

Valley County Planning and Zoning

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| | |
|---------------------------|---|
| STAFF REPORT: | C.U.P. 21-44 Hidden Valley Subdivision - Preliminary Plat |
| HEARING DATE: | January 13, 2022 |
| TO: | Planning and Zoning Commission |
| STAFF: | Cynda Herrick, AICP, CFM Planning and Zoning Director |
| APPLICANT / OWNER: | Edward Clay Szeliga 200 Swiftwater BLVD Cle Elum WA 98922 |
| ENGINEER: | Crestline Engineers P.O. Box 2330 McCall, ID 83638 |
| SURVEYOR: | Secesh Engineering P.O. Box 70 McCall, ID 83638 |
| LOCATION: | 14108 Norwood Road RP18N03E284055 Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho |
| SIZE: | 20 acres |
| REQUEST: | Single-Family Residential Subdivision |
| EXISTING LAND USE: | Agricultural – Dry Grazing Land & Residence Under Construction |

Clay Szeliga is requesting a conditional use for a 4-lot single-family subdivision on 20 acres.

The 20-acre site is addressed at 14108 Norwood Road. The site is immediately north of the approved C.U.P. 21-15 360° Ranch Subdivision; a final plat has not yet been approved nor recorded.

Proposed lot sizes range from 2.2 acres to 11.7 acres.

Access for three lots would be from a new private road onto Norwood Road (public). Lot 4 would use a shared access easement with parcel RP18N03E284205 (C.U.P. 21-02 Hamblin Multiple Residences and C.U.P. 21-31 Hamblin Sawmill).

Road right-of-way would be dedicated for Norwood Road along the western subdivision boundary.

Individual wells and individual septic systems are proposed.

The property is within the Lake Irrigation District. The applicant proposes to remove a flood

irrigation ditch on the property.

The site is underneath the flight path of the McCall Airport. The City of McCall Administrator, the Airport Manager, and Idaho Aeronautics were all sent the application for review.

A water storage tank will be installed for fire mitigation purposes.

FINDINGS:

1. The application was submitted on November 23, 2021.
2. Legal notice was posted in the Star News on December 23, 2021, and December 30, 2021. Potentially affected agencies were notified on December 14, 2021. Property owners within 300 feet of the property line were notified by fact sheet sent December 16, 2021. The site was posted on December 21, 2021. The notice was posted online at www.co.valley.id.us on December 16, 2021.

3. Agency comment received:

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

Jeff McFadden, Road Department Director, has approved both approaches but was not expecting more than one residence. Norwood Road is hilly and traffic volumes have increased greatly. [Permits # 660 and 644 are attached] (Dec. 23, 2021)

Garrett de Jong, McCall Fire & EMS, listed requirements for roads and fire protection. (Jan. 4, 2022)

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

Received verbal comments from Valley Soil and Water Conservation District on January 6, 2021. They would like to recommend that surface water be managed so as to provide irrigation for lawns, etc. so as to be in compliance with Idaho Code 67-6537 (attached). They would also like to recommend that all subdivisions have a portion of CCR's that address septic systems and long-term management of the septic systems as an education piece.

4. Neighbor comment received: *none*
5. Physical characteristics of the site: Rolling Pastureland; Not Timbered
6. The surrounding land use and zoning includes:
 - North: Agricultural (Grazing) and Single-family Residential
 - South: Agricultural and Single-family Residential; C.U.P. 21-15 360° Ranch Subdivision
 - East: Single-family Residential Parcels; C.U.P. 21-02 Hamblin Multiple Residences (3); C.U.P. 21-31 Hamblin Sawmill
 - West: Agricultural (Grazing), Single-family Residential, Activity Barn
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 2. Residential Uses (c) Subdivision for single-family subdivision.

9-5A-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- E. Site Grading Plan:
1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. (Ord. 10-06, 8-23-2010)
 2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

9-5A-5: FENCING:

- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

9-5A-6: UTILITIES:

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

- F. **Utility Plan:** A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)

9-5C-2: MINIMUM LOT AREA:

B. New Subdivisions:

1. **Single-Family Residences:** New subdivisions for single-family residences shall provide the following minimum lot sizes:

a. One acre where individual sewage disposal systems and individual wells are proposed.

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

9-5C-6: DENSITY:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
- B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12, 7-6-2020)

10-5-1: STREET AND UTILITY IMPROVEMENTS:

- A. **Installation Required:** Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).
- B. **Acceptance By County:** The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

- C. **Private Road Declaration:** In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.
- D. **Declaration Of Installation Of Utilities:** A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +24.

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 McCall Fire District
2. This site is within the Lake Fork Irrigation District.
3. This site is within a herd district.
4. This site is not in a designated floodplain.
5. What is the plan for the water rights? Have you had conversations with the Lake Fork Irrigation District? Should use surface water for irrigation at each building site.
6. A note limiting each lot to one wood-burning device should be added to the plat.
7. CCR's shall require additional soundproofing in new construction; and, require written notice to homeowners about the airport's existing flight paths, and possibility of noise impact.
8. CCR's shall require a Form 7460-1 Notice of Proposed Construction or Alteration be submitted by the developer of the subdivision for excavation and by each lot owner at the time of any building construction to be included in the building permit application to Idaho Transportation Department.
9. Shall record and reference in the notes on the face of the final plat an Airport Overlay Agreement that includes the following: Avigation Easement negotiated by the developer of the subdivision with the City of McCall that will apply to all future landowners with restrictions that do not go beyond the example from ITD Aeronautics, included in the record. This easement should detail height limitations on specific lots, along with the building envelopes, and be included in the CCR's. Lot owners should be directed to submit the easement with building permits.
10. Should the proposed private roadway be an unnamed cul-de-sac instead of a named road? If named, the road name should be a "Place", not "Court"

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map showing proposed lot and road locations.
- Assessor Plat – T.18N R.3E Section 28
- Preliminary Plat
- Picture Taken December 21, 2021
- Responses
- Idaho Code 67-6537

Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within two years, or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
6. Must bury conduit for fiber optics in the roadway.
7. A Declaration of Installation of Utilities shall be placed on the face of the plat if all utilities are not in place at the time of recordation.
8. A letter of approval is required from Donnelly Fire District prior to recording the final plat.
9. Must have approval letter from Lake Fork Irrigation District.
10. All lighting must comply with the Valley County Lighting Ordinance.
11. CCR's should address, lighting, wildfire prevention, noxious weeds, and limit each lot to one wood burning device.
12. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road.
13. 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.
14. The following note shall be placed in the notes on the face of the final plat:

"The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response
Value

Use Matrix Values:

(+2/-2) X 4 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 1 _____

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) X 3 _____

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

(+2/-2) X 1 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

(+2/-2) X 2 _____

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

Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

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

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

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

B. Purpose; Use:

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

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

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

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

E. Terms:

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

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

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

F. Questions 4 Through 9:

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

APPENDIX A

MATRIX FOR RATING QUESTIONS 1, 2, and 3

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1. AGRICULTURAL | | +2 | -1 | -2 | -2 | -2 | -2 | +1 | +1 | +1 | +1 | +2 | +1 | +1 | -1 | -1 | -1 | -2 | -1 | -1 | +1 | +2 | +2 |
| 2. RESIDENCE, S.F. | +2 | | +2 | +1 | +1 | +1 | +1 | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 |
| 3. SUBDIVISION, S.F. | -1 | +2 | | +1 | +1 | +1 | +1 | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +2 | +1 | -1 | +2 | +1 | -2 | -2 |
| 4. M.H. or R.V. PARK | -2 | +1 | +1 | | +1 | +1 | +1 | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 |
| 5. RESIDENCE, M.F. | -2 | +1 | +1 | +1 | +1 | +2 | +2 | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 |
| 6. SUBDIVISION, M.F. | -2 | +1 | +1 | +1 | +2 | | +2 | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 |
| 7. P.U.D., RES. | -2 | +1 | +1 | +1 | +2 | +2 | | +1 | +1 | -1 | +2 | +1 | -2 | +1 | -1 | +1 | +1 | +1 | -1 | +1 | +1 | -2 | -2 |
| 8. REL., EDUC & REHAB | +1 | +2 | +1 | +1 | +1 | +1 | +1 | | +1 | +1 | -1 | +2 | -2 | -1 | -1 | +2 | +2 | +1 | +1 | -1 | +1 | -2 | -1 |
| 9. FRAT or GOVT | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | | +1 | -1 | +2 | -2 | -1 | -1 | +1 | +1 | +1 | +1 | -1 | +1 | -2 | -2 |
| 10. PUBLIC UTIL. (1A-3.1) | +1 | -1 | -1 | -1 | -1 | -1 | -1 | +1 | +1 | | +1 | +1 | -1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 |
| 11. PUBLIC REC | +1 | +2 | +2 | +2 | +2 | +2 | +2 | -1 | -1 | +1 | | +2 | -1 | +1 | +1 | +1 | +2 | +1 | +1 | +1 | +2 | -1 | +1 |
| 12. CEMETERY | +2 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +1 | +1 |
| 13. LANDFILL or SWR. PLANT | +1 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -1 | +1 | | -1 | -1 | -2 | -2 | -2 | -2 | -1 | +2 | +2 | +2 |
| 14. PRIV. REC. (PER) | +1 | +1 | +1 | +1 | +1 | +1 | +1 | -1 | -1 | +1 | +1 | +1 | -1 | | +1 | +1 | +1 | +2 | +1 | +2 | +2 | -1 | +1 |
| 15. PRIV. REC. (CON) | -1 | -1 | -1 | -1 | -1 | -1 | -1 | -1 | -1 | +1 | +1 | +1 | -1 | +1 | | -2 | -2 | -1 | -2 | -2 | +2 | -1 | +1 |
| 16. NEIGHBORHOOD BUS. | -1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +1 | +1 | +1 | +1 | -2 | +1 | +2 | | +1 | +2 | +2 | +1 | +2 | -1 | -1 |
| 17. RESIDENCE BUS. | +2 | +2 | +2 | +1 | +1 | +1 | +1 | +2 | +1 | -1 | +2 | +1 | -2 | +1 | -2 | +1 | | +1 | -1 | +1 | +1 | -2 | -2 |
| 18. SERV. BUS. | -1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | +2 | +2 | | +2 | +2 | | +1 | +1 |
| 19. AREA BUS. | -2 | -1 | -1 | -1 | -1 | -1 | -1 | +1 | +1 | +1 | +1 | +1 | -2 | +1 | -2 | +2 | +2 | +2 | | +1 | +2 | -2 | -2 |
| 20. REC. BUS. | -2 | +2 | +2 | +1 | +1 | +1 | +1 | -1 | -1 | +1 | +1 | +1 | -1 | +2 | -2 | +1 | +1 | +2 | +1 | | +2 | -2 | +1 |
| 21. LIGHT IND. | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +1 | +2 | +2 | +2 | +2 | +2 | +2 | +2 | +2 | +2 | | +1 | +1 |
| 22. HEAVY IND. | +2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | -2 | +2 | -1 | +1 | +2 | -1 | -1 | -1 | -1 | -1 | -2 | -2 | +1 | | +2 |
| 23. EXTR. IND. | +2 | -2 | -2 | -2 | -2 | -2 | -2 | -1 | -2 | +2 | +1 | +1 | +2 | +1 | +1 | -1 | -1 | -2 | -1 | -2 | +1 | +1 | +2 |

THE SOLID SQUARES ARE +2

Compatibility Questions and Evaluation

Matrix Line # / Use: # 3

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) +1 X 4 +4

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

S. F. Residential

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

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

Agricultural

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

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

Mostly residential now

Site Specific Evaluation (Impacts and Proposed Mitigation)

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

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

Yes, but no trees.

