs have been submitted. Short-term rentals (less than 30 days) are prohibited in the CCRs. A wildland urban interface fire protection plan has been submitted.

The applicant is requesting financial guarantee of the road construction and fire protection water tank installation.

FINDINGS:

1. The final plat packet was submitted on September 15, 2023.
2. Legal notice was posted in the *Star News* on September 28, 2023, and October 5, 2023. The proposed final plat was posted on the Valley County website on September 18, 2023. **This is not a public hearing.**
3. Agency comment received:

Kathy Riffie, Valley County Cadastral Technician II, reviewed the plat and listed corrections that need to be made. (August 23, 2023)

Jess Ellis, Donnelly Fire Marshal, approves the final plat. However, no building permits shall be issued until Donnelly Fire District has approved the road and the fire suppression water storage tank. (September 25, 2023)

Paul Ashton, Valley County Engineer, recommended approval of the Final Grading and Drainage Plans and Stormwater Drainage Report. Approval is conditioned on the final plat containing legal mechanisms (slope easements or open area designation to protect the stability of the newly constructed steep roadway slopes from impacts due to future development of the individual lots (October 14, 2022)

STAFF QUESTIONS / COMMENTS / RECOMMENDATION:

1. The road should be named as a "Court" not as "Drive".
2. This note must be added to the plat: **"Surrounding land uses are subject to change."**
3. A note referencing the Wildland Urban Interface Mitigation Plan should be added to the plat. It will be recorded at the time the plat is recorded.
4. The applicant should respond to the comments from the Valley County Engineer. See Plat Note 2.
5. The original application stated that there were no water rights. Plat Note # 9 states irrigation water has not been provided for by the owner, and the lots shown on this plat shall be subject to assessments by Gold Fork Irrigation Co LTD. Are there water rights and/or do you have approval from Gold Fork Irrigation Co LTD?
6. Drafts of the Declaration of Utilities, Declaration of a Private Road, and a shared driveway maintenance agreement have not been submitted.
7. Plat Note 8 should be modified to include the Planning and Zoning Commission.
8. The following are the conditions of approval and comments as to whether the applicant has complied with each condition.

Approved Conditions of Approval – Instrument # 451272:

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

2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit. ✓
3. The final plat shall be recorded within two years, or this permit will be null and void.
Must be recorded by July 6, 2024.
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. 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. ✓
6. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.

Financial guarantees are requested. Prior to being taken to the Board of County Commissioners, financial guarantees must be based upon 120% of the cost of completion, as approved by the Valley County Engineer.
7. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat. **Plat Note 14.**
8. All lots shall be accessed from interior roads. ✓ **Plat Note 11.**
9. A shared-driveway maintenance agreement is required prior to recordation and must be noted on the face of the plat. **Plat Note 12. The document has not been submitted.**
10. Must bury conduit for fiber optics in the roadway. **To be installed with electrical utilities.**
11. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
Needs submitted. This is not noted on the plat.
12. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
Needed.
13. The location of the water storage tank for emergency response must be indicated on the final plat with notes on future maintenance. **The location is noted on the plat.**
Maintenance is addressed within CCRs 3.11.E and 5.3.F
14. CCR's should address lighting **[3.1.I]**, wildfire prevention **[3.24]**, noxious weeds **[3.22]**, septic maintenance **[3.11.C]**, water storage tank maintenance **[3.11E, 5.3.F]**, and limit each lot to one wood burning device **[3.18]**. ✓
15. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road. **[3.21A]**
16. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year. **CCRs 5.3.G.**

17. All easements shall be shown on the final plat. ✓
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
The applicant will work with the Road Director and the Board of County Commissioners on a development agreement.
19. The following notes shall be placed in the notes on the face of the final plat: ✓
- "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."
20. Must participate with proportionate share in maintenance of external fences. Shall be provided for long term in the CCR's. **CCRs 5.3.G.**
21. CUP approval includes approval of the two variance to allow a culdesac of over 900' from connecting road and decrease in width of road surface from 28' to 24'. ✓
22. All lots should be accessed from the private internal road. **Plat Note 11**

