



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Floodplain Coordinator

PO Box 1350
219 North Main Street
Cascade, Idaho 83611-1350

Phone: 208.382.7115
FAX: 208.82.7119
Email: cherrick@co.valley.id.us

STAFF REPORT

Conditional Use Permit Application No. 21-10
Pearson Landing Subdivision - Preliminary Plat

HEARING DATE: May 13, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: BP Properties LLC
P.O. Box 4110
McCall, ID 83638
ENGINEER: Crestline Engineers
PO Box 2330
McCall, ID 83638
SURVEYOR: Dunn Land Surveys
25 Coyote Trail
Cascade, ID 83611
LOCATION/SIZE: Parcel RP18N03E289006 in Section 28, T.18N, R.3E, Boise
Meridian, Valley County, Idaho; 11.82 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Bare Land – approved for C.U.P. 20-09 BP Property Equipment
Storage

BACKGROUND:

BP Properties LLC is requesting a conditional use permit for a 10-lot single family subdivision on approximately 11.82 acres.

One-acre lots are proposed. Individual wells and septic systems are proposed. Underground utilities are proposed. Irrigation and power easements exist and are shown on the preliminary plat.

CCR's are proposed. Minimum home square footage would be 1,800 sqft.

Lots would be accessed from a private road onto Pearson Lane, a public road.

The plat includes an easement along Clara Foltz Ditch and a 10-foot-wide maintenance and

repair easement for a buried irrigation line to the neighboring property. This proposed subdivision property has no water rights.

A 20,000-gallon water storage tank for Fire Department use will be located near the entrance to the development.

Roadway construction and grading, along with water-storage tank installations are expected to be completed by the end of 2022.

The property is not within a designated floodplain nor are there designated wetlands.

This site is currently addressed as 14066 Burr Drive. C.U.P. 20-09 BP Property Equipment Storage was previously approved for this site.

FINDINGS:

1. Application was made to Planning and Zoning on April 1, 2021.
2. Legal notice was posted in the Star News on April 22, 2021 and April 29, 2021. Potentially affected agencies were notified on April 13, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent April 13, 2021. The site was posted on May 4, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on April 13, 2021.

3. Agency comment received:

Central District Health requires the applicant to submit an application and engineering report and to conduct test holes. (April 19, 2021)

Garrett de Jong, McCall Fire & EMS, made the following comments in an email dated April 22, 2021:

- Roadway needs to meet Valley County road standards – 20 feet of width, no more than 10% grade, and approved turnaround. This subdivision appears to meet those requirements but must be completed prior to any building construction.
- Will require a 30,000-gallon water storage tank that is inspected prior to construction.
- Roadmix needs to be within three feet of tank for adequate access.

Shirley Florence, Lake Irrigation District, said the District will submit a final letter after the reviewing the application on May 13, 2021. Their preliminary comments, received May 5, 2021, are:

- The property is bounded on two sides by a main canal.
- The existing irrigation easement includes the irrigation facility and enough land along both banks to allow access for operation, cleaning, maintenance, and repair. Idaho Statue 42-1209 prohibits the placement of any encroachment within an easement without approval from the irrigation district. This includes buildings, parking areas, landscaping, and other structures, including public or private roadways.

- Safety is a concern; a fence is highly recommended.
- Any water runoff from pavement, etc., cannot enter into an irrigation facility/ditch.

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (April 23, 2021)

4. Neighbor comments received:

Kathy Deinhardt Hill, 14068 Pioneer Road, wants a turn lane from Highway 55 onto Pearson Lane. There should be no commercial activity allowed in the subdivision. (May 5, 2021)

Nick and Sabrina Kertz, 25 Pearson Lane, are concerned about the high density compared to surrounding residential area and the addition of 10 wells and septic systems within 150 yards of their home, well, and septic. They want 2-4 new lots instead of 10. They would like the developer to install and maintain a contiguous 8-ft tall privacy fence along the shared property lines of this project and their property, with the finished side facing the Kertz's property. (May 5, 2021)

5. Physical characteristics of the site: Relatively flat land with irrigation ditch along part of property boundary.

6. The surrounding land use and zoning includes:

North: Single-family Residential

South: Commercial

East: Single-family Residential and Agricultural (grazing)

West: Commercial

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

- 2. Residential Uses (c) Subdivision for single-family subdivision. *and*

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

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.

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. (Ord. 10-06, 8-23-2010)

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. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

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. (Ord 10-06, 8-23-2010)

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.

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.

9-5C-6: DENSITY:

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. 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. (Ord. 11-5, 6-6-2011)

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

10-5-1: STREET AND UTILITY IMPROVEMENTS:

- 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".

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +30.

