

Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

STAFF REPORT: VAR 26-003 Rogers Cabin LLC Setback Variance
MEETING DATE: June 11, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
**APPLICANT /
PROPERTY OWNER:** Rogers Cabin LLC
2611 E Margate CT, Eagle ID 83616
LOCATION: 12969 Sandy Drive
Big Smoky No. 1 Subdivision Lot 20,
NE ¼ Section 21, T.16N, R.3E, Boise Meridian, Valley County, Idaho
SIZE: 0.30-Acre Lot
REQUEST: Rear Setback Variance from 7.5 feet to 4.5 feet
EXISTING LAND USE: Single-Family Residential Lot

Rogers Cabin LLC is requesting a variance to relax the rear yard setback from 7.5 feet to 4.5 feet to replace the existing deck that was constructed in 1978.

No expansion, reconfiguration, or encroachment beyond the established footprint is proposed.

The application states that the deck is 50-ft from the high-water line of Lake Cascade.

The site borders land managed by the U.S. Bureau of Reclamation which allows a 7.5-foot rear yard setback.

Floodplain Permit 1997-4 permitted a retaining wall at the site.

The 0.30-acre site is addressed at 12969 Sandy Drive.

FINDINGS:

1. The application was submitted on April 22, 2026.
2. Legal notice was posted in the *Star News* on May 21, 2026, and May 28, 2026. The applicant was notified by letter on May 11, 2026. Potentially affected agencies were notified on May 12, 2026. Property owners within 300 feet of the property line were notified by fact sheet sent by mail on May 12, 2026. The notice was posted online at www.co.valley.id.us on May 12, 2026. The site was posted on May 20, 2026.
3. Agency comment received:

Jason Dobis, U.S. Bureau of Reclamation Cascade Field Manager, requests that the established setback requirements be upheld to prevent further encroachment issues onto adjacent Reclamation-managed lands. (June

Brent Copes, Central District Health, has no objection. If the home is on individual well and/or septic system, an accessory use application and fees will be required. (May 17, 2026)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (May 26, 2026)

Paul Ashton, Parametrix and Valley County Engineer, did not review the application. (June 3, 2026)

4. Public comment received: *none*

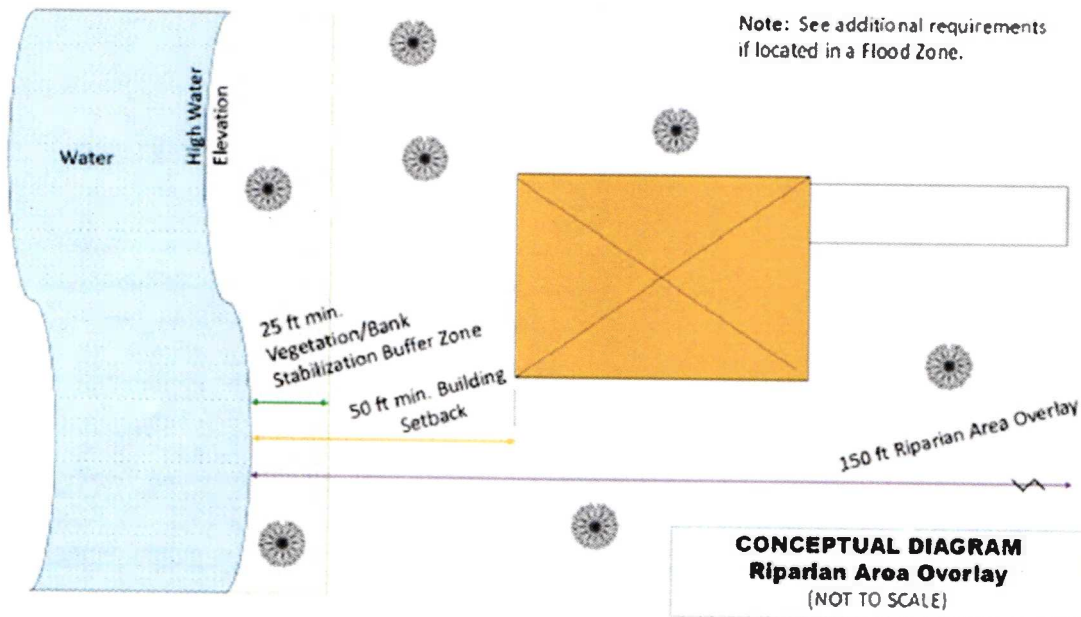
5. Valley County Code:

9-6-6: RIPARIAN AREA OVERLAY:

- A. Purpose: The purpose of this special overlay is to protect the health and safety of the public, and to minimize damage to property and fragile ecologies by preventing surface and ground water pollution along with protection of waterbodies. It will also serve to protect water quality.
- B. Areas of Application: The standards and procedures for riparian areas shall apply to those lands which are within one hundred fifty (150) feet of any lake, pond, river, or year-round flowing creek or stream.
- C. Standards:
 - 1. Setback shall be fifty feet (50') from high water line for residential buildings and appurtenant structures and one hundred feet (100') for all other buildings and appurtenant structures. If a lot was platted prior to adoption of this standard and there is no area to construct, a variance may be granted by administrators if runoff control measures as prepared by the applicant are recommended for approval by the Valley County Engineer based on stormwater standards.
 - 2. Prior to any excavation or construction, the property owner, general contractor or the responsible party shall provide proof of stormwater certification training or responsible person training. Training and certification must be on an approved training provider list that can be obtained at the Valley County Building Department.
 - 3. Stormwater detention basins, retention basins, swales or other techniques shall be used when recommended or required by the Valley County Engineer.
 - a. Basins must be designed and sized to filter or infiltrate runoff from the construction site and permanent drainage.
 - b. Basins must be designed to accommodate the "first-flush" volume sized to capture the runoff from the initial rainfall depth most responsible for pollutant loading. The "first-flush" volume design storm depth is defined herein as zero point seventy-seven (0.77) inch of rainfall (twenty-four (24) hour ninety-fifth (95th) percentile storm).
 - c. For purposes of sizing stormwater basin permanent management facilities (excluding first flush water quality treatment facilities), Drainage Peak Flow Calculations shall use the Soil Conservation Service (SCS) method as preferred, but the rational method is acceptable for smaller areas (generally one hundred (100) acres or less)
 - d. The storm duration is a one (1) hour event when using the Rational Method, or a twenty-four (24) hour event when using the SCS method.
 - e. Basin design shall be approved by the Valley County Engineer and inspected by the Valley County building department or other qualified inspectors assigned to such

duties. Special inspections may be needed in some instances. The applicant's engineer shall also submit a certification that the approved plan was implemented prior to final occupancy.