ATTACHMENTS:

- Conditional Use Permit
- Vicinity Map
- Aerial Map
- Responses
- Proposed Preliminary Plat
- Applicant's Submittal Letter and Proposed Final Plat Received September 15, 2023

END OF STAFF REPORT

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350
Phone: 208-382-7115
Email: cherrick@co.valley.id.us



Instrument # 451272
VALLEY COUNTY, CASCADE, IDAHO
7-7-2022 10:32:22 AM No. 6 of Pages: 2
Recorded for : PLANNING AND ZONING
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COUNTY MISC

CONDITIONAL USE PERMIT NO. 22-19 Valley Heights Subdivision

Issued to: **Randall L Valley II**
5663 E Felly Rim CT
Boise ID 83716

Property Location: The site is 33 acres that is identified as parcel RP16N04E065407 in Section 6, T.16N, R.4E, Boise Meridian, Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of June 23, 2022. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. 22-19 with Conditions for establishing a single family residential subdivision as described in the application, staff report, and minutes.

The effective date of this permit is July 6, 2022.

Conditions of Approval:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within two years, or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. 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.

6. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.
7. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
8. All lots shall be accessed from interior roads.
9. A shared-driveway maintenance agreement is required prior to recordation and must be noted on the face of the plat.
10. Must bury conduit for fiber optics in the roadway.
11. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
12. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
13. The location of the water storage tank for emergency response must be indicated on the final plat with notes on future maintenance.
14. CCR's should address, lighting, wildfire prevention, noxious weeds, septic maintenance, water storage tank maintenance, and limit each lot to one wood burning device.
15. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
16. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
17. All easements shall be shown on the final plat.
18. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
19. The following notes shall be placed in the notes on the face of the final plat:
 - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Only one burning device is allowed on each lot."
20. Must participate with proportionate share in maintenance of external fences. Shall be provided for long term in the CCR's.
21. CUP approval includes approval of the two variance to allow a culdesac of over 900' from connecting road and decrease in width of road surface from 28' to 24'.

