

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: P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1
Preliminary Plat – **Addendum**

HEARING DATE: February 8, 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)

Continuation of January 11, 2024, public hearing:

Commissioner Swain asked for information on the nearby subdivision lots and drainage. Staff and the applicant researched and determined the following:

- Boulder Creek Meadows Subdivision was recorded in 1973 but a large portion was not able to be developed until sewer infrastructure existed.
- Fir Grove Subdivision has several sites that required at least 2-ft of fill. Those owners who built on grade in Fir Grove without raising the building site have water in crawl spaces.
- No fill occurred in Railroad Village Subdivision which was built at the same grade as the old railroad bed. (to the best of our knowledge)
- Railroad Village Subdivision plat has an easement on the eastern portion of the lot for storm drainage runoff. This area was to be left open to allow storm water to flow south. There are a number of people that have changed the ditch or put in undersized culverts. The owners on the southern end have been cleaning up their area to allow for better drainage.
- Craig Groves' reply is attached in an email from staff.

Crestline Engineering submitted a report dated Jan. 31, 2024, with information on:

- Traffic Impact Study
- North Lake Recreational Sewer and Water District Coordination
- On-site Soil Conditions.

FINDINGS:

1. A public hearing was held on January 11, 2024. The matter was tabled to February 8, 2024, at 6:00 p.m.
2. Since the matter was tabled to a specific date and time, further legal notice was not required. However, it was in the *Star News* on January 18, 2024, and January 25, 2024.
3. Additional Information from the Applicant:

Craig Groves will have the site plan modified to include a 200 x 200 "Transfer Site" in the NW corner of the property and add townhome lots in Phase 2 backup up the linear park space. This would add 9-10 additional lots which is needed for an affordable product. (Jan. 31, 2024)

4. Additional Agency Comments Received:

Jeff McFadden, Valley County Road Department Superintendent, stated traffic count data is not available for the Loomis Lane – Old State Road area. Loomis Lane from Highway 55 to Old State Road was pulverized and repaved in 2023. Old State Road from Highway 55 to Loomis Lane was pulverized and repaved in 2021. (Jan. 22, 2024)

Jeff McFadden, Valley County Road Department Superintendent, stated it would be a good idea to have land dedicated from the owner to use for a grader/truck storage staging area. The site would need to have enough room for three bays, a 2000-gallon fuel tank, and area to move equipment. (Jan. 31, 2024)

5. Public comment received:

In Opposition – Reasons Given Include:

- The project is not consistent or in harmony with the rural area.
- Too dense.
- High water table.
- Traffic impacts. The Boulder Day Use area is already packed with people and boats. The SISCRA campground has 190 campsites that are full all summer. Traffic speed in the area is already a problem.
- Additional residential lots will worsen the existing water pressure in the Wagon Wheel subdivision.
- Where will homeowners park trailers and boats?

- 1) David Ayres, 188 Lake Trail DR, Jan. 24, 2024
- 2) Greg Swenson, January 26, 2024
- 3) Katharina Roth, Jan. 28, 2024

Other:

Brian Peyton, Spring Valley Road, sent pictures of on-going flooding at 12936 Spring Valley Road. Although the revised site plan and additional pond (Exhibit 5, Jan. 11, 2024) is appreciated, concerns still exist. Soil samples are not suitable for construction. Increased water run-off will occur due to compaction of the ground impacting other properties. There should be a minimum of 20% low-income housing and no short-term rentals. Existing forested areas and the spring should be left. The development size should be reduced. (Jan. 26, 2024; Jan. 29, 2024)

Craig Groves, the applicant, responded to Mr. Peyton's pictures. He observed two driveways that are 18-24 inches below Spring Valley Road. Ponding will occur during snowmelt unless there is a cutoff drain or curtain drain to manage the water. The 30-ft wide drainage easement is unobstructed; thus, he does not believe the water is coming from the adjoining site proposed for development. Pictures are included. (January 29, 2024)

STAFF COMMENTS AND QUESTIONS:

I anticipate the following as how the hearing will be managed:

- Remove the application from the table.
- Staff Report to place additional information into the record.
- Presentation of any changes or new materials by applicant.
- Questions from P&Z Commission with Responses from Applicant. I anticipate this will be a "back and forth" question-answer time.
- Table the application in order to re-notice any changes and hold another hearing.

Applicant should be ready to answer the question as to the cost of services so as to not increase costs to existing development.

ATTACHMENTS

- Proposed Conditions of Approval
- Staff email to Gary Swain - January 23, 2024
- Additional Applicant Submittals
 - Craig Groves
 - Crestline Engineers – January 31, 2024
- Additional Agency Responses
- Additional Public Comments
- PZ Commission Minutes – January 11, 2024

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

Re: MacGregor PUD

Cynda Herrick <cherrick@co.valley.id.us>

Tue 1/23/2024 7:10 AM

To:swain [REDACTED]

Cc:Lori Hunter lhunter@co.valley.id.us

Gary,

No fill in Railroad Village.

Fir Grove required a stormwater management plan and required either a sump pump or slab on grade. All building permits must be elevated to provide runoff at a certain percentage from the foundation; but this is a building department standard and they are all gone today...

A large portion of Boulder Creek Meadows Subdivision was recorded in 1973 but could not be developed until there was sewer, because it would not perc for septic (prior to any P&Z).

Craig Groves responded to questions as follows: "Just got off the phone with Steve Loomis, developer of Railroad Village. Railroad Village was built at the same grade as the existing railroad system. No fill required.

Steve did mention that Gary may be confused with Fir Grove because there were several sites in there that need at least 2 feet of fill. Steve also mentioned that those owners who built on grade in Fir Grove without raising the site have water in their crawl spaces.

