



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Floodplain Coordinator

PO Box 1350
219 North Main Street
Cascade, Idaho 83611-1350

Phone: 208.382.7115
FAX: 208.382.7119
Email: cherrick@co.valley.id.us

STAFF REPORT

Conditional Use Permit Application 20-27
Pole Storage and Maintenance Facility
Amendment to C.U.P. 19-28

HEARING DATE: November 12, 2020

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM

APPLICANT: Lou Milani
Ed Staub & Sons
1301 Esplanada Ave
Klamath Falls, OR 97601

OWNER: SOS Properties
1301 Esplanade Ave
Klamath Falls OR 97601

LOCATION/SIZE: 13451 Highway 55
Big Valley Estates Lot 4
SE ¼ Sec. 27, T.17N R.3E, Boise Meridian, Valley County, Idaho.
2.79-acre lot

REQUEST: Amend Use of Building

EXISTING LAND USE: Storage and Maintenance Building

BACKGROUND:

C.U.P. 12-02 was approved in 2012 allowing for the storage of tanks filled with propane within Big Valley Estates Lot 4. C.U.P. 19-28 was approved in 2019 allowing a 30 ft x 114 ft pole building for storage and repair of service and delivery vehicles.

The current application will change the use a portion of the building to an office, bathroom, and kitchenette. A well and septic system would be added to provide a bathroom to replace the existing porta-potty. A kitchenette would be added in the south bay of the existing building to provide a breakroom, space for drivers to complete paperwork, and space for storage of supplies associated with the service trucks.

The septic system will be on the east side toward the highway, as required by Note 12 on the plat for Big Valley Estates. The well will be on the north side of the building.

The amount of vehicle traffic would not change from the current use. Customers do not use this site. There are no changes to building size, lighting, landscaping, drainage, or grading. A six-foot chain link fence currently exists on part of the lot surrounding the propane tanks and parking area. Lodgepole trees between the fence and Highway 55 screen the site.

Access exists from Highway 55. The 2.79-acre site is addressed at 13451 Highway 55

FINDINGS:

1. Application was made to Planning and Zoning on September 23, 2020.
2. Legal notice was posted in the *Star News* on October 22 and October 29, 2020. Potentially affected agencies were notified on October 13, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent October 14, 2020. The site was posted on October 22, 2020. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on October 13, 2020.
3. Agency comment received:

Central District Health replied that the applicant will need to apply for a septic permit. Sizing will be based on number of employees at 20 gallons per day per employee. ((Oct. 13, 2020)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Oct. 23, 2020)

Donnelly Rural Fire Protection District responded on October 19, 2020. They have no comments or concerns.
4. Neighbor comments received: None
5. Physical characteristics of the site: flat; lodgepole trees along the property boundaries screens the site.
6. The surrounding land use and zoning includes:
 - North: Single-family Residential
 - South: Single-family Residential and ITD yard
 - East: Agriculture (pasture)
 - West: Single-family Residential
1. Valley County Code (Title 9) Table 9-3-1. This proposal is categorized under:
 - 5. Commercial Uses (d) Area Business

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

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

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

A. Minimum Lot Area:

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

B. Minimum Setbacks:

1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.
2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.

C. Maximum Building Height And Floor Area:

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

D. Site Improvements:

2. Parking spaces for neighborhood and area businesses shall be provided at the rate of one, plus one per each two hundred fifty (250) square feet of floor area.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +20. The Planning and Zoning

Commission should complete their own compatibility rating.

STAFF QUESTIONS/COMMENTS/RECOMMENDATION:

Will there be any outdoor lighting?

ATTACHMENTS:

- Conditions of Approval
- Compatibility Evaluation
- Vicinity Map
- Aerial Map
- Site Plan dated Sept. 27, 2019
- C.U.P. 19-28 (instrument # 424422)
- Big Valley Estates plat
- 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. All previous conditional use permits remain valid.
3. The use shall be established within one year of approval, or a permit extension will be required.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights. The lights can only be a maximum of 20' in height.
6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
7. Must comply with Central District Health requirements.
8. Parking must comply with setback standards: 100' front, 10' side, 30' rear, 30' side street.

9. New structures must have building permits and be approved as part of a conditional use permit.
10. The site must be kept neat and orderly.
11. Shall obtain a sign permit prior to installation of a sign.
12. Color of building will be a natural color.
13. Hours of operation will be 7:00 a.m. to 7:00 p.m.

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.

Compatibility Questions and Evaluation

Matrix Line # / Use: 19

Prepared by: _____

Area Business

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. Platted Lot

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

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

ITD Storage Yard

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

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

Agricultural

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 - large w/ trees; early

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

5. Morning access
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 - ITD Yard

(+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

(+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?

