

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. 22-51 Amendment of C.U.P. 16-21 Mountain Meadow Rentals
HEARING DATE: January 12, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Benjamin Esplin
2445 West Mountain RD, Donnelly ID 83615
PROPERTY OWNER: Benjamin and Rachel Esplin
2445 West Mountain RD, Donnelly ID 83615
LOCATION: 319 W Tamarack Falls RD
N ½ Lot 34 of Smiling Julie Subdivision and Tax #1-C in the NE ¼
Section 19, T.16N, R.3E, Boise Meridian, Valley County, Idaho.
SIZE: Expand Use (0.41-acres) onto Adjacent 0.31 Acres
REQUEST: Public Storage Facility
EXISTING LAND USE: Bare Land

Ben Esplin of Mountain Meadows Rentals is requesting an amendment of a conditional use permit allowing a business renting ATVs, snowmobiles, and watercraft at 2445 West Mountain Road.

The new request is to expand the business onto 0.31 acres, addressed at 319 W Tamarack Falls RD, and located across W. Tamarack Falls Road from the existing business.

Two existing sheds exist; no additional buildings are proposed. The site would be used for parking of equipment.

Conditional Use Permit 16-21 was recorded as Instrument # 403766 (attached). The effective date of approval was January 24, 2017. This conditional use permit established a snowmobile rental and watercraft rental business at what was previously known as the Tamarack Falls Store. The store is 1,000 sq. ft. and the shop is 3000 sq. ft. The site has an individual well and septic system and is accessed from both West Mountain Road and W. Tamarack Falls Road.

FINDINGS:

1. The application was submitted on November 4, 2022.
2. Legal notice was posted in the Star News on December 22, 2022, and December 29, 2022. The property owner and applicant were notified by letter on November 7, 2022, and

December 13, 2022. Potentially affected agencies were notified on December 13, 2022. Property owners within 300 feet of the property line as well as all additional people who previously commented were notified by fact sheet sent December 13, 2022. The notice was posted online at www.co.valley.id.us on December 13, 2022. The site was posted on December 23, 2022.

3. Agency comment received:

Central District Health (CDH) has no record of a septic system. CDH has no objections as long as parking and driving do not occur over any septic system that may be on the lot. (Dec. 14, 2022)

Jess Ellis, Donnelly Fire Marshal, stated all prior requirements shall remain in effect. (Dec. 29, 2022) His previous comments from C.U.P. 16-21 are attached. (Jan. 4, 2017)

Jeff McFadden, Valley County Road Superintendent, recommends dust mitigation along West Mountain Road, from West Roseberry to No Business Road, approximately 1.3 miles, and continue on No Business Road to the boundary of the private property, approximately 1 mile. The increase volume of rental equipment has had tremendous effects on both of these roads during the summer months. (Jan. 5, 2023)

4. Neighbor comment received: None

5. Physical characteristics of the site: Relatively Flat

6. The surrounding land use and zoning includes:

North: Single Family Residential Subdivision

South: Single Family Residential Parcels and Subdivision (Smiling Julie)

East: U.S. Forest Service Lake Cascade / Public Rights-of-Way

West: Single Family Residential Parcels and Subdivision (Smiling Julie)

7. Valley County Comprehensive Plan designates this area as a Tourist Hub in Chapter 13 Land Use:

Tourist Hubs: This designation applies to all real property shown on the land use map for the tourist services located in the areas known as: Tamarack Ski Resort, Smith's Ferry, Clear Creek, West Mountain Lodge, Tamarack Falls Store, Big Creek, Roseberry, Deadwood, Goldfork Hotsprings, Silver Creek Plunge, and Warm Lake. Expansion of services should be encouraged to locate in the tourist hubs. The mapped boundaries are advisory only and are expected to be flexible.

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

- 5. Commercial Uses d. Area Business (previous CUP was a Recreation Business)

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

9-5-3: STANDARDS:

A. Lot Areas:

2. Minimum Lot Size And Configuration: The minimum lot size and configuration for any use shall be at least sufficient to accommodate water supply facilities, sewage disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, stormwater containment,

snow storage, open areas, accessory structures, and setbacks in accordance with provisions herein. All lots shall have a reasonable building site and access to that site.

3. Direct Frontage Along Public Or Private Road: All lots or parcels for conditional uses shall have direct frontage along a public or private road with minimum frontage distance as specified in the site or development standards for the specific use.

B. Setbacks:

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

9-5A-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.

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.

- 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-2: ROADS AND DRIVEWAYS:

- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.

9-5A-4: LANDSCAPING:

B. Purpose And General Regulations:

1. Minimum Requirements: Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:
 - b. Service/Commercial Use: Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.
 - d. Additional Landscaping: In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.
2. Future Commercial And Industrial Development: Future commercial and industrial development sites shall be landscaped in the first phase of construction, unless a phased plan is approved by the commission.

4. Use Adjacent To Single-Family Residential Development: Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single-family residential development, such trees shall be planted at ten feet (10') on center, with every other tree being a minimum twenty four inch (24") box size.
5. Commercial, Office Or Industrial Use Adjacent To Residence: Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a residence, the landscape buffer described in subsection B3 of this section shall be increased to fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.
6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:
 - a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;
 - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
 - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
7. Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section [9-5-4](#) of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:
 - a. The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;
 - b. All retention areas shall maintain slopes no steeper than three to one (3:1).
9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).
10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.
11. Landscape Designs: Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate or shall be from native stock.

9-5A-5: FENCING:

- A. Substituted For Planting Screens: Fencing may be substituted for planting screens subject to the approval of the staff and the commission.
- B. Separation Or Screening: Fencing shall be installed to provide separation or screening as specified in the site or development standards for the specific use. A sight obscuring fence required by the commission for any conditional use shall be stained or painted a single solid color, shall not be used for advertising, and shall be maintained in good repair.
- C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.
- D. Random Entry: Fencing shall be installed to secure against random entry into hazardous areas or operations.
- E. Construction And Materials: Fence construction and materials shall be in accordance with commonly accepted good practices to produce a neat appearing durable fence. The location, height, and materials used for constructing a fence shall be approved by the commission and specified in the conditional use permit. Fences required for any conditional use shall be maintained in good repair.
- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

- G. **Obstruction Of Vision:** Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

9-5B-1: NOISE:

- A. **Commercial Or Industrial Activity:** The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

9-5B-6: OPEN STORAGE:

All storage shall be located within an area not closer than twenty feet (20') from the street right of way line and shall be enclosed with a heavy wire or board fence not less than six feet (6') high, or by plantings the same height. Lumber, coal, or other combustible material will be fully accessible to firetrucks at all times. Open storage of toxic or hazardous materials shall not be allowed. (Ord. 10-06, 8-23-2010)

9-5B-7: FIRE PROTECTION:

Provisions must be made to implement prefire 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.

9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS

A. **Minimum Lot Area:**

1. The minimum lot area shall be unlimited herein except for the provisions of subsection 9-5-3A2 of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.
3. No frontage is required for recreation business.

B. **Minimum Setbacks:**

2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.

C. **Maximum Building Height And Floor Area:**

1. Building heights shall not exceed thirty-five feet (35') above the lower of the existing or finished grade.
2. The building size or floor area shall not exceed the limitations of subsections [9-5-3A](#) and C of this chapter and title 6, chapter 1 of this code.
3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +14.