It should be noted that when Steve developed Railroad Village there was an easement for the eastern 25 or 30 feet of the railroad village lots for storm drainage runoff. This area was to be left open to allow for conveyance of storm water going south. It should be noted that many of the Railroad Village owners have violated this easement by filling in the easement area not allowing for adequate conveyance of storm water. Paul Kleint, before he passed, called Steve several times complaining about the drainage backing up on the farm. Steve told Paul that the owners were creating the problem because they violated the easement condition. Our proposed project will help solve drainage issues not create more."

There are a number of people that have changed the ditch that flowed along the eastern boundary or put in culverts that are undersized. The owners on the southern end have been busily cleaning up their area to allow for better drainage.

I truly appreciate your questions so we have a good record that addresses the stated concerns. This will be added to the record.

See you tonight 😊.

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611

MacGregor Subdivision

From: Craig Groves [REDACTED]

Sent: Thursday, February 1, 2024 10:50 AM

To: Cynda Herrick <cherrick@co.valley.id.us>

Cc: Bonnie Layton [REDACTED]; Gregg Tankersley [REDACTED]

Subject: FW: MacGregor Subdivision

Cynda,

Here are the updated presentation boards.

Craig

From: Carrie Iverson [REDACTED]

Sent: Thursday, February 1, 2024 10:27 AM

To: Craig Groves [REDACTED]

Cc: Celeste Penny [REDACTED]; Jon Breckon [REDACTED]

Subject: RE: MacGregor Subdivision

Craig-

Here is the updated color plan, the legend has the updated lot count. The community center board was not affected by the most recent revisions so that will be the same. I have attached it for reference though. Let us know what you think.

Thanks

Carrie Iverson | Landscape Architect in Training

BRECKON landdesign | 6661 North Glenwood Street, Garden City, Idaho 83714

MAIN [REDACTED] | BRECKONlanddesign.com

From: Carrie Iverson

Sent: Wednesday, January 31, 2024 1:49 PM

To: Craig Groves [REDACTED]

Cc: Celeste Penny [REDACTED]; Jon Breckon [REDACTED]

Subject: MacGregor Subdivision

Craig-

I have drawn up those changes mentioned this morning. There are now 53 townhome lots and 181 medium lots in the plan. In the Northwest corner, from the edge of pavement down to the pond edge, the rough sqft is about 59,000 sf. Is that area large enough or would you like to pull the pond further in?

Let me know what you think,

Carrie Iverson | Landscape Architect in Training

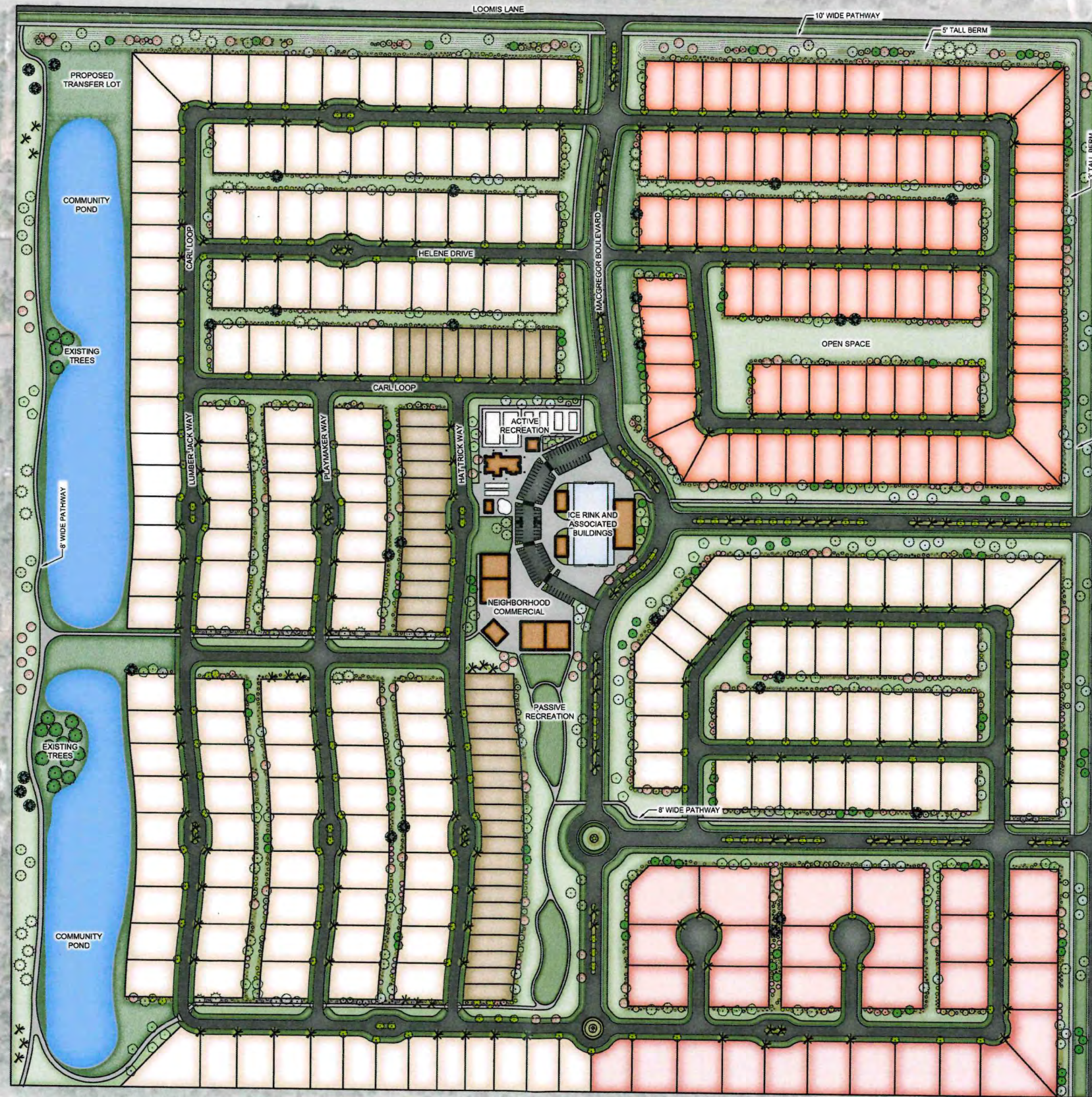
BRECKON landdesign | 6661 North Glenwood Street, Garden City, Idaho 83714