Yes

Sub-Total (+) 25

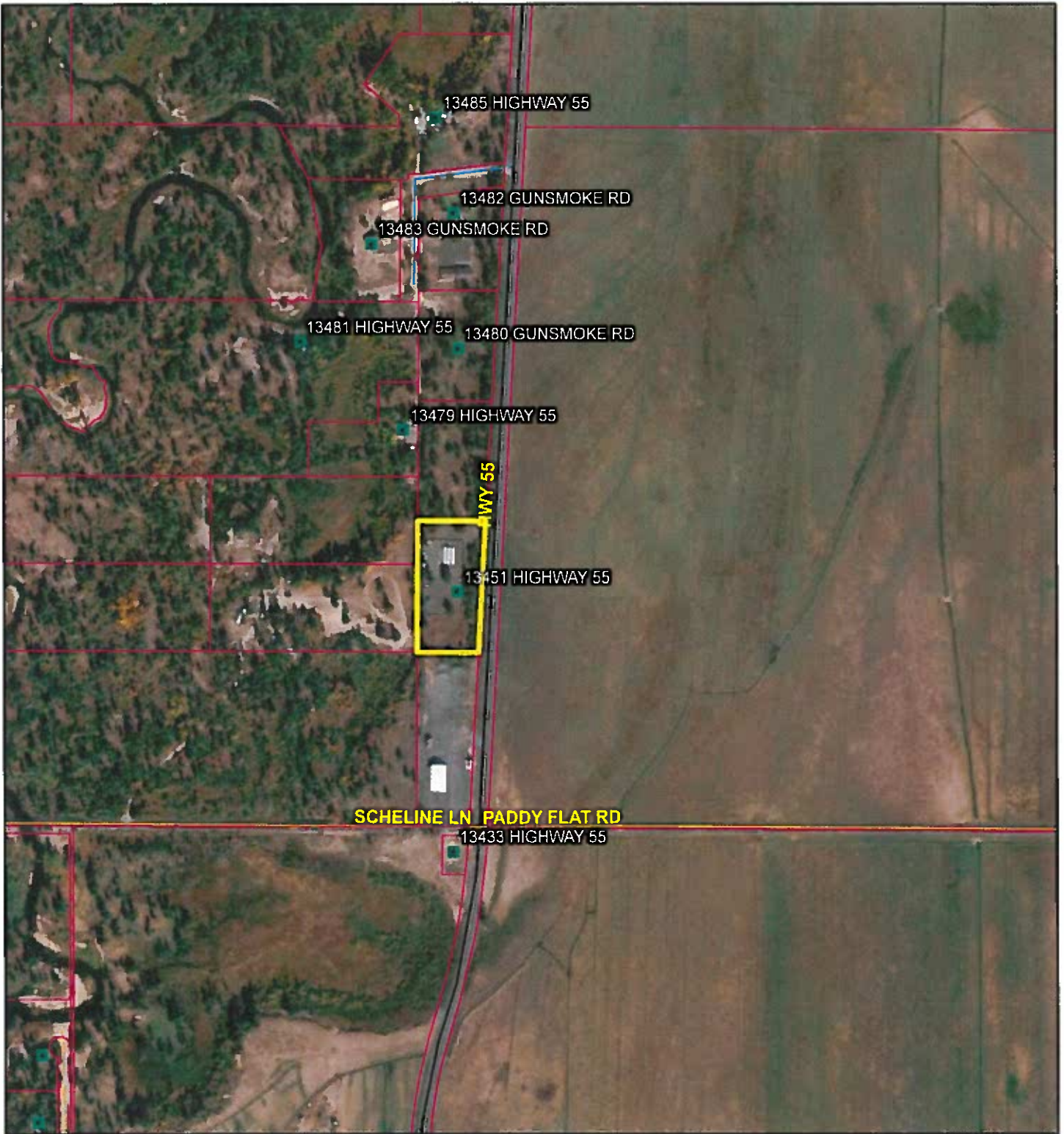
Sub-Total (-) 5

Total Score +20

Previous was +20 - No Change in Use

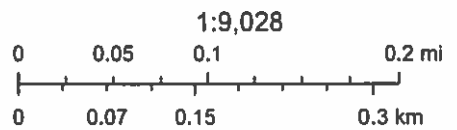
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

CUP 20-27 at 13451 Highway 55



9/28/2020, 2:29:33 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
 - MAJOR
 - URBAN/RURAL
 - PRIVATE



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CUP 20-27 at 13451 Highway 55



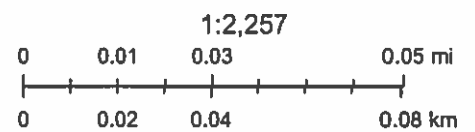
9/28/2020, 2:26:50 PM

 Parcel Boundaries

All Road Labels

