



Cynda Herrick, AICP, CFM
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IDAHO

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STAFF REPORT

Conditional Use Permit Application No. 21-06
Moon View Ranch Subdivision - Preliminary Plat

HEARING DATE: April 8, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Matthew Falvey and Joanne Young
P.O. Box 710
McCall, ID 83638
ENGINEER: Crestline Engineers
PO Box 2330
McCall, ID 83638
SURVEYOR: Ralph Miller
Secesh Engineering
PO Box 70
McCall, ID 83638
LOCATION/SIZE: Parcel RP18N03E297805 in Section 28, T.18N, R.3E, Boise
Meridian, Valley County, Idaho; 63 acres
REQUEST: Single-Family Residential Subdivision
EXISTING LAND USE: Agriculture - Grazing Land

BACKGROUND:

The applicants are requesting a conditional use permit for a 13-lot single family subdivision on approximately 63 acres.

The site is southwest of the Activity Barn on Moonridge Drive. It is currently irrigated and dryland pasture.

Lots would be accessed from Moonridge Drive onto a graveled private road. A shared driveway is proposed. The private road is 2,752 feet long; specific approval will be required from the Commission and the Board. The cul-de-sac must have a minimum radius of 60'.

Proposed lots sizes are 2.06 to 12.2 acres. Individual wells and septic systems are proposed.

CCR's are proposed. Irrigation and power easements exist and are shown on the preliminary plat.

The existing pathway access along Moonridge Drive will remain unchanged for bicycle and pedestrian traffic.

It is proposed that water rights be transferred. The current easements in place on the Record of Survey 14-25 will be maintained through Lot 7. Open surface ditches may be converted to underground piping. Approval from Lake Irrigation District will be required.

A 30,000-gallon water storage tank will be installed for fire protection.

FINDINGS:

1. Application was made to Planning and Zoning on February 22, 2021.
2. Legal notice was posted in the Star News on March 18 & 25, 2021. Potentially affected agencies were notified on March 9, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent March 12, 2021. The site was posted on March 30, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on March 9, 2021.

3. Agency comment received:

Central District Health said that an application, test holes, ground water monitoring, and engineering report are required. (Mar. 9, 2021)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Mar. 19, 2021)

4. Neighbor comments received: None

5. Physical characteristics of the site: Pastureland with irrigation ditches and rolling topography.

6. The surrounding land use and zoning includes:

North: Irrigated grazing, McCall Activity Barn, and Single-Family Residential Rural Parcels

South: Single-family Residential Rural Parcels and Irrigated Grazing

East: Single-family Residential Rural Parcels and Grazing

West: Single-family Residential Rural Parcels and Grazing

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. *and*

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)
- 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.
- G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed. (Ord. 10-06, 8-23-2010)

9-5C-6: DENSITY:

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. 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)

8. Valley County Code (Title 10): Subdivision Regulations. This title should be reviewed for determination of technical issues of the plat.

10-4-4: STREETS:

- A. Conformance With Adopted Standards And Policies: The classification, ownership, design and location of all streets shall conform to adopted standards and policies, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience or safety, and in their appropriate relation to the projected traffic demand of the land to be served by such streets.
- F. Street Layout: Street layout shall provide for reasonable development of adjoining areas and the entire neighborhood, and shall provide for the following:
6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

10-5-1: STREET AND UTILITY IMPROVEMENTS:

- 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+11.

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 letter from Lake Irrigation District advising there are no concerns is required.
2. Mountain Heights may not be an acceptable road name. You could call it Moon View Way.
3. Will you allow the interior 20-acre parcel of adjoining property to use your platted road to decrease number of crossings of the pathway if they participate in the maintenance of the road? Would you allow the adjacent property to use your road to plat a subdivision? Will the flag lot be used only for emergency egress?
4. Will you be placing buried conduit for fiber optic?
5. You are required to bury a fire tank – will you drill a well to fill it up? Where will it be

located and who/how will it be maintained?

6. CCR's, page 13, state there is a 40-foot shared access & utility easement located on Lot 12 and will be used for Lots 2, 12 and 13 for ingress and egress...these lots are not adjacent to each other.
7. Is the pathway along Moonridge provided for in the CCR's? I recommend a separate document be recorded addressing the easements and placed in the notes on the face of the plat.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation
- Compatibility Evaluation
- Vicinity Map
- Assessor Plat – T.18N R.3E Sec. 29
- Street, Lot, and Aerial Map
- Wetland Map
- Pictures Taken March 30, 2021
- Responses

Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within 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. Roads shall be constructed in accordance with the Valley County Private Road standards. The Valley County Engineer shall review and approve construction drawings prior to development.

