

## Valley County Planning and Zoning

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<b>STAFF REPORT:</b>	C.U.P. 24-02 River Fork Ranch Subdivision – Preliminary Plat
<b>MEETING DATE:</b>	March 14, 2024
<b>TO:</b>	Planning and Zoning Commission
<b>STAFF:</b>	Cynda Herrick, AICP, CFM Planning and Zoning Director
<b>APPLICANT / PROPERTY OWNER:</b>	Lake Fork Ranch LLC, c/o Dave Callister 3500 Quail Creek LN, Boise, ID 83714
<b>ATTORNEY:</b>	Amy K Holm, Millemann Pemberton & Holm LLP PO Box 1066, McCall, ID 83638
<b>LAND PLANNER</b>	Samantha Hammond, Ardurra Group INC 322 N Broadmore Way, Nampa, ID 83687
<b>LOCATION:</b>	North of Spink Lane 43.75 acres of RP17N03E227205 in the SE ¼ Section 22, T.17N, R.3E, Boise Meridian, Valley County, Idaho
<b>SIZE:</b>	43.75 acres
<b>REQUEST:</b>	Single-Family Residential Subdivision
<b>EXISTING LAND USE:</b>	Agricultural (Dry Grazing) per Valley County Assessor's Office

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Lake Fork Ranch LLC is requesting a conditional use permit for a residential subdivision on 43.75 acres.

- The maximum number of residences would be 40.
- Twenty-two (22) lots would be single-family residential.
- Nine (9) lots would be either single-family residential or duplex units. (Lots 23-31).

Lot sizes would range from 1.0 acre to 1.78 acres. The proposed density range is 0.69 to 0.91 residential units per acre.

Common areas, labeled as "C" on the preliminary plat, are also included. These would be used as common space for residents, snow storage, and private road rights-of-way. A 20-ft landscaping buffer is proposed along Spink Lane.

Individual septic systems and individual wells are proposed. A water tank and hydrants for fire suppression are proposed.

A portion of the Mahala Ditch would be piped and moved. The applicant states the site is dry and has no water rights.

The lots would be accessed by new graveled, private roads from Spink Road, a public road.

Shared driveways are requested. No direct access to lots from Spink Lane would be allowed. A gate would be installed where the two roads connect at the north end of the subdivision.

Road right-of-way for Spink Lane would be dedicated to Valley County.

A Wildland Urban Interface Protection Plan has been submitted. The plan states that all vegetation treatments must be completed or financially guaranteed prior to recordation of the final plat; an evacuation plan should be developed; and firewise defensible space guidelines be met prior to construction of each home.

A draft development agreement was submitted.

A small portion in the northwest corner of the site is within the designated floodplain. Only the common lot designated as 11C is within the floodplain. Marshy areas in Lots 3-10 would be designated as "no-build" areas.

#### **FINDINGS:**

1. The required neighborhood meeting was held on December 8, 2023; information is included in the application.
2. The application was submitted on January 29, 2024.
3. Legal notice was posted in the *Star News* on February 22, 2024, and February 29, 2024. Potentially affected agencies were notified on February 13, 2024. Property owners within 300 feet of the entire property owned by the applicant were notified by fact sheet sent February 14, 2024. The site was posted on February 29, 2024. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 13, 2024.

#### **4. Agency comment received:**

Jeff McFadden, Valley County Road Superintendent, stated County-maintained roads that would see increased traffic are Spink Lane and Farm to Market Road. It is expected that transportation services would be impacted by increased traffic. He recommends the dedication of 35-ft right-of-way to the public and the mitigation of impacts by negotiating with developer payment of road improvement costs attributable to traffic generated by the proposed development. Recommendations that are agreeable to the developer should be memorialized in a future voluntary development agreement negotiated between the Board of County Commissioners, the Road Department, and development owner. (March 4, 2024)

Mike Reno, Central District Health, stated an application has been submitted and test holes conducted. The applicant is currently conducting spring ground water monitoring. (Feb. 13, 2024)

Jess Ellis, Donnelly Fire Marshal, listed requirements for roads, fire flow, fire hydrants, and addressing. (Feb. 27, 2024)

Kenneth Dodd, PD, Parametrix and Valley County Engineer, listed requirements and required modifications. The piping and rerouting of the Mahala Ditch may require approval of the U.S. Corps of Engineers under the federal Clean Water Act; a federal 404 permit may be required. (March 5, 2024)

Kelly Copperi, Valley County Communications Supervisor, commented on road names. Approved road names are River Fork Ranch, River Fork Meadows, and Meadowbrook. (Jan. 9, 2024; Jan. 11, 2024)

Rebecca Goehring, Idaho Department of Environmental Quality Water Quality Analyst, sent Idaho State Statute Section 39-126 Duties of State and Local Units of Government. This states that the entity [County] issuing a permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on the ground water quality of the state. (Feb. 14, 2024) [Staff Comment: read on in the statute.]

5. Public comment received:

In Opposition – Reasons Given Include:

- Conflicts with the Valley County Comprehensive Plan that “encourages new development in or near the existing cities and communities.”
- Too dense for rural area; much denser than the surrounding area and is not compatible with neighboring land uses of agriculture and large parcels.
- Potential domino effect of new center of development between Lake Fork and Donnelly, leading to conversion of agricultural lands to more residential subdivisions in valley floor outside of impact areas.
- Application does not adequately describe nor provide satisfactory mitigation of potential environmental, economic, and social impacts of the conditional use permit (VCC 9-5-3)
- Too dense without central water and sewer infrastructure, particularly the proposed duplex lots.
- Multiple small septic systems and multiple wells drilled in a tiny footprint will endanger the current water table, existing well owners, and water quality of Lake Fork Creek.
- Public records indicated that Central District Health staff encouraged development of community well/septic at these lot sizes. Community septic and water are appropriate.
- The application fails to acknowledge groundwater impacts. Abutting property owners to the east are at a higher elevation and risk having their wells affected. By relying on individual groundwater wells for each lot, 43 acres of dry grazing land without water rights would be converted to 15 acres of potential irrigation with installation of individual wells. This scale of groundwater well installation may cause reduced water availability or elimination of other wells and springs.
- Lots 3-10 show septic fields right up to the high-water level for Lake Fork Creek which will negatively impact water quality. Will a home fit on Lot 22 with the ditch easement and septic/well separation requirements.
- Impact to Mahala irrigation ditch, maintenance of the ditch, and downstream water quality.
- High water levels on property and adjacent property.
- Spink Lane and the Highway 55 intersection are inadequate and dangerous. Turn lanes are needed.
- Negative impacts to law enforcement, fire, and emergency medical services, utilities, roadways, and the school system.
- Records on file with Central District Health show preliminary plans and surveys by this developer for about 100 lots on abutting property; this was not disclosed during neighborhood meeting. The additional lots will exacerbate the negative impacts.
- The application fails to illustrate how the proposed development conforms with the Comprehensive Plan’s goals to protect fish and wildlife. Negative impacts to wildlife and birds, particularly elk and deer crossing Highway 55 near Spink Lane and Lake Fork Creek

and calving/fawning areas. The sample fencing photo in the application does not appear to be wildlife friendly.

- Degradation of filtering wetlands and riparian habitat along a stream currently not meeting Cold Water Aquatic Life designated beneficial use.
- Although the property is currently 85% wooded, development will require removal of most of the wooded area.
- Will be property for vacation homes, not worker housing.
- Valley County Ordinance does not guarantee maximum profit or allow unlimited development. Denial is appropriate and still leaves the applicant with the ability to make a profit by managing or reselling the land as agricultural/open space or through reconfiguring a proposal more compatible with the rural character and appropriately mitigating negative impacts.
- Opposition to short-term rentals.
- The proposed project does not meet Valley County Code 9-5H-7.
- Incorrect information and inconsistencies in the application, including past grazing use and wetlands.
- The application does not address particulate emissions to the air, does not address agricultural, housing affordability, and the impact report is incomplete.

- 1) Bill and Barbi Burke, 13605 Farm to Market RD, March 2, 2024
- 2) Cynthia Heiney, 13643 Morris Ranch RD
- 3) Miles S. Miller and Dr. Vicki L. Miller, 13541 Farm to Market Road, March 4, 2024
- 4) Marshall Haynes and Peggy McMillen, 13607 Farm to Market Road, March 5, 2024
- 5) Patsy Kelly, 13629 Farm to Market Road, March 5, 2024
- 6) Larry V. Dolsby, March 5, 2024
- 7) David and Cindy Squires, owners of 30 Spink Lane, March 5, 2024
- 8) Lannea Latreille, 13640 Morris Ranch RD, March 5, 2024
- 9) Jonathan Rentzsch, March 6, 2024
- 10) Kathleen Trever and Tom Peppersack, 28 Spink Lane, March 5, 2024
- 11) Lenard D. Long representing Friends of Lake Cascade, March 5, 2024
- 12) Diana and Barry Bryant, 32 Coho Lane, March 5, 2024
- 13) Peter G. Miller, 13643 Morris Ranch RD, March 6, 2024
- 14) Tami Parkinson, March 6, 2024
- 15) Galen Shaver and Judy Anderson, Lake Fork, March 6, 2024
- 16) Chuck Seubert, Morris Ranch RD, March 6, 2024
- 17) Jacqueline N. Walton representing Harry Bettis, March 6, 2024

6. Physical characteristics of the site: The ground is relatively flat; the northwest portion of the site slopes down towards Lake Fork Creek. The site has some open meadows and is approximately 85% forested, primarily with lodgepole.
7. The surrounding land use and zoning includes:
  - North: Agricultural (Dry Grazing) and a Single-Family Residence – Property is owned by Applicant
  - South: Single-Family Residential Parcel and Agricultural (Irrigated Grazing)
  - East: Agricultural (Irrigated Grazing)
  - West: Single-Family Residential Parcels

8. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
- 2. Residential Uses (c) Subdivision for single-family subdivision.
  - 2. Residential Uses (g) Subdivision for multi-family subdivision.

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 Subdivision Regulations should be done.

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## **TITLE 9 LAND USE AND DEVELOPMENT**

### **9-5-3: STANDARDS:**

#### **B. Setbacks:**

1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
2. Highway 55: All structures shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
6. Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

#### **9-5A-1: GRADING:**

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.
- E. Site Grading Plan:
1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.
  2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer.
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans.

**9-5A-2: ROADS AND DRIVEWAYS:**

- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

**9-5A-5: FENCING:**

- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.
- G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

**9-5A-6: UTILITIES:**

- A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.
- D. Individual Septic Systems: If individual septic systems are proposed to show compliance with sewage disposal requirements in subsection A of this section, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.
- E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.
- F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit.

**9-5B-2: LIGHTING****9-5B-4: EMISSIONS:**

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

**9-5C-2: MINIMUM LOT AREA:**

- B. New Subdivisions:
  - 1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
    - a. One acre where individual sewage disposal systems and individual wells are proposed.
- C. Frontage On Public Or Private Road: Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

**9-5C-6: DENSITY:**

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term



rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.

- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation.

## **TITLE 10 SUBDIVISION REGULATIONS**

### **10-4-6: EASEMENTS:**

- A. Utility Easements: There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission.
- B. Stormwater Easement Or Drainage Right Of Way: Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- C. Drainage: Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.
- D. Existing Easements: All existing easements must be shown on the subdivision plat.

### **10-5-1: STREET AND UTILITY IMPROVEMENTS:**

- A. Installation Required: Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).
- B. Acceptance By County: The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

- C. Private Road Declaration: In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.
- D. Declaration Of Installation Of Utilities: A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be

placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".

- E. **Connection To Public Road Required:** The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

## **CHAPTER 7 WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN**

### **10-7-4: SUBMISSION REQUIREMENTS:**

- A. **General:** All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.
- B. **Content:** The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.
1. **Preparation:** The plan shall be developed by a "professional" (see definition in section 10-7-2 of this chapter). Professionals can be prequalified by the commission and a list will be maintained at the Valley County planning and zoning office.
  3. **Submittal, Implementation And Verification:**
    - a. The plan shall be submitted with the preliminary plat application to the Valley County planning and zoning office.
    - b. Planned mitigation work must be completed or financially guaranteed prior to the recordation of the final plat. A schedule for the phased completion of mitigation work may be approved in conjunction with recordation of final plats.
    - c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative.
  4. **Exceptions:** Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer may complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the fire district.
  5. **Cost:** The cost and implementation of the plan preparation shall be the responsibility of the applicant.
  6. **Plan Retention:** The approved plan shall be retained at the Valley County planning and zoning office and the jurisdictional fire district or designated agency where no fire district exists.
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### **SUMMARY:**

Staff's compatibility rating is a +16.

**The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).**



### **STAFF COMMENTS / QUESTIONS:**

1. This site is within the Donnelly Fire District. It is not within an irrigation district nor a herd district.
2. The Mahala Ditch crosses the property. Has the Mahala Ditch Irrigation District reviewed the proposal to move and pipe the ditch? Is there an access and maintenance easement for this section of ditch? Notice was sent to Harry Bettis.
3. What is the use of the common lots? Where is the access to Lot 11C?
4. Shared Driveway Maintenance Agreements will be required and must be constructed prior to recordation of the plat or in coordination with road construction prior to issuance of building permits.
5. Must bury conduit for fiber optics with utilities. This must be included in the Declaration of Utilities.
6. Wetlands are shown on Valley County PZ GIS maps. Has a wetland delineation been done?
7. What improvements are you proposing for Spink LN?
8. What is your timeline on implementation of the Wildland Urban Interface Fire Protection Plan?

### **ATTACHMENTS:**

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Floodplain Map
- Assessor Plat – T.17N R.3E Section 22
- Photos taken February 29, 2024
- Proposed Preliminary Plat
- Responses
- Septic System Handout

### **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 issuance of this permit and these conditions will not relieve the applicant from

complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.

4. The final plat shall be recorded within two years, or this permit will be null and void.
5. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
6. A site grading/stormwater management plan must be approved by the Valley County Engineer prior to construction of the roads or installation of utilities.
7. A letter of approval is required from Donnelly Fire District.
8. The water tank and hydrants for fire suppression shall be shown on the final plat.
9. All easements shall be shown on the final plat.
10. Written approval of the Mahala Ditch owner to relocate or place the ditch in buried pipe is required.
11. A Declaration of Installation of Utilities shall be recorded and noted on the face of the plat.
12. Must bury conduit for fiber optics with utilities.
13. A Declaration of Private Roads shall be recorded and noted on the face of the plat.
14. A shared-driveway maintenance agreement shall be recorded and noted on the face of the plat. Shared driveways shall be constructed prior to recordation of the plat.
15. The Wildland Urban Interface Protection Plan shall be recorded and noted on the face of the plat.
16. CCR's should address lighting; noxious weeds; septic maintenance; wildfire prevention; firewise wildland urban interface landscaping requirements; fertilizer, herbicide, and pesticide use; maintenance of the landscape buffer; maintenance of the water tank and hydrant system; and limit each lot to one wood-burning device.
17. Shall place addressing numbers at the residences and at the driveway entrance if the house numbers are not visible from the road.
18. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
19. The following notes shall be placed in the notes on the face of the final plat:
  - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
  - "All lighting must comply with the Valley County Lighting Ordinance."
  - "Only one wood burning device per lot."
  - "Surrounding land uses are subject to change."

## **END OF STAFF REPORT**

## Compatibility Questions and Evaluation

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response  
Value

Use Matrix Values:

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

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

(+2/-2)      \_\_\_\_\_ X 2 \_\_\_\_\_

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

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

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

### Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)      \_\_\_\_\_ X 3 \_\_\_\_\_

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

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

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

(+2/-2)      \_\_\_\_\_ X 2 \_\_\_\_\_

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

(+2/-2)      \_\_\_\_\_ X 2 \_\_\_\_\_

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

(+2/-2)      \_\_\_\_\_ X 2 \_\_\_\_\_

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

(+2/-2)      \_\_\_\_\_ X 2 \_\_\_\_\_

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

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (-)      \_\_\_\_\_

Total Score      \_\_\_\_\_

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

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

- A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.
- B. Purpose; Use:
1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
  2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.
- C. General Evaluation: Completing the compatibility questions and evaluation (form):
1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
    - Plus 2 - assigned for full compatibility (adjacency encouraged).
    - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
    - 0 - assigned if not applicable or neutral.
    - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
    - Minus 2 - assigned for no compatibility (adjacency not acceptable).
  2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
    - x4 - indicates major relative importance.
    - x3 - indicates above average relative importance.
    - x2 - indicates below average relative importance.
    - x1 - indicates minor relative importance.
- D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.
- E. Terms:
- DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and
1. Comprises at least one-half (1/2) of the adjacent uses and one-fourth (1/4) of the total adjacent area; or
  2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
  3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.
- LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.
- F. Questions 4 Through 9:
1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
  2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

# APPENDIX A

## MATRIX FOR RATING

### QUESTIONS 1, 2, and 3

QUESTIONS 1, 2, and 3																								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
RESIDENTIAL USES	1. AGRICULTURAL		+2	-1	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	-1	+2	-1	-2	-1	+1	+2	+2
	2. RESIDENCE, S.F.	+2		+2	+1	+1	+1		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	-1	+1	+1	-2	-2	
	3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1		+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	-1	+2	+1	-2	-2	
	4. M.H. or R.V. PARK	-2	+1	+1		+1	+1		+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	-1	+1	+1	-2	-2	
	5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2		+1	+1	-1	+2	+1	-2	+1	+1	+1	-1	+1	+1	-2	-2	
	6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2		+1	+1	-1	+2	+1	-2	+1	+1	+1	-1	+1	+1	-2	-2	
	7. P.U.D., RES.	-2	+1	+1	+1	+2	+2			+1	+1	-1	+2	+1	-2	+1	+1	+1	-1	+1	+1	-2	-2	
CIVIC or COMMUNITY SERVICE USES	8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1			+1	+1	-1	+2	-2	-1	-1	+2	+1	+1	-1	+1	-2	-1	
	9. FRAT or GOV'T	+1	+1	+1	+1	+1	+1		+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	-1	+1	-2	-2	
	10. PUBLIC UTIL. (1A-3.1)	+1	-1	-1	-1	-1	-1		+1	+1		+1	+1	-1	+1	+1	+1	-1	+1	+1	+1	+2	+2	
	11. PUBLIC REC.	+1	+2	+2	+2	+2	+2		-1	-1	+1		+2	-1	+1	+1	+2	+1	+1	+1	+1	-1	+1	
	12. CEMETERY	+2	+1	+1	+1	+1	+1		+2	+2	+2		+1		+1	+1	+1	+1	+1	+1	+2	+1	+1	
	13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2		-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-1	+2	+2	+2	
	14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1		-1	-1	+1	+1	+1	-1		+1	+1	+2	+1	+2	+2	-1	+1	
COMMERCIAL USES	15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1		-1	-1	+1	+1	-1		+1	-2	-2	-1	-2	-2	+2	-1	+1	
	16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1		+2	+1	+1	+1	-2		+1	-2	+1	+2	+2	+1	+2	-1	-1	
	17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1		+2	+1	-1	+2	+1	-2	+1	-2	+1	+1	-1	+1	+1	-2	-2	
	18. SERV. BUS.	-1	+1	+1	+1	+1	+1		+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2		+1	+1	
	19. AREA BUS.	-2	-1	-1	-1	-1	-1		+1	+1	+1	+1	-2		+1	-2	+2	-1	+2	+1	+2	-2	-2	
	20. REC. BUS.	-2	+2	+2	+1	+1	+1		-1	-1	+1	+1	-1		+2	-2	+1	+2	+1		+2	-2	+1	
	21. LIGHT IND.	+1	+1	+1	+1	+1	+1		+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2		+1	+1	
INDUST. USES	22. HEAVY IND.	+2	-2	-2	-2	-2	-2		-2	-2	+2	-1	+1	+2	-1	-1	-1	-2	-1	-2	+1		+2	
	23. EXTR. IND.	+2	-2	-2	-2	-2	-2		-1	-2	+2	+1	+2	+1	+1	+1	-1	-2	-1	-2	+1	+1	+2	

RATE THE SOLID SQUARES AS +2

# Compatibility Questions and Evaluation

Matrix Line # / Use:

#3 &  
#6 (Multi-Family Sub &  
Single Family)

Prepared by:

CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -1.5 X 4 -6

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

Agricultural

(+2/-2) +1.5 X 2 +3

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

S.F. Residences

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

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

Mostly Ag w/ Residential & Industrial

## Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +2 X 3 +6

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

The subdivision is located on the fringe of

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

5. a field in trees

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

Yes

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

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

55 & Spink is questionable  
S.F. Residential & Agricultural; designated  
access to Materials Recovery Facility

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

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

Will cause noise but not far from  
Highway 55

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

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

May be impacts to roads, schools, &  
open areas

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

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

Yes: ↑ tax revenue

Sub-Total (+) 23

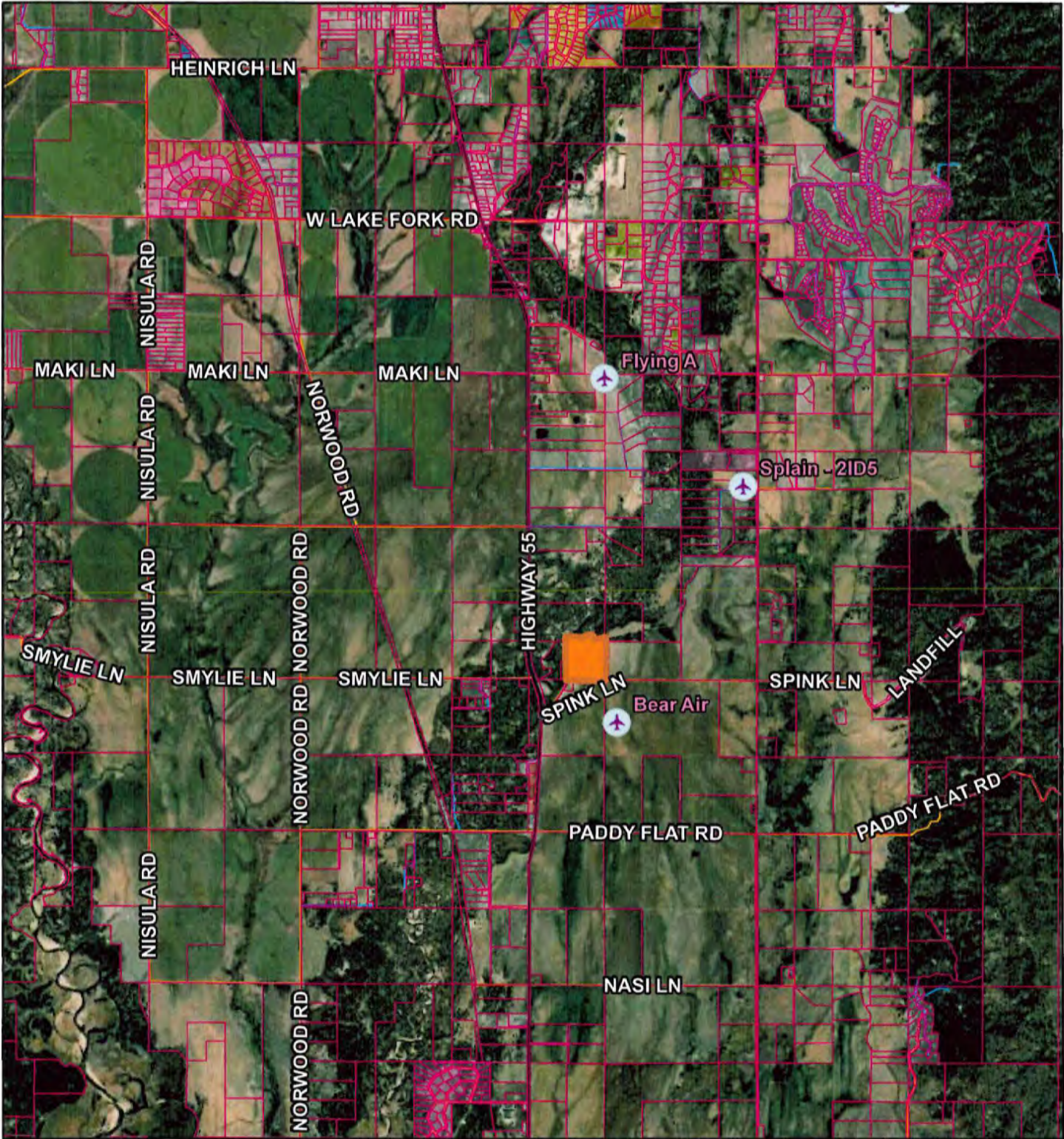
Sub-Total (-) 7

Total Score +16








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

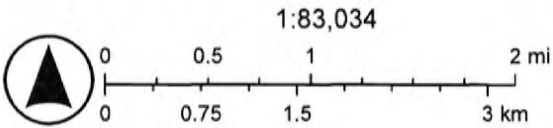


C.U.P. 24-02 Vicinity Map



1/29/2024, 3:07:38 PM

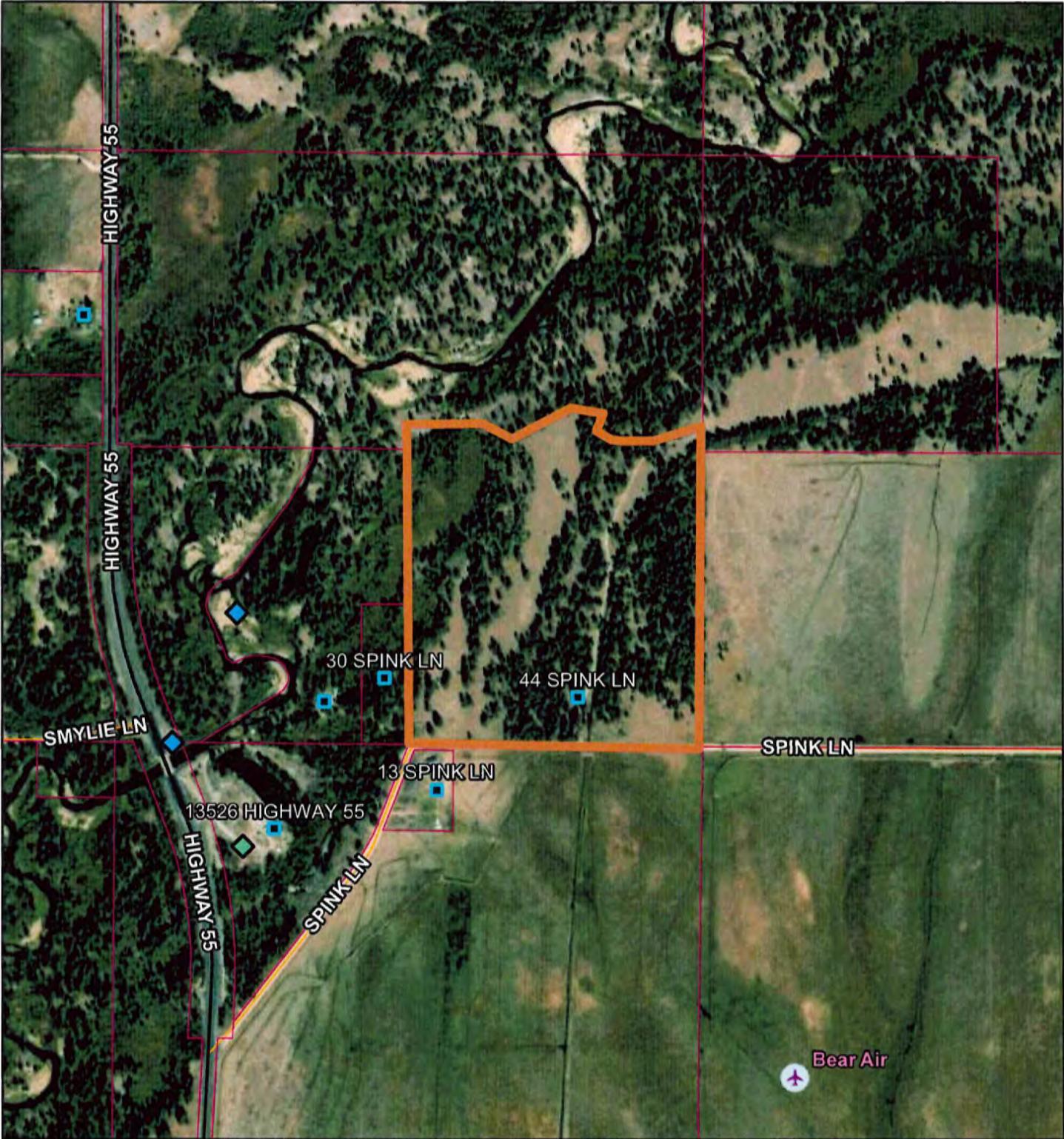
-  Airstrips
-  Parcel Boundaries
- Roads
-  MAJOR
-  COLLECTOR
-  URBAN/RURAL
-  PRIVATE
-  OTHER



Earthstar Geographics



# C.U.P. 24-02 Aerial Map - Approximate Boundary



1/29/2024, 2:58:15 PM

## Permits

◆ CUP

◆ FP

✈ Airstrips

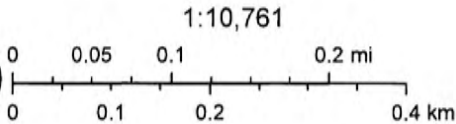
■ Address Points

Parcel Boundaries

## Roads

MAJOR

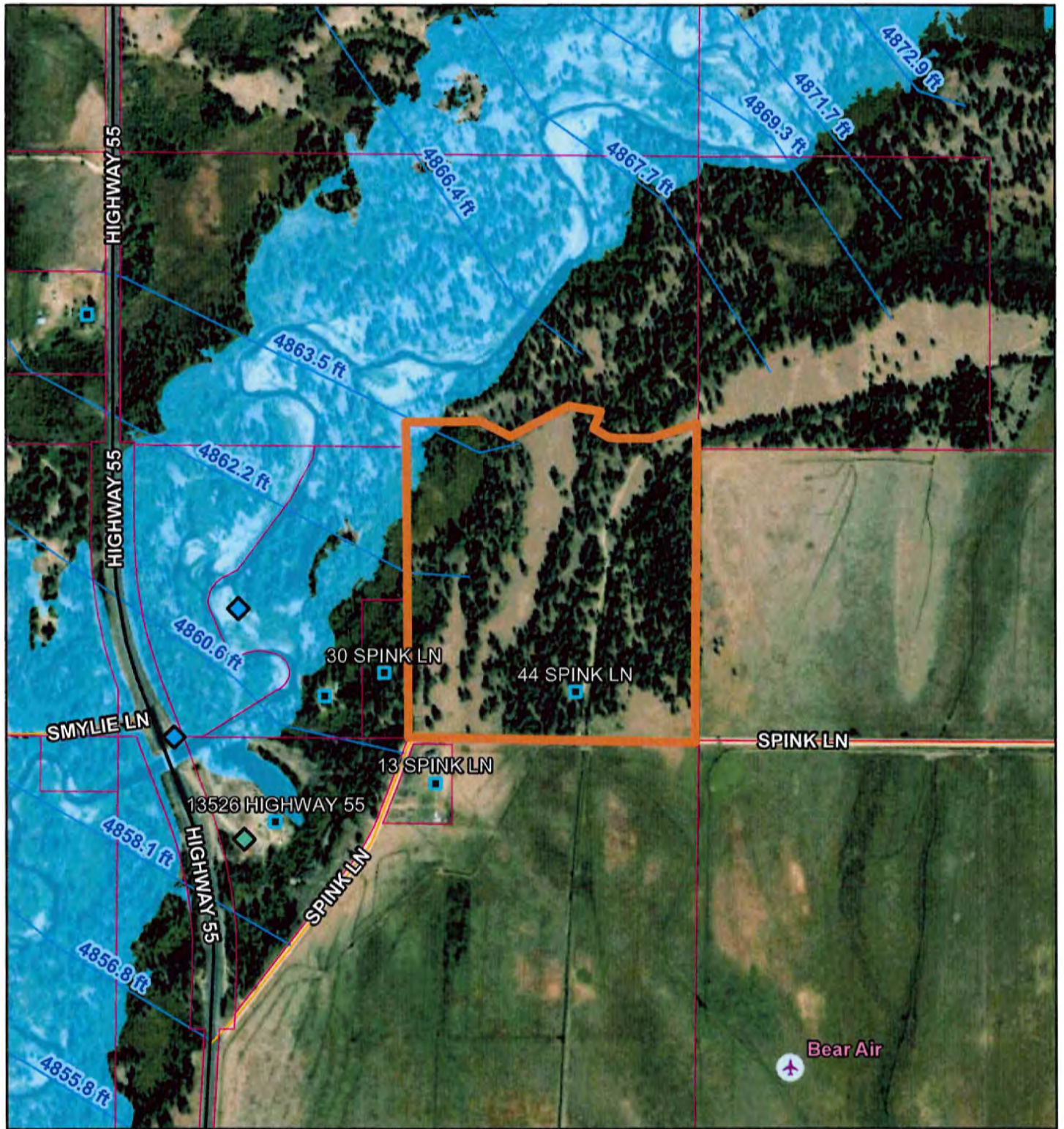
URBAN/RURAL



Maxar

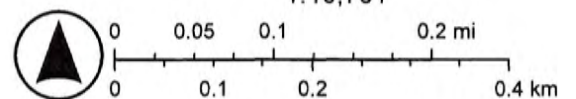


# C.U.P. 24-02 Floodplain Map - Approximate Boundary



1/29/2024, 3:00:01 PM

- |                   |  |
|-------------------|--|
| <b>Permits</b>    | URBAN/RURAL                              |
| CUP               | Base Flood Elevation                     |
| FP                | Floodplain                               |
| Airstrips         | A (1% Annual Chance, 100-Year)           |
| Address Points    | AE (1% Annual Chance, 100-Year)          |
| Parcel Boundaries | Floodway (1% Annual Chance, 100-Year)    |
| <b>Roads</b>      | 500-Year Floodplain (0.2% Annual Chance) |
| MAJOR             |  |




Valley County IT, Maxar

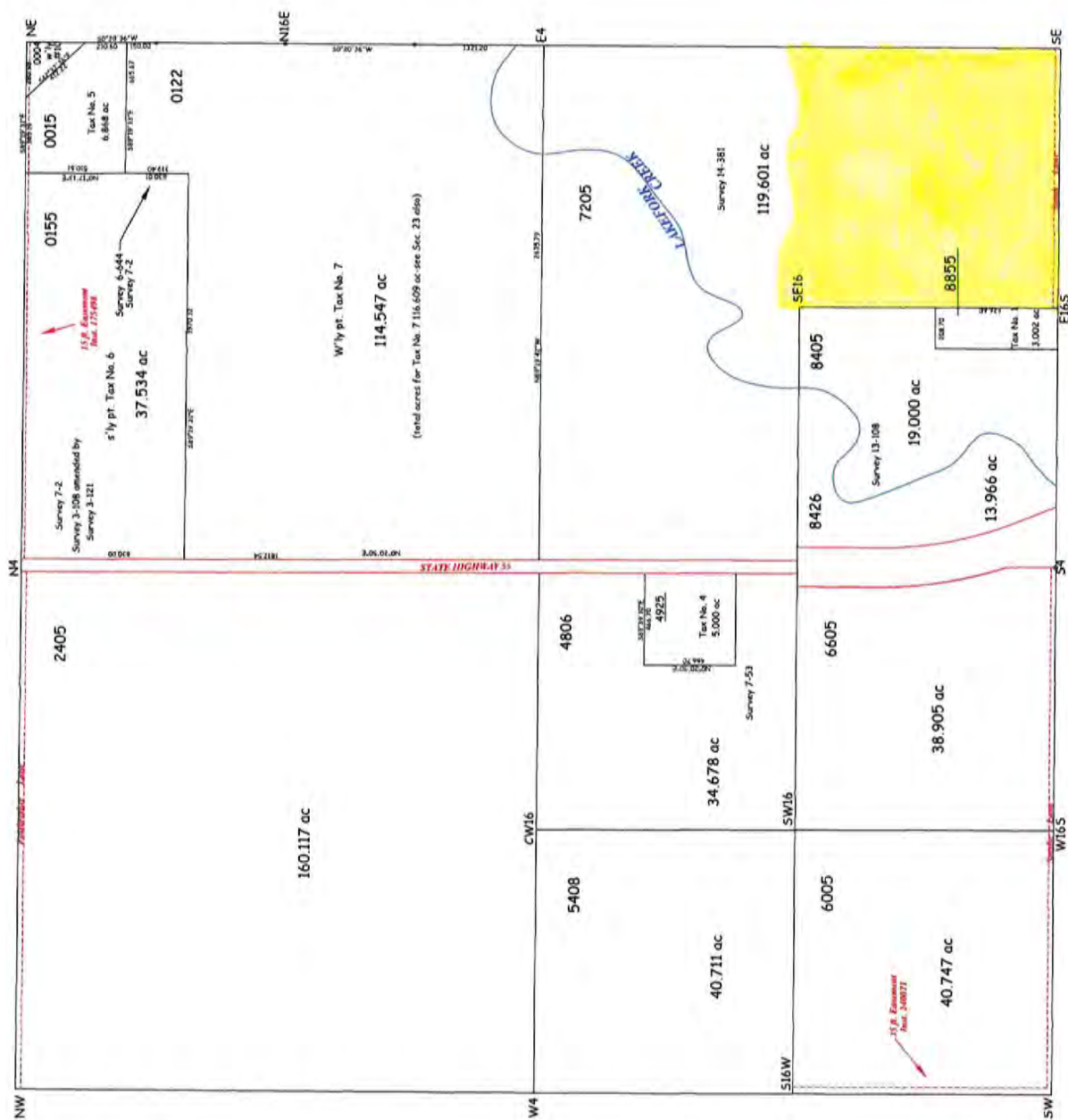
Created by Valley County



## T W P . 17 N R O S E S E C . 22

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

Filename: Valley County Base Map  
Scale:   
Date: 1/9/2024  
Drawn by: L.Frederick



*This Document is to be Used for Reference Purposes ONLY. The Country is NOT Responsible for Any Inaccuracies Contained Herein.*









ARDURA

101 N. BROADWAY, SUITE 200  
DALLAS, TEXAS 75202  
WWW.ARDURA.COM

PRELIMINARY PLAT FOR:

RIVER FORK RANCH SUBDIVISION

LOT DIMENSIONS

REVISIONS

NO.	DATE	DESCRIPTION
1	01/11/24	ISSUED FOR PERMIT
2	01/11/24	ISSUED FOR PERMIT
3	01/11/24	ISSUED FOR PERMIT
4	01/11/24	ISSUED FOR PERMIT
5	01/11/24	ISSUED FOR PERMIT
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100	01/11/24	ISSUED FOR PERMIT

DATE: 01/11/24  
PROJECT: 20041  
SHEET: P2.0

ATTACHED:  
1. PLAT  
2. SURVEY  
3. LEGAL DESCRIPTION  
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100. LEGAL DESCRIPTION

The survey map illustrates the River Fork Ranch Subdivision, featuring numerous lots of varying sizes, each labeled with its acreage. The map includes several easements, such as the 'PRIVATE ROAD EASEMENT' and 'PUBLIC UTILITY EASEMENT', and various boundary lines with precise bearings and distances. A north arrow is located in the upper left corner, and a scale bar indicates distances in feet. The map also shows the 'RIVER FORK RANCH SUBDIVISION' and 'RIVER FORK MEADOWS LN (PVT)'.

CURVE	INCHES	FEET	DEGREES	MINUTES	SECONDS	CHORD
C1	10.00	10.00	10.00	00.00	00.00	10.00
C2	10.00	10.00	10.00	00.00	00.00	10.00



Valley County Road & Bridge

PO Box 672\* Cascade, Idaho 83611

Jeff McFadden  
Superintendent

[jmcfadden@co.valley.id.us](mailto:jmcfadden@co.valley.id.us)  
Office \* (208)382-7195  
Fax \* (208)382-7198

C.U.P. 24-02

River Fork Ranch Subdivision

March 4, 2024

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact on the local roads that will be utilized for accessing the proposed subdivision. CUP 24-02 is a preliminary plat submitted by Lake Fork Ranch LLC seeking approval of 31 residential lots, and common area.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include Spink Lane and Farm to Market Road. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

- Recommendation (1): Dedication of 35' right-of-way to the public for property owned by the owner immediately adjacent to Spink Lane. Prior to final plat, the developer agrees to provide an appraisal for the value of the ROW along with a legal description and warranty deed to be recorded with the Valley County clerk.
- Recommendation (2): Mitigate impacts to transportation services on those roads identified above by negotiating with developer payment of road improvement costs attributable to traffic generated by proposed development. The value of the developers proportionate share may be determined by several methods: (1) reference 2023 Improvement Program cost comparisons for the Paddy Flat improvement area with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.

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

Valley County Road Superintendent

A handwritten signature in black ink, appearing to read "Jeff McFadden", is written over the printed name.

Jeff McFadden



Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # CUP 24-02

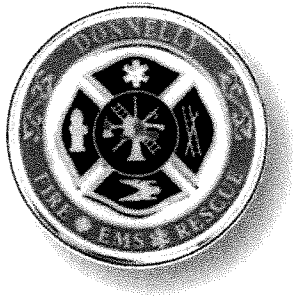
Preliminary / Final / Short Plat River Fork Ranch Sub

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

☒ 14. Application has been submitted and test hole conducted. Applicant is currently conducting spring ground water monitoring.

Reviewed By: [Signature]

Date: 2.13.24



## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

February 27, 2024

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 24-02 River Fork Ranch Subdivision – Preliminary Plat

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

- All fire apparatus access roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018**
- **Section 503.2.1 IFC 2018** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with **Section 503.6 IFC 2018** and an unobstructed vertical clearance of not less than 13 feet 6 inches
- **Section 503.4 IFC 2018** Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles, minimum widths and clearances established in **Sections 503.2.1** and **503.2.2 IFC 2018** shall be maintained at all times
- **Section 503.4.1 IFC 2018** Traffic calming devices shall be prohibited unless approved by the fire code official
- **Section D107.1 IFC 2018** developments of one- or two- family dwellings where the number of dwellings exceeds 30 shall be provided with two separate and approved fire apparatus access roads
- **Section D107.2 IFC 2018** Where two fire apparatus roads are required, they shall be placed a distance apart equal to, and not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served. This is measured in a straight line between accesses
- All roads shall be inspected and approved by the DRFPD personnel prior to final plat
- **Section 507.1 IFC 2018** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction
- In accordance with **Section 507.2.1 IFC 2018** Private fire service mains and appurtenances shall be installed in accordance with NFPA 24

- **Section 913.1 IFC 2018** Where provided, fire pumps shall be installed in accordance with this section and NFPA 20
- The required water supply for this development shall be a fire hydrant system. All fire hydrants shall have 5 inch Storz connector installed on the hydrant. Fire hydrants shall be placed every 400 to 600 feet, depending on occupancy classification and capable of providing adequate flow. Redundant power supply and redundant fire pump shall be required
- An engineered drawing of the water system complete with hydrant locations shall be submitted to the Donnelly Rural Fire Protection District for review prior to construction. All fire hydrants shall be installed in accordance with **Section C102.1 IFC 2018**
- The required fire flow for single family dwellings shall be a minimum of 1125 gallons per minute with duration of not less than two hours. The fire flow requirement for commercial non-sprinklered buildings shall be based on Table **B150.2 IFC 2018** The minimum fire flow requirement for commercial sprinklered facility shall be not less than 1500 gallons per minute for a duration of not less than two hours
- All hydrants shall be flow tested prior to final plat
- In accordance with **Section 501.5 IFC 2018** Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except where approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with **Section 505.2 IFC 2018**
- **Section 503.7.5 IFC 2018** all buildings shall have a permanently posted address, that shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter

Please call 208-325-8619 with any questions.

Jess Ellis



Fire Marshal

Donnelly Fire Department

Parametrix No. 314-4875-001

Cynda Herrick, AICP, CFM  
Valley County Planning and Zoning  
219 North Main Street  
PO Box 1350  
Cascade, ID 83611

Re: March 14, 2024, Planning and Zoning Commission Agenda Items

Dear Cynda:

The following comments are for the item listed in the on the March 14, 2024, Valley County (VC) Planning and Zoning Commission agenda you directed us to review:

**New Business:**

**4. C.U.P. 24-02 River Fork Ranch Subdivision – Preliminary Plat**

Detailed site grading and drainage plans and drainage design documentation for the site improvements are required for review and approval by Valley County. Additional stormwater resulting from site improvements will need to be retained on site. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

The preliminary site grading plans need to have larger sight distance triangle at the intersections of Spink Ln/River Fork Ranch Ln and Spink Ln/River Fork Meadows Ln per Figure 300 of the Valley County Public Road Standards. Applicant needs to show a 0.5% minimum grade for private roadways. Per Section 1.C.1 in the Valley County Private Road Standards, additional right-of-way and/or permanent easements may be required to accommodate snow storage.

The preliminary plans identify piping and rerouting of the Mahala Ditch. Grading or disturbance of this ditch may require approval of the U.S. Corps of Engineers under the federal clean water act. A federal 404 permit may be required and will be part of the conditional use permit.

**5. C.U.P. 24-03 Valley County Road and Bridge Department Office, Shop, and Storage Yard**

Detailed site grading and drainage plans and drainage design documentation for the site improvements are required for review and approval by Valley County. Additional stormwater resulting from site improvements will need to be retained on site. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

The approach connecting to Gold Dust Rd needs to have a sight distance triangle of at least 90' per Figure 300 of the Valley County Public Road Standards as well as a 4% grade for the first 12' of the approach per Figure 200 of the Valley County Private Road Standards. Ensure appropriate BMP's are applied to the proposed fuel station to protect nearby streams and wetlands from contaminants.





Old Business:

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

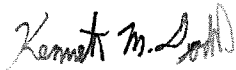
As indicated in the previous review, detailed site grading and drainage plans and drainage design documentation for the site improvements are required for review and approval by Valley County. Additional stormwater resulting from site improvements will need to be retained on site. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches for each phase of the site development.

The primary concern with the requested 50' ROW and 24' pavement section with 2' rolled curb and gutter is that there is no room for parking. Parking on the local roads will need to be restricted. It appears that adequate space is being provided for utilities and snow storage.

Please contact me if you have any questions.

Sincerely,

ParametriX



Kenneth M Dodd, PE

cc: Project File



## More proposed road names - have not yet received application

Kelly Copperi <ktaylor@co.valley.id.us>

Thu 1/11/2024 2:29 PM

To: Lori Hunter <lhunter@co.valley.id.us>; Laurie Frederick <lfrederick@co.valley.id.us>

I'm good with only Meadowbrook Ave, the others will need to be renamed. We also have a Meadows Rd as well already in the Brundage Meadow Condos



Sgt. Kelly Copperi  
Valley County Sheriff's Office  
Communications Supervisor  
Office: 208-382-5160  
Cell: 208-630-3566

---

**From:** Lori Hunter <lhunter@co.valley.id.us>

**Sent:** Thursday, January 11, 2024 13:44

**To:** Laurie Frederick <lfrederick@co.valley.id.us>; Kelly Copperi <ktaylor@co.valley.id.us>

**Subject:** more proposed road names - have not yet received application

Your thoughts on these names?

- Meadowbrook Avenue
- Meadow Lane - We have a Meadow Place in Boulder Creek Meadows

---

**From:** Lori Hunter <lhunter@co.valley.id.us>

**Sent:** Thursday, January 11, 2024 1:39 PM

**To:** Samantha Hammond [REDACTED]

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

**Subject:** Re: Subdivision Name/Street Names

- River View - **No, already exists**
- Riverside Drive - **No, already exists**
- Meadowbrook Avenue - I'll run this past Dispatch
- Meadow Lane - I'll run this past Dispatch

---

**From:** Samantha Hammond [REDACTED]

**Sent:** Thursday, January 11, 2024 9:29 AM

**To:** Lori Hunter <lhunter@co.valley.id.us>

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

**Subject:** RE: Subdivision Name/Street Names

Thanks!! We are working on one (and our last) street name for the proposed subdivision would any of the following be available:

- River View
- Riverside Drive

- Meadowbrook Avenue
- Meadow Lane

Thank you 😊



Samantha Hammond  
Land Use Planner

O: (208) 323-2288

2471 S. Titanium Place, Meridian, Idaho, 83642



[www.ardurra.com](http://www.ardurra.com)



**From:** Lori Hunter <lhunter@co.valley.id.us>

**Sent:** Tuesday, January 9, 2024 2:15 PM

**To:** Samantha Hammond

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

**Subject:** Re: Subdivision Name/Street Names

These street names have been approved by Valley County Dispatch. I will add them to my list of proposed names.

Lori Hunter  
Valley County Planning & Zoning Planner II  
208-382-7115  
219 N. Main Street • P.O. Box 1350  
Cascade, ID 83611

*Service Transparent Accountable Responsive*

**From:** Samantha Hammond

**Sent:** Tuesday, January 9, 2024 12:30 PM

**To:** Lori Hunter <lhunter@co.valley.id.us>

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

**Subject:** RE: Subdivision Name/Street Names

Good afternoon, Lori-

Are the following street names available:

- River Fork Ranch Dr.
- River Fork Meadows

Thank you,

## Proposed road names

Kelly Copperi <ktaylor@co.valley.id.us>

Tue 1/9/2024 1:58 PM

To: Lori Hunter <lhunter@co.valley.id.us>; Laurie Frederick <lfrederick@co.valley.id.us>

I'm good with those. 😊

Sgt. Kelly Copperi  
Valley County Sheriff's Office  
Communications Supervisor  
Office: 208-382-5160  
Cell: 208-630-3566



---

**From:** Lori Hunter <lhunter@co.valley.id.us>

**Sent:** Tuesday, January 9, 2024 13:28

**To:** Kelly Copperi <ktaylor@co.valley.id.us>; Laurie Frederick <lfrederick@co.valley.id.us>

**Subject:** Proposed road names

We have 2 proposed road names for a possible subdivision (no application yet). Your thoughts?

Possible subdivision name = River Fork Ranch

- River Fork Ranch Drive
- River Fork Meadows ...

Lori Hunter  
Valley County Planning & Zoning Planner II  
208-382-7115  
219 N. Main Street • P.O. Box 1350  
Cascade, ID 83611

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



Samantha Hammond  
Land Use Planner

O: (208) 323-2288

2471 S. Titanium Place, Meridian, Idaho, 83642

| [www.ardurra.com](http://www.ardurra.com)



**From:** Lori Hunter <[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)>

**Sent:** Tuesday, December 19, 2023 10:20 AM

**To:** Samantha Hammond [REDACTED]; Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)>

**Subject:** Fw: Subdivision Name/Street Names

River Fork Ranch (Subdivision Name) - OK

River Run (Street Name) - No, already in use

Meadow View (Street Name) - No, already in use

Lori Hunter

Valley County Planning & Zoning Planner II

208-382-7115

219 N. Main Street • P.O. Box 1350

Cascade, ID 83611

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

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**From:** Samantha Hammond [REDACTED]

**Sent:** Monday, December 18, 2023 4:05 PM

**To:** Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)>

**Subject:** Subdivision Name/Street Names

Cynda-

Can you tell me if these following names are available for the subdivision and the proposed private roads? Or can you guide me to who would be the best contact for this?

River Fork Ranch (Subdivision Name)

River Run (Street Name)

Meadow View (Street Name)

Thanks 😊



## Permits for developments with individual septic

**From:** Rebecca Goehring <Rebecca.Goehring@deq.idaho.gov>

**Sent:** Wednesday, February 14, 2024 11:25 AM

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

**Subject:** Permits for developments with individual septic

# Idaho Statute Section 39-126

## DUTIES OF STATE AND LOCAL UNITS OF GOVERNMENT

- 39-126(2)
- Notwithstanding any other provision of law to the contrary, except as provided in subsection (3) of this section, whenever a state agency, city, county or other political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on the ground water quality of the state. Nothing contained in this section shall authorize a state agency, city, county or other political subdivision of the state to issue or require a permit or license which it is not otherwise allowed by law to issue or require.

Idaho Department of Environmental Quality | 20



**Rebecca Goehring | Water Quality Analyst**

Idaho Department of Environmental Quality

1445 North Orchard Street

Office: (208) 373-0426

[Rebecca.goehring@deq.idaho.gov]Rebecca.goehring@deq.idaho.gov

<http://www.deq.idaho.gov/>

*Our mission is to protect human health and the quality of Idaho's air, land, and water.*

*Complete statute  
attached.*





# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

## TITLE 39

### HEALTH AND SAFETY

#### CHAPTER 1

#### ENVIRONMENTAL QUALITY - HEALTH

39-126. DUTIES OF STATE AND LOCAL UNITS OF GOVERNMENT. (1) All state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs and shall have such additional authority to promulgate rules to protect ground water quality as necessary to administer such programs which shall be in conformity with the ground water quality protection plan. Cities, counties and other political subdivisions of the state shall incorporate the ground water quality protection plan in their programs and are also authorized and encouraged to implement ground water quality protection policies within their respective jurisdictions, provided that the implementation is consistent with and not preempted by the laws of the state, the ground water quality protection plan and any rules promulgated thereunder. All state agencies, cities, counties and other political subdivisions shall cooperate with the department of environmental quality, the department of agriculture and the department of water resources in disseminating public information and education materials concerning the use and protection of ground water quality, in collecting ground water quality management data, and in conducting research on technologies to prevent or remedy contamination of ground water.

(2) Notwithstanding any other provision of law to the contrary, except as provided in subsection (3) of this section, whenever a state agency, city, county or other political subdivision of the state issues a permit or license which deals with the environment, the entity issuing the permit or license shall take into account the effect the permitted or licensed activity will have on the ground water quality of the state and it may attach conditions to the permit or license in order to mitigate potential or actual adverse effects from the permitted or licensed activity on the ground water quality of the state. Nothing contained in this section shall authorize a state agency, city, county or other political subdivision of the state to issue or require a permit or license which it is not otherwise allowed by law to issue or require.

(3) Except as otherwise provided by the ground water quality protection plan, if a permit or license which deals with the environment is required to be obtained from a state agency and that agency considers the effect of the permitted or licensed activity on ground water quality, after notice to other units of government which may otherwise have regulatory authority over the activity which is the subject of the permit or license, a city, county or other political subdivision of the state shall not prohibit, limit or otherwise condition the rights of the permittee or licensee under the permit or license on account of the effect the permitted or licensed activity may have on ground water quality.

*(Also read (3))*

Nothing contained in this section shall be deemed to permit cities, counties or other political subdivisions of the state to regulate ground water quality with respect to any activity for which another statute or other statutes may have expressly or impliedly preempted such local ground water quality regulation.

History:

[39-126, added 1989, ch. 421, sec. 2, p. 1032; am. 2000, ch. 132, sec. 31, p. 340.]

**How current is this law?**

**Comments on C.U.P. 24-02**

**From:** Bill Burke [REDACTED]

**Sent:** Saturday, March 2, 2024 12:29 PM

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

**Subject:** Comments on C.U.P. 24-02

To Valley County,

We have serious concerns about the proposed conditional use permit off of Spink Lane. First and foremost being the density of the proposed residential lots, which is slightly preposterous to consider without central water and sewer infrastructure in place. Multiple small septs and multiple wells drilled in such a tiny footprint will not only endanger the current water table and well owners in the surrounding area, but will seriously affect the water quality of Lake Fork Creek.

The proposal also directly goes against the current Comprehensive Plan in place for the surrounding area.

The proposed density and number of residences will also negatively impact the wildlife in the Lake Fork Creek corridor which is quite substantial, and will add serious traffic implications and loads on the Spink Lane and Hwy. 55 intersection.

The area proposed also has serious ground water issues already which will negate the use of septs on much of the ground, as well as making suspect any approvals that are given without extensive water and soil studies.

There are sound reasons in place that encourage high density projects near developed townships that have central water and sewer services, as well as storm water prevention and run-off mitigation in place. Even these are not near delicate fish and wildlife environs.

I have spent most of my life in the water and wastewater industry, most of it in Idaho, and in Valley Co., seventeen years with Payette Lakes Water and Sewer District, five years as a wastewater circuit rider for Idaho Rural Water Assn. and five years as a construction manager for Mountain Waterworks Engineering. I have worked in and on water and sewer systems all over the mountains of Idaho, I consider this proposal to be a recipe for disaster.

Bill and Barbi Burke  
13605 Farm to Market Road

Sent from my iPad

## **C.U.P. 24-02 River Fork Ranch Subdivision - Preliminary Plat**

**From:** Cynthia Heiney [REDACTED]

**Sent:** Friday, March 1, 2024 12:25 PM

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

**Subject:** C.U.P. 24-02 River Fork Ranch Subdivision - Preliminary Plat

Ms. Herrick,

Please include my comments below in the staff report in regards to the above referenced C.U.P.

1. Dense housing subdivisions that are outside currently incorporated areas are in violation of the Valley County Comprehensive Plan which "encourages new development in or near the existing cities and communities".
2. 40 residences on 43.75 acres (proposed density range .69 to .91 residential units per acre) is much more dense than the surrounding housing and is not compatible with neighboring land uses.
3. Large developments like this will put undue stress on our already stressed law enforcement, fire, and emergency medical services.
4. Records on file with Central District Health show preliminary plans and surveys by this developer for approximately 100 lots on abutting property. This was NOT discussed during a neighborhood meeting.
5. The addition of 40 (up to 100) new septic systems in a dense area of land immediately above Lake Fork Creek and straddling Mahala irrigation ditch will further deteriorate water quality which eventually drains into Lake Cascade.
6. The addition of 40 (up to 100) new domestic wells in this area will strain and/or draw on irrigation rights. Abutting property owners to the east of this proposed subdivision are at a higher elevation and risk having their wells affected.
7. Much of the proposed lots have high ground water levels in spring and some areas may be designated as wetlands.
8. Spink Road is a dirt road with many pot holes and has a high volume of traffic already to the transfer station; is not suitable for additional traffic from new subdivision.
9. Traffic traveling in a southerly direction turning onto Spink Lane will be making a dangerous hairpin turn onto Spink Lane.
- 10 The Mahala Ditch and surrounds are part of the spring Elk migratory path.

I respectfully ask you to take these concerns into consideration when reviewing C.U.P. 24-02 River Fork Ranch

Sincerely,

Cynthia Heiney

13643 Morris Ranch Road

McCall, ID 83638

Miles S. & Dr. Vicki L. Miller  
P.O. Box 315  
Star, ID 83669

March 4, 2024

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

RE: C.U.P. 24-02 River Fork Ranch Subdivision – Preliminary Plat

Miles and I own 320 acres on the Farm to Market Road and Spink Lane (13541 Farm to Market Road). Three hundred and forty acres are located on the north side of Spink Lane and 80 acres on the south side. The ranch provides grazing land for more than 110 cattle with 11 miles of wire fences. Cattle are frequently moved between the north and south sides of Spink Lane for grazing. There is a wide drainage ditch that runs along both sides of Spink Lane. Our cattle corral is located directly on Spink Lane and is frequently used to manage the cattle. This cattle ranch has been owned and operated for three generations of the Miller family and we have a long-standing commitment to preserving the rural culture and economy through agriculture land use in Long Valley. This ranch will remain agricultural for generations to come through a trust and not conducive to a subdivision that encroaches the west side of the ranch on future proposed phases.

The approval of this new subdivision will increase the number of vehicles along Spink Lane between Hwy. 55 and the Farm to Market Road to avoid access to Hwy. 55 which is 65 mph and dangerous to access. Spink Lane is a dirt road and has ruts because it is designated as a road for agricultural use and garbage trucks to access the landfill. Likewise, deer and elk travel between the fields and frequently cross Spink Lane.

The proposed subdivision is also on a high-water table that is not conducive to below ground septic tanks. The Valley County Health Department recently conducted several water table tests on our ranch and determined that only above ground septic systems are permissible in this area which is not conducive to a multiple housing development. Likewise, multiple wells would also lower the water levels and affect the existing wells that support families and agriculture use. The proposed subdivision would further place stress on public services, roadways, utilities, and the school system.

Moreover, the placement of a subdivision in the agricultural area of Long Valley is not compatible with the agricultural and cattle businesses in the area and is in direct violation of the Valley County Comprehensive Plan which protects the agricultural culture and only “encourages new development in or near the existing cities and communities” of the county. The proposed phases of this project are in direct violation of the preservation of this social and economic environment that has supported and depended upon agriculture in past, present, and future generations.

We, therefore, join our many neighbors in Long Valley who support the protection of agricultural land use in opposing the River Fork Ranch Subdivision and additional phases.

Sincerely,

*Miles S. Miller & Dr. Vicki L. Miller*

Miles S. & Dr. Vicki L. Miller



Marshall Haynes and Peggy McMillen

13607 Farm To Market Road

McCall, Idaho 83638

Phone: [REDACTED]

Valley County Planning and Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Re: C.U.P 24-02 River Fork Ranch Subdivision

March 5, 2024

Dear Chairman Caldwell and the Valley County Planning and Zoning Commissioners,

First, I would like to thank you for your service to our community and recognize that you are often faced with immense amounts of information and difficult decisions to make. You have an important responsibility to make those decisions in the best interests of the citizens of Valley County.

My name is Marshall Haynes and I have lived full time in Valley County for the past 12 years while my family has lived and run a business here for over 30 years. My wife and I both work in Valley County and we chose to raise our son here because of its rural and small-town characteristics.

I write to you in opposition to C.U.P 24-02 River Fork Ranch Subdivision. While the current proposed C.U.P. includes up to 40 residences (including 9 duplexes) I believe it is important to consider future subdivision applications on this property. This is evident by the attached Google Earth "Untitled Map" depicting many future lots, which was part of correspondence between the developer and Central District Health. See attachment #1.

Below is a partial list of concerns regarding the Conditional Use Permit (C.U.P.) 24-02, River Fork Ranch Subdivision:

- Dense housing subdivisions outside and distant from current incorporated areas are in violation of the Valley County Comprehensive Plan which "encourages new development in or near the existing cities and communities" of the County.
- 40 residences on 43.75 acres including duplex lots (The proposed density range is .69 to .91 residential units per acre.) is much more dense than other housing in this area and is not compatible with neighboring agricultural land uses or neighboring residential lots.

- The Developer himself has stated these bring your own builder lots will not be workforce housing, they could be “million dollar homes, which will be empty 90% of the time, except when full on busy weekends”.
- My wife works in health care in the County, and I work in law enforcement. For the past 12 years I have supervised law enforcement officers who also work and live in Valley County. I have firsthand experience trying to assist them to find housing in Valley County. This proposal will not provide affordable workforce housing. The unknown cost of a lot, plus septic, wells, and house construction with no restrictions on short term rentals will make the price of a home out of reach for most workforce public servants. I also have concerns how future high quantity developments such as these will stress our law enforcement, fire and emergency medical services, which are already stretched thin over a large geographic area. New subdivisions with this lot size should be inside or adjacent to the incorporated towns of Cascade, Donnelly or McCall following the Valley County Comprehensive Plan.
- Adding higher density subdivisions away from our schools will only make transportation issues worse for the school districts, further reduce the practicality of reasonable bus schedules, add extra traffic, and wear and tear on our roads.
- Our son went to school at Donnelly Elementary and now goes to school in McCall. We have experienced firsthand how challenged the McCall Donnelly school district already is regarding busing transportation and have been forced to drive him ourselves the vast majority of the trips to or from school. Adding higher density subdivisions away from our schools will only make transportation issues worse for the school districts, add extra traffic, and wear and tear on our roads.
- The McCall Donnelly School District and the Donnelly Elementary School in particular, are not prepared for rural high-density growth.
- Records on file from Central District Health show preliminary plans and surveying by this developer for almost 100 lots on the property even though the developer would not discuss or provide details of future phases during the December 8, 2023 neighborhood meeting.
- The developer sent out invitations for a neighborhood meeting on short notice, on a weekday, and neglected to invite neighbors who have property directly contacting the property proposed to be developed. We never received the neighborhood meeting notice.
- The addition of 40 (up to almost 100 eventual) new septic systems in a dense area in land immediately above Lake Fork Creek and straddling Mahala irrigation ditch will further deteriorate water quality which drains into Lake Cascade and the ranch and farm ground to the south.

- The addition of 40 (up to almost 100 eventual) new domestic wells in this agricultural area will strain or draw from irrigation rights and previously existing water right holders in the area.
- Many of the proposed lots have higher ground water levels in the spring. Every spring we see a large portion of the same property (north of the current proposed lots) flooded with snow melt and run off. It is used by literally hundreds of waterfowl, deer and elk. In the late fall of 2023, the developer began digging a large drainage ditch towards Lake Fork Creek. This action will speed spring runoff, reduce water quality in this important tributary of Lake Cascade, and reduce the value of this agricultural ground for grazing livestock. Draining this wetland will also increase the fire danger for area residences including ours.
- Spink Road (and Paddy Flat Road to the South) both receive high volumes of traffic to the County Transfer station on Spink. Both are county roads in very poor condition.
- The majority of vehicles going to or from the proposed subdivision will use the intersection of Spink Road and Hwy 55. It is a dangerous blind hill, on a curve, with the southbound Hwy 55 traffic having to cross traffic and make a sharp angle turn on to Spink lane. The area receives frequent fog due to the low ground and moisture around Lake Fork Creek. The speed limit is 65 MPH however, ISP officers I have talked to regularly document vehicle speeds in excess of 100 MPH on Hwy 55. This is a very dangerous intersection which should not be promoted for further traffic, especially outside of Transfer Station hours.
- The stretch of Hwy 55 near Lake Fork Creek and Spink Road has always been a frequent crossing area for deer and elk following the Lake Fork drainage.

For the above reasons, we join with our neighbors in opposition to the current C.U.P 24-02 River Fork Ranch Subdivision and we ask you to support us in doing the same.

Thank you.

Marshall Haynes and Peggy McMillen

13607 Farm to Market Road

McCall, Idaho 83638

Phone: [REDACTED]

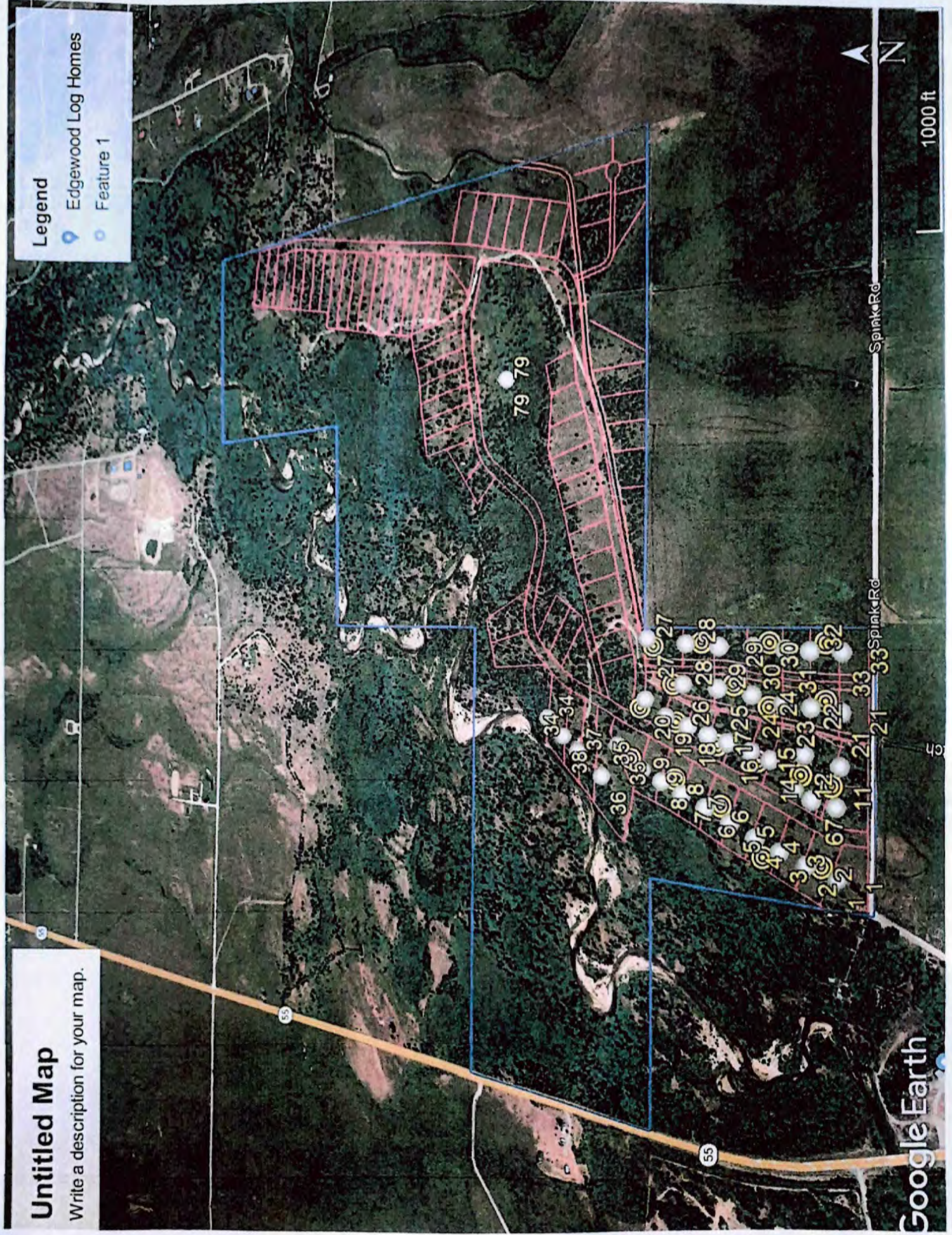


# Untitled Map

Write a description for your map.

## Legend

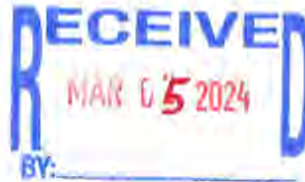
- Edgewood Log Homes
- Feature 1





Valley County Commissioners:

Conditional Use Permit (CUP) 24-02 River Fork Ranch



I agree with the issues presented to you by Marshall Haynes and in addition:

—Why have a Comprehensive Plan if it is going to be ignored? Development around existing cities and towns makes more sense in respect to infrastructures and services needed by such development. We really do not want to see or create an “Avimor” situation.

—Existing densities in the County are compatible with agricultural land use. In fact, at the rate of loss of agricultural land in SW Idaho, our land will become more needed in the future.

—“Bring your own builder” is a direct reflection of the lack of laborers and laborer housing in Valley County.

—Services and schools are already suffering from growth in Valley County. We do not need more dispersed housing that would require more from our ambulance and road crews outside of established city and town districts.

—“40 lots or 100”? Developers that do not provide fully developed plans cannot be trusted. We live very close by and never received info on this project.

—Entering Spink Lane from Highway 55 is a serious safety issue.

—Finally and most critical, is the issue of water and sewer. Septic systems on land with a high ground water table and poor drainage is questionable. Drilling individual wells on 40 one acre lots also makes no sense. Valley County and its towns and cities have to make serious decisions on water quality in relation to developments and growth in general.

—We need homes for people who live and work here full time; this needs to be a consideration for all development.

Thank you,

Patsy Kelley  
13629 Farm to Market Rd.  
McCall, ID 83638

**C.U.P. 24-02 River Fork Subdivision-Preliminary Plat****From:** larry dolsby <[REDACTED]>**Sent:** Tuesday, March 5, 2024 4:15 PM**To:** Cynda Herrick <cherrick@co.valley.id.us>**Subject:** C.U.P. 24-02 River Fork Subdivision-Preliminary Plat

To whom it may concern

I, Larry V. Dolsby strongly disagree with the C.U.P. 24-02 River Fork Subdivision. The water will not support the 40-100 extra domestic wells. My ground water has already dropped from the new housing in Smiley Subdivision, across Hwy 55. My well is at 80ft, The River Fork Subdivision is about 80ft or more lower than my property in elevation. I have had to stop irrigating at times in the last 15yrs due to lower groundwater in ponds on my property. On top of that, I believe that the 40-100 septic systems could not be supported due to the amount of wetlands. Lakefork creek is too close, a lot of the grounds are saturated. I truly believe it would greatly impact our wild nature's food, habitat, and migration roots. From not only our land bound critters such as moose, elk, bears, wolves and fox; I believe it would effect our sky friends immensely also like our ducks, geese, and osprey who use those lands as their homes in the spring. As a truck driver, even just an everyday driver, driving southbound on Hwy 55 and turning left onto spink rd is hard to see northbound traffic coming at you. To turn onto the Highway headed either direction can be very nerve wracking at times as is. I feel like the infrastructure of the community could use a little more TLC rather than a new subdivision. Such as our police department, EMT's, Sheriffs, schools, and several roads are lacking. Farm to Market, for instance, has a hard time handling the traffic it takes now. I can't imagine what would happen to it with a subdivision being placed out there. I believe that there are properties closer to the town of McCall that could sustain a subdivision of this size and capacity. I bought my property to be away from the hustle and bustle of town, to enjoy the scenery and peace. Thank you for taking the time to read my thoughts on this matter. I sincerely hope it finds you well.

Larry V. Dolsby




Email Letter: cherrick@co.valley.id.us

David L. Squires  
Cindy (Spink) Squires  
8615 White Horse Ln  
Nampa ID 83686

March 5, 2024

Valley County Planning and Zoning Commission  
Written Comments for C.U.P. 24-02 River Fork Ranch Subdivision- Public Hearing on March 14, 2024  
I.E. 30 Spink Lane McCall ID

We are writing this letter to oppose the proposed subdivision. We have major concerns for the density of the project and the effects it will have on the area and our property. First: by increasing traffic on an already busy and dangerous Highway 55 intersection with Spink Lane will increase the amount of traffic annually trying to access Spink Lane. Currently south bound traffic moving 65 MPH to a blind uphill left turn onto Spink is very dangerous and by increasing the traffic-- adding the additional vehicles will be also increase the chances for accidents. Unless IDT will make 55 a 3 lane road with turnouts it is not advisable to increase traffic on an already dangerous intersection. Most of the proposed traffic increase will be coming to and from McCall. We are not sure of the traffic count on 55 but it has increased in the last 10 years. Second: Spink Lane is not well maintained, the traffic to and from the landfill damages the road and adding between 40 and 80 cars daily coming in and out will put an undue burden on Spink Lane. The county used to put a dust suppressant on the corner by our property to help suppress the dust but in the last few years that practice has stopped --making the dust clouds also unbearable and adding more traffic will increase this as a health hazard to our property and our neighbors. Thirdly: We are concerned that the proposed subdivision does not have water rights and they plan to drill wells for each property. Since a domestic well can only irrigate ½ acre and each lot is 1.14 acres results in either the property owners watering more land than permitted or ½ of the 40 acres will be dry and not maintained. We recognize they are putting in fire suppression but water rights should have been included so the full property could be watered and maintained. Also our water rights are to the natural springs on our property and we are concerned that increasing the amount of water usage by drilling 40 wells will decrease our water supply and we have no recourse to get our water back if that happens. Fourthly: The developers are using the point of "affordable housing" to push this permit through but they admitted in our December meeting that most likely the property buyers will be vacation and second homes. This adds additional chances for VRBO's in Valley County and we are concerned that is not the direction the P&Z wants to take. We are not sure that those on a limited income that need housing will be able to buy the lot, drill the well and afford to build a house. Current building cost at approx. \$157.00 per sq. ft. means a 1500 sq. ft. house will cost \$235000 than add the lot, well and other costs associated puts this out of range of those needing affordable housing. The developers are not regulating or managing this housing leaving it up to buyers and their builders—what controls are in place to regulate this? Thank you for listening to our concerns, we plan to attend the meeting next week.

Thank you  
David and Cindy Squires  


**From:** Lannea Pyle [REDACTED]  
**Sent:** Tuesday, March 5, 2024 8:43 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** River Fork Ranch Subdivision

To whom it may concern,

I, Lannea Latreille, STRONGLY OBJECT to C.U.P. 24-02 River Fork Ranch Subdivision.

1. Water Table, can NOT support 40-100 domestic wells. I am in contact with ID Water Resources, existing water rights.
2. Septic systems, can NOT support 40-100 Septic system, I am in contact with Army Core of Engineers, what run off goes the salmon river drainage.
3. Infrastructure, EMS, Police, Sheriffs, Schools, County Road Dept., ECT. What will the developer require to pay to maintain/expand all departments?
4. Roads, HWY 55 will need a turn lane at lest to manage number of vehicles, Spinks lane would need to be paved at minimum. Farm to Market needs repair as is. County road Dept. already struggle with snow removal, taking on new subdivision what does the developer propose to accommodate issue?
5. Wet Land/ Animal migrations, I will be in contact with the EPA and Fish and game offices, there is wet lands on this property and animals migration for elk, deer, bear, mountain lion, moose, wetland birds, ECT...
6. Valley Co. Comprehensive Plan, Large high-density subdivision should BE inside or adjacent to Towns. High-density subdivision is NOT compatible with surrounding neighboring lands.

I strongly OBJECT to this proposed subdivision, for so many reason. I hope you really take the time and consideration evaluating this proposal.

Thanks Lannea

Lannea Latreille  
13640 Morris Ranch Rd  
McCall, ID 83638  
[REDACTED]

March 6, 2024

Ms. Cynda Herrick, AICP, CFM  
Planning & Zoning Director  
Valley County  
PO Box 1350  
Cascade, ID 83611

\*SENT VIA EMAIL ([cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us))\*

Dear Ms. Herrick,

In response to the legal notice I received for the application for a CUP #24-02 for River Fork Ranch S/D, Preliminary Plat, I offer the following concerns.

**MAHALA DITCH IMPACT** Relocating and placing Mahala Ditch in the **back yards** of these small lots is going to create a nightmare enforcement situation for the County and other entities.

What are the setbacks of the **15** proposed septic fields mere feet from Mahala Ditch?

Will a restriction on fences be placed in the ditch easement so this can be properly maintained? Will the County enforce this restriction? What about dumping here?

How are you getting a home on lot 22 with the ditch easement and septic/well separation requirements?

The two flag lots (15 and 25) - the septic fields are on top of of Mahala, trying to squeeze in two more lots.

**LAKE FORK CREEK IMPACT** Lots 3 - 10 show septic fields right up to the high water level for Lake Fork Creek, flooding and flushing out those septic fields, causing contamination down stream.

How do you place 40 new homes (with more planned in the future) in between two water conveyance bodies in this tight of a layout? It promises problems for the future homeowners with failing septic, problems for the County with enforcement issues, and problems for the water bodies and the water rights holders associated with them.

Please vote no on this excessive request. Thank you for your consideration.

Sincerely,



Jonathan Rentzsch

**To:** Valley County Planning & Zoning Commission  
Valley County Planning & Zoning Director Cynda Herrick, AICP, CFM

**Re:** Adjacent Landowner Opposition to CUP 24-02 (River Fork Ranch Subdivision)

**From:** Kathleen Trever & Tom Peppersack (28 Spink Lane)

**Date:** March 5, 2024

Dear P&Z Commissioners and Director Herrick:

We oppose CUP 24-02 as adjacent landowners and as a matter of community interest. We ask you to deny CUP 24-02 as an incompatible use without adequate mitigation of adverse impacts, based on County Ordinances and the Comprehensive Land Use Plan.

#### **Key Concerns & Issues**

1. CUP 24-02 is inconsistent with Valley County Policy for Conditional Use Allowances (VCC 9-5-2) and inconsistent with Comprehensive Land Use Plan (VCC 10-1-5), including Plan objectives for Preserving Rural Character and Ag Land/Open Space, by beginning a new development epicenter in the valley floor.
  - Incompatible with Dominant Adjacent Agricultural Land Use/Open Space: Proposed multi-family residential subdivision (~1 ac lot size on 43 acres) is incompatible with agricultural uses dominating adjacent area (300' land use) and local vicinity ( $\leq 1$  mile) and ( $\leq 3$  mile). Applying the compatibility matrix (VCC 9-11-1, Appendix A) yields a negative compatibility rating.
  - Potential domino/leapfrog effect of new center of development between Lake Fork and Donnelly, leading to conversion of local vicinity ag lands to more residential subdivision in the valley floor outside of impact areas.
2. Application and its impact report do not adequately describe, and do not provide satisfactory mitigation, of potential environmental, economic, and social impacts of the CUP. (VCC 9-5-3).
  - CUP 24-02 is a recipe for failure: a bring-your-own builder development framework with individual lot owner responsibility for home design and construction, including duplex lots, requiring installation of tightly configured individual wells, septic systems, and on-lot stormwater/snowmelt management, with setbacks from wetlands, ditches, roads and driveways.
  - CUP 24-02 poses higher consequences for failure/misuse of wastewater management due to tightly configured septic systems, coupled with high water table and proximity of wetlands and springs, the Lake Fork Creek floodplain, and the Mahala Ditch.
  - CUP 24-02 also negatively effects soil & water by essentially clear-cutting 43 acres that is 85% timbered. This level of tree removal is needed to support home construction, Wildland-Urban Interface fire protection recommendations, and septic setbacks.
  - CUP 24-02 will increase current unsafe conditions at Spink Lane Highway 55 intersection by adding more traffic and longer traffic hours of turning traffic at a high-speed, blind, dangerous (High-angle) intersection.
  - CUP 24-02 will increase traffic, Dust, and 5pm-8am use on Spink Lane, which is already in poor condition.

- Density/location of CUP 24-02 poses negative impacts to elk and deer and other wildlife residing in and moving through the area's timber and grasslands, wetlands and creek bottoms. (ITD had a reason for placing "game crossing" signs on the Highway 55 directly to the west.)
3. The application did not include some key concerns identified at the December 8, 2023 neighborhood meeting, and information we have obtained since the meeting indicates some inconsistencies and inaccuracies between the application and representations made by the applicant at our meeting. For example, available information does not support the application's vague claims of housing affordability.

**Summary:** CUP 24-02 is inconsistent with County Ordinances and the Comprehensive Land Use Plan. CUP 24-02 is incompatible as a conditional use, and does not adequately mitigate negative impacts.

However, should P&Z proceed with CUP permitting and conditions of approval, we want to make sure that proposed mitigation of negative impacts is enforceable by the County. Neither we nor the County can enforce CC&Rs – CC&Rs are only enforceable by other lot holders and often depend on the functionality of a Homeowners Association.

We also noted incorrect information in the application (such as past agricultural use of the parcel and misplaced well locations), inconsistencies in the application (such as number of lots), deficiencies relative to code and application requirements (such as failing to acknowledge the presence of wetlands and hazards posed by the Mahala Ditch), and a lack of knowledge about wildlife and native vegetation in the area and about measures to avoid harm to grazing livestock and area wildlife.

#### **Background Info on of CUP 24-02 and Adjacent land in same ownership**

**Occurrence of Permitted Agricultural Land Use:** Current and prior records of the Valley County Assessor indicate assessment of three tax parcels (320 acres) in common ownership, with each lot eligible for the partial exemption as land actively devoted to agriculture. Under the 2023 Assessor Records, these three parcels include approximately 297 acres of dry pasture (Tax Category 5) and 20 acres of Meadow Land (Tax Category 4). Tax Category 4 (Meadow Land) requires capability of lush production of grasses; Category 5 requires capability supporting grasses. One of the parcels contains a single residence (1,344 sq. ft. 3BR 2BR older cabin-style residence & Pole barn).

Grazing occurred on CUP 24-02 in 2022 and preceding years. The realtor for the rancher who owned the property from 2011 to 2023 reported typical pasture use for 40 cow/calves for summer grazing on 185 acres (on the east side of the creek). We know the rancher typically left the bottom of Lake Fork Creek and west of the Creek to elk (calving area), deer, and other wildlife. The property was grazed by prior owners.

**Floodplain & Wetlands:** The Northwest Corner of CUP 24-02 is in the Lake Fork floodplain, and the break in slope shown on the plat is a source of springs, with downslope wetlands. Although the application references a "marshy area" and has the floodplain on the preliminary plat, the application incorrectly states there are no wetlands in the CUP. Reasonable inspection of CUP 24-02 would identify wetlands.

**Recent Sale:** In August 2023, the applicant closed on purchase of the 320 acres of agricultural land. The property was on the market fewer than 10 days, with a listing price of \$3,500,000.

### **Our Adjacent Land**

We are adjacent land owners of 32 acres (2 tax parcels) to the west of CUP 24-02, with over a ¼ mile of meandering Lake Fork Creek dividing our two parcels. Most of our land is floodplain and wetlands, and we would characterize our use of 30 acres as conservation land, which falls within the County description of permitted agricultural land use (VCC 9-3-1, Table 3-A.1.).

We have invested in streambank stabilization and other activities to protect and enhance riparian habitat and water quality, supporting the Valley County Comprehensive Plan objectives for preserving rural character, open space, water quality and wildlife habitat in the valley center. Our neighborhood is rural and ag in character, and we hunt elk, deer, and other birds on our property, and support wildlife habitat year-round.

Our domestic water is supplied by spring water rights that could be reduced or eliminated with significant increase in individual wells for domestic use; we do not have a groundwater well. We are concerned with CUP 24-02 beginning a new epicenter for piecemeal and leapfrog expansion of residential development at a 1-acre lot size (the minimum allowable for individual well and in an area of ag lands) without supporting community infrastructure and service resources. CUP 24-02 is in the middle of open space and ag lands in the valley center midway between Donnelly and Lake Fork. Our concerns are compounded with an applicant that is “just selling lots” for a bring-your-own builder framework, with accountability for building, septic, well, and operational maintenance left to individual lot purchasers and maybe some form of a future homeowners association.

### **Balancing Among the Interests of Different Private Landowners and Community: Valley County Community Comprehensive Planning, Ordinances, and Conditional Use Permitting**

We are sensitive to private property rights. In addition to the 32 acres of land adjacent to CUP 24-02 that we own in Valley County, our family shares interests with siblings and cousins in 1,200 acres of dry grazing and farmland elsewhere that we’ve been able to keep as working ag lands despite some pressure to buyout for development. We realize there could be a scenario where subdividing a portion of a large ranch or farm can be a tool for keeping the remaining majority of the property as working ag lands consistent with the Valley Comprehensive Land Use Plan. However, this does not present such a scenario. Instead, the application appears to not only be incompatible with current agriculture land use and valuable wildlife habitat, it appears formulated to extend development for more than a mile on in the Lake Fork Creek corridor and could increase challenges to ranching activities and increase strain on transportation infrastructure, as well as EMS, law enforcement, and other essential services.

We have land use planning, taxation, and other governmental structures to benefit and balance our individual property interests and community interests.

We recognize that the Valley County Comprehensive Plan contemplates development of agricultural lands in designated city impact areas, where there is better infrastructure, including access to community sewer and water.

Valley County Ordinances and Comprehensive Plan do not guarantee maximum profit or allow unlimited development by any and all private land purchasers such that the valley becomes houses from East Mountain to West Mountain. We believe denial of this application is appropriate, and still leaves the applicant with the ability to make a profit by managing or reselling the land as agricultural/open space, or through reconfiguring a proposal more compatible with Comprehensive Plan Objectives, rural character, and surrounding rural agricultural use and rural character and appropriately mitigating negative impacts.



### **Additional Details on Key Issues**

- 1. A. The Application is inconsistent with Valley County Policy for Conditional Use Allowances (VCC 9-5-2) and inconsistent with the Comprehensive Land Use Plan (VCC 10-1-5), including Plan objectives for Preserving Rural Character and Ag Land/Open Space in new area of valley floor (e.g., VCC 9-5-2-A; VCC 9-5-2 B. 3, Comprehensive Plan Chapter 2, Goal II).**

Valley County Ordinances and the Comprehensive Plan present a recurring theme of preserving rural character, open space and related themes of community resources:

The purpose of the Comprehensive Plan is not to control land, but to prevent uses of land harmful to the community in general. The natural beauty and open characteristics of the county can, without reservation, be described as a major reason why land development is rapidly increasing in the county. The purpose of this plan and analysis is to guide development so as not to harm the characteristics which attracted it here in the beginning. (Purpose of the Plan, p. 4)

Land-use patterns in Valley County have radically altered during the past decades away from the traditional agricultural-use pattern to one of recreation home and subdivision development. This rapidly evolving pattern, which places more demands on the environment and community than the former one, creates the need for a thoughtful response from the community to prevent future damages to the environment and community which attracted development here in the beginning. (Plan, p. 69)

Under the Comprehensive Plan, assessment of conditional uses includes whether they are consistent with the county comprehensive plan; whether they have adverse impacts on the environment, adjoining properties, or governmental services; and whether they provide satisfactory mitigation of these impacts. VCC 9-5-2.

#### Compatibility Rating - Negative

Based on our review, applying the compatibility matrix (VCC 9-11-1, Appendix A) yields a negative compatibility rating for CUP 24-02.

Per the matrix, CUP 24-02 proposes a multi-family residential subdivision (~1 ac lot size on 43 acres). This is incompatible with agricultural uses dominating adjacent area (land uses within 300') and local vicinity ( $\leq 1$  mile) and ( $\leq 3$  mile) (VCC 9-11-1, Appendix A, Questions 1-3). See Figures 1-3 below.

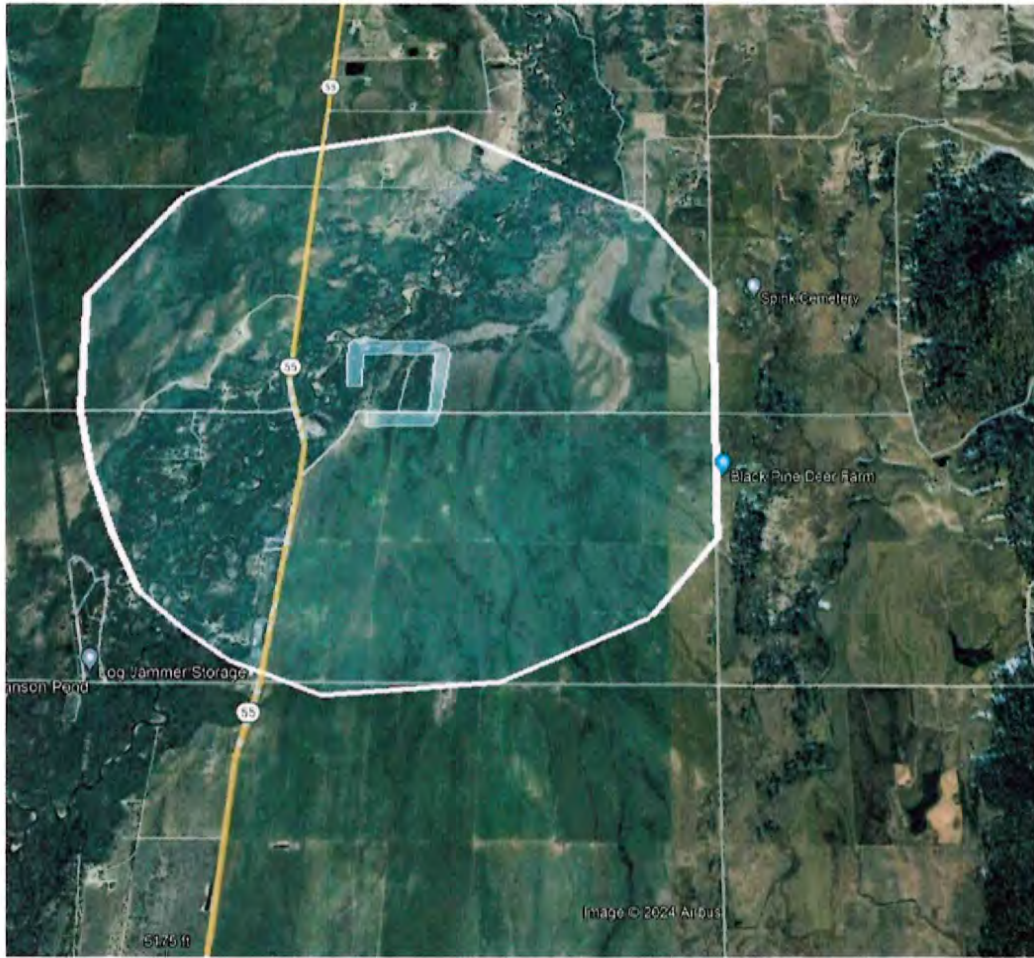
For compatibility Rating Question 5, the 1-acre lots sizes are not similar to most adjacent parcels. Despite being slightly larger than a 1/16 section (1/4 mile length and width), there are only 2-3 single family residences within 300 feet of CUP 24-02. Three and a half of the four sides of the 300' adjacent use are larger agricultural lots. The northern portion of our property qualifies as agricultural use as conservation use (VCC 9-3-1, Table 3-A.1.).

Where there are residential lots in the "local vicinity," they are more distant and are typically larger size lots with a single home.

As to question 4, although the property is currently 85% wooded, development will require removal of most of the wooded area and severely limit its replacement. As to questions 6-8, the Site-Specific Evaluation does not adequately mitigate other potential impacts to transportation, water availability and water quality, and other services. As to question 9, the application provided no information about lot costs to determine effects on property taxes (application simply states this is "Unknown"). The Applications' Impact Report and other impact information is reviewed in more detail below.



*Figure 1. Shaded area depicts approximated 300' Adjacent Use Area around CUP 24-02 that is agricultural use (VCC 9-3-1: Table 3-A -- livestock husbandry or land conservation or clearing). The blue line is a rough approximation of riparian wetlands and floodplain extending to the west to Lake Fork Creek (the floodplain is shown on the preliminary plat submitted by applicant).*



*Figure 2. Rough estimate of 1-mile local vicinity area (encircling 300' adjacent area), with smoothing based on the shape of the 43-acre proposed subdivision. Agricultural lands/timberlands/conservation & open space use dominate the 1-mile local vicinity area. This area generally lies within Farm-to Market, Paddy Flat, Kemble/Fairbrother and the former rail grade, situated between Donnelly and Lake Fork. The dominant use is agricultural/open space, including conservation and timberlands along the Lake Fork Creek corridor.*





*Figure 3. Rough estimate of 3-mile local vicinity area, with smoothing based on the shape of the 43-acre proposed subdivision. Agricultural lands/timberlands/conservation & open space use still dominate the 3-mile local vicinity area. Residential uses in this area are generally larger lot sizes. The extremity of the 3-mile vicinity area is Lake Fork Road and the edge of the Donnelly impact area. The northwest and southeast portion of the 3-mile area are extensive agricultural lands, and the northeast and southwest portions include timbered/wetland areas of the Lake Fork Creek corridor.*



**B. Potential “Domino Effect” of piecemeal/leapfrog development promotes conversion of local vicinity ag lands to additional residential development (counter to Valley County Policy and Comprehensive Land Use Plan and CUP Policy, VCC 9-5-2B3).**

One of the most significant impacts of piecemeal/leapfrog residential subdivision development is that it paves the way for further new residential subdivision development to overtake agricultural use and fill in open space – the opposite of Valley County Planning Policy and the Land use Plan.

- CUP 24-02 would be a new epicenter of residential development midway between Donnelly and Lake Fork. It appears to represent the first development block for over a mile of development along Lake Fork Creek. The applicant’s contiguous property, inclusive of CUP 24-02 is 320 acres. This initial 43-acres of mixed timber pasture provides the only access to any public road (Spink Lane) from 240 additional acres of applicant’s property east of Lake Fork Creek. The applicant was clear at the neighborhood meeting that he saw no agricultural value in land with no water rights. Residential development of CUP 24-02 would make all other uses on this same ownership east of Lake Fork Creek drive through CUP 24-02 to reach a public road for ingress/egress (Spink Lane).
- The preliminary plat we received at our December 8 meeting was labeled “Subdivision No. 1” (Figure 4). The extent of future residential development was a concern raised at the Neighborhood meeting, without meaningful response from the applicant.
- If CUP 24-02 is permitted, continuation of agricultural uses on other two parcels in the same ownership is unlikely. We have since gotten copies of documents previously submitted to Central District Health and P&Z in November indicating there will be “future development,” with and additional 60+ similarly sized lots depicted for parcels in the same ownership. With these additional lots, residential development would expand to include over 1 ¼ miles of the Lake Fork Creek corridor. Additional development at this lot size and scale would expand the amount of incompatible agricultural lands in the 300’ adjacent area, and would border larger-sized single family residential lots as the proposed development came closer to Farm to Market Road. (See Figures 5 and 6).
- CUP 24-02 would establish a new center of multi-family and single-family residential use in the valley center and outside of impact areas that would apply in “compatibility use matrix” assessments for future CUP applications, as to compatibility of uses within the 300’ (“adjacent” land) of CUP 24-02 and within a “local vicinity” area within 1-3 miles of CUP 24-02. The 1-acre lot size would affect compatibility matrix assessment of lot size similarity for future CUP applications in the area.
- Putting a new center of residential development within agricultural lands and other larger acreage private property along the Creek corridor is likely to increase recreational use in the area, increasing risk of trespass and breaching “code of the New West,” and increases number of people (particularly with CUP 24-02’s allowances for short-term rentals) unfamiliar with rural customs and respect for livestock grazing, hazards of irrigation ditches, “asking first” for private property access, etc.
- If experience with development already occurring in Valley County and elsewhere is any indication, CUP 24-02 would also increase risks of outcompeting ag land leasing and sale markets, particular if subdivision is a matter of lot sales after minimal investment in infrastructure.
- By relying on individual groundwater wells for each lot, CUP 24-02 would allow the conversion of 43 acres of dry grazing land without water rights to 15 acres of potential irrigation with installation of

individual groundwater wells under Idaho's domestic well exemption. Water under the domestic well exemption is generally not subject to water right administration and curtailment like other water rights are. Given experience elsewhere in Idaho, it is reasonable to assume, in the absence of other information, that this scale of groundwater well installation may cause reduced water availability or elimination of other wells and springs currently providing water (such as our domestic spring and irrigation rights).



Figure 4. Preliminary Plat Handout on December 8: identifying “Subdivision No. 1”



Figure 5. Aerial view with lots on Land in Common Ownership, excerpted from transmittal to Central District Health by Applicant's Project Engineer (available as public record). This layout includes 90 or so lots total, with development extending approximately 1 ¼ miles along the Lake Fork corridor.



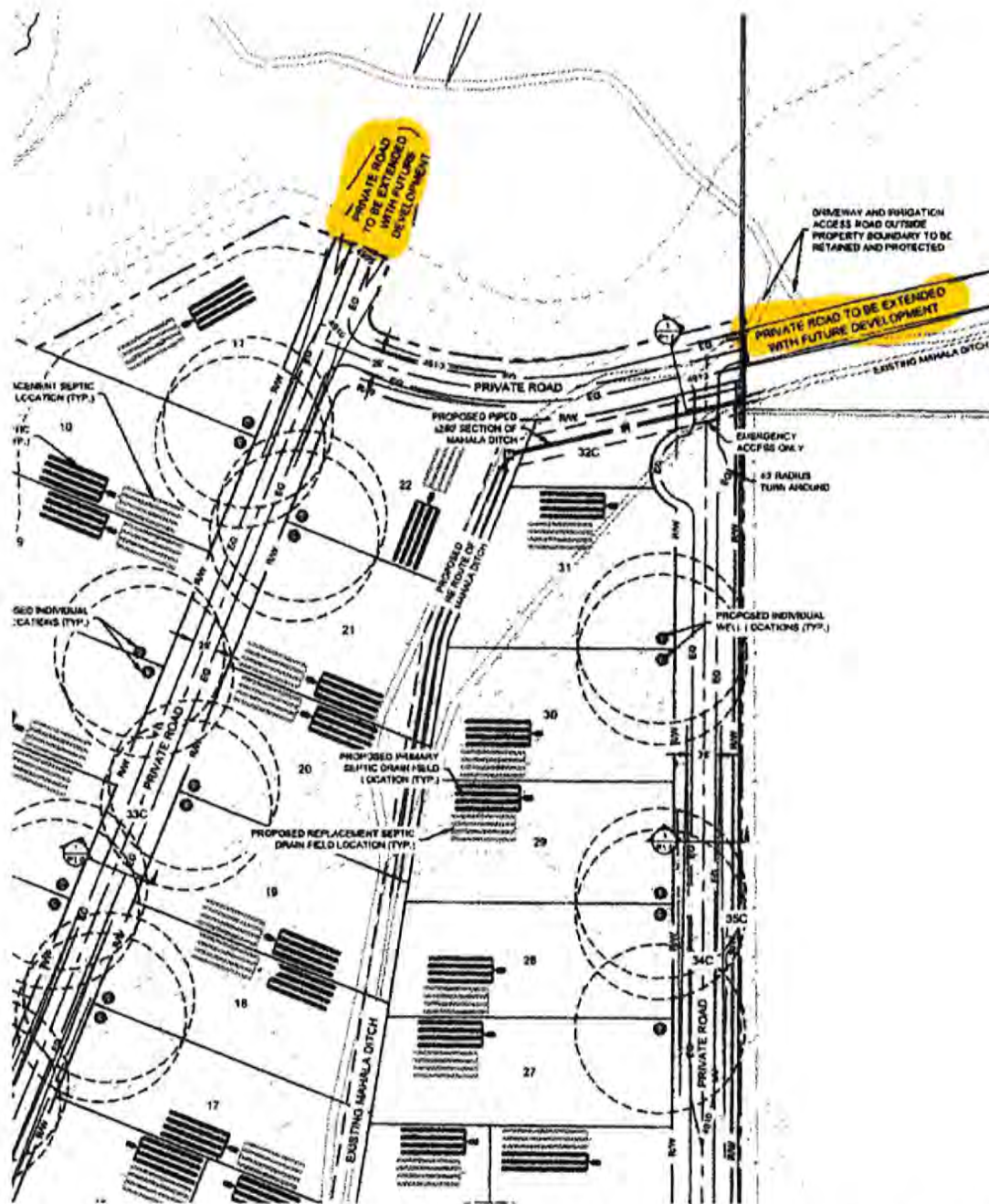


Figure 6. Excerpt of draft Preliminary Plat Septic Layout Provided to P&Z by Applicant's Project Engineer shortly before submittal of CUP 24-02, indicating extension of the two private roads with "future development" (available as public record).

**2. The CUP application and impact report inadequately describe and do not present satisfactory mitigation of potential environmental, economic, and social impacts of the CUP. (VCC 9-5-3).**

“The CUP Application impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized.” (VCC 9-5-3D)

We are mindful that Valley County does not enforce CC&Rs unless they concern compliance with state law, ordinances, CUP conditions of approval or a related development agreement (*see* VCC 9-1-10).

*Lack of Accountability under BYOB Framework*

An overarching concern is the recipe for failure of what might look good on paper not becoming reality. The application puts most accountability on individual lot owners and future functionality of an HOA under a bring-your-own builder development framework for each lot.

One area of concern at our Neighborhood meeting was a lack of developer accountability for key actions to mitigate negative effects. The seasonal flooding and other problems with the “Pumpkin Patch” homes in Donnelly come to mind. The applicant confirmed they were “just selling lots,” and that lot holders would be the ones responsible for meeting various county and other regulatory standards for construction of the homes, installation of wells and septic, and ongoing operations and maintenance.

CUP 22-04 relies on individual lot owner responsibility for proper installation of tightly configured individual wells & septic, on-lot stormwater/snowmelt, along with envelopes for home construction and setbacks from wetlands, ditches, roads and driveways.

In informal email communications available as public records, CDH staff referred to the potential for rendering adjoining lots unbuildable if specs were not closely followed, and recommended a public water system, rather than individual wells.

*Traffic & Road Impacts (VCC 9-5-3 D.2.a)*

The southbound turn from Highway 55 onto Spink Lane is a dangerous configuration in a 65-mph zone, with a curve and hill approach to make a sharp (high-angle turn) with limited visibility for the turning driver to see northbound traffic. Other drivers coming upon the turning car also have limited visibility because of the curve before the turn. There is no turning lane. These hazards are obvious to anyone driving highway 55 southbound from Lake Fork to Donnelly.

CUP 22-04 would increase current unsafe conditions at the Highway 55 intersection with Spink Lane. Under a homeowner “we’re only hear at peak times” scenario the traffic increase will be at peak times. If homeowners engage in short-term rentals, there will be more people unfamiliar with the danger. And if there are year-round residents, there will be more people making this turn.



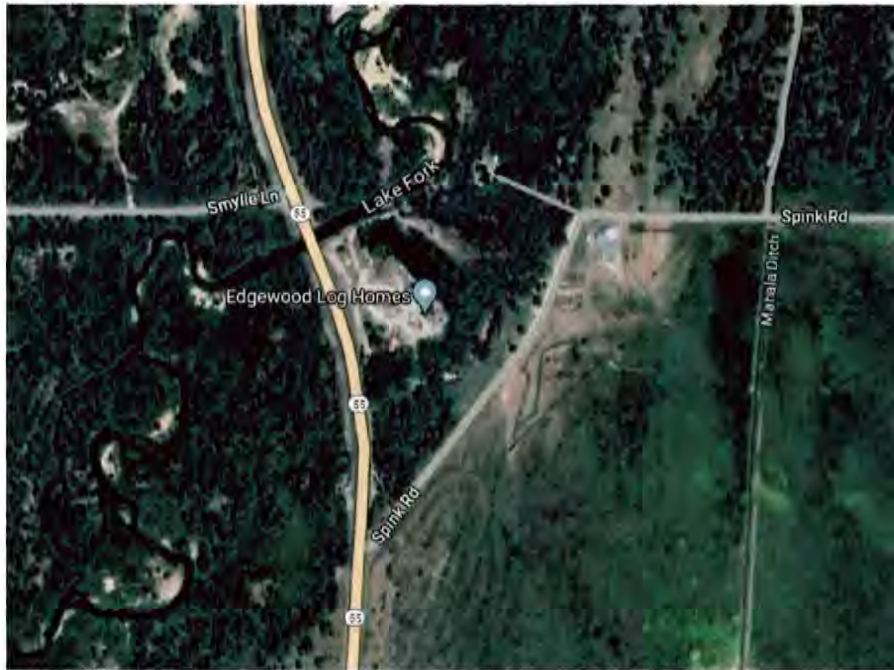


Figure 7. Aerial view of high-angle intersection with Spink Lane. The southbound approach is a hill climb with limited visibility

The main source of current traffic on Spink Lane is trucks and other hauling material to the Transfer Station, which occurs between 8am – 5pm. Other traffic is limited to the small number of residences and agricultural traffic during pasture season. Traffic is one issue that highlights the additional impacts of residential growth outside of impact areas. When the amount of turning traffic with potential for collision increases, typical options include a combination of reducing speed limits, or adding turn lanes, traffic controls for both directions, or other highway features. This is the dilemma of Highway 55. Most of us would not want to see travel time between Loomis Lane and Deinhard Lane routinely become 45 minutes, but we also don't want to see an increase in loved ones and strangers getting injured or killed.

During peak traffic times on Highway 55, we prefer reducing our risks by taking the additional time to Farm-to-Market, so we can turn onto Highway 55 at slower speeds in Lake Fork or Donnelly, depending on our direction. As the County has recognized, Farm-to-Market is also in need of enhancements, even at current traffic levels.

Traffic in Spink Lane is currently low from 5pm to 8am and on Sundays. Additional residences would increase traffic, particularly after hours (which are times of greater crossing of elk and other wildlife).

The unpaved Spink Lane used to be oiled, but that is recognized not to be environmentally appropriate. When there isn't snow, there is considerable dust and the road is in poor condition. Snowplowing is regular, but can limit road-width. Additional residential traffic would worsen conditions, and it is unclear how impact fees or requirements actually address impacts on Highway 55 and Spink Lane. (VCC 9-5-3D.2.a & e)

Traffic safety and road conditions were identified at the Neighborhood meeting. At our December 8 neighborhood meeting, the applicant indicated working with Valley County Road & Bridge and ITD on these issues, but requests for public records to these agencies following the meeting indicated they had no knowledge of the proposal before our meeting with the Applicant.



Impacts to Water (VCC 9-5-3 D.2.f)

***Impact to Water Availability & Water Rights***

CUP 24-02 is in Water District 65K (Lake Fork Creek), but does not have water rights or belong to an irrigation district. As discussed above, the proposal poses negative impacts to water availability in nearby springs and wells, even those held by water rights. By installing individual wells on each lot under the state domestic exemption, CUP 24-02 can convert 43 acres with no water rights to 15+ acres of irrigated landscaping.

The application indicates an inability to contact Mahala Ditch, which crosses the property, but does not supply it with water. Idaho Code 18-4308 requires written approval of the Mahala Ditch owner to relocate or place the ditch in buried pipe.

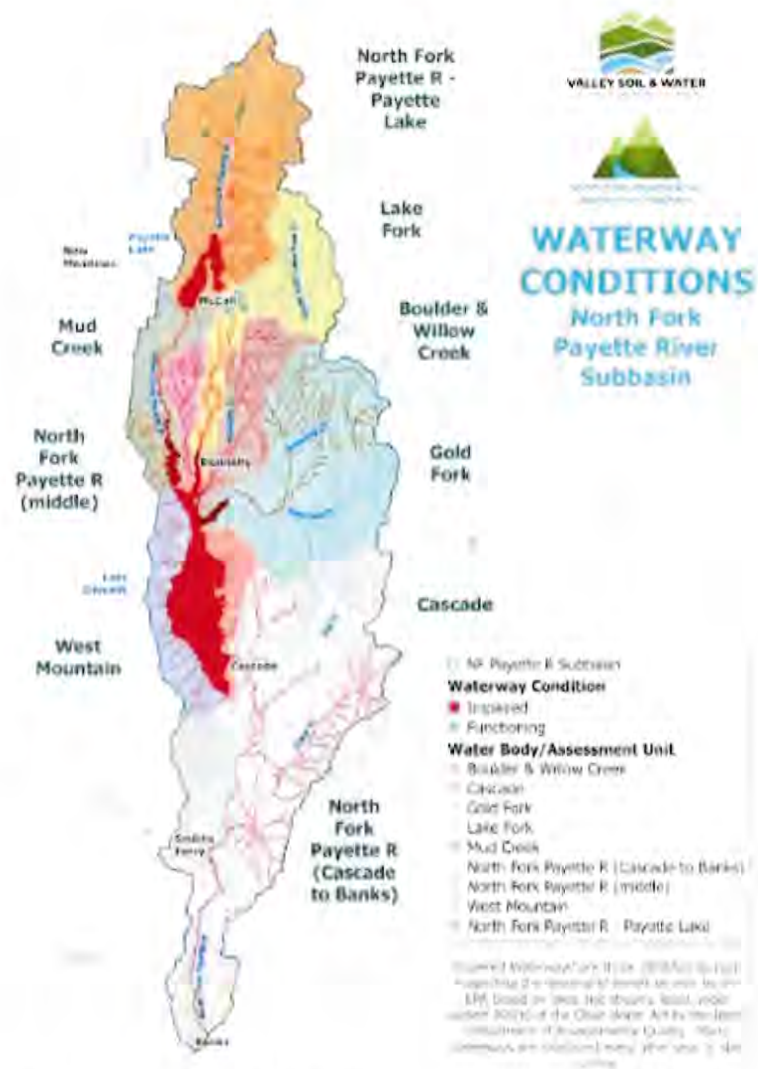
CUP 24-02 indicates a well for fire protection, which would entail a separate application to IDWR.

***Water Quality/Septic density/Stormwater***

CUP 22-04 includes Lake Fork Creek floodplain and adjacent wetlands. Lake Fork Creek is part of the North Fork Payette watershed feeding into Lake Cascade.

Because of proximity of wetlands and springs, the Lake Creek floodplain, and the Mahala Ditch, there is complexity and higher consequences for failure/misuse of wastewater management due to tightly configured septic systems and groundwater wells. The North Fork Payette watershed and Lake Fork Creek have been identified as impaired, including for total phosphorus, so there are also higher consequences for overuse of phosphorus fertilizers and other chemical products. The area is also identified a source water protection zone by the USDA Natural Resource Conservation Service. Lake Fork Creek is a tributary to Lake Cascade. In the summer irrigation season, portions of Lake Fork Creek become very low flow with stagnant side pooling, and we do not want to increase risk of blue-green algae blooms or other toxic situations in or adjacent to our property or downstream to Lake Cascade.

In Valley County, CDH generally requires monitoring for septic permitting during high water periods February – May and sometimes additional times of the year, depending on irrigation season and other conditions. We know this area has elevated groundwater tables, and there are variations with irrigation.



Even if all needed test pits were properly placed this past September (which does not appear to be the case based on apparent changes in lot configurations that left septic systems distant from the test holes included in the application), this monitoring has not occurred.

Proper septic design on paper and certified septic installation also does not assure proper use by those unfamiliar with them (e.g., avoiding blockage and exceeding short-term or long-term capacity, limiting items disposed, limiting phosphorous inputs, pacing laundry use). Allowance for short-term rentals significantly increases potential for excessive flows from high occupancy and careless use by short-term renters.

The application appears to leave actual swale construction for stormwater management up to individual lot holders. Proper stormwater/snowmelt management is important to proper wastewater management. New septic installs do not generally have the failure risk of older ones, but storm/snowmelt management design prevents drainfield saturation. Conceptual reference to stormwater BMPs where individual lot holders are made responsible for managing stormwater/snow on their lots is another area where a lack of coordination among future independent lot builders is a recipe for problems.

*Removal of Existing Vegetation and Restoration/Stabilization of Soil (VCC 9-5-3D.2.i)*

We appreciate the Wildfire Plan presented by Mr. Lillehaug. One of the impacts of CUP 22-04 is creating a Wildlife Urban Interface (WUI, an area of increased fire risk where human development meets or intermingles with vegetative fuels) (VCC 10-07). It conceptually meets the County's Requirement for such Plan for subdivisions (VCC Title 10, Section 7), but again leaves key items subject to considerable discretion in whether they are implemented.

An additional concern is that we note that the Plan states that "at least 70-80% of the overall timber stand needs to be removed to reduce the wildfire risk and protect the future building structures." It also states that the "small lot size will require removal of most trees to accommodate the building of structures which will also greatly reduce the wildlife risk."

From a soil and water perspective, the small 1-acre lot sizes result in essentially clear-cutting 43 acres that is 85% timbered. There will be few if any trees left, and little area for trees to be put, because of tree removal with home construct, tree removal to implement WUI Fire Plan recommendations for fuel reduction and defensible space, and compliance with 50' septic setbacks and other setbacks. (As a side note, the limber pine and vine maples shown on preliminary plat documents for landscaping are not native to the area.) The Impact Report does not adequately discuss the effects of this vegetation removal on the wetlands, soil stability, slopes, and embankments and the potential for sedimentation of disturbed soils (VCC 9-5-3h).

*Effect on Housing Affordability/Range Of Sale, Lease Or Rental Prices/Increased Revenue (VCC 9-5-3 2.D.b, n. & u.)*

The Application does not meet the requirements to describe effect on housing affordability, describe range of sale or rental prices, or revenues. The application simply lists the range of sale and lease prices as "unknown" and implies more tax revenue than the current agricultural property tax exemption rate, and vague reference to "new jobs." The applicant has indicated they are only selling lots and not doing building, so one would question the business acumen of a developer who did not have at least some idea of lot price before undertaking investment, and a corresponding assessment of property taxes, with differential with/without homeowner exemption.

The Application makes a general reference to providing "affordable housing," but this is not a reference to affordable housing (community housing) under Valley Code definition. The bring-your-own builder



framework leaves future affordability of housing dependent on the individual lot purchasers, and the lack of detail makes the reference to affordability a mirage.

The application also indicates an allowance for short-term rentals. The increase in short-term rentals in the Valley has been attributed as a key reason for shortages of workforce housing, and increased sale and rental rates. This application appears to aggravate the situation by attracting more people to demand services in houses that Valley County workers cannot afford.

It's hard to reconcile a vision of "affordable" housing being met by a bring-your-own builder scenario, including well and septic installation.

A concern in our neighborhood meeting was short-term and other rentals that would be prone to larger groups and higher turnover of those who might be unfamiliar with "code of the new west." During our neighborhood meeting, the applicant initially indicated the one-acre lot size was encouraged by the P&Z staff to address housing shortages, however, later in the meeting, the applicant described a vision of 30 lots where "if they're going to pay for the kind of lot prices that people are paying now, they're going to put a million-dollar home on them." Other comments by the applicant at our meeting indicated "affordability" that does not match Valley County workforce.

### **3. Additional Concerns**

#### *Negative impacts to Wildlife*

County Comprehensive Plan Chapter 4 (Natural Resources) Goal III is to "protect fish and wildlife as natural resources of critical importance in Valley County. Plan objectives include preservation of wildlife and fish, preservation of open space buffers adjacent to rivers and creek for wildlife and fish habitat, and preservation of historical movement corridors.

The Application does not appear to recognize area wildlife resources, much less attempt to mitigate negative impacts to them. As evident from aerial overview, CUP 24-02 is part of the narrow, timbered and wetland corridor surrounding Lake Fork Creek. Elk, mule, and white-tailed deer use the wet meadows of this area as calving/fawning grounds, and this is an area of big game movement. ITD has posted Highway 55 as a "Game Crossing" in the dip to the north of the Lake Fork Creek crossing. Other wildlife also rely on wet meadows and wetlands in the area. We hunt waterfowl, big game and upland birds on our property.

Proposed lot density for CUP 24-02 is likely to negatively affect wildlife residing in and moving through the area's timber and grasslands, wetlands and creek, particularly elk. CUP 24-02 will be a source of greater human activity, and is likely to create some combination of wildlife hazards from fencing, toxic landscaping, or promoting nuisance behavior in elk, deer, and black bears if people feed them or if they become habituated because of poor sanitation or other sources.

For example, the sample wooden fencing photo presented in the Application does not appear to be considerate of elk use of the area. Examples of wildlife friendly fencing are available at: [A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind](#) (Montana publication, referenced by Idaho Fish and Game staff). The Bettis property adjoining CUP 24-02 uses drop-down fencing.





Figures 8 and 9 are photos taken on our property on the east side of Lake Fork Creek.



Figure 10. Game Crossing signage on Highway 55 (northbound from Spink Lane).

*Applicant's Basis for Smaller-Sized Lots at the 1-acre Minimum Allowed by Ordinance for Individual Wells and Septic*

At our December 8 neighborhood meeting, a key concern was the small lot size and density relative to the other property in the area, and the potential number of people and impacts that would come with smaller lot size. (Our concern has since been compounded by learning of the number of additional potential lots that might be involved in future Subdivisions Nos. 2, 3, and so on.) At the neighborhood meeting, the applicant told us they were using the minimum size lots because of input from discussions with County P&Z and Central District Health. The reasoning supplied at the time did not make sense to us. The applicant said that county P&Z staff discouraged them from larger lot size because of concerns for noxious weeds when lots were not used for agricultural purposes.

We couldn't follow the logic as to why the County would put more stock in being able to hold 30+ lot holders and independent builders accountable for a wide array of activities (building design, septic install/operation/maintenance, irrigation, chemical use, non-toxic landscaping, etc.) than in the County holding a smaller number of lot holders accountable for noxious weed management under the authority Idaho law and County Weed Department enforcement.

The applicant also said that CDH staff said the 1-acre lots were suited for septic, but public records indicate that CHD staff expressed concern about the ability for septic and wells on minimum lot sizes to work in reality versus getting them to work on paper. Public records indicate that CDH staff encouraged development of community well/septic at these lot sizes.

#### Well Information and Well Logs

Although the application relies on the IDWR website maps for well information, available information indicates they are misplaced, and do not represent conditions at the mapped locations. Well 370470 is not on our property and is on the parcel owned by Cindy Squires on the northeast corner of the Spink Lane curve (accurate location of this well is important to ensure proper setbacks from wells are met). The address for Well 464976 (Monte Post) is on West Mountain Road on the other side of the Valley. Merrill Saleen lived on Hogue Hollow Road, so we think Well 350758 is associated with that property rather than its mapped location. Well 289874 is on the parcel on the southwest corner of the Spink Lane curve (now owned by Jeff and Janelle Miller). We highly doubt that Well 294028 is actually in CUP 24-02, since we understand it is the water source for the house under applicant's ownership on the adjacent parcel to the north (assuming we are correct, the application should not identify this well as serving the subdivision).

#### **Increased Concern with Expanded Development**

Our above concerns are magnified if there's any accuracy in project engineer documents, which show 60 or so additional lots in the two adjoining parcels in the same ownership, bringing total residences to 90 or more, including duplex lots, and development extending over a 1¼ mile of the Lake Fore Creek corridor.

Thank for your considering our concerns as adjacent landowners and as a matter of community interest. We ask you to deny CUP 24-02 as an incompatible use without adequate mitigation of adverse impacts to our adjacent property and to the community, based on County Ordinances and the Comprehensive Land Use Plan.

Sincerely,

Kathleen Trever & Tom Peppersack







March 5, 2024

**Valley County Planning and Zoning Commissioners**

c/o Cynda Herrick  
219 N. Main St.  
Cascade, Idaho 83611

**Subject:** CUP 24-02 River Fork Ranch Subdivision, Spink Lane, Valley County, ID

The purpose of this letter is to inform the Commissioners that the subject Development is a bad layout with numerous potential adverse impacts. The project as published **does not** meet the guidelines set forth in certain sections of the Valley County Codes or Comprehensive Plan and **would have incalculable impacts** to the environment. We would like to see a better low-impact plan for the land-use.

We oppose the development for the following reasons (discussed in more detail in the following sections of this letter):

- Contribution of additional septic nutrients to impaired waterways already not meeting their beneficial use as determined by the Federal Clean Water Act.
- High density clustered lots combining septic systems over a high-water table and near adjacent drinking water wells.
- Degradation of filtering Wetlands and Riparian Habitat along a stream currently not meeting Cold Water Aquatic Life designated beneficial use.

## Septic Systems

As IDEQ Septic Technical Guidance Manual (TGM) states *"Septic tank effluent contains both nitrogen and phosphorous, which are nutrients that pose a eutrophication threat to surface water"*. Separation distances for various soil types are provided in the manual in an effort to minimize impacts IF septic systems are properly maintained. Most people moving into this rural area from an urban city with municipal sewer don't know how to properly maintain septic systems and don't understand that added cumulative nutrient impacts are beyond the lake's internal healing capacity.

### Septic Facts for Lake Cascade:

1. Standard septic systems are designed to remove pathogens, not nutrients.
2. 20% of Idaho septic systems fail\* (see figure 1).
3. 6% of Lake Cascade phosphorus load comes from septic systems.\*\*
4. Typical functional life for a septic system is 20 years.\*\*\*
5. Nutrients fuel toxic algae growth.
6. Nutrients leach into the lake from poorly maintained septic systems.
7. Seepage from Mahala Ditch would influence shallow groundwater (piping is essential).
8. No person or agency today really knows the incalculable extent of septic nutrient loads in our waterways.

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\* USEPA Onsite Wastewater Treatment Systems Manual, Table 1-3, 2002

\*\* IDEQ 2000 Lake Cascade Implementation Plan, Table 7

\*\*\* IDEQ Septic Systems and Drainfields: "What You Need to Know"

Standard septic systems are **not** designed to remove nutrients, they are installed because of increasing awareness of pathogen waterborne diseases and the popularity of indoor plumbing without privy odors. Numerous agency publications document that they DO leach nutrients into the soil that can eventually reach groundwater, streams and lakes.

Septic nitrogen compounds are very soluble chemicals which in dissolved form is transported readily into and through the groundwater and ultimately to surface waters. Septic phosphorus tends to attach or sorb to soil particles in the septic drain field's unsaturated zone until it's overloaded and then soil break-through occurs allowing additional down-gradient transport. A well-maintained septic process can remove a high percentage of phosphorous, however EPA\* and personal experience in this region indicates that a high percentage of septic systems are not well maintained (out of sight – out of mind). Harsh chemicals (i.e. bleach and some wash detergents), over-water usage, or where periodic tank sludge pumping is not performed (especially where soils have high permeability and distances to surface water are short, like conditions at this site) can lead to significant nutrient pollution. Significant break-through phosphorus has been detected in groundwater below some drain fields and phosphorus plumes have been measured moving down-gradient from septic drain fields in sandy shallow aquifers (Harman et.al. 1996, Ver Hey, 1987). Septic-derived nitrogen and phosphorus thus can reach subsurface and surface waters.

Because the problem is most people moving into this rural area from an urban city with municipal sewer don't know how to maintain septic systems, septic system education should be mandatory. To ensure proper maintenance this development needs a paradigm shift in rural wastewater treatment - a move away from standard on-site septic systems that rely heavily on untrained homeowner responsibility to ensure proper maintenance - to a municipal centralized or small cluster (de-centralized) treatment system operated by trained technicians. In addition, we propose the following:

- Lot sizes should be increased to allow more lateral separation from waterways and wells.
- The impact of leakage and resulting seepage (seasonal higher water table) from the Mahala Ditch should be evaluated over several ditch flow seasons to determine the flushing effect on septic drain field leachate and accelerated seepage velocity to the nearby creek.
- Septic System Operation and Maintenance education for home buyers (i.e. EPA SepticSmart {<https://www.epa.gov/septic/septicsmart>} education) and a required 3-year septic pumping should be a minimum condition of purchase.
- Alternative treatment technologies such as small cluster (de-centralized) collection and treatment systems should be implemented for this ecologically sensitive site.
- Phosphorus off-set impact fee (Socioeconomic Justification) should be imposed on the development to support future phosphorus reduction restoration projects.

### Impaired Lake Fork Creek -Why septic nutrient leaching is Important:

Lake Fork Creek, a tributary to impaired section 303(d) Lake Cascade, is listed as a Clean Water Act impaired as a 305(b) listed stream. This development, as planned, has potential to further impair water quality in both Lake Fork Creek (not meeting beneficial use as cold water aquatic life), and Cascade Reservoir (impaired with Total Maximum Daily Limit (TMDL) goals for total phosphorus, pH and chlorophyll-a targets that are not being met).

Nitrogen and phosphorus support the growth of toxic algae, a reoccurring condition in Lake Cascade. Lake Cascade has 9+ different varieties of Cyanobacteria (aka toxic algae) that thrive on Nitrogen and Phosphorus



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Cascade, ID 83611

nutrients. Ratios of total nitrogen to phosphorus (TN:TP) in the lake water column determines dominate Cyanobacteria species and changing the ratio can change species composition. When the N:P ratio of the water is changed...it can change bacteria dominance. We currently have a dominate Dolichospermum cyanobacteria which could be replaced in a worst-case-scenario with more toxic Microcystis by changing the N:P ratio of the water. Concentrations of all cyanotoxin groups can increase with increasing TP and TN congruent with the biovolumes of their likely producers. (Cyanobacteria and Cyanotoxins: The Influence of Nitrogen versus Phosphorus, 2012 by Dolman, Rücker, Pick, Fastner, Rohrlack, Mischke, and Wiedner).

Septic systems near waterways, increased public use and changes in land-use are known to threaten water quality, designated beneficial uses such as aquatic life, recreation (primary and secondary contact), domestic water supply, wildlife habitat and aesthetics (USEPA 2021, Smith and Schindler 2009).

### EPA Pollution Load Estimate Model

EPA has a Pollution Load Estimating Tool (PLET) to model pollutant impacts from development at sites such as this (<https://www.epa.gov/nps/plet>). This average proposed development area is underlain by Donnel Sandy Loam a Hydraulic Soil Unit (HSU) A - and is high permeability soil (see attached NRCS Soil Map and Donnel Sandy Loam data sheet and other units). Roseberry-Melton complex and Archabal (Farmland of statewide importance, if irrigated) are HSU B. See attached NRCS Soil Map and Septic Tank Absorption Fields. They are classified as "very limited" unfavorable for standard septic systems.

Using the EPA Pollutant Load Estimating Tool (<https://www.epa.gov/nps/plet>) with up to 40 residences, 2 person households in HSU-A soil, the estimated additional pollutant loads will overtime be up to ~92 lbs of phosphorus and ~347 lbs nitrogen per year according to PLET output Figure 2, plus other pollutants. Most of the pollution loading comes from septic using the estimated EPA 20% failure rate for Idaho (USEPA failure rate published in the Onsite Wastewater Treatment Systems Manual, Table 1-3, 2002, Figure 1). According to the Clean Lakes Alliance, one pound of phosphorus can create 500 pounds of wet algae so  $92 \text{ lbs/yr P} \times 500 = \mathbf{46,000 \text{ lbs algae per year}}$ .

Table 1-3. Estimated onsite treatment system failure rates in surveyed states

State	Estimated system failure rate (percentage)	Failure definition
Alabama	20	Not given
Arizona	0.5	Surfacing, backup, surface or ground water contamination
California	1-4	Surfacing, backup, surface or ground water contamination
Florida	1-2	Surfacing, backup, surface or ground water contamination
Georgia	1.7	Public hazard
Hawaii	15-35	Improper construction, overflow
Idaho	20	Backup, surface or ground water contamination
Kansas	10-15	Surfacing, nuisance conditions (for installations after 1980)
Louisiana	50	Not given
Maryland	1	Surfacing, surface or ground water contamination
Massachusetts	25	Public health
Minnesota	50-70	Cesspool, surfacing, inadequate soil layer, leaking
Missouri	30-50	Backup, surface or ground water contamination
Nebraska	40	Nonconforming system, water quality
New Hampshire	<5	Surfacing, backup
New Mexico	20	Surfacing
New York	4	Backup, surface or ground water contamination
North Carolina	15-20	Not given
North Dakota	28	Backup, surfacing
Ohio	25-30	Backup, surfacing
Oklahoma	5-10	Backup, surfacing, discharge off property
Rhode Island	25	Not given
South Carolina	6-7	Backup, surface or ground water contamination
Texas	10-15	Surfacing, surface or ground water contamination
Utah	0.5	Surfacing, backup, exceed discharge standards
Washington	33	Public health hazard
West Virginia	60	Backup, surface or ground water contamination
Wyoming	0.4	Backup, surfacing, ground water contamination

\* Failure rates are estimates and vary with the definition of failure.

Source: Nelson et al., 1999

Figure 1. Screenshot from USEPA Onsite Wastewater Treatment Systems Manual, Table 1-3, 2002



Source	N Load (kg/yr)	P Load (kg/yr)	SDO Load (kg/yr)	Sediment Load (ton/yr)
Forest	40.45	7.37	150.61	1.11
Fieldcrop	0.00	0.00	0.00	0.00
Urban/Develop	0.00	0.00	0.00	0.00
Grass	0.00	0.00	0.00	0.00
Wetlands	0.00	0.00	0.00	0.00
High Wetlands	0.00	0.00	0.00	0.00
Waters	204.70	80.17	875.84	0.00
Other	0.00	0.00	0.00	0.00
Non-Point Source	0.00	0.00	0.00	0.00
Point Source	95.95	4.02	0.00	0.00
<b>Total</b>	<b>346.80</b>	<b>91.66</b>	<b>896.45</b>	<b>1.11</b>

Figure 2, EPA Estimated Pollutant Loads, Screenshot of Table 2 from computed model analysis.

This load calculation may be low since some future development conceptual plans are out there with 100+ total lots coming to this ranch area in the future. As a minimum, this developer should be looking at a centralized wastewater treatment system from a cluster or clusters of homes that collects, treats and disperses wastewater for discharge higher up in the upland areas, or a new phosphorus off-set impact fee (pollution trading) should be charged to compensate for future phosphorus reduction restoration project costs.

## Wetlands and Riparian Habitat

A large share of the parcel along the western side includes natural riparian zone, wetland and Lake Fork Creek. These wetlands and riparian zones function to filter/purify stormwater, detain floodwaters, provide wildlife habitat, resist soil erosion and recharge groundwaters; all vital functions for the sensitive Lake Cascade watershed. Unfortunately, it seems to be human nature to disturb wetlands. Wetland degradation is counterproductive to the many expensive efforts to improve

water quality and efforts to prevent toxic algae blooms in Lake Cascade.

As a minimum, the developer should offer to make the flood zone, wetlands and riparian areas a Conservation Easement with restrictions from all disturbance, including stream alterations and tree removal.

## Development Plan Deficiencies

This application is flawed in several ways and appears to go sideways of the intent of Codes and the Comprehensive Plan and needs in-depth evaluation:

Idaho's Water Quality Standard (IDAPA 58.01.02) 080. VIOLATION OF WATER QUALITY STANDARDS would not be met: 01. a. "Will or can be expected to result in violation of the water quality standards applicable to the receiving water body or downstream waters" and b. "Will injure designated or existing beneficial uses".

This application does not adequately address the required impact on water usage and discharge. Valley County Code 9-5-3-f expressly requires an applicant for a conditional use permit to address: "Water demand, discharge, supply source and disposal method for potable uses, domestic uses and fire protection calls for identifying existing surface water drainage, wetlands, flood prone area and potential changes, identify existing groundwater and surface water quality and potential changes due to this proposal." The Application fails to adequately address this requirement because it does not describe impacts on groundwater and potential changes resulting from the proposed subdivision or effects on groundwater quality/quantity and potential contamination due to well and septic development. Code 9-6-5-2.

Codes 1-9-4-F and 4-5-2-2 and 9-1-2-D&K. Subdivision of this density will put more pollutants in waterway Lake Fork Creek than if it was left as agricultural land. Homeowners are notorious for over fertilizing, using copious amounts of herbicides and pesticides, and allowing run-off from driveways, patios, and roads carrying debris, gas and oil, detergents, etc. The US Fish and Wildlife states: "Homeowners use up to 10 times more chemicals and pesticides per acre on their lawns than farmers use on crops."

#### COMPREHENSIVE PLAN CHAPTER 4: NATURAL RESOURCES

##### BACKGROUND

3 Overall water quality in Valley County, Lake Cascade and Payette Lake has been found to be declining. **Lake Cascade is of particular concern.** Since declining water quality in Lake Cascade and Payette Lake have caused particular concern, some water quality practices have been implemented in order to make improvements.

Changes in land-use and associated man-made activities (e.g. septic systems, construction erosion, road and parking lot runoff, fertilizers and organics) increase pollutant (sediment and nutrients - nitrate and phosphorus) loading into surface waters. The Idaho Department of Environmental Quality Lake Cascade 2000 Implementation Plan indicated that approximately 11% of Lake Cascade's phosphorus loading came from Urban/Suburban/Roads and 6% from Septic Systems. These percentages are two decades old and have no doubt changed but are indicative of problem areas.

Development drainage contributes substantial pollutants including nutrients, suspended solids, organic mass, litter, oil and grease, metals and other pollutants to the waterways [plus thermal warming], which contributes to lake toxic algae growth.

#### COMPREHENSIVE PLAN CHAPTER 13: LAND USE

**Goal I: Retain the rural atmosphere of Valley County by protecting its natural beauty and open characteristics and preserving its historical and scenic beauty.**

##### Objectives:

1. Encourage those land use practices that **protect and preserve the best agricultural land for agricultural use.**

This project would take away good Ag land with filtering wetlands that are supposed to be protected by the Comprehensive Plan. NRCS Farmland classification for this site is "Farmland of statewide importance, if irrigated"

#### Why Ag land is important:

When properly managed with low impact Best Management Practices, agriculture crops and cattle grazing uptake phosphorus and other nutrients from the soil and export it out of Valley County. Since Lake Cascade is impaired by phosphorus properly implemented Agriculture is one of the keys to saving Lake Cascade. When Ag land is developed, it's gone forever; Agriculture land helps control flooding and provides precious open space for high valued landscapes and infiltration of stormwater.

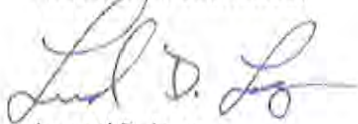


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In conclusion, it is our opinion that this proposed development is flawed and is not the right solution to our county's long-term needs, the environment or neighborhood harmony. Please send it back to the drawing board to come up with a more appealing product in full compliance with the intent of the Comprehensive Plan and Codes.

Respectfully Submitted,



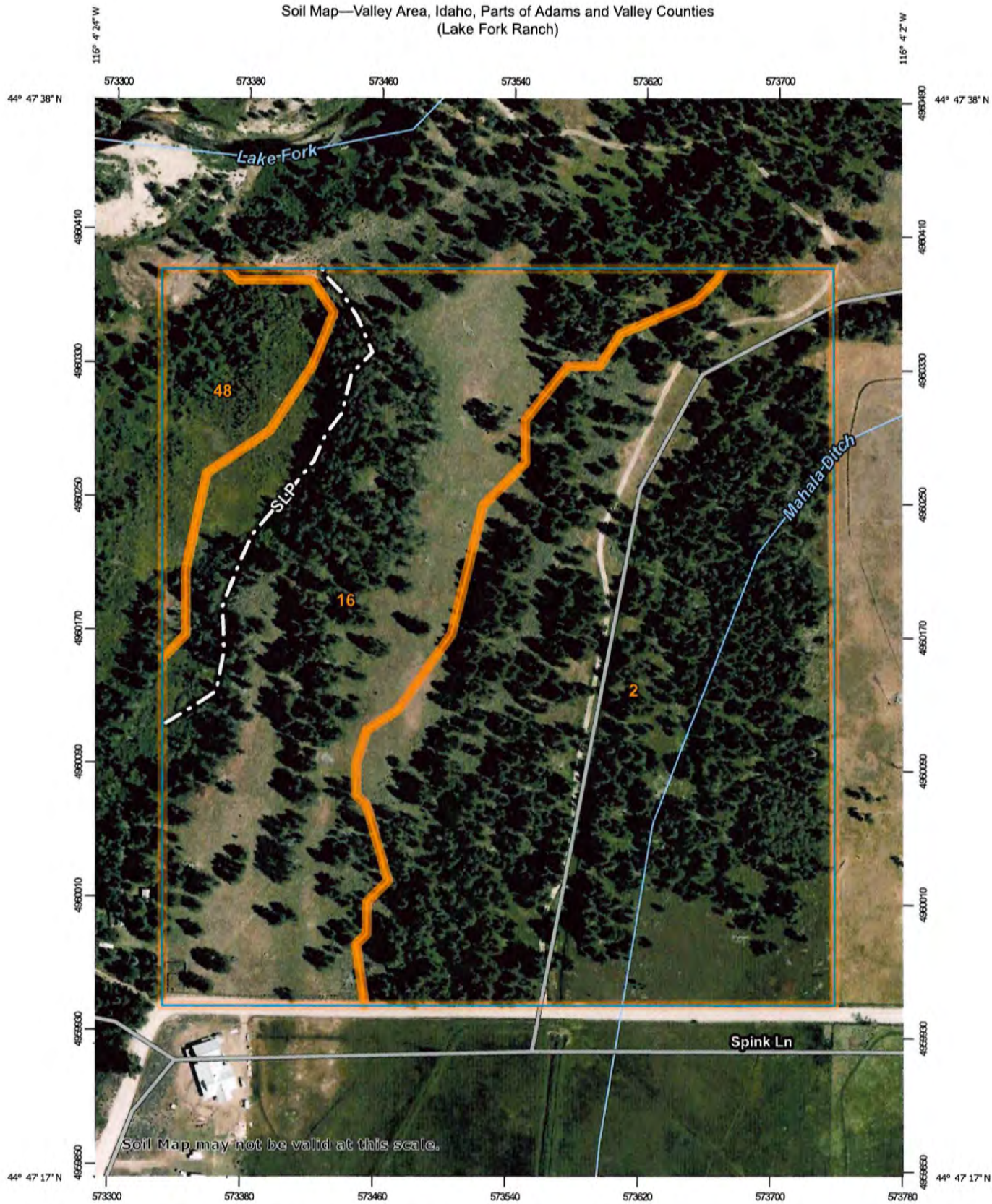
Lenard D. Long  
Friends of Lake Cascade  
(Representing 2,200+ concerned lake enthusiasts)

**Qualifications as a Reliable Source of Information** (Professional Licenses and positions prior to Retirement)-  
Civil Engineer and Geotechnical Engineer - California, Oregon, Nevada and Washington  
Certified Professional in Erosion and Sediment Control  
UofI IDAH2O Master Water Steward (River and Standing Waters)  
Currently an Associate Supervisor with the Valley Soil and Water Conservation District

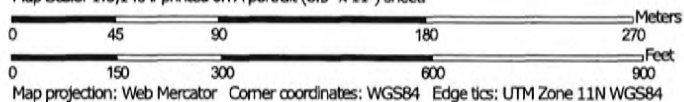
Attachments: NRCS Soil Map and Septic Tank Absorption Fields printout



Soil Map—Valley Area, Idaho, Parts of Adams and Valley Counties  
(Lake Fork Ranch)



Map Scale: 1:3,140 if printed on A portrait (8.5" x 11") sheet.



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

2/15/2024  
Page 1 of 3



## MAP LEGEND

	Area of Interest (AOI)
	Area of Interest (AOI)
	Soils
	Soil Map Unit Polygons
	Soil Map Unit Lines
	Soil Map Unit Points
	Special Point Features
	Blowout
	Borrow Pit
	Clay Spot
	Closed Depression
	Gravel Pit
	Gravelly Spot
	Landfill
	Lava Flow
	Marsh or swamp
	Mine or Quarry
	Miscellaneous Water
	Perennial Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Severely Eroded Spot
	Sinkhole
	Slide or Slip
	Sodic Spot
	Special Line Features
	Streams and Canals
	Transportation
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads
	Background
	Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Valley Area, Idaho, Parts of Adams and Valley Counties  
Survey Area Data: Version 21, Aug 31, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 25, 2020—Jul 26, 2020

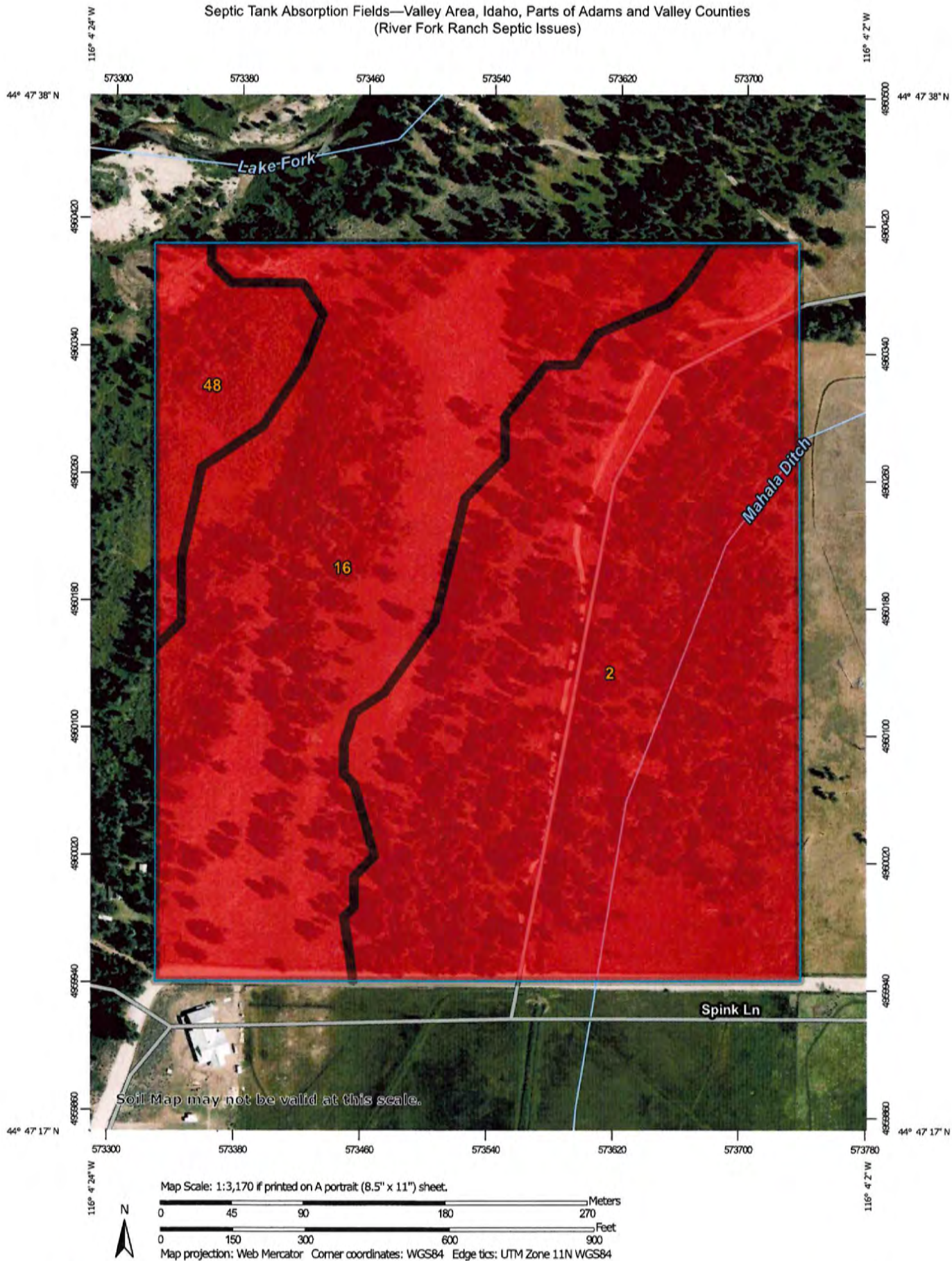
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend


Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2	Archabal loam, 2 to 4 percent slopes	24.7	55.7%
16	Donnel sandy loam, 0 to 2 percent slopes	16.9	38.0%
48	Roseberry-Melton complex	2.8	6.3%
<b>Totals for Area of Interest</b>		<b>44.4</b>	<b>100.0%</b>








Septic Tank Absorption Fields—Valley Area, Idaho, Parts of Adams and Valley Counties  
(River Fork Ranch Septic Issues)











## MAP LEGEND

**Area of Interest (AOI)**  
 Area of Interest (AOI)






**Background**  
 Aerial Photography

**Soils**  
**Soil Rating Polygons**  
 Very limited  
 Somewhat limited  
 Not limited  
 Not rated or not available

**Soil Rating Lines**  
 Very limited  
 Somewhat limited  
 Not limited  
 Not rated or not available

**Soil Rating Points**  
 Very limited  
 Somewhat limited  
 Not limited  
 Not rated or not available

**Water Features**  
Streams and Canals

**Transportation**  
 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Valley Area, Idaho, Parts of Adams and Valley Counties

Survey Area Data: Version 21, Aug 31, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 25, 2020—Jul 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Septic Tank Absorption Fields

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI		
2	Archabal loam, 2 to 4 percent slopes	Very limited	Archabal (80%)	Seepage, bottom layer (1.00)	25.3	53.9%		
				Slow water movement (0.50)				
16	Donnel sandy loam, 0 to 2 percent slopes	Very limited	Donnel (80%)	Seepage, bottom layer (1.00)	18.5	39.4%		
				Filtering capacity (1.00)				
48	Roseberry-Melton complex	Very limited	Roseberry (40%)	Flooding (1.00)	3.1	6.7%		
				Depth to saturated zone (1.00)				
				Slow water movement (0.50)				
			Melton (30%)	Flooding (1.00)				
				Depth to saturated zone (1.00)				
				Seepage, bottom layer (1.00)				
				Slow water movement (0.50)				
			Jurvannah (20%)	Flooding (1.00)				
				Depth to saturated zone (1.00)				
				Filtering capacity (1.00)				
	Seepage, bottom layer (1.00)							
Totals for Area of Interest					47.0	100.0%		

Rating	Acres in AOI	Percent of AOI
Very limited	47.0	100.0%
Totals for Area of Interest	47.0	100.0%



## Description

### ENG - Engineering

Septic tank absorption fields are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 and 60 inches is evaluated. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health. Saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Stones and boulders, ice, and bedrock or a cemented pan interfere with installation. Subsidence interferes with installation and maintenance. Excessive slope may cause lateral seepage and surfacing of the effluent in downslope areas.

Some soils are underlain by loose sand and gravel or fractured bedrock at a depth of less than 4 feet below the distribution lines. In these soils the absorption field may not adequately filter the effluent, particularly when the system is new. As a result, the ground water may become contaminated.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to

validate these interpretations and to confirm the identity of the soil on a given site.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

## Valley Area, Idaho, Parts of Adams and Valley Counties

### 16—Donnel sandy loam, 0 to 2 percent slopes

#### Map Unit Setting

*National map unit symbol:* 55dk

*Elevation:* 3,800 to 5,100 feet

*Mean annual precipitation:* 22 to 24 inches

*Mean annual air temperature:* 37 to 43 degrees F

*Frost-free period:* 65 to 75 days

*Farmland classification:* Farmland of statewide importance, if irrigated

#### Map Unit Composition

*Donnel and similar soils:* 80 percent

*Minor components:* 5 percent

*Estimates are based on observations, descriptions, and transects of  
the mapunit.*

#### Description of Donnel

##### Setting

*Landform:* Fan remnants

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed alluvium

##### Typical profile

*A - 0 to 15 inches:* sandy loam

*Bw - 15 to 20 inches:* coarse sandy loam

*C - 20 to 60 inches:* stratified loamy sand to sandy loam

##### Properties and qualities

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* High  
(1.98 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Low (about 5.8 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 6c

*Land capability classification (nonirrigated):* 6c

*Hydrologic Soil Group:* A

*Ecological site:* R043BY003ID - Loamy 22+ PZ FEID-PSSPS

*Hydric soil rating:* No



### **Minor Components**

#### **Melton**

*Percent of map unit:* 5 percent

*Landform:* Flood plains

*Hydric soil rating:* Yes

### **Data Source Information**

Soil Survey Area: Valley Area, Idaho, Parts of Adams and Valley Counties

Survey Area Data: Version 21, Aug 31, 2023

## Valley Area, Idaho, Parts of Adams and Valley Counties

### 2—Archabal loam, 2 to 4 percent slopes

#### Map Unit Setting

*National map unit symbol:* 55dp  
*Elevation:* 4,800 to 5,000 feet  
*Mean annual precipitation:* 22 to 24 inches  
*Mean annual air temperature:* 36 to 45 degrees F  
*Frost-free period:* 60 to 80 days  
*Farmland classification:* Farmland of statewide importance, if irrigated

#### Map Unit Composition

*Archabal and similar soils:* 80 percent  
*Minor components:* 5 percent  
*Estimates are based on observations, descriptions, and transects of  
the mapunit.*

#### Description of Archabal

##### Setting

*Landform:* Fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

##### Typical profile

*A - 0 to 14 inches:* loam  
*Bt1 - 14 to 31 inches:* loam  
*Bt2 - 31 to 52 inches:* coarse sandy loam  
*C - 52 to 60 inches:* coarse sand

##### Properties and qualities

*Slope:* 2 to 4 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water  
(Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Moderate (about 8.7  
inches)

##### Interpretive groups

*Land capability classification (irrigated):* 6c  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* B  
*Ecological site:* R043BY003ID - Loamy 22+ PZ FEID-PSSPS  
*Hydric soil rating:* No

### **Minor Components**

#### **Melton**

*Percent of map unit:* 5 percent

*Landform:* Flood plains

*Hydric soil rating:* Yes

### **Data Source Information**

Soil Survey Area: Valley Area, Idaho, Parts of Adams and Valley Counties

Survey Area Data: Version 21, Aug 31, 2023



## Valley Area, Idaho, Parts of Adams and Valley Counties

### 48—Roseberry-Melton complex

#### Map Unit Setting

*National map unit symbol:* 55fp  
*Elevation:* 3,800 to 5,100 feet  
*Mean annual precipitation:* 22 to 32 inches  
*Mean annual air temperature:* 36 to 43 degrees F  
*Frost-free period:* 50 to 80 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Roseberry and similar soils:* 40 percent  
*Melton and similar soils:* 30 percent  
*Jurvannah and similar soils:* 20 percent  
*Minor components:* 2 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Roseberry

##### Setting

*Landform:* Stream terraces  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Outwash derived from granite

##### Typical profile

*A - 0 to 13 inches:* coarse sandy loam  
*C1 - 13 to 35 inches:* loamy coarse sand  
*C2 - 35 to 55 inches:* coarse sand  
*2C3 - 55 to 60 inches:* fine sandy loam

##### Properties and qualities

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* About 18 to 30 inches  
*Frequency of flooding:* Occasional  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Low (about 5.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 6c  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* B  
*Ecological site:* R043BY012ID - MOUNTAIN POORLY DRAINED  
BOTTOM ARCAV3-DAFRF/FEID

*Hydric soil rating:* No

## **Description of Melton**

### **Setting**

*Landform:* Drainageways

*Down-slope shape:* Concave

*Across-slope shape:* Linear

*Parent material:* Alluvium and/or outwash derived from granite

### **Typical profile**

*A - 0 to 10 inches:* loam

*Cg1 - 10 to 25 inches:* loam

*Cg2 - 25 to 30 inches:* gravelly sandy loam

*C - 30 to 60 inches:* very cobbly loamy sand

### **Properties and qualities**

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water*

*(Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* About 12 to 24 inches

*Frequency of flooding:* Frequent

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Moderate (about 6.6 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 6c

*Land capability classification (nonirrigated):* 6c

*Hydrologic Soil Group:* B/D

*Ecological site:* R043BY012ID - MOUNTAIN POORLY DRAINED

BOTTOM ARCAV3-DAFRF/FEID, R043BY007ID - MEADOW

DECA18-CANE2

*Hydric soil rating:* Yes

## **Description of Jurvannah**

### **Setting**

*Landform:* Flood plains

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Alluvium derived from granite

### **Typical profile**

*A - 0 to 6 inches:* sandy loam

*C1 - 6 to 22 inches:* fine gravelly sand

*C2 - 22 to 60 inches:* very gravelly sand

### **Properties and qualities**

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* High  
(1.98 to 5.95 in/hr)  
*Depth to water table:* About 12 to 24 inches  
*Frequency of flooding:* Frequent  
*Frequency of ponding:* None  
*Available water supply, 0 to 60 inches:* Very low (about 2.7 inches)

**Interpretive groups**

*Land capability classification (irrigated):* 6c  
*Land capability classification (nonirrigated):* 6c  
*Hydrologic Soil Group:* A/D  
*Ecological site:* R043BY012ID - MOUNTAIN POORLY DRAINED  
BOTTOM ARCAV3-DAFRF/FEID, R043BY007ID - MEADOW  
DECA18-CANE2  
*Hydric soil rating:* Yes

**Minor Components**

**Blackwell, clay loam surface**  
*Percent of map unit:* 2 percent  
*Landform:* Marshes  
*Hydric soil rating:* Yes

**Data Source Information**

Soil Survey Area: Valley Area, Idaho, Parts of Adams and Valley Counties  
Survey Area Data: Version 21, Aug 31, 2023

Attention Cynda Herrick, [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

March 5, 2024

Dear Chairman Caldwell and the Valley County Planning and Zoning Commissioners,

I am writing in opposition to the current proposed C.U.P. 24-02 River Fork Ranch Subdivision (Phase 1) development to be located along Spink Lane. My Name is Diana Bryant and my husband, and I have resided in and operated a business in Valley County for over 38 years. We have seen the county grow in spurts over that time and believe that smart development near our incorporated towns is the only wise way to protect our way of life in Valley County for future generations. We believe in private property rights but ask you and the County Commissioners to hold developers accountable to the Valley County Comprehensive Plan to protect us as residents.

We attended the December 8, 2023 "neighborhood meeting" held by the developer and were not satisfied with many of his answers or the information he provided to those people who were able to attend. For example: The developer tried to claim that the houses would be only occupied a small portion of the year and would be quality homes, yet he makes no effort in the proposed Restrictive Covenants to restrict the ability of the lots to turn into more short-term rentals. I was also not satisfied when the developer was questioned about the future division of the remainder of the property.

The location of this high-density development has been historically meadow/farming/grazing land, well away from the impact areas of existing towns (Donnelly, Lake Fork, McCall) therefore it does not conform to the Valley County Comprehensive Plan which encourages new subdivisions within the impact areas of existing towns.

With the 30 homes proposed, their access only to a dirt road with its access to Hwy 55 near two substantial curves, each on hills, and with a 65 MPH speed limit on this section of 55, it will greatly increase the hazards of an already dangerous intersection for both the cars accessing 55 and those driving on 55. In addition to the increased construction and homeowner traffic, sanitation trucks use Spink Lane to access the Valley County transfer station. We have first-hand knowledge of the dangers inherent in accessing Hwy 55 under even better conditions at Coho Lane, where Hwy 55 is straight and flat in both directions, but there are still no turn lanes or widened access. Many accidents occur at Coho and Hwy 55 with entering and exiting vehicles. The Spink Lane intersection offers much worse conditions!

In addition to an inappropriate dense housing development intruding upon historical ranching lands and the fact that CUP 24-02 appears to be only the first of future subdivisions on the 300 acres purchased by



this developer, and the vehicular dangers with the Spink Lane access to 55, there appear to be riparian areas surrounding and in fact showing as part of some of the lots. With each of the 30 parcels to have individual wells and septic fields, I fear conflict with the natural surroundings and the development. In short, the immediate and vicinity surrounding land uses are not compatible with a higher density subdivision which is a requirement of the Comprehensive Plan.

Should this development be approved (which I would hope it would not be for the problems stated above) I ask you as county stewards to insist on the following mitigations:

1. Lower density development (50% or less would be best) at this location to be more compatible with surrounding land uses.
2. Community septic development rather than individual fields (Perhaps even community water)
3. Paving of Spink Lane (at the cost to the developer, not current county residents)
4. North and South turn lanes or lights at the confluence of Spink Lane and Hwy 55 to provide for safe traffic (at the cost to the developer, not current county residents).
5. A request to the Idaho Department of Transportation to lower the speed limit from Donnelly to Lake Fork.

Thank you for your time and looking out for the interests of current Valley County residents,

Sincerely;

Diana and Barry Bryant

32 Coho Lane, Donnelly, ID.

Phone: [REDACTED]

## **Comments Re C.U.P. 24-02 River Fork Ranch Subdivision**

**From:** Pete Miller [REDACTED]

**Sent:** Wednesday, March 6, 2024 1:02 PM

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

**Subject:** Comments Re C.U.P. 24-02 River Fork Ranch Subdivision

Peter G. Miller  
13643 Morris Ranch Rd.  
McCall, ID 83638

### **INCOMPATIBLE DENSITY.**

The proposed housing density is incompatible with that of existing residential housing in the surrounding area. It also conflicts with the general pattern of land use in the surrounding area and with the deer and elk habitat of the Lake Fork drainage. Public records indicate that the Developer owns multiple adjacent properties and has intentions to develop them as subdivision housing at a similar density. Approval of the Developer's proposed density poses negative impacts for this particular C.U.P., but it would also set a precedent encouraging similar high-density development of the Developer's adjacent properties. Additionally, establishing such a precedent would incentivise prospective high-density development to the south of Spink Lane.

In the event that subdivision development within the proposed and, eventually, surrounding properties becomes a practical inevitability, the issue of density should be the determinant factor governing growth. In other words, maintaining a minimum residential lot size of circa 10 acres, as is currently the case for other subdivisions in the surrounding area, would be a reasonable compromise that preserves existing community equities and minimizes stress on limited community infrastructure resources.

### **IMPACT OF NEW WELLS AND SEPTIC SYSTEMS.**

The potential impact of 40 new wells upon the water table that also serves the surrounding complex of low-density properties should be the subject of further investigation in order to preclude negative impacts upon those properties. This is especially important if the Developer does in fact intend to expand high-density subdivision development on his adjacent properties, and if said expansion leads to a subsequent cascade of high-density subdivision development to the south of Spink Lane. Similarly, further investigation of high-density septic systems seems warranted with regard to potential impacts to the Lake Fork Creek drainage, the Mahala irrigation ditch and surrounding agricultural acreage.

### **IMMEDIATE AND LONG-TERM IMPACTS ON COMMUNITY INFRASTRUCTURE.**

The proliferation of high-density, high-cost housing is outpacing infrastructure growth and accelerating the affordable housing crisis for lower-wage infrastructure and service workers. If these people can't afford to live within the Valley's geographic boundaries, where are they to live? There is no accessible low-cost community within practical commuting distance.

As with other 'resort' communities in the Mountain West, our county's current rate of development is fueled by a stream of outside money, e.g., real estate developers that have no long-term skin in the game when it comes to the negative impacts on stressed community infrastructure and housing affordability for service workers critical to the operation and maintenance of a healthy economy and community.

Valley County is a 'closed system' that already has exceeded its organic capacity for sustainable growth. Continuation of a 'high-growth' policy fueled by real estate speculators and outside money will eliminate what remains of the county's capacity to self-sustain and result in complete dependency on external streams of revenue. This seems especially short-sighted and risky given a debt-financed U.S. economy already overburdened with a \$31 trillion deficit.

Perhaps it's time to slow-roll the real estate speculators for a few years while we assess the long-term prospects of the macro Idaho and U.S. economies?

## **CUP 24-02 River Ranch**

**From:** Tami Parkinson [REDACTED]

**Sent:** Wednesday, March 6, 2024 2:10 PM

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

**Subject:** CUP 24-02 River Ranch

Cynda

I have some concerns with regard to the proposed River Ranch development along with many of the other developments that are working through the planning and zoning process for Valley County.

This development along with many others are proposing developments that include increased housing density requiring individual septic and well systems, the lots being proposed within this development are 1-2 acres. We have already had several issues with the downstream effects in Lake Cascade with the regular algae blooms. Additionally, within the bench just 2 miles north of this proposed subdivision wells are going dry and have to be redrilled due to the water table dropping. The county needs to evaluate the water quality (septic systems) working with Idaho DEQ and water quantity (wells) working with Idaho Water Resources.

The road developments supporting this kind of infrastructure build is going to need some additional review of the traffic migrating on HWY 55 and off of HWY 55, there are already plenty of issues with speeding, traffic congestion etc along this stretch and north into McCall.

Other issues I have for these developments are the infrastructure the community is trying to cobble together to support roads and the people who maintain them, schools (employees, bus drivers etc), emergency services (fire fighters - structural and wildland, police, ambulance doctors etc), and the infrastructure that is aligned with managing the communities.

Many of these developers are from out of the area, they are in the development to make the money, but there are many who won't be around once the market drops again. This area has been through many cycles of this type of development, where developers come in, build houses with poor roof lines, inadequate insulation, poor ingress/egress to the development, lack of water supply planning, or sewer (McCall is having issues with this now), to name a few - the developers move on and the developments are still here with people trying to fix the problems.

The county needs to take a bit of a pause and evaluate where does the county want to be in 30 years, how do WE want to get there? Use some of the lessons learned from other communities who have struggled through these same scenarios before Valley county - ie Steamboat Springs, CO, Bend, OR, Breckenridge, CO and many many other areas. There needs to be some vision rather than focusing on making the money and development now without a look to the future and what the impacts may be for future generations.

My biggest concern in this narrative is the water, water for drinking and the wastewater we all produce. We know the snowpack is changing (scientific evaluations), water yields are changing, we need to be realistic on our expectations for future developments and do it smartly.

Thank you

Tami Parkinson.

Thank you for your time.



## **Comment on CUP 24-02 River Fork Ranch**

**From:** Galen Shaver [REDACTED]

**Sent:** Wednesday, March 6, 2024 2:55 PM

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

**Subject:** Comment on CUP 24-02 River Fork Ranch

CUP 24-02 River Fork Ranch

Dear P&Z Commissioners,

We are writing as citizens of Lake Fork in opposition to the proposed subdivision CUP24-02 off Spink Lane.

We feel the proposed plan is too close to Lake Fork Creek. Lake Fork Creek is already impaired and of course flows into an even more threatened waterway, Lake Cascade, a man made reservoir. The placement of the lots on porous soils, close to a floodplain and involving individual septic tanks is a recipe for leakage of nitrogen and phosphorus into the creek. The other urban runoff of developments including fertilizers, pesticides, herbicides, detergents, oil residue all generated by roadways and landscaping is also a concern. Construction of houses, roads and other buildings and removal of native vegetation will also impact the vital riparian area filtration, adding sediment to the creek and removing all important shade.

Although the applicant is only submitting 32 lots for approval, it is clear that this is just the beginning of a bigger subdivision of perhaps 100 lots. We understand the commissioners feel they can only pass judgment on the 32 lots but isn't that precisely why the applicant has divided up his subdivision in smaller parcels? What we mean is that, it is certainly easier to get approval for a CUP of 32 lots then 100 lots. And it cushions the applicant from responsibility for the cumulative effects of this development. All of the issues raised in the first paragraph will be exacerbated and intensified by the bigger subdivision to be proposed, and in some ways it seems irresponsible not to consider that.

In addition, the strategy of doing the applications piecemeal allows a bigger chance of approval of not only the first 32 lots but of subsequent pieces. The 32 lots, if built, will definitely change the scoring on the compatibility rating on any subsequent proposals because now you have an existing subdivision adjacent to the one you are proposing. It is a clever but overused strategy and unfair to the habitat and Lake Fork Creek.

Please deny this application.

Sincerely,

Galen Shaver  
Judy Anderson  
Lake Fork, Idaho

## **Opposition of River Fork Ranch Subdivision**

**From:** Chuck Seubert [REDACTED]

**Sent:** Wednesday, March 6, 2024 3:32 PM

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

**Subject:** Opposition of River Fork Ranch Subdivision

I am in extreme opposition of the CUP 24-02 River Fork Subdivision off of Spink Lane. This high density housing subdivision absolutely does not meet development standards in that area.

1. This area has a large elk and deer migration route.
2. At least half of the proposed subdivision sits on wetlands and is surrounded by a year round irrigation ditch.
3. Millions of migratory birds, ducks, geese, blue heron and sandhill cranes rely on this area as their native habitat.
4. The water table is extremely high in this area which will create problems with septic systems and foundation requirements.
5. Noise pollution and high human activity will eliminate the peaceful, tranquil neighborhood and bring down home values.
6. Higher volume traffic on Spink lane and HWY 55 will make it very unsafe for travelers in that area.

I have lived on Morris Ranch Road for 25 years and this proposed subdivision borders my property. I respectfully oppose this subdivision which will not only impact surrounding properties but the natural wildlife we all enjoy.

Sincerely,

Chuck Seubert  
[REDACTED]



Jacqueline N. Walton  
Partner  
Phone 208.333.1111

March 6, 2024

VIA EMAIL  
VIA U.S. MAIL

Cynda Herrick, AICP, CFM  
Planning & Zoning Director  
PO Box 1350  
Cascade, ID 83611  
[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

**Re: Opposition to the Conditional Use Permit ("CUP") application no. 24-02 ("Application") of Lake Fork Ranch LLC ("Applicant") for the proposed River Fork Ranch Subdivision ("Proposed Development") for approximately 43.75 acres in Valley County, Idaho, Parcel No. RP17N03E227205 ("Property")**

Dear Ms. Herrick:

Our firm represents Harry Bettis ("Mr. Bettis"), owner of property adjacent to the Property, in opposition to the Application, which is scheduled to be heard by the Valley County Planning & Zoning Commission ("P&Z Commission") at a public hearing on March 14, 2024.

Specifically, Mr. Bettis owns Valley County, Idaho Parcel Nos. RP17N03E236605, RP17N03E236604 and RP17N03E270006 (collectively, the "Bettis Ranch"), which abut the entire eastern and southern property lines of the Property. The Bettis Ranch is used for beef cattle ranching.

Section 9-5-3(D) of the Valley County, Idaho ("County") Code of Ordinances ("Code") requires a CUP applicant to submit an impact report ("Impact Report") to the County. The Impact Report generally sets forth the numerous ways a proposal can affect a county's environmental, economic, and social health. Additionally, all submissions must be consistent with the County's Comprehensive Plan ("Plan"). Code §§ 10-1-5, 9-4-2 and 9-5-2.

Pursuant to Section 9-5H-7 of the Code, the P&Z Commission shall grant a CUP application when a preponderance of the evidence establishes the following:

1. The application and the proposed project is consistent with the Code;
2. The proposed project, by its compatibility rating, is shown not to have any unreasonable negative impacts on adjacent property if all the terms of the application and/or terms of applicable development agreements are satisfied; and

**Location**  
800 W. Main Street, Suite 1750  
Boise, ID 83702-7714

**Mailing Address**  
P.O. Box 2527  
Boise, ID 83701-2527

**Contact**  
[Redacted]  
[www.hollandhart.com](http://www.hollandhart.com)

Holland & Hart LLP Anchorage Aspen Billings Boise Boulder Cheyenne Denver Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

3. The proposed project will not place any unreasonable burden on the public infrastructure.

The Application does not provide evidence as to how the Proposed Development will adhere to above-mentioned standards. Given the concerns discussed below, the Proposed Development as currently presented cannot meet such standards. Based on the foregoing, Mr. Bettis requests that the Commission and the Valley County Board of County Commissioners (“Board”) deny the Application.

**1. The Application fails to acknowledge groundwater impacts.**

The Impact Report must address “[w]ater demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes.” Code § 9-5-3(D)(2)(f). It must also “[i]dentify existing groundwater and surface water quality and potential changes due to this proposal.”

The Application does not address most of these topics. For those matters it does address, the Applicant’s response is vague and insufficient. For example, the Application describes that the Proposed Development will be served by individual wells but provides no other details. The Application also does not include the Proposed Development’s plans to conserve groundwater resources and address ongoing drought concerns.

Attendees at the December 8, 2023 Neighborhood Meeting expressed concern that future wells will impact the viability of current wells. Dave Callister on behalf of the Applicant explained that wells will be drilled under the authority of the Idaho Department of Water Resources (“IDWR”) well drilling authorities and that this project was “ideally situated in a water rich basin along the Lake Fork Creek which is a year round aquafer contributor and that single family homes are typically not excessive water users.”

Section 10-1-5 of the Code requires that “all subdivisions of land and all dedications and vacations of streets shall be reviewed for compliance with the applicable policies and plans adopted by the board of county commissioners.” Mr. Callister’s broad statement is not enough to establish that the proposed development complies with the County’s Plan (revised November 26, 2018).

The Plan sets a goal to “[c]onserve and manage groundwater and all surface water in all its forms in order to prevent depletion or pollution.” Plan, at p. 17. To carry out these goals, the County must “[o]rient watershed management practices toward the improvement and maintenance of ground and surface water quality throughout Valley County.” *Id.*

The Applicant alleges that groundwater does not matter here because the area is in a “water rich basin.” But this position ignores the impacts that drought can have on all water users. Since



2021, the County has experienced periods of “exceptional drought,” “extreme drought,” and “severe drought.” Drought Conditions for Valley County, <https://www.drought.gov/states/idaho/county/Valley>, (last accessed March 5, 2024).

Category	Description	Possible Impacts
D0	Abnormally dry	Going into drought: short-term dryness slowing planting or growth of crops or pastures. Coming out of drought: some lingering water deficits; pastures or crops not fully recovered.
D1	Moderate drought	Some damage to crops or pastures; streams, reservoirs, or wells low; some water shortages developing or imminent; voluntary water use restrictions requested.
D2	Severe drought	Crop or pasture losses likely; water shortages common; water restrictions imposed.
D3	Extreme drought	Major crop/pasture losses; widespread water shortages or restrictions.
D4	Exceptional drought	Exceptional and widespread crop/pasture losses; shortages of water in reservoirs, streams, and wells, creating water emergencies.

*Figure 1 National Oceanic and Atmospheric Administration Drought Classifications*

Groundwater levels depend on recharge from precipitation infiltration. When surface waters and land suffer from drought, water levels below ground suffer as well. Domestic well pumping exacerbates this problem, contributing to a lowered water table and potentially even dry wells. Drought and Groundwater Levels, USGS, <https://www.usgs.gov/special-topics/water-science-school/science/drought-and-groundwater-levels#overview> (June 6, 2018).

The IDWR regulates well drillers through its well drilling licensing program, but IDWR retains almost no power to regulate groundwater users unless those users exceed the domestic well-water appropriation limits set by Idaho Code § 42-111. Section 42-111 allows homes to appropriate water up to 13,000 gallons per day, including irrigation of up to one-half acre of land. The Applicant’s materials provide no indication whether water use will be all domestic uses that are exempt from obtaining a water right.

The Proposed Development involves 30 residential lots, which may be developed into 30 single-family homes. Nine of these lots could be developed into duplex housing instead of single-family homes. These lots may have landscaping that could require well-water irrigation.

This area has already been adjudicated in the Snake River Basin Adjudication, but there is no indication in the Application what water or groundwater may still be available for appropriation in the basin. It is difficult, or even impossible, to determine what impacts the proposed subdivision may have on shared water supply without this information.

Therefore, until the Applicant provides additional information, the P&Z Commission and Board cannot confirm the Proposed Development's conformity with the Plan.

**2. The Application lacks information on proposed Mahala Ditch changes.**

As previously mentioned above, the Applicant is required in its Impact Report to identify water supply sources and potential changes. The Application discloses that the Mahala Ditch will be piped and rerouted. The Irrigation Plan for this development notes that the Applicant has "reached out to the irrigation district with no response." Before making changes to Mahala Ditch, the Applicant must demonstrate compliance with Idaho Code § 18-4308 which requires the Applicant to obtain written permission from the owner of a ditch before it is changed or placed in a buried pipe by the landowner. These materials do not make it clear whether the Applicant has obtained permission.

The Application materials also provide no details regarding the proposed pipeline size, grade, or screening to prevent clogs. The proposed jog in the pipeline could lead to obstructions. We also note that current pipeline proposal presents maintenance concerns, as the proposed pipeline runs through many private owners' property instead of a common-space easement. Without a full discussion of these matters, and without advice, insight, and permission from the irrigation district, the application is incomplete.

**3. The Application does not address particulate emissions to the air.**

Impact Reports must address particulate emissions existing and that may be added by proposed uses. Code §9-5-3-(D)(e). The Applicant's Impact Report notes that "[t]his factor is generally not application [sic]." Applicant's Impact Report, p. 2, ¶ 5. The response mentions septic systems only. The Applicant's Impact Report also notes that "[t]he site is very flat allowing for development to happen with minimal disturbances." *Id.* at p.3, ¶ 13. These responses fail to adequately consider dust emissions during and after construction. Spink Lane is gravel and the proposed roads will also be gravel. Gravel road networks generate road dust which can negatively impact human health.<sup>1</sup> Accordingly, the Applicant must provide an emissions inventory, or at

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<sup>1</sup> Khan RK, Strand MA. Road dust and its effect on human health: a literature review. *Epidemiol Health*. 2018 Apr 10;40:e2018013. doi: 10.4178/epih.e2018013. PMID: 29642653; PMCID: PMC5968206; *see also* United States Environmental Protection Agency, AP-42, *Compilation of Air Pollutant Emissions Factors from Stationary Sources*, Chapter 13.2.2 – Unpaved Roads,



least a qualitative estimate of dust/particulate matter contributions that the existing and proposed road network will generate.

The Applicant also fails to address how single-family homes create and contribute to air pollution. The County experiences low winter temperatures. Concentrated areas of new homes containing wood or pellet stoves can impair outdoor air quality through production of soot. The Applicant's response fails to address how these homes will be heated and if the source of heating will have air impacts.

**4. The Application package fails to illustrate how the proposed development conforms with the Plan's goals to protect fish and wildlife.**

Goal III of the 2018 Plan is "to protect fish and wildlife as natural resources of critical importance in Valley County." Plan, at 18. To this end, the County encourages "preservation, protection, and enhancement of wildlife and fish" and "preservation of open space buffers adjacent to rivers and creeks for wildlife and fish habitat." Given the Proposed Development's proximity to Lake Fork Creek, the Applicant must provide a more comprehensive response. The CUP Narrative notes that the Property is about 85% forested. Given the lack of information provided by the Applicant regarding fish and wildlife species, neither the P&Z Commission nor the Board could reasonably determine that this proposed development complies with the 2018 Plan's fish and wildlife-based goals.

We also note that the County is habitat to several species listed as threatened under the Endangered Species Act, including bull trout, the northern Idaho ground squirrel, the Canada lynx, and whitebark pine. Other species in decline also call this area home including the Monarch butterfly, the gray wolf, and the little brown bat. U.S. Fish & Wildlife Service, Listed species believed to or known to occur in Valley, Idaho, <https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=16085> (last accessed March 5, 2024). Application fails to provide materials demonstrating that threatened species will not be subject to Endangered Species Act "take" and what mitigation efforts the Applicant plans to take to reduce impacts to species.

**5. The Application provides conflicting information on potential wetlands.**

The Application also provides conflicting information on the existence of wetlands near Lake Fork Creek. Exhibit A mentions that Lot 11c has "wet areas." Exhibit A, Narrative, at p. 2, ¶ 5. The Applicant's Impact Report notes that "[t]here are no designated wetlands in River Fork Ranch." Given the Proposed Development's proximity to Lake Fork Creek and the Property's current 85% forested condition, we would like to see a more detailed description and consideration of wetlands and habitat mitigation. Without more information, the P&Z Commission and Board

cannot confirm that this Proposed Development will conform with the federal Clean Water Act's dredge and fill permitting requirements.

**6. Unavailable materials render the Application incomplete.**

We note that many of the required answers of the Applicant's Impact Report are incomplete or missing. Besides the missing information noted here and above, the Application also mentions, but does not include several important environmental documents. For example, a grading, drainage, and stormwater management plan and stormwater pollution prevention plan are mentioned in the Impact Report but both are missing from the package provided to the public. These missing materials render the Application incomplete. Without these documents, the P&Z Commission and Board cannot reasonably determine whether the Application and Proposed Development conform with Section 9-5-3 of the Code's required Impact Reports, the Plan, or the Valley County Ground Water Quality Improvement and Drinking Water Source Protection Plan.

**7. The Application is deficient because it does not consider agriculture.**

Another Impact Report requirement as set forth in Section 9-5-3(D)(2)(m) of the Code requires the Applicant to provide "[r]easons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character." The Applicant provides that "[t]he property does not have irrigation water rights and has not historically been ranched or used for agricultural purposes." This response does not address the current rural nature of the Property and fails to explain how the Proposed Development – a residential subdivision - is compatible with the current surrounding uses consisting of grazing land, outdoor recreation, and open space.

9-4-2 codifies important pieces of the Comprehensive Plan as follows:

The comprehensive plan states that "planning be instituted to preserve the open characteristics and scenic beauty of the county," and an objective stated therein is to "preserve agricultural land for farming and allow nonfarm development in rural areas only when it does not interfere with the productive and profitable level of agriculture."

Ordinance 9-4-2 (punctuation in original).

The Proposed Development could negatively impact nearby ranching and grazing operations without proper mitigation measures. American Farmland Trust warns,

"Idahoans will pave over, fragment, or compromise **113,075** acres of farmland and ranchland between now and 2040. That's the equivalent of losing **718** farms and ranches,



**\$72 million** in annual agriculture output, and **1,513 jobs** based on county averages. Eighty-three percent of the conversion will occur on Idaho's best land."

American Farmland Trust, Idaho Program (last visited on March 6, 2024), <https://farmland.org/idaho/#:~:text=Assuming%20business%20as%20usual%2C%20Idahoans,jobs%20based%20on%20county%20averages> (emphasis in original).

Aside from the community's permanent loss of open space, Mr. Bettis's ranching operation will also suffer. Increased traffic, human presence, and noise will negatively impact and interfere with Bettis Ranch's current operations. At a minimum, the Applicant should demonstrate how it plans to mitigate these negative impacts before the P&Z Commission and Board consider approval of the Application.

**8. The Application is silent on fencing requirements to protect nearby animal grazing.**

Section 9-5A-5(F) of the Code establishes that,

Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining landowner, or other form acceptable to the commission *prior to approval of the permit* so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

The Application is silent on how fencing will be maintained to protect the adjacent Bettis Ranch ranching operation from the Applicant's Proposed Development. Accordingly, without such proposal and assurance to adjoining landowners, the P&Z Commission and Board should deny the Application.

**9. Applicant's Impact Report does not sufficiently address the impact on housing affordability.**

The Applicant's Impact Report must address "[p]rovision for the mitigation of impacts on housing affordability." Code § 9-5-3(D)(2)(b). The Applicant's only proposal for housing affordability is that residential lots 23-31 may be duplex homes or single family, which may provide more access to affordable housing opportunities if duplexes are built. However, short-term rentals are permitted under the proposed restrictive covenants and any duplexes that may be built will benefit investors to the detriment of permanent residents with affordable housing needs. Short-term rentals actively remove housing stock that could be used for permanent residents and constrain housing affordability.

The Application also fails to provide a range of sale prices for these dwelling units so it is impossible to evaluate what kind of impact the development would have on affordable housing. Thus., the Application is incomplete because the Applicant does not meaningfully address affordable housing considerations and many of the stated proposals run contrary to mitigating these factors.

Based on the foregoing, Mr. Bettis respectfully requests that the P&Z Commission and Board deny the Application at this time.

Very truly yours,

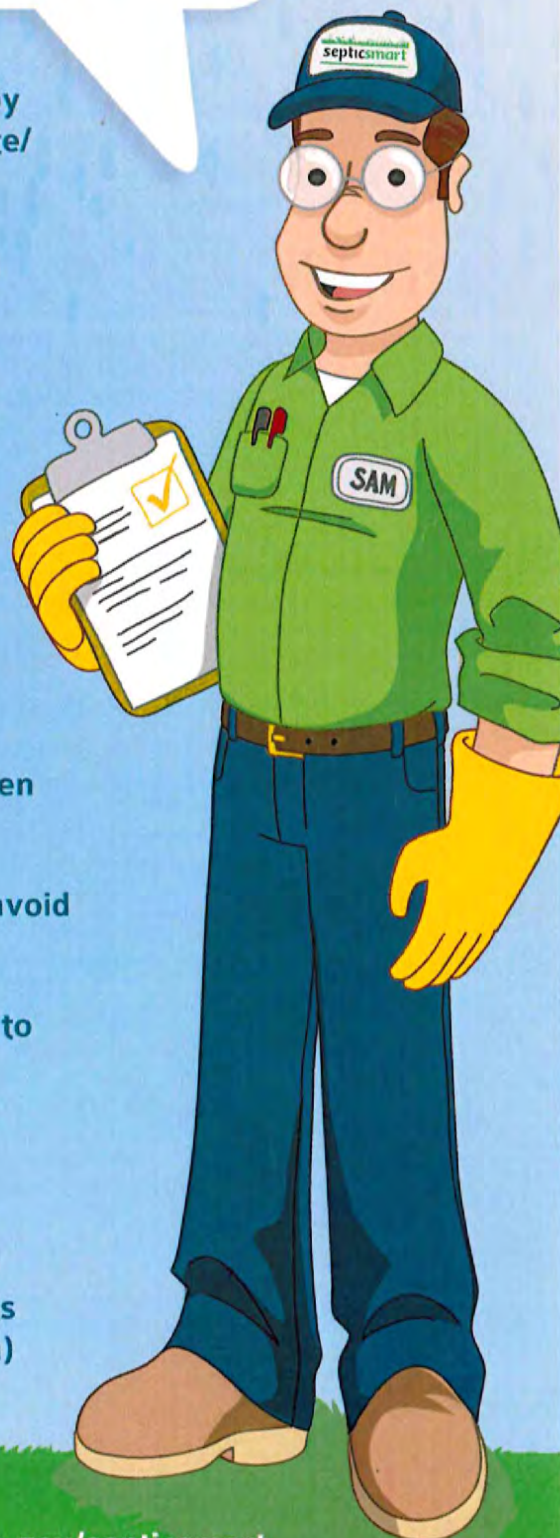
/s/ Jacqueline N. Walton

Jacqueline N. Walton  
Partner  
of Holland & Hart LLP



# Top 10 Ways to Be a Good Septic Owner

- ✓ Have your system inspected every three years by a qualified professional or according to your state/ local health department's recommendations
- ✓ Have your septic tank pumped, when necessary, generally every three to five years
- ✓ Avoid pouring harsh products (e.g., oils, grease, chemicals, paint, medications) down the drain
- ✓ Discard non-degradable products in the trash (e.g., floss, disposable wipes, cat litter) instead of flushing them
- ✓ Keep cars and heavy vehicles parked away from the drainfield and tank
- ✓ Follow the system manufacturer's directions when using septic tank cleaners and additives
- ✓ Repair leaks and use water efficient fixtures to avoid overloading the system
- ✓ Maintain plants and vegetation near the system to ensure roots do not block drains
- ✓ Use soaps and detergents that are low-suds, biodegradable, and low- or phosphate-free
- ✓ Prevent system freezing during cold weather by inspecting and insulating vulnerable system parts (e.g., the inspection pipe and soil treatment area)





# **A Homeowner's Guide to Septic Systems**



**Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706**

**January 2001**



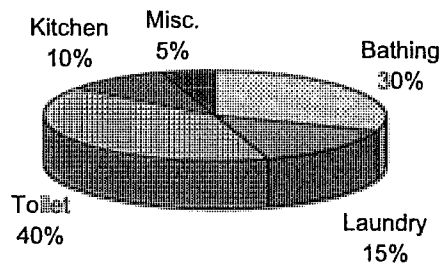


**D**o you have a home septic system? As an Idaho resident, there is a good chance you do—thirty-six percent of Idaho's homes, or about 210,000 residences, use septic systems to treat their sewage. These systems discharge more than 53 million gallons of wastewater into Idaho's soils annually, and this figure grows each year. In 1999, Idaho's seven health districts issued over 6,100 permits for new septic systems.

Septic systems dispose of household sewage, or wastewater, generated from toilet use, bathing, laundry, and kitchen and cleaning activities. Because septic systems are underground and seldom require daily care, many homeowners rarely think about routine operations and maintenance. However, if a septic system is not properly designed, located, constructed, and maintained, groundwater may become contaminated.

## **Household Wastewater**

Households that are not served by public sewers depend on septic tank systems to treat and dispose of wastewater. Household wastewater carries with it all wastes that go down the drains in our homes, including human waste, dirt, food, toilet paper, soap, detergents, and cleaning products. It contains dissolved nutrients, household chemicals, grease, oil, microorganisms (including some that cause disease), and solid particles. If not properly treated by your septic system, chemicals and microorganisms in wastewater can travel through the soil to groundwater and pose a health hazard.



The average person uses between 50 and 75 gallons of water per day; mostly in the bathroom. Reducing your water use will help your septic system to work more efficiently.

## **Your Septic System**

A conventional septic system has three working parts: a septic tank, a drainfield, and surrounding soil.

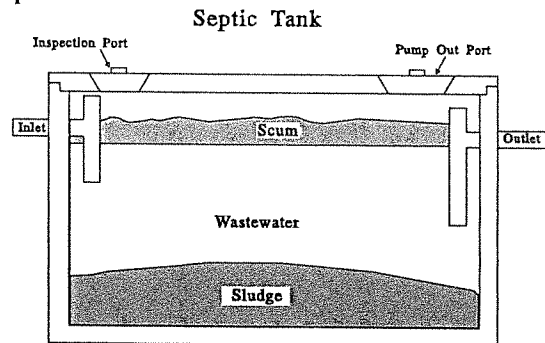
### **Septic Tank**

Septic tanks can be made of concrete, fiberglass, or plastic and must be approved by the state. Minimum sizes of tanks have been established for residences based on the number of bedrooms in the dwelling. In Idaho, a 1,000-gallon septic tank is required for homes with three or four bedrooms. Larger tanks are required for larger homes. Local district health departments issue permits for septic systems and specify the minimum size tank. Some systems installed before the current rules and regulations may have smaller septic tanks.

A septic tank has three main functions:

- to remove as many solids as possible from household wastewater before sending the liquid, called “effluent,” to a drainfield;
- to decompose solids in the tank; and
- to store solids that do not decompose.

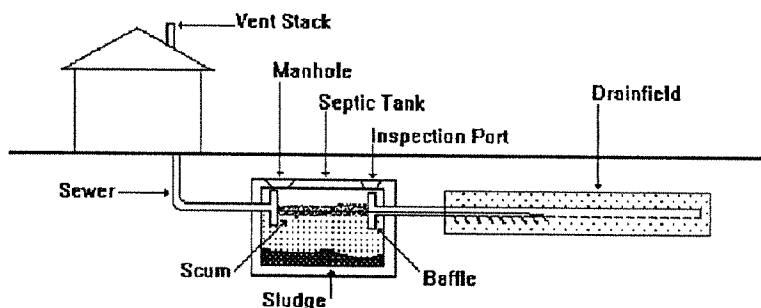
When raw wastewater enters the tank, heavy solids sink to the bottom of the tank as sludge. Light solids, such as grease and paper, float to the surface as scum. During the wastewater storage period, bacteria digest organic material in the wastewater. During this process, the solid material is reduced in volume and composition. Solids that do not decompose accumulate in the tank and eventually must be pumped out.



Tees, or baffles, are provided at the tank's inlet and outlet pipes. The inlet tee slows the incoming wastes and reduces disturbance of the settled sludge. The outlet tee keeps the solids and scum in the tank. As new wastewater enters the tank through the inlet tee, an equal amount of wastewater is pushed out of the tank through the outlet tee. The effluent that leaves the tank has been partially treated but still contains disease-causing bacteria and other pollutants.

### **Drainfield**

Each time raw wastewater enters the tank it forces an equal amount of effluent into a drainfield. A standard drainfield is composed of a series of perforated pipes buried in gravel-filled trenches in the soil. The effluent seeps out of the perforated pipes and percolates through the gravel to the soil.



### **Soil**

The soil below the drainfield provides the final treatment and disposal of the septic tank effluent. After the effluent has passed into the soil, most of it percolates downward and outward, eventually entering the groundwater. Soils are critical to the treatment of septic tank wastewater.

A system that is not functioning properly will release nutrient-rich and bacterial-laden wastewater into the groundwater and/or surface water. These contaminated waters pose a significant public health threat to people that come into contact with them. Wastewater that moves with groundwater can transport bacteria considerable distances. This can result in a threat to public health and adversely affect the quality of ground and surface waters.

## **Caring for Your Septic System**

### **Installing Your System**

In order to have a septic system installed on your property, you must first obtain a permit. Permit applications are available from your local district health department. Next, you must have a site evaluation performed. Make arrangements for this with your district health department and with a licensed septic system installer. Note that not all property is suitable for septic systems, so some permits may be denied. It is recommended that you have a site evaluation performed before you purchase property. Finally, have your system installed by a licensed installer and inspected by your local health district. Provide regular, preventative, maintenance to keep your system running smoothly.

### **Inspecting Your System**

When too much sludge and scum are allowed to accumulate in your tank, the incoming sewage will not have enough time in the septic tank for solids to settle. Solids may flow to the drainfield and clog the pipes, causing the sewage to overflow to the ground surface, where it exposes humans and animals to disease-causing organisms. To prevent this from happening, it is very important to inspect your tank regularly and have it serviced when needed. All tanks have accessible manholes for inspecting and pumping. Some excavation work may be needed to uncover the manhole.

Properly designed tanks should have enough capacity for three to eight years of use before needing service. This is dependent upon the amount of wastewater generated. It is recommended that an average family of four have its septic tank pumped out every three to five years. Don't wait for signs of system failure to have your tank pumped. Your tank should be checked annually to measure sludge and scum levels. A licensed septic tank pumper can provide a septic tank inspection and recommend when the tank should be pumped. A tank inspection should include measuring the depth of scum and sludge and inspecting the tees in the septic tank.

If you do the inspection yourself, it is important to understand that septic tanks always appear full because both the inlet and the outlet are at the top of the tank. What you will need to know is how much of the tank's volume is being taken up by scum and sludge. When sludge and scum take up more than 35 percent of the tank volume, these solids need to be removed by pumping. A pole wrapped in a coarse weave cloth can be used to check the sludge depth. An extension on the pole can be used to measure the scum depth. Record these measurements as part of your pumping records. To check the tees, uncover the inspection ports.

Never allow anyone to enter your septic tank. Dangerous gases and the lack of oxygen can kill in minutes.

While it is impractical to inspect the pipes in your drainfield, it is important to watch for drainfield failure or overuse. See "Warning Signs of System Failure" in this booklet for information.

### **Maintaining Your System**

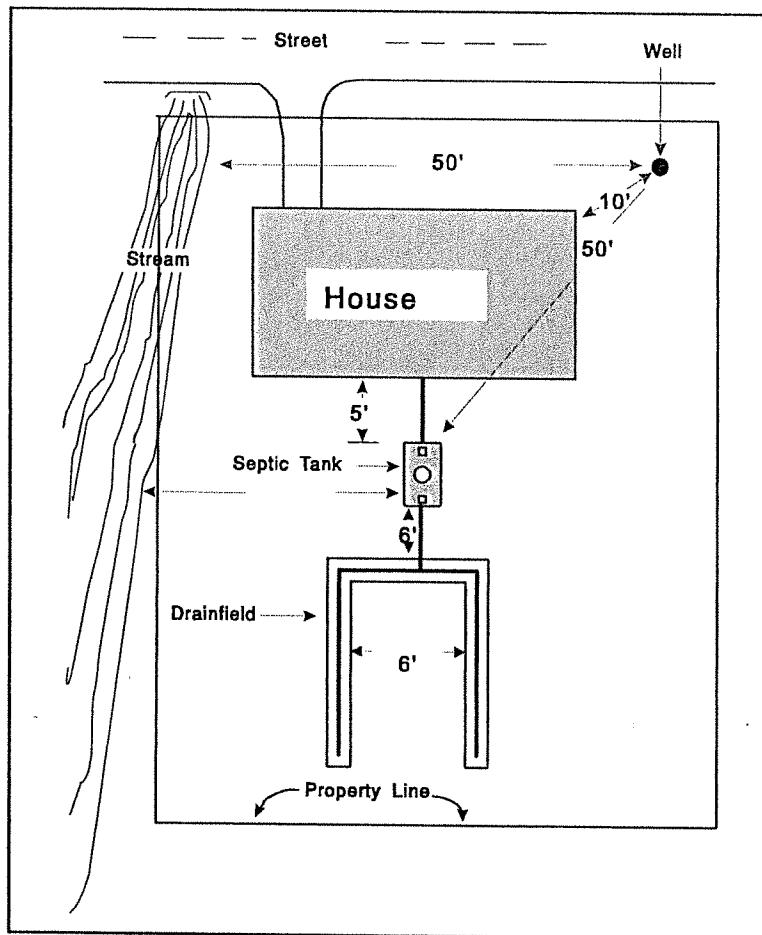
Pumping your septic tank every three years (or as determined by your inspections) will remove accumulations of solids, help keep the drainfield from becoming clogged, and help prevent you from experiencing sewage backups or septic system failure. An accumulation of sludge exceeding 35% of the total water depth in the septic tank could cause solids to enter the drainfield and clog the system. Hire a licensed septic tank pumper to pump your tank for you.

### **Mapping Your System**

In order to take proper care of your septic system, you must know the location of the septic tank and drainfield. The location of your septic tank can be determined from plot plans, septic system inspection records, architectural or landscape drawings, or from observations of the house plumbing. If you do not have access to drawings, find where the sewer pipe leaves your house. Some installers mark the location where the waste pipe comes out of the house with an "S" on the foundation. You may want to do this as well. Probe in the ground 10 to 15 feet directly out from the location where the pipe leaves your house to find your tank.

Once the septic tank has been located, make several plot plan diagrams (with measurements) that include a rough sketch of your house, septic tank cover, drainfield area, well, and any other permanent reference points (such as trees or large rocks) and place them with your important papers. You'll find a sample system diagram on the next page, and a place to draw your own inside the front cover of this booklet. You may also want to hang a diagram in your garage and provide one to your local district health office.

Maintain a permanent record of any septic system maintenance, repair, sludge and scum levels, pumping, drainfield condition, household backups, and operations notes.



**Create a septic system diagram, similar to this one, for your system.**



## **Warning Signs of System Failure**

While proper use, inspections, and maintenance should prevent most septic tank problems, it is still important to be aware of changes in your septic system and to act immediately if you suspect a system failure. There are many signs of septic system failure:

- surfacing sewage or wet spots in the drainfield area;
- plumbing or septic tank backups;
- slow draining fixtures;
- gurgling sounds in the plumbing system;
- sewage odors in the house or yard (note that the house plumbing vent on the roof will emit sewage odors and this is normal); and
- tests showing the presence of bacteria in well water.

If you notice any of these signs, or if you suspect your septic tank system may be having problems, contact a licensed septic system professional or your local district health agency for assistance.

## **Septic System Dos and Don'ts**

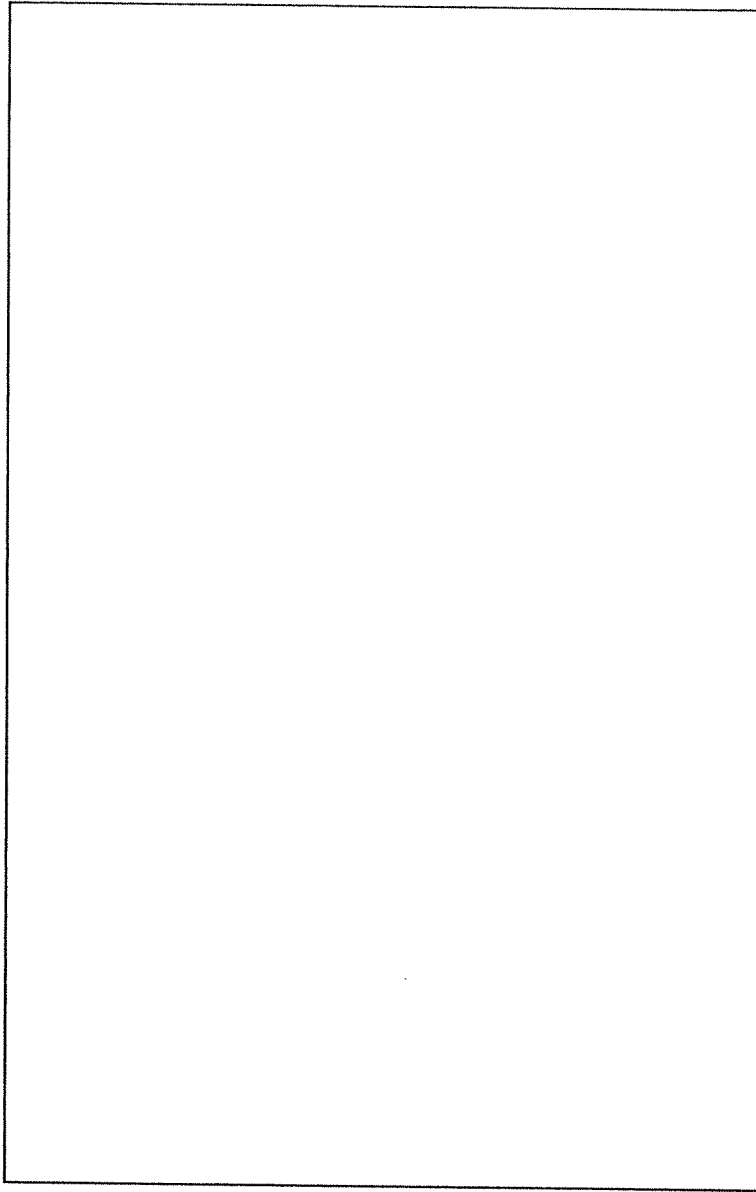
Proper operation of a septic system can prevent costly repairs or replacement. Observing the following guidelines will help to keep your system running efficiently.

### **Do**

- ...practice water conservation. The more wastewater you produce, the more wastewater your system must treat and dispose. By reducing and balancing your use, you can extend the life of your system and avoid costly repairs.
  - Use water saving devices such as low flow showerheads.
  - Repair leaky faucets and plumbing fixtures immediately.
  - Reduce toilet reservoir volume or flow.
  - Take short showers.
  - Take baths with a partially filled tub.
  - Wash only full loads of dishes and laundry.
  - Shut off the water while shaving or brushing your teeth.
  - Balance your water use (e.g., avoid washing several loads of laundry in one day).
- ...keep accurate records. Know where your septic tank is, keep a diagram of its location using the space provided in this booklet, and keep a record of system maintenance.
- ...inspect your system annually. Check the sludge and scum levels inside the tank and periodically check the drainfield for odors, wet spots, or surfacing sewage.
- ...pump your system routinely. Pumping your septic tank is probably the single most important thing you can do to protect your system.
- ...keep all runoff away from your system. Water from roofs and driveways should be diverted away from the septic tank and drainfield area. Soil over your system should be mounded slightly to encourage runoff.
- ...protect your system from damage. Keep vehicles and livestock off your drainfield. The pressure can compact the soil or damage the pipes. Before you dig for any reason, check the location of your system and drainfield area.
- ...landscape your system properly. Plant grass over the drainfield area. Don't plant trees or shrubs or place impermeable materials, such as concrete or plastic, over the drainfield.
- ...use cleaning chemicals in moderation and only according to manufacturer's directions.

## **Don't**

- ...flood irrigate over your system or drainfield area. The best way to irrigate these areas is with sprinklers.
- ...use caustic drain openers for clogged drains. Use boiling water or a drain snake to clean out clogs.
- ...enter a septic tank. Poisonous gases or a lack of oxygen can be fatal.
- ...use septic tank additives. They are not necessary for the proper functioning of your tank and they do not reduce the need for pumping. In fact, some additives can even harm your system.
- ...flush harmful materials into your tank. Grease, cooking oil, coffee grounds, sanitary napkins, and cigarettes do not easily decompose in septic tanks. Chemicals, such as solvents, oils, paints, and pesticides, are harmful to your systems operation and may pollute groundwater.
- ...use a garbage disposal. Using a garbage disposal will increase the amount of solids entering the septic tank and will result in the need for more frequent pumping.



**Map your septic system here**

## **For More Information**

If you need to obtain a permit for a new or replacement septic system, or if you have questions about septic systems and their operation and maintenance, please contact your local health district.

Panhandle District Health Department  
8500 N. Atlas Road  
Hayden, ID 83835  
208-415-5100

North Central District Health Department  
215 10<sup>th</sup> Street  
Lewiston, ID 83501  
208-799-0353

Southwest District Health Department  
920 Main Street  
Caldwell, ID 83605  
208-455-5400

Central District Health Department  
707 N. Armstrong Place  
Boise, ID 83704  
208-327-7499

South Central District Health Department  
1020 Washington Street North  
Twin Falls, ID 83303  
208-734-5900

Southeastern District Health Department  
1901 Alvin Ricken Drive  
Pocatello, ID 83201  
208-239-5270

District 7 Health Department  
254 "E" Street  
Idaho Falls, ID 83402  
208-523-5382





**Valley Soil & Water Conservation District**

P.O. Box 580  
Cascade, Idaho 83611  
Phone: (208) 382-3317

March 7, 2024

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

**RE: C.U.P. 24-02 River Fork Ranch Subdivision - Preliminary Plat**

Dear Commissioners,

Valley Soil and Water Conservation District has significant concerns regarding CUP 24-02 River Fork Ranch Subdivision – Preliminary Plat, on the March 14, 2024, Valley County Planning and Zoning Commission Agenda.

This development, as planned, has potential to further impair water quality for Lake Fork Creek (listed as a 305(b) stream for not meeting the beneficial use for cold water aquatic life) and Cascade Lake, where TMDL goals for total phosphorus, pH, and chlorophyll-a targets are not being met. The concern is the number of proposed individual septic systems (full build out is listed as 30). Septic systems do not remove the primary water quality limiting nutrients such as nitrogen and phosphorus. As IDEQ Septic Technical Guidance Manual states “Septic tank effluent contains both nitrogen and phosphorus, which are nutrients that pose a eutrophication threat to surface water”.

The development is located on a bench about 50 feet above Lake Fork Creek, and the distance from the stream to the septic systems ranges from 600 to 1800 feet. The USDA NRCS Web Survey determined that the 2 primary soil types underlying the development are Archibald loam (soil survey #2) and Donnel Sandy loam (#16), which both soil types consist of coarse sandy loam soil at depths from 20 to 60 inches. The Soil Web Survey gives both soil types the rating of “very limited” in the Septic Tank Absorption Fields table (see attached documents) when any septic systems installed on this ground would be underlain by porous sand and gravel.

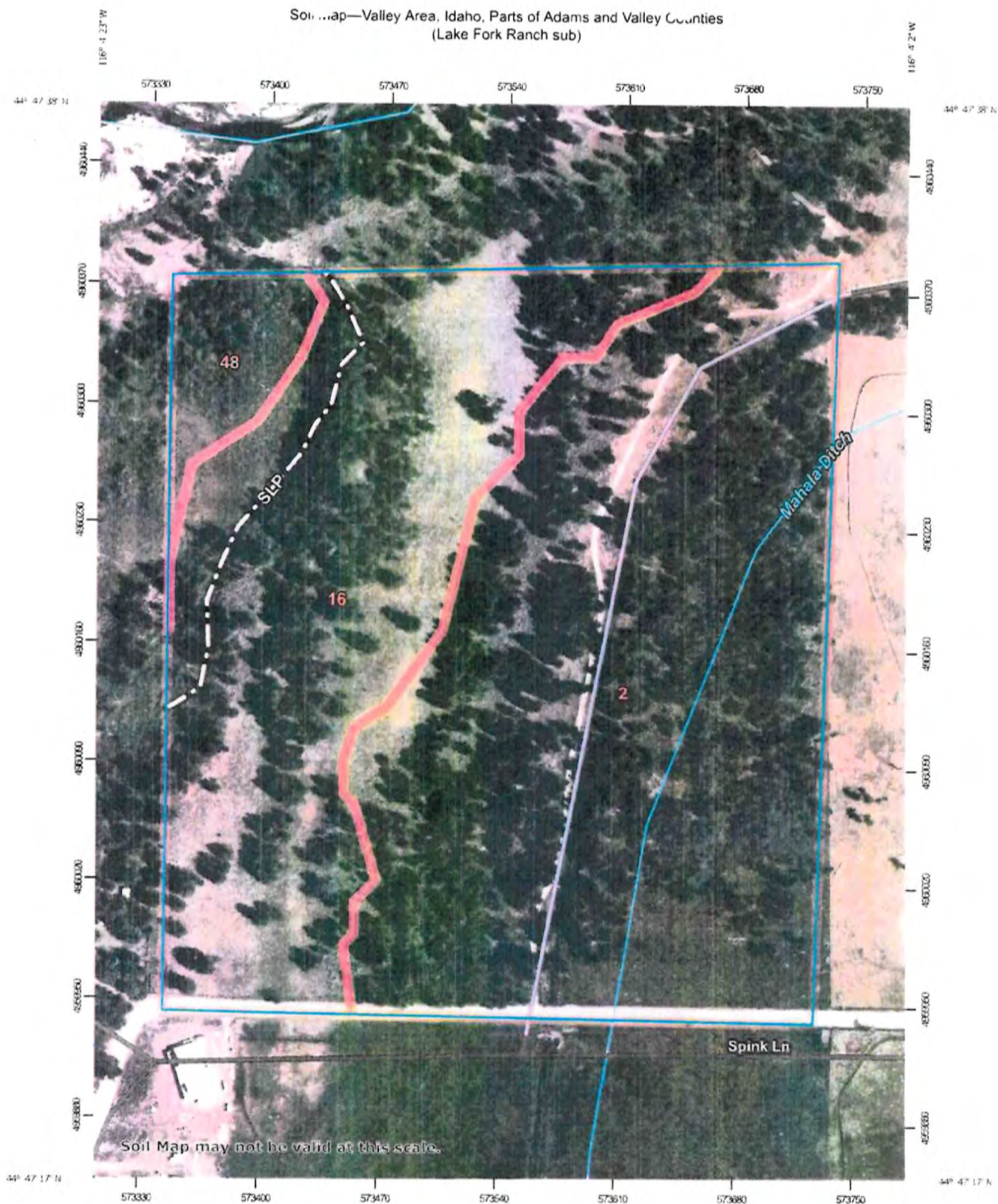
Valley County Waterways Management Plan states as a Priority Strategy to “Work with central District Health to ensure septic systems are maintained and are not built adjacent to waterways” (Pg 62, NF 1h). The above conditions set the scene for nutrient laden septic drainage to enter the waterways and further degrade the water quality of Lake Fork Creek and Lake Cascade. We highly recommend the use of Best Management Practices of long-term treatment technology as approved in the TGM, an Extended Treatment Package, approach by the Developer that would remove nutrient waste rather than short life-span septic systems that will only further degrade water quality in currently impaired Lake Fork Creek and Lake Cascade.

Respectfully,  
Valley Soil & Water Conservation District Board of Supervisors  
Art Troutner, Bill Leaf, Colt Brown, Judy Anderson





Soil Map—Valley Area, Idaho, Parts of Adams and Valley Counties  
(Lake Fork Ranch sub)



## Valley Area, Idaho, Parts of Adams and Valley Counties

### 2—Archabal loam, 2 to 4 percent slopes

#### Map Unit Setting

*National map unit symbol:* 55dp

*Elevation:* 4,800 to 5,000 feet

*Mean annual precipitation:* 22 to 24 inches

*Mean annual air temperature:* 36 to 45 degrees F

*Frost-free period:* 60 to 80 days

*Farmland classification:* Farmland of statewide importance, if irrigated

#### Map Unit Composition

*Archabal and similar soils:* 80 percent

*Minor components:* 5 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Archabal

##### Setting

*Landform:* Fan remnants

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed alluvium

##### Typical profile

*A - 0 to 14 inches:* loam

*Bt1 - 14 to 31 inches:* loam

*Bt2 - 31 to 52 inches:* coarse sandy loam

*C - 52 to 60 inches:* coarse sand

##### Properties and qualities

*Slope:* 2 to 4 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water*

*(Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water supply, 0 to 60 inches:* Moderate (about 8.7 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 6c

*Land capability classification (nonirrigated):* 6c

*Hydrologic Soil Group:* B

*Ecological site:* R043BY003ID - Loamy 22+ PZ FEID-PSSPS

*Hydric soil rating:* No



## ENG - Engineering

Septic tank absorption fields are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 and 60 inches is evaluated. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health. Saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Stones and boulders, ice, and bedrock or a cemented pan interfere with installation. Subsidence interferes with installation and maintenance. Excessive slope may cause lateral seepage and surfacing of the effluent in downslope areas.

Some soils are underlain by loose sand and gravel or fractured bedrock at a depth of less than 4 feet below the distribution lines. In these soils the absorption field may not adequately filter the effluent, particularly when the system is new. As a result, the ground water may become contaminated.

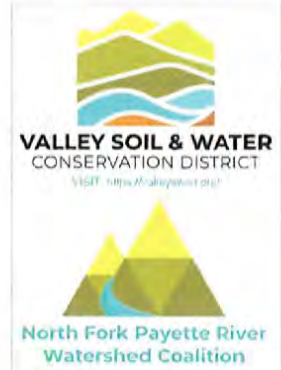
The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

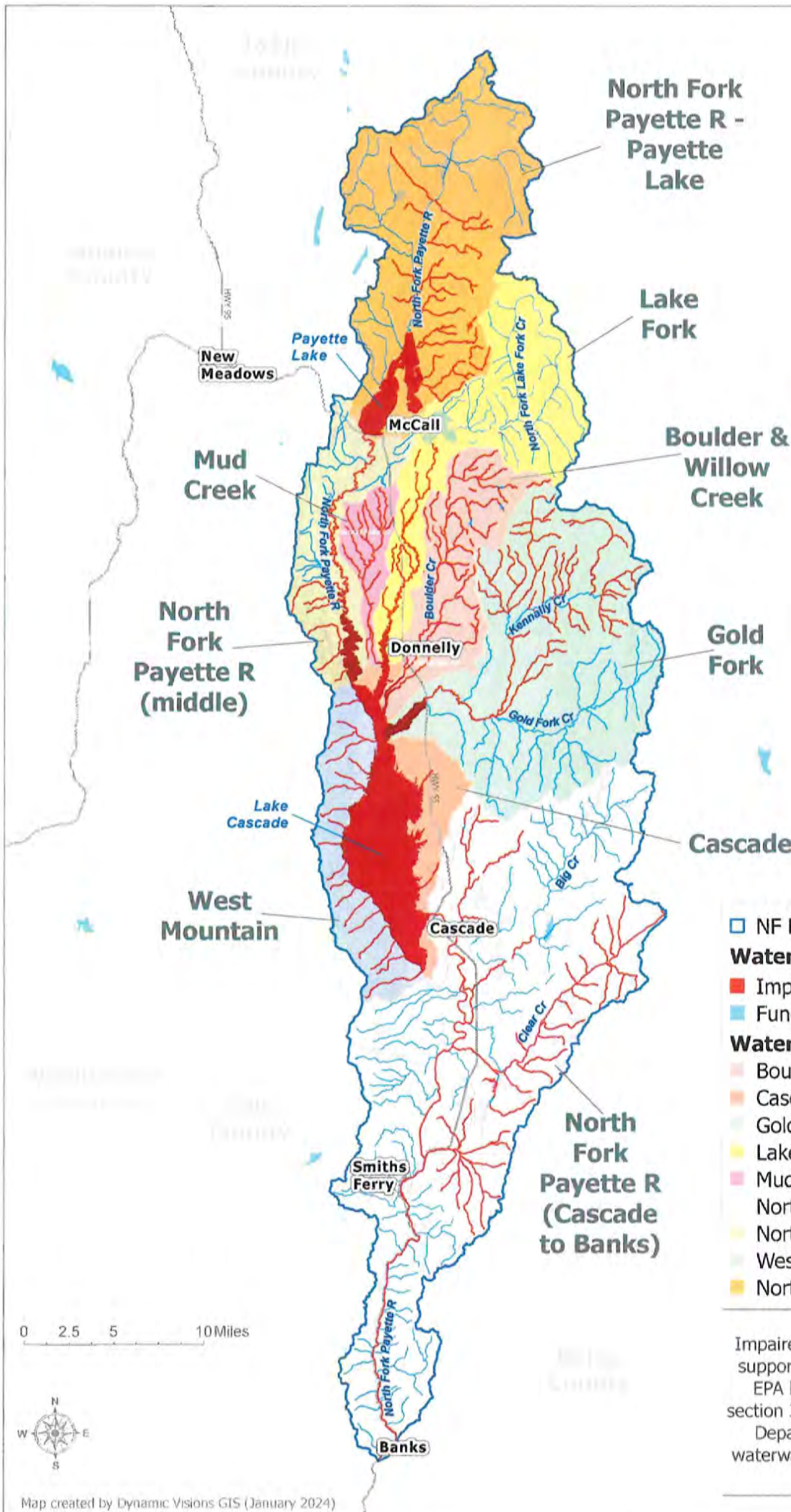
Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.





# WATERWAY CONDITIONS

## North Fork Payette River Subbasin



□ NF Payette R Subbasin

### Waterway Condition

- Impaired
- Functioning

### Water Body/Assessment Unit

- Boulder & Willow Creek
- Cascade
- Gold Fork
- Lake Fork
- Mud Creek
- North Fork Payette R (Cascade to Banks)
- North Fork Payette R (middle)
- West Mountain
- North Fork Payette R - Payette Lake

Impaired Waterways<sup>1</sup> are those identified as non-supporting the designated beneficial uses by the EPA based on lakes and streams listed under section 305(b) of the Clean Water Act by the Idaho Department of Environmental Quality. Many waterways are monitored every other year to stay current.