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

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District and the North Lake Recreational Sewer and Water District. It is not within an irrigation district nor a herd district.
2. Tamarack Falls area is considered a recreational hub in the Valley County Comprehensive Plan.
3. An updated project description is needed.
4. Do you have RV rentals or use RVs on the site?
5. Are you selling vehicles?
6. Pictures would be beneficial.
7. P&Z Commission will make determination as to whether the application is complete.
8. C.U.P. 16-21 COA # 10 states "Shall have no more than 30 motorized vehicles per season." Has the applicant met this requirement?
9. C.U.P. 16-21 COA # 11 states "Hours of operation shall be 9:00 a.m. to 6:00 p.m." Has this requirement been adhered to?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Assessor Plat – T.16N R.3E Section 19
- Assessor Plat – Smiling Julie Subdivision
- Site Plan
- Pictures Taken December 23, 2022, December 27, 2022, and September 10, 2022
- Conditional Use Permit 16-21, Instrument # 403766
- 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 violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use shall be established within one year of the date of approval, or a permit extension will be required.
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. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. There shall be no parking in the public right-of-way along West Mountain Road or W. Tamarack Falls Road.
9. Shall obtain a sign permit prior to installation of any new signs.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.
12. The site must be kept in a neat and orderly manner.
13. Landscaping shall be installed prior to October 1, 2023. If landscaping dies, it must be replaced.
14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
15. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.

END OF STAFF REPORT

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) X 4 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 1 _____

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) X 3 _____

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

(+2/-2) X 1 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

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

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. AGRICULTURAL

2. RESIDENCE, S.F.

3. SUBDIVISION, S.F.

4. M.H. or R.V. PARK

5. RESIDENCE, M.F.

6. SUBDIVISION, M.F.

7. P.U.D., RES.

8. REL., EDUC & REHAB

9. FRAT or GOVT

10. PUBLIC UTIL (1A-3.1)

11. PUBLIC REC

12. CEMETERY

13. LANDFILL or SWR. PLANT

14. PRIV. REC. (PER)

15. PRIV. REC. (CON)

16. NEIGHBORHOOD BUS.

17. RESIDENCE BUS.

18. SERV. BUS.

19. AREA BUS.

20. REC. BUS.

21. LIGHT IND.

22. HEAVY IND.

23. EXTR. IND.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
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Matrix Line # / Use:

19 Area
Business

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?

S.F. Residential(+2/-2) +2 X 2 +4

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

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

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

1 & 2 with Public RecreationSite Specific Evaluation (Impacts and Proposed Mitigation)(+2/-2) +1 X 3 +3

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

It is large enough & located in close proximity to his existing business. There(+2/-2) +2 X 1 +25. are no trees, but decorative rocksIs the size or scale of proposed lots and/or structures similar to adjacent ones?No structures proposed(+2/-2) -1 X 2 -2

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

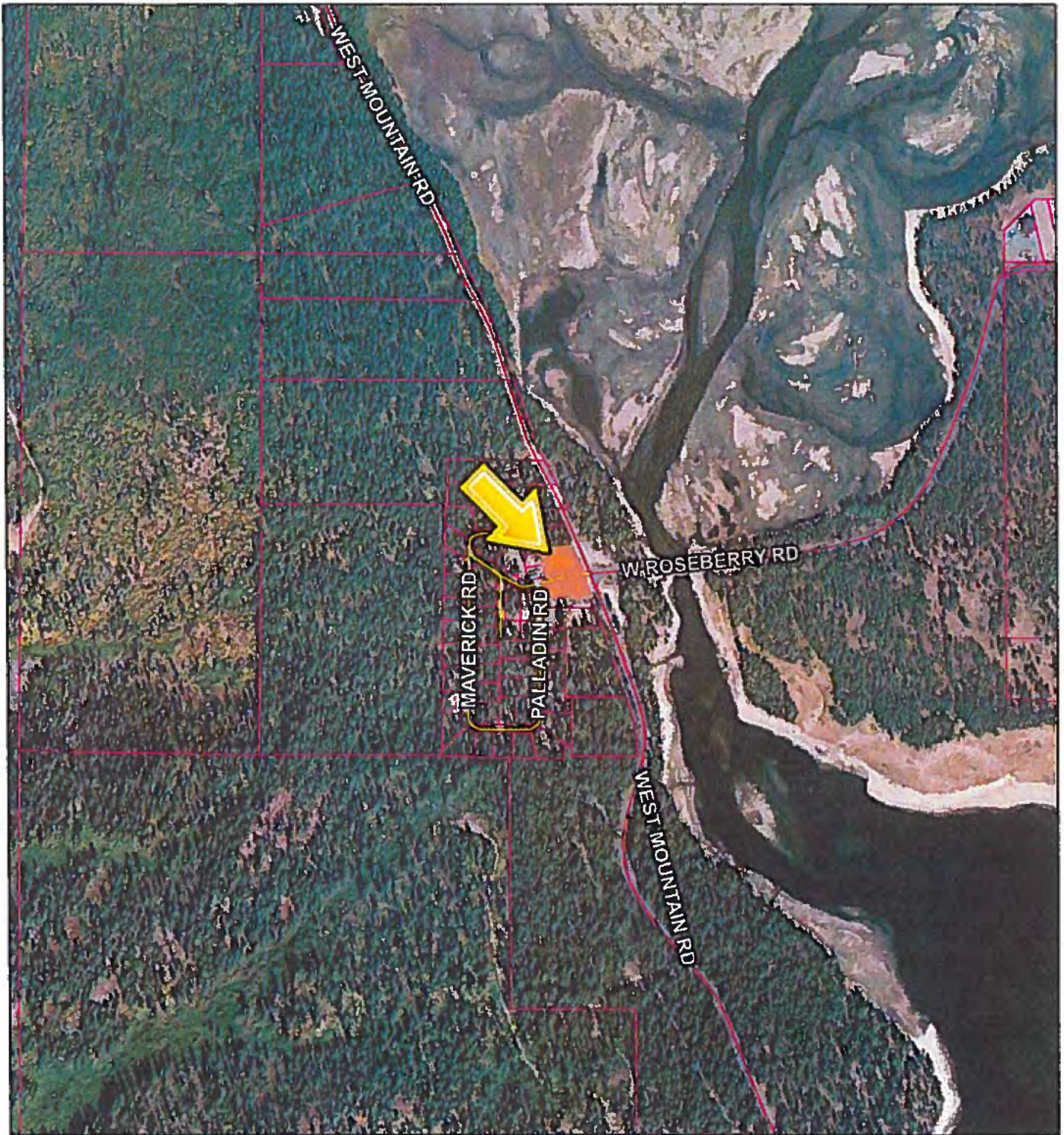
Not similar unless consider business to North.(+2/-2) +1 X 2 +2

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

Yes - business already established. But it does create some noise(+2/-2) +2 X 2 +48. 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 +49. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?Yes - pub tourist services close to use (public lands).Sub-Total (+) 20Sub-Total (-) 0Total Score +14