7. Prior to recordation of the plat, the Developer's engineer shall certify that the road is constructed in accordance with the plans approved by the Valley County Engineer.
8. A Private Road Declaration is required prior to recordation and must be noted on the face of the plat.
9. 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.
10. A letter of approval is required from McCall Fire & EMS stating all infrastructure, including road and buried tank, is in place prior to recording the final plat.
11. CCR's should address lighting, wildfire prevention, and limit each lot to one wood burning device.
12. All lighting must comply with the Valley County Lighting Ordinance.
13. Shall place addressing numbers at each driveway and each building.
14. A letter from the Lake Irrigation is required stating they have no concerns with this proposal.

END OF STAFF REPORT

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

MATRIX FOR RATING QUESTIONS 1, 2, and 3																							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
1. AGRICULTURAL	+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	+2	-1	-2	+1	+2	+2	1
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	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	3
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	4
5. RESIDENCE, M.F.	-2	+1	+1	+1	+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2	5
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	6
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	7
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	8
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	9
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	10
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	-1	-1	+1	+1	+2	-1	+1	+1	+1	+2	+1	+1	+1	+1	-1	+1	11
12. CEMETERY	+2	+1	+1	+1	+1	+1	+2	+2	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1	12
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-1	-1	+1	-1	-1	-1	-2	-2	-2	-2	-1	+2	+2	+2	13
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	14
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	15
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	-2	+1	+1	+2	+2	+1	+2	+2	-1	-1	16
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	+1	+1	+1	-1	+1	+1	+1	-2	-2	17
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+1	+2	+2	+2		+1	+1	21
19. AREA BUS.	-2	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	+1	+2	+2	-1	+2	+1	+2	-2	-2	19
20. REC. BUS.	-2	+2	+2	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	+2	+1	+1	+2	+1	+2	+2	-2	+1	20
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2		+2	+2		+1	+1	21
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	+2	-1	-1	-1	-2	-1	-2	+1		+2	22
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+2	+1	+1	-1	-2	-1	-2	+1	+1	+2	23

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: #3

Prepared by: CH

Moon View Ranch

Use Matrix Values:

YES/NO X Response Value

(+2/-2) -1 X 4 -8

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

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

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

Agricultural

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

Same

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

S.F. Subdivision + Recreation

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?

There is topography, large lots, very few 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?

Yes: S.F. subdivision beyond Activity Barre before you get to ridge

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

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

Will be lights visible & noise

(+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 impact area + 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?

