# Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street Cascade, ID 83611-1350



Phone: 208-382-7115 Fax: 208-382-7119 Email: cherrick@co.valley.id.us

STAFF REPORT:

P.U.D. 97-1 Jug Mountain Ranch

C.U.P. 21-38 Phase 3 Village South - Preliminary Plat

**HEARING DATE:** 

December 9, 2021

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM

Planning and Zoning Director

APPLICANT /

Jug Mountain Ranch LLC and Carey Real Estate Management LLC

OWNER:

David John Carey II, Manager

PO Box 2332

McCall, ID 83638

REPRESENTATIVE:

Amy Pemberton, Millemann, Pemberton & Holm LLP

PO Box 1066

McCall, ID 83638

**ENGINEER:** 

Gregg Tankersley, Crestline Engineers, Inc.

PO Box 2330

McCall, ID 83638

SURVEYOR:

Ralph Miller, Secesh Engineering, Inc.

P.O. Box 70

McCall, ID 83638

LAND PLANNER:

David J. Peugh, Epikos LLC

PO Box 2490

McCall, ID 83638

LOCATION:

Part of Jug Mountain Ranch Planned Unit Development Block 3, Phase 2, and a portion of RP17N04E063004 in the SW 1/4 Section 6.

T.17N, R.4E, Boise Meridian, Valley County, Idaho

SIZE:

3.33 acres

**REQUEST:** 

Single-Family Residential Subdivision

**EXISTING LAND USE:** 

Bare Land

Jug Mountain Ranch Planned Unit Development consists of 1,430 aces of which 1,104 acres are planned for platted recreation and open space, including the 18-hole golf course. The development is occuring in phases. The narrative in the application details the approved uses, existing facilities and plats, and future plat phases. Buildout will allow 325 residential and mixed residential units. There have been 161 lots recorded in previous phases.

A Road Development Agreement was entered into with Valley County and is attached. The RDA will need to be analyzed for compliance. A new traffic study may be needed due to the increased traffic volumes from the various recreation uses.

Staff Report C.U.P. 21-38 Page 1 of 6 Jug Mountain Ranch LLC is requesting a conditional use permit to amend C.U.P. 04-34 and approve a preliminary plat.

The plat would include 8 single-family residential lots and approximately 1.5 acres of open space on 3.33 acres. These lots are smaller and more dense than other lots in Jug Mountain Ranch. No change in approved uses or density is requested. Lots will be surrounded by open space reserved for the owners in Phase 3 Village South. The site is near the Jug Mountain Club House.

The following variances are requested:

- Setbacks of 5-ft for the front, rear, and sides
- 0.10-acre minimum lot size
- 70% maximum lot cover
- 0-ft minimum street frontage

The lots will be accessed from Jug Mountain Ranch Road, an existing private road, onto Farmto Market Road, a public road.

The homes will use the existing central sewer and water systems for Jug Mountain Ranch.

# FINDINGS:

- 1. The application was submitted on October 25, 2021.
- 2. Legal notice was posted in the Star News on November 18, 2021, and November 24, 2021. Potentially affected agencies were notified on November 9, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent November 10, 2021. The site was posted on November 17, 2021. The notice and extension request were posted online at www.co.valley.id.us/public-hearing-information on November 9, 2021.
- 3. Agency comment received:

Central District Health requires an application and engineering report. (Nov. 15, 2021)

Jess Ellis, Donnelly Fire Department Fire Marshall, listed requirements. (Nov. 14, 2021)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Nov. 19, 2021)

Jeff McFadden, Road Department Director, has no comments. (Dec. 1, 2021)

- 4. Neighbor comment received: none
- 5. Physical characteristics of the site: Rolling; Portion with Steeper Slope; Scattered Timber
- The surrounding land use and zoning includes:

North: Jug Mountain Ranch Phase 3 - Future Development

South: Jug Mountain Ranch Phase 3A - Single-Family Residential

East: Jug Mountain Ranch Phase 3 - Future Development

West: Jug Mountain Ranch Club House and Phase 2

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

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 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)
- 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. 115, 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-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.
- B. Central Water Supply And Sewage Systems: Central water supply and sewage systems serving three (3) or more separate users shall meet the requirements of design, operation, and maintenance for central water and sewage systems in the subdivision ordinance.
- 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. (Ord. 10-06, 8-23-2010)

### 9-5B-7: FIRE PROTECTION:

Provisions must be made to implement pre-fire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered. (Ord. 10-06, 8-23-2010)

## 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. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12. 7-6-2020)

# 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".

## SUMMARY:

A compatibility rating was done for the Planned Unit Development and was found to be positive. Changes do not substantiate an amended compatibility rating.

