

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:	C.U.P. 21-39 Finn Church Lane Subdivision - Preliminary and Final Plat
HEARING DATE:	December 9, 2021
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / OWNER:	David John Carey II PO Box 2332 McCall, ID 83638
REPRESENTATIVE:	Amy Pemberton, Millemann, Pemberton & Holm LLP PO Box 1066 McCall, ID 83638
SURVEYOR:	Ralph Miller, Secesh Engineering, Inc. PO Box 70 McCall, ID 83638
LOCATION:	TBD Finn Church Lane Part of RP17N03E125420, SESW Section 12, T.17N, R.3E, Boise Meridian, Valley County, Idaho
SIZE:	2.4 Acres of a 107-Acre Parcel
REQUEST:	Single-Family Residential Subdivision
EXISTING LAND USE:	Agricultural – Dry Grazing Land

David John Carey II is requesting a conditional use permit and short plat approval for a 1-lot single-family subdivision.

The 2.2-acre lot would be accessed from Finn Church Lane, a public road. Road right-of-way would be dedicated to Valley County.

An individual well and septic system is proposed.

Draft CCRs were submitted.

The site is part of a 107-acre parcel RP17N03E125420.

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:

George Bowers, Valley County Surveyor, noted minor plat corrections. He recommends approval. (Nov. 17, 2021)

Laurie Frederick, Valley County Cadastral Specialist, recommends the corrections noted by Valley County Surveyor be resolved prior to recording the plat. (Nov. 26, 2021)

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

Jess Ellis, Donnelly Rural Fire Protection District Fire Marshall, has no comments or concerns. (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 flagged an approved driveway approach location at the site. (Dec. 1, 2021)

4. Neighbor comment received:

Kelly Martin and Paul Hefner, 169 and 171 Finn Church Lane, are opposed to a lot less than five acres in this rural area. They are concerned about well depth, distances between wells and septic systems, and rural quality of life. (Nov. 28, 2021)

5. Physical characteristics of the site: Rolling; Pastureland with No Trees

6. The surrounding land use and zoning includes:

North: Agricultural and Jug Mountain Ranch PUD

South: Agricultura and Single-family Residential

East: Agricultural and Single-family Residential

West: Agricultural and Long Valley Finnish Church and Cemetery

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.

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)
 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-6: UTILITIES:

- A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.
- C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.
- D. Individual Septic Systems: If individual septic systems are proposed to show compliance with sewage disposal requirements in subsection A of this section, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.
- E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.
- F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)

9-5C-2: MINIMUM LOT AREA:

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
 - a. One acre where individual sewage disposal systems and individual wells are proposed.

- C. **Frontage On Public Or Private Road:** Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

9-5C-6: DENSITY:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (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.
- 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 +21.

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

STAFF COMMENTS:

1. This site is within Boulder Meadows Irrigation Company district.

2. This site is within a herd district.
3. This site is not in a designated floodplain.
4. A note limiting each lot to one wood-burning device should be added to the plat.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Assessor Plat – T.17N R.3E Section 12
- Preliminary Plat
- 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.
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 one year, 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. Must bury conduit for fiber optics with utilities, if utilities are underground.
7. 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.
8. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
9. All lighting must comply with the Valley County Lighting Ordinance.
10. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
11. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.

12. An approach permit is required from the Valley County Road Department prior to construction of the driveway.
13. 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

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) _____ X 4 _____

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

(+2/-2) _____ X 2 _____

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

(+2/-2) _____ X 1 _____

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) _____ X 3 _____

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

(+2/-2) _____ X 1 _____

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

(+2/-2) _____ X 2 _____

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

(+2/-2) _____ X 2 _____

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

(+2/-2) _____ X 2 _____

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

(+2/-2) _____ X 2 _____

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

Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

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

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

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
 - Plus 2 - assigned for full compatibility (adjacency encouraged).
 - Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).
 - 0 - assigned if not applicable or neutral.
 - Minus 1 - assigned for minimal compatibility (adjacency not discouraged).
 - Minus 2 - assigned for no compatibility (adjacency not acceptable).
2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
 - x4 - indicates major relative importance.
 - x3 - indicates above average relative importance.
 - x2 - indicates below average relative importance.
 - x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

E. Terms:

DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ($1/2$) of the adjacent uses and one-fourth ($1/4$) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

MATRIX FOR RATING QUESTIONS 1, 2, and 3

	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	+1	+2	+1	+1	-1	-1	-1	+2	-1	-2	+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.		+1	+1	+1	+2	+2																	
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2		-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	-1	-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	+2		+2	+2	+1	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	+2	+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	+2	+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) -1 X 4 -4

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

Agricultural

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

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

S.F. Subdivision

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

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

See lot 2 w/ Jug Mtn Ranch PUD

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?