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

Staff Questions/Comments/Recommendation:

- Road name should be "Court", not "Circle". Bitters or Bitten?
- Reference to Moon View Ranch on preliminary plat should be removed on the final plat.
- How will the fire water-tank be filled and maintained?
- You will need to bury conduit for fiber optics in the roadway.
- Will you have CCR's?
- Is there a buried pipe running through the property?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation
- Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Map showing Nearby Subdivisions
- Assessor Plat – T.18N R.3E Sec. 28
- Street, Lot, and Aerial Map
- Existing Conditions with Preliminary Site Plan
- Record of Survey 3-259
- Pictures Taken May 4, 2021
- 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 final plat shall be recorded within two years or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
6. Roads shall be constructed in accordance with the Valley County Private Road standards. The Valley County Engineer shall review and approve construction drawings prior to development.
7. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.
8. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
9. A Declaration of Installation of Utilities shall be placed on the face of the plat if all utilities are not in place at the time of recordation.
10. A letter of approval is required from McCall Fire & EMS stating all infrastructure, including road and buried tank, is in place prior to recording the final plat.
11. CCR's should address lighting, wildfire prevention, and limit each lot to one wood burning device.
12. All lighting must comply with the Valley County Lighting Ordinance.
13. A letter from the Lake Irrigation is required stating they have no concerns with this proposal.

END OF STAFF REPORT

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.

APPENDIX A

MATRIX FOR RATING 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
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-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	+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	+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	+1	+1	-2	-2
8. REL, EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-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	+1	+1	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13. LANDFILL or SWR PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1	-2	-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	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-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	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+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	+1	+2	+2	+2	+2	+2	+1		+2	+2		+1	+1
19. AREA BUS.	-2	-1	-1	-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	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2	+2		+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	-1	-1	-1	-1	-2	-1	-2	+1		+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-2	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: #3

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) +2 X 4 +8

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

S.F. Subdivision Residential

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

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

Industrial Subdivision

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

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

1st w/ Commercial & S.F. Subdivisions

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +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?

It is large enough - meets minimum lot size requirements. There are no trees.

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

5.

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

Yes

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

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?

Yes - single family residential

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

Yes - will increase noise

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

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?

Yes - close to urban area

(+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?

will increase taxes

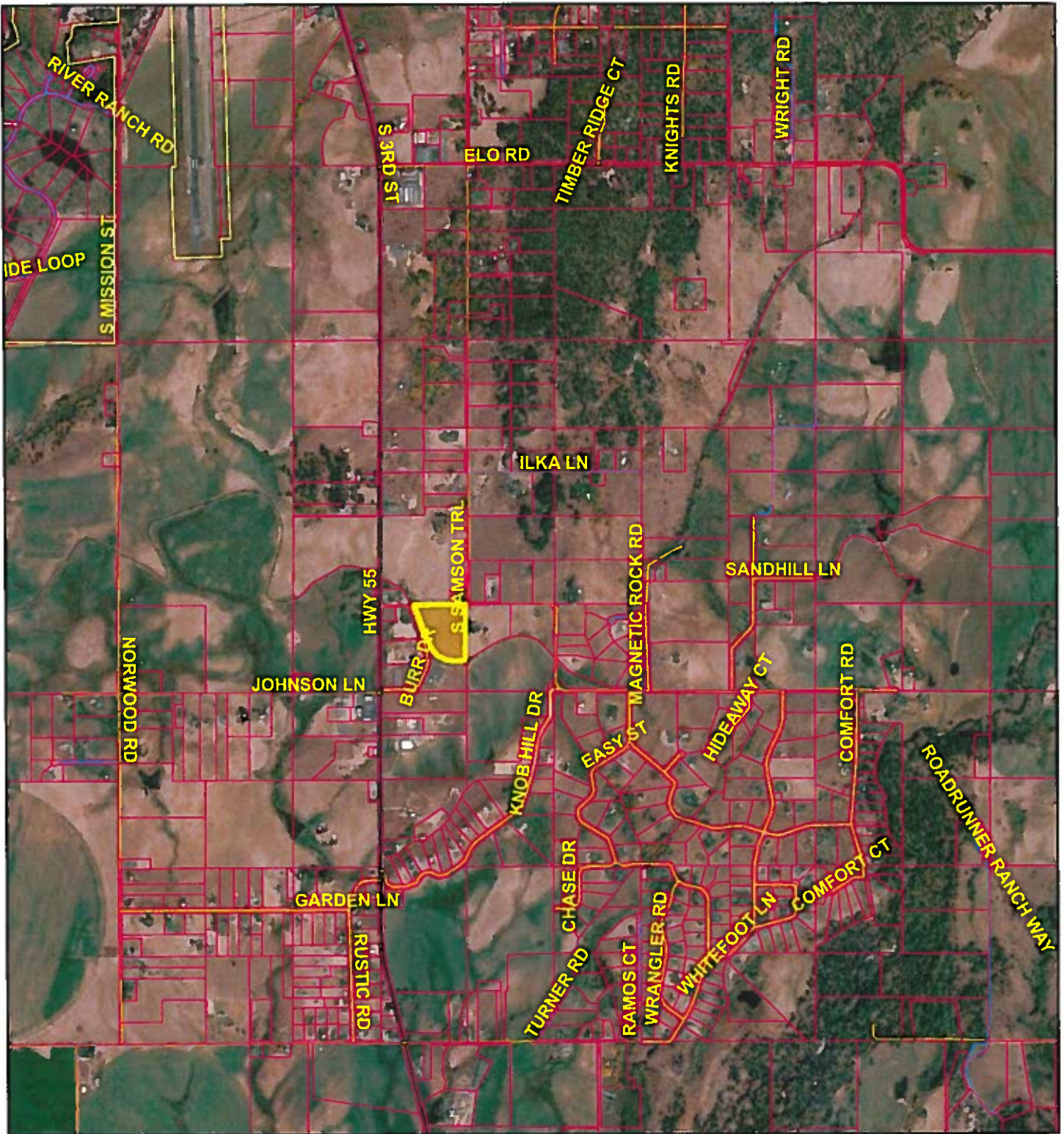
Sub-Total (+) 30

Sub-Total (--)

