



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Flood Plain Coordinator

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STAFF REPORT
Conditional Use Permit Application No. 20-33
Valley County Pickleball

HEARING DATE: December 10, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Valley County Pickleball Club
P.O. Box 415
Cascade, ID 83611
and
Valley County Pickleball Club
Larry Keene &/or Nancy Blomfield
P.O. Box 595
Donnelly, ID 83615

CONTACT: Hope Ayres
P.O. Box 1146
Donnelly, ID 83615

LOCATION/SIZE: The site is 2.5 acres that is a part of 55-acre parcel addressed at 50 E Lake Fork Road. It is a portion of parcel RP17N03E037211 in the SE ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

REQUEST: Public Park and Pickleball Courts
EXISTING LAND USE: Bare Ground, Previous Gravel Pit

BACKGROUND:

The Valley County Pickleball Club is requesting approval of a conditional use permit for a pickleball court complex. The site would include eight pickleball courts, chain-link fencing, parking, toilet facilities, and a storage shed. The Club would operate and maintain the complex.

The site plan included in the application is a concept plat; exact location and design is yet to be finalized.

The pickleball courts will be unlocked and available for public use during the operating season, 7 days a week, during daylight hours. The operating season will be weather permitting, likely May through November.

Budget estimate for the project is \$400,000, which will be raised by the Club through donations and grants. All land surfaces not used for courts, access roads, and parking will be covered by existing natural vegetation.

The site would be 2.5 acres of RP17N03E037211 which is owned by Valley County. The 55-acre site is addressed at 50 E Lake Fork Road. The Valley County Lake Fork Shop is located within this parcel.

FINDINGS:

1. Application was made to Planning and Zoning on October 26, 2020.
2. Legal notice was posted in the *Star News* on November 19, and November 25, 2020. Potentially affected agencies were notified on November 10, 2020. Neighbors within 300 feet of the property lines were notified by fact sheet sent November 10, 2020. The site was posted on November 24, 2020. The application and notice were posted on the Valley County website "Public Hearing Information" on November 10, 2020.

3. Agency comment received:

Central District Health said if central sewer is not available to serve the restroom facility, a septic permit must be obtained. (Nov. 16, 2020)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Nov. 24, 2020)

4. Neighbor comments received: None
5. Physical characteristics of the site: Relatively flat land that has been disturbed and vegetation removed.
6. The surrounding land use and zoning includes:
 - North: Valley County Gravel Borrow Site
 - South: Single Family Residential Subdivision
 - East: Valley County Property – Gravel Borrow Site
 - West: Valley County Shop and Recycling Center
7. Valley County Code 9-3-1 Table 3A. This proposal is categorized under:
 - 4. Private Recreational Uses (g) Athletic Field

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

9-5A-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.
- 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-3: PARKING AND OFF STREET LOADING FACILITIES:

- A. Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including firetrucks and refuse collection trucks, snow storage, and drainage.
- C. Required Spaces: The minimum number of spaces required is specified herein under the site and development standards for the specific use.
- D. Parking Space, Maneuvering Area And Aisle Dimensions: All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes :
 - 1. Parking Area Dimensions:

- a. Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').
- b. All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').
- c. Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').
- 2. End Parking Space Maneuvering: A three foot (3') wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.
- 3. Vehicle Overhang:
 - a. Recreational Vehicles And Parking Spaces: Recreational vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.
 - b. Standard Size Parking Spaces:
 - (1) Landscaped Areas: Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percentage of lot to be landscaped.
 - (2) Sidewalks: Standard size parking spaces are allowed to overhang sidewalks only where the sidewalk is a minimum of six feet (6') in width.
 - c. Access To And From Streets: Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten feet (10') wide nor more than forty feet (40') wide that extends onto the private property at least twenty feet (20') beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter streets in a forward direction.
 - d. Driveways: All driveways shall be designed and constructed in accordance with the county approach policies.
 - e. Surface: Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust free, durable material.
 - f. Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.
 - g. Screening: Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four feet (4') in height.
 - h. Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.
 - j. Maintenance: Parking areas and off street loading facilities shall be maintained in good order, clear of debris, and shall not be used for any other use that interferes with or limits the intended use.
 - k. Lighting: Only indirect lighting may be used to illuminate a parking area. See other lighting regulations in section 9-5B-2 of this chapter. (Ord. 10-06, 8-23-2010)

9-5E-1: SITE OR DEVELOPMENT STANDARDS:

Private recreation uses requiring a conditional use permit shall meet the following site or development standards:

- A. Minimum Lot Area:
 - 1. The minimum area for any use in this category shall be sufficient to accommodate the use, associated activities or uses, and to adequately contain adverse impacts.

2. Frontage along a public or private road shall not be required.
 - B. Minimum Setbacks: The minimum building setbacks shall be fifty feet (50') from front, rear, and side street property lines, and thirty feet (30') from side property lines.
 - C. Maximum Building Heights And Floor Areas:
 1. The maximum building height shall be thirty five feet (35').
 2. Maximum floor areas shall not exceed the limitations of subsections 9-5-3A and C of this chapter.
 3. No building or combination of buildings may cover more than one percent (1%) of the lot or parcel.
 - D. Site Improvements: Parking spaces shall be provided at the rate of one per every four (4) persons of total occupancy or attendance. (Ord. 10-06, 8-23-2010)
-

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +16.

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

Staff Questions/Comments/Recommendation:

- 1) A new address will need to be assigned.
- 2) Can the public use at any time or will it be limited to Valley County Pickleball members?
- 3) When will toilets be placed? Who will be cleaning the toilets?
- 4) If the chain link fence is 10' high, it will have to comply with setbacks.
- 5) The seating benches/bleachers should be shown on the site plan.
- 6) Who will be emptying the fee tube?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation Form
- Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Assessors Plat T.17N R.3E Section 3
- Site Plan – Conceptual

- Memorandum of Understanding
- Pictures Taken November 24, 2020
- Responses

Conditions of Approval - Attachment A

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 use must be established within two years (December 31, 2022) or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lighting must comply with the Valley County Lighting Ordinance.
6. 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.
7. Must comply with Central District Health requirements.
8. Must comply with requirements of the McCall Fire District; a letter of approval is required.
9. The site must be kept neat and orderly.
10. A sign permit must be obtained prior to placing a sign on the property.
11. Approval for directional signage along Highway 55 will be required from Idaho Transportation Department.
12. Hours of operation are limited to daylight hours, Monday through Sunday.
13. Building permits will be required for all fencing greater than 6 feet in height and the restroom facility.
14. The Valley County Pickleball Club will be required to maintain the entire 2.5-acre site; including trash removal and court maintenance and repair unless a separate agreement is made with the Valley County Board of Commissioners.

END OF STAFF REPORT

Staff Report
C.U.P. 20-33
Page 6 of 6

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.

Compatibility Questions and Evaluation

Matrix Line # / Use: #15 Private Recreation
#11 Public

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)?

Gravel Extraction

(+2/-2) 0 X 1 0

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

See 1 + 2 w/ Industrial

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +2 X 3 +6

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, it is large enough. There are trees. This use will improve the site's

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

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

Yes

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

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

Will increase traffic and not similar, however, less impact due to type of vehicle

(+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) +1 X 2 +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?

This is a park. May cause some traffic impacts, Ambulance

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

No Change, but may impact some services

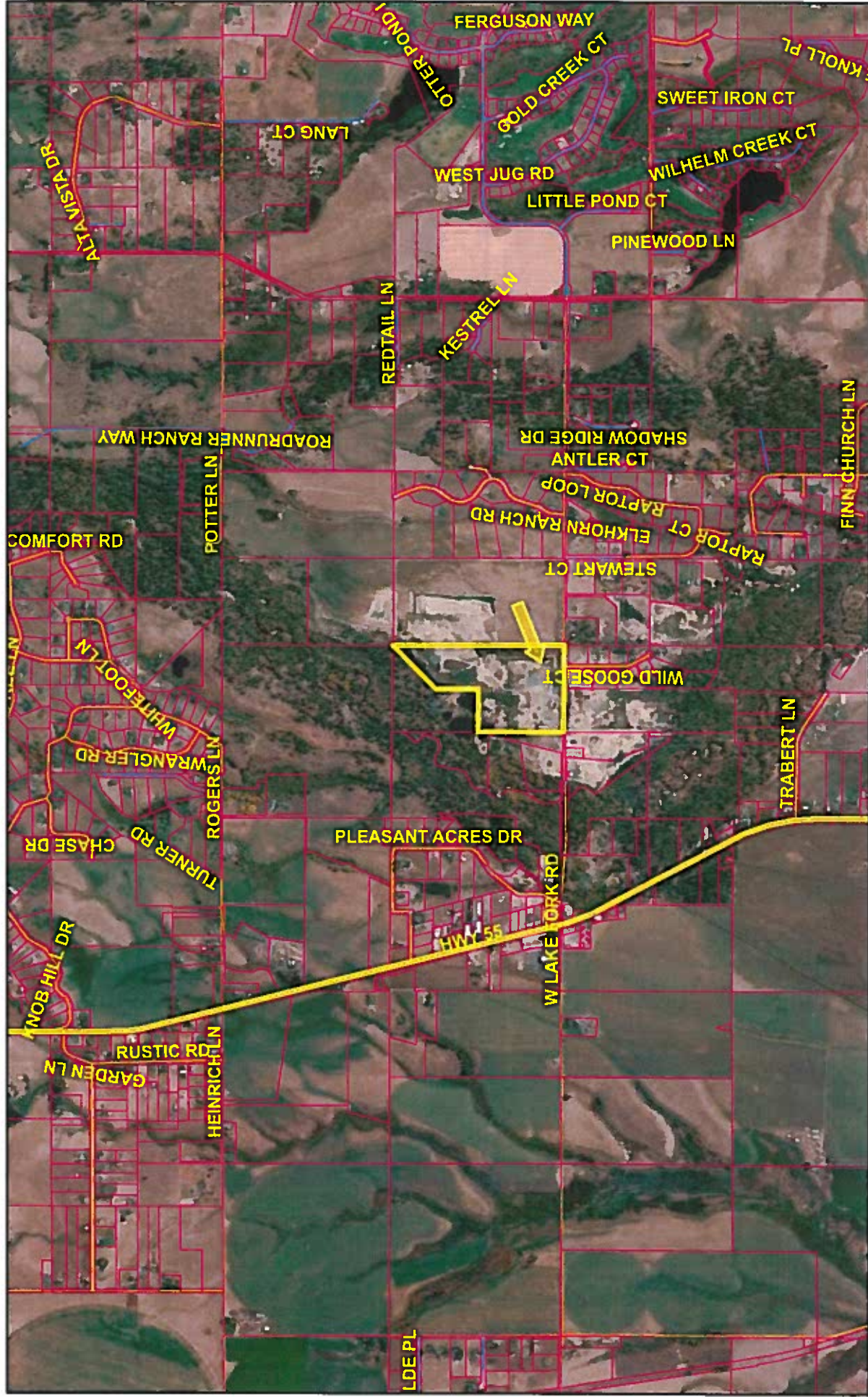
Sub-Total (+) 20

Sub-Total (-) -4

Total Score +16

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. 20-33 Valley County Pickleball



10/27/2020, 3:33:22 PM

1:36,112

Parcel Boundaries Roads

URBAN/RURAL

All Road Labels

MAJOR

PRIVATE

COLLECTOR

USDA FSA, GeoEye, Maxar

Web AppBuilder for ArcGIS

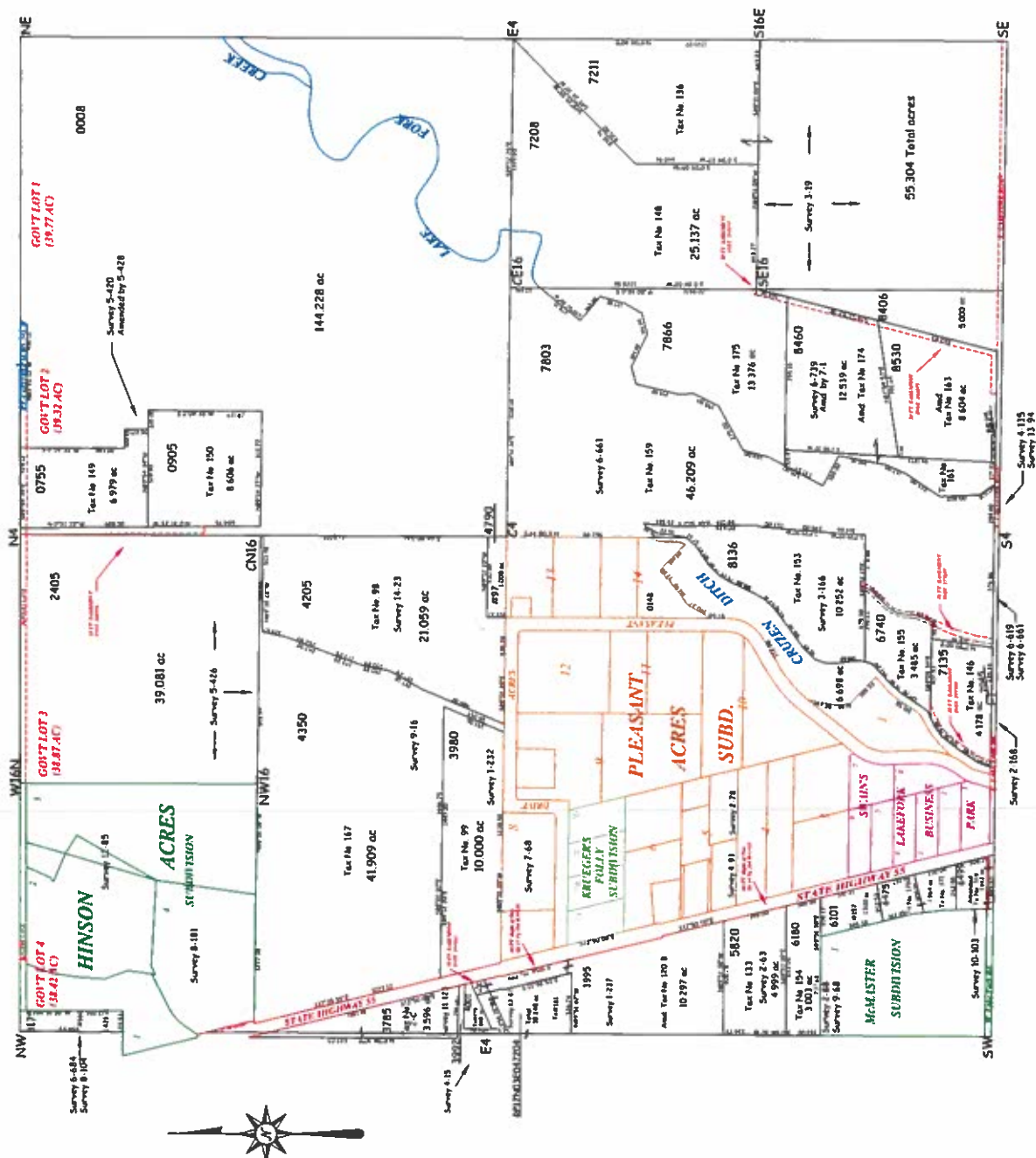
C.U.P. 20-33 Valley County Pickleball



TWP. 17N ROSE SEC. 03

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

Filename: Valley County Base Map
Scale: 1" = 400 ft.
Date: 5/27/2020
Drawn by: L Frederick





Valley County Board of County Commissioners

PO Box 1350 • 219 N Main Street
Cascade, Idaho 83611-1350



Phone (208) 382-7100
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ELTING G. HASBROUCK
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Commissioner
smaupin@co.valley.id.us

DOUGLAS A. MILLER
Clerk
dmiller@co.valley.id.us

MEMORANDUM OF UNDERSTANDING

BETWEEN

VALLEY COUNTY PICKLEBALL CLUB
AND
THE VALLEY COUNTY COMMISSIONERS

VALLEY COUNTY PICKLEBALL COURT COMPLEX

This Memorandum of Understanding (MOU) is entered into by and between the Valley County Commissioners (hereafter referenced as "the county" or "Valley County") and Valley County Pickleball Club, an unincorporated nonprofit association (hereafter referenced as "VCPC") in order to express a convergence of will between the parties for an intended common line of action.

Whereas: Valley County Commissioners seek to provide a new public facility as an additional recreation resource for the people and visitors of Valley County

Whereas: Valley County Commissioners seek to Create an improvement on existing land and add more varied opportunity for outdoor recreation for the enhancement of leisure time by people of all ages.

Whereas: Valley County Commissioners seek to maintain the important role of outdoor recreation in supporting the local economy and support multiple uses of public lands.

Whereas: Valley County Pickleball Club, a 501 (c) (3) organization seeks to facilitate the growth of the sport of pickleball in Valley County by offering lessons on how to play, as well as organized recreational & competitive play opportunities

Whereas: Valley County has an estimated 300 pickleball players with no current dedicated public location to play pickleball.

Whereas: Pickleball is the fastest growing sport in the nation with nearly 3 million players who enjoy a wide range of health benefits from regular exercise including Lower risk of heart disease, Mood enhancement, Increased social interaction, and Improved reflexes and balance.

Whereas: There is existing undeveloped ground on County Property located at 50 East Lake Fork Road that is well suited for a multi-use county park.

**NOW THEREFORE BE IT RESOLVED BY VALLEY COUNTY BOARD OF
COMMISSIONERS AND VALLEY COUNTY PICKLEBALL CLUB:**

VCPC proposes to build, operate and maintain an 8 court pickleball complex on 2.5 acres in the south east corner of the County Property located at 50 East Lake Fork Road. (see Project description and diagram attached).

VCPC will present the project as a combined effort with the County, and will conduct fundraising efforts both public and private to fund the construction and maintenance of the pickleball courts estimated at \$300,000.

VCPC has an application for a conditional use permit to Valley County Planning and Zoning Dept. Should that permit be denied, VCPC will not hold the county liable for any efforts undertaken to date or related to this project.

The time frame for construction of the courts will be 2021 – 2022, and VCPC and the county Roads Dept. will coordinate and agree on a timeframe mutually agreeable to both parties for the site grading work. VCPC will be responsible for all costs associated with site grading and scheduling with the contractor of their choosing.

VCPC will fund the building and installation of a 140x140 post-tensioned concrete slab, pickleball court surface, chain link fencing surround, a portable toilet, portable shed and other materials noted in the Project Description

This agreement will be in force for 30 years and renewed annually. This agreement can be revoked at any time by either party.

The need for overflow parking must be communicated to Valley County road department before any special event. In the case this agreement is terminated, all improved structures belonging to VCPC all property remains in the ownership of Valley County.

VCPC will operate and maintain the pickleball courts for a period of no less than 10 years, to be funded by club member and public donations.

The courts will be unlocked and available for public use during the play season (est. May – November) during daylight hours.

The county will provide and maintain liability insurance for the courts complex at no cost to VCPC.

VCPC's contacts for this MOU are: Hope Ayres, hopequilt@hotmail.com, PO Box 1146 Donnelly ID, 83615, 208-724-6188. Alt: Marsha Smith, marshsmith007@yahoo.com, PO Box PO Box 4390 McCall, ID, 83638. The County's contact for this MOU is:

Larry Laxson

Either party may change the contact person by writing to the other party.

In witness whereof, the parties have caused this MOU to be executed by their duly and authorized representatives as of the effective date:

Valley County: Erling G. Hasbrouck Date: 10-26-2020

Print Name / Title: Erling G. Hasbrouck - Chairman

Valley County Pickleball Club: Evelyn Banfield Date: 10-26-2020

Print Name / Title: Evelyn Banfield, Secretary Valley County Pickleball Club



11-24-2020



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 20-33

Preliminary / Final / Short Plat Valley Co. Pickleball

Sec 3

50 E. Lake Fork Rd

- ☐ 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. If central sewer is not available to serve the restroom facility, A septic permit must be obtained from CDH.

Reviewed By: AKK

Date: 11/16/20



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

November 24, 2020

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

Cynda Herrick
Valley County Planning & Zoning
PO Box 1350
219 N Main St
Cascade, Idaho 83611-1350

Subject: Herrick Court, CUP-20-32 & Valley County Pickleball, CUP 20-33

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: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

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 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. Information on fugitive dust control plans can be found at: http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf
- 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. WASTEWATER AND RECYCLED 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: deq.idaho.gov/water-quality/drinking-water.aspx). 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

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA 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.
- 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. HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **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.

- 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, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **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 deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2020AEK267