

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. 21-38 Jug Mountain Ranch P.U.D. 97-1 – Phase 3 Village South – Extension Request
MEETING DATE:	November 9, 2023
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Jug Mountain Ranch LLC and Carey Real Estate Management LLC David John Carey II, Manager, PO Box 2332, McCall, ID 83638
REPRESENTATIVE:	Amy Pemberton, Millemann, Pemberton & Holm LLP PO Box 1066, McCall, ID 83638
ENGINEER:	Crestline Engineers PO Box 2330, McCall, ID 83638
SURVEYOR:	Ralph Miller, Secesh Engineering P.O. Box 70, McCall, ID 83638
LAND PLANNER:	David Peugh, Epikos LLC PO Box 2490, McCall, ID 83638
LOCATION:	Part of Jug Mountain Ranch Planned Unit Development Block 3, Phase 2, and a portion of RP17N04E063004 in the SW ¼ Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho, Boise Meridian, Valley County, Idaho
SIZE:	3.33 acres
REQUEST:	Single-Family Residential Subdivision
EXISTING LAND USE:	Bare Land

Jug Mountain Ranch LLC is requesting a two-year extension of the conditional use permit and preliminary plat approval that expires on December 21, 2023.

Preliminary plat approval was for 8 single-family residential lots plus 1.48 acres of open space. Lots will be accessed from Jug Mountain Ranch Road, private, onto Farm-to-Market Road, public. The homes will use the existing central sewer and water systems for Jug Mountain Ranch.

Idaho Department of Environmental Quality (DEQ) is requiring the implementation of improvements to a Wastewater Facilities Plan approved in January 2023, to the extent necessary to increase the capacity to incorporate the existing 161 platted lots, plus the eight lots of Phase 3 Village South. This requirement was imposed due to new rules requiring testing for phosphorus in the sewer facility, which was not previously a requirement, and which reduced the approved equivalent dwelling units (EDUs) for the existing system.

Jug Mountain Ranch Planned Unit Development consists of 1,430 acres of which 1,104 acres are planned for platted recreation and open space, including the 18-hole golf course. The development is occurring in phases. Buildout will allow 325 residential and mixed residential units. There have been 161 lots recorded in previous phases. There have been 161 lots recorded in previous phases.

FINDINGS:

1. The extension request was submitted on September 12, 2023.
2. Legal notice was posted in the Star News on October 19, 2023, and October 26, 2023. Potentially affected agencies were notified on October 9, 2023. Neighbors within 300 feet of the property line were notified by fact sheet sent October 11, 2023. The site was posted on October 13, 2023. The notice and extension request were posted online at www.co.valley.id.us on October 9, 2023.

3. Agency comment received since the public hearing on Dec. 9, 2021:

Jess Ellis, Donnelly Fire Marshal, stated all prior requirements shall remain in effect. (Oct. 16, 2023)

Mike Reno, Central District Health, has no objections to time extension. (Oct. 10, 2023)

Paul Aston, Valley County Engineer, recommended approval of the Final Engineering Plans and Stormwater Report. (July 20, 2022)

4. Public comment received:

Jon Carter, 210 Ferguson Way, is a homeowner within Jug Mountain Ranch (JMR). In his opinion, JMR offers no valid reason or explanation for why an extension should be granted. Issues are (1) the "unforeseen rule changes" and (2) the timing for a fully operational and compliant sewage treatment facility. No rule changes have occurred by Idaho Department of Environmental Quality since C.U.P. 21-38 was approved in December 2021. JMR is currently not being served by an adequate working sewage treatment facility for the existing 161 platted lots, let alone proposed lots in C.U.P. 21-38. The plant will not be upgraded until late 2025 or 2026, at the earliest. (Oct. 27, 2023)

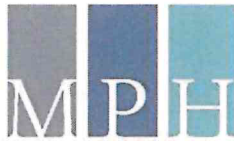
STAFF QUESTIONS / COMMENTS / RECOMMENDATION:

None

ATTACHMENTS:

- Extension Request
- Conditional Use Permit 21-38, Instrument #446867
- Vicinity Map
- Aerial Map
- Photos taken October 13, 2023
- Approved Preliminary Plat
- Planning and Zoning Meeting Minutes of Oct. 14, 2021
- Responses

END OF STAFF REPORT



MILLEMANN PEMBERTON & HOLM LLP
ATTORNEYS AT LAW

Mailing Address: P.O. Box 1066, McCall, ID 83638
Physical Address: 706 North First St., McCall, ID 83638

AMY N. PEMBERTON
EMAIL: [REDACTED]

TELEPHONE [REDACTED]
FACSIMILE [REDACTED]

September 12, 2023

Via email cherrick@co.valley.id.us
And via personal delivery



Cynda Herrick
Valley County
Planning and Zoning Director
PO Box 1350
Cascade, ID 83611

Re: Extension Request - Jug Mountain Ranch PUD Phase 3 Village South

Dear Cynda:

This letter is an extension request for Conditional Use Permit 21-38 (“CUP 21-38”). On December 21, 2021, Jug Mountain Ranch LLC (“JMR”) received preliminary plat approval for an eight lot, single family subdivision (“Phase 3 Village South”), CUP 21-38. As described in more detail below, due to unforeseen rule changes by the Idaho Department of Environmental Quality (“DEQ”), the final plat of Phase 3 Village South cannot be recorded within two years from CUP 21-38’s approval. Accordingly, JMR is requesting an extension.

A. Summary of Phase 3 Village South

Phase 3 Village South will provide eight single family residential lots, that are smaller lots and higher density than other lots in Jug Mountain Ranch. Total acreage of Phase 3 Village South is 3.33 acres, of which there are 1.48 acres of open space that will be reserved for use of the owners in Phase 3 Village South. Phase 3 Village South will contain no commercial lots. The Preliminary Plat is attached as **Exhibit 1**.

It is anticipated that JMR will construct the homes on the lots of Phase 3 Village South. The square footage of the homes will be up to 2,400 square feet of heated livable space. See **Exhibit 2** for the Site Plan which depicts preliminary locations of the homes that will be constructed.

The density approved in CUP 04-34 includes commercial uses, plus 125 residential lots, 99 of which remain available after the platting of Phase 3A. No changes are requested to the approved uses and densities.

B. Reasons Extension is Needed

As a condition of approval, the final plat of Phase 3 Village South was to be recorded by December 21, 2023. However, prior to approving any additional final platting in Jug Mountain

Ranch, DEQ is requiring the implementation of improvements to a Wastewater Facilities Plan approved in January of 2023, to the extent necessary to increase the capacity to incorporate the existing platted lots (161 lots), plus the eight lots of Jug Mountain Ranch Phase 3 Village South. This requirement was imposed due to new rules requiring testing for phosphorus in the sewer facility, which was not previously a requirement, and which reduced the approved equivalent dwelling units ("EDUs") for the system.