Total Score +30

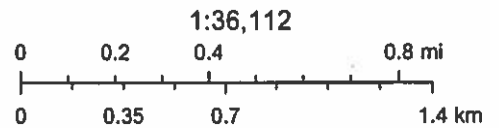
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 21-10 Pearson Landing Vicinity Map



4/5/2021, 8:19:12 AM

- Municipalities
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- OTHER



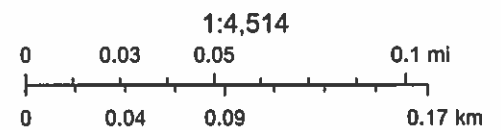
USDA FSA, GeoEye, Maxar

C.U.P. 21-10 Pearson Landing



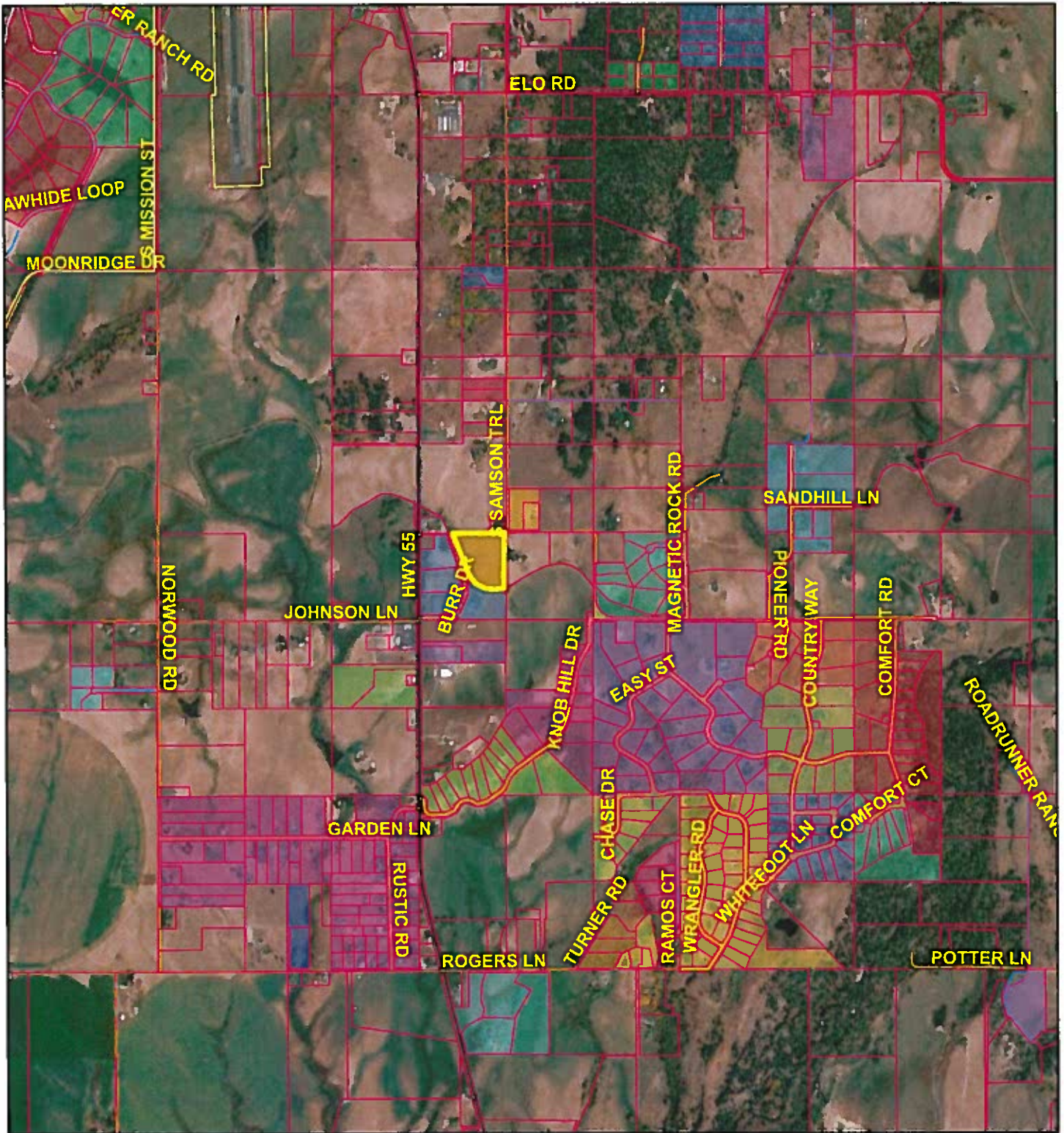
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- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
 - MAJOR
 - URBAN/RURAL