Large enough - no trees

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

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

Smaller

(+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

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

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

Yes

(+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

(+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?

+ Tax Revenue

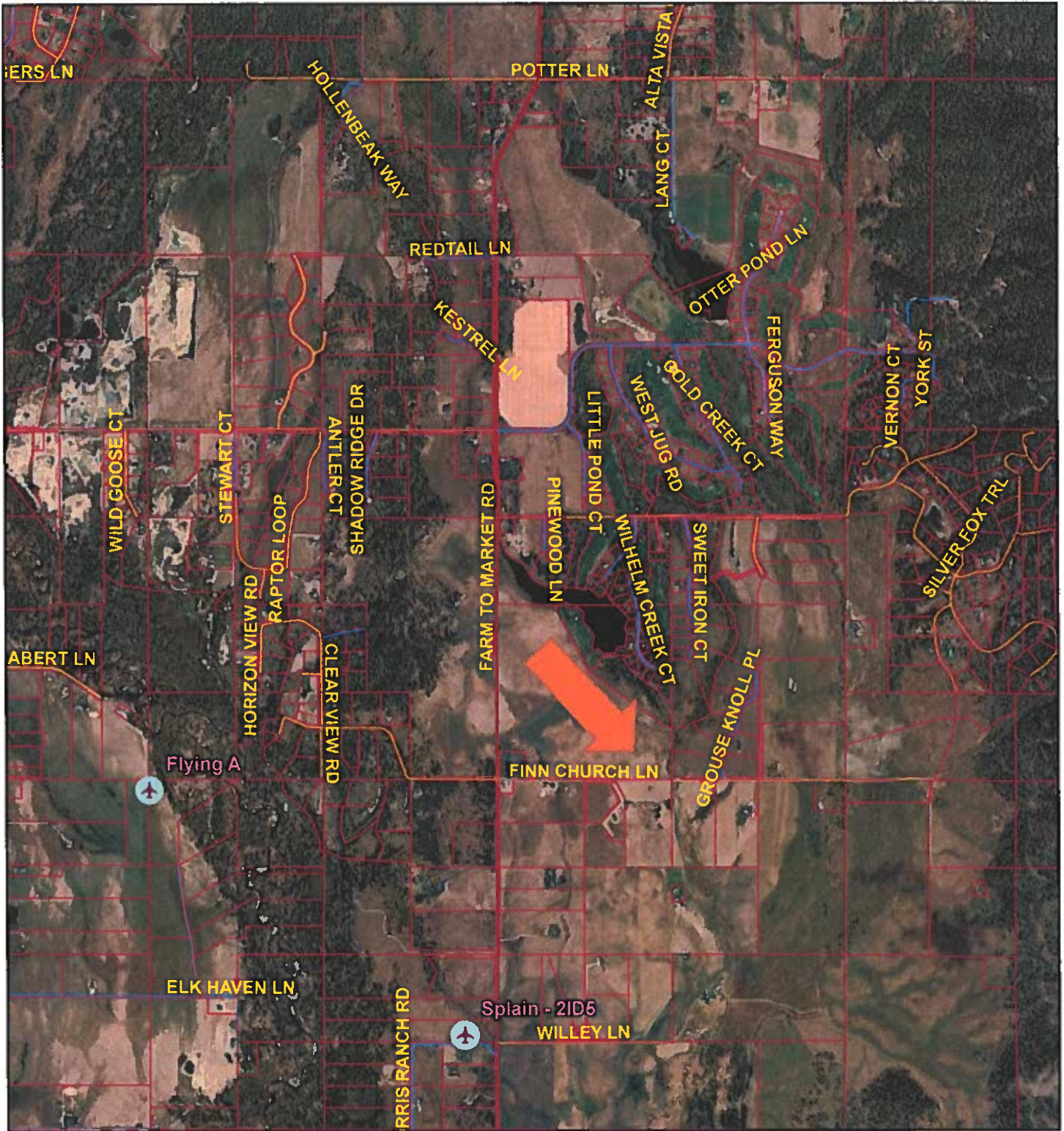
Sub-Total (+) 25

Sub-Total (-) 4







Total Score +21

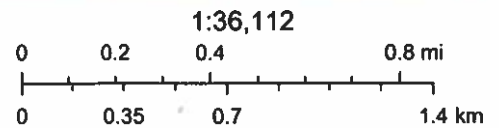
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 21-39 Finn Church Lane Subdivision