Will increase tax above ag use

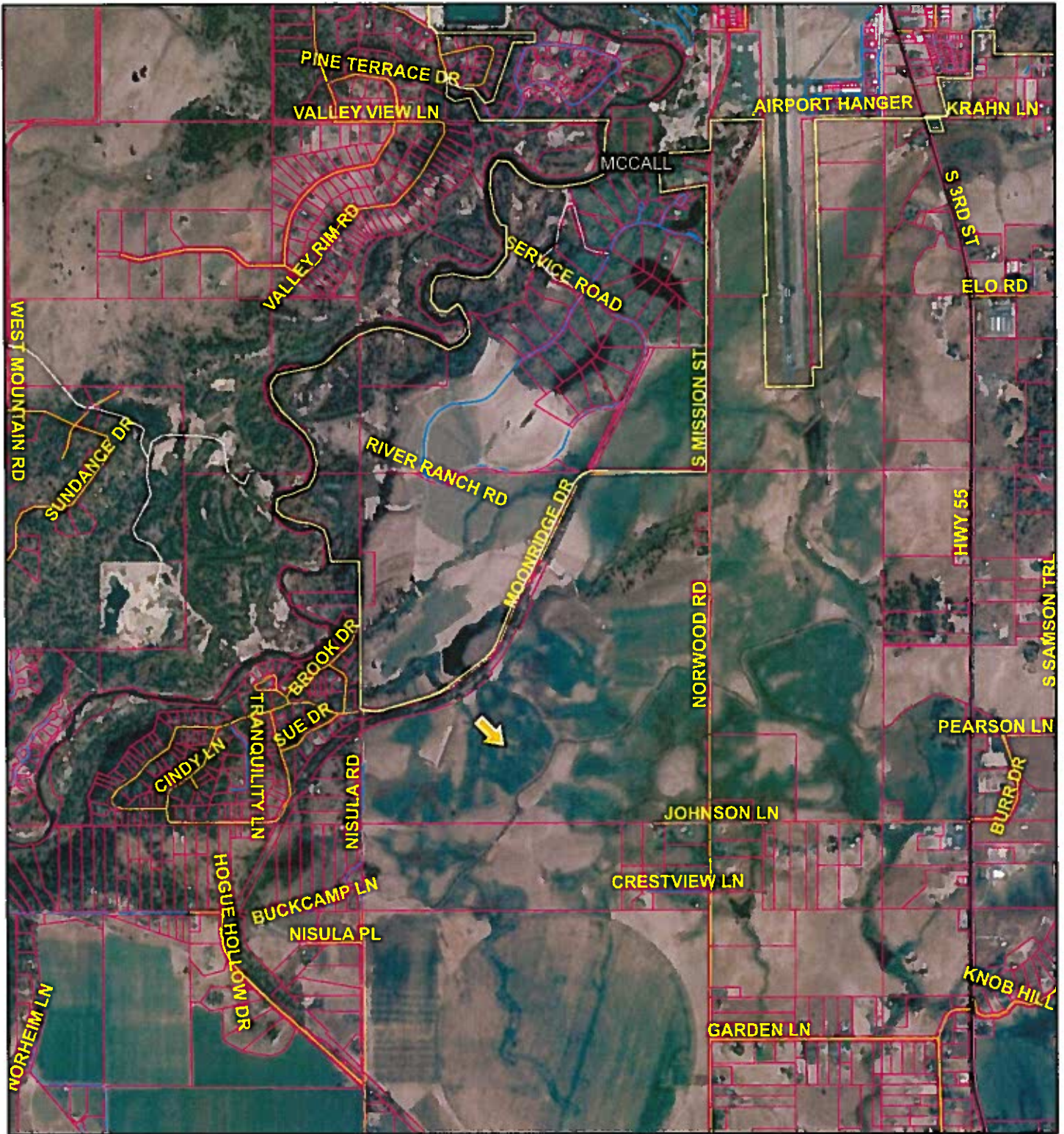
Sub-Total (+) 21

Sub-Total (-) 10

Total Score +11

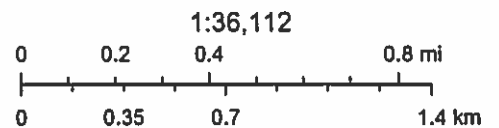
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 21-06 Vicinity Map