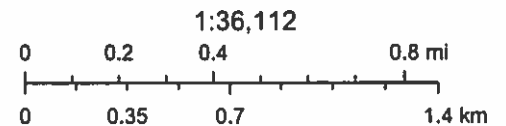
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C.U.P. 21-10 Pearson Landing and Nearby Subdivisions



4/5/2021, 8:22:08 AM

- Municipalities
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- OTHER



USDA FSA, GeoEye, Maxar

TWP. 18N R03E SEC. 28

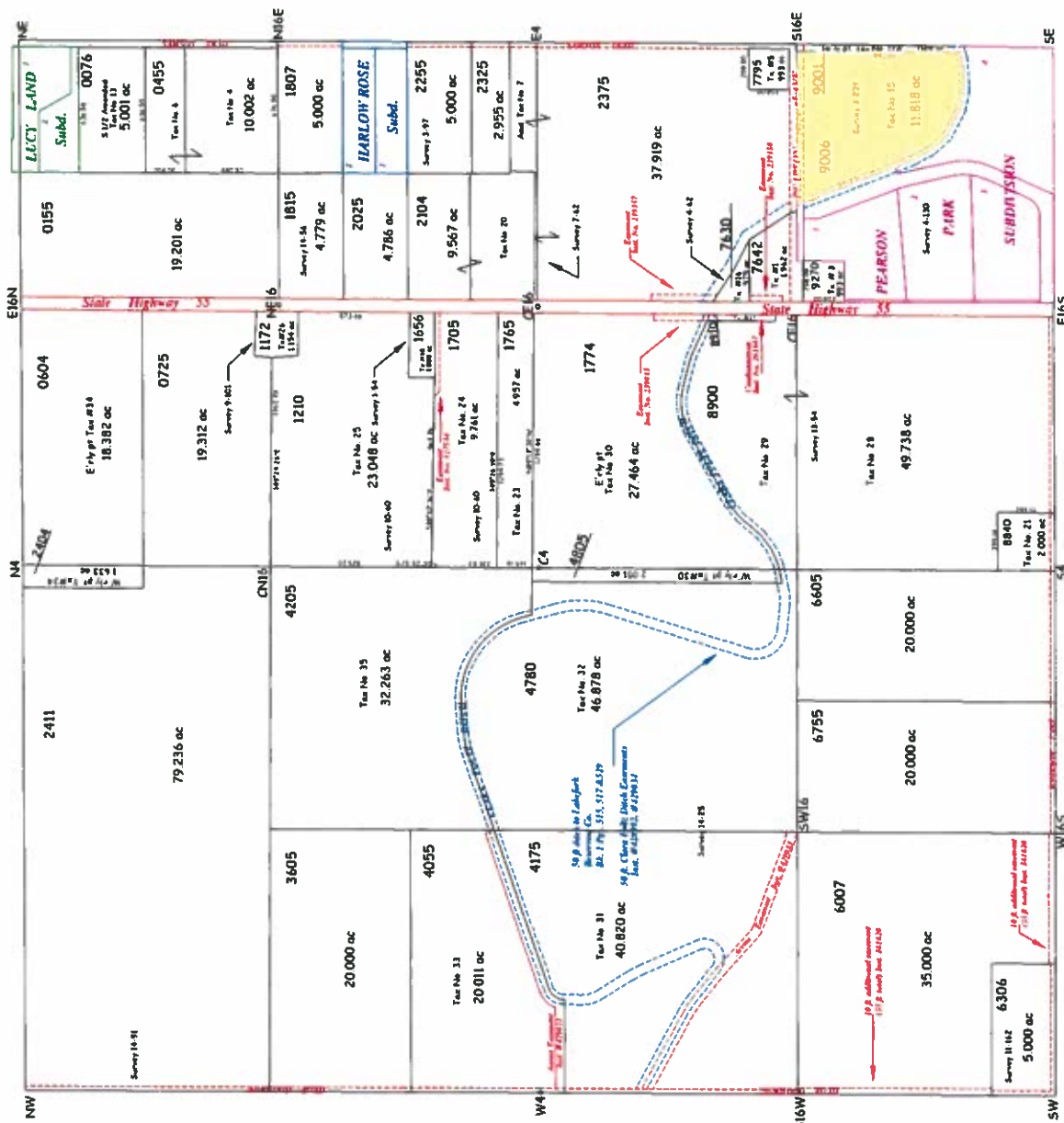
VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map

Scale: 1" = 400 ft.

