

Cynda Herrick, AICP, CFM VALLEY COUNTY IDAHO

PO Box 1350 219 North Main Street Cascade, Idaho 83611

Planning & Zoning Administrator Floodplain Coordinator

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STAFF REPORT

Conditional Use Permit Application 20-30 30 Willow Creek Vista Multiple Residence

HEARING DATE:

November 12, 2020

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM

APPLICANT:

Willow Creek Vista LLC

11811 N Tatum BLVD STE 1060

Phoenix AZ 85028

REPRESENTATIVE:

Steve Simpson 8420 E Sage DR

Scottsdale AZ 85250

OWNER:

Willow Creek Vista LLC

42048 N Stone Cutter DR

Scottsdale AZ 85262

LOCATION/SIZE:

TBD Finlandia Road

Sec. 6, T.16N R.4E, Boise Meridian, Valley County, Idaho.

337-acre site

REQUEST:

Multiple Residences on One Parcel

EXISTING LAND USE:

Agricultural (Grazing and Timber)

BACKGROUND:

Willow Creek Vista LLC is requesting a conditional use permit for five residential structures on one parcel. These will consist of a 6-bedroom bunkhouse; three homes; and a family pavilion for social gatherings, meal preparation, and vehicle storage. The structures will be between 3000 and 7000 sqft in size.

Construction is expected to take two years. Wells and septic systems are proposed.

This is a private family project and will not be used in any other manner than as a retreat for the family and operation of the property as a cattle ranch and timber management operation.

The property is approximately 337 acres and consists of RP16N04E066605, RP16N04E066011, RP16N04E066771, RP16N04E068406, and RP16N04E064805.

The homes will be accessed from Finlandia Road, a public road. A shared driveway would be used to access the various buildings.

FINDINGS:

- 1. Application was made to Planning and Zoning on October 2, 2020.
- 2. Legal notice was posted in the *Star News* on October 22, and October 29, 2020. Potentially affected agencies were notified on October 13, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent October 14, 2020. The site was posted on October 22, 2020. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on October 13, 2020.
- 3. Agency comment received:

Central District Health stated that a separate septic application will need to be submitted for each proposed dwelling structure as well as the pavilion if wastewater will be generated from the site. (October 13, 2020)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Oct. 23, 2020)

4. Neighbor comments received:

Stephanie Nelson, who lives on access route, Donnelly, ID, responded by letter dated November 4, 2020, with the following comments:

- Generally supportive.
- Titus LN is a gravel base county road that is reasonably maintained by the county for residential use. However, the increased truck traffic is deteriorating the road and stirring up dust. The lowboy that went by on November 3 literally shook the house.
- The increased construction traffic decreases the safety for pedestrians and horseback riders.
- The contractors are speeding.
- Family should consider voluntarily creating a Wildland Urban Interface Fire Protection Plan so as to possible properly landscape and build fire resistant types of structures.
- Will this property be used as AirBnB, VRBO, event centers or even extended family and friends?
- 5. Physical characteristics of the site: Varying topography with some steep grades.
- 6. The surrounding land use and zoning includes:

North: Single Family Residential and Agriculture (Timber)

South: Single Family Residential and Agriculture (Grazing & Timber)

East: Agriculture (Timber)
West: Agriculture (Grazing)

- 7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:
 - 2. Residential Uses (j) Multiple Residences on One Parcel

Review of Title 9, Chapter 5 Conditional Uses should be done.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +15.

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

Staff Questions/Comments:

- 1. Is there any association to the Legacy Ranch in Arizona?
- 2. Will any of the homes or property be rented out or used for corporate retreats?
- 3. Have you considered using fire resistant materials for the homes?
- 4. Have you considered doing a Wildland Urban Interface Fire Protection Plan?
- 5. What are the water sources on-site to fight fire?
- 6. What is the grade of the driveway? Can fire trucks and emergency vehicles access the building sites?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff's Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Site Plan
- Picture taken October 22, 2020
- Responses

Conditions of Approval

- 1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
- 2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
- 3. The use shall be established by December 31, 2022, or a permit extension will be required.
- 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. Must comply with Central District Health requirements.
- 5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
- 6. Shall clearly post the address(es) at the driveway entrance, at any intersections within the property, and on the buildings.
- 7. Recommend the applicant participate with the Valley County Road Department to fix and maintain the county road to the site during construction.
- 8. Recommend the applicant prepare a Wildland Urban Interface Protection Plan in collaboration with the Donnelly Fire Department.