## STAFF COMMENTS:

- This subdivision is not within a herd district nor in a designated floodplain, but a portion
  of the larger parcel is in the floodplain so base flood elevations will need to be
  completed.
- 2. The site is within the Boulder Meadows Irrigation INC.
- Conduit for fiber optics is required.
- 4. Please describe all of the various types of recreation use in Jug Mountain Ranch PUD. Is a new traffic study needed?

## ATTACHMENTS:

- Conditions of Approval
- Road Development Agreement
- Vicinity Map
- Aerial Map
- Assessor Plat T.17N R.4E Section 6
- Jug Mountain Ranch Master Land Use Figure 6
- Preliminary Plat
- Existing Physical Conditions with Preliminary Site Plan
- Pictures Taken November 17, 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.
- Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
- 3. The final plat for 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. Prior to final plat, the applicant's engineer shall certify that the roads have been built to approved standards or be financially guaranteed.

- 7. Must bury conduit for fiber optics with utilities.
- 8. 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.
- 9. A private road declaration is required.
- 10. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
- CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
- 12. All lighting must comply with the Valley County Lighting Ordinance.
- 13. Shall place addressing numbers at each residence and at the driveway entrance if the house numbers are not visible from the road.
- 14. Base Flood Elevations must be determined and published through a Letter of Map Revision prior to recordation of the final plat.
- 15. Shall work with the Valley County Road Director to determine if the original Road Development Agreement needs to be amended and whether improvements should be required for E. Lake Fork RD and/or Farm to Market RD.
- 16. The following note 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."

**END OF STAFF REPORT** 

### PRELIMINARY DEVELOPMENT AGREEMENT

#### RECITALS

Developer has submitted an Application for Concept Approval of the Jug Mountain Ranch Planned Unit Development (hereinafter "PUD").

As part of the Application, Developer has submitted the Jug Mountain Ranch Traffic Study, authored by Dobie Engineering, Inc., and dated November 4, 1997 (hereinafter "The Traffic Study").

The Traffic Study identifies certain off-site impacts of the proposed PUD. Developer has agreed to participate in the cost of addressing such impacts.

Valley County and the Developer desire to memorialize the terms of their preliminary agreement regarding the Developer's participation in the funding of certain of the aforesaid improvements.

## **AGREEMENT**

Therefore, it is agreed as follows:

- 1. <u>Intention of Agreement</u>: This Agreement is intended only to memorialize agreed-upon compensation and reimbursements to Valley County for impacts as negotiated in work sessions with the appropriate County entities. This Agreement is not intended to grant the Developer any guarantees or rights without first satisfying any and all Conditional Use Permits required and the Planned Unit Development requirements.
- 2. Off-Site Road Improvements: Developer agrees to pay a sum equal to twenty-eight percent (28%) of the total project costs, as defined below, of the following off-site road improvement projects, not in any case to exceed a total expenditure by the Developer on such projects of Two Hundred Twenty-Four Thousand and No/100 Dollars (\$224,000.00), adjusted for inflation/deflation as provided in Paragraph 6(f) below:
  - (a) <u>East Lake Fork Road/Vertical Curves</u>: The reduction of the vertical curves on East Lake Fork Road, between State Highway 55 and Farm to Market Road.
  - (b) <u>East Lake Fork Road/Lake Fork Creek Crossing</u>: Installation of approach guard rails at the Lake Fork Creek Crossing of the East Fork Lake Fork Road, between State Highway 55 and Farm to Market Road.
  - (c) <u>Elo Road Shoulder Improvements</u>: Shoulder widening on Elo Road, between State Highway 55 and Boulder Creek Road, as deemed necessary by Valley County.
  - (d) <u>Farm To Market Road Shoulder Improvements</u>: Shoulder widening, as deemed necessary by Valley County, on Farm to Market Road.
  - (e) Ashton Lane-Farm to Market Road Intersection: To the extent practical, reduction of slope and improvement of the intersection of Ashton Lane with

Farm to Market Road, and shoulder and asphalt work between the PUD (Phase I) entrance and the Farm to Market Road intersection.