With the approval of the Phase 3A plat, recorded in September of 2018, there were still available EDUs for Phase 3 Village South. Due to these changes in the rules, the final plat could not be recorded until DEQ approves the upgraded sewer system, which we hope will be given sometime in 2024. The final plat therefore cannot be filed prior to the expiration of the preliminary plat approval on December 22, 2023.

C. Overview of What Has Been Completed to Date

Phase 3 Village South will utilize the central sewer and central water systems for Jug Mountain Ranch. The main water and sewer lines are already in place and the utilities will be completed prior to recording the final plat. Phase 3 Village South will be accessed from Jug Mountain Ranch Road, which is a private, completed road.

D. Updated Completion Date, Phasing Plan and Timeline

It is anticipated that application for final plat for Phase 3 Village South will be made in the spring or summer of 2024, and that construction will commence prior to that time. To the extent that utilities and roads are not completed prior to recordation of the final plat, the cost to complete will be escrowed in accordance with the VCLUDO.

A list of owners of property within 300' of Phase 3 Village South is attached as **Exhibit 3**.

Please let us know if you have questions or need any additional information.

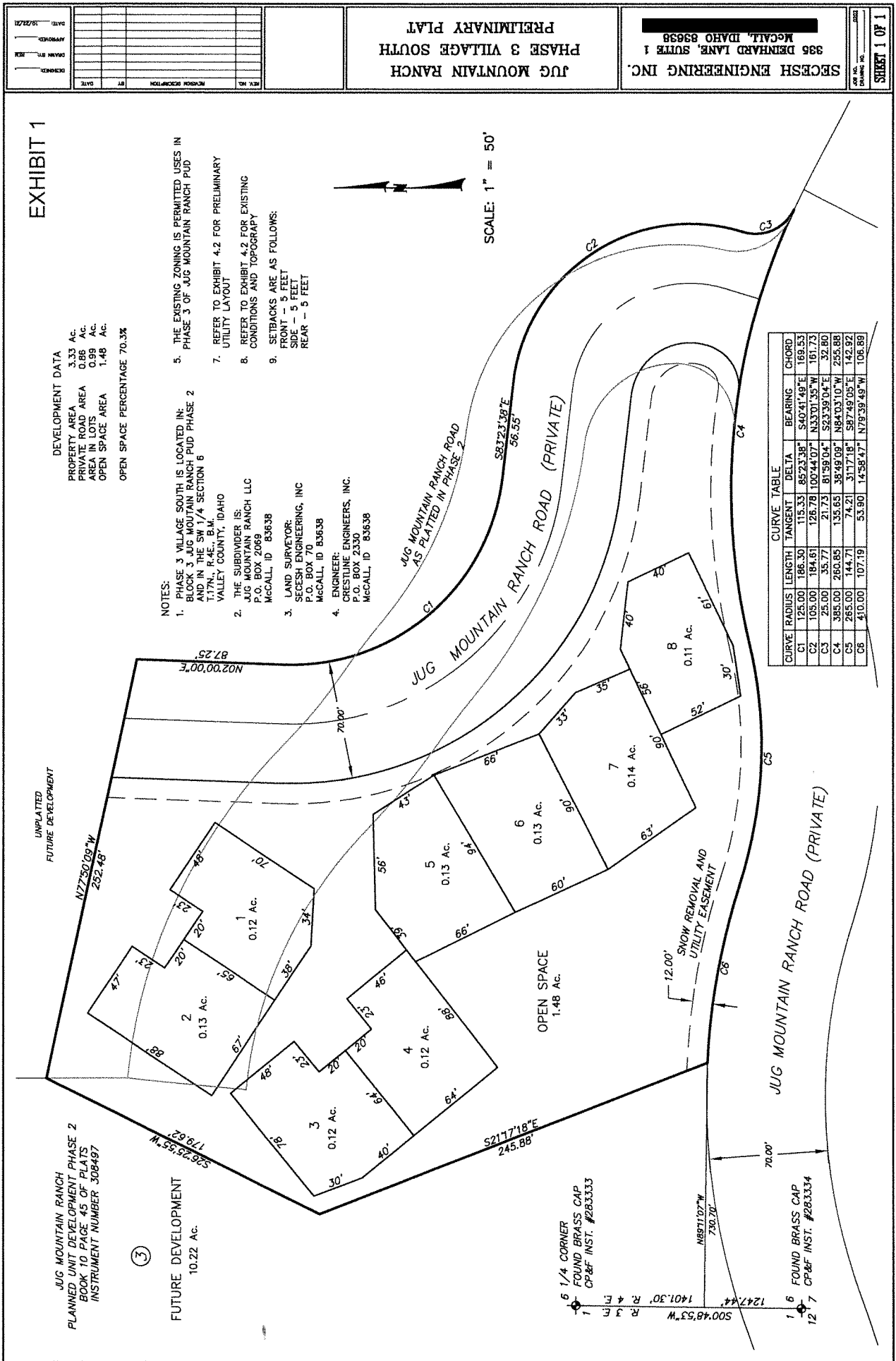
Thank you and best regards,



AMY N. PEMBERTON

Enclosures:

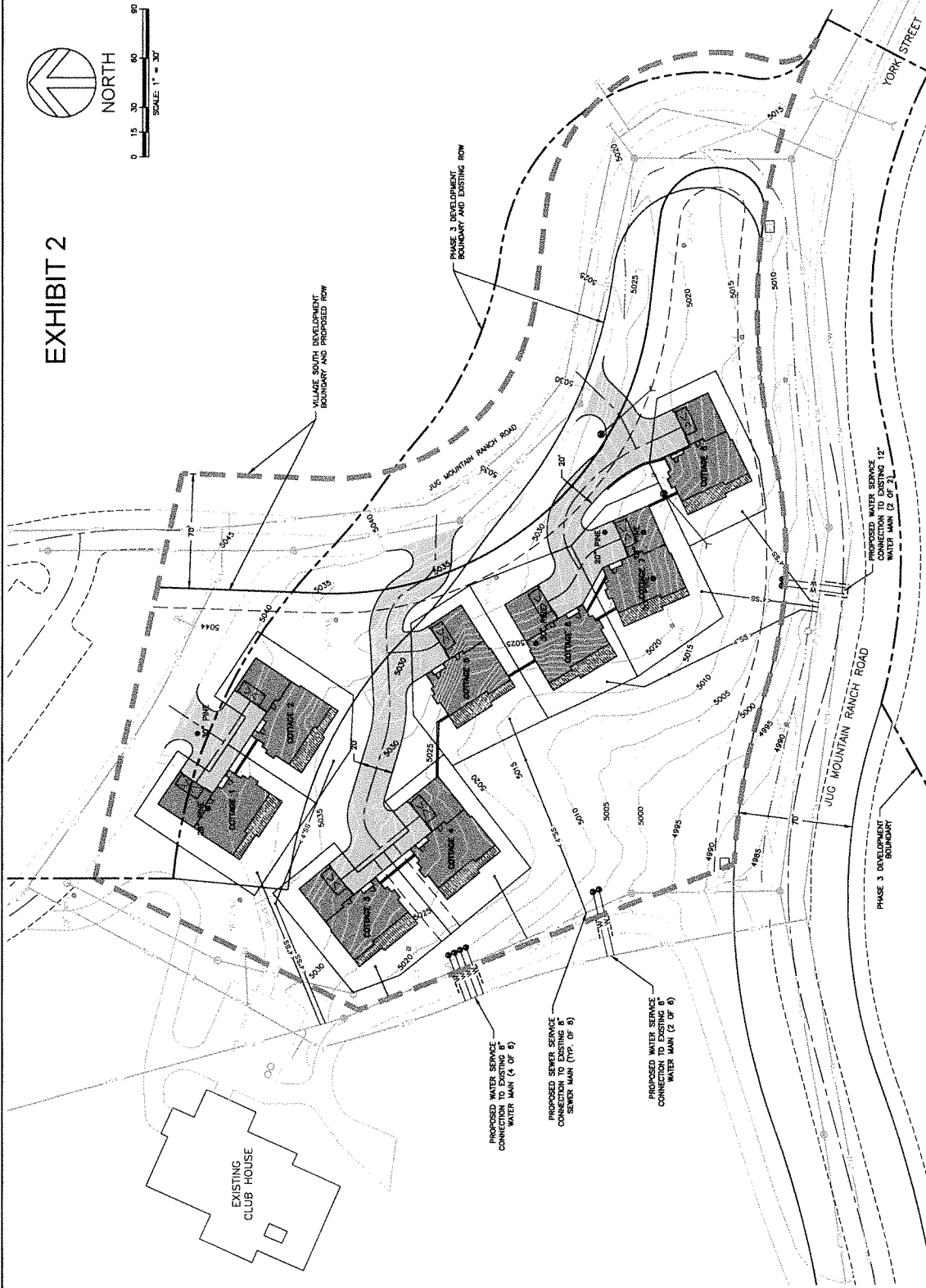
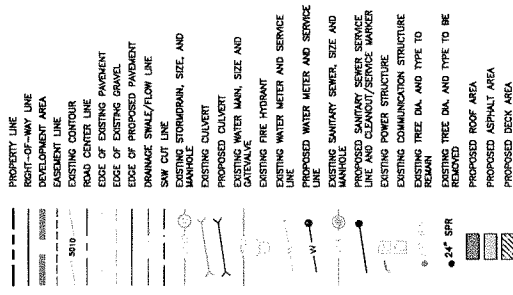
- Exhibit 1 – Preliminary Plat
- Exhibit 2 – Site Plan
- Exhibit 3 – Owners' within 300'
- \$250 Extension Request Fee



1. EXISTING TOPOGRAPHY, PROPERTY BOUNDARIES AND BASE MAP DATA SHOWN ON THIS PLAN ARE BASED UPON SURVEY DATA PROVIDED BY SECECH ENGINEERING, INC.
2. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE EXISTENCE OF UTILITIES SHOWN ON THIS PLAN SINCE THE NECESSARY INFORMATION HAS BEEN OBTAINED FROM SOURCES OF VARYING RELIABILITY.
3. THE PROPERTY SLOPES ACROSS THE SITE TO THE SOUTH/SOUTHWEST AT APPROXIMATELY 12% TO 35%. THE SOILS LOCATED ON THE PROPERTY CONSISTS OF SHELLMUCK LOAMY CLAYE SAND.
4. THE PROJECT IS LOCATED IN:

5. THE PROPOSED PROJECT IS LOCATED WITHIN THE JUD MONTGOMERY WATSON (JMW) PROPERTY BOUNDARY. EXISTING PROPERTY BOUNDARY IS APPROX. 1,472 ACRES. FOR THE PROPERTY BOUNDARY TO BE SUBJECT TO DEVELOPMENT AREA OF 33.33 ACRES WAS USED.
6. ALL PAVED SURFACES LOCATED WITHIN THE PROPERTY BOUNDARY SHALL BE OWNED AND MAINTAINED BY THE JUD MONTGOMERY WATSON HOA.
7. PROPOSED WATER AND SEWER SYSTEM IMPROVEMENTS SHALL BE CONNECTED TO THE JMW SYSTEMS. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VALLEJO AND IANDM STANDARDS FOR PUBLIC WORK CONSTRUCTION (ISWC) AND THE REQUIREMENTS OF VALLEY COUNTY.
8. WATER AND SEWER SERVICE LAYOUTS ARE CONCEPTUAL. FINAL CONSTRUCTION DRAWINGS SHOWING DETAILED DESIGN OF THE PROJECT SHALL BE SUBMITTED TO VALLEY COUNTY PRIOR TO ANY CONSTRUCTION.
9. REFER TO EXHIBIT 4.3 FOR PRELIMINARY SITE GRADING, DRAINAGE, AND STORMWATER MANAGEMENT.

LEGEND:



CRESTLINE
ENGINEERS
323 DEINHARD LANE, SUITE C • PO BOX 2330
MCALL, IDAHO 83638
208.634.4140 • 208.634.4146 FAX

JUG MOUNTAIN RANCH - VILLAGE SOUTH
VALLEY COUNTY, IDAHO

NO.	REVISION	BY	DATE	DT/TITLE
1.	VALLEY COUNTY PRELIMINARY PLAT AMENDMENT TO PLUD SUBMITTAL	REL	10/21/2021	07/TITLE
				DRAWN
				CHECKED
				SEI
				APPROVED

CONSTRUCTION
DRAFT NOT FOR
PRELIMINARY

VERIFY SCALE	
BAR IS ONE INCH OR FULL SIZE DRAWING 0 1" 1"	
PROJECT	15028-003
DATE	10/21/2021
EXHIBIT NO.	SHEET NO.
EX-4 2	

EXHIBIT 3
Owners within 300'

ParcelId	OwnerName LabelFormat	SiteAddr	Site City	Site State	Site ZIP	OwnerAddr	Owner CityNm	Owner State	Owner ZIP
RP0055900100HA	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP0055900100HB	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP0055900100IO	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP005590010G8B	Jug Mountain Ranch Golf Course LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP00559001LS20	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP0055900200FA	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP0055900200G0	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP005590020G70	Jug Mountain Ranch Golf Course LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP00559003000A	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP00559003000B	Jug Mountain Ranch LLC	800 Jug Mountain Ranch Rd		ID	83638	PO Box 2069	McCall	ID	83638
RP0069300000010	David & Diana Emerson	8 Vernon Ct		ID	83638	1152 Twin Peaks Cir	Longmont	CO	80503
RP0069300000020	Machara Living Trust	12 Vernon Ct		ID	83638	1912 E Brandon Park Terrace	Sandy	UT	84092
RP0069300000030	Strada Family Trust	16 Vernon Ct		ID	83638	2025 Caminito El Canario	La Jolla	CA	92037
RP0069300000040	John Price	20 Vernon Ct		ID	83638	360 E Crestline Dr	Boise	ID	83702
RP0069300000050	Alan & Kathleen Katseanes	24 Vernon Ct		ID	83638	4601 S Mustang Creek Ln	Boise	ID	83709
RP00693000000AB	Jug Mountain Ranch LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP17N03E017265	Carey Real Estate Management LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP17N04E0600006	Carey Real Estate Management LLC			ID	83638	PO Box 2069	McCall	ID	83638
RP17N04E0630004	Carey Real Estate Management LLC			ID	83638	PO Box 2069	McCall	ID	83638