3/1/2021, 10:44:51 AM

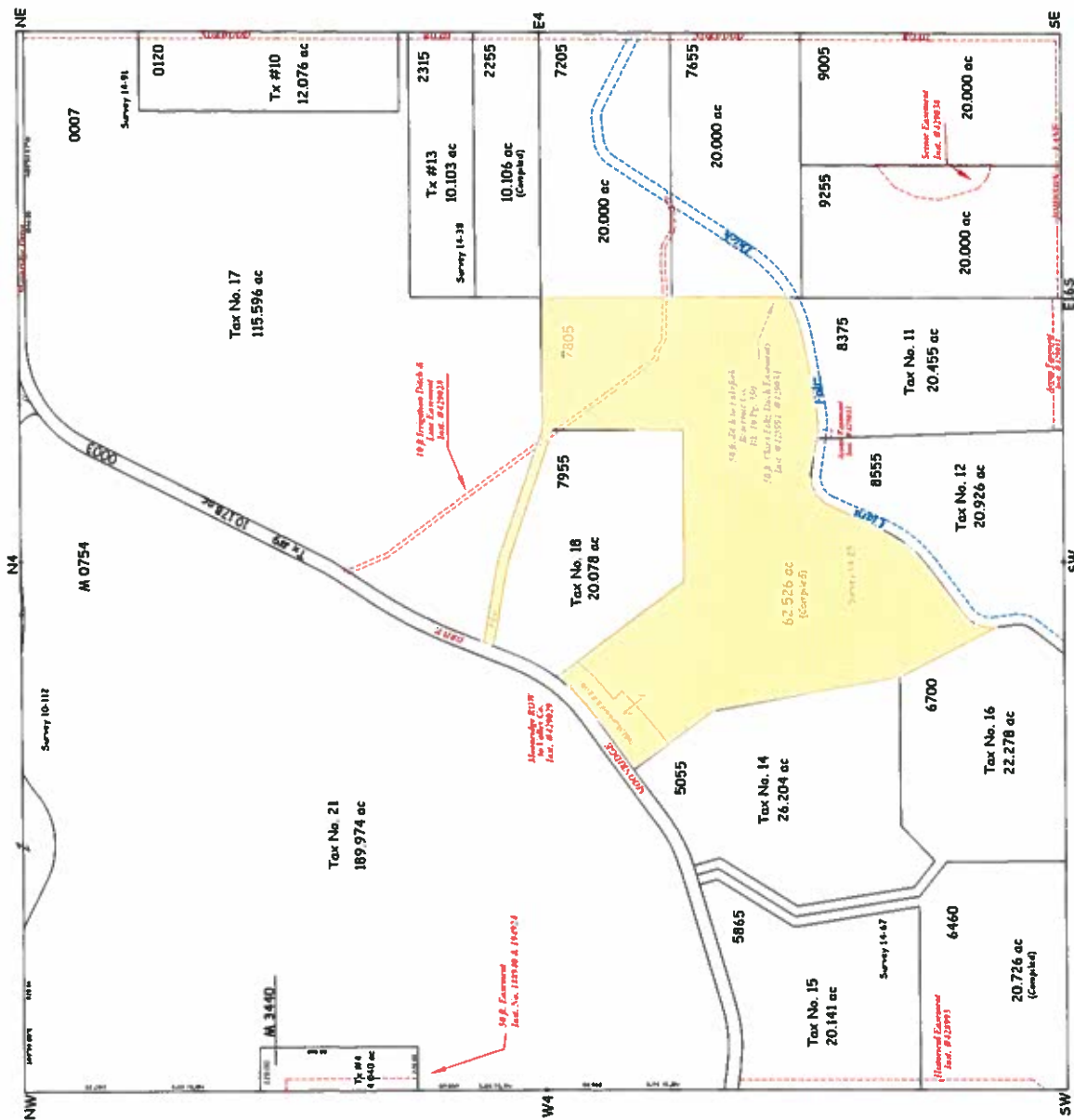
- | | |
|--|---|
| Municipalities | Roads |
| Parcel Boundaries | MAJOR |
| Other Parcels | COLLECTOR |
| All Road Labels | URBAN/RURAL |
| | PRIVATE |
| | OTHER |