22. All lots should be accessed from the private internal road.

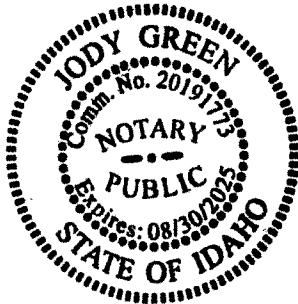
END CONDITIONAL USE PERMIT

Date July 6, 2022

Approved by Cynda Herrick

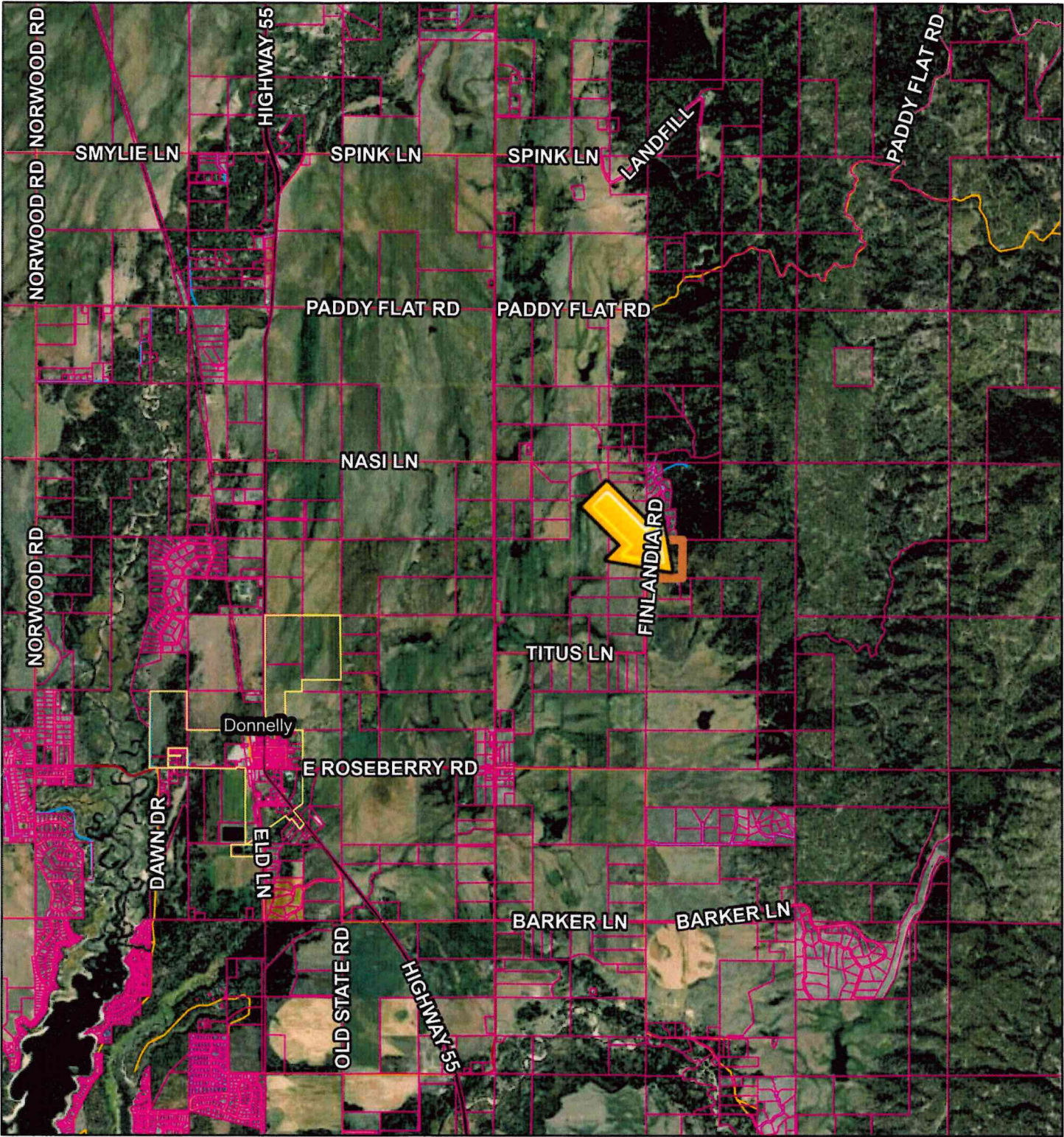
On this 6 day of JULY, 2022^{***}, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.












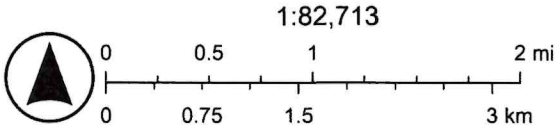
Jody Green
Notary Public
Residing at Valley County
Commission Expires: 8/30/25