MAIN [REDACTED] | BRECKONlanddesign.com

MACGREGOR
TOWNSITE

TOTAL ACRES: 160.7 ACRES
TOTAL OPEN SPACE: 98.58 ACRES (61.3%)
TOTAL LOT COUNT: 341 RESIDENTIAL LOTS
43 X-SMALL (5,033 SQFT)
82 SMALL (8,400 SQFT)
187 MEDIUM (9,100-11,690 SQFT)
29 LARGE (13,000+ SQFT)

RESIDENTIAL ELEVATIONS



RECEIVED
FEB 01 2024
BY: _____

RESIDENTIAL ELEVATIONS



MASTER SITE PLAN
MACGREGOR SUBDIVISION
VALLEY COUNTY, IDAHO

SCALE: 1"=150'-0"

NV5
Beyond Engineering

BRECKON
landesign
Civil Engineering
Landscape Architecture
Erosion & Sediment Control
Graphic Communication
Irrigation Design
Land Planning
8881 North Glenwood Street
Garden City, Idaho 83714



HISTORIC PHOTOS

RECEIVED
FEB 01 2024
BY: _____



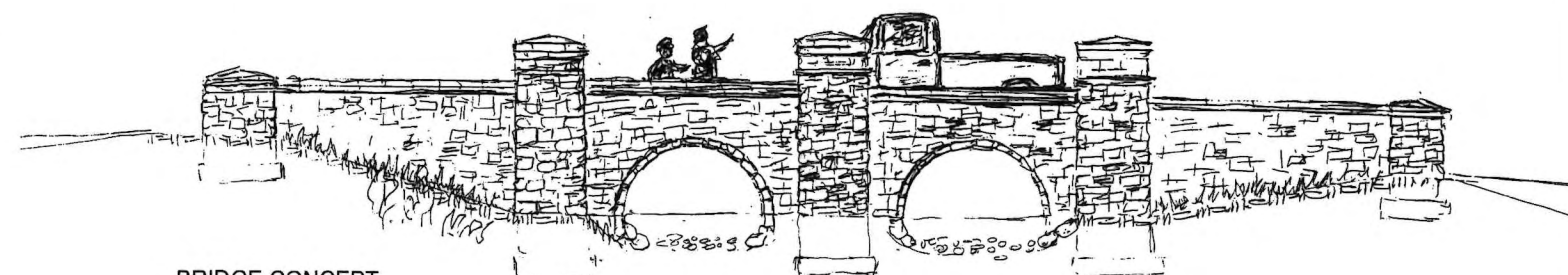
COMMUNITY CENTER ELEVATION



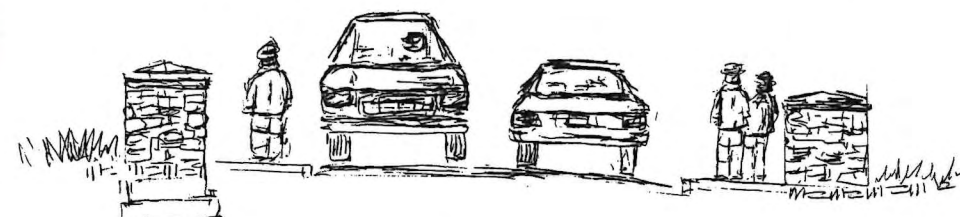
ENTRY MONUMENT CONCEPT



PATHWAY SECTION



BRIDGE CONCEPT



ROAD SECTION



COMMUNITY CENTER SITE PLAN
MACGREGOR SUBDIVISION
VALLEY COUNTY, IDAHO

SCALE: 1"=40'-0"

NV5
Beyond Engineering

BRECKON landesign
6961 North Glenwood Street
Garden City, Idaho 83714
www.breckonlandesign.com

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Traffic Counts

From: Jeff Mcfadden <jmcfadden@co.valley.id.us>
Sent: Monday, January 22, 2024 2:48 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: Re: Traffic Counts

Loomis Lane, from SH55 to Old State Road, was pulverized and repaved in 2023
Old State Road, from SH55 to Loomis, was pulverized and repaved in 2021

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department

From: Cynda Herrick <cherrick@co.valley.id.us>
Sent: Monday, January 22, 2024 2:42 PM
To: Jeff Mcfadden <jmcfadden@co.valley.id.us>
Subject: Re: Traffic Counts

Can you please give us a report card of the condition of Loomis LN and Old State Highway...

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

“Live simply, love generously, care deeply, speak kindly, and leave the rest....”

Service **T**ransparent **A**ccountable **R**esponsive

From: Jeff Mcfadden <jmcfadden@co.valley.id.us>
Sent: Monday, January 22, 2024 10:06 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: Re: Traffic Counts

We don't. We only have counts for 4 years. Everything before then disappeared into the great unknown when the new computers were put in.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department

From: Cynda Herrick <cherrick@co.valley.id.us>
Sent: Friday, January 19, 2024 11:32 AM
To: Jeff Mcfadden <jmcfadden@co.valley.id.us>
Subject: Traffic Counts

Do you have traffic counts for the Loomis LN and Old State Highway area...please?

Thanks, Cynda

Macgregor Townsite**From:** Jeff Mcfadden <jmcfadden@co.valley.id.us>**Sent:** Wednesday, January 31, 2024 1:07 PM**To:** Cynda Herrick <cherrick@co.valley.id.us>**Subject:** Macgregor Townsite

I think it would be a good idea to have a grader/truck storage staging area in this area. It would be 3 bays and enough room for a 2000 gallon fuel tank and be able to move equipment around. This would be a dedication of property from the owner/developer.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department

MacGregor townsite

From: David Ayres [REDACTED]
Sent: Wednesday, January 24, 2024 10:06 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: MacGregor townsite

David Ayres
P.O. Box 1146
Donnelly, Idaho 83615
[REDACTED]

Valley county Planning and Zoning Commission
Valley County, Idaho

RE: Proposed 335 lot Subdivision

Hello, I was Surprised to say the least when I read in the Star News about a proposed 335-lot Subdivision at Loomis Lane and Old 55 road in Donnelly. This is the first I have heard of this and am wondering why we weren't notified or alerted or something, so we could be prepared to address an issue so close to where we live. I live about a mile from this proposal at 188 Lake Trail Dr., in the Wagon Wheel Subdivision. Shocked and dismayed would probably more describe how I feel about this proposal. This is a rural area that has been farm land for far longer than the 20 plus years that I have lived here, and now to propose a High Density Subdivision just seems WRONG. Most of the lots in our area are at least one-half acre in size. I just don't see this as being compatible and would DEVALUE our property. In the article I read in the Newspaper there was mention of the High water table and yes this would be an issue also. Many times over the years we have seen standing water, mud and mosquitoes that go well into June, so definitely YES we have a high water table.

This road also leads to the day use area and boat docks at Boulder Creek, which would mean a Huge increase in traffic on a road that has not been well maintained by the County and has been plagued by Pot Holes. I would mention that the day use area is currently Packed with people and boats during the summer months, not only from residents of the area, but others that have discovered it. I just can't fathom how it would be with 335 more houses so close. We already have a problem with motorcycles, atv's and other vehicles racing around our area, this can only exacerbate that issue. I can only imagine what more problems this development would bring to our subdivision.

Maybe I should have known about this development before now, but it just seems as though people living in the area should be kept apprised of such a drastic proposal that would have a dramatic effect on their way of life. I would ask you to vote NO.

Thank you
David Ayres

Greg Swenson
186 Jacks Ln
Donnelly Id, 83615

January 26, 2024

Valley County Planning & Zoning
219 N Main St
Cascade, ID 83611

To Whom it may Concern:

I am writing you today in hopes that planning and Zoning will not approve the MacGregor Subdivision. I am against this subdivision for several reasons and do not feel a subdivision of this size and density belongs in Valley County outside of city limits. Please consider the following issues:

- The water pressure in the Wagon Wheel subdivision is already an issue. Adding 351 residential lots will only make matters worse. How can north lake sewer support the addition of that many homes.
- The roads around the subdivision cannot support the traffic 351 home sites will add to the area. The traffic study that was done was not realistic since it was done during the Off season on a Wednesday which was November 8th.
- Boulder Creek Boat Ramp and beaches are already over capacity during the summer months. I try to go down there on Saturdays with my family and you can barely find space on the beach and there is not enough parking. If you have a boat and trailer you cant, find parking on a typical weekend as it is. Adding 351 homes with an average min of 3 people to a home will only make matters worse. It is not like the bureau of reclamation can go out and make more space.
- The 38 acres of open space is misleading since they are including the open space of the individual residential lots that are not available to the public. Where will home owners park trailers and boats?
- Does North Lake Sewer and Water have the resources to supply hydrants for proper fire protection?
- Siscra Campground has 190 campsites that are full all summer long. The area already has to support the influx of people and vehicles from those 190 sites. This needs to be considered.
- A subdivision with this density does not belong in a rural area of Donnelly.

My family and I purchased a home in Donnelly because we love the outdoors and the tranquility of Valley County. Please do not ruin what we all enjoy about this area by adding a subdivision that truly belongs in Meridian. Again, I ask that Valley County Planning and Zoning not approve the Macgregor Subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Swenson', with a long horizontal line extending to the right.

Greg Swenson

PUD 23-02

From: Katharina Roth [REDACTED]
Sent: Sunday, January 28, 2024 10:18 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: PUD 23-02

Dear Cynda,

I read the article in the Star news about this planned development and can only agree with the points that were made in opposition to it.

My main concern is the density. Why can't a new development allow for larger parcel sizes and a more rural feel and look that actually fits in with Valley County? Obviously it is about profit, and I understand that. But does the company's profit have to be at the cost of the neighbors, the people who have lived in that area for a long time? How about actually try to preserve some of the rural character that we all love about Valley County? If the developers don't have respect for this area and only see dollar signs then maybe they are not the right people who want to come here in the first place.

These are questions that I would like to raise for every other application that comes to the P&Z.

Thank you very much for your time,

Katharina Roth

Katharina Roth
[REDACTED]

Brian Peyton
12936 Spring Valley Road
Donnelly, ID 83615

January 26, 2024

Planning and Zoning Commission
Attn: Cherrick@co.valley.id.us

My name is Brian Peyton and I own the second and third property on Spring Valley Road. I purchased it in 2006. I was very concerned about the size and impact of this new development and sent my concerns prior to the first meeting. I appreciate that the developer changed some things and added an additional pond, shown in exhibit 5.

I would like to address some other concerns regarding this project. I was not impressed by Mr. Craig Groves presentation at the meeting. He did not convince me that he has the ability to build a development of this size. He did not have much information on past projects or talk about his ability to complete this large endeavor. I am also concerned of the news that soil samples have reviewed that the material is not suited for construction base, meaning he will need 100's of tons of fill. When the land gets compacted, it will no longer have a reasonable percolation rate. All this water runoff will be considered under the 'due no harm clause'. I will include pictures of my culvert and the property across the street, showing where the water is no longer flowing because the drainage is extremely slow in this area.

I would like to express my concern on the housing availability to include Low income housing. This should be a big factor of getting this project approved. I would like to see a minimum of 20% Low income housing. Airbnb should not be included since that will lesson housing in Donnelly.

When I look over the site plan for the Open Space area, I see 4 quadrant's, only one has a tiny space. There should be a park area to play or throw a ball for your dog in all 4 quadrants. The community center sounds like a great idea. Indoor Pickleball courts and swimming pool would be fun as well.

Is it possible to start the project on Old State Road and progress to Spring Valley Road. This should help with traffic congestion and road quality. Since Mr. Groves projects includes maintaining walkways and lawns, he will need to include HOA fees and I am assuming we will learn more about that in phase 2.

In conclusion, I would like to have Planning and Zoning department take the time to listen to the concerned Residents before making a decision about this unprecedented development. Show Park like areas, leave the forested areas that are existing, existing Spring, as part of Natural Recourses. Please do your due diligence and make sure it would be good to scale down the size of this development. Ensure that it will be affordable for Donnelly residents and not be mainly second homes and Airbnbs.

Thank You

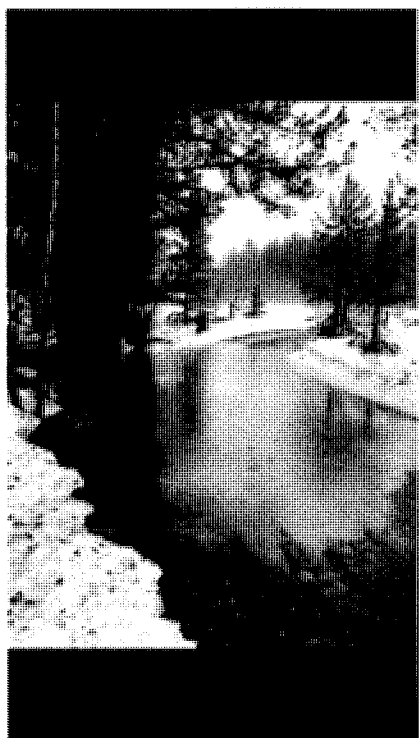
12936 Spring Valley Rd.

From: Brian Peyton [REDACTED]

Sent: Friday, January 26, 2024 4:57 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: 12936 Spring Valley Rd.



Sent from my iPhone

12936 Spring Valley Rd.

From: Brian Peyton [REDACTED]

Sent: Monday, January 29, 2024 12:11 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: Re: 12936 Spring Valley Rd.

This is the culvert that goes between the two houses at 12936 Spring Valley Road and 12934
, The water travels underground from this point,

Sent from my iPhone

On Jan 29, 2024, at 7:59 AM, Cynda Herrick <cherrick@co.valley.id.us> wrote:

Hello,

Jeff McFadden, Road Superintendent, made the following comments when we forwarded him the pictures...:

I will head that way. Had issues there before and it's the drainage between Spring Valley and Fir Grove sub that gets packed with heavy snow and won't let the water flow.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department

Thanks for the pictures, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

“Live simply, love generously, care deeply, speak kindly, and leave the rest....”

S*ervice* **T***ransparent* **A***ccountable* **R***esponsive*

MacGregor Townsite

Craig Groves [REDACTED]

Wed 1/31/2024 11:24 AM

To: Cynda Herrick; Bonnie Layton

Cc: Gregg Tankersley; Lori Hunter

Cynda,

Spoke with Jeff McFadden this morning regarding the "Transfer Site" location at the NW corner of the property. He is going to go out and look at the location.

I have instructed Breckon to locate a "Transfer Site" approximately 200 x 200 in the NW corner and to add townhome lots in Phase 2 backing up to the liner park space. This adds 9-10 additional lots which is need for an affordable product.

As soon as we have a line drawing I will send it over.

Craig+

12936 Spring Valley RD.

Craig Groves [REDACTED]

Mon 1/29/2024 10:04 AM

To: Cynda Herrick <cherrick@co.valley.id.us>; Lori Hunter <lhunter@co.valley.id.us>; Jeff Mcfadden <jmcfadden@co.valley.id.us>

Cc: Gregg Tankersley [REDACTED]

Cynda, Lori, and Jeff:

I went by 12936 Spring Valley Road this morning. Below are the pictures I took.

What I observed are two driveways that are 18 to 24 inches below Spring Valley Road. During a snow melt these driveways will have ponding unless the owner installs a cutoff drain or curtain drain to manage the water so it will flow to the drain crossing Spring Valley Road over to the Fir Grove development. It appears that the drainage easement on this properties lot running North and South 30 feet wide is unobstructed for the width of this lot, so I don't believe this water is coming from the adjoining farm.

It's unfortunate the driveway was cut in so low but it can be mitigated with either a cutoff drain or a curtain drain.

R. Craig Groves
[REDACTED]







There is not a map hanging in the Tamarack Real Estate Office showing this area as open space. Future development proposals will include reaching out to existing property owners.

Commissioner Swain is concerned about the loss of open space and buyers' assumption that this would remain open space. Mr. Turlington is sympathetic to concerns. Controversial issues have come up in the past and he has had many meetings with property owners. Did not realize that there were concerns regarding this proposal as no concerns were made to him prior to the staff report. Tamarack Resort did everything right in terms of documents. Many property owners do not realize the amount of future development that has already been approved for the entire Tamarack Resort.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Roberts appreciates the documents but would like something that connects the dots to show the allowed flexibility and notes. He suggested a neighborhood meeting. Commissioner Swain stated that Tamarack Resort has given us good proposals; however, he has a problem with this one. He does not like the fact that this was designated as open space on the plat. This should be open space in perpetuity even though he understands the ability to change is in the small print. He is not opposed to tabling the matter to obtain more information. He would also like a meeting between the developer and neighborhood owners. Commissioner Freeman concurs; it does not feel good to change an area designated as open space. Commissioner Potter disagrees with previous comments. Tamarack Resort is well within their rights to request this change. They could build eight townhomes but have changed the use to three lots with open space. Commissioner Roberts stated P.U.D.s are afforded more flexibility; however, Commissioners must do due diligence to show clear reasons for the resulting decision. It would also bode well if the applicant choose to have a meeting with the neighbors.

Commissioner Swain moved to table Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-51 Phase 3.4 – Lower Sugarloaf Custom Chalets to the regular meeting in February 2024 [February 8, 2024] to obtain more information, specifically the Facilities Plan, original approval, plat, and supplemental declaration. Commissioner Freeman seconded the motion. Commissioner Freeman, Commissioner Roberts, and Commissioner Swain voted in favor; Commissioner Potter opposed. The motion carried.

Chairman Caldwell returned to the Commission.
6:48 p.m.

4. **P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat:** 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, pathways, and approximately 49 acres of open space. The net density is 2.11 units per acre. North Lake Recreational Sewer and Water District would provide water and sewer service. Construction would occur in six phases over a 15-year period.

Access would be from Loomis Lane and Old State Road, both public roads. Internal roads would be private.

Variances from Valley County Code are requested to reduce right-of-way widths, reduce front and rear setbacks, reduce maximum lot coverage, reduce frontage widths along roads, and allow a hybrid approach to open space requirements.

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.

The 159-acre site is 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.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest.

Commissioner Potter declared exparte contact from someone who has provided testimony; the letter was included in the Commissioner packet. Commissioner Roberts stated that he has no interest in the property at this time; however, his uncle owned the property until summer 2023.

Director Herrick presented the staff report and explained the separate attachment sections. The surrounding densities were reviewed. Director Herrick displayed the site plan on the projector screen and summarized the following exhibits:

- **Exhibit 1** – Applicant's response to questions within the Staff Report (Jan. 11, 2024)
- **Exhibit 2** – Shari Johnsen's email with concerns and suggestions. (Jan. 4, 2024)
- **Exhibit 3** – Sarah Swann and family have concerns. (Jan. 4, 2024)

In addition to the staff questions listed in the staff report [Section 6], Director Herrick would like the applicant to answer the following:

1. Will the homeowner association maintain the yards of the single-family residential units in a manner similar to the Meadows at West Mountain?
2. Will fencing be allowed around each single-family residential lot?

Commissioner Swain asked for clarification of a planned unit development (P.U.D.) versus a subdivision and what makes this application a P.U.D. instead of a typical subdivision application? Director Herrick stated this application does meet the maximum density limits of 2.5 dwelling units per acre for a subdivision application; this development is 2.1 dwelling units per acre. The P.U.D. application allows for flexibility of standards within Title 5. Requested relaxation of standards include reduced right-of-way widths, reduced front and side setbacks, reduced maximum lot coverage, reduced frontage widths along roads, and allow for a hybrid approach to open space requirements. These would be offset with open space and amenities. A higher density is allowed than the applicant has requested. The point in doing a P.U.D. is to change the character of the neighborhood. It can be mixed-use but does not need to include commercial. Valley County Code Title 9 describes a P.U.D.

Chairman Caldwell asked for the applicant's presentation.

Craig Groves, 154 Shadows Trail, Donnelly, is a full-time resident of Valley County. His family is vested in Valley County and grandkids are avid ice hockey players. The site has an interesting history; it has not always been farmland. The site was a logging camp run by the McGregor-Boise-Payette Lumber Company until the late 1930's. Over 350 loggers and families lived at the site with a water tower in the center of the property. He was told that the first Donnelly high school was at this site. Valley County has a housing crisis. Yesterday, the average listing price of a less than one-acre residential property in the Mountain Central MLS was \$1,597,828. The average selling price yesterday was \$846,333. Professional occupations

such as doctors and teachers need housing in the community. He desires to create a community, not just a subdivision. A community with open space, recreational amenities, and common area amenities. Housing opportunities for all generations with amenities for all generations. Full-time local residents would be given the first option to purchase; selling to investors is at the bottom of Mr. Grove's priority list. The additional submittal tried to address all staff questions and concerns (**Exhibit 1**).

Bonnie Layton, senior planner for NV5, Meridian, described the initial site plan. It is a 159-acre, fairly flat site located approximately one and a half miles south of Donnelly. The proposal includes 335 single-family residential homes with 2.11 dwelling units per acre. Lots range in size from 0.19 to 0.26 acres. The goal is to create a vibrant and accessible community. The P.U.D. process allows for flexibility and trade-offs. The proposed reduction in lot sizes allows an increase in open space available to both residents and the public. Unlike surrounding subdivisions, open space is proposed. Amenities include a community center, sport courts, pathways, and ponds to create a sense of community.

Ms. Layton stated that the application binder includes an analysis of the Valley County Comprehensive Plan. The Comprehensive Plan and zoning code allows for a balance between objectives, growth and private property rights. A Traffic Impact Study has been done. The applicant provided a letter containing the applicant's responses to agencies and public comments (**Exhibit 1**). Much thought has gone into this project and the benefits to the community. A P.U.D. allows the applicant to modify lot sizes. Having a variety of lot and home sizes will help obtain affordable housing in the development. The design includes entry ways and architectural features; the homes will have a modern mountain aesthetic. Mr. Groves designs thoughtful projects due to amenities. Density ranges of the surrounding community were reviewed. The applicant could have chosen to do a subdivision development with 2.5 single-family lots per acre; however, that design would not offer the benefit of the community amenities, including pathways open to the public.

Historical pictures and rendering of community amenities were submitted (**Exhibit 4**). Upon receiving comments from the public, the applicant explored an alternative to the original design (**Exhibit 5**). This alternative site plan includes ponds in the northwest corner and townhome lots in the center area. This exhibit also includes drawings of proposed home styles. A service lot for public services such as the Valley County snowplow could be added in the northwest corner with access from Loomis Lane.

Commissioner Swain had questions regarding the traffic impact report, the hybrid open space, and short-term rentals.

Gregg Tankersley, Crestline Engineers, McCall, explained the hybrid open space concept. It includes the platted open space parcels outside the lots plus open space created by limiting lot coverage on individual lots. These latter areas would be required to be maintained as open space although not used as public open space. CCRs, development guidelines, and building envelopes would restrict building sizes and limit maximum lot coverage.

Mr. Groves reiterated that his objective is housing for residents, not investors. He wants to provide housing for a variety of profiles. Residents would be the majority owners but there would be some second homeowners who might wish to short-term rent their properties. Short-term rentals would be controlled by CCRs.

Commissioner Roberts has many questions from the applicant. He questioned why Wednesday, November 8, 2023, was selected as the day for traffic study. Ms. Layton stated that NV5 creates traffic impact studies throughout Idaho and the country. She stated that a

scoping was done with Idaho Transportation Department (ITD) prior to data collection. She understands that ITD does much of their data collection in November. She recognizes that November is part of the shoulder season. ITD is reviewing the report. Updates and additional data will be done if needed. This is a 15-year project and traffic studies can be updated over time and the original assumptions can be validated or modified. Commissioner Roberts stated he has reviewed the Highway 55 traffic count volumes; other days were 2.5 times greater than November 8, 2023. The application states low impact on County roads and intersections. Commissioner Roberts believes more discussion is needed on traffic impacts.

Commissioner Roberts asked for clarification on density and hybrid use of open space. He calculated that if open space is removed, the density increases to 3.05 units per acre. If both the open space and hybrid open space are removed, the density increases to 4.68 units per acre. He would like the applicant to verify these calculations.

Mr. Tankersley responded to questions. He referred the Commission to the provided traffic study and intersection level of service information. Currently, all the intersections are considered to be operating at a service level of A or B. Level of service D is considered operational. Mr. Tankersley does not believe that the results of additional traffic counts at different times of the year would greatly impact the level of service. Commissioner Roberts agreed based on extrapolation of data; some locations moved into a B or a C level.

Mr. Tankersley referred the Commissioners to the "cheat sheet" to review proposed and nearby average lot size (**Exhibit 1**). If "open space" is not included in the calculations, the average lot size would be 0.39 acre per lot. This compares favorably to the subdivisions in the area. The applicant's response to staff and agency comments and questions provided has many answers (**Exhibit 1**).

Chairman Caldwell stated that the Commissioners have not had a chance to thoroughly review the applicant's additional submittal.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Kirby Robertson, 12952 Upland Road, located at the west end of Loomis Lane, stated that the Valley County Comprehensive Plan includes a do no harm clause to the people in the area. He has significant issues as a daily driver in the area. He is also a co-chairman for the Valley County Road Advisory Committee. The traffic impact study was conducted on Wednesday, November 8, 2023, during the shoulder season. In addition, the SISCRA Campground was closed, there would have been limited short-term rental changeover, and the boat ramp was closed. Another plat was recently approved that would also affect traffic in this area plus there are many existing undeveloped lots. The roadbed for Loomis Lane was not properly built. There are springs underneath Loomis Lane. The portion of Old State Road south of Loomis Lane also needs rebuilt. A four-way stop is needed at the intersection of Loomis Lane and Old State Road. Based on the "do no harm clause" within Comprehensive Plan, more projects can not be added to a system that is currently not performing.

Commissioner Swain stated that he also sits on the Road Advisory Board with Mr. Robertson. He asked for clarification regarding the increase in cost detailed in Mr. Robertson's comment letter. Mr. Robertson stated that the North Lake Recreational Sewer and Water District (NLRSD) is funded by existing lots with associated LIDs plus a monthly fee per lot. Some of these lots are still undeveloped. Multiple plats have been permitted; however, those new people never paid the LID cost for septic and water. About three years ago, there was a monthly

increase from \$40 to \$80 to mitigate the addition of new lots. All plats should be required to have the LID payment per lot or it would be unfair to people who have paid for existing infrastructure. The existing system has problems with low water pressure; twice this past summer he had no water at his home. There is either a leak or inadequate water capacity. Either way, NLRWSD has not responded to this issue. He has known Mr. Groves, the applicant, for thirty years and believes if the project is approved, Mr. Groves will complete the project. However, this should be an economic decision that supports the existing people with necessary development agreement and setback requirements. Then Mr. Groves could determine if the project would be financially viable.

Chairman Caldwell asked for opponents.

Steve Byrne, 12898 Spring Valley RD, is opposed to the proposed density. Who will pay for the negative impacts to schools, roads, etc.? Over 400 residences have been approved in the Donnelly area; therefore, there does not seem to be a need for additional housing in the area.

Theresa Gibboney, Donnelly, believes it is a positive that Craig Groves is the applicant as he is a local developer. However, she has similar concerns to those for other recently proposed developments in the Donnelly area, including the watershed, migrating animals, and the way of life. We are not Boise; there is no reason for every development to have amenities that should be within city limits. Natural resources and recreational opportunities already exist. All exceptions to the County Code should be denied. The proposed amenities should be removed; this would allow more green space around each home. Traffic should be addressed. This should not be approved until the infrastructure needs are addressed. Preliminary plans were submitted to Valley County prior to the required neighborhood meeting; she understands that this is a new requirement.

Jackie Beverage, 32 Lakewind RD, stated that the same concerns keep coming up for proposed developments. These include infrastructure, water, sewer, roads, power, traffic, density, snow removal, snow storage, drainage, mosquito-filled ponds, lighting, common areas, and environmental impact on water and wildlife. There is a notoriously high-water table in the area. The distance is closer to four miles to Donnelly; the site is a more rural area where nearby lots are a half-acre or larger in the area. This proposal is too dense for the rural area.

Dave Wilson, 12898 Spring Valley RD, lives in the Railroad Village Subdivision, which has the highest density in the area, no common areas, and was built adjacent to an existing street. He admires the open space, but the proposal is too dense. The Comprehensive Plan is subjective. The proposed density and lot sizes are not compatible with the neighborhood. Every spring, his house is threatened by flooding every spring from the drainage ditch. Existing culverts are too small, and the ditch is not maintained. He is concerned about where the water will go. Mr. Wilson responded to questions from Commissioner Roberts. Railroad Village Subdivision has 0.28 - 0.31 acres per lot. The past high-water drainage in the area was discussed.

Lawrence Henneman, 12886 Spring Valley RD, is concerned about the proposed ponds and overflow. The ponds will continue to overflow all summer long. Who will control the water? The ponds are not necessary.

Mike Seibert, 12701 Smoky Drive, stated this proposal should be in or adjacent to Donnelly. He is opposed to any short-term rentals being allowed in the development.

Art Troutner, 193 W Lake Fork RD, stated ponds and irrigation rights are separate entities. Permission would be required from Idaho Department of Water Resources to do an exchange of water rights from irrigation to pond use. These ponds would waste water due to evaporation

loss. Also due to density and traffic impacts, it would be good idea to think about area transportation other than motorized uses. Developers should help defray costs for non-motorized pathways.

Tyler Hlawatschek, 12920 Spring Valley RD, concurs with previous concerns. There is an assumption that the existing neighborhood wants these proposed amenities. He moved here for recreational activities, open space, and views. The proposed pathway would be adjacent to his property and would be disruptive to his home and privacy.

Kathy Klient Whitney, Star, Idaho, represented Needles View Ranch. She is very familiar with the property as the ranch previously used the property. The developer should pay fair share of the roads repair and improvements, intersection improvements, and access to highway 55. The southeast corner where the trees are located is a bog. The site would require a large amount of dirt and gravel. An artesian well is located in the middle of the property. The site is a low piece of ground. The proposal is too dense. There would be impacts to schools with this development plus other developments that have been approved in the Donnelly area. Land is needed for a new elementary school. She replied to Commissioner Swain's question regarding past irrigation practices. Flood irrigation was not a goal. There is high ground water. This property is lower than the adjacent Railroad Village that was built on the elevated railroad bed.

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Tankersley responded to prior comments. This proposed development would help fix some of the existing problems including the roads and poor drainage. They will work with NLRSD for solutions. Commissioner Freeman stated that the percolation rate at the site would be modified due to hardscape. Mr. Tankersley responded that the project would require approval of the Valley County Engineer and must not create any additional impacts to the runoff. The open space areas allow drainage. He referred to ground water monitoring data and the applicant's intent to use materials excavated from ponds to raise the fill level.

Commissioner Swain asked if fencing would be allowed within the hybrid open areas. Ms. Layton stated that they are working on designs that would be addressed in CCRs and would handle some desire for privacy in the yards. The applicant is sensitive to the open natural feel of the community as well as some desire for privacy by homeowners.

Commissioner Roberts referred to the ALLWEST geotechnical evaluation for the site and asked Mr. Tankersley to respond to the conclusions regarding soils. The second bullet point in the executive summary stated soft and loose soils may be prone to settlement and are not suitable to support fill soils, structures, or other improvements. The sixth bullet point states there is an assumption that seasonal high groundwater will not restrict vertical seepage. Commissioner Roberts sees this statement as a disclaimer and a red flag. The seventh bullet point states the on-site native soils do not meet the public works standards and are not suitable to be used as materials for pavement construction or as granular structural fill. Thus, ruling out use of the soil for many activities on the site. Commissioner Roberts also referred to the Valley Soil and Water Conservation District letter which includes information on the two types of soil that dominate in the area. In addition, sump pumps are required in homes built in an area with similar soil profiles west of the proposed site.

Mr. Tankersley responded. The map tells the soil types in the area. However, the question is how big of the area is each soil type.? The poorer soil is typically associated with wet areas and is likely shown on the soil map along the western boundary of the proposed site. A wetland delineation has been completed for this site. More details can be discussed at a later time.

Soil survey must be taken with a grain of salt. The ALLWEST preliminary geotechnical report on the property is current. The report specifically speaks to the use of excavated materials from the ponds to be used for fill. The material does not meet gradations for roadway construction. However, he specifically asked the ALLWEST geotechnical engineer and received an email response about using the excavated materials for fill. The response was "Yes, we did make that comment, but that specifically pertained to the roadways and using it as roadway subbase. It is suitable material for fill for lots."

Commissioner Roberts referred to the GIS map on the large projector screen. Commissioner Roberts farmed the field after the Klients did. The area is wet enough that he could not always use a tractor on part of property even though there would be no irrigation water at time. The grove of trees was always too wet to farm. The trees fall over due to too much water. Can this be designed around and mitigated?

Mr. Tankersly replied to Commissioner Swain's questions and stated that information regarding building up the lot area, sump pumps, and crawl spaces is included in the applicant's response (**Exhibit 1**).

Commissioners and Director Herrick discussed continuing discussion to a work session or a future meeting. More information is needed prior to a decision. Chairman Caldwell requests more information on traffic, stormwater, and draft CCRs. Commissioner Roberts stated the modified public hearing system allows additional public testimony as the application changes and new information is submitted. Commissioner Roberts would like to meet with NLRSDW to discuss their master plan. Idaho Code 67-6502 lays out a checklist of things that the PZ Commission is to review. He believes a fair amount of information is still needed.

Director Herrick requested that the Commissioners send Staff a list of questions to pass along to the applicant prior to another meeting.

Commissioner Roberts stated this PZ Commission should do a compatibility rating soon.

Commissioner Swain appreciated the applicant's response to the staff report (**Exhibit 1**) but many responses were not firm answers. Traffic study updates and extrapolation were discussed.

Mr. Groves stated he had a preliminary meeting with the manager and engineer of NLRSDW. The NLRSDW Master Plan calls for the extension of a 12-inch waterline going east on Loomis Lane. The line currently ends at Spring Valley Road. He and his son have a vast amount of experience with building homes in areas of high ground water. They have built homes where the ground water is 24-inches below the surface. They know how to use footing drains and remove water. Their intention for this development is to primarily construct slab-on-grade homes with radiant heating. The proposed 40-ft landscape strip would be lower than the surrounding area to allow for drainage. The strip will be landscaped with aspen and pines to create privacy throughout the community.

Commissioner Roberts moved to table P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat to the regular meeting on February 8, 2024, at 6:00 p.m. Commissioner Swain seconded the motion. Motion carried unanimously.

Short recess until 8:55 p.m.