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

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

Yes

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

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

only 4 lots - 3 houses + a sawmill adjacent

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

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

Yes

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

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

Yes - close to town

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

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

↑ taxes vs. costs

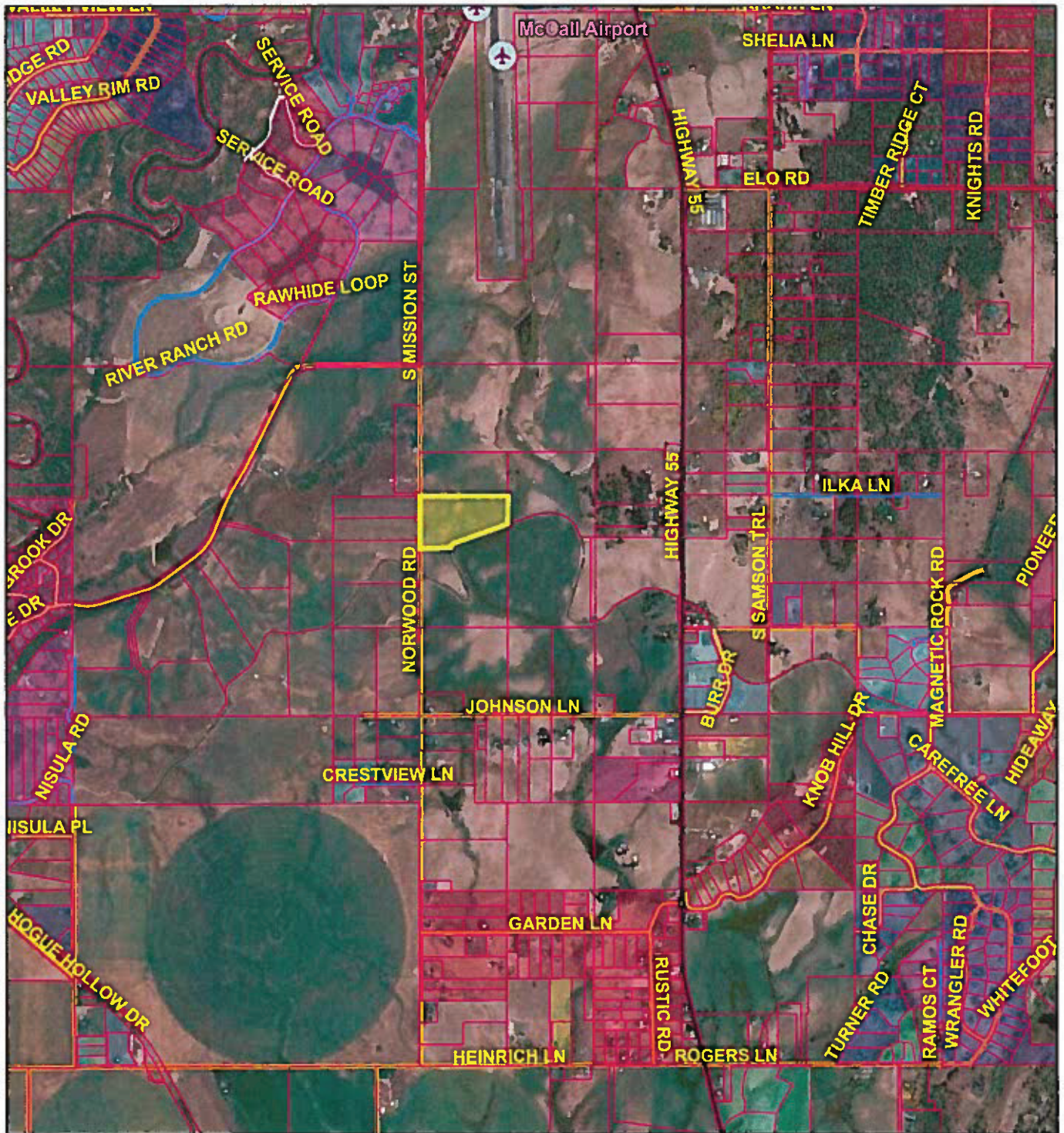
Sub-Total (+) 26

Sub-Total (--) 2

Total Score +24








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

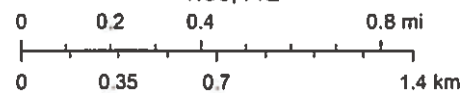
C.U.P. 21-44 Vicinity



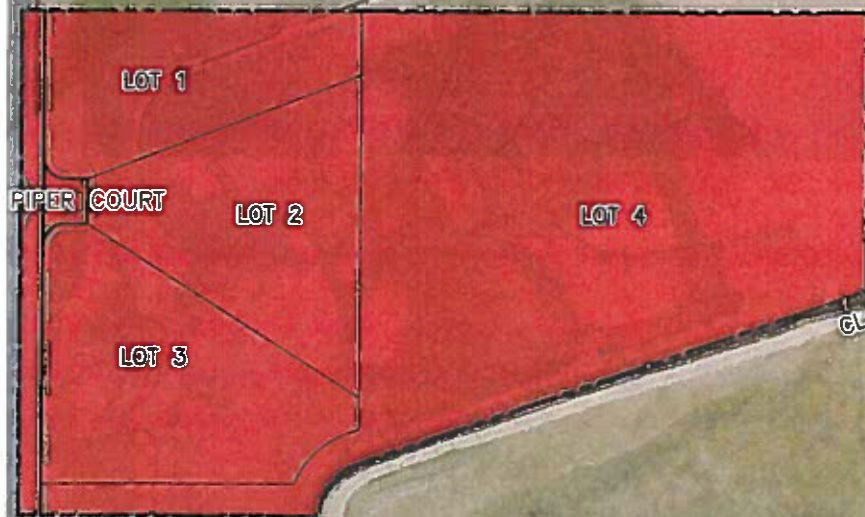
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1:36,112

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



Maxar



NORTH
SCALE: 1" = 300'

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

HIDDEN VALLEY SUBDIVISION
VALLEY COUNTY, IDAHO
PROPOSED SUBDIVISION STREET NAMES AND LOTS

| | | | |
|---------|------------|-------|------------|
| PROJECT | 21050 | DRAWN | FIGURE NO. |
| DATE | 11/17/2021 | AMD | 1 OF 1 |

TWP. 18N R03E SEC. 28

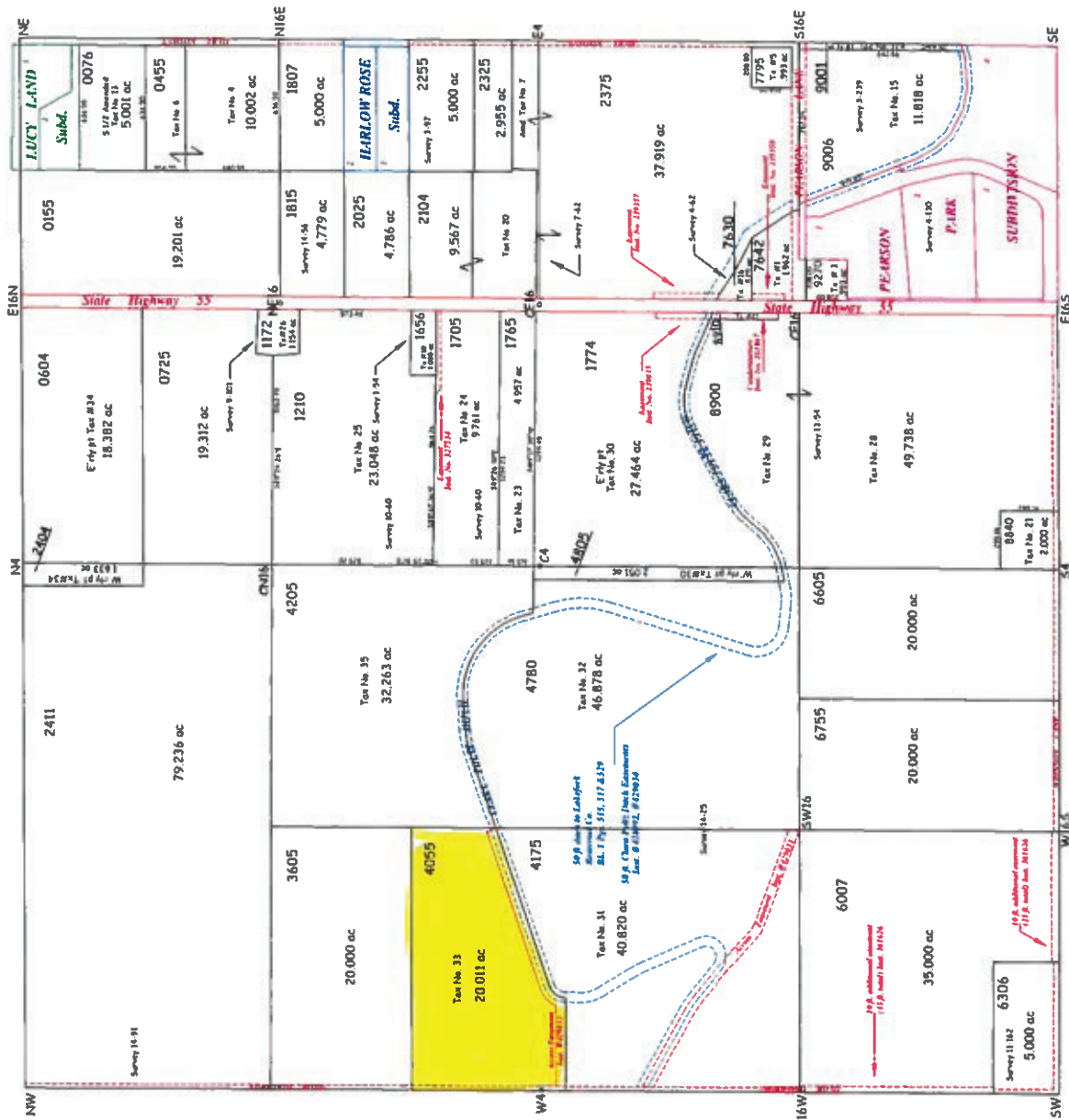
VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map

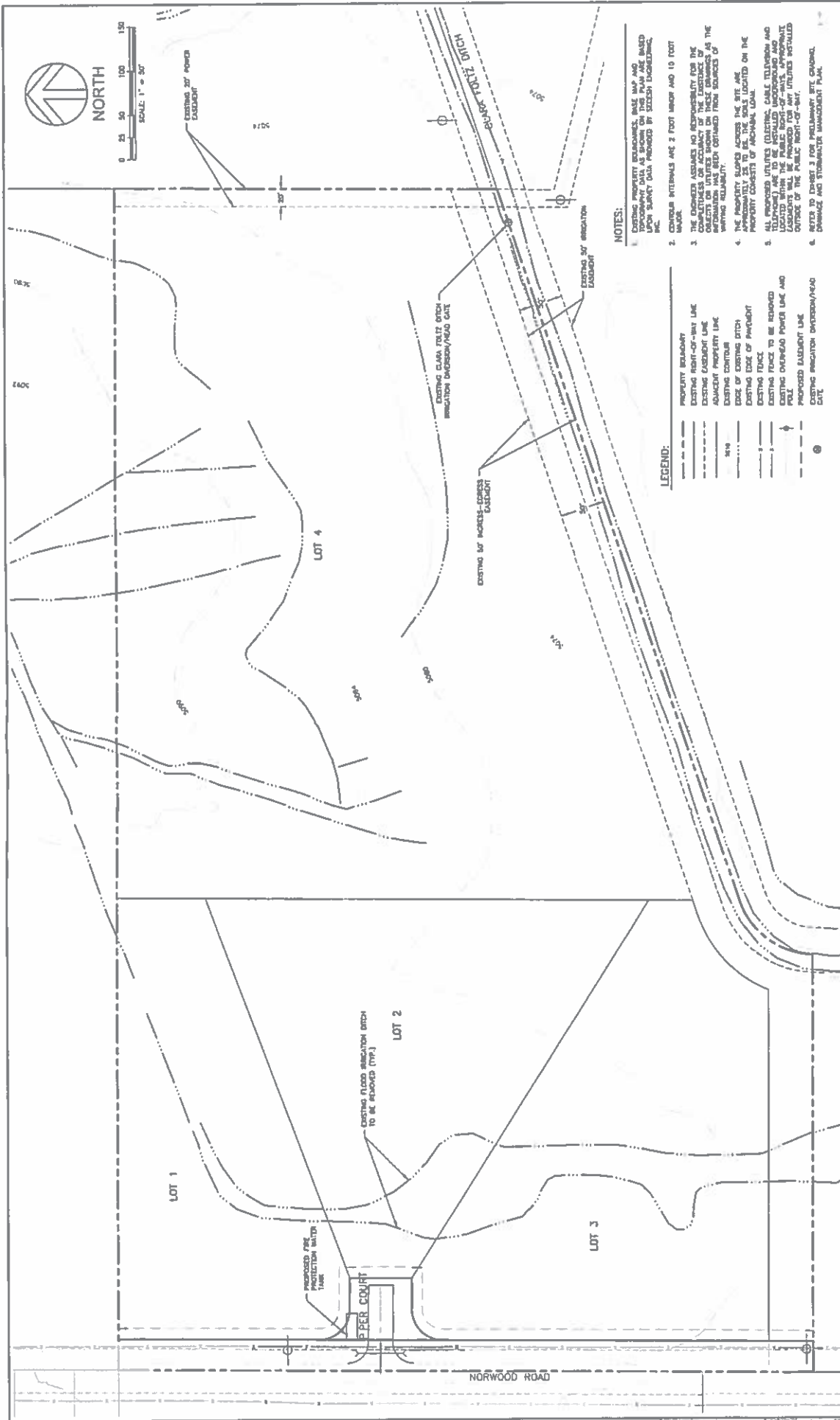
Scale: 1" = 400 ft.

Date: 1/29/2021

Drawn by: L.Frederick



This Drawing is to be Used for Reference Purposes ONLY. The Company is NOT Responsible for any Insurance-Related Matters



NOTES:

1. EXISTING PROPERTY BOUNDARIES, CASE MAP AND TOPOGRAPHIC DATA SHOWN ON THIS PLAN ARE BASED UPON SURVEY DATA PROVIDED BY SKECHY ENGINEERING, INC.
2. CONTOUR INTERVALS ARE 2 FOOT MINOR AND 10 FOOT MAJOR.
3. THE PROJECT ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE EXISTENCE OF OBJECTS OR UTILITIES SHOWN ON THESE DRAWINGS AS THE ENGINEER HAS NOT BEEN FIELD VERIFIED FROM SOURCES OF WRITING RELIABILITY.
4. THE PROPERTY SLOPES ACROSS THE SITE ARE APPROXIMATELY 2% TO 8% THE SLOPES LOCATED ON THE PROPERTY CONTOURS OF ADJACENT LOTS.
5. ALL PROPOSED UTILITIES (ELECTRIC, CABLE TELEVISION AND TELEPHONE) SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE, THE NATIONAL CABLE TELEVISION AND TELEPHONE INSTALLATION STANDARDS AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFP) STANDARDS. APPROXIMATE LOCATIONS WILL BE PROVIDED FOR ANY UTILITIES INSTALLED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
6. REFER TO DRAWING 3 FOR PRELIMINARY SITE GRADING, DRAINAGE AND WINDMILLER SUBDIVISION PLAN.

LEGEND:

- PROPERTY BOUNDARY
- EXISTING RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE
- BOUNDARY PROPERTY LINE
- EXISTING CONTOUR
- EDGE OF EXISTING DITCH
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE
- EXISTING FENCE TO BE REMOVED
- EXISTING OVERHEAD POWER LINE AND
- PULL
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT DIVISION/HEAD
- GATE

| | | | | | |
|---|----------|--|------|---|-----|
| <p>CRESTLINE ENGINEERS 333 DENHARD LANE, SUITE C - PO BOX 2330 MCALL, IDAHO 83438 208.634.4140 208.634.4148 FAX</p> | | <p>HIDDEN VALLEY SUBDIVISION VALLEY COUNTY, IDAHO EXISTING PHYSICAL CONDITIONS WITH SITE PLAN</p> | | <p>PROJECT: 7-188 DATE: 1/1/2012 DRAWING NO: EX-2 2 OF 3</p> | |
| NO. | REVISION | BY | DATE | DESIGN | DTT |
| | | | | OWNER | |
| | | | | CHECKED | DTT |
| | | | | APPROVED | DTT |



12-21-2021



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 21-44

Preliminary / Final / Short Plat _____

Hidden Valley Subdivision

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

☒ 14. Applications, Test Holes, ground water monitoring, and engineering report Required

Reviewed By: _____

Date: 12/15/21

CUPs

Jeff Mcfadden <jmcfadden@co.valley.id.us>

Thu 12/23/2021 1:30 PM

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

Cc: Lori Hunter <lhunter@co.valley.id.us>

Here are my thoughts on these vacations and CUPs scheduled for Jan. 13th, 2022

1. VAC 21-07 No objections. It is a public road but has no county maintenance
2. CUP 21-42 No objections. Driveway already exists
3. CUP 21-43 No objections. Sal has applied for the approach permit for this 40 acres and I have approved it. The driveway has good visibility to traffic on West Mountain Road in both directions.
4. CUP 21-44 I have approved both of those approaches BUT I wasn't expecting more than one resident. Norwood road is hilly and I have been very careful on where I am excepting driveways to be installed. The speed limit is 45 MPH but, as you all know, there are cars doing well over that. Norwood has become a shortcut to town over the last 10 years and the traffic volumes has increased greatly. I recall the driveway for the 3 parcel lots is on top of the vertical curve so visibility would be better.
5. CUP 21-45 The south approach is already constructed for access to Blackhawk 4 or 5? The north approach seems to be at a point where visibilty, in both directions, is excellent. They will need an approach permit through our office to trigger myself to go look at the exact site where the approach will be.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department

Valley County Road Department

520 S Front Street
P.O. Box 672
Cascade, ID 83611
www.co.valley.id.us
Phone 208-382-7195
Fax 208-382-7198



Approach in County Right-of-Way Permit

| | | |
|--|--------------------------|-----------------------|
| Fee ** \$50.00 | Date Paid <u>4/12/21</u> | Permit No. <u>660</u> |
| **CHECK OR MONEY ORDER ONLY <u>ck# 171</u> | | |

Property Owner: Clay Szeliga

Applicant: Dickinson Enterprises LLC Signature: [Redacted]

Mailing Address: PO Box #356 McCall, ID 83638

Phone numbers: [Redacted]

Physical Address of site: N/A North of Johnson Ln on Norwood

Access is located off county road named: Norwood

Approach used to access parcel #: 27 McCall Ranch

*** Attach a site plan & vicinity map. Stake the location on-site. ***

The Valley County Road Superintendent hereby grants permission to place, construct, and thereafter maintain an approved access road at the above location.

1. Driveway/approaches must be built per attached figure (# 200).
2. Driveways should not exceed eight percent (8%) grade and have a minimum of a fifty foot (50') plus/minus four percent (+/-4%) runout. Per Valley County Ordinance 6-1-9.
3. Above ground fixtures shall be located off the road right-of-way or on the right-of-way line.
4. All trenches and other excavations shall be carefully backfilled in such a manner as to eliminate settlement, and the surface of the ground shall be returned to its original condition.
5. It is understood and agreed that Valley County will not be liable for any costs in connection with the future required relocation of the road improvement.
6. All abandoned approaches/driveways shall be reclaimed to their original state at the cost of the applicant and/or its successors.

7. Installation, maintenance, relocation, and removal of said approach on county right-of-way shall be done in a manner satisfactory to, and subject to supervision by, the Valley County Road Superintendent.
8. Valley County shall not be liable for damage to said approach resulting from reconstruction or maintenance of the right-of-way. Applicant and/or its successors shall hold the County harmless for injury to persons or damage to property resulting from the location of said approach on county right-of-way. Applicant and/or its successors are responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities on any existing road in Valley County. Furthermore, the applicant and/or its successors agree to indemnify and hold harmless Valley County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Valley County on account of the activities conducted by the applying company and/or its successors on the construction of said approach.
9. Applicant and/or its successors shall promptly remove said approach from county right-of-way or shall relocate or adjust said approach, at its sole cost and expense when requested to do so by the county. The applicant and/or its successors shall be responsible to pay for all costs of moving, relocation, or reconstruction of the said approach, should Valley County deem it necessary or advisable, in its sole discretion, to repair or reconstruct the existing road. Should the applicant and/or its successors fail to take necessary steps to relocate or reconstruct its approach, the County may take steps to have the same accomplished, and the applicant agrees to reimburse the County for all expenses incurred in moving, relocating, or reconstruction of the approach so the existing roads may be repaired or reconstructed.
10. If at any time Valley County wants to excavate in this area and if it should require the said approach to be moved, it will be at the expense of the applicant and/or its successors.
11. Applicant and/or its successors shall repair or replace public road structures and appurtenances, and any existing facilities located on, over, or under public right-of-way which may be damaged as a result of the installation and maintenance of said approach.
12. Any other road construction activity beyond a driveway (e.g. utility work, trenching) must have a "Construction in County Right-of-Way" permit.

Casey Dickinson

Contractor Name Printed

[Redacted Signature]

Contractor Signature

4/5/21

Date

[Redacted Phone Number]

Contractor Phone #

[Redacted Signature]
Valley County Road Superintendent Signature

4-20-21

Date

*Met on site
agreed on site for approach*

Assessor's Map & Parcel Viewer



4/12/2021, 1:05:11 PM

Parcel Summary & Improvement Report

Valley County Boundary

Mass

Valley County
Mass

Valley County Road Department

520 S Front Street
P.O. Box 672
Cascade, ID 83611
www.co.valley.id.us
Phone 208-382-7195
Fax 208-382-7198



Approach in County Right-of-Way Permit

Fee ** \$50.00 Date Paid 3/22/21 Permit No. 644
**CHECK OR MONEY ORDER ONLY ck # 161

Property Owner: James Hamblin, Melinda Voicu

Applicant: James Hamblin Signature: [Redacted]

Mailing Address: P.O. Box 3091

Phone numbers: [Redacted]

Physical Address of site: Parcel 30 of McCall Ranch, SE 1/4 NW 1/4 S. 28 T. 18N R. 3E, B.M.

Access is located off county road named: Norwood Road

Approach used to access parcel #: 27 → 30 (From Parcel 27)

*** Attach a site plan & vicinity map. Stake the location on-site. ***

The Valley County Road Superintendent hereby grants permission to place, construct, and thereafter maintain an approved access road at the above location.

1. Driveway/approaches must be built per attached figure (# 200).
2. Driveways should not exceed eight percent (8%) grade and have a minimum of a fifty foot (50') plus/minus four percent (+/-4%) runout. Per Valley County Ordinance 6-1-9.
3. Above ground fixtures shall be located off the road right-of-way or on the right-of-way line.
4. All trenches and other excavations shall be carefully backfilled in such a manner as to eliminate settlement, and the surface of the ground shall be returned to its original condition.
5. It is understood and agreed that Valley County will not be liable for any costs in connection with the future required relocation of the road improvement.
6. All abandoned approaches/driveways shall be reclaimed to their original state at the cost of the applicant and/or its successors.

7. Installation, maintenance, relocation, and removal of said approach on county right-of-way shall be done in a manner satisfactory to, and subject to supervision by, the Valley County Road Superintendent.
8. Valley County shall not be liable for damage to said approach resulting from reconstruction or maintenance of the right-of-way. Applicant and/or its successors shall hold the County harmless for injury to persons or damage to property resulting from the location of said approach on county right-of-way. Applicant and/or its successors are responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities on any existing road in Valley County. Furthermore, the applicant and/or its successors agree to indemnify and hold harmless Valley County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Valley County on account of the activities conducted by the applying company and/or its successors on the construction of said approach.
9. Applicant and/or its successors shall promptly remove said approach from county right-of-way or shall relocate or adjust said approach, at its sole cost and expense when requested to do so by the county. The applicant and/or its successors shall be responsible to pay for all costs of moving, relocation, or reconstruction of the said approach, should Valley County deem it necessary or advisable, in its sole discretion, to repair or reconstruct the existing road. Should the applicant and/or its successors fail to take necessary steps to relocate or reconstruct its approach, the County may take steps to have the same accomplished, and the applicant agrees to reimburse the County for all expenses incurred in moving, relocating, or reconstruction of the approach so the existing roads may be repaired or reconstructed.
10. If at any time Valley County wants to excavate in this area and if it should require the said approach to be moved, it will be at the expense of the applicant and/or its successors.
11. Applicant and/or its successors shall repair or replace public road structures and appurtenances, and any existing facilities located on, over, or under public right-of-way which may be damaged as a result of the installation and maintenance of said approach.
12. Any other road construction activity beyond a driveway (e.g. utility work, trenching) must have a "Construction In County Right-of-Way" permit.

James Hamblin
Contractor Name Printed

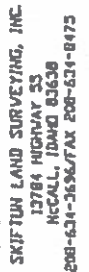
Contractor Signature

Date

Contractor Phone #

Valley County Road Superintendent Signature

4-5-2012
Date

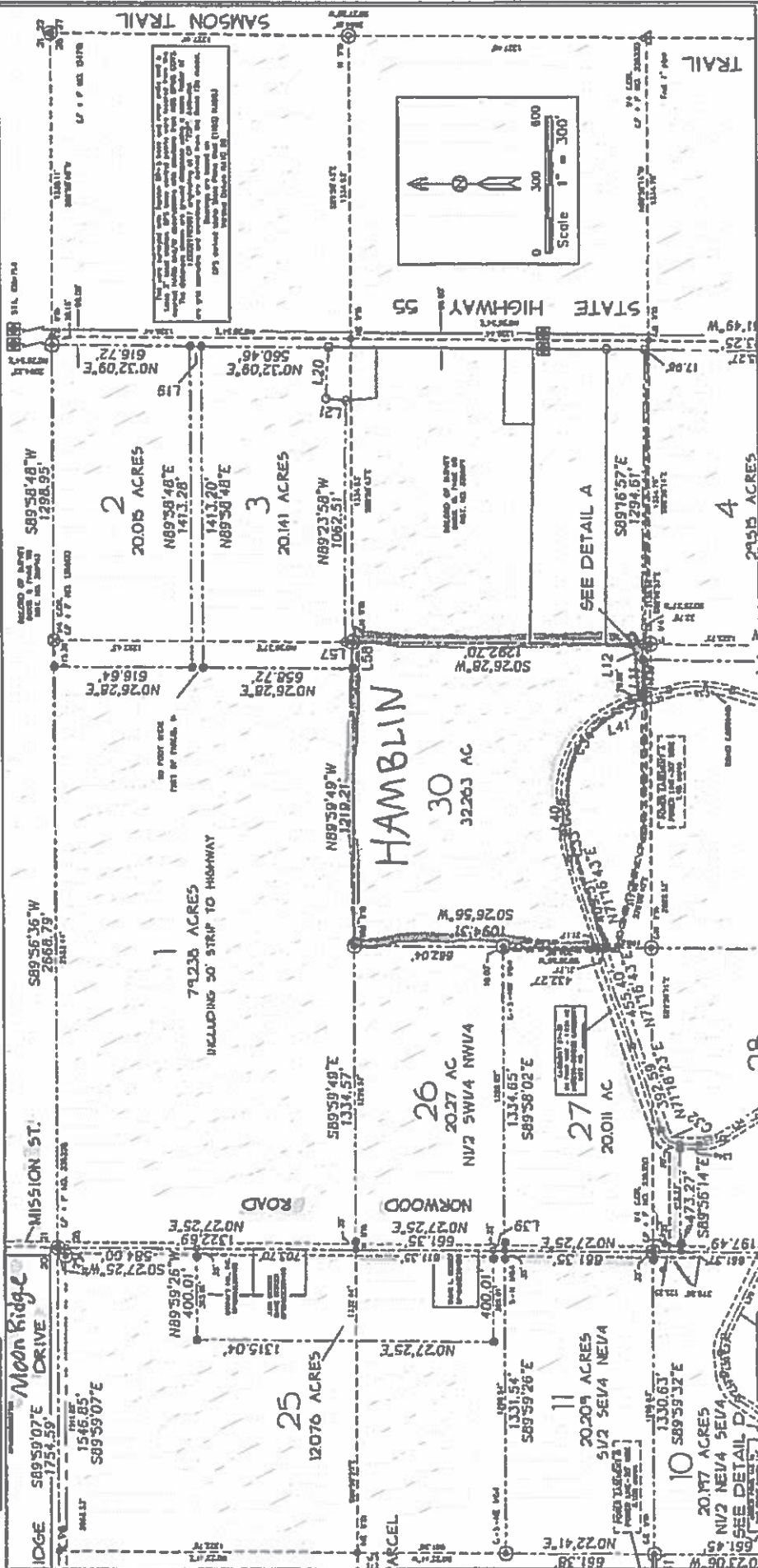


RECORD OF SURVEY
Valley County, State of Idaho
DEBOER and MIRROR POND,

THE MCCALL RANCH
 Situated in
 Sections 28 and 29, T. 18 N., R. 3 E.
 Valley County, Idaho

Valley County, State of Idaho
DEBOER and MIRROR POND, LLC

Sections 28 and 29, T. 18 N., R. 3 E., 8 M.
Valley County, Idaho

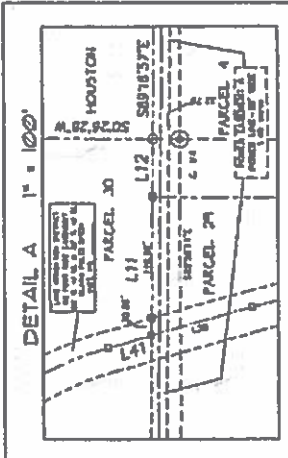


Curve Table

[illegible]

Line Table

| NAME | WEIGHT | STATURE | REACHING | DISTANCE |
|------|--------|---------|----------|----------|
| 1 | 111 | 147 | 147 | 70 |
| 2 | 111 | 147 | 147 | 70 |
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LEGEND

- | | |
|---------------------------|-------------------------|
| client boundary line | found brass cap |
| section breakdown lines | set aluminum cap |
| edge of traveled way | set 5/8" rebar w/ cap |
| proposed easement lines | found 5/8" rebar |
| existing fence lines | colic. point, nothing a |
| | found aluminum cap |
| A found monument as noted | found 5/8" rebar |
| found R.O.W. monument | found 5/8" rebar |
| power pole | |

Survey References

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I, Rod M. Skiffun, a Professional Land Surveyor, do hereby certify that this plat was prepared from notes taken during an actual survey made under my direct supervision in April-May of 2020, and that it correctly represents the points, courses and distances as recorded in said field notes.

Survey Narrative

This record of survey is being prepared and recorded in order to settle the Oyster and Morro Ponds, LLC properties into 20 acre or greater parcels. All parcels other than the parcel on a County Road or have been provided an easement, parcels already have some lines creating or greatly affecting their boundaries or easements have been provided.

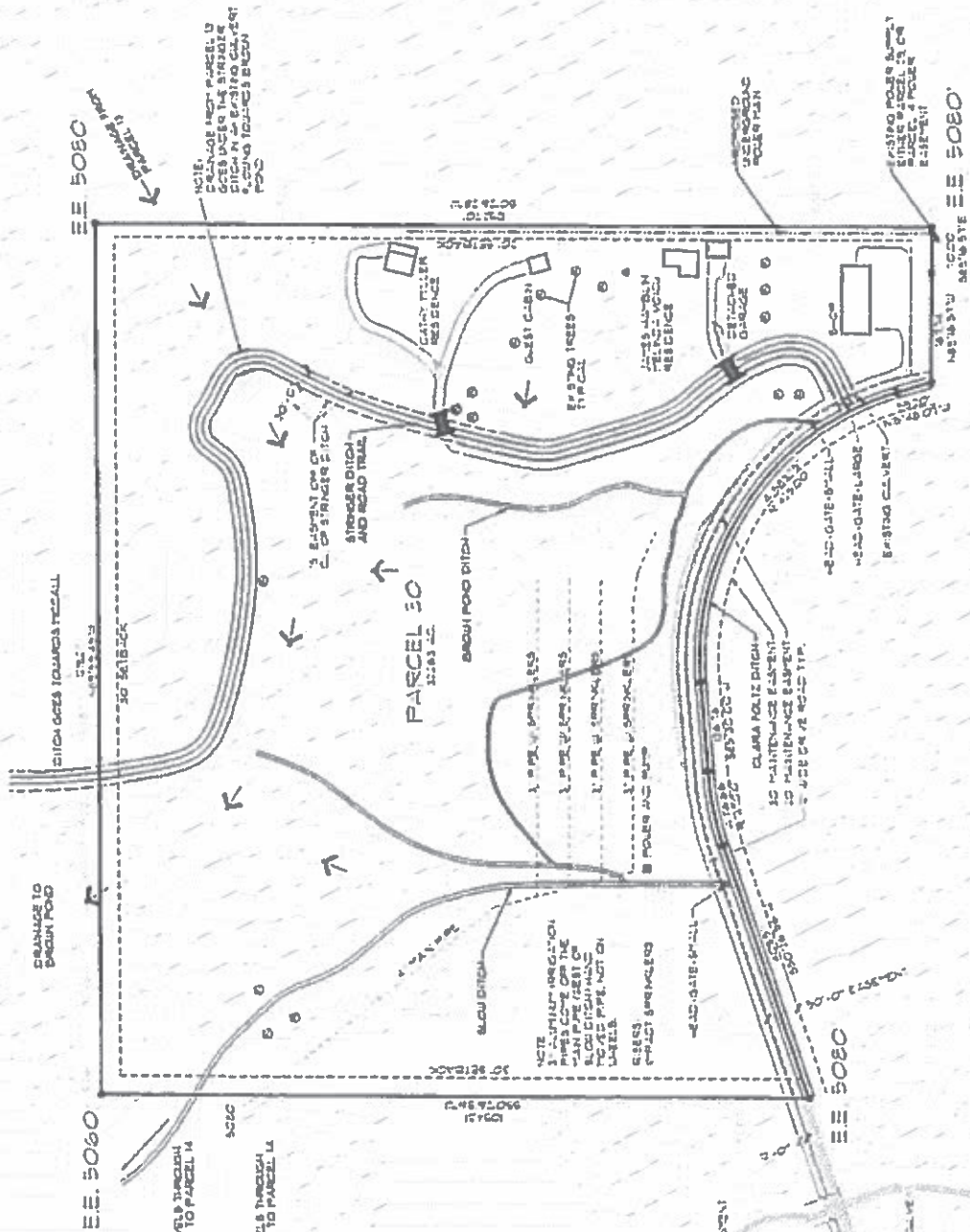
STEVE LOCKWOOD
DESIGN
2000 N. 1000 E.
BOZEMAN, IDAHO

JAMES HANBLIN
PARCEL 30, MCCALL RANCH
VALLEY COUNTY, IDAHO

PLAN
DATE: 11/10/07
SCALE: 1"=40' 0"

PLAN
DATE: 11/10/07
SCALE: 1"=40' 0"

0



MISSION ST.
MOON RIDGE DRIVE

Hi!

Here is a photo of our Approach so you can see it is clear of snow. We look forward to hearing from you.

Thank you!

Melinda & James

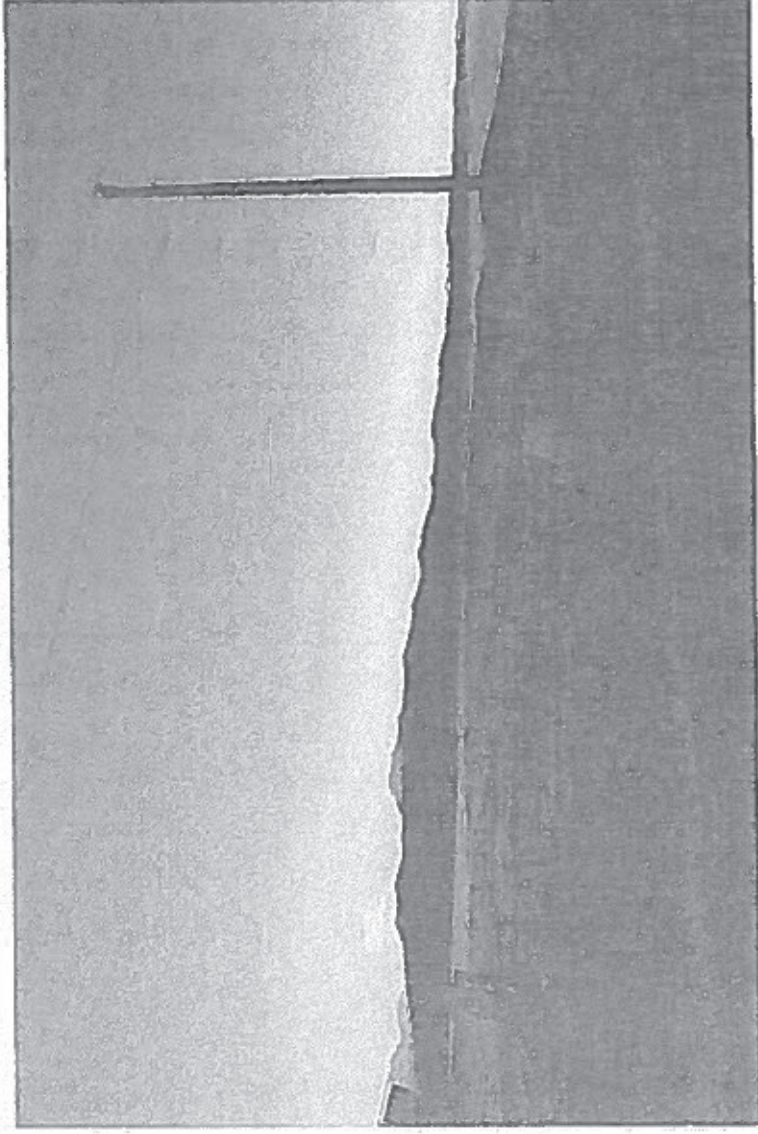


Photo taken March 17 from Norwood Road

From: Garrett de Jong <garrett@mccallfire.com>
Sent: Tuesday, January 4, 2022 12:05 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: CUP 21-44 Hidden Valley Subdivision

Hi Cynda,

The roadway needs to meet Valley County road standards and have a minimum unobstructed width of 20 feet, exclusive of shoulders, shall not exceed 10% in grade, and shall have an approved turnaround installed (503, 2018IFC). In lieu of meeting the fire flow requirements in Appendix B of the 2018IFC (International Fire Code), because it is four lots and less than ten, a 10,000 gallon water storage tank for fire protection shall be installed in accordance with NFPA 22, inspected, and made operable prior to building construction (501.4, IFC2018). Water tanks shall be located within 1,000 feet of each property as measured along the access road. The developer is encouraged to consider installing 30,000 gallon tanks to meet Idaho Survey and Ratings Bureau's water supply standards which affect insurance premiums. Roads and water supply for fire protection shall be installed, inspected, and made operable prior to final plat (501.4, IFC2018). I have been working with Gregg Tankersley on this project and potentially incorporating neighboring developments water supply standards together. I am confident that we will find a suitable water supply solution.

Thank you,

Garrett

Garrett de Jong
Fire Chief
McCall Fire & EMS
201 Deinhard Lane
McCall, ID 83638
208-634-7070





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

December 23, 2021

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

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

Subject: Hidden Valley Subdivision, CUP 21-44

Dear Ms. Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

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

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.

Response to Request for Comment

December 23, 2021

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- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,

A black rectangular redaction box covering the signature of Aaron Scheff.

Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK275



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) The intent of this section is to encourage the use of surface water for irrigation. All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:

(a) A surface water right is, or reasonably can be made, appurtenant to the land;

(b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or

(c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

History:

[67-6537, added 1989, ch. 421, sec. 3, p. 1033; am. 2005, ch. 338, sec. 1, p. 1056.]

How current is this law?

Search the Idaho Statutes and Constitution