C.U.P. 22-19 Vicinity Map



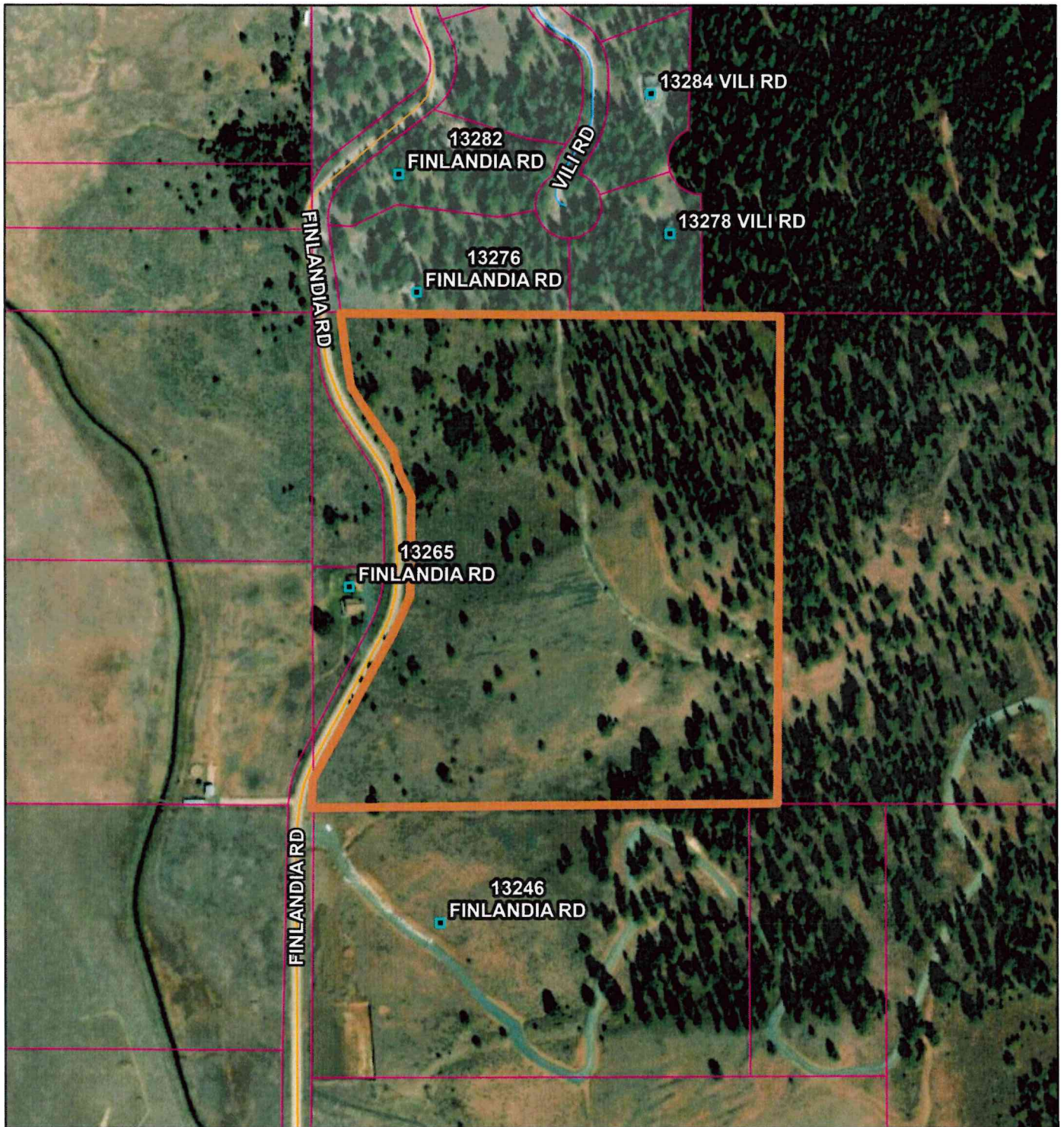
9/5/2023, 2:03:50 PM

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



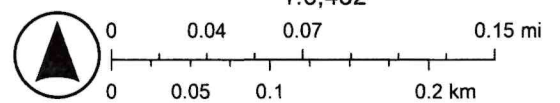
Earthstar Geographics

C.U.P. 22-19 Aerial Map



9/5/2023, 1:59:13 PM

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



Maxar

Valley County Assessor's Office

P.O. Box 1350 • 219 N. Main Street
Cascade, Idaho 83611-1350
Phone (208) 382-7126 • Fax (208) 382-7187

SUE LEEPER

Assessor
sleeper@co.valley.id.us



Department of Motor Vehicles
Phone (208) 382-7141 • Fax (208) 382-7187

DEEDEE GOSSI

Chief Deputy Assessor
kgossi@co.valley.id.us

August 23, 2023

Cynda Herrick
Valley Co. P&Z Administrator
Valley County Courthouse
Cascade, Idaho 83611

RE: Final Plat Review "Valley Heights Subdivision"

Dear Cynda,

This letter is in response to your request for our office to review the final plat of the above referenced subdivision.