- (f) <u>Turning Lanes</u>: Installation of left turn lanes on Farm to Market Road at the intersection of Farm to Market Road and East Lake Fork Road and on East Lake Fork Road at the intersection with State Highway 55.
- (g) South Farm to Market Road Traffic Study: No later than the submittal of the Application for Preliminary Plat Approval of the First Phase of the PUD to be platted, Developer shall submit to Valley County a supplement to the Traffic Study, identifying the potential impacts of the PUD on South Farm to Market Road (i.e. South of Ashton Lane).
- 3. <u>Method/Timing of Payments</u>: The Developer's aforesaid contribution shall be paid as follows:
  - (a) Upon the final approval of the preliminary plat for the first phase of the PUD to be platted, payment of Fifty Six Thousand and No/100 Dollars (\$56,000.00).
  - (b) Upon the closing of the sale of the 130<sup>th</sup> lot/unit in the PUD, a sum equal to twenty-eight percent (28%) of the cost of those of the aforesaid road improvement projects which have been completed by Valley County prior to the date of contribution, or are budgeted for completion within the next full fiscal year following the date of contribution, not to exceed a total of One Hundred Twelve Thousand and No/100 Dollars (\$112,000.00). The prior Developer contribution pursuant to Paragraph 3(a) shall constitute a credit against this contribution;
  - (c) Upon the closing of the sale of the 195th lot/unit, a sum equal to twenty-eight percent (28%) of the cost of those of the aforesaid road improvement projects which have been completed by Valley County prior to the date of contribution or are budgeted for completion in the next full fiscal year following the date of contribution, not to exceed the total sum of One Hundred Sixty Eight Thousand and No/100 Dollars (\$168,000.00). Prior Developer contributions pursuant to Paragraph 3(a) and (b) shall constitute credits against this contribution; and,
  - (d) Upon the closing of the sale of the 260th lot/unit in the PUD, a sum equal to twenty-eight percent (28%) of the cost of those of the aforesaid road improvement projects which have been completed by Valley County prior to the date of the contribution or which are budgeted for completion within the next full fiscal year following the date of contribution, not to exceed a total of Two Hundred Twenty-Four Thousand and No/100 Dollars (\$224,000.00), as adjusted for inflation/deflation pursuant to Paragraph 6(f) below. Prior Developer contributions pursuant to Paragraphs 3(a) 3(c) shall constitute credits against this contribution. It is, thus, the mutual intent of the parties that, effective the date of the closing of the sale of the 260th lot/unit in the PUD, with the Developer's final aforesaid payment, the Developer shall have contributed a sum equal to the lesser of twenty-eight percent (28%) of the cost of the aforesaid projects or Two Hundred Twenty-Four Thousand and No/100 Dollars (\$224,000.00), as adjusted for inflation/deflation.
- 4. <u>Prioritization of Projects</u>: Absent agreement to the contrary between the parties, the road improvement projects identified in Paragraph 2 above shall be constructed and completed by Valley County in the following order:

- (a) Reduction of vertical curves and construction of approach guardrails at the Lake Fork Creek Crossing, on East Lake Fork Road, between State Highway 55 and Farm to Market Road;
- (b) Completion of addendum to the Traffic Study for South Farm to Market Road;
  - (c) Analysis and, if practical, improvements of Ashton Lane;
  - (d) Shoulder improvements on Elo Road and on Farm to Market Road;
- (e) Turn lanes on Farm to Market Road at its intersection with East Lake Fork Road and on East Lake Fork Road at its intersection with State Highway 55.
- 5. Modification of Developer's Payment Schedule: It is acknowledged by Valley County and the Developer that the reduction of the vertical curves on East Lake Fork and construction of approach guardrails of the Lake Fork Creek Crossing are improvements which it is mutually beneficial to Valley County and the Developer to complete at the earliest possible date. In the event that Valley County demonstrates that a modification or acceleration of the timing of Developer's aforesaid contributions would facilitate an earlier completion of this project, the Developer shall negotiate in good faith regarding the possible modification of and/or acceleration of the aforesaid payment schedule.

# 6. Additional Terms and Conditions:

- (a) To the extent that Developer desires to receive "in-kind" credit against his aforesaid contribution responsibility (ex: the cost of engineering/design), the Developer shall present a proposal to the County specifying the particular work or product for which the Developer desires in-kind contribution and the reasonable value to the County of such in-kind contribution. Valley County and the Developer shall then negotiate in good faith as to whether the proposed in kind contribution will be allowed and to what extent.
- Prior to the presentation of the final plat for each phase of the PUD which is platted, the Developer shall provide to Valley County a letter of credit in an amount equal to the maximum dollar contribution which could be required of Developer under Paragraph 3 if all lots/units in that phase, together with any phase(s) already platted, were sold. The letter of credit to be provided by Developer shall contain the Stipulation that the funds represented therein may only be used for costs related to the aforesaid road improvement project, if Developer fails to comply with the terms of this Agreement. The funds represented by said letter of credit may not be accessed or used by Valley County for any other purpose. Developer shall be required to extend the said letter of credit on an annual basis until the contribution installment secured thereby has been paid. The Valley County Commissioners shall annually re-evaluate the required dollar amount of the letter of credit and reduce the required amount of the letter of credit by the amount of any installments which have been made by the Developer to Valley County pursuant to the terms of Paragraph 3 hereinabove, rounded to the nearest ten thousand dollars. During the term of the letter of credit, Valley County will submit to Developer documentation regarding all expenses incurred by Valley County regarding or relating to the completion of the road improvement projects specified in Paragraph 2 above.
- (c) It is understood and agreed by the parties that the aforesaid commitment by Developer to contribute twenty-eight percent (28%) of the costs of the specified offsite road improvements is based upon the analysis of traffic contained in the Traffic Study. This analysis includes an analysis of traffic which will be generated by off-site

development (i.e. development outside of the boundaries of the PUD). Specifically, the Traffic Study assumes that an additional one hundred fifty (150) homes will be constructed in the Jug Mountain area on previously approved but undeveloped lots which access State Highway 55 via East Lake Fork Road/Farm to Market Road or via Elo Road. To the extent that, during the term of Developer's contribution installments, due to subsequently approved developments, the developable lots in the area accessed by these roads substantially exceeds one hundred fifty (150) in number, then Valley County will negotiate in good faith with Developer toward the end of determining whether credit, rebate or other adjustment of the contributions required herein is appropriate.