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. 22-51 Vicinity Map



December 2, 2022



Override 1

polygonLayer

Override 2

Parcel Boundaries

Roads

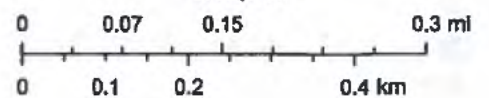
COLLECTOR

URBAN/RURAL

County Boundaries

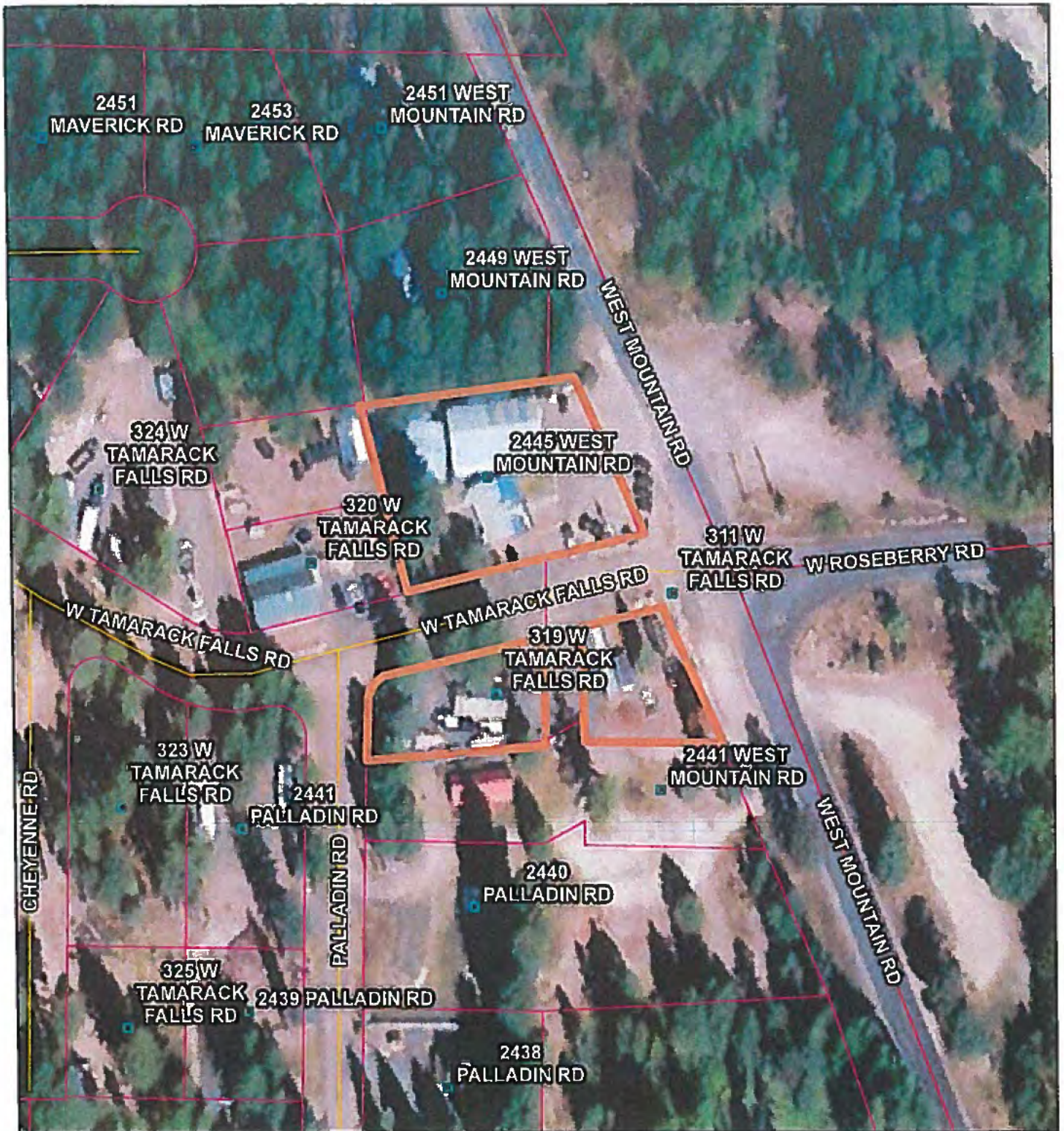
VALLEY COUNTY

1:12,551



Maxim

C.U.P. 22-51 Aerial Map



December 2, 2022

jimu-draw-layer-widget_2-dataSource_1-1669995505213 Roads

- Override 2
- Address Points
- Parcel Boundaries

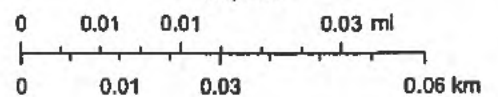
- COLLECTOR
- URBAN/RURAL

County Boundaries

VALLEY COUNTY

Maxar, Microsoft

1:1,569

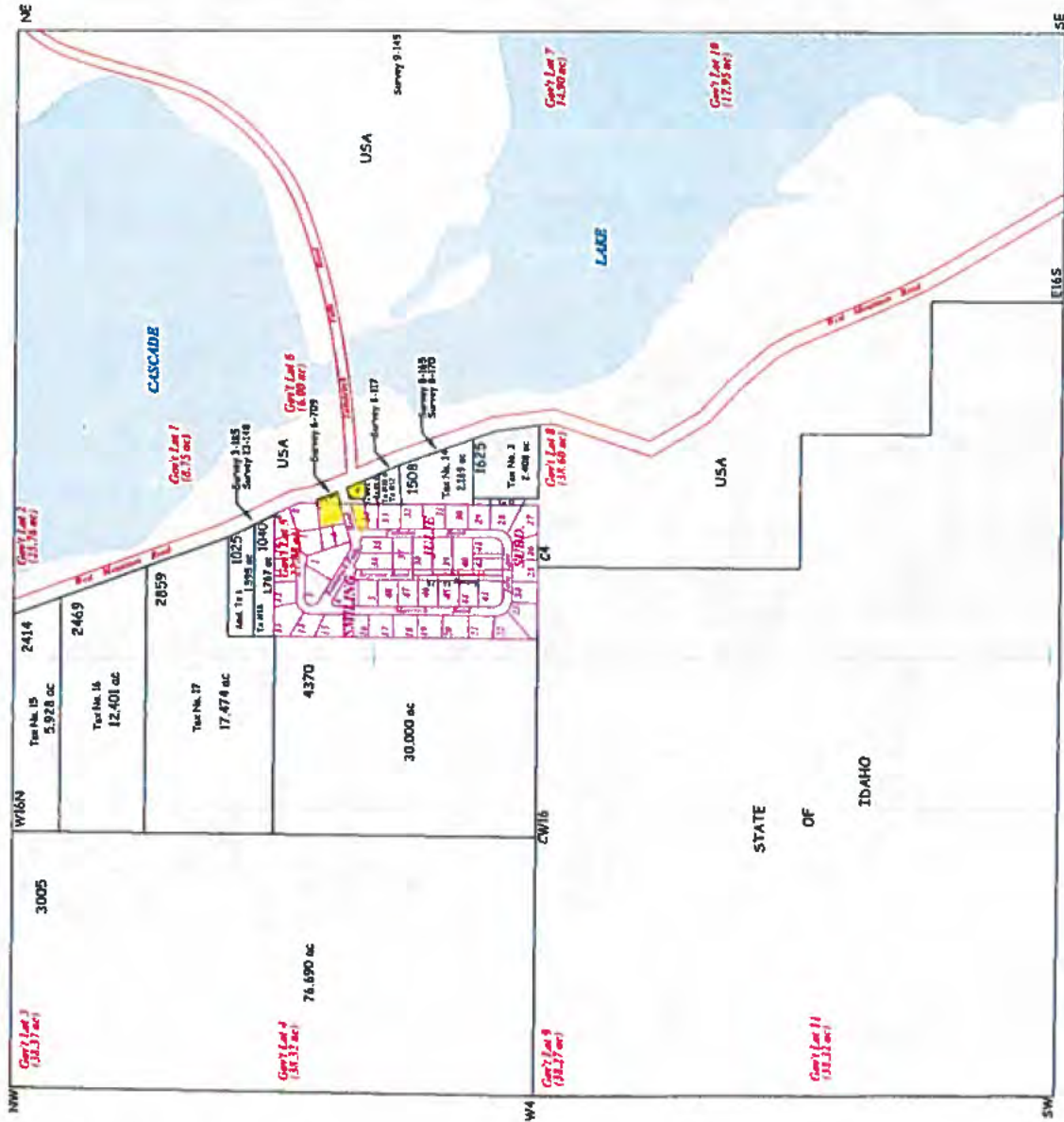


PLAT TITLE

T W P . 1 6 N R 0 3 E S E C . 1 9

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

Filename:
Valley County Base Map
Scale:
Date: 11/12/2021
Drawn by: L. Frederick



This drawing is to be used for reference purposes only. The user is responsible for any and all errors.