- f. Basin design shall comply with Idaho Department of Water Resources (IDWR) water rights requirements.
4. There shall be no filling or dredging of lake bottoms, rivers, or wetlands without proper jurisdictional permits, i.e. IDWR, USACE, Valley County, etc.
5. There shall be no excessive clearing of vegetation.
6. Stormwater harvest and infiltration techniques are encouraged.
7. Riprap for shoreline protection is allowed with the proper turbidity controls and permits from appropriate jurisdictions (IDWR, USACE, USBR, IDL, etc), including a Floodplain Development Permit from Valley County when required.



9-5H-10: VARIANCES:

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

B. Application:

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
2. A written application for a variance shall be submitted to the administrator or staff containing:
 - a. Description of the nature of the variance requested.
 - b. A narrative statement and graphic material demonstrating:
 - (1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.

- (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
 - c. A site plan showing the location of the variance and the special characteristics of the site.
 - d. A list of adjoining property owners within three hundred feet (300') of the site.
 - e. The fee set by resolution of the board shall accompany the application for a variance.
- C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.
- D. Granting Of Variance:
1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
 2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
 3. The commission's decision shall be a recommendation to the board.
 4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
 5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
 6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
 7. The variance approval is valid for five (5) years, unless a more specific date is specified.

9-4 PERMITTED USES

9-4-3-2: SETBACKS:

- A. Buildings Exceeding Three Feet In Height: The setbacks for all buildings exceeding three feet (3') in height shall be in accordance with section [9-4-8](#), table 4-A of this chapter.
- B. Setback From Highway 55: All buildings shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
- C. High Water Lines And Ditches: All residential buildings shall be set back at least fifty feet (50') from high water lines and ditches. All other buildings shall be set back at least one hundred feet (100') from high water lines and ditches.
 1. The setback shall be from the base flood elevation if these is a determined flood elevation or a high-water line where vegetation is denuded.
 2. In order to provide for ecological function and ensure water quality benefits are preserved, a minimum twenty-five (25') area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof.
 3. Vegetation shall be native.
 4. No vegetation can be planted that requires fertilizers. Fertilizer shall not be used in the setback area.
 5. A five feet (5') permeable pathway will be allowed to access through the vegetative buffer. The pathway cannot cause water to flow directly into the waterbody without proper filtration.
 6. See requirements in VCC 9-6-6 Reiparian Area Overlay.

- D. Front Yard: Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.
- E. Encroachment By Other Structures: No other structures may encroach on the yards determined for the structure establishing the principal use.
- F. Measurement: Setbacks shall be measured horizontally, perpendicular to the property line, to the nearest corner or projections or overhang.
- G. Adjustment Of Front Or Rear Yard Setbacks: The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block; however, no setback may be less than seven and one-half feet (7.5').
- H. Lots Having Common Boundary Line With United States Bureau of Reclamation (USBR) Property Surrounding Lake Cascade : Minimum rear yard setbacks for those lots having a common boundary line with USBR property surrounding Lake Cascade are seven and one-half feet (7.5'), but may not be less than that provided for in subsection C of this section.
-

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District, North Lake Recreational Sewer and Water District; Water District 65K, and a herd district. It is not within an irrigation district.
2. The application contains pictures of the home and deck area.
3. As part of the building permit, a stormwater management plan will be required to do work in the Riparian Area Overlay.
4. The Planning and Zoning Commission needs to determine if the 1) future development of the neighborhood would be inhibited by the variance and 2) identify the topographic reason for the variance.
5. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

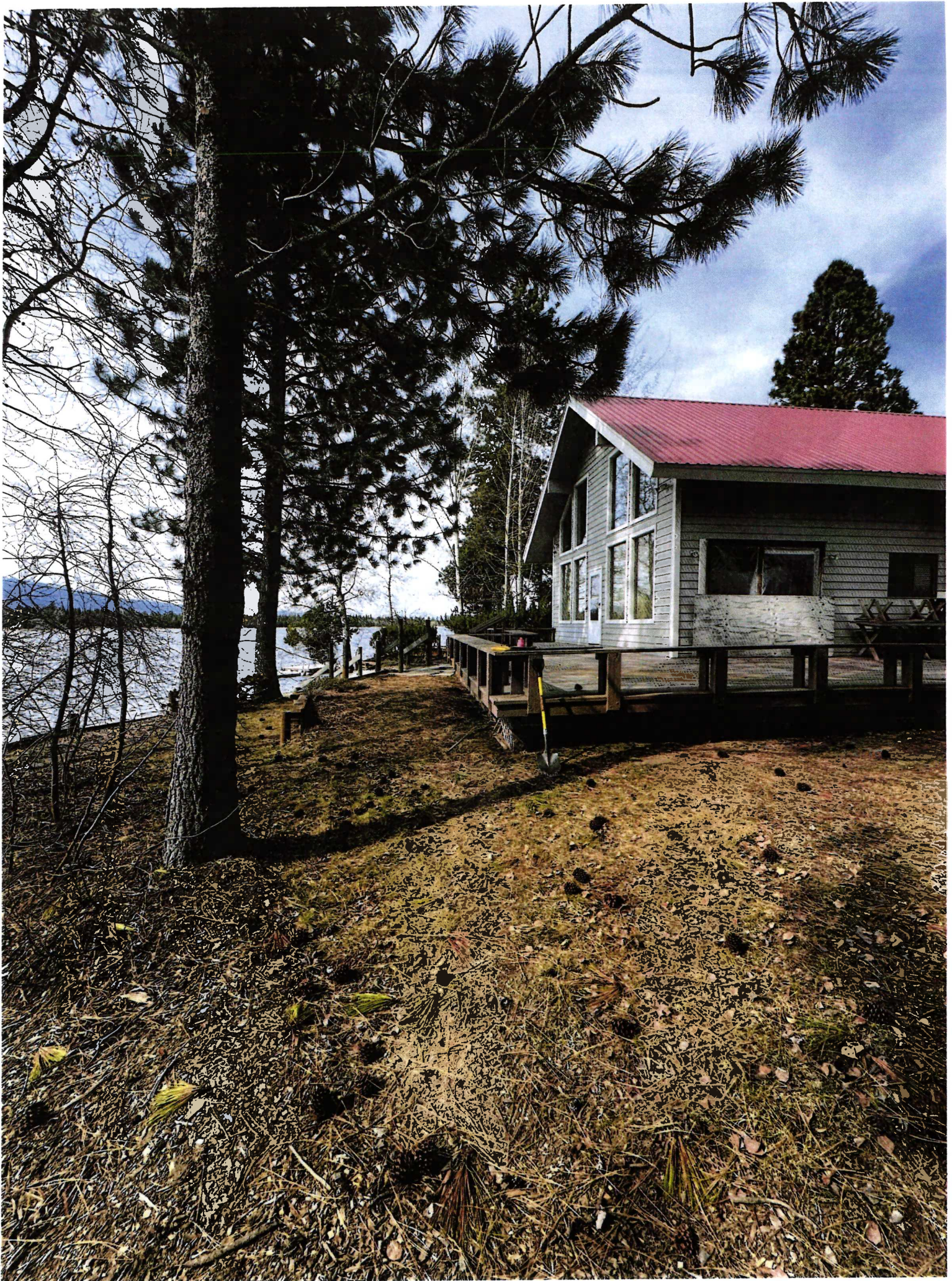
ATTACHMENTS:

- Pictures of Site
- Location Map
- Aerial Map
- Google Maps – Aerial View
- Google Maps – Street View – August 2024
- Photos Taken May 20, 2026
- Assessor Plat – T.16N R.3E Section 21
- Big Smoky No. 1 - Assessors Annotated Plat
- Flood Plain Permit 97-4
- Site Plan
- Responses
- Outdoor Lighting Flyer

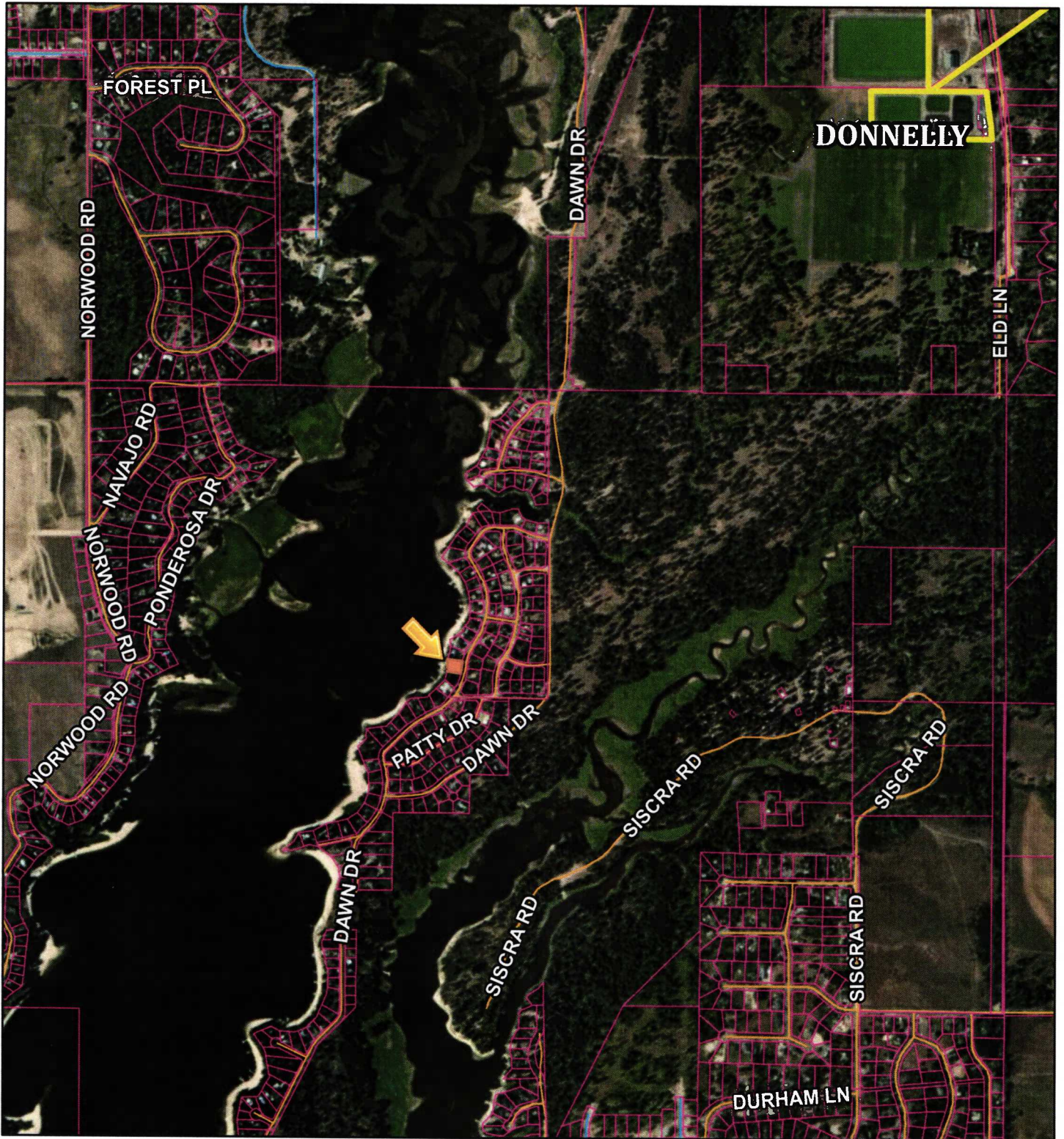
END OF STAFF REPORT
















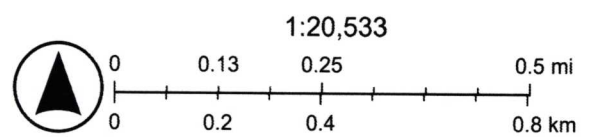


VAR 26-003 Location Map



5/1/2026, 9:00:50 AM

- | | | | |
|---|----------------------|---|-------------|
|  | Airstrips |  | COLLECTOR |
|  | Municipal Boundaries |  | URBAN/RURAL |
|  | Parcel Boundaries |  | USFS |
| Roads | |  | PRIVATE |
|  | MAJOR |  | OTHER |
|  | MINOR COLLECTOR |  | Other |



Vantor

VAR 26-003 Aerial Map



5/1/2026, 8:57:06 AM

- | | | | |
|---------|-------|------------------------|---------------|
| Permits | ◇ RVC | ○ Undefined | — COLLECTOR |
| ◇ CUP | ◇ STR | ✈ Airstrips | — URBAN/RURAL |
| ◇ ADU | ◇ STS | ■ Address Points | — USFS |
| ◇ FP | ◇ VAC | ▭ Municipal Boundaries | — PRIVATE |
| ◇ GF | ◇ VAR | ▭ Parcel Boundaries | — OTHER |
| ◇ EXC | ◇ PSP | — Roads | — Other |
| ◇ Privy | ◇ HBB | — MAJOR | |
| ◇ RES | | — MINOR COLLECTOR | |



Microsoft, Vantor

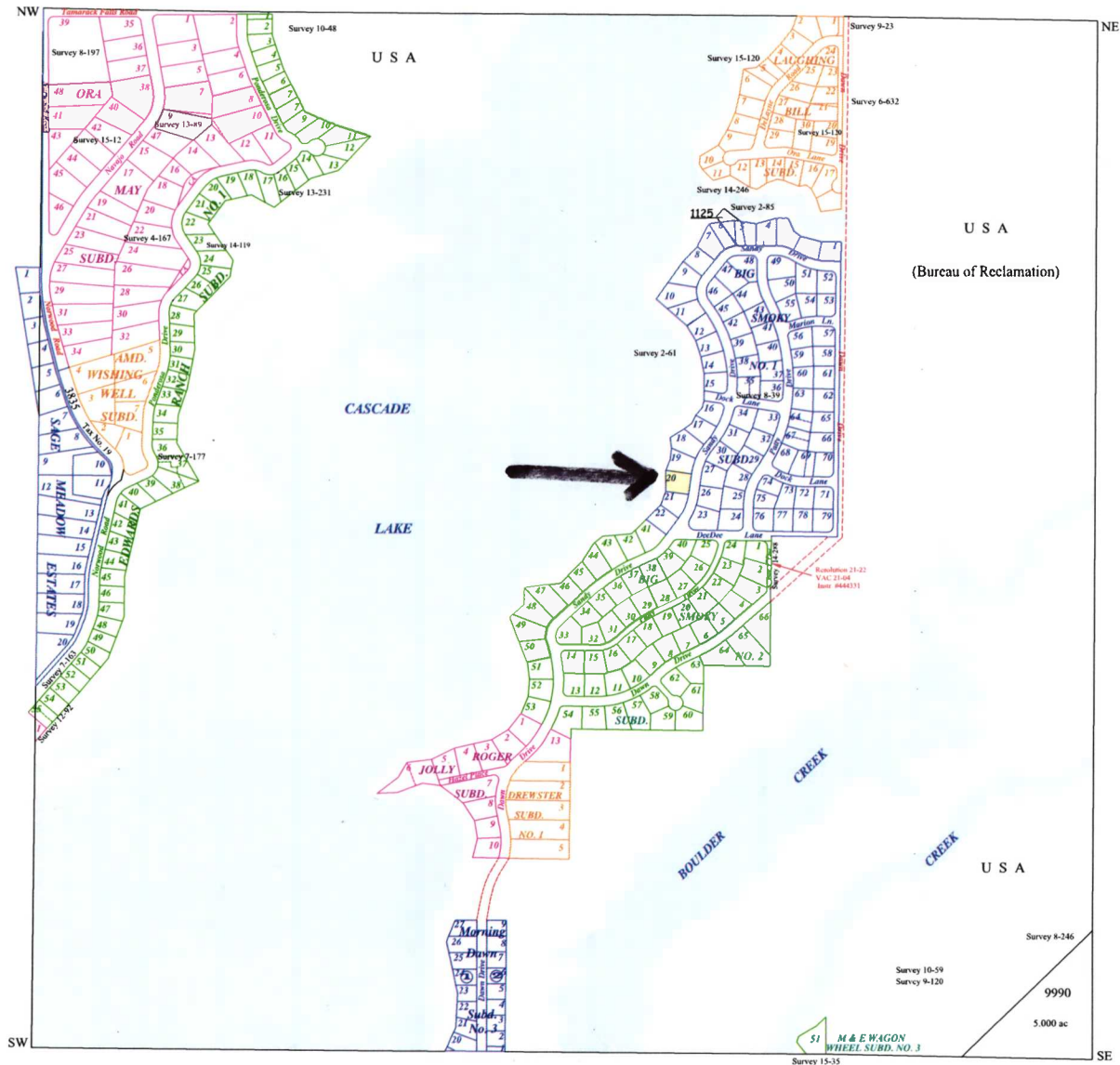
Google Maps – Aerial View



Looking Westerly from Sandy Drive
(Source Google Maps – Street View, August 2024)







This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.

PLAT TITLE

T
W
P
·
1
6
N

R
O
G
E
R

S
E
C
·
2
1

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

Filename:
Valley County Base Map
Scale: ██████████
Date: 7/14/2025
Drawn by: L. Frederick

Plat of
BIG SMOKY NO. 1 SUB.

a part of
W 1/2 of the NE 1/4 of SEC. 21
T. 16N., R. 3E., B.M.
VALLEY COUNTY, IDAHO

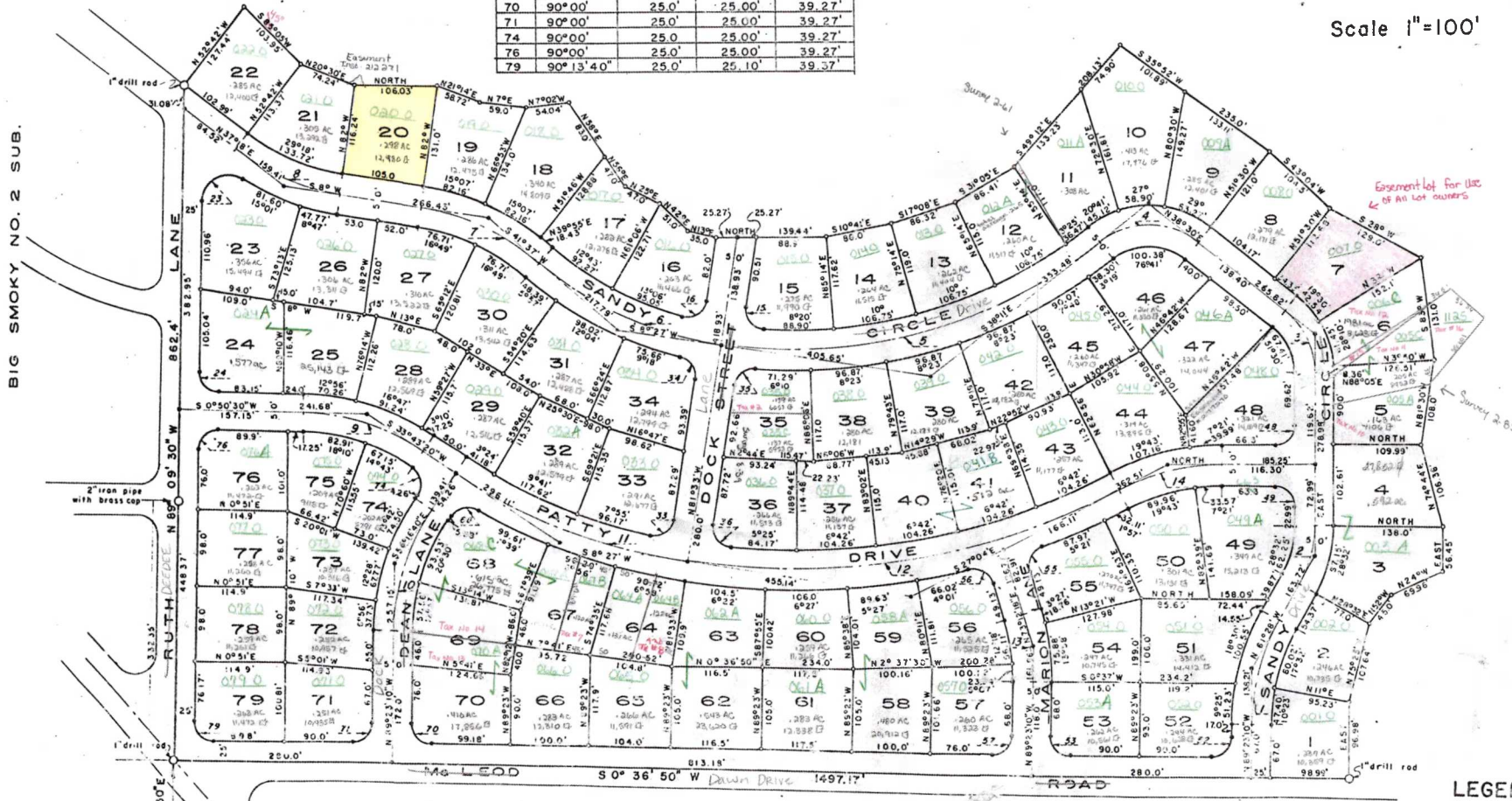
Scale 1"=100'

CURVE DATA CENTER LINE OF STREETS

No.	Δ	Radius	Tangent	Length, Curve
1	27°55'10"	286.48'	71.21'	139.60'
2	28°32'	150.00'	38.14'	74.70'
3	51°30'	100.00'	48.23'	89.88'
4	76°41'	100.00'	79.09'	133.84'
5	46°38'	636.62'	274.39'	518.15'
6	33°10'	440.74'	131.25'	255.13'
7	33°37'	286.48'	86.54'	168.08'
8	29°18'	286.48'	74.89'	145.50'
9	32°52'50"	286.48'	84.53'	164.40'
10	33°06'30"	286.48'	85.15'	165.54'
11	25°16'20"	720.74'	161.58'	317.91'
12	35°31'	916.62'	293.56'	568.20'
13	17°24'32"	286.48'	43.86'	87.04'
14	27°04'	286.48'	68.95'	130.33'

SHORT RADIUS CURVE DATA

No.	Δ	Radius	Tangent	Length, Curve
15	94°55'20"	25.0'	27.23'	41.40'
16	97°21'	25.0'	28.43'	42.48'
23	120°57'20"	35.0'	61.81'	73.89'
24	90°00'	25.0'	25.00'	39.27'
33	94°16'30"	25.0'	26.94'	41.14'
34	84°09'08"	25.0'	22.57'	36.72'
35	85°49'26"	25.0'	23.24'	37.45'
36	93°18'28"	25.0'	26.49'	40.71'
48	90°00'	25.0'	25.00'	39.27'
49	90°00'	25.0'	25.00'	39.27'
52	90°00'	25.0'	25.00'	39.27'
53	90°00'	25.0'	25.00'	39.27'
55	87°02'06"	25.0'	23.74'	37.98'
56	87°02'06"	25.0'	23.74'	37.98'
57	90°00'	25.0'	25.00'	39.27'
68	86°16'50"	25.0'	23.43'	37.65'
70	90°00'	25.0'	25.00'	39.27'
71	90°00'	25.0'	25.00'	39.27'
74	90°00'	25.0'	25.00'	39.27'
76	90°00'	25.0'	25.00'	39.27'
79	90°13'40"	25.0'	25.10'	39.37'



LEGEND

- 5/8" rebar set
- 1/2" rebar set
- pipe and brass cap

SEC. 21 SEC. 22 5.0°36'15" W
SEC. 21 SEC. 22 2530.38'
drill rod
COR. between Secs. 21 and 22.
T. 16N., R. 3E., B.M.

5.0°36'15" E
2633.38'

SEC. 21 SEC. 16
SEC. 22 SEC. 15

THIS CERTIFIES THAT
FLOOD DAMAGE PREVENTION ORDINANCE 3-90

PERMIT

No. 97-4

HAS BEEN ISSUED TO

OWNER MIKE ROGERS

LOCATION LOT 20, BIG SMOKY SUBDIVISION NO. 1
12969 SANDY DRIVE

PROJECT RETAINING WALL - BREAKWATER
ON CASCADE RESERVOIR

DATE ISSUED JULY 21, 1997

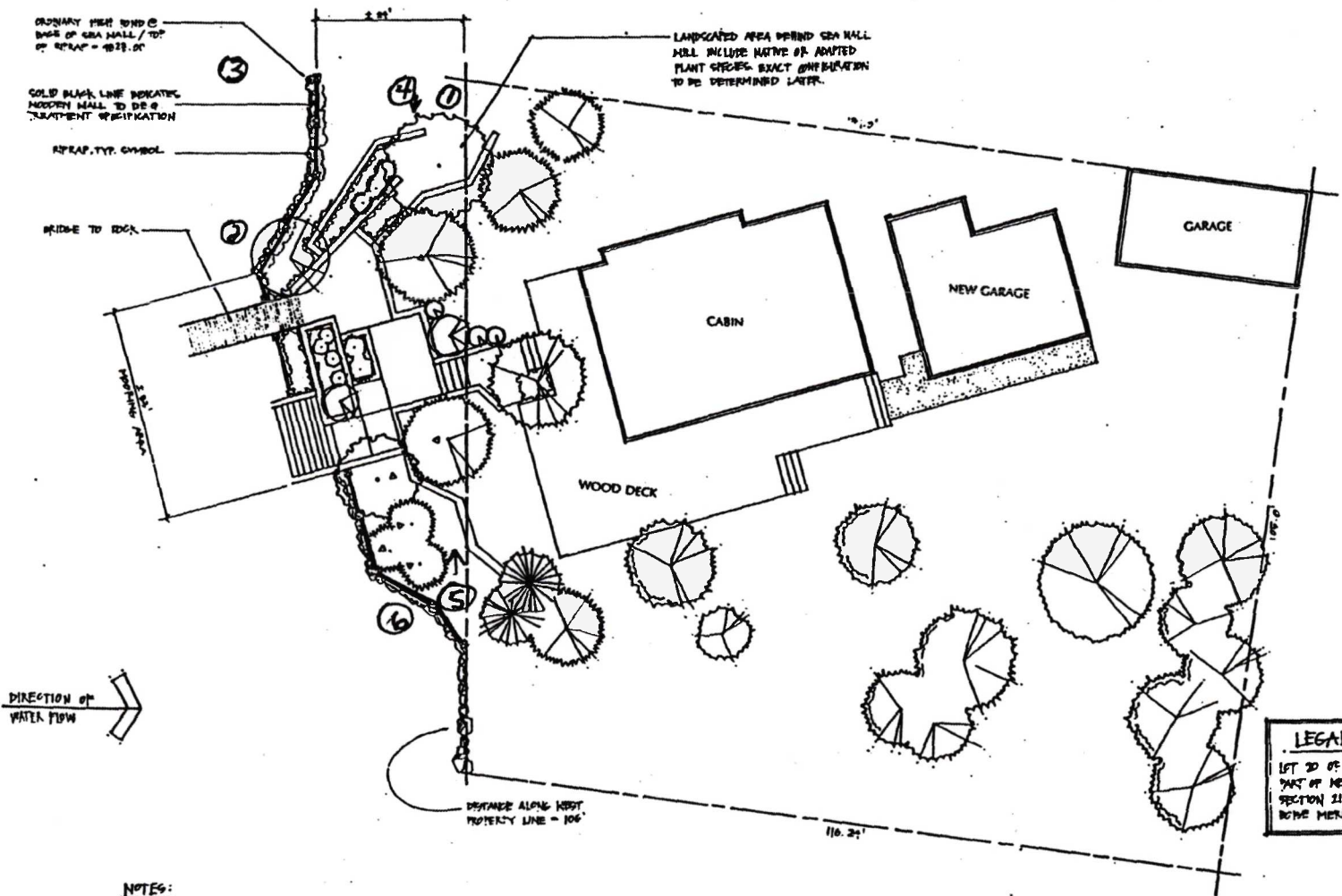
BY Leslie L. Ankenman PHONE (208) 382-4251
Leslie L. Ankenman, P.E., Local Administrator
and Valley County Engineer

POST ON PREMISES IN PLAIN VIEW OF A PUBLIC ROAD

Note: This permit is subject to provisions of the following other permits.

1. U.S. Bureau of Reclamation Contract No. 3-07-10-L 1341 dated November 7, 1996.
2. Department of the Army Permit No. NPW 962101360, October 22, 1996.

And is subject to provisions of County Ordinance 3-90, Flood Damage Prevention Ordinance. This project is located on U.S. Bureau of Reclamation property.



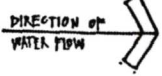
ORDINARY HIGH TIDE @
BASE OF SEA WALL / TOP
OF SEAP = 1022.0'

GOLD BLACK LINE INDICATES
WOODEN WALL TO BE @
TREATMENT SPECIFICATION

RECAP. TYP. SYMBOL

HIDE TO ROCK

LANDSCAPED AREA BEHIND SEA WALL
MAY INCLUDE NATIVE OR ADAPTED
PLANT SPECIES. EXACT DETERMINATION
TO BE DETERMINED LATER.



DISTANCE ALONG WEST
PROPERTY LINE = 106'

LEGAL DESCRIPTION
 LOT 20 OF THE CORP. #1 SUBDIVISION
 PART OF WEST 1/4 OF THE NE 1/4 OF
 SECTION 21 TOWNSHIP 18N RANGE 2E
 30TH MERIDIAN

- NOTES:**
- MATCH END OF SEA WALL TO THE INTO ADJACENT (EXISTING) SEA WALL.
 - SEA WALL TO FOLLOW HIGH TIDE MARK (EXACT LOCATION TO BE DETERMINED IN FIELD)

**Body of Water: Cascade Reservoir
 Valley County, Idaho
 Applicant: Mikey R. Rogers**

**Sheet 3 of 8
 October 9, 1996**



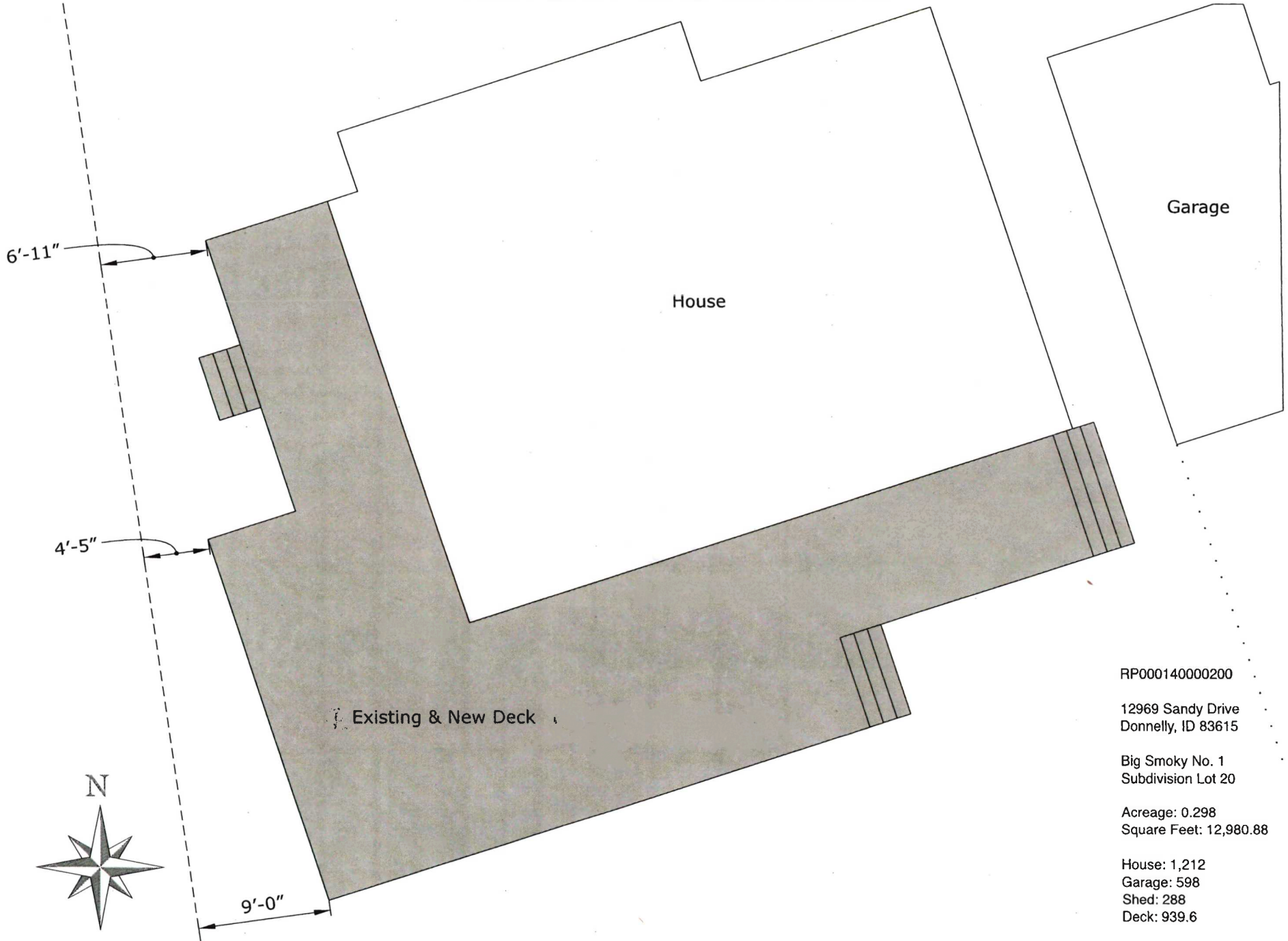
7 OCTOBER 1996
 DRAWN BY: KIM METZ
 18' 0411

**ROGERS CABIN
 12969 SANDY DR.
 DONNELLY, ID
 VALLEY COUNTY 83615**



**LANDSCAPE
 CONCEPT W/
 SEA WALL**

PROPERTY LINE SETBACKS



RP000140000200

12969 Sandy Drive
Donnelly, ID 83615

Big Smoky No. 1
Subdivision Lot 20

Acreage: 0.298
Square Feet: 12,980.88

House: 1,212
Garage: 598
Shed: 288
Deck: 939.6



United States Department of the Interior

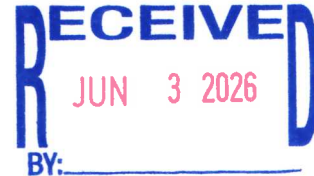


BUREAU OF RECLAMATION
Snake River Area Office
230 Collins Road
Boise, ID 83702-4520

IN REPLY REFER TO:

MSF-6100/6143
LND-1.10

Ms. Cynda Herrick, AICP
P&Z Administrator
Valley County Planning and Zoning
PO Box 1350
Cascade, Idaho 83611



Subject: VAR 26-003 Rogers Cabin LLC Setback Variance at 12969 Sandy Drive, Big Smoky No. 1 Subdivision Lot 20, in the NE1/4 Section 21, T.16N, R.3E, Boise Meridian, Valley County, Idaho

Dear Ms. Herrick:

The Bureau of Reclamation (Reclamation) has concerns regarding the request to reduce the rear setback from 7.5 feet to 4.5 feet for a deck attached to the existing residence. Approving this variance would increase the risk of encroachment onto adjacent Reclamation-managed lands and undermine the purpose of county setbacks, which are intended to prevent exactly this type of conflict between private property and federal lands.

Reclamation is the underlying landowner of the shoreline property adjacent to this parcel. Unauthorized encroachments on Reclamation lands—including vegetation removal, landscaping, decks, patios, storage, or other personal improvements—are violations of federal law under 43 CFR Part 423 and 43 CFR Part 429. These regulations outline prohibited uses, penalties for violations, and the limited activities that may be authorized by Reclamation. Currently, the only routinely authorized activity under Part 429 in this area are erosion control structures, boat docks and the removal of hazardous trees that present a risk to adjoining properties.

Given these constraints, reducing the setback increases the likelihood of future unauthorized use or development on Reclamation lands. We respectfully request that Valley County uphold the established setback requirement to prevent further encroachment issues.

If you have any questions, please contact Jason Dobis, Cascade Field Station Manager, by phone at (208-930-2512) or via email at jdobis@usbr.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Sincerely

JASON DOBIS Digitally signed by JASON DOBIS
Date: 2026.06.03 17:56:50 -06'00'

Jason Dobis
Cascade Field Station Manager

INTERIOR REGION 9 • COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA*, OREGON*, WASHINGTON

* PARTIAL



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat _____

VAR 26-003 Rogers Setback Variance

- 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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center

14. CDH has NO objection to the variance. If the home is on individual well/septic, CDH will require an accessory use application and fee.

Reviewed By: [Signature]

Date: 5/17/26



May 26, 2026

Cynda Herrick, Planning & Zoning Director
Valley County Planning & Zoning
700 S. Main Street, Cascade, ID 83611
cherrick@valleycountyid.gov

Subject: Valley County Planning and Zoning Public Hearing 6 11 2026

Dear Cynda Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project 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://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>.

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 D6, D8, D11

- 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).
For questions, contact David Luft, Air Quality Manager, at (208) 373-0201.
- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.
- For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

AIR QUALITY C1, D3, D4, D7

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors 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 contractors 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 local public health district.
- 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 groundwater.
- 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) 373-0459.

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.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (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.
- 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.
- 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 groundwater 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) 373-0459.

4. SURFACE WATER

- A Construction General Permit from DEQ may be required for projects that meet the eligibility criteria and have an allowable discharge of storm water or authorized non-storm water associated with construction activities. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 813-0872.
- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- 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) 373-0564.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER 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.

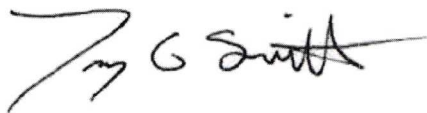
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. 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.
- **Groundwater 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 Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both 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 land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Troy Smith
Regional Administrator

The installation of mercury vapor lamps is prohibited.

Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted. This shall not be construed so as to prohibit holiday lights during the holiday season.

Sensor activated lights It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right of way, set to only go on when activated and to go off within five (5) minutes after activation. The lights shall not be triggered by activity off the property.

Uplighting for flags is allowed provided the flag is of a government and the maximum lumen output is 1300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting. LED lighting shall not exceed 3000 degrees Kelvin.

Tod Costello Code Compliance
208-382-7145 ext., 1390

ALL OTHER OUTDOOR LIGHTING SHALL MEET THE FOLLOWING STANDARDS

The height of any light fixture or illumination source shall not exceed thirty feet (30').

All lighting or illumination units or sources **shall be hooded or shielded in a downward direction** so they do not produce glare or cause light trespass on any adjacent lot or real property as depicted in section Valley County Code 6-2-7.

Lights or illumination units shall not direct light, either directly or through a reflecting device, upon any adjacent lot or real property.

Lighting should not illuminate the sky or reflect off adjacent water bodies or produce glare or cause light trespass on any adjacent lot or real property.

All outdoor lights used for parking areas, walkways, and similar uses mounted on poles eight feet (8') or greater in height shall be directed downward. The light source shall be shielded so that it will not produce glare or cause light trespass on any adjacent lot or real property.



Outdoor Lighting Dark Sky Compliance

Valley County Code 6-2-5
PURPOSE

The purpose is to promote the health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting.

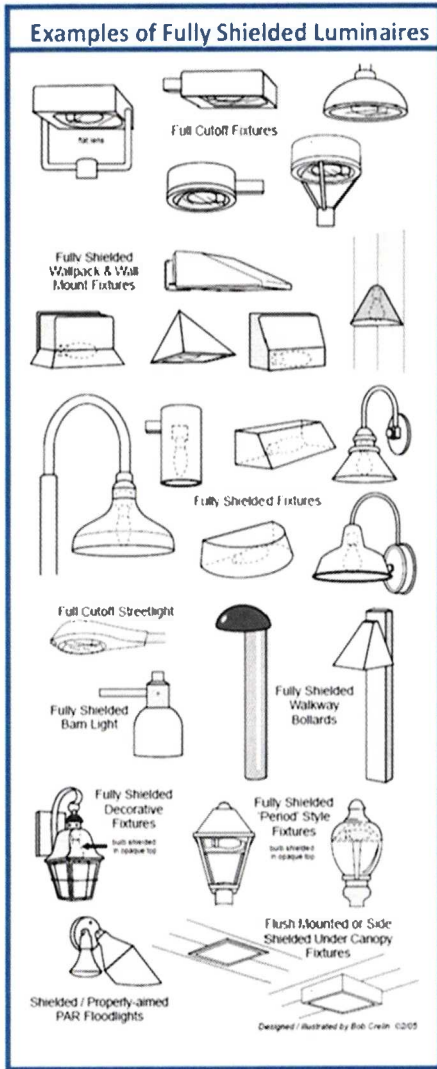
APPLICABILITY

These standards shall apply to all outdoor lighting including, but not limited to, search, spot, or flood light.

PERFORMANCE STANDARDS

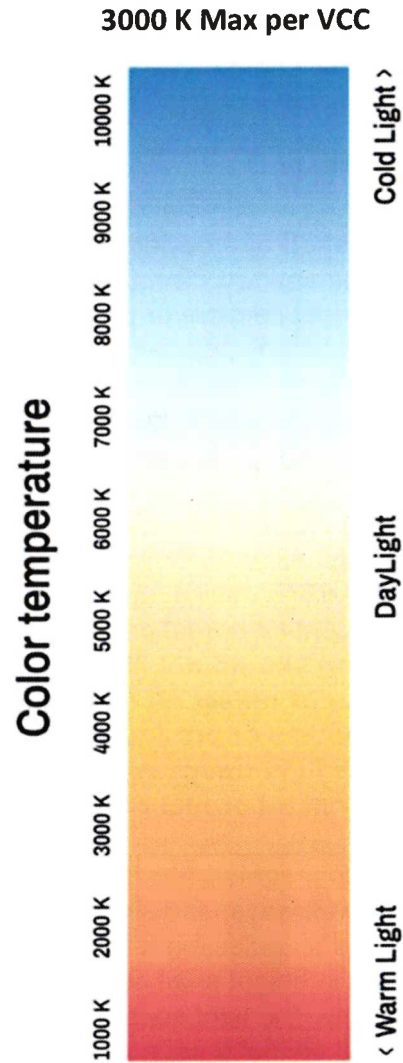
All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

Examples of Shielded Lights



NOTE : "Cannot See the Bulb"

Basic LED Colors/Kelvin Temperatures



Here are some examples of options to bring your lights into Dark Sky Compliance