Date: 1/29/2021

Drawn by: L. Frederick



This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccurate Estimated Horse

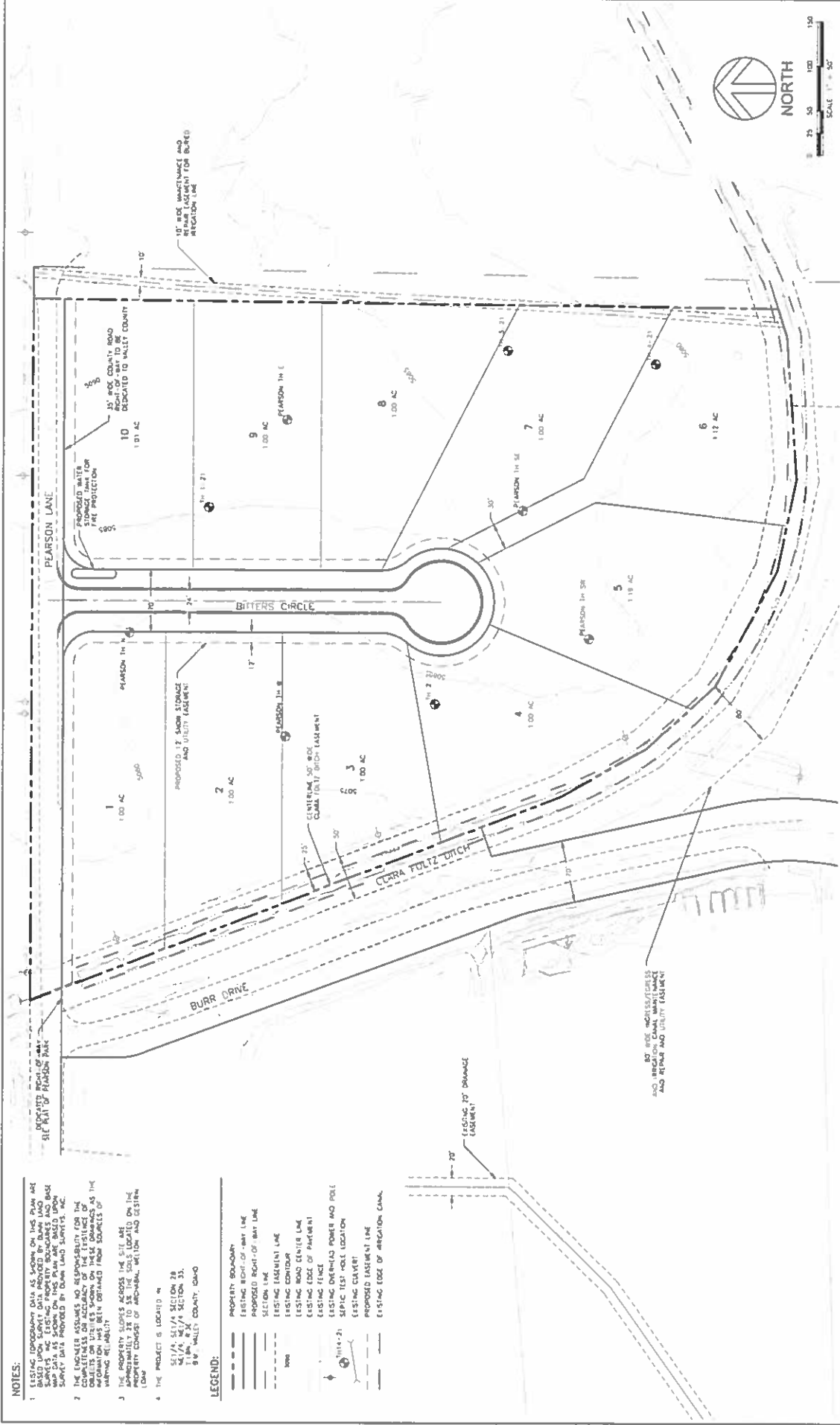


NORTH
SCALE: 1" = 300'

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

PEARSON LANDING
VALLEY COUNTY, IDAHO
PROPOSED SUBDIVISION STREET NAMES AND LOTS

PROJECT	20003	DRAWN	FIGURE NO.
DATE	3/26/2021	RFP	1 OF 1



- NOTES:**
1. EXISTING TOPOGRAPHY DATA AS SHOWN ON THIS PLAN ARE BASED ON A SURVEY BY JAMES L. HARRIS, L.S., IN 1998. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF LAND SURVEYORS, IDAHO.
 2. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE INFORMATION OR DATA PROVIDED BY THE CLIENT. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN ON THIS PLAN.
 3. THE PROPERTY SLOPES ACROSS THE SITE ARE APPROXIMATELY 2% TO 3%. THE SLOPES LOCATED ON THE PLAN ARE BASED ON A SURVEY BY JAMES L. HARRIS, L.S., IN 1998.
 4. THE PROJECT IS LOCATED IN SECTION 34, T14N, R2E, VALLEY COUNTY, IDAHO.
- LEGEND:**
- PROPERTY BOUNDARY
 - EXISTING EASEMENT LINE
 - PROPOSED EASEMENT LINE
 - SECTION LINE
 - EXISTING EASEMENT LINE
 - EXISTING CONTIGUOUS
 - EXISTING ROAD CENTER LINE
 - EXISTING EDGE OF PAVEMENT
 - EXISTING FENCE
 - EXISTING OVERHEAD POWER AND POLE
 - SEPTIC TEST HOLE LOCATION
 - EXISTING CURVE
 - PROPOSED EASEMENT LINE
 - EXISTING EDGE OF IRRIGATION CANAL