I have run a traverse of the subdivision boundary from the legal description provided on the Certificate of Owners. Enclosed you will find a copy. This **2024** proposed plat is a portion of a parcel referenced on the Assessment Roll as GOV'T. LOT 6, LYING EAST OF COUNTY ROAD S6 T16N R4E. The parcel number(s) and ownership are as follows:

RP 16N04E06S407 – Ryan M. Valley, Matthew S. Valley, and Randall L. Valley II

I have enclosed a copy of the GIS plat with this proposed plat highlighted.

Dan, please review the following items:

- Randall L. Valley II is the only owner referenced on the Certificate of Owners. Assessor ownership records indicate that Ryan M. Valley and Matthew S. Valley are also owners of the parent parcel and should be referenced as well.
- There is verbiage that appears to be a holdover from a previous plat that references Tamarack Municipal Association and Phase 3.3 on the Certificate of Owners in the paragraph above the signature area for Randall L. Valley II.
- The arc length for C1 is missing on the description of that curve on the Certificate of Owners.

Please feel free to contact our office with any further questions or inquiries. Thank you for allowing us the opportunity to review this plat.

Sincerely,

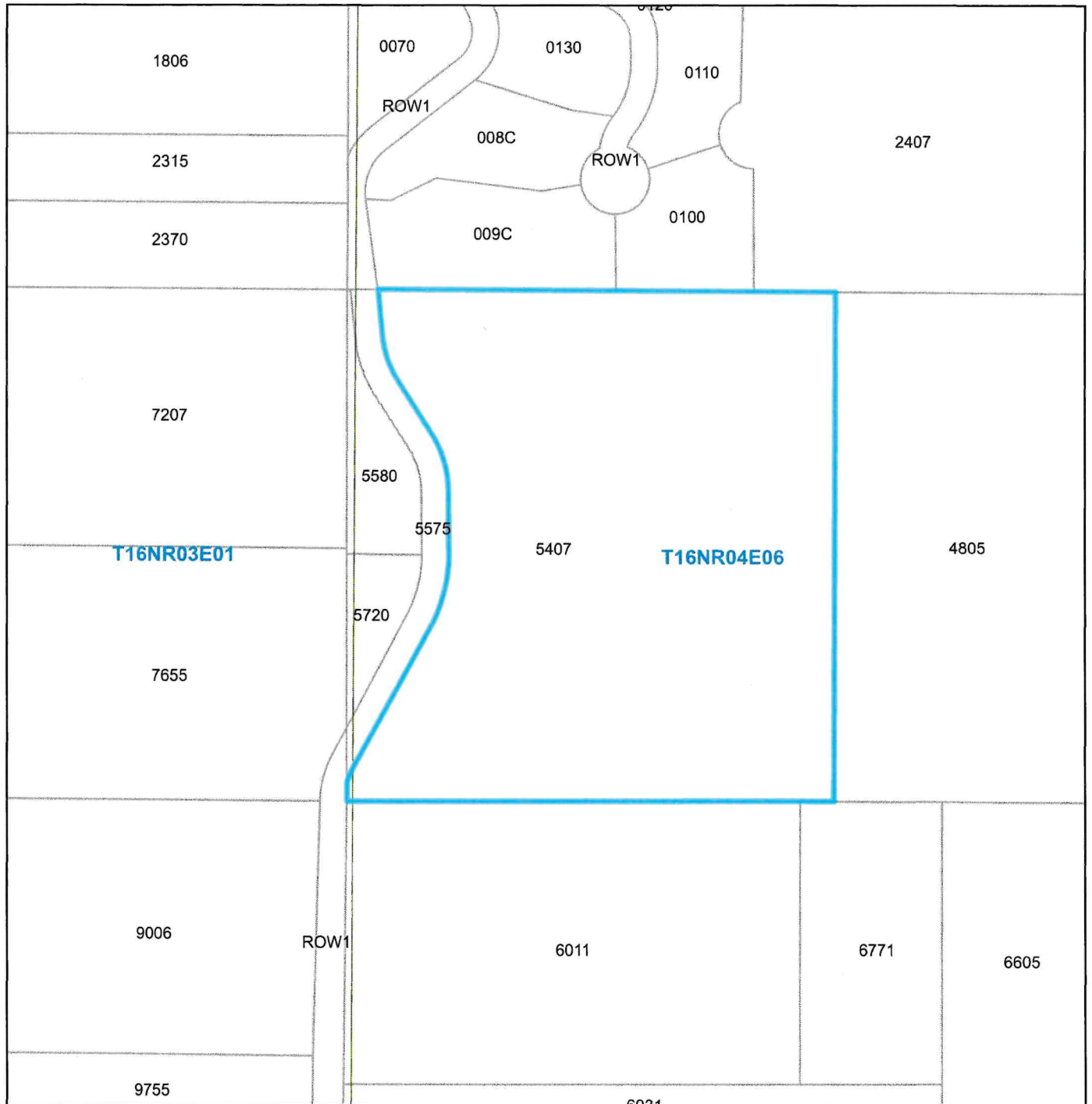
Kathy Riffie
Cadastral Specialist Technician II
Valley County Cartography Department