END OF STAFF REPORT

Compatibility Questions and Evaluation

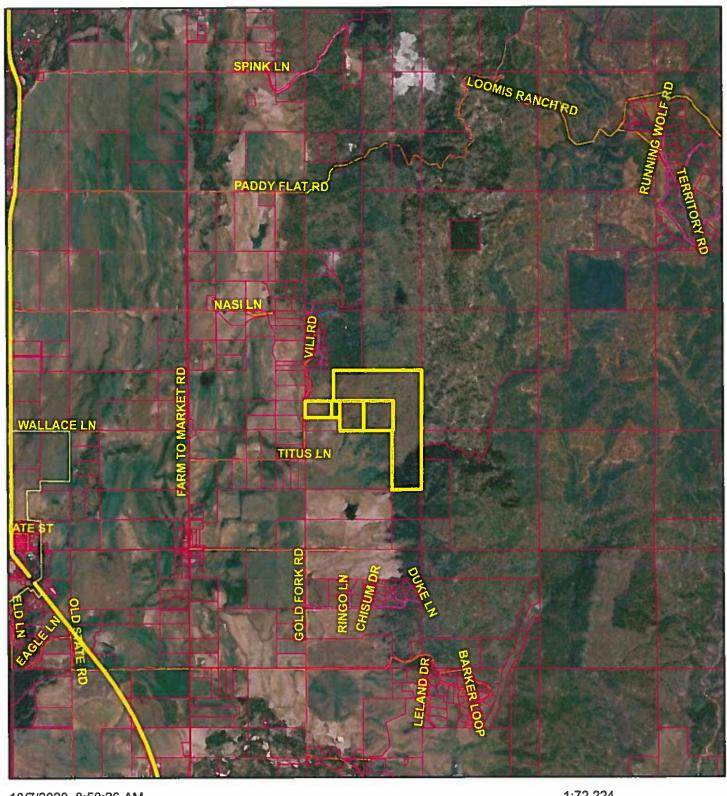
Matrix Line # / Use:	Frepared by: CH
Response YES/NO X Value	Frepared by:
(+2/-2) <u>-2</u> x 4 <u>-8</u>	1. Is the proposed use compatible with the dominant adjacent land use?
(+2/-2) <u>+/</u> x 2 <u>+2</u>	2. Is the proposed use compatible with the other adjacent land uses (total and average)? Set Saldivision
(+2/-2) <u>-/</u> X 1/	3. Is the proposed use generally compatible with the overall land use in the local vicinity?
(+2/-2) <u>+2</u> x 3 <u>+6</u>	Site Specific Evaluation (Impacts and Proposed Mitigation) 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? Yes - large T timbered
(+2/-2) <u>+2</u> x 1 <u>+2</u>	5. Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones? Yes - S.E. Residential
(+2/-2) <u>+2</u> x 2 <u>+4</u>	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, onsite roads, or access roads?
(+2/-2) <u>+2</u> x 2 <u>+4</u>	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? Was - no compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming or emission of any resource or substance compatible with the consuming of the consuming of the consuming or emission of the consuming of th
(+2/-2) <u>+/x 2 + 2</u>	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? **Concern** Will Impact Coads + patter fire!
(+2/-2) <u>+2x</u> 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?
Sub-Total (+)	Well I taxe & Tyok.
Sub-Total ()	
Total Score + 15	

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

Compatibility Questions and Evaluation

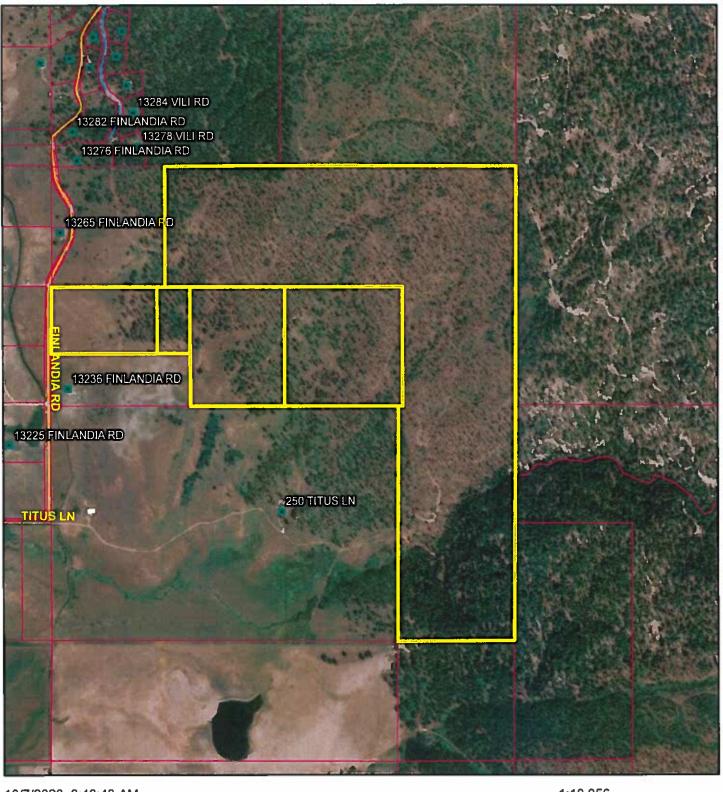
Matrix Line # / Use:	Prepared by:	
Response YES/NO X Value	Use Matrix Values:	
(+2/-2) X 4	1. Is the proposed use compatible with the dominant adjacent land use?	
(+2/-2) X 2	2. Is the proposed use compatible with the other adjacent land uses (total and average)?	
(+2/-2) X 1	3. Is the proposed use generally compatible with the overall land use in the local vicinity?	
(+2/-2) X 3	Site Specific Evaluation (Impacts and Proposed Mitigation) 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 <u>lots and/or</u> 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 ()	te:	
Total Score		

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

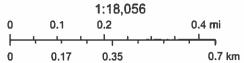




C.U.P. 20-30

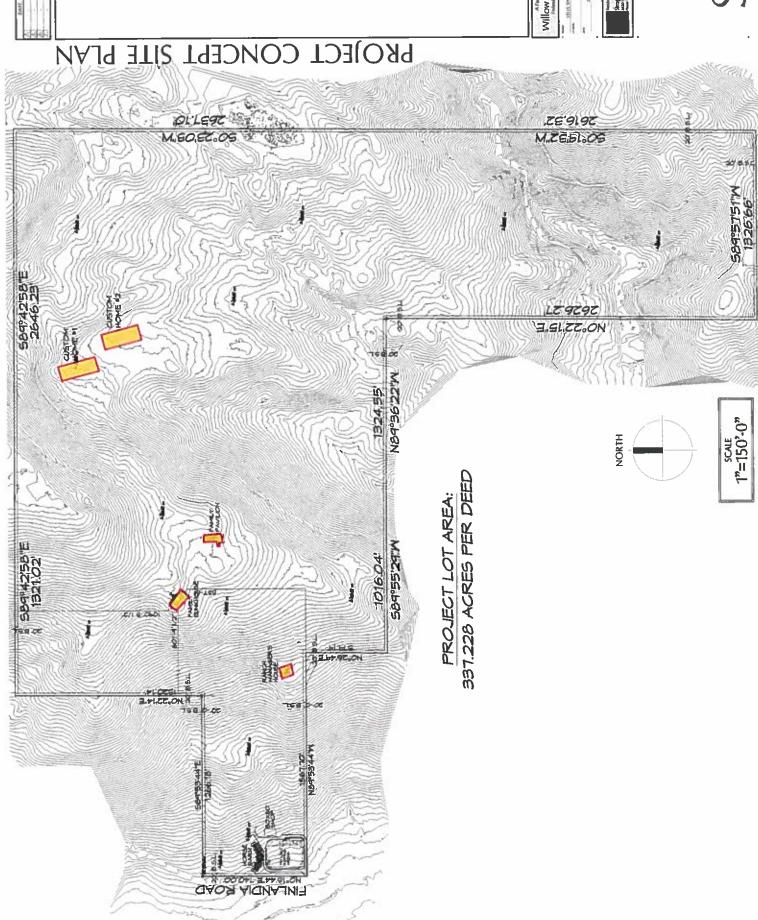






Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





(CENTRAL Valley County Transmittal DISTRICT Division of Community and Environmental Health	Return to: Cascade Donnelly		
H	Rezo	one #	☐ McCall		
-1		ditional Use #CUP 20-3 30	☐ McCall Impa		
-1		iminary / Final / Short Plat	Valley Coun		
1 '	-161	1			
-		Finilization Road			
	t.	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.				
赵	5.	Before we can comment concerning individual sewage disposal, we will require more data concerning of: waste flow characteristics bedrock from original grade other	ng the depth		
	6.	This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters.	i waters and surface		
	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 community sewage system ☐ co	/ water well		
	9.	The following plan(s) must be submitted to and approved by the Idaho Department of Environment Central sewage Community sewage system Community	•		
		central sewage community sewage system community sewage dry lines central water	y 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 i considerations indicate approval.	f other		
	12.	If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho Sta Regulations.	te Sewage		
	13.	We will require plans be submitted for a plan review for any: food establishment swimming pools or spas child care beverage establishment grocery store	center		
瓜	14.	for each proposed dwelling Structure AS well As			
		if waste water will be generated from the Reviewed By:	WAR.		
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1445 North Orchard Street • Boise, ID 83706 • (208) 373-0550 www.deq.idaho.gov

Brad Little, Governor Jess Byrne, Director

October 23, 2020

By e-mail: cherrick@co.valley.id.us

Cynda Herrick, AICP, CFM Planning & Zoning Administrator Valley County P.O. Box 1350 Cascade, Idaho 83611

Subject:

CUP-20-27 Ed Staub Drivers' Office – Amendment to CUP-19-28; CUP-20-28 Eis RV Site; CUP-20-29 Kemp Private Airstrip; and CUP-20-30 Willow Creek Vista Multiple Residence

Dear Ms. Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to
 prevent fugitive dust from becoming airborne are utilized during all phases of construction
 activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention
 and control plan prior to final plat approval. Dust prevention and control plans incorporate
 appropriate best management practices to control fugitive dust that may be generated at sites.
 Information on fugitive dust control plans can be found at:
 http://www.deq.idaho.gov/media/61833-dust control plan.pdf
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their

ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The
 property owner, developer, and their contractor(s) are responsible for ensuring no prohibited
 open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems
 or a centralized community wastewater system whenever possible. Please contact DEQ to
 discuss potential for development of a community treatment system along with best
 management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use
 management plan, which includes the impacts of present and future wastewater management in
 this area. Please schedule a meeting with DEQ for further discussion and recommendations for
 plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval.
 Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total

coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

- DEQ recommends using an existing drinking water system whenever possible or construction of
 a new community drinking water system. Please contact DEQ to discuss this project and to
 explore options to both best serve the future residents of this development and provide for
 protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- A DEQ short-term activity exemption (STAE) from this office is required if the project will
 involve de-watering of ground water during excavation and discharge back into surface water,
 including a description of the water treatment from this process to prevent excessive sediment
 and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution
 Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may
 be required if this project will disturb one or more acres of land, or will disturb less than one
 acre of land but are part of a common plan of development or sale that will ultimately disturb
 one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations.
 Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at
 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also
 available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

Hazardous Waste. The types and number of requirements that must be complied with under the
federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards
for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated.
Every business in Idaho is required to track the volume of waste generated, determine whether
each type of waste is hazardous, and ensure that all wastes are properly disposed of according to
federal, state, and local requirements.

- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site.
 These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- Water Quality Standards. Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).
- Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04.
 Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- Ground Water Contamination. DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Aaron Scheff

Regional Administrator DEO-Boise Regional Office

Jaion Schill

ec: EDMS#2020AEK239



Cynda Herrick
Planning and Zoning Administrator
PO Box 1350
Valley County Idaho

Sent Via Email: cherrick@co.valley.id.us

November 4, 2020

Ref: CUP 20-30

Ms. Herrick:

My name is Stephanie Nelson and I live at 206 Titus Lane, Donnelly. My residence is on the County access road to the development.

I am supportive of private property use and development in general. I have a few concerns and wish to address them currently.

- 1. <u>Titus Lane Road Utilization</u>. Titus Lane is a gravel base County road. It is set at a top speed limit of 25 mph. It is reasonably maintained by the County for residential use. Nevertheless, the wash boarding on the road is substantial and degrades easily even with current regular use. Even after water and grading the stability of the road deteriorates quickly during the spring, summer and fall seasons. Already the heavy truck traffic is increasing use daily and contributes to the wash boarding and substantially contributes to dust. On many occasions the speed limit is breached, and the road is unsafe to use for walking by humans or for horseback riding during working hours. The lowboy which arrived yesterday literally shook the house. As a courtesy I would ask the developer to consider providing additional assistance to the road department for increased maintenance. Another consideration might be oiling the road during the height of construction to stabilize the dust problem. As for speeding, well that might only take a request of the drivers to slow down and take note that we are a country road with kids, animals, and recreationalists. All these thoughts would be very appreciated if considered and honored.
- 2. <u>Wildfire</u>. With heightened use by the residents and the amount of rangeland and timber onsite, I would ask the family to consider voluntarily creating a Wildland Urban Interface Fire Protection Plan. The opportunity to learn more about the impact of fire on this landscape and the ability to think about building practices that are consistent with this fire environment can be a bonus to the entire operation. Often this will lead to better choices in building materials and preparation for fire.

Infrastructure can be planned to alleviate some risks and create a fire-adapted landscape for the family.

3. Public Use. I do understand the intension is only for private family use. My concern is the inordinate amount of private structures in this County that are now regularly used for gatherings outside of ownership. AirBnB, VRBO, etc. Even if this is not the intent, I would be opposed to a constant stream of vehicles loaded with participants utilizing a wonderful venue for private parties. It impacts road use, dust, and noise. It also has the potential of creating greater risk of wildfire which contributes to evacuation concerns and public safety.

In general, I do believe this is a beautiful and peaceful addition to our area. I am excited about the utilization of the land for horses and cattle grazing operations. I am committed to keeping my acreage agricultural in use. More of the same will certainly be welcome by me in the neighborhood.

Thank you for your consideration of my questions and concerns.

Kind regards,

Stephanie Nelson

Stephanie Nelson PO Box 176 Donnelly, ID 83615 208-630-4201 StephRides@live.com