<p>CRESTLINE ENGINEERS 323 DEERWAD LANE SUITE C, PO BOX 2330 MCALL, IDAHO 83438 208 634-4140 208 634-4146 FAX</p>		<p>PEARSON LANDING VALLEY COUNTY, IDAHO EXISTING CONDITIONS WITH PRELIMINARY SITE PLAN</p>		<p>DATE: 2/20/2021 PROJECT: 202002 SHEET NO: 1 OF 3</p>		
NO.	BY	DATE	REVISION	BY	DATE	DESCRIPTION
1	JLH	2/20/2021	1	JLH	2/20/2021	ISSUED FOR PERMIT

RECORD OF SURVEY

of

parcels of land situate in the

SW⁴ Sec. 27 and the SE⁴ SE⁴ Sec. 28,

T. 18 N., R. 3 E., B.M., Valley County, Id.

for

DUANE & ALBERTA

SMITH

Kerr Surveying McCall, Idaho

Sept. 1991

103407

REQUESTED BY
RECORDED

103407

103407

Book 3, Page 239

of Records of Survey

Instrument No. 183481

Filed and recorded at the request of Kerr Surveying of 123
October 1991, this 8 day of Oct., 1991.

I, Just W. Drouillard, a Registered Land Surveyor, do hereby
certify that this plat was prepared from notes taken during an
actual survey made under my direct supervision in September of
1991, and that it correctly represents the points, courses and
distances as recorded in said field notes.