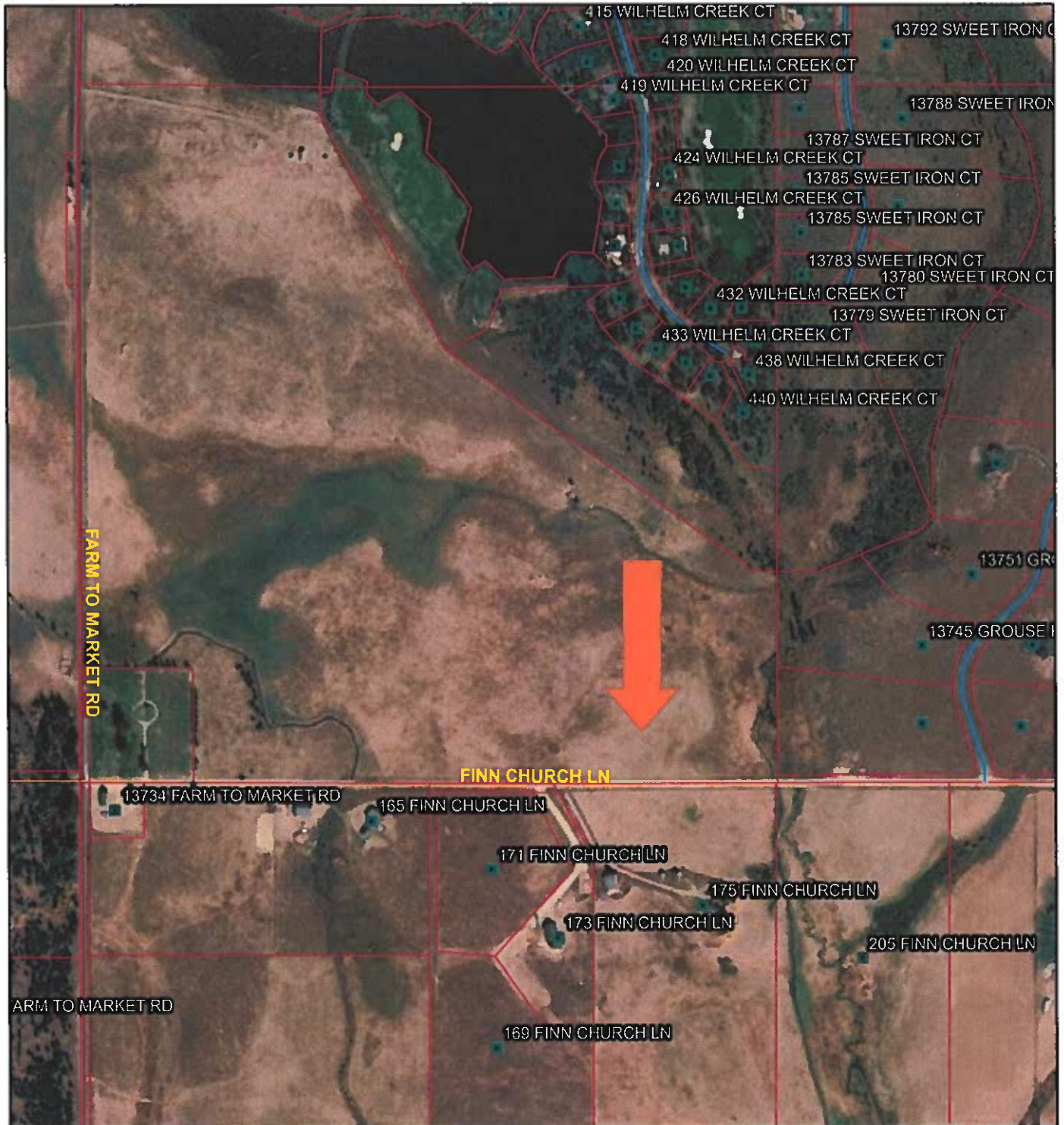
10/27/2021, 2:50:37 PM

-  Airstrips
-  Parcel Boundaries
- All Road Labels
-  Roads
 -  COLLECTOR
 -  URBAN/RURAL
 -  PRIVATE



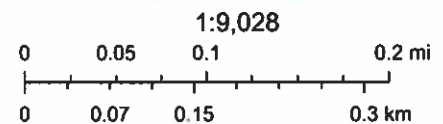
Maxar

C.U.P. 21-39 Finn Church Lane Subdivision