Valley County Planning and Zoning

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



Instrument # 446867

VALLEY COUNTY, CASCADE, IDAHO

12-22-2021 10:04:45 AM No. of Pages: 2

Recorded for : P&Z

DOUGLAS A. MILLER

Ex-Officio Recorder Deputy

Index to: COUNTY MISC

[Record Fee: \$100.00]

CONDITIONAL USE PERMIT NO. 21-38 Phase 3 Village South Jug Mountain Ranch Planned Unit Development

Issued to: **David John Carey II, Manager**
Jug Mountain Ranch LLC and
Carey Real Estate Management LLC
PO Box 2332
McCall ID 83638

Property Location: The site is 3.33 acres in a portion of Jug Mountain Ranch Planned Unit Development Block 3, Phase 2, and a portion of RP17N04E063004 in the SW ¼ Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of December 9, 2021. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. 21-38 with Conditions for establishing an eight lot single family subdivision as described in the application, staff report, and minutes.

The effective date of this permit is December 21, 2021.

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 for 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 final plat, the applicant's engineer shall certify that the roads have been built to approved standards or be financially guaranteed.
7. Must bury conduit for fiber optics with utilities.
8. A Declaration of Installation of Utilities shall be placed on the face of the plat if all utilities are not in place at the time of recordation.
9. A private road declaration is required.
10. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
11. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
12. All lighting must comply with the Valley County Lighting Ordinance.
13. Shall place addressing numbers at each residence and at the driveway entrance if the house numbers are not visible from the road.
14. Base Flood Elevations must be determined and published through a Letter of Map Revision prior to recordation of the final plat.
15. Shall work with the Valley County Road Director to determine if the original Road Development Agreement needs to be amended and whether improvements should be required for E. Lake Fork RD and/or Farm to Market RD.
16. The following note 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."

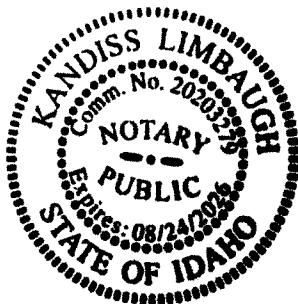
END CONDITIONAL USE PERMIT

Date December 21, 2021

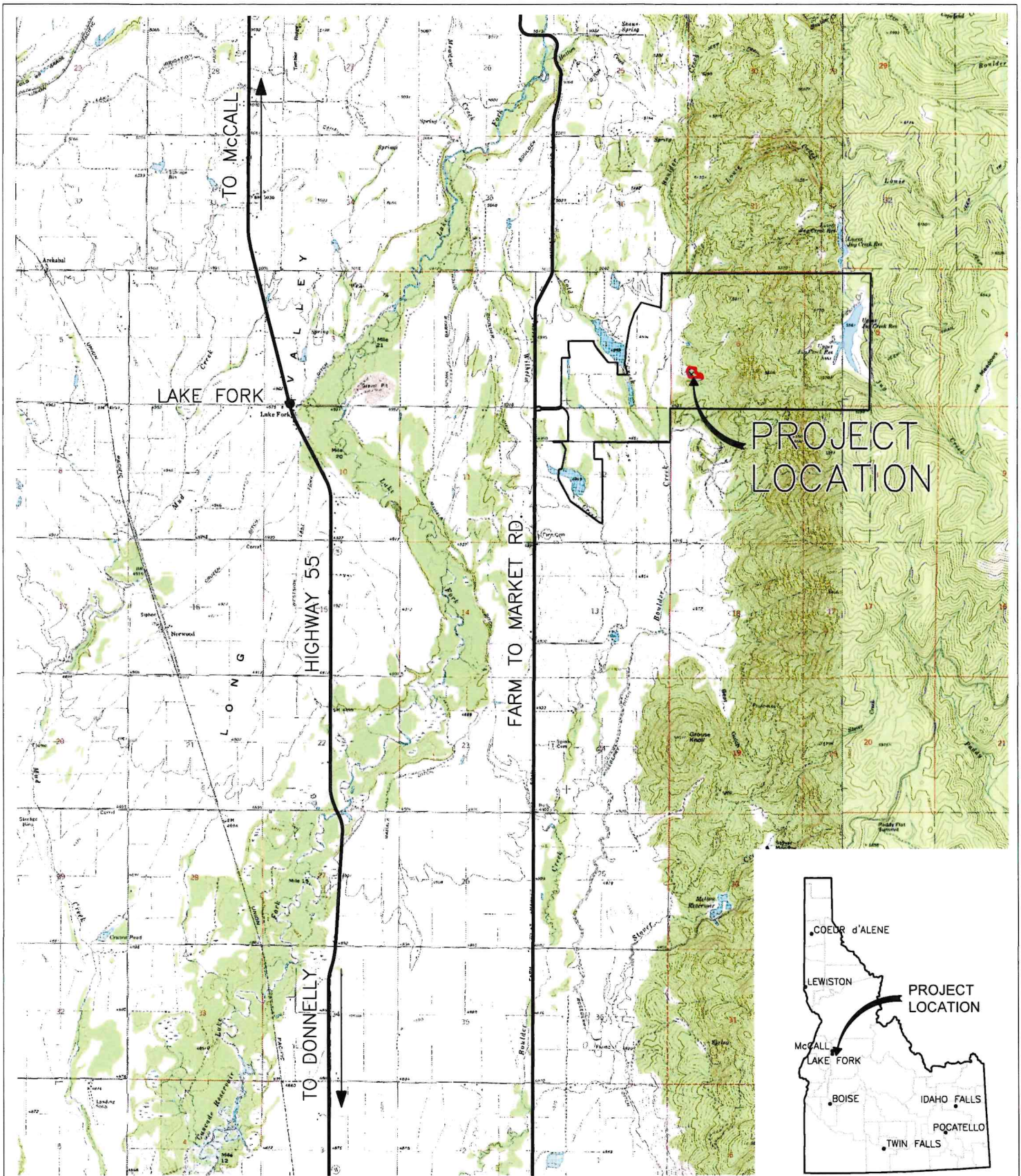
Approved by Cynda Herrick

On this 21 day of December, 2021, 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.



Kandiss Limbaugh
Notary Public
Residing at:
Commission Expires:



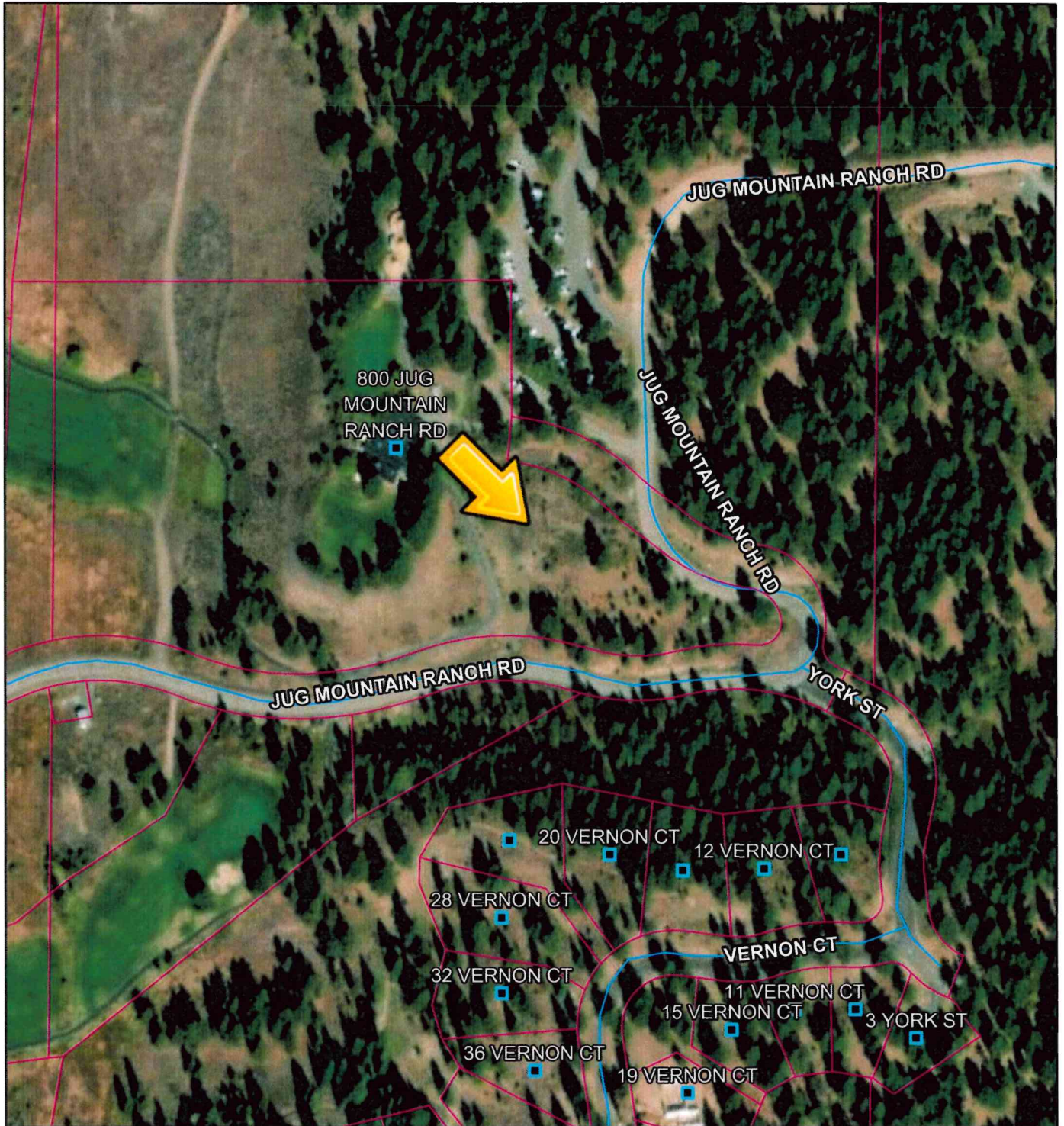
NORTH
SCALE: 1" = 5000'

CRESTLINE
ENGINEERS
323 DEINHARD LANE, SUITE C · PO BOX 2330
McCALL, IDAHO 83638
208.634.4140 · 208.634.4146 FAX

JUG MOUNTAIN RANCH VILLAGE SOUTH VICINITY MAP

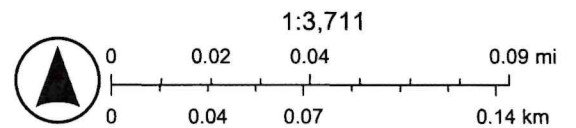
PROJECT	15028-003	DRAWN	EXHIBIT NO.
DATE	10/21/2021	AMD	EX-4.1

C.U.P. 21-38 Aerial Map

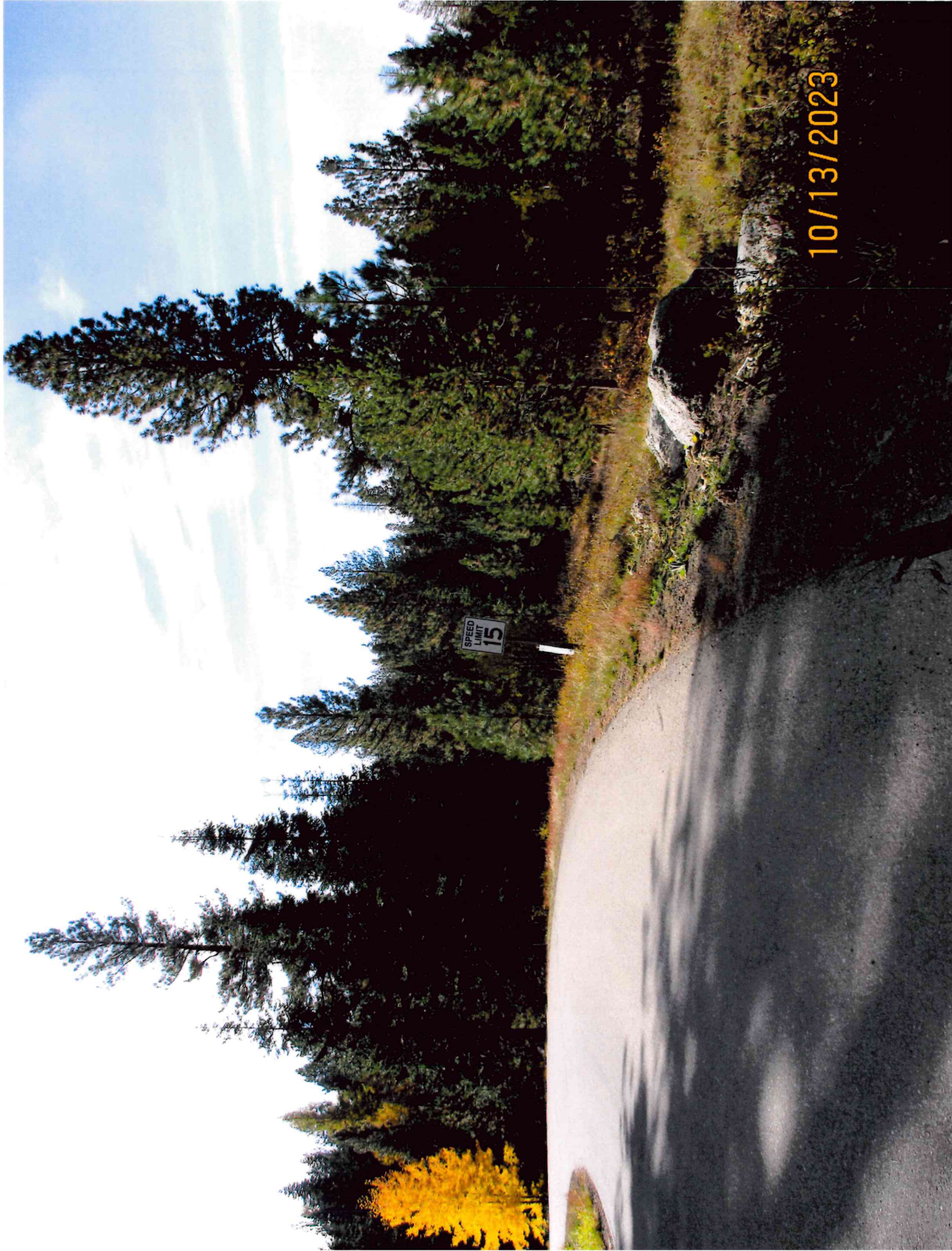


10/3/2023, 3:01:24 PM

- Address Points
- Parcel Boundaries
- Roads
- PRIVATE



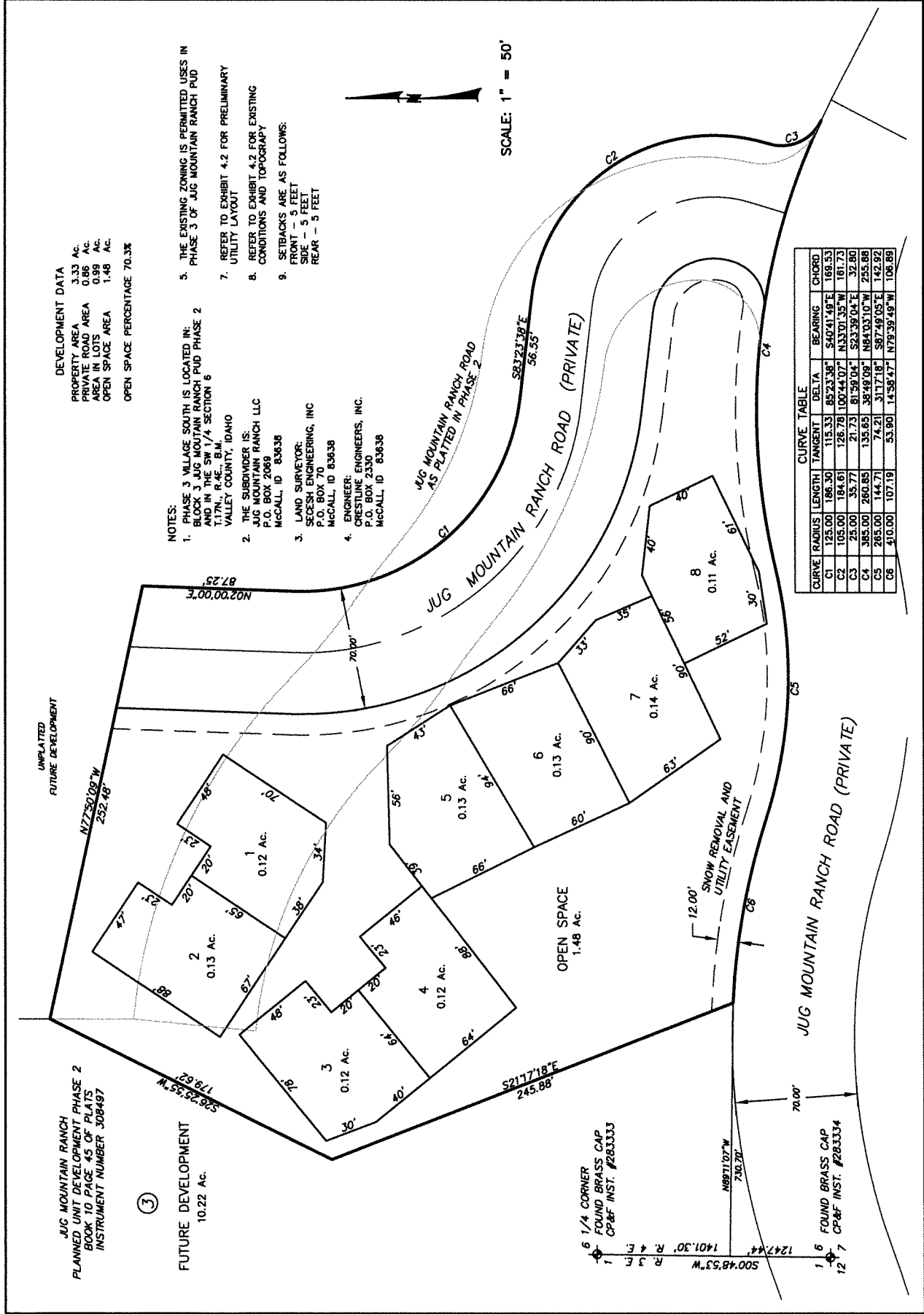
Maxar



10/13/2023







Valley County Planning and Zoning Commission

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



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

, Chairman
Neal Thompson, Vice-Chair

Brian Benton, Commissioner
Katlin Caldwell, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
December 9, 2021
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. by Acting Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brian Benton:	Excused
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Caldwell moved to approve the minutes of November 10, 2021. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 21-03 Tamarack Resort P.U.D. Phase 3.1 Aspen Glade Subdivision – Final Plat:** Tamarack Resort Two LLC 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 plat includes 18 single-family residential lots, a new private road, a shared driveway, and open space lots. The 16.6-acre site is in the NE ¼ Section 5, T.15N, R.3E, B.M., Valley County, Idaho. Action Item. [Not a public hearing.]

Acting Chairman Thompson introduced the item and stated this is not a public hearing. Acting Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. Commissioner Caldwell recused herself from participating in deliberations and this decision due possible conflict of interest caused by a family member's contract with the applicant.

Acting Chairman Thompson asked for the staff report. Director Herrick presented the report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- Exhibit 1** – Letter and email correspondence from Donnelly Rural Fire Protection District. "No Parking – Fire Lane" signs shall be posted on both side of fire apparatus access roads in Tamarack Resort. (December 2021)

CV42-21-00166 Petition for Judicial Review affects this proposed subdivision. A stay and suspension has been signed by the judge. The Commissioners may make a recommendation to approve the final plat at this time. However, the plat will not go to Board of County Commissioners for final plat approval and recording until after the court case has been dismissed by the judge.

Commissioner Freeman moved to approve the final plat of C.U.P. 21-03 after CV42-21-00166 Petition for Judicial Review has been dismissed by the judge and authorize the Chairman to sign the plat. Commissioner Thompson seconded. Motion carried unanimously

Acting Chairman Thompson asked for the applicant's presentation.

David Carey, Lang Court, McCall, is asking for a similar development to C.U.P. 21-35 that was approved tonight. This is a small portion of 107-acre parcel that is currently grazed by cattle. This one-lot subdivision will allow one home for a local family. He purposely chose to not put the lot directly on Farm-to-Market Road nor on the top of the knoll. Mr. Carey desires to keep the majority of the area in pasture.

Acting Chairman Thompson asked for proponents.

Colby Rampton, McCall, owns property to the north that he is building on and overlooks this property. This is a reasonable request.

Acting Chairman Thompson asked for undecided. There were none.

Acting Chairman Thompson asked for opponents.

Kelly Martin, Finn Church Lane, opposes the proposal. She is opposed to any development with less than 5-acre lot sizes in all rural area of Valley County. Concerns include impacts to well water and ditch water as well as separation between well sources and septic systems. Allowing small parcels in rural area is setting a negative precedent. She does not want high density lot development in rural areas of Valley County.

Acting Chairman Thompson asked for rebuttal from the applicant.

David Carey, understands Ms. Martin's concerns but does not believe her concerns are valid for this proposal. This is why the subdivision regulations exist. This proposal will result in a 2-acre lot and a 105-acre parcel. He carefully chose the location to lessen impact to neighborhood and views. This proposal meets Valley County subdivision requirements.

Acting Chairman Thompson closed the public hearing. The Commission deliberated. Minimum acre size was discussed. This will provide a home for a local work-force family. The home will have the appearance of being connected to the 105-acre grazing pasture. Valley County Code does encourage clustering of homes to promote open space and view corridors.

Commissioner Caldwell moved to approve preliminary and final plats of C.U.P 21-39 with the stated conditions and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:37 p.m.

7. **C.U.P. 21-38 Jug Mountain Ranch P.U.D. – Phase 3 Village South – Preliminary Plat:** Jug Mountain Ranch LLC is requesting a conditional use permit to amend C.U.P. 04-34 and approve a preliminary plat in a part of Part of Jug Mountain Ranch Planned Unit Development 97-1 Block 3, Phase 2, and a portion of RP17N04E063004. The plat would include 8 single-family residential lots and approximately 1.5 acres of open space on 3.33 acres. The following variances are requested: shared driveways; setbacks of 5-ft for the front, rear, and sides; 0.10-acre minimum lot size; 70% maximum lot cover; and 0-ft minimum street frontage. Lots will be accessed from Jug Mountain Ranch Road, private, onto Farm-to-Market Road, public. The homes would use the existing central sewer and water systems for Jug Mountain Ranch. The site is in the SW ½ Section 6, T.17N, R.4E, B.M., Valley County, Idaho. Action Item.

Acting Chairman Thompson introduced the item and opened the public hearing. Acting Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Acting Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report; displayed the site and GIS map on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Emails and attachments between Amy Pemberton and Cynda Herrick. Road development agreement details are being discussed between the applicant, Road Department Director, and the Valley County Clerk. (Dec. 7, 2021)
- **Exhibit 2** – Lenard Long email regarding Jug Mountain Subdivision wastewater treatment. (Dec. 4, 2021)

Staff clarified the wastewater treatment requirements.

Acting Chairman Thompson asked for the applicant's presentation.

David Carey, Jug Mountain Ranch, McCall, stated that Jug Mountain Ranch is a P.U.D. This is the Village site where the higher density will be near the clubhouse. The approved P.U.D. allows a hotel, retail uses, and higher density. There is a large percentage of open space in this development. Water pollution is a concern. Removing the cows from the Boulder Creek area and the Jug Mountain sewer system has a positive impact on the water quality. Direct discharge is tested constantly and there has only been two minor violations in 17 years. The site is 82 feet above the meadow and out of the floodplain.

Acting Chairman Thompson asked for proponents. There were none.

Acting Chairman Thompson asked for undecided. There were none.

Acting Chairman Thompson asked for opponents. There were none.

Acting Chairman Thompson closed the public hearing. The Commission deliberated. The Commissions like the clustering and location of the higher density near the clubhouse. The application is complete. This provides another variety of housing in Valley County. The floodplain requirement is included in the conditions of approval.

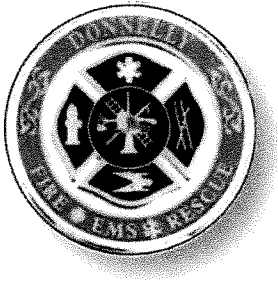
Commissioner Freeman moved to approve C.U.P. 21-38 with the stated conditions and the preliminary plat. Commissioner Benton seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:57 p.m.

8. C.U.P. 21-21-40 Jug Mountain Ranch P.U.D. – Phase 3B – Preliminary Plat: Jug Mountain Ranch LLC is requesting a conditional use permit to amend C.U.P. 04-34 and approve a preliminary plat in a part of Part of Jug Mountain Ranch Planned Unit Development 97-1. The plat would include 16 single-family residential lots and 4.19 acres of open space on 29.37 acres. No change in approved uses or densities is requested. Shared driveway variances are requested. The lots will be accessed from private roads onto Jug Mountain Ranch Road, an existing private road, and then onto Farm-to Market Road, public. The homes will use the existing central sewer and water systems for Jug Mountain. The site is in the SW ½ Section 6, T.17N, R.4E, B.M., Valley County, Idaho. Action Item.

Acting Chairman Thompson introduced the item and opened the public hearing. Acting Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

October 16, 2023

Valley County Building department
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 21-38 Jug Mountain Ranch P.U.D. 97-1 Phase 3 Village South-Extension
Request.

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

- All prior requirements shall remain in effect

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal
Donnelly Fire Department



CENTRAL
DISTRICT
HEALTH

Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 21-38

Preliminary / Final / Short Plat _____

Jug Mountain Ranch PU097-1

- ☐ 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. CCH has no objection to time extension

Reviewed By: [Signature]

Date: 10 10 23

SENT VIA EMAIL

July 20, 2022

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

Re: Jug Mountain Ranch, Village South Subdivision – Final Engineering Plans and Stormwater Report

Dear Cynda:

We have reviewed the above referenced documents against the current Valley County (VC) Private and Public Road standards. Per our review, the plans and drainage report meet the standards and requirements; therefore, we are recommending approval of the documents.

Please contact me with any questions or comments.

Sincerely,

PARAMETRIX
Valley County Engineer



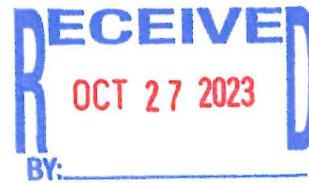
Paul Ashton, PE

cc: Project File

Jeff McFadden / Valley County Road Department

Brett Jones, E.I.T., Crestline Engineers

TO: Valley County Planning and Zoning Commissioners
Via email to cherrick@co.valley.id.us



DATE: October 27, 2023

RE: C.U.P. 21-38 Jug Mountain Ranch, Request for Extension, Upcoming Planning and Zoning Commission hearing on November 9, 2023; Jug Mountain Ranch PUD Phase 3 Village South

Commissioners:

My name is Jon Carter. My wife, Laura, and I live at 210 Ferguson Way, McCall, Idaho 83638. We are homeowners in the Jug Mountain Ranch development and are members of the Jug Mountain Ranch homeowners' association ("JMR HOA"). We have been studying the issues surrounding the Jug Mountain Ranch LLC's ("JMR" or "JMR LLC") sewage treatment facility which serves homeowners in Jug Mountain Ranch and which is closely related to the subject of the above-referenced extension request. We are providing the information below as additional background for your consideration of JMR's request for extension to be considered at your commission meeting on November 9, 2023. Unfortunately, my wife and I will be out of the state at the time of your hearing, and we will be unable to attend. Please consider this letter as my comment on the JMR's Request for Extension. Unfortunately, Laura and I will be out of the state when you hold your hearing on this matter, so we will be unable to attend. Please consider this letter as our comments on the matter before you.

Background

JMR LLC is the developer of Jug Mountain Ranch, and it owns and controls the sewage treatment facility for Jug Mountain Ranch. JMR LLC operates the facility pursuant to a National Pollutant Discharge Elimination System ("NPDES") permit (ID0028029) that was originally issued by the Environmental Protection Agency ("EPA") in 2004 and reissued by EPA in 2019. Shortly after the 2019 permit was issued, Idaho's Division of Environmental Quality ("DEQ") received delegated authority from EPA to regulate the discharge from sewage treatment plants in Idaho. JMR LLC is the permit holder and is regulated by DEQ pursuant to that permit. JMR would like to transfer the sewage treatment plant to the JMR HOA, but we are resistant to such a transfer as long as the sewage treatment facility cannot operate in full compliance with its DEQ permit while serving all platted and to-be-platted lots/units as discussed below. We, as homeowners, do not want to become the new owners of a defective and expensive sewage treatment system. It is due to our concerns that we have invested substantial time studying this matter.

There are two issues related to JMR's Request for Extension of CUP 21-38 that we believe require clarification: (1) the "unforeseen rule changes" referenced in the request; and (2) the likely timing, as we understand it, for a fully operational sewage treatment facility that can

effectively serve existing platted equivalent dwelling units (“EDUs”), as well as additional platted EDUs.

“Unforeseen Rule Changes”

On December 21, 2021 JMR received preliminary plat approval for Phase 3 Village South, CUP 21-38, and the final plat was to be recorded by December 21, 2023. JMR has filed the subject “extension request” with the Valley County P&Z Commission requesting an “extension” within which to record the plat. The extension request states that “due to unforeseen rule changes by the Idaho Department of Environmental Quality (“DEQ”), the final plat of Phase 3 Village South cannot be recorded two years from CUP 21-38’s approval.” (See JMR LLC’s Extension Request at p.1)

However, there have been no “rules changes” by DEQ since CUP 21-38 was approved in December 2021. In fact, we contacted DEQ, and DEQ staff confirmed for us that there have been no rule changes, and, specifically, no rules changes regarding the treatment or testing of phosphorus that affect JMR’s sewage treatment plant. Based on our research of JMR’s plant, including reviewing its 2004 and 2009 permits, the only changes impacting the facility were revisions to its NPDES permit requirements that occurred when JMR LLC’s DEQ permit was reissued in August 2019 – 2 ½ years before the December 2021 preliminary plat/CUP 21-38 approval. The 2019 permit revised certain requirements related to the facility’s discharge and treatment of wastewater. Other than revised permit requirements in 2019, there were no other changes to JMR’s permit or to any rules or requirements governing JMR’s sewage treatment facility. Again, nothing changed after CUP 21-38 was approved in 2021.

The Timing for a Fully Operational and Compliant Facility

As we will explain below, it is our understanding that Jug Mountain Ranch currently is not be served by an adequate properly working sewage treatment facility that can treat sewage waste for its 161 platted lots, let alone the additional lots/EDUs in CUP 21-38, and the plant will not be upgraded until sometime in late 2025 or 2026, at the earliest.

Currently, the JMR development consists of 161 platted lots. JMR LLC would like to receive approval for eight additional lots in Phase 3 Village South (CUP 21-38). Apparently, DEQ informed JMR that its sewage treatment system does not have adequate capacity to serve all of its platted lots or the eight additional lots and remain in compliance with its 2019 permit. JMR and JMR HOA jointly hired Mountain Waterworks, Inc. (“Waterworks”), professional engineers, to assess the situation. In its report of January 2023, Waterworks concluded that JMR’s sewage treatment plant can effectively treat sewage waste for only 90 platted lots while complying with its DEQ permit. Waterworks recommended upgrading and expanding the sewage treatment facility to serve 240 EDUs with the ability to expand further to 325 lots, and it recommended JMR operate a full-scale pilot study/test over the course of one year to test a new sewage treatment system.

JMR LLC and the JMR HOA's Board of Directors agreed with Waterworks' recommendations. In July 2023, the recommended pilot project/test was approved by Idaho's DEQ. The pilot test is called the Sequencing Batch Reactor Biological Nutrient Removal Treatment Modification Pilot Testing Plan. The purpose of the pilot project is to evaluate Biological Nutrient Removal operational process strategy to specifically improve biological removal of phosphorus so JMR can comply with its 2019 DEQ permit. According to the Pilot Testing Plan schedule, the project was to begin on November 1, 2023, and run for 12 months. According to Waterworks, the testing should run for a full year "to evaluate performance over the seasonal climate changes experienced at [the facility]" (Pilot Testing Plan at p.1), and to test it against Jug Mountain Ranch's "year round fluctuations and potential seasonal fluctuations" in population. (Pilot Testing Plan at p. 10). Thereafter, the results would be presented to DEQ in January 2025 with final facility design documents presented to DEQ for approval in July 2025.

It is unclear to us if the pilot project will work, how long it will take for DEQ to approve a new sewage plant design, or how long it will take JMR LLC to make improvements to the system. However, based on the Waterworks' study and the Pilot Testing Plan schedule, there is nothing indicating that an improved and compliant system will be in place in 2024, or 2025, or even 2026 that can effectively serve additional EDUs in compliance with the 2019 permit. This timing is important to us, as homeowners, because of JMR LLC's desire to transfer the sewage treatment plant to the homeowners. As homeowners, we do not want to be stuck with a system facing significant capital costs (estimated at ~\$2.36M) and environmental compliance concerns. We also believe this timing is relevant to your consideration of the extension request.

Conclusion

Preliminary plat approval for the Phase 3 Village South/CUP 21-38 is set to expire on December 2, 2023. JMR has been aware of the requirements of its NPDES permit since it was issued in July 2019 -- and two years before JMR received CUP approval for this subdivision in December 2021. In our opinion, JMR offers no valid reason or explanation for why the Valley County P&Z Commission should grant an extension of its CUP 21-38 beyond the December 21, 2023 date by which the final plat of Phase 3 Village South is to be recorded.

We believe the foregoing information is significant to JMR LLC's request for extension and other potential matters that JMR LLC may bring before the Commission related to future development at Jug Mountain Ranch. Please consider this information in deciding whether to grant JMR LLC's current request for extension.

Thank you for your time and consideration of our input.


Jon Carter

Cc Amy Pemberton via email