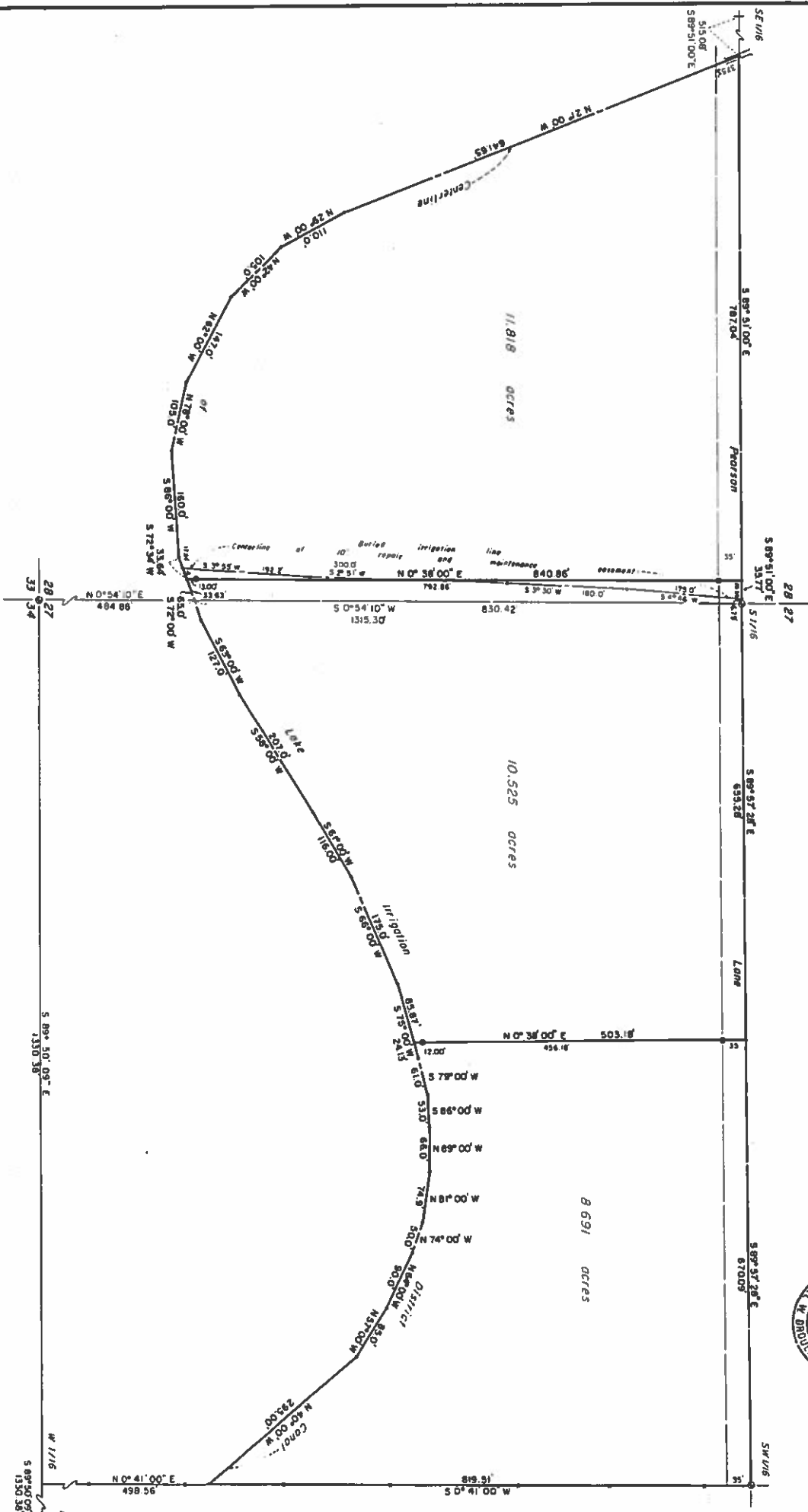


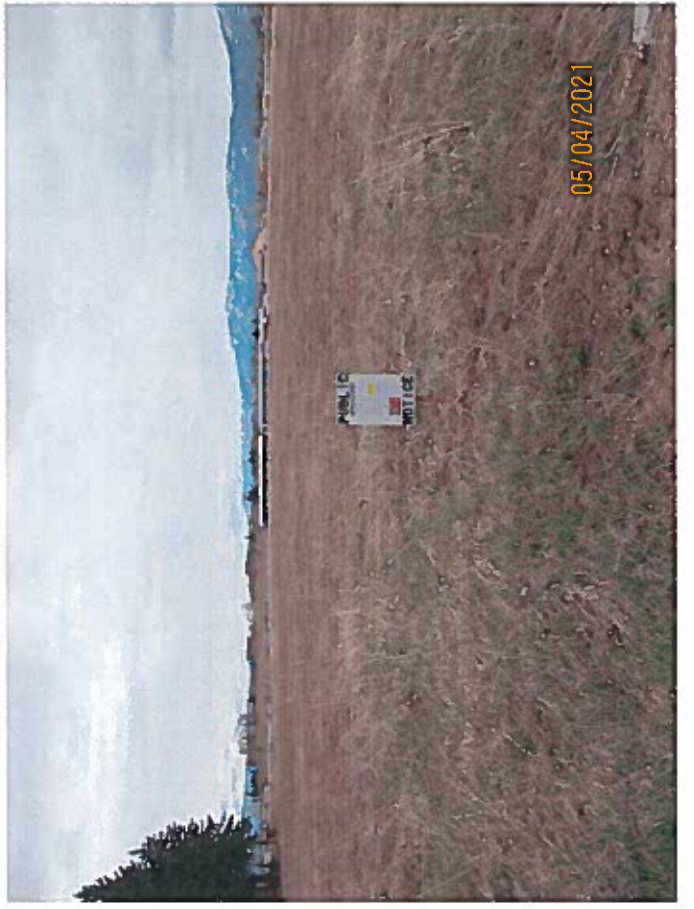
LEGEND

- Found brass cap
- Set $\frac{1}{2}$ " x 24" rebar
- Found $\frac{1}{2}$ " x 24" rebar

Bearings based on State Plane Grid

Scale 1" = 100'







Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat Pearson Laundry Subdivision

- ☐ 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. Applicant will need to submit an application, conduct testholes, and submit an engineering report for this proposed development

Reviewed By: WHR

Date: 4/19/21

CUP 21-10 - Pearson Landing - Preliminary Plat

Garrett de Jong <garrett@mccallfire.com>

Thu 4/22/2021 11:55 AM

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cynda,

The roadway needs to meet Valley County road standards and have a minimum unobstructed width of 20 feet, exclusive of shoulders, shall not exceed 10% in grade, and shall have an approved turnaround installed (503, 2018IFC). The preliminary site plan meets all of those requirements. In place of meeting the fire flow requirements in Appendix B of the 2018IFC (International Fire Code), one 30,000 gallon water storage tank for fire protection shall be installed per NFPA 22, inspected, and made operable before building any construction (501.4, IFC2018). Roadway material needs to be in place within three feet of the underground water tank so that apparatus can adequately access the tank. The roadway shall be installed, inspected, and made operable before building construction (501.4, IFC2018).

Thank you,

Garrett

Garrett de Jong
Fire Chief - McCall Fire & EMS
"Excellence Driven – Impactful Service"



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This message has been sent to you as official business of the McCall Fire Protection District. If you have a concern about the authenticity of this communication, including any attachments, please contact the sender directly for confirmation, either by telephone or separate e-mail. Unencrypted e-mail is inherently insecure and should be treated with caution.

District Manager:
John Leedom 634-9672

LAKE IRRIGATION DISTRICT
PO Box 3126
McCall, ID 83638

Board Members:
Art Troutner 634-8328
Justin Florence 634-7209
Will Maki 634-6958

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

RECEIVED
MAY 05 2021

RE: C.U.P. 21-10

Commissioners:

The land under which this permit is being requested does not have any water assigned to it through the district however it is bounded on two sides by our main canal. The following are a few general comments. This application will be discussed at our next board meeting.