10/27/2021, 2:45:50 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- COLLECTOR
- URBAN/RURAL
- PRIVATE



Maxar

TWP. 17N R03E SEC. 12

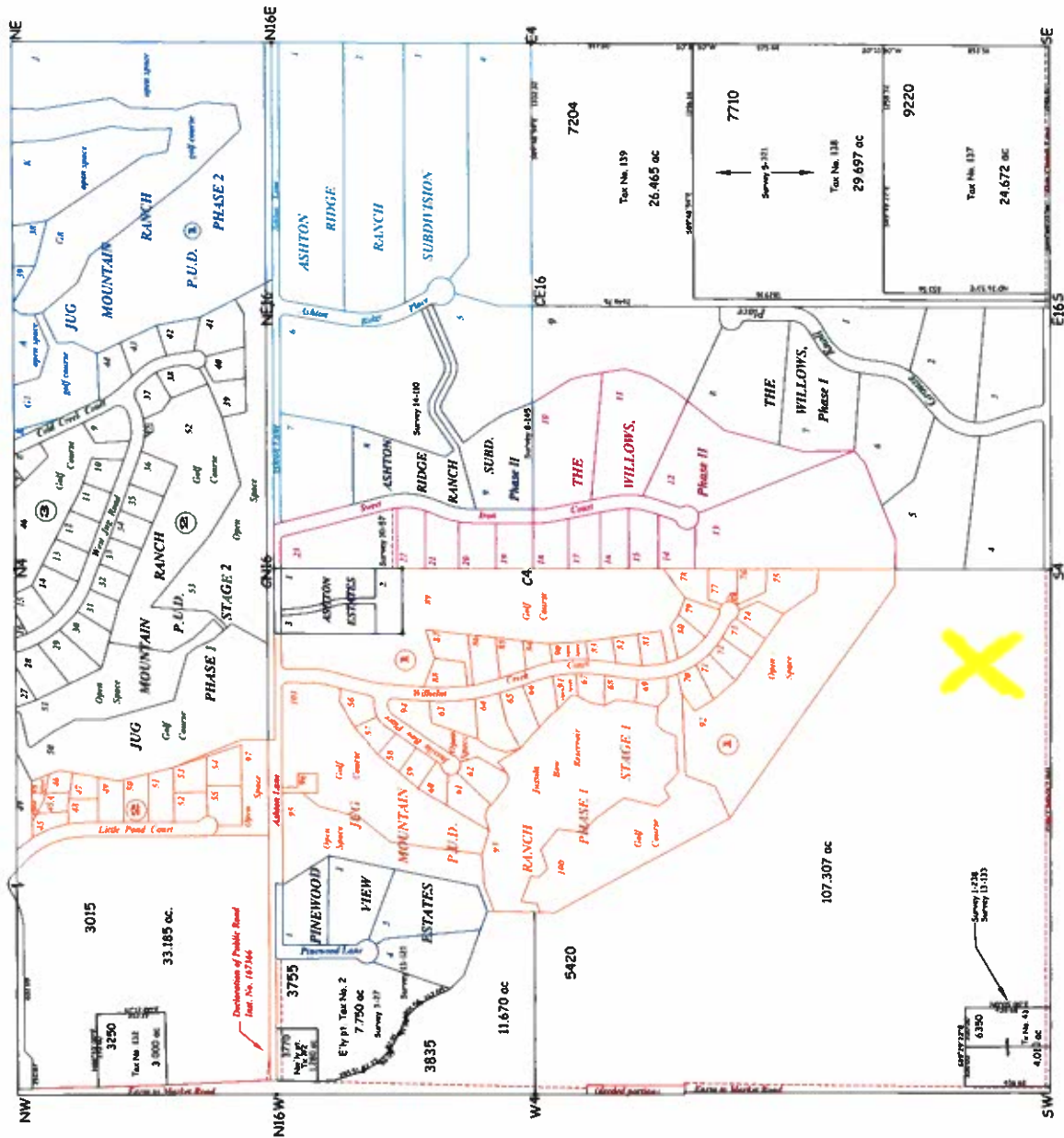
VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map