Enclosure

Cc: Chip Bowers, Valley County Surveyor; Dan Dunn, Dunn Land Surveys, Inc.

VALLEY HEIGHTS SUBDIVISION

RP16N04E06S407



Legend

- Parcels
- PLSSSection



Date: 8/22/2023
By: kriffie

This map or drawing is to be used for reference purposes only.
The County is not responsible for any inaccuracies contained herein.

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet



0 0.04 0.08 Mi

J:\Traverse PC\traverse 2013\16n\4E\SEC06.TRV
T16N R4E S6

Valley Heights Subd Boundary

1452107.2739 SqFt 33.3358 Acres

Point	Type	Grid Bearing	Grid Dist	Radius	Arc Length	Delta	Northing	Easting
2							-0.382	76.869
3		S89°42'54"E	1190.59				-6.305	1267.444
4		S0°22'12"W	1320.06				-1326.337	1258.920
S16	PC	N89°53'51"W	1266.22				-1324.072	-7.298
6	PT	N15°43'34"E	96.52	214.75	97.35	25°58'25"	-1231.165	18.863
7	PC	N28°42'46"E	428.83				-855.065	224.881
8	PT	N14°05'17"E	169.17	-335.00	171.02	29°15'00"	-690.983	266.060
9	PC	N0°32'12"W	178.21				-512.780	264.390
10	PT	N16°39'46"W	158.31	-285.00	160.42	32°15'01"	-361.118	218.997
11	PC	N32°47'20"W	160.67				-226.047	131.987
12	PT	N20°05'35"W	116.48	265.00	117.44	25°23'29"	-116.657	91.971
2'		N7°23'49"W	117.25				-0.383	76.876

Friday, August 18, 2023 16:31:48
kriffie



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

September 25, 2023

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

RE: C.U.P. 22-19 Valley Heights Subdivision

After review, the Donnelly Rural Fire Protection District approves final plat for C.U.P. 22-19 Valley heights Subdivision with the following requirements.

No buildings permits shall be issued until the following inspections have been completed.

- All roads shall be inspected approved
- Fire Suppression water storage tank shall be tested and approved

Please call 208-325-8619 with any questions.