Ex 2 Pg. 26 9-14-59

Starks, Ross's and Ensignments dedicated
for Public Use via County acceptance found
NO CC & P's found of record.
TRANSLATIONS by: 2014 - VNC 200411

Plot of

SMILING JULIE SUB.

a part of

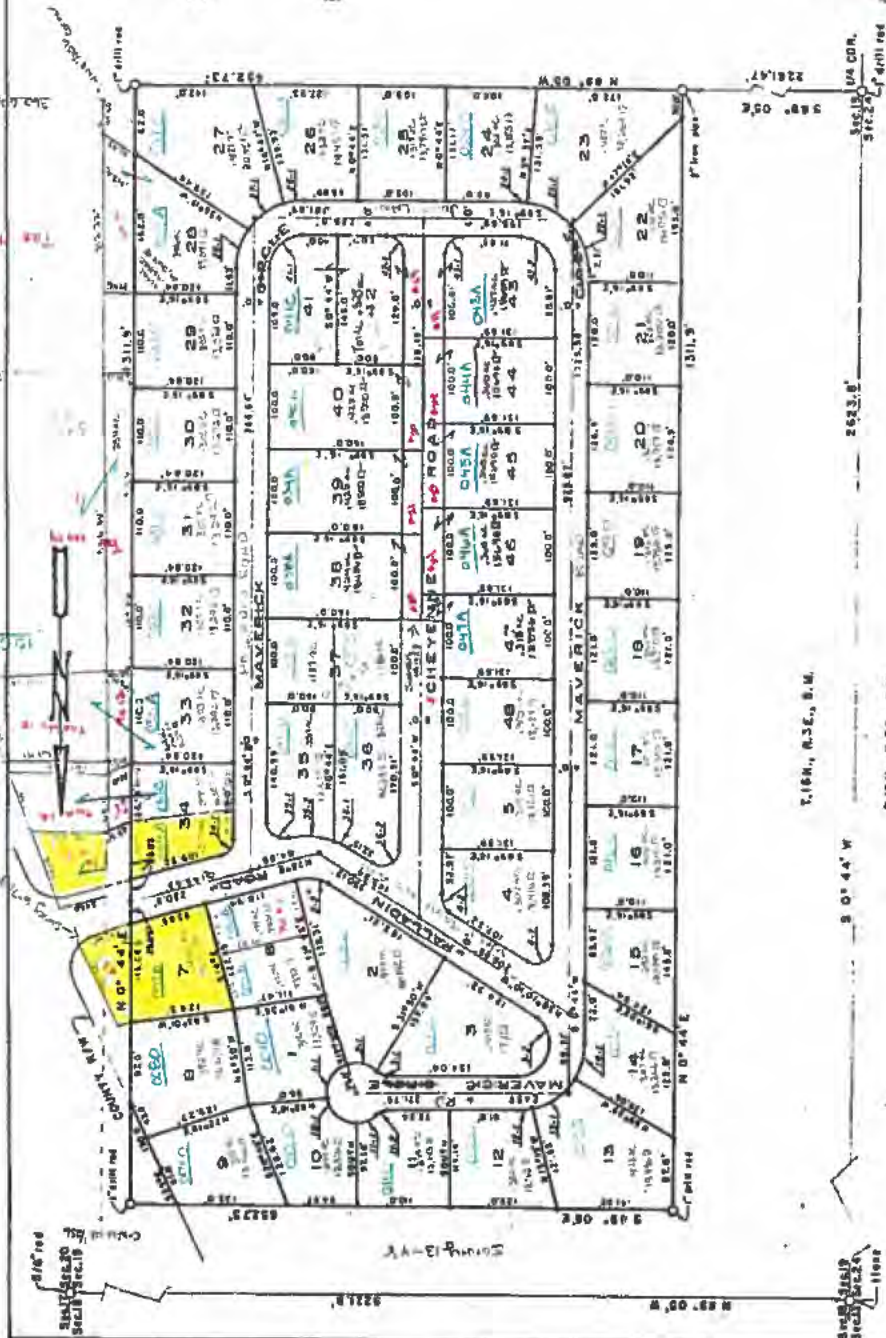
Lot 5 and the SE 1/4 of the NW 1/4 of Sec. 19, T.16N., R.3E., B.M.

Scale 1" = 100'

LEGEND

05/05 1000 100
01/21 1000 100

CURVE DATA				
No.	A	Radius	Vertical	Length of Curve
1-1	271'-2.68'	35.0'	37.32'	42.16'
1-2	60'-50.30'	35.0'	37.32'	37.17'
2-1	43'-20.30'	70.0'	7.95'	13.33'
3-1	148'-107.10'	40.0'	140.28'	103.44'
4-1	12'-109.50'	20.0'	15.45'	45.27'
4-2	58'-14.10'	20.0'	11.28'	20.55'
10-1	81'-17.30'	35.0'	32.24'	95.00'
11-1	83'-20.30'	35.0'	13.48'	26.48'
11-2	43'-20.30'	20.0'	10.03'	18.13'
11-3	15'-14.48'	80.0'	9.23'	15.43'
11-4	48'-10.16'	80.0'	34.10'	66.47'
12-1	128.31'	80.0'	21.32'	41.83'
22-1	435'-07.40'	80.0'	31.91'	60.23'
23-1	415'-37.10'	80.0'	30.61'	58.12'
24-1	415'-27.50'	80.0'	3.41'	6.41'
25-1	137'-31.1'	80.0'	10.50'	21.67'
26-1	41'-13.40'	80.0'	30.31'	57.94'
27-1	38'-33.28'	80.0'	23.49'	46.08'
28-1	13'-16.16'	20.0'	1.94'	2.621
33-1	33'-27.27'	100'	22.82'	33.63'
33-2	31'-2.2'	100.0'	3.52'	55.45'
35-1	138'-56.90'	200.0'	12.33'	42.27'
36-1	241'-07.50'	200.0'	33.42'	72.34'
41-1	30'-4.00'	40.0'	49.00'	62.23'
41-2	20'-0.00'	20.0'	20.00'	31.52'
41-3	1'-0.00'	10.0'	20.00'	31.52'
41-4	30"	5.0'	20.00'	31.52'