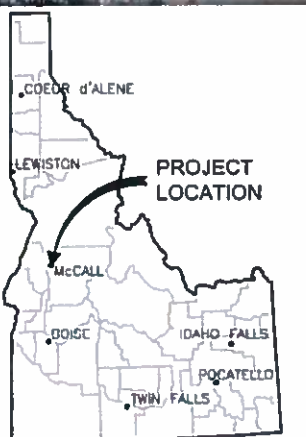
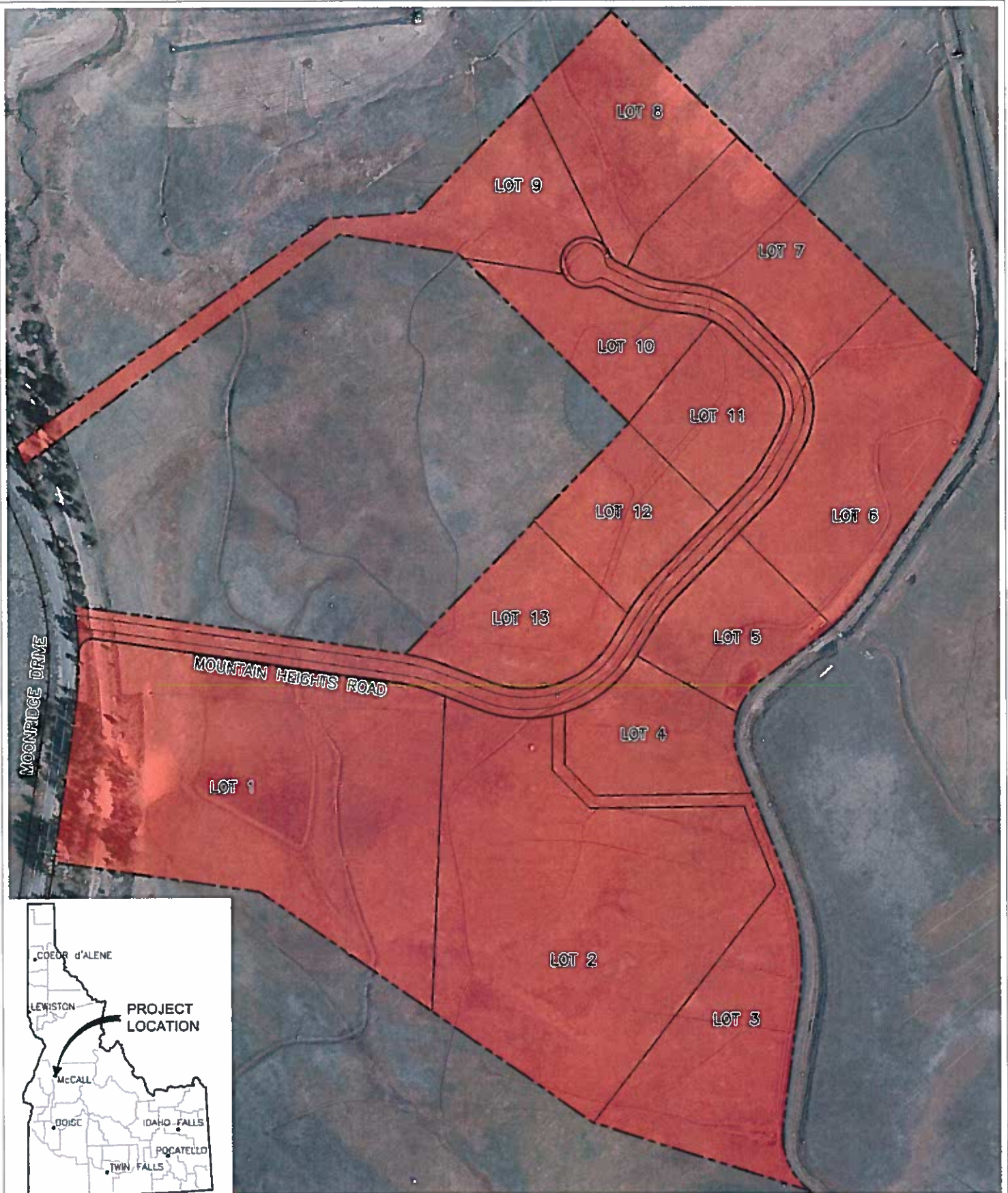
USDA FSA, GeoEye, Maxar

TWP. 18N R03E SEC. 29

Filename: Valley County Base Map
Scale: 1" = 400 ft.
Date: 12/18/2020
Drawn by: L.Frederick



► *Practical for the Field* See *Adaptive Business* (A17) The Guide to *ADP* Remedy for the *Business* *Contract* *Notes*



NORTH
SCALE: 1" = 300'

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

MOON VIEW RANCH VALLEY COUNTY, IDAHO PROPOSED SUBDIVISION STREET NAMES AND LOTS			
PROJECT	21002	DRAWN	FIGURE NO.
DATE	2/22/2021	AMD	1 OF 1

C.U.P. 21-06 wetlands



3/1/2021, 11:29:50 AM

- Municipalities
- Parcel Boundaries
- Wetlands (USFWS)
- Wetlands (NLCD)
- Emergent Herbac. Wetlands
- Woody Wetlands
- <all other values>
- All Road Labels

USDA FSA, GeoEye, Maxar

Web AppBuilder for ArcGIS
USDA FSA, GeoEye, Maxar | Valley County IT | IDWR | Valley County GIS





Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat CUP 21-06

Moon View Ranch 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. Applicants will need to submit an application for the development, conduct test holes & ground water monitoring, then submit an engineering report supporting the development.

Reviewed By: [Signature]

Date: 3.19.21



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

March 19, 2021

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

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

Subject: Moon Valley Ranch Subdivision Preliminary Plat, CUP 21-06

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 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: deg.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. 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 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.

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

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK41