

Staff Report and Worksheet

PUD 23-02 MacGregor Townsite PUD and CUP 23-52 Phase 1 Preliminary Plat
January 11, 2024

Section 1: Staff Report

Section 2: Comprehensive Plan Analysis

(Includes all the Goals and Objectives in the 2018 Valley County Comprehensive Plan)

Section 3: Valley County Code Analysis

(Includes Title 9 – Ch 5 Conditional Uses and Ch 9 Planned Unit Developments, and Title 10 Subdivision Regulations)

Section 4: Idaho State Statute Analysis

- IC 50-3101 Community Infrastructure District Act – Purpose
- IC 50-3102 Community Infrastructure District Act – Definitions
- IC 67-6502 Local Land Use Planning Act – Purpose
- IC 67-6506 Conflict of Interest Prohibited
- IC 67-6512 Special Use Permits, Conditions, and Procedures
- IC 67-6515 Planned Unit Development
- IC 67-6535 Approval or Denial...Express Standards and To be In Writing
- IC 67-6537 Use of Surface and Ground Water

Section 5: Density Analysis and Compatibility Rating

- Density Analysis Map and Surround Land Uses
- Valley County Code 9-11-1 Appendix A, Compatibility Evaluation
- Staff's Compatibility Analysis
- Parcel Summary and Improvement Reports from Valley County Assessor's Office

Section 6: Staff and Public Questions/Comments

Section 7: Attachments

Process: P&Z Commission Deliberations After Public Hearing Closed

- Analysis of the Comprehensive Plan
- Analysis of Valley County Code
- Preparation of Compatibility Rating (adoption)
- Preparation of Recommendation to the Board of County Commissioners

Review and Decision:

- Planned Unit Development – PUD 23-02 MacGregor Townsite
- Conditional Use Permit for Phase 1 (CUP 23-52)

Under separate cover is the application.

Valley County Planning and Zoning

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STAFF REPORT: P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat

HEARING DATE: January 11, 2024

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

APPLICANT / OWNER: Groves Family, LLC
PO Box 1001, Donnelly, ID 83615

REPRESENTATIVE: Bonnie Layton, NV5
690 S. Industry Way, Suite 10, Meridian, Idaho 83642

ENGINEER: Gregg Tankersley, P.E., Crestline Engineers Inc.
PO Box 2330, McCall, Idaho 83638

LOCATION: Parcel RP16N03E270005 located at the intersection of Loomis Lane and Old State Road, in the NE ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County, Idaho

SIZE: Approximately 159 acres

REQUEST: Single-family Residences, Commercial Plaza, Community Amenities, and Open Space

EXISTING LAND USE: Agricultural (Irrigated Land and Timber)

Groves Family LLC is requesting approval of 335 single-family residential lots, community amenities, and open space. Community amenities would include recreational courts, a commercial plaza, outdoor ice-skating rink, playground, pathways, and approximately 49 acres of open space. The net density is 2.11 units per acre. Lot sizes range from 0.19 to 0.26 acres.

Construction would occur in six phases over a 15-year period. Phase 1 includes 50 single-family residential lots in the northwest corner of the development. Proposed timeline is:

Spring 2024 – Fall 2029	Phase 1 and Phase 2
Spring 2030 – Fall 2034	Phase 3 and Phase 4
Spring 3035 – Fall 3039	Phase 5 and Phase 6

Completion of the outdoor ice-skating ring, playground, active recreation courts, and community center would be completed in Phase 3. Utilities are anticipated to be installed underground.

A final delineation of wetlands and any required mitigation would be permitted through the U.S. Army Corps of Engineers. Two ponds along the western edge of the development would detain

the irrigation water associated with the irrigation water rights. The collected water would be stored and used to irrigate the open space areas throughout the development. Excess water would overflow from the ponds to the existing ditch along the western property boundary.

North Lake Recreational Sewer and Water District (NLRSWD) would provide water and sewer service. The site has a preliminary stormwater management plan. Underground power and telecommunications would be included.

A wildfire mitigation plan and a Traffic Impact Study have been submitted. Fire hydrants would connect into the NLRSWD public water system.

Access would be from Loomis Lane and Old State Road, both public roads. Internal roads would be private. Road Right-of-way would be dedicated to Valley County for Loomis Lane and Old State Road. Most internal roadways are proposed to be 24-ft wide with 2-ft rolled curb and gutter. Main thoroughfares are anticipated to be a boulevard style with 12-ft drive lanes separated with a vegetated swale or turn lane.

MacGregor Townsite, the proposed development name, was chosen by the applicant as the area is called MacGregor on the historical Metsker Map (Page 11 attached) that was printed prior to construction of Cascade Reservoir Dam. According to *The Lonesome Whistle*, written by Duane L Peterson, the townsite was a logging camp operated by MacGregor / Boise Payette Logging Company until the late 1930's.

Valley County standards that would be relaxed are requested, as listed: reduce right-of-way widths, reduce front and side setbacks, reduce maximum lot coverage, reduce frontage widths along roads, and allow a hybrid approach to open space requirements.

Valley County Code 9-5H-1.D requires a neighborhood meeting for proposed subdivisions with five or more lots. The applicant held a neighborhood meeting on November 30, 2023. Information from this meeting and a list of attendees is included with the accepted application submittal.

A draft development agreement was submitted by the applicant on December 15, 2023 (attached). The applicant proposes a letter of credit for the costs of public infrastructure improvements.

All proposed internal roads, the open space areas, and other amenities would be maintained by the Homeowners Association. The application states that street parking will not be allowed.

Contained within the application is a combination of permits, as follows:

1. Concept Approval and Planned Unit Development in accordance with Title 9 Land Use and Development.
2. C.U.P. 23-52 Preliminary Plat in accordance with Title 10 Subdivision Regulations for Phase 1, only.

The site is approximately 1.7 miles south of the City of Donnelly.

FINDINGS:

1. The application was submitted on November 27, 2023. Attached is the Neighborhood

Meeting summary and the draft Development Agreement.

2. Legal notice was posted in the *Star News* on December 21, 2023, and December 28, 2023. Potentially affected agencies were notified on December 11, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on December 12, 2023. The notice and application were posted online at www.co.valley.id.us on December 11, 2023. The neighborhood meeting information was added on December 13, 2023. The site was posted on December 15, 2023, at two locations: along Loomis Lane and along Old State Road.

3. Agency comment received:

Central District Health stated an application and engineering report are required. (Dec. 11, 2023)

Saran Becker, Idaho Transportation Department, stated that Traffic Impact Study for the proposal has been forwarded to the reviewing engineer. Please allow 6-8 weeks for the process. (Dec. 12, 2023)

Jess Ellis, Donnelly Fire Marshal, listed requirements. (Dec. 26, 2023)

Paul Ashton, Parametrix and Valley County Engineer, stated requirements. A site grading and stormwater management plan will need to be approved prior to any work being done on-site. (Dec. 27, 2023)

Jeff McFadden, Valley County Road Department Superintendent, wants to be involved in the drainage plan. Water from the northern part of the proposed site goes through ditch and culverts on the northern end of Wagon Wheel and Fir Grove subdivisions. These drainages are already maxed out during most spring melts. (Dec. 28, 2023)

Kelly Copperi, Valley County Dispatch, Laurie Frederick, Valley County Cadastral Specialist III, and Planning and Zoning Staff commented on proposed road names. Playmaker rhymes with Haymaker so it is not an acceptable name. MacGregor should not be accepted since it is associated with the Cabarton-Snowbank area. Some changes are recommended. (Dec. 11, 2023, Jan. 2, 2024)

Travis Pryor, North Lake Recreational Sewer and Water District Manager, stated the subject property has not petitioned the District for Annexation which is required prior to the petitioner receiving District services. (Dec. 20, 2023)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (December 22, 2023)

Valley Soil and Water Conservation District Board of Supervisors state that the proposal deviates from the intent of Codes, Comprehensive Plan, and Waterways Management Plan, and is not low impact. Issues that should be addressed include drainage and loss of valuable farmland. (January 3, 2024)

4. Public comment received:

In Favor – Reasons Given Include:

- Support the trails along the western property line, Loomis Lane, and Old State Road.
- Would like an additional pond or detention basin in northwest corner for buffer area, pathway, wildlife travel, and viewshed.
- The northwest corner currently drains to the culvert between Lots 18 and 19 of Railroad Village Subdivision.
- A log pole or similar style fence is requested along the western property line.
- The existing trees along the perimeter should be retained.

1) Jeffrey L. King, Dec. 6, 2023

In Favor but Has Concerns that Require Mitigation:

- The smaller lot sizes coupled with smaller square footage housing units may provide an expanded opportunity for more moderate-income housing solutions.
- Valley County Comprehensive Plan states that no development will be approved that may adversely impact existing residents.
- The developer must be required to directly fund full capacity improvements of both water delivery and sewer treatment.
- Approval should necessitate requirement of road resurface improvements to areas impacted by the proposal. These should be funded and completed in advance of first plat recording and lot sales. Improvements should be secured via a performance bond or letter of credit.
- The Old State Road and Loomis Lane intersection should be converted to a four-way stop.
- The traffic study was completed on November 8, 2023, during the “shoulder season” and low annual traffic period. It did not include the SISCRA Campground traffic nor the Boulder Creek Recreational site traffic.
- The applicant indicates that amenities in the plat may include a concert venue. Additional noise pollution would not be supported.
- The traffic study does not address expected outside traffic drawn to the development that would use the proposed coffee and/or alcohol facility, food truck, and skating rink.
- The property is in a high-water table area and has standing water on the site during spring melt. The engineering plan for water and runoff management should be required prior to approval.
- Add a controlled draining stormwater detention basin from snow storage areas.
- Barrier berms with trees should be required along both Loomis Lane and Old State Road to screen the project from view and maintain the natural aspects of the area.
- View corridors should be preserved. Another pond and larger acreage lots in the northwest corner and along the proposed ponds are recommended.
- Preserve wildlife habitat by maintaining trees throughout the development; consider using native trees and plants.
- Construct the ponds to promote wildlife and not large mosquito havens.
- Consider mountain architecture vernacular focusing on natural and textured structures that blend into the surroundings.

1) Kirby Robertson, Dec. 20, 2023

2) Jeffrey L. King, 12930 Spring Valley RD, Jan. 2, 2024

In Opposition – Reasons Given Include:

- The project is not consistent or in harmony with the rural and semi-rural area.
- Not compatible; this site is surrounded on three sides by productive farmland.
- Loss of productive farmland in Valley County.
- Providing community services to a development costs the County more than money than collected on those lands; the opposite of working farmland.
- Too dense with an average of 0.22-acre lots.
- Homes proposed right on property line in northwest corner of site; open space or pond area should be added here also.
- Impacts include county roads and maintenance, Highway 55 intersections, and school capacity, and needed upgrades in water and sewer systems.
- Any needed upgrades should be paid by developer.
- Traffic numbers, congestion, and speed are concerns.
- Limited exit points for the entire area in case of emergencies such as wildfire. This includes both residential and recreational sites.
- Would negatively impact the wildlife that residents value and enjoy.
- Inadequate provision for parking. Each home will have 2-4 vehicles.
- No accommodation for recreational parking needs including utility trailers, RVs, ATVs, snowmobile trailers, etc.
- Narrow streets and roundabouts are incompatible with snow removal and emergency vehicle needs.
- Limited areas for snow removal and storage.
- Inadequate surface water management.
- The current drainage ditch has been poorly maintained and results in water threatening adjacent properties.
- The culvert at 12882 Spring Valley Road is already inadequate and should be addressed by Valley County.
- This area has a high-water table, homes in nearby Fir Grove Subdivision have sump pumps running year-round.
- The proposal would reduce water percolation of snow melt and rainwater and divert more into the existing drainage ditch.
- Adding more people will negatively impact the already poor water pressure that occurs.
- Unknown impact on aquifer changes and groundwater if new wells are required.
- Using agricultural water from Lake Fork Reservoir to irrigate the development would reduce the water supply for farmland in the area.
- Contribution of pollutants to Lake Cascade. The proposed ponds would remove cold water from the natural drainage inflow into the lake that is needed for cold water aquatic life and control of algae growth.
- The loss of wetland that filters downstream water quality.
- Opposed to relaxation of setbacks.
- Air quality issues will be problem if most of these houses have wood-burning stoves.
- Neighborhood meeting was held after application was submitted.
- Negative environmental impact on the rivers, streams, lakes, reservoirs, wetlands, and wildlife including current sanctuaries and migratory areas.
- The proposed starting home price at approximately \$600,000 is not affordable.
- Facilities such as the proposed community center and ice rink should be in town for all to use rather intensifying the traffic to this area.

- 1) David B Wilson, 12884 Spring Valley RD, 83712, Dec. 31, 2023
- 2) Lawrence and Opal Henneman, Jan. 1, 2024
- 3) Brian Peyton, 12936 and 12938 Spring Valley RD, Dec. 27, 2023
- 4) Debbie Boston, Jan. 2, 2024
- 5) Judy Anderson, 13775 Nisula RD, Jan. 2, 2024
- 6) Steve and Karen Byrne, Spring Valley RD, Jan. 2, 2024
- 7) Steve Vaus, J
- 8) Jackie Beverage, Jan. 2, 2024
- 9) Lenard D. Long, Representing Friends of Lake Cascade, Jan. 3, 2024
- 10) Bill and Linda Eddy, Donnelly, Jan. 3, 2023
- 11) The Gibboneys, Donnelly, Jan. 3, 2023
- 12) Kevin Lukens, Jan. 3, 2023
- 13) Brandon Arnott and Dena Whitney, 12890 Spring Valley RD, Jan. 3, 2023
- 14) Mr. and Mrs. Justin Blackstock, 219 Angus LN, Jan. 3, 2023
- 15) Crystal Pickett, Jan. 3, 2023

Other:

- The application was submitted prior to the neighborhood meeting being held.
- Will there be a wall on the south side of the property? The adjacent neighbor has livestock.
- Will there off-site road improvements?

- 1) Jackie Beverage, Dec. 11 and 12, 2023.
- 2) No name provided, Dec. 20, 2023

5. Physical characteristics of the site: Relatively Flat

6. The surrounding land use and zoning includes:

North: Agricultural
 South: Single-family Residential Lots and Parcels
 East: Agricultural
 West: Single-family Residential lots

7. Valley County Code (Title 9, Chapter 5 and Chapter 9): In Table 9-3-1, this proposal is categorized under:

- 2. Residential Uses (h) Planned Unit Development

8. Valley County Code (Title 10): Subdivision Regulations. This title should be reviewed for determination of technical issues of the plat.

SUMMARY:

P&Z Commission Deliberations After Public Hearing Closed

- Deliberation
- Analysis of the Comprehensive Plan
- Analysis of Valley County Code
- Preparation of Compatibility Rating (adoption)
- Preparation of Recommendation to the Board of County Commissioners

Included in the staff report are the following sections: please refer to each for analysis in comparison to the Comprehensive Plan, state statutes, Valley County Code, and compatibility rating.

Section 1: Staff Report

Section 2: Comprehensive Plan Analysis – the Planning and Zoning Commission should read through the Goals and Objectives.

Section 3: Valley County Code Analysis – listed are portions of Title 9, Chapter 5 Conditional Use Permits and Chapter 9 Planned Unit Developments.

Section 4: Idaho State Statute Analysis

Section 5: Compatibility Rating with Background Information

Section 6: Staff Questions and Recommendations
Public Questions/Comments

Section 7: Attachments

- Proposed Conditions of Approval
- Vicinity Map
- Aerial Map
- Assessors Plat – T.16N R.3E Section 27
- Proposed Phasing Plan
- Pictures Taken December 15, 2023
- Agency Responses
- Public Comments
- Neighborhood Meeting Summary
- Draft Development Agreement Dated December 15, 2023
- Information From Applicant Regarding the Proposed Subdivision Name Metsker Map Showing MacGregor Townsite

Proposed 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 final plats of Phase 1 and Phase 2 shall be recorded by December 2029, or an extension obtained, 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 each final plat, the applicant's engineer shall certify that the roads have been built to approved standards or be financially guaranteed. Applicant's engineer shall also confirm all utilities were placed according to the approved plans.
7. Wetlands must be delineated and shown on the final plat.
8. All easements shall be shown on the final plat.
9. Must bury conduit for fiber optics with utilities.
10. Building setbacks shall be noted on the final plat.
11. A Private Road Declaration is required to confirm that the roads will be maintained.
12. A Declaration of Installation of Utilities is required with the final plat.
13. The Wildland Urban Interface Protection Plan shall be recorded and noted on the face of the plat.
14. Must comply with the requirements of the Donnelly Rural Fire Protection District unless specifically allowed as a variance in regards to a planned unit development or a letter of approval is received from Donnelly Rural Fire Protection District.
15. CCR's should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, dogs being a nuisance to adjacent agricultural uses, and limit each lot to one wood-burning device.
16. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.

17. All lighting must comply with the Valley County Lighting Ordinance.
18. Shall place addressing numbers at each residence.
19. The Valley County Engineer shall confirm there is adequate snow storage.
20. A Development Agreement should be agreed upon for off-site road improvements and matters agreed upon in the application and presentation prior to the recording of Phase 1.
21. An agreement with North Lake Recreational Sewer must be finalized prior to approval of building permits.
22. The applicant will update the Planning and Zoning Commission on a biannual basis.
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."
 - "Surrounding land uses are subject to change."

END OF STAFF REPORT