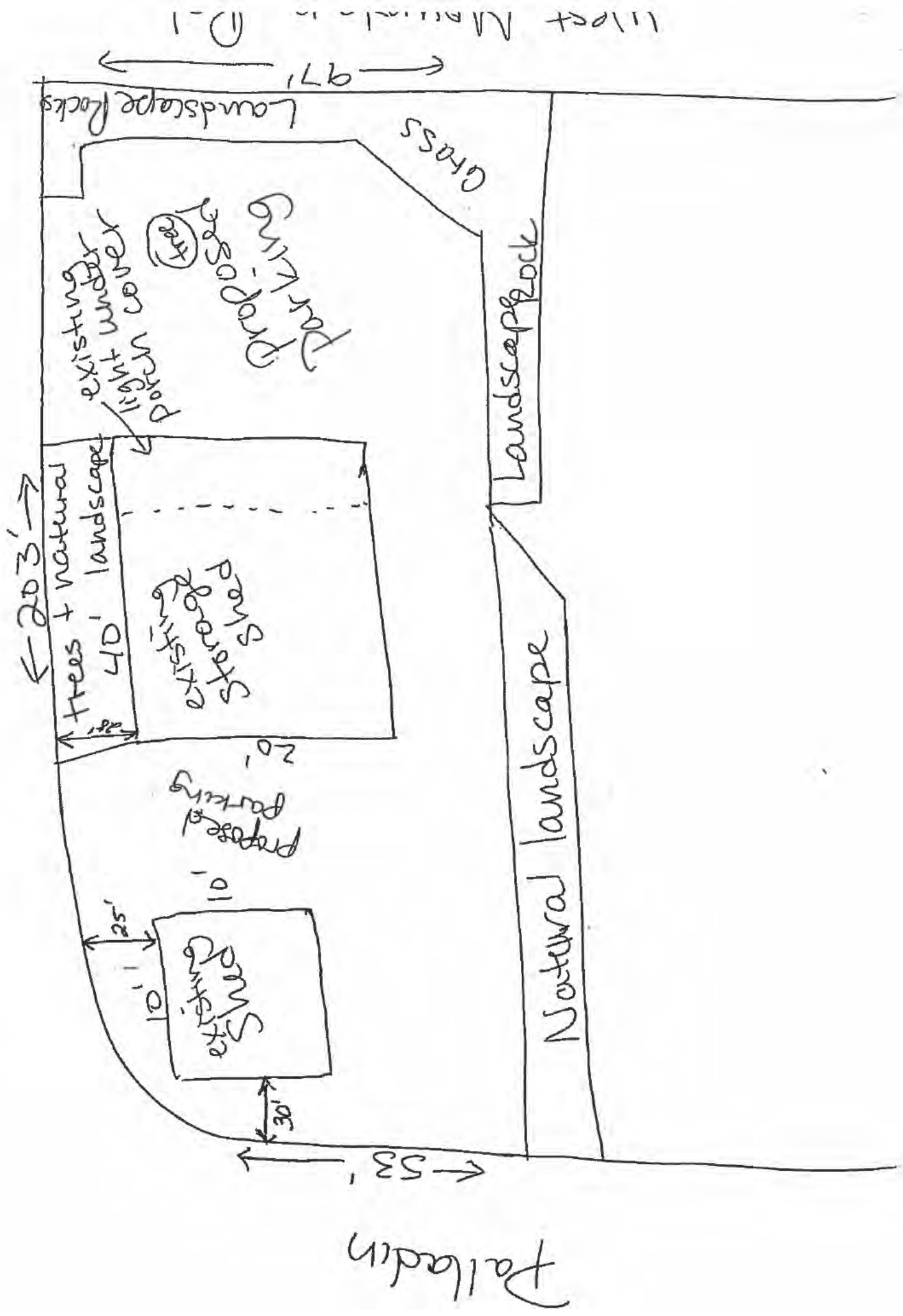


BILL HARRIS, being duly sworn, says that he is a registered Professional Engineer, that he prepared the final map of the foregoing plat, and that this tracing is an exact copy of said final map.

STATE OF IDAHO } ss
COUNTY OF ADL. }
SUBSCRIBED AND SWORN
to before me this 1st day of

WUFRAY PUBLIC RESIDING AT HOUSE IDAHO.

West Tamarack falls Rd



Palladin

West Tamarack falls Rd



12/23/2022



12/23/2022



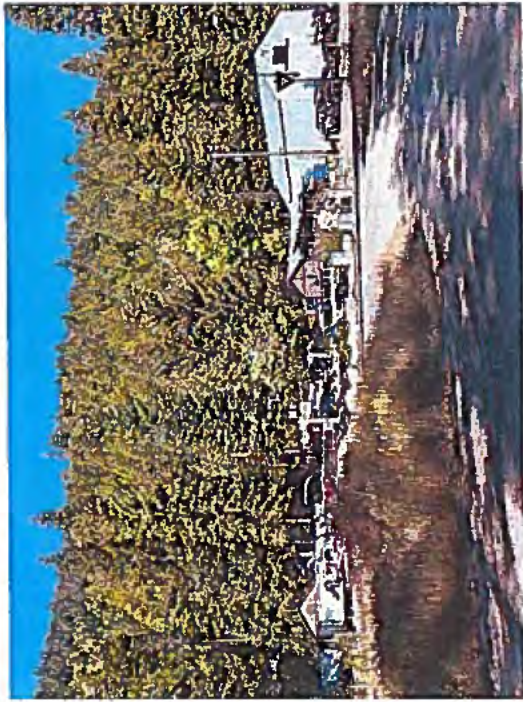
12/23/2022



12/23/2022



Photos taken September 10, 2022





Planning and Zoning Commission
VALLEY COUNTY
IDAHO

Document # 403766

VALLEY COUNTY, CASCADE, IDAHO
1-25-2017 10:09:10 AM No. of Pages: 2
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Ex-Officio Recorder Deputy
Index to: COUNTY MISC

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Phone: 208.382.7115
FAX: 208.382.7119

Date

January 24, 2017

Approved by

Gyda Norris

CONDITIONAL USE PERMIT

NO. 16-21

Mountain Meadow Rentals

Issued to:

Benjamin Esplin
3900 Elmore Road
Parma, ID 83660

Property Location:

Located on RP00248000007B in Gov't Lot 5, Section 19, T. 16N, R. 3E., B.M., Valley County, Idaho. The property is approximately 0.42 acres and addressed at 2445 W. Mountain Road.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of January 12, 2017. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 16-21 with Conditions to establish a rental business as described in the application, staff report, and minutes.

The effective date of this permit is January 24, 2017.

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.

Conditional Use Permit

Page 1

3. The use shall be established 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. All lighting must comply with the Valley County Lighting Ordinance.
6. There shall be no outside storage of any equipment or materials except for display of snowmobiles or jet skis.
7. There shall be no parking in the public right-of-way or parking lots along West Mountain Road.
8. Shall obtain a sign permit.
9. Shall comply with the requirements of the Donnelly Rural Fire Protection District.
10. Shall have no more than 30 motorized vehicles per season.
11. Hours of operation shall be 9:00 a.m. to 6:00 p.m.

END – CONDITIONAL USE PERMIT



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # CUP 22-51
Conditional Use # CUP 16-21
Preliminary / Final / Short Plat Mountain Meadows Rentals
319 W. Tamarack Falls Rd
Lot 34 Simonsen Tract Sub

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

- ☒ 14. CCH has no record of a septic system. We have no objection as long as parking and driving do not occur over any septic system that may be on the lot.

Reviewed By: SA K/M

Date: 12/14/22



Donnelly Rural Fire Protection District
P.O. Box 1178 Donnelly, Idaho 83615
208-325-8619 Fax 208-325-5081

December 29, 2022

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

RE: C.U.P. 22-51 Amendment of C.U.P 16-21 Mountain Meadow Rentals

After review, all prior requirements shall remain in effect..

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

January 4, 2017

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 16-21 Mountain Meadows Rentals

After review, the Donnelly Rural Fire Protection District (DRFPD) approves C.U.P. 16-21 Mountain Meadows Rentals with the following requirements.

- **Section 5706.1 IFC 2012** Provisions for special operations which include, but are not limited to, storage, use, dispensing, mixing or handling of flammable and combustible liquids. The following special operations shall be in accordance with Sections 5701, 5703, 5704 and 5705 except as provided in Section 5706
- **Section 5706.2 IFC 2012** Permanent and temporary storage and dispensing of class I and II liquids shall be in accordance with Sections 5706.2.1 through 5706.2.8.1

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis", written over a horizontal line.

Fire Marshal

Donnelly Fire Department

5. Projections into a corridor shall be in accordance with Section 1003.3.3.

SECTION 5706 SPECIAL OPERATIONS

5706.1 General. This section shall cover the provisions for special operations which include, but are not limited to, storage, use, dispensing, mixing or handling of flammable and combustible liquids. The following special operations shall be in accordance with Sections 5701, 5703, 5704 and 5705, except as provided in Section 5706.

1. Storage and dispensing of flammable and combustible liquids on farms and construction sites.
2. Well drilling and operating.
3. Bulk plants or terminals.
4. Bulk transfer and process transfer operations utilizing tank vehicles and tank cars.
5. Tank vehicles and tank vehicle operation.
6. Refineries.
7. Vapor recovery and vapor-processing systems.

5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or borrow pits shall be in accordance with Sections 5706.2.1 through 5706.2.8.1.

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the *International Mechanical Code*.

5706.2.1 Combustibles and open flames near tanks. Storage areas shall be kept free from weeds and extraneous combustible material. Open flames and smoking are prohibited in flammable or combustible liquid storage areas.