Scale: 1" = 400 ft.

Date: 3/15/2021

Drawn by: L. Frederick



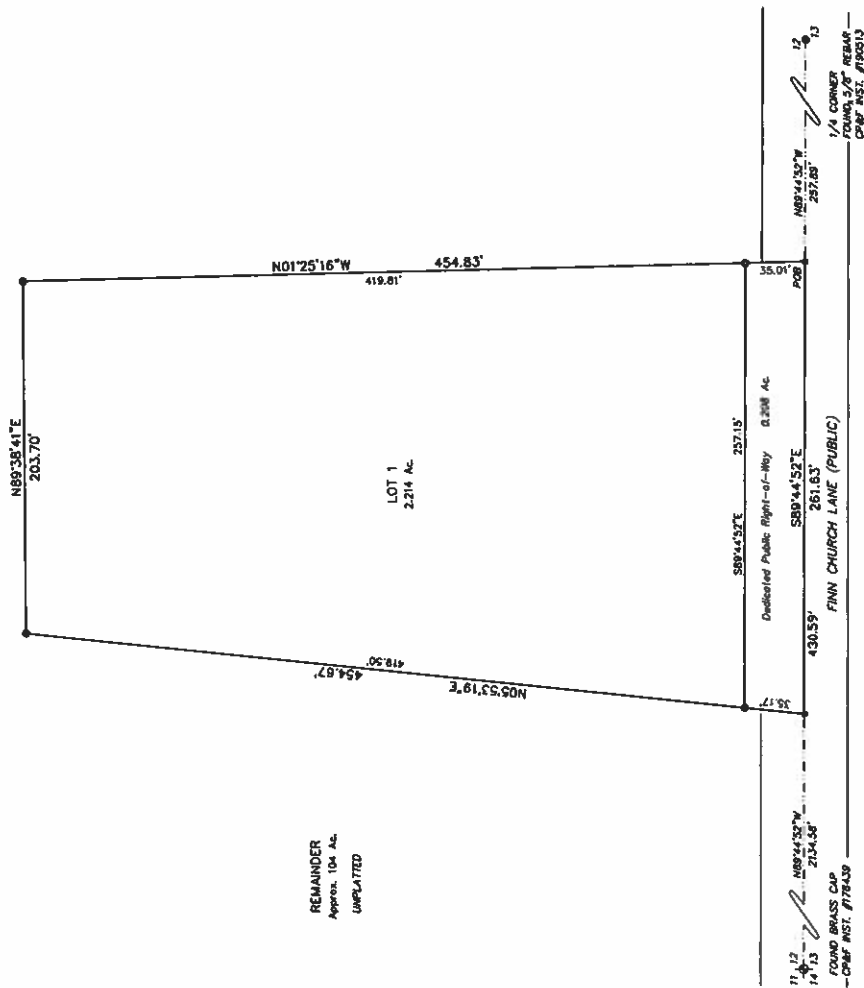
This Drawing is to be used for Reference Purposes ONLY. The Company is NOT Responsible for Any Interstruction Construction Contract Modifications.

FINN CHURCH LANE SUBDIVISION

Located in SE 1/4 of the SW 1/4 of Section 12, T.17N., R.3E., B.M.
Valley County, Idaho

RECEIVED

NOV 17 2021



REMAINDER
Approx. 10.4 Ac.
UNPLATTED

- NOTES:
1. Lot 1 is subject to and governed by the provisions of the Declaration of Restriction, Conditions and Restrictions for Finn Church Lane Subdivision, recorded with this Final Plat with the Valley County, Idaho Recorder as Instrument No. _____ as the same may be amended.
 2. There shall be no further division of any Lot depicted on this Plat, as provided in the General Declaration and without prior approval from the Health Authority.
 3. No additional domestic water supplies shall be installed beyond the water system approved in sanitary restriction release.
 4. This Plat is subject to compliance with Idaho Code Section 31-3803. Irrigation is not provided.
 5. Flood zones shown on this plat are per FEMA FIRM panel #16085C 1025 Effective February 1, 2019.
Flood Zones: Zone X, N/A
Base Flood Elevation: N/A
Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by Title 9 and Title 11 of the Valley County Code.

SURVEY NARRATIVE

- A. This Plat is filed to create a parcel within BPT7902123430 as shown. The boundary of the parcel was determined by the owner and tied to Government Land corners as shown.
- B. Reference Documents:
-Jag Mountain Ranch Planned Unit Development, Book 10 Page 35 of Plats
Record of Survey, Book 13 Page 133



SCALE: 1" = 50'
 Bearings Based on Jag Mountain Ranch PUD
 Phase 1 Stage 1
 Book 10 Page 35 of Plats

LEGEND

- ◆ FOUND BRASS CAP MONUMENT
- ⊕ FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" REBAR MKD LS 8577

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13 have been satisfied according to the letter to be read on the with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed in accordance with section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

DISTRICT HEALTH DEPARTMENT, DHS

SEKESH ENGINEERING, INC.

McCall, Idaho

PUBLIC NOTICE

11/17/2021



BOWERS LAND SURVEYS

P.O. Box 976, Cascade, Idaho 83611 Phone (208) 469-0457

November 16, 2021

Cynda Herrick – Valley County Planning and Zoning Administrator - cherrick@co.valley.id.us

Laurie Frederick – Valley County Cartographer - lfrederick@co.valley.id.us

Ralph Miller – PLS 8577 – Dan Dunn - rmsecesh@citlink.net

RE: Finn Church Lane Subdivision, Plat Review

Cynda, Laurie, and Ralph,

I have reviewed the above-noted plat and have the following comments:

- 1: Sheet 1, east boundary line: distance shown as 454.82 is shown as 454.83 on Certificate of Owners and closure sheet
- 2: Sheet 2, Certificate of Owners, line 1: change to SE 1/4 of SW 1/4

Other than this minor changes, I find the plat complies and recommend approval.

Sincerely,



George (Chip) Bowers – Valley County Surveyor
Bowers Land Surveys, Inc.

Valley County Assessor's Office

P.O. Box 1350 • 219 N. Main Street
Cascade, Idaho 83611-1350
Phone (208) 382-7126 • Fax (208) 382-7187

JUNE FULLMER

Assessor
jfullmer@co.valley.id.us



Department of Motor Vehicles
Phone (208) 382-7141 • Fax (208) 382-7187

SUE PROBST

Chief Deputy Assessor
sprobst@co.valley.id.us

November 26, 2021

Cynda Herrick
Valley Co. P&Z Administrator
Valley County Courthouse
Cascade, Idaho 83611

RE: Final Plat Review " Finn Church Lane Subdivision "

Dear Cynda,

This letter is in response to your request for our office to review the final plat of the above referenced subdivision.

I have run a traverse of the subdivision boundary from the legal description provided on the Certificate of Owners. Enclosed you will find a copy. This **2022** proposed plat encompasses a parcel referenced on the Assessment Roll as a portion of the SW, less the deeded county road R-O-W of Section 12 of Township 17 North, Range 3 East. The parcel number(s) and ownership are as follows:

RP 17N03E125420 – David John Carey II

I have enclosed a copy of the GIS plat, T17N R03E Section 12, with this proposed replat highlighted. We have found no discrepancies within this plat beyond the comments referenced within the county surveyor's review. We recommend any issues be resolved prior to recording this proposed Subdivision.

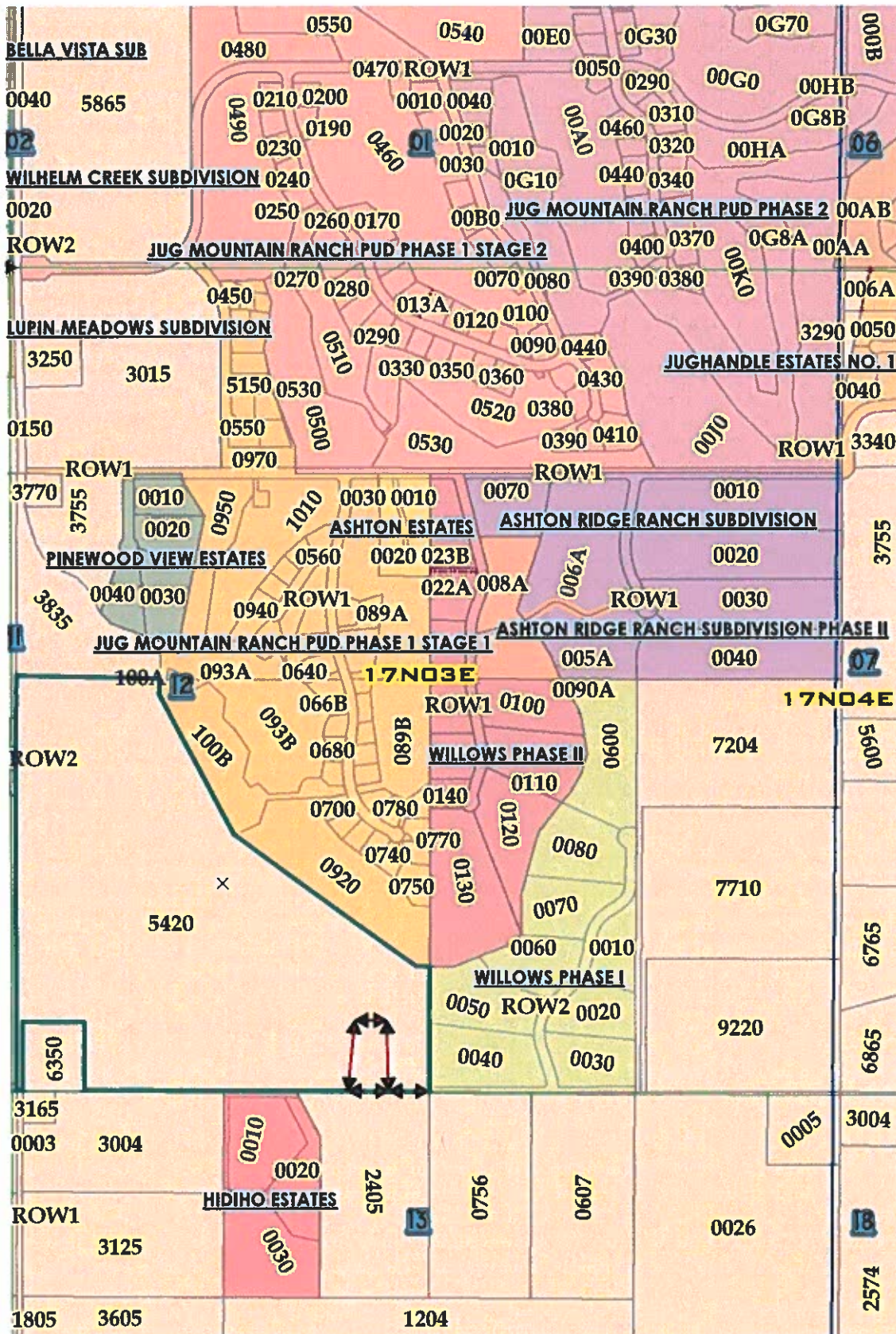
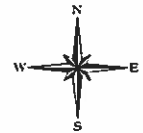
Please feel free to contact our office with any further questions or inquiries. Thank you for allowing us the opportunity to review this plat.