1. Lake Irrigation District holds an irrigation easement. This easement includes the irrigation facility and enough land along both banks to allow access for operation, cleaning, maintenance, and repair. Idaho statute 42-1209 prohibits the placement of any encroachment within an easement without approval from the the irrigation district. This includes, buildings, parking areas, landscaping and other structures, including public or private roadways.
2. With the placement of 6 home sites along the canal, safety will be a concern of the district. A fence established for the safety of the homeowners is highly recommended.
3. Any water run off from pavement, etc. cannot enter into an irrigation facility/ditch by law.

I, Shirley Florence, secretary for the Lake Irrigation District, will present all information of this application to the board for it's review at our next business meeting on May 13, 2021. After the board reviews the application, I will submit a final letter to the planning and zoning board.

For questions, feel free to contact John Leedom 634-9672 or Shirley Florence 634-7209.

Thank you for your time in this matter.

Shirley Florence



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

April 23, 2021

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

Valley County Planning & Zoning Commission
219 N Main St.
Cascade, Idaho 83611-1350

Subject: Pearson Landing Subdivision, CUP 21-10, Preliminary Plat

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 for all construction projects 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.
- 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. DRINKING 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

- 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. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** 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 (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation 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.
- **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.

Response to Request for Comment

April 23, 2021

Page 5

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,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK66

CUP 21-10 Pearson Landing

kathy deinhardt hill <deindh@frontiernet.net>

Wed 5/5/2021 6:29 AM

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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning and Zoning Commissioners:

This letter is in regards to CUP 21-10 for Pearson Landing.

As I understand it, this permit would take the place of 20-09. If that is the case, this application is more suitable for the site than the equipment storage yard previously approved.

It is not clear if commercial activity will be allowed in the subdivision. That should be addressed before approval because that changes the nature of the use of the property. I am hoping that this is not a bait and switch application, something that has happened in the past.

My biggest concern is my usual one—no turn lane off of Highway 55 onto Pearson. The Planning and Zoning Commission and the county commissioners should work with the applicant and the state highway department to build a turn lane onto Pearson. Adding 10 more homes turning off of Highway 55 onto Pearson will only exacerbate the existing problem.

If a turn lane would be built and assurances are made in writing that the lots would not be used for commercial purposes, I could support this project.

Thank you.

Kathy Deinhardt Hill
14068 Pioneer Road
McCall, Idaho

From: Nicholas Kertz<nick_kertz@yahoo.com>
Sent: Wednesday, May 5, 2021 10:19 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Sabrina Kertz<sabrinahall26@hotmail.com>
Subject: Letter regarding CUP 21-10 application

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Cynda,

Please find attached a letter we sent to the applicants regarding the project proposal. If prior to the meeting, our concerns are addressed, I will notify you via email and submit a letter of support for the project. Until then, we submit this letter as our objection to the project as currently proposed.

Please confirm that you have received this email and letter.

Regards,

Nick & Sabrina Kertz
25 Pearson Ln

Dusty,

I want to thank Elise & Carrie for reaching out to let us know about your upcoming CUP application. Although Sabrina voiced our concerns to Elise, she wasn't able to address them and suggested that we reach out to you. We support the idea of a project that helps build more residences, and we want to be able to voice our full support to the Valley County P&Z Board for your application.

Our unaddressed concerns are:

- Density of the project
 - As proposed, these are the smallest lots that could possibly be allowed in unincorporated Valley County. The neighborhood you live in to the east of us has some of the smallest lots in the area at ~2 acres each, and Carefree to the south and east has ~1.5 acre lots. Most ever other residential lot in the surrounding area is a minimum of 5 acres. The high density doesn't seem to fit with any of the surrounding single-family parcels or HOAs.
 - As this HOA would not have a common well or septic system, this would put a minimum of 10 additional wells and septic systems within 150 yards of our home, our well, and our septic system. I think with this many new systems in such a small area there is a good probability that this could negatively affect our aquifer in production levels, contamination, and water quality.
- Privacy
 - With 10 new homes within 150 yards of our home, there will obviously be privacy issues. We chose not to live in a subdivision for numerous reasons; amongst them, we do not want to look out our bedroom window into someone else bedroom or bathroom. This not only reduces our ability to enjoy our property, but certainly depreciates our property value. Our hot tub sits on the western side of our house to enjoy sunsets. It is less than 10 yards from our property line. With the proposed lots and likely building locations on those lots, this could put a new home within spitting distance of our hot tub and home.
 - Stock graze in our pastures during the summer and fall months. With 10 new families adjacent to our barb-wire fenced pastures on the north and south, the likelihood of dogs harassing and/or injuring or even killing cattle, chickens, or pigs on are property, as well as children entering the pastures and being hurt by any of the animals is great.
 - At a minimum, we request as the developer that you would install and maintain a contiguous 8' tall privacy fence along the shared property lines of your project and our property from north to south, with the finished side facing our property.

Please let me know if you can put these concerns to rest so that we can voice our full support for your project. Committing to reducing the quantity to 2-4 lots on the current parcel and providing a privacy fence would yield our support, and shouldn't significantly impact the net profitability of your project.

Thanks in advance,

Nick & Sabrina Kertz

25 Pearson Ln.