5706.2.2 Marking of tanks and containers. Tanks and containers for the storage of liquids above ground shall be conspicuously marked with the name of the product which they contain and the words: FLAMMABLE—KEEP FIRE AND FLAME AWAY. Tanks shall bear the additional marking: KEEP 50 FEET FROM BUILDINGS.

5706.2.3 Containers for storage and use. Metal containers used for storage of Class I or II liquids shall be in accordance with DOT requirements or shall be of an approved design.

Discharge devices shall be of a type that do not develop an internal pressure on the container. Pumping devices or approved self-closing faucets used for dispensing liquids shall not leak and shall be well-maintained. Individual containers shall not be interconnected and shall be kept closed when not in use.

Containers stored outside of buildings shall be in accordance with Section 5704 and the *International Building Code*.

5706.2.4 Permanent and temporary tanks. The capacity of permanent above-ground tanks containing Class I or II liquids shall not exceed 1,100 gallons (4164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed 10,000 gallons (37 854 L). Tanks shall be of the single-compartment design.

Exception: Permanent above-ground tanks of greater capacity which meet the requirements of Section 5704.2.

5706.2.4.1 Fill-opening security. Fill openings shall be equipped with a locking closure device. Fill openings shall be separate from vent openings.

5706.2.4.2 Vents. Tanks shall be provided with a method of normal and emergency venting. Normal vents shall also be in accordance with Section 5704.2.7.3.

Emergency vents shall be in accordance with Section 5704.2.7.4. Emergency vents shall be arranged to discharge in a manner which prevents localized overheating or flame impingement on any part of the tank in the event that vapors from such vents are ignited.

5706.2.4.3 Location. Tanks containing Class I or II liquids shall be kept outside and at least 50 feet (15 240 mm) from buildings and combustible storage. Additional distance shall be provided when necessary to ensure that vehicles, equipment and containers being filled directly from such tanks will not be less than 50 feet (15 240 mm) from structures, haystacks or other combustible storage.

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).

5706.2.5 Type of tank. Tanks shall be provided with top openings only or shall be elevated for gravity discharge.

5706.2.5.1 Tanks with top openings only. Tanks with top openings shall be mounted as follows:

1. On well-constructed metal legs connected to shoes or runners designed so that the tank is stabilized and the entire tank and its supports can be moved as a unit; or
2. For stationary tanks, on a stable base of timbers or blocks approximately 6 inches (152 mm) in height which prevents the tank from contacting the ground.

5706.2.5.1.1 Pumps and fittings. Tanks with top openings only shall be equipped with a tightly and permanently attached, approved pumping device having an approved hose of sufficient length for filling vehicles, equipment or containers to be served from the tank. Either the pump or the hose shall be equipped with a padlock to its hanger to prevent

311.5.5 Informational use. The use of these symbols shall be informational only and shall not in any way limit the discretion of the on-scene incident commander.

SECTION 312 VEHICLE IMPACT PROTECTION

312.1 General. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other *approved* physical barriers that comply with Section 312.3.

312.2 Posts. Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
2. Spaced not more than 4 feet (1219 mm) between posts on center.
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
5. Located not less than 3 feet (914 mm) from the protected object.

312.3 Other barriers. Physical barriers shall be a minimum of 36 inches (914 mm) in height and shall resist a force of 12,000 pounds (53 375 N) applied 36 inches (914 mm) above the adjacent ground surface.

SECTION 313 FUELED EQUIPMENT

313.1 General. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators and portable cooking equipment, shall not be stored, operated or repaired within a building.

Exceptions:

1. Buildings or rooms constructed for such use in accordance with the *International Building Code*.
2. Where allowed by Section 314.
3. Storage of equipment utilized for maintenance purposes is allowed in *approved* locations when the aggregate fuel capacity of the stored equipment does not exceed 10 gallons (38 L) and the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.

313.1.1 Removal. The *fire code official* is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the *fire code official* to be hazardous.

313.2 Group R occupancies. Vehicles powered by flammable liquids, Class II *combustible liquids* or compressed flammable gases shall not be stored within the living space of Group R buildings.

SECTION 314 INDOOR DISPLAYS

314.1 General. Indoor displays constructed within any occupancy shall comply with Sections 314.2 through 314.4.

314.2 Fixtures and displays. Fixtures and displays of goods for sale to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.

314.3 Highly combustible goods. The display of highly combustible goods, including but not limited to fireworks, flammable or *combustible liquids*, liquefied flammable gases, oxidizing materials, pyroxylin plastics and agricultural goods, in main *exit access aisles*, *corridors*, covered and open malls, or within 5 feet (1524 mm) of entrances to *exits* and exterior *exit doors* is prohibited when a fire involving such goods would rapidly prevent or obstruct egress.

314.4 Vehicles. Liquid- or gas-fueled vehicles, boats or other motorcraft shall not be located indoors except as follows:

1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motorcraft equipment are not fueled or defueled within the building.

SECTION 315 GENERAL STORAGE

315.1 General. Storage shall be in accordance with Sections 315.2 through 315.4.

315.2 Permit required. A permit for miscellaneous combustible storage shall be required as set forth in Section 105.6.

315.3 Storage in buildings. Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

315.3.1 Ceiling clearance. Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

315.3.2 Means of egress. Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

315.3.3 Equipment rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.

315.3.4 Attic, under-floor and concealed spaces. Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistance-rated construction. Openings shall be protected by assemblies that are self-closing and are of noncombustible construction or solid

tampering. An effective antisiphoning device shall be included in the pump discharge unless a self-closing nozzle is provided. Siphons or internal pressure discharge devices shall not be used.

5706.2.5.2 Tanks for gravity discharge. Tanks with a connection in the bottom or the end for gravity-dispensing liquids shall be mounted and equipped as follows:

1. Supports to elevate the tank for gravity discharge shall be designed to carry all required loads and provide stability.
2. Bottom or end openings for gravity discharge shall be equipped with a valve located adjacent to the tank shell which will close automatically in the event of fire through the operation of an effective heat-activated releasing device. Where this valve cannot be operated manually, it shall be supplemented by a second, manually operated valve.

The gravity discharge outlet shall be provided with an *approved* hose equipped with a self-closing valve at the discharge end of a type that can be padlocked to its hanger.

5706.2.6 Spill control drainage control and diking. Indoor storage and dispensing areas shall be provided with spill control and drainage control as set forth in Section 5703.4. Outdoor storage areas shall be provided with drainage control or diking as set forth in Section 5704.2.10.

5706.2.7 Portable fire extinguishers. Portable fire extinguishers with a minimum rating of 20-B:C and complying with Section 906 shall be provided where required by the *fire code official*.

5706.2.8 Dispensing from tank vehicles. Where *approved*, liquids used as fuels are allowed to be transferred from tank vehicles into the tanks of motor vehicles or special equipment, provided:

1. The tank vehicle's specific function is that of supplying fuel to motor vehicle fuel tanks.
2. The dispensing hose does not exceed 100 feet (30 480 mm) in length.
3. The dispensing nozzle is an *approved* type.
4. The dispensing hose is properly placed on an *approved* reel or in a compartment provided before the tank vehicle is moved.
5. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of refueling are prominently posted on the tank vehicle.
6. Electrical devices and wiring in areas where fuel dispensing is conducted are in accordance with NFPA 70.
7. Tank vehicle-dispensing equipment is operated only by designated personnel who are trained to handle and dispense motor fuels.

8. Provisions are made for controlling and mitigating unauthorized discharges.

5706.2.8.1 Location. Dispensing from tank vehicles shall be conducted at least 50 feet (15 240 mm) from structures or combustible storage.

5706.3 Well drilling and operating. Wells for oil and natural gas shall be drilled and operated in accordance with Sections 5706.3.1 through 5706.3.8.

5706.3.1 Location. The location of wells shall comply with Sections 5706.3.1.1 through 5706.3.1.3.2.

5706.3.1.1 Storage tanks and sources of ignition. Storage tanks or boilers, fired heaters, open-flame devices or other sources of ignition shall not be located within 25 feet (7620 mm) of well heads. Smoking is prohibited at wells or tank locations except as designated and in *approved* posted areas.

Exception: Engines used in the drilling, production and serving of wells.

5706.3.1.2 Streets and railways. Wells shall not be drilled within 75 feet (22 860 mm) of any dedicated public street, highway or nearest rail of an operating railway.

5706.3.1.3 Buildings. Wells shall not be drilled within 100 feet (30 480 mm) of buildings not necessary to the operation of the well.

5706.3.1.3.1 Group A, E or I buildings. Wells shall not be drilled within 300 feet (91 440 mm) of buildings with an occupancy in Group A, E or I.

5706.3.1.3.2 Existing wells. Where wells are existing, buildings shall not be constructed within the distances set forth in Section 5706.3.1 for separation of wells or buildings.

5706.3.2 Waste control. Control of waste materials associated with wells shall comply with Sections 5706.3.2.1 and 5706.3.2.2.

5706.3.2.1 Discharge on a street or water channel. Liquids containing crude petroleum or its products shall not be discharged into or on streets, highways, drainage canals or ditches, storm drains or flood control channels.

5706.3.2.2 Discharge and combustible materials on ground. The surface of the ground under, around or near wells, pumps, boilers, oil storage tanks or buildings shall be kept free from oil, waste oil, refuse or waste material.

5706.3.3 Sumps. Sumps associated with wells shall comply with Sections 5706.3.3.1 through 5706.3.3.3.

5706.3.3.1 Maximum width. Sumps or other basins for the retention of oil or petroleum products shall not exceed 12 feet (3658 mm) in width.

5706.3.3.2 Backfilling. Sumps or other basins for the retention of oil or petroleum products larger than 6 feet by 6 feet by 6 feet (1829 mm by 1829 mm by 1829 mm) shall not be maintained longer than 60 days after the cessation of drilling operations.

SECTION 5703 GENERAL REQUIREMENTS

5703.1 Electrical. Electrical wiring and equipment shall be installed and maintained in accordance with Section 605 and NFPA 70.

5703.1.1 Classified locations for flammable liquids. Areas where flammable liquids are stored, handled, dispensed or mixed shall be in accordance with Table 5703.1.1. A classified area shall not extend beyond an unpierced floor, roof or other solid partition.

The extent of the classified area is allowed to be reduced, or eliminated, where sufficient technical justification is provided to the *fire code official* that a concentration in the area in excess of 25 percent of the lower flammable limit (LFL) cannot be generated.

5703.1.2 Classified locations for combustible liquids. Areas where Class II or III liquids are heated above their *flash points* shall have electrical installations in accordance with Section 5703.1.1.

Exception: Solvent distillation units in accordance with Section 5705.4.

5703.1.3 Other applications. The *fire code official* is authorized to determine the extent of the Class I electrical equipment and wiring location when a condition is not specifically covered by these requirements or NFPA 70.

5703.2 Fire protection. Fire protection for the storage, use, dispensing, mixing, handling and on-site transportation of flammable and combustible liquids shall be in accordance with this chapter and applicable sections of Chapter 9.

5703.2.1 Portable fire extinguishers and hose lines. Portable fire extinguishers shall be provided in accordance with Section 906. Hose lines shall be provided in accordance with Section 905.

5703.3 Site assessment. In the event of a spill, leak or discharge from a tank system, a site assessment shall be completed by the *owner* or operator of such tank system if the *fire code official* determines that a potential fire or explosion hazard exists. Such site assessments shall be conducted to ascertain potential fire hazards and shall be completed and submitted to the fire department within a time period established by the *fire code official*, not to exceed 60 days.

5703.4 Spill control and secondary containment. Where the *maximum allowable quantity per control area* is exceeded, and when required by Section 5004.2, rooms, buildings or areas used for storage, dispensing, use, mixing or handling of Class I, II and IIIA liquids shall be provided with spill control and secondary containment in accordance with Section 5004.2.

5703.5 Labeling and signage. The *fire code official* is authorized to require warning signs for the purpose of identifying the hazards of storing or using flammable liquids. Signage for identification and warning such as for the inherent hazard of flammable liquids or smoking shall be provided in accordance with this chapter and Sections 5003.5 and 5003.6.

5703.5.1 Style. Warning signs shall be of a durable material. Signs warning of the hazard of flammable liquids

shall have white lettering on a red background and shall read: DANGER—FLAMMABLE LIQUIDS. Letters shall not be less than 3 inches (76 mm) in height and 1/2 inch (12.7 mm) in stroke.

5703.5.2 Location. Signs shall be posted in locations as required by the *fire code official*. Piping containing flammable liquids shall be identified in accordance with ASME A13.1.

5703.5.3 Warning labels. Individual containers, packages and cartons shall be identified, marked, labeled and placarded in accordance with federal regulations and applicable state laws.

5703.5.4 Identification. Color coding or other *approved* identification means shall be provided on each loading and unloading riser for flammable or combustible liquids to identify the contents of the tank served by the riser.

5703.6 Piping systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11.

5703.6.1 Nonapplicability. The provisions of Section 5703.6 shall not apply to gas or oil well installations; piping that is integral to stationary or portable engines, including aircraft, watercraft and motor vehicles; and piping in connection with boilers and pressure vessels regulated by the *International Mechanical Code*.

5703.6.2 Design, fabrication and installation of piping systems and components. Piping system components shall be designed and fabricated in accordance with the applicable standard listed in Table 5703.6.2 and Chapter 27 of NFPA 30, except as modified by Section 5703.6.2.1.

TABLE 5703.6.2
PIPING STANDARDS

PIPING USE	STANDARD
Power Piping	ASME B31.1
Process Piping	ASME B31.3
Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids	ASME B31.4
Building Services Piping	ASME B31.9

5703.6.2.1 Special materials. Low-melting-point materials (such as aluminum, copper or brass), materials that soften on fire exposure (such as nonmetallic materials) and nonductile material (such as cast iron) shall be acceptable for use underground in accordance with the applicable standard listed in Table 5703.6.2. When such materials are used outdoors in above-ground piping systems or within buildings, they shall be in accordance with the applicable standard listed in Table 5703.6.2 and one of the following:

1. Suitably protected against fire exposure.
2. Located where leakage from failure would not unduly expose people or structures.
3. Located where leakage can be readily controlled by operation of accessible remotely located valves.

In all cases, nonmetallic piping shall be used in accordance with Section 27.4.6 of NFPA 30.

properties of diverse ownership have a common boundary, the *fire code official* is authorized to, with the written consent of the *owners* of the two properties, apply the distances in Sections 5704.2.9.6.1.2 through 5704.2.9.6.1.5 assuming a single property.

5704.2.9.6.2 Separation between adjacent stable or unstable liquid tanks. The separation between tanks containing stable liquids shall be in accordance with Table 22.4.2.1 of NFPA 30. Where tanks are in a diked area containing Class I or II liquids, or in the drainage path of Class I or II liquids, and are compacted in three or more rows or in an irregular pattern, the *fire code official* is authorized to require greater separation than specified in Table 22.4.2.1 of NFPA 30 or other means to make tanks in the interior of the pattern accessible for fire-fighting purposes.

Exception: Tanks used for storing Class IIIB liquids are allowed to be spaced 3 feet (914 mm) apart unless within a diked area or drainage path for a tank storing Class I or II liquids.

The separation between tanks containing unstable liquids shall not be less than one-half the sum of their diameters.

5704.2.9.6.3 Separation between adjacent tanks containing flammable or combustible liquids and LP-gas. The minimum horizontal separation between an LP-gas container and a Class I, II or IIIA liquid storage tank shall be 20 feet (6096 mm) except in the case of Class I, II or IIIA liquid tanks operating at pressures exceeding 2.5 psig (17.2 kPa) or equipped with emergency venting allowing pressures to exceed 2.5 psig (17.2 kPa), in which case the provisions of Section 5704.2.9.6.2 shall apply.

An *approved* means shall be provided to prevent the accumulation of Class I, II or IIIA liquids under adjacent LP-gas containers such as by dikes, diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the LP-gas containers shall be outside the diked area and at least 10 feet (3048 mm) away from the centerline of the wall of the diked area.

Exceptions:

1. Liquefied petroleum gas containers of 125 gallons (473 L) or less in capacity installed adjacent to fuel-oil supply tanks of 660 gallons (2498 L) or less in capacity.
2. Horizontal separation is not required between above-ground LP-gas containers and underground flammable and combustible liquid tanks.

5704.2.9.7 Additional requirements for protected above-ground tanks. In addition to the requirements of this chapter for above-ground tanks, the installation of protected above-ground tanks shall be in accordance with Sections 5704.2.9.7.1 through 5704.2.9.7.10.

5704.2.9.7.1 Tank construction. The construction of a protected above-ground tank and its primary tank shall be in accordance with Section 5704.2.7.

5704.2.9.7.2 Normal and emergency venting. Normal and emergency venting for protected above-ground tanks shall be provided in accordance with Sections 5704.2.7.3 and 5704.2.7.4. The vent capacity reduction factor shall not be allowed.

5704.2.9.7.3 Flame arresters. *Approved* flame arresters or pressure vacuum breather valves shall be installed in normal vents.

5704.2.9.7.4 Secondary containment. Protected above-ground tanks shall be provided with secondary containment, drainage control or diking in accordance with Section 5004.2. A means shall be provided to establish the integrity of the secondary containment in accordance with NFPA 30.

5704.2.9.7.5 Vehicle impact protection. Where protected above-ground tanks, piping, electrical conduit or dispensers are subject to vehicular impact, they shall be protected therefrom, either by having the impact protection incorporated into the system design in compliance with the impact test protocol of UL 2085, or by meeting the provisions of Section 312, or where necessary, a combination of both. Where guard posts or other *approved* barriers are provided, they shall be independent of each above-ground tank.

5704.2.9.7.6 Overfill prevention. Protected above-ground tanks shall not be filled in excess of 95 percent of their capacity. An overfill prevention system shall be provided for each tank. During tank-filling operations, the system shall comply with one of the following:

1. The system shall:

- 1.1. Provide an independent means of notifying the person filling the tank that the fluid level has reached 90 percent of tank capacity by providing an audible or visual alarm signal, providing a tank level gauge marked at 90 percent of tank capacity, or other *approved* means; and
- 1.2. Automatically shut off the flow of fuel to the tank when the quantity of liquid in the tank reaches 95 percent of tank capacity. For rigid hose fuel-delivery systems, an *approved* means shall be provided to empty the fill hose into the tank after the automatic shutoff device is activated.

2. The system shall reduce the flow rate to not more than 15 gallons per minute (0.95 L/s) so that at the reduced flow rate, the tank will not overfill for 30 minutes, and automatically shut off flow into the tank so that none of the fit-

tings on the top of the tank are exposed to product because of overfilling.

5704.2.9.7.6.1 Information signs. A permanent sign shall be provided at the fill point for the tank, documenting the filling procedure and the tank calibration chart.

Exception: Where climatic conditions are such that the sign may be obscured by ice or snow, or weathered beyond readability or otherwise impaired, said procedures and chart shall be located in the office window, lock box or other area accessible to the person filling the tank.

5704.2.9.7.6.2 Determination of available tank capacity. The filling procedure shall require the person filling the tank to determine the gallonage (literage) required to fill it to 90 percent of capacity before commencing the fill operation.

5704.2.9.7.7 Fill pipe connections. The fill pipe shall be provided with a means for making a direct connection to the tank vehicle's fuel delivery hose so that the delivery of fuel is not exposed to the open air during the filling operation. Where any portion of the fill pipe exterior to the tank extends below the level of the top of the tank, a check valve shall be installed in the fill pipe not more than 12 inches (305 mm) from the fill hose connection.

5704.2.9.7.8 Spill containers. A spill container having a capacity of not less than 5 gallons (19 L) shall be provided for each fill connection. For tanks with a top fill connection, spill containers shall be non-combustible and shall be fixed to the tank and equipped with a manual drain valve that drains into the primary tank. For tanks with a remote fill connection, a portable spill container shall be allowed.

5704.2.9.7.9 Tank openings. Tank openings in protected above-ground tanks shall be through the top only.

5704.2.9.7.10 Antisiphon devices. Approved antisiphon devices shall be installed in each external pipe connected to the protected above-ground tank when the pipe extends below the level of the top of the tank.

5704.2.10 Drainage and diking. The area surrounding a tank or group of tanks shall be provided with drainage control or shall be diked to prevent accidental discharge of liquid from endangering adjacent tanks, adjoining property or reaching waterways.

Exceptions:

1. The fire code official is authorized to alter or waive these requirements based on a technical report which demonstrates that such tank or group of tanks does not constitute a hazard to other tanks, waterways or adjoining property, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings on the same or adja-

cent property, capacity, and construction of proposed tanks and character of liquids to be stored, and nature and quantity of private and public fire protection provided.

2. Drainage control and diking is not required for listed secondary containment tanks.

5704.2.10.1 Volumetric capacity. The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

5704.2.10.2 Diked areas containing two or more tanks. Diked areas containing two or more tanks shall be subdivided in accordance with NFPA 30.

5704.2.10.3 Protection of piping from exposure fires. Piping shall not pass through adjacent diked areas or impounding basins, unless provided with a sealed sleeve or otherwise protected from exposure to fire.

5704.2.10.4 Combustible materials in diked areas. Diked areas shall be kept free from combustible materials, drums and barrels.

5704.2.10.5 Equipment, controls and piping in diked areas. Pumps, manifolds and fire protection equipment or controls shall not be located within diked areas or drainage basins or in a location where such equipment and controls would be endangered by fire in the diked area or drainage basin. Piping above ground shall be minimized and located as close as practical to the shell of the tank in diked areas or drainage basins.

Exceptions:

1. Pumps, manifolds and piping integral to the tanks or equipment being served which is protected by intermediate diking, berms, drainage or fire protection such as water spray, monitors or resistive coating.
2. Fire protection equipment or controls which are appurtenances to the tanks or equipment being protected, such as foam chambers or foam piping and water or foam monitors and hydrants, or hand and wheeled extinguishers.

5704.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Sections 5704.2.11.1 through 5704.2.11.5.2.

5704.2.11.1 Contents. Underground tanks shall not contain petroleum products containing mixtures of a nonpetroleum nature, such as ethanol or methanol blends, without evidence of compatibility.

5704.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads car-



Valley County Road & Bridge

PO Box 672* Cascade, Idaho 83611

Jeff McFadden
Superintendent

jmcfadden@co.valley.id.us

Office * (208)382-7195

Fax * (208)382-7198



C.U.P. 22-51 Mountain Meadows Amendment

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact to the local roads that will be utilized for accessing the proposed expansion. CUP 22-51 is an application submitted by Ben Esplin to expand the rental business by .31 acres.

County maintained roads that will see increased traffic by the addition of the proposed expansion would be West Mountain Road, north of West Roseberry Road. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

- Recommendation (1): To help mitigate dust along West Mountain Road, from West Roseberry to No Business Road, approx. 1.3 miles, and continue on No Business Road to boundary of the private property, approx. 1 mile. The increased volume of rental equipment has had tremendous effects on both of those roads during the summer months.

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

Valley County Road Superintendent

A handwritten signature in black ink, appearing to read "Jeff McFadden".

Jeff McFadden