Jess Ellis

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

Fire Marshal
Donnelly Fire Department

SENT VIA EMAIL

October 14, 2022

Parametrix No. 314-4875-001 Task 02.103

Ms. Cynda Herrick, AICP, CFM
Valley County Planning and Zoning Administrator
P.O. Box 1350
Cascade, ID 83611

Re: Valley Heights Subdivision – Final Grading and Drainage Plans and Stormwater Drainage Report

Dear Cynda:

We have reviewed the above referenced documents against the current Valley County (VC) standards. Per our review and in coordination with the developer's engineer, the grading and drainage plans and stormwater report meet the standards and requirements; therefore, we are recommending conditional approval of the documents.

The recommended approval is conditioned on the final plat containing legal mechanisms (slope easements or open area designation) to protect the stability of the newly constructed steep roadway slopes from impacts due to future development of the individual lots.

Please contact me with any questions or comments.

Sincerely,

PARAMETRIX
Valley County Engineer



Paul Ashton, P.E.

cc: Project File

Anthony Dini, EIT, Crestline Engineers

PRELIMINARY PLAT- VALLEY HEIGHTS SUBDIVISION

A RESIDENTIAL SUBDIVISION LOCATED IN
E 1/4 OF SECTION 6
T16N, R4E, B.M.
VALLEY COUNTY, IDAHO
2022

- LEGEND:
- PROPERTY BOUNDARY
 - ADJACENT PROPERTY LINE
 - EXISTING RIGHT-OF-WAY
 - PROPOSED RIGHT-OF-WAY
 - ROAD CENTER LINE
 - EXISTING EASEMENT LINE
 - PROPOSED LOT LINE
 - PROPOSED EASEMENT LINE

NOTES:

- THE SUBDIVISION OF THIS PROPOSED DEVELOPMENT IS
RYAN VALLEY
5863 E. FELLY RM COURT
BOISE, ID 83716
1. THE LAND SURVEYOR OF THIS PROPOSED DEVELOPMENT IS
DUNN LAND SURVEYS, INC.
2150 W. 10TH AVE.
BOISE, ID 83721
2. THE EXISTING LAND USE/ZONING IS OTHER RURAL
3. THE TOTAL AREA FOR THE DEVELOPMENT IS APPROXIMATELY
533.28 ACRES.
4. REFER TO EXHIBIT NO. EX-2 FOR EXISTING CONDITIONS
AND TOPOGRAPHY.
5. SETBACKS WILL COMPLY WITH VALLEY COUNTY STANDARDS.