Sincerely,

Laurie Frederick
Valley County Cadastral Specialist
Cartography Department

Enclosure

Cc: Chip Bowers, Valley Co. Surveyor; Ralph Miller, Secesh Engineering, Inc.



This map or drawing is to be used for reference purposes only. The County is not responsible for any inaccuracies contained herein.

Date: 11/24/2021
By: L.Frederick

TWP. 17N RANGE 03E SECTION 12
J:\Assessor\Traverse PC\traverse 2013\17n\3E\SEC12.TRV
T17N 3E SEC 12
Ashton Ridge Ranch

FINN CHURCH LANE SUB

105504.9964 SqFt 2.4221 Acres

Point	Type	Grid Bearing	Grid Dist	Radius	Arc Length	Delta	Northing	Easting
342							1148697.34	2549865.66
343		N89°44'52"W	261.63				1148698.50	2549604.03
344		N5°53'19"E	454.67				1149150.77	2549650.68
345		N89°38'41"E	203.70				1149152.03	2549854.37
342'		S1°25'16"E	454.83				1148697.34	2549865.65

Wednesday, November 24, 2021 16:13:17
lfrederick



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # CUP Finn Church Lane
Conditional Use # Subdivision
Preliminary / Final / Short Plat _____

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

Reviewed By: [Signature]

Date: 11, 15, 21



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. 21-39 Finn Church Lane Subdivision – Preliminary and Final Plat

After review, the Donnelly Rural Fire Protection District has no comments or concerns on this matter.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

Donnelly Fire Department



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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: Finn Church Lane Subdivision, CUP 21-39

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

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: <https://www.deq.idaho.gov/water-quality/drinking-water/>). 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: <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 <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> 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
November 19, 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#: 2021AEK258

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

TO: Cynda Herrick, Valley County Planning and Zoning Commission
RE: Public Hearing on CUP 21-39 Finn Church Lane Subdivision – Preliminary and Final Plat;
Applicant/Owner: David John Carey II
FROM: Kelly Martin and Paul Hefner, Residents of 169 and 171 Finn Church Ln, McCall ID 83638
DATE: November 28, 2021

Project Description:

David John Carey II is requesting a conditional use permit and short plot approval for a 1-lot single family subdivision. The 2.2 acre lot would be accessed from Finn Church Lane, a public road. Road right-of-way would be dedicated to Valley County. An individual well and septic system is proposed. The site is part of a 107-acre parcel RP17N03E12S420

Statements from local resident at 169 and 171 Finn Church Lane:

For the record, Kelly Martin and Paul Hefner OPPOSE the final plat decision to subdivide a 2.2 acre parcel of the 107 acre named property above.

Should the final plat increase in size from 2.2 acres to a minimum of 5 acres, we will not oppose.

As residents living near this private land along Finn Church Lane, we are opposed to any subdivision of less than 5 acres for single-family residential development.

Subdividing lots less than 5 acres in Valley County is an issue which is much bigger than just this one small subdivision final plat decision. Valley County must begin deliberations with smart growth development in all rural parts of our county due to the rapid, unchecked expansion of new home construction and impact on our local water aquifer.

Current single-family density is 3 to 5 acres plus on Finn Church Lane. Given ever increasing well water demands in this area and ever-increasing warmer summers and drought conditions seriously affecting ditch water reliability; access to clean, dependable well water must be maintained for current and future property owners. Our drinking water well at 171 Finn Church had to be drilled to 400 feet to obtain 3.5 gallon a minute; an indication of existing development concerns for this neighborhood.

We feel the density of single-family home parcels in Valley should be no less than 5 acres. Minimum 5 acres lots would maintain separation between well sources and septic and would hopefully put in place mitigation measures to ensure dependable well water access to existing and future residents along Finn Church Lane.

Allowing small parcels less than 5 acres to be permitted is setting a detrimental community growth precedent. High density lot development is unsustainable for the rural quality of life many of us have come to expect when we decided to call Valley County home.

Kelly Martin and Paul Hefner
169 and 171 Finn Church Lane
McCall, ID 83638