- (d) The contributions made by Developer to Valley County pursuant to the terms of this Agreement shall be segregated by Valley County and earmarked and applied only to the project costs of the off-site road improvement projects which are specified in Paragraph 2 above, or to such other projects as are mutually agreeable to the parties.
- (e) The sale by Developer of part or all of the PUD property prior to the platting thereof shall not trigger any payment or contribution responsibility. However, in such case, the purchaser of such property, and the successors and assigns thereof, shall be bound by the terms of this Agreement in the same respect as Developer, regarding the property purchased. Otherwise, the sale of any lot/unit within any platted phase of the PUD shall constitute a lot/unit sale for purposes of calculating the installment obligations specified in Paragraph 3 above.
- (f) The unpaid portion of the Developer's aforesaid contribution shall be adjusted annually for inflation/deflation, on the successive annual anniversaries of this Agreement, according to the Department of Labor, Bureau of Labor Statistics Consumer Price Index for the smallest geographic region which includes Idaho. 1998 shall be considered the base year for purposes of calculating such adjustments.
- (g) The Developer shall have the option of prepaying the unpaid balance of his aforesaid contribution, and, thereby, fully satisfying his obligations hereunder, by paying the difference between Two Hundred Twenty-Four Thousand and No/100 Dollars (\$224,000.00), as adjusted annually for inflation/deflation, and the amount already paid by Developer to the County and/or credited by the County to the Developer.
- (h) This Agreement shall be binding on and inure to the benefit of the successors, and assigns of Developer.

# 7. Recordation:

- (a) It is intended that this Agreement will be recorded by Valley County. The intent of the recordation will be to document the official aspect of the contractual obligations set forth in this Agreement. This Agreement will not be recorded to in any way establish a lien or other interest in favor of Valley County as to any real property owned by Jug Mountain Ranch Company at the time of recording, or any real property which may be acquired by Jug Mountain Ranch Company on any date after the recording of this Agreement.
- (b) In conjunction with the foregoing Paragraph 7(a), it is specifically noted that Valley County does hereby release all real property now owned or hereafter acquired by Jug Mountain Ranch Company from any lien, obligation or other interest which may be said to arise from the recording of this Agreement.

(c) Notwithstanding the foregoing Paragraphs 7(a) and 7(b), nothing stated herein shall be deemed to constitute a release of Jug Mountain Ranch Company's obligation to fully comply with the terms of this Agreement.

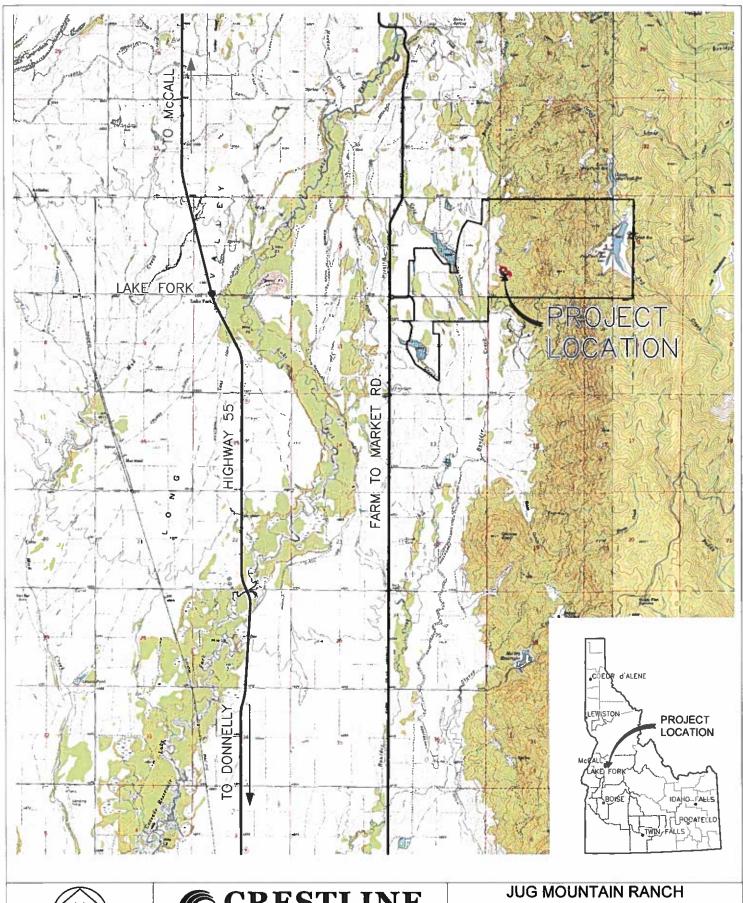
# VALLEY COUNTY BOARD OF COMMISSIONERS:

By: Jorny & John Commissioner / Chairman: YERRY F. Commissioner / Chairman	Date: <u>Sept. 4, 1998</u>
Commissioner / Chairman: TERRY F. Co	ESTRIN
Commissioner: E Millip Oaus	Date: Sept 4, 1998
By: Janua Kres Commissioner: + homas w. KERR	Date: September 4, 1998
ATTEST:	
VALLEY COUNTY CLERK:	
LELAND HEINRICH	Date: Soften low 4/1998
JUG MOUNTAIN RANCH COMPANY	
By: PRESIDEAT	Date: 9 4 9 8

PRELIMINARY DEVELOPMENT AGREEMENT - 5

STATE OF IDAHO, )		74	
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County of Valley.			
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Notary Public in and fo	or said State, personally a	ppeared David Tak	in (Arev
	ne to be the Presider		of JUG MOUNTAIN
	the corporation that execut		-
	alf of said corporation, an	a acknowledged to me	that such corporation
executed the same.			
	VHEREOF, I have hereunt	o set my hand and affix	ted my official seal, the
day and year in this cert	ificate first above written.		
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Preliminary Development Agreement 09/04/98 10:36 AM







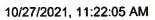
323 DEINHARD LANE, SUITE C · PO BOX 2330 McCALL, IDAHO 83638 208.634.4140 · 208.634.4146 FAX

# JUG MOUNTAIN RANCH VILLAGE SOUTH VICINITY MAP

PROJECT	15028-003	DRAWN	EXHIBIT NO.		
DATE	10/21/2021	AMD	EX-4.1		

# C.U.P. 21-38 Phase 3 Village South



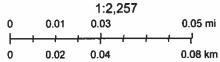


Parcel Boundaries

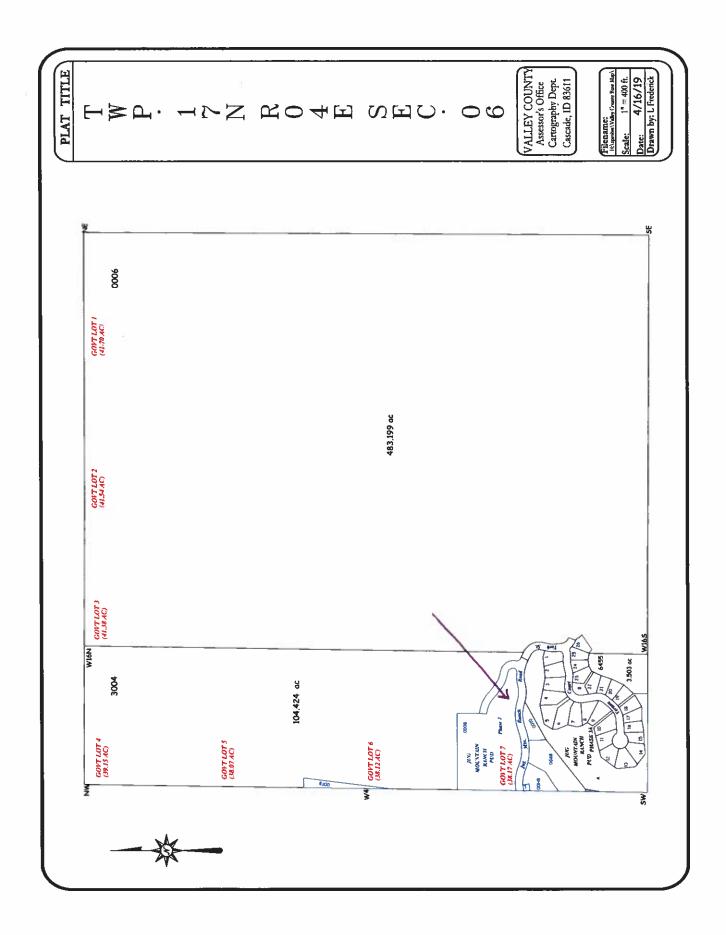
All Road Labels

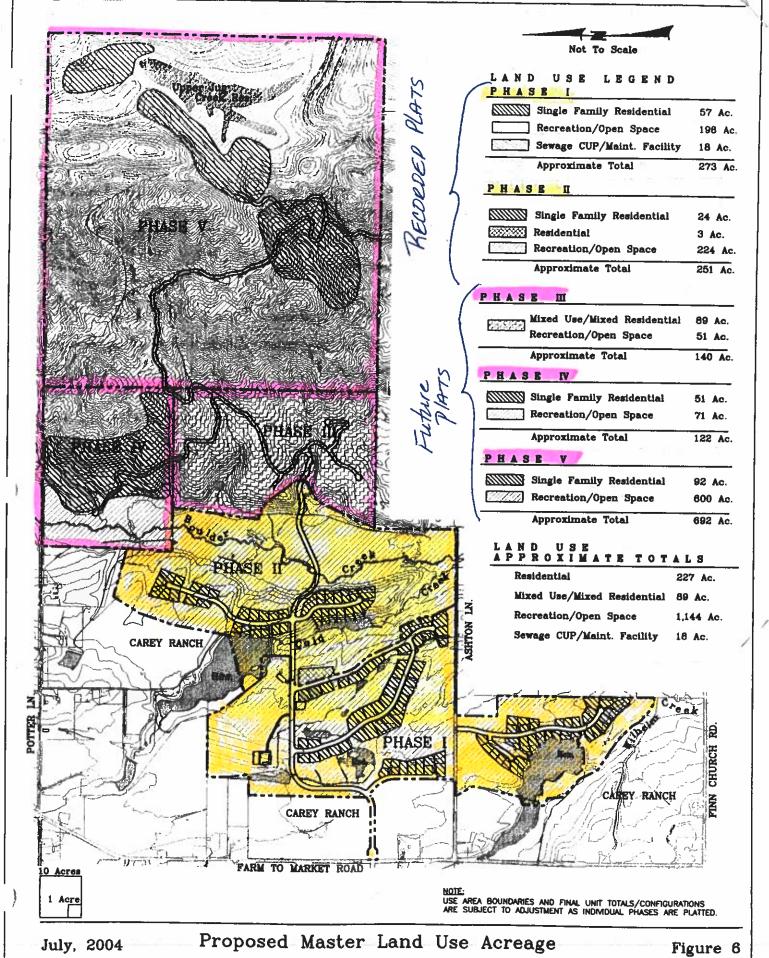
Roads

PRIVATE

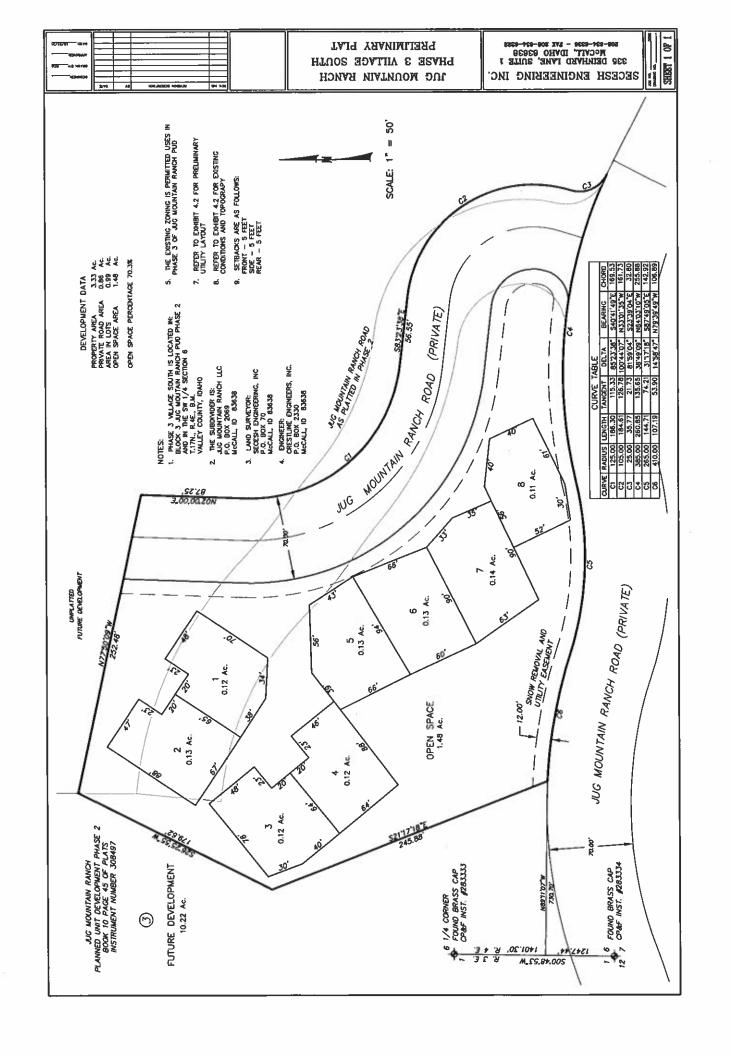


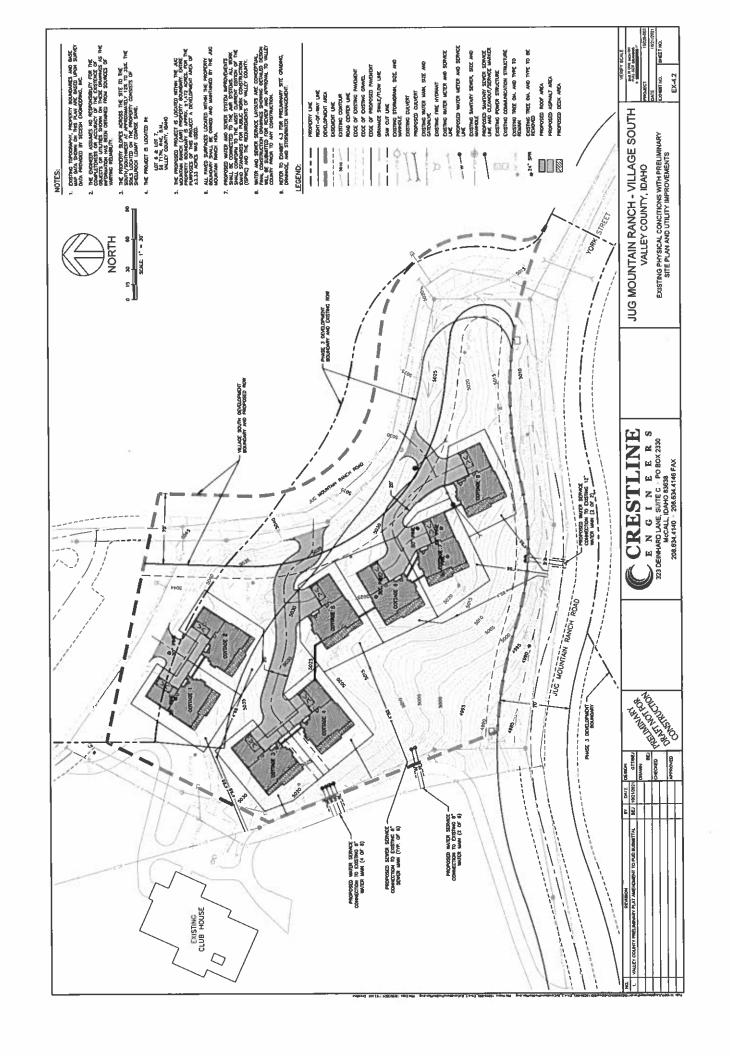
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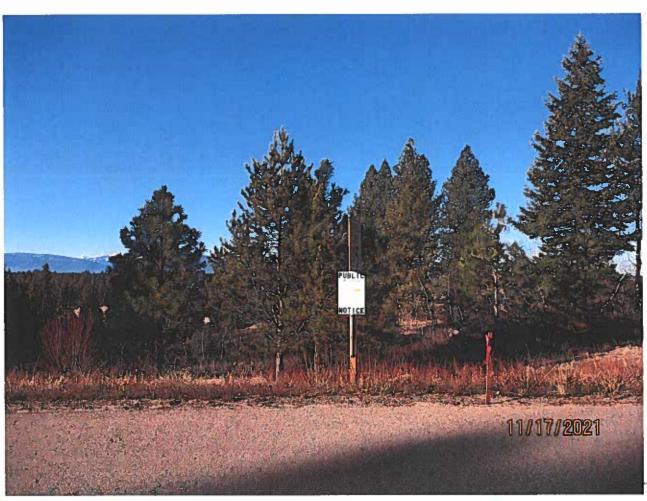


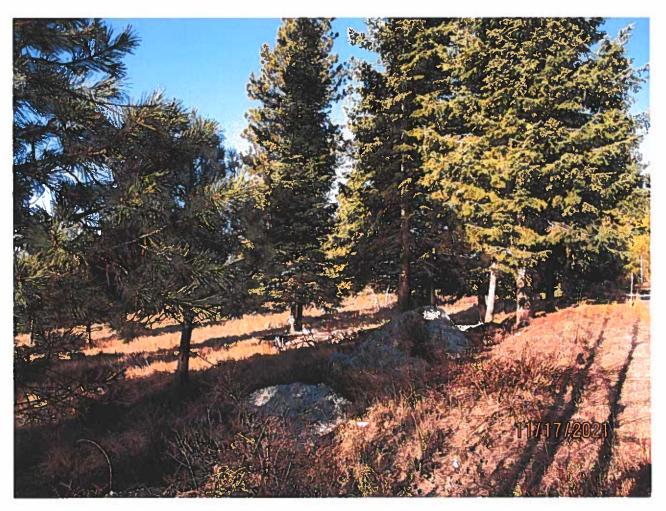
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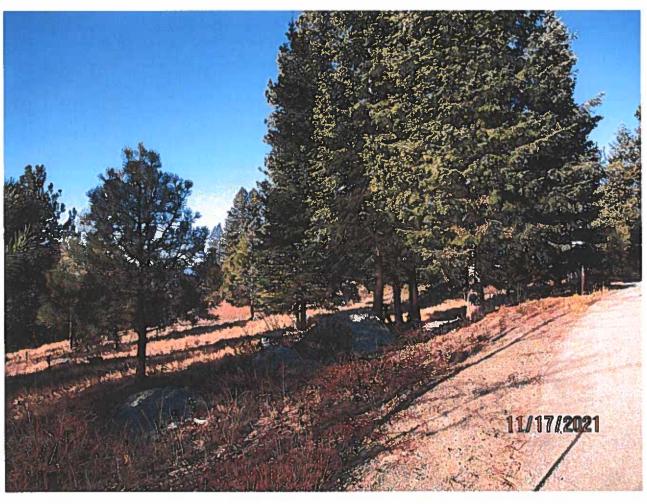












	Con	CENTRAL DISTRICT HEALTH  Division of Community and Environmental Health  Tone #  Cup 21-38 Phace 3 Village  Climinary / Final / Short Plat South	Return to:  Cascade Donnelly McCall McCall Impac
	1.	We have No Objections to this Proposal.	
	2.	We recommend Denial of this Proposal.	
	3.	Specific knowledge as to the exact type of use must be provided before we can comment on this Pro-	oposal.
	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 of:    high seasonal ground water   waste flow characteristics   other   other	ng the depth
	6.	This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters.	waters and surface
	7.	This project shall be reviewed by the Idaho Department of Water Resources concerning well construed availability.	ection and water
Ø	8.	After written approvals from appropriate entitles are submitted, we can approve this proposal for:    Central sewage	water well
	9.	The following plan(s) must be submitted to and approved by the Idaho Department of Environment central sewage	
	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 considerations indicate approval.	Other
	12.	If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho Stat Regulations.	e Sewage
	13.	We will require plans be submitted for a plan review for any:    food establishment   swimming pools or spas   child care of the process of t	enter
凶	14.	Application & Engineering report Required.	
			7 1111-
		Reviewed By:	2 / ATT
		Date	11/5/5/



# Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615 208-325-8619 Fax 208-325-5081

November 14, 2021

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

RE: C.U.P. 21-38 Jug Mountain Ranch P.U.D. – Phase 3 Village South – Preliminary Plat.

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

- All roads shall be built to Valley County Road Department standards or Section 503.2 IFC 2018
- All fire apparatus access roads shall comply with Section D103.4 IFC 2018, All
  roads shall be inspected and approved by the DRFPD personnel prior to final plat
- 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.
- In accordance with 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
- An engineered drawing of the water system with hydrant placement shall be submitted for review prior to construction. Water system shall be a looped system
- The DRFPD requires a minimum Fire flow of 1125 GPM with a duration of not less than two hours all fire hydrants shall be tested and approved by DFRPD prior to final plat

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

Donnelly Fire Department



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

Brad Little, Governor Jess Byrne, Director

November 19, 2021

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

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

Subject:

Jug Mountain Ranch Ph 3 Village South, CUP 21-38

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: <a href="https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/">https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/</a>.

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.

Response to Request for Comment November 19, 2021 Page 3

- 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: <a href="https://www.deq.idaho.gov/water-quality/drinking-water/">https://www.deq.idaho.gov/water-quality/drinking-water/</a>. 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 an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ 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.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- 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: <a href="https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html">https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html</a>
- 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 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.
- 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 <a href="https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/">https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/</a> 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.

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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 DEQ-Boise Regional Office

EDMS#: 2021AEK257

From: Jeff Mcfadden <jmcfadden@co.valley.id.us> Sent: Wednesday, December 1, 2021 11:14 AM To: Cynda Herrick <cherrick@co.valley.id.us>

Subject: Re: P&Z Matters:)

## CUP 21-39

I have been on site at the proposed driveway and flagged an area that I would approve for the driveway approach onto Finn Church Lane. Mr. Carey has been approved for this access.

I have no comments on the other CUP's

From: Cynda Herrick <cherrick@co.valley.id.us> Sent: Wednesday, December 1, 2021 8:44 AM To: Jeff Mcfadden <jmcfadden@co.valley.id.us>

Cc: Sarah McFadden <SMcFadden@co.valley.id.us>; Mickee Ellis <mellis@co.valley.id.us>

Subject: P&Z Matters:)

Just a reminder that we have a bunch of new applications on the agenda for December 9. I have attached the agenda and I believe I sent you the RDA for Jug Mountain last week....

Staff Reports go out in tomorrow.

Thanks, Cynda

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

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

Service Transparent Accountable Responsive