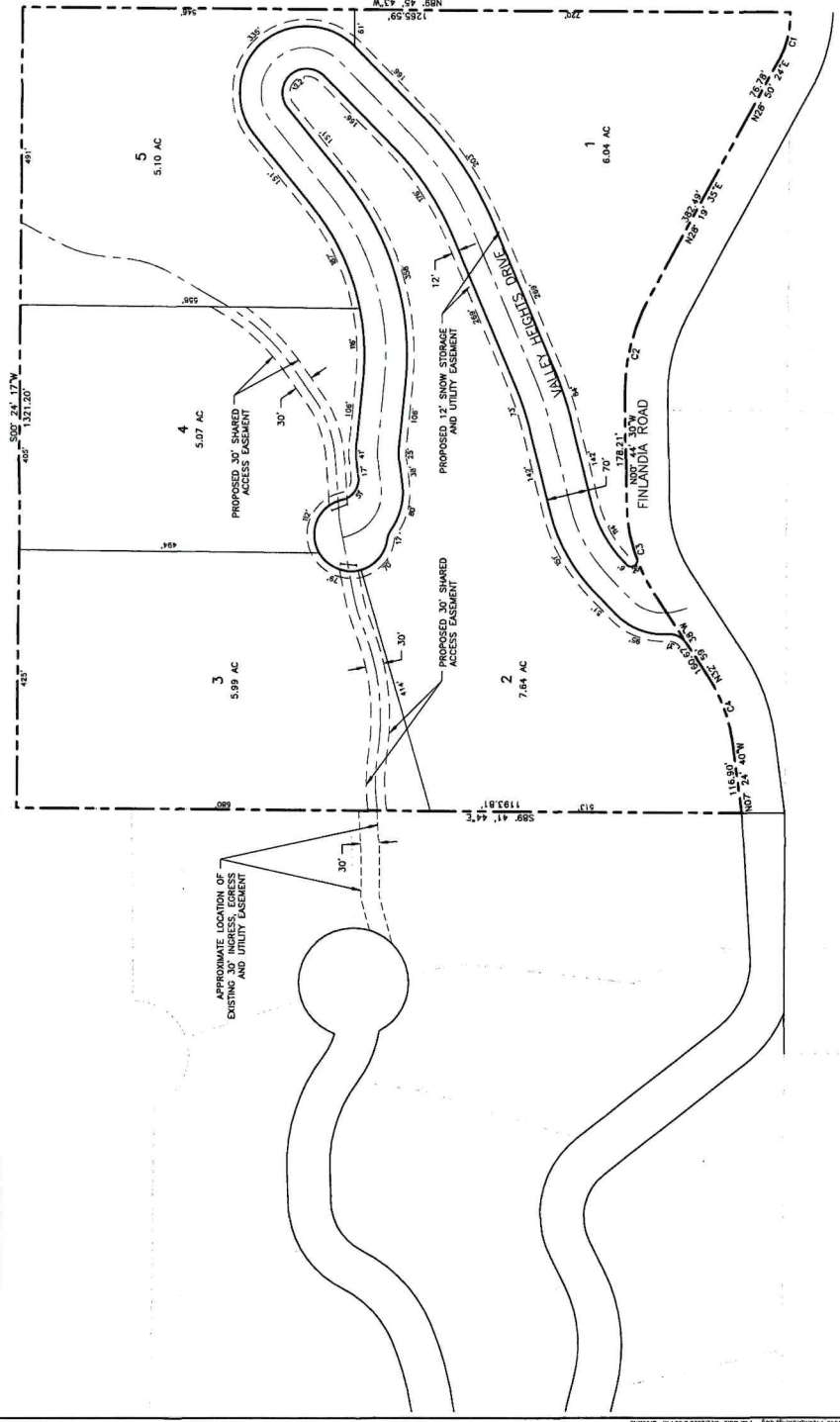
DEVELOPMENT DATA:

PROPERTY AREA	33.26 ACRES
RIGHT-OF-WAY AREA	3.42 ACRES
LOT(S) AREA	29.84 ACRES

FLOOD PLAIN NOTE:

FEMA FIRM PANEL(S): 16085C1025C, 16085C1325C
FIRM EFFECTIVE DATE(S): 2/1/2019
FLOOD ZONE(S): ZONE X
BASE FLOOD ELEVATION(S): 474
FLOOD DAMAGE PREVENTION MEASURES BY FEMA AND ALL
LAND WITHIN A FLOODPLAIN OR FLOODPLAIN IS REGULATED BY
TITLE 9 AND TITLE 11 OF THE VALLEY COUNTY CODE.

PROPERTY CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
			DIRECTION
C1	95.19	157.60	34.56 N15° 55' 56"E 93.75
C2	142.43	348.67	23.41 N11° 26' 44"E 141.44
C3	160.35	269.75	31.71 N16° 52' 04"W 158.31
C4	117.28	274.58	24.47 N20° 18' 36"W 116.37



NO.		REVISION		BY	DATE	DESIGN	GT
						DRAWN	GT
						CHECKED	GT
						APPROVED	GT

CRESTLINE ENGINEERS		323 DEINHARD LANE SUITE C • PO BOX 2330		MCALL, IDAHO 83638	
VALLEY HEIGHTS SUBDIVISION		VALLEY COUNTY, IDAHO		PRELIMINARY PLAT	
VERIFY SCALE		DATE		DRAWING NO	
SCALE: 1" = 100'		4/22/2022		EX-1	
SHEET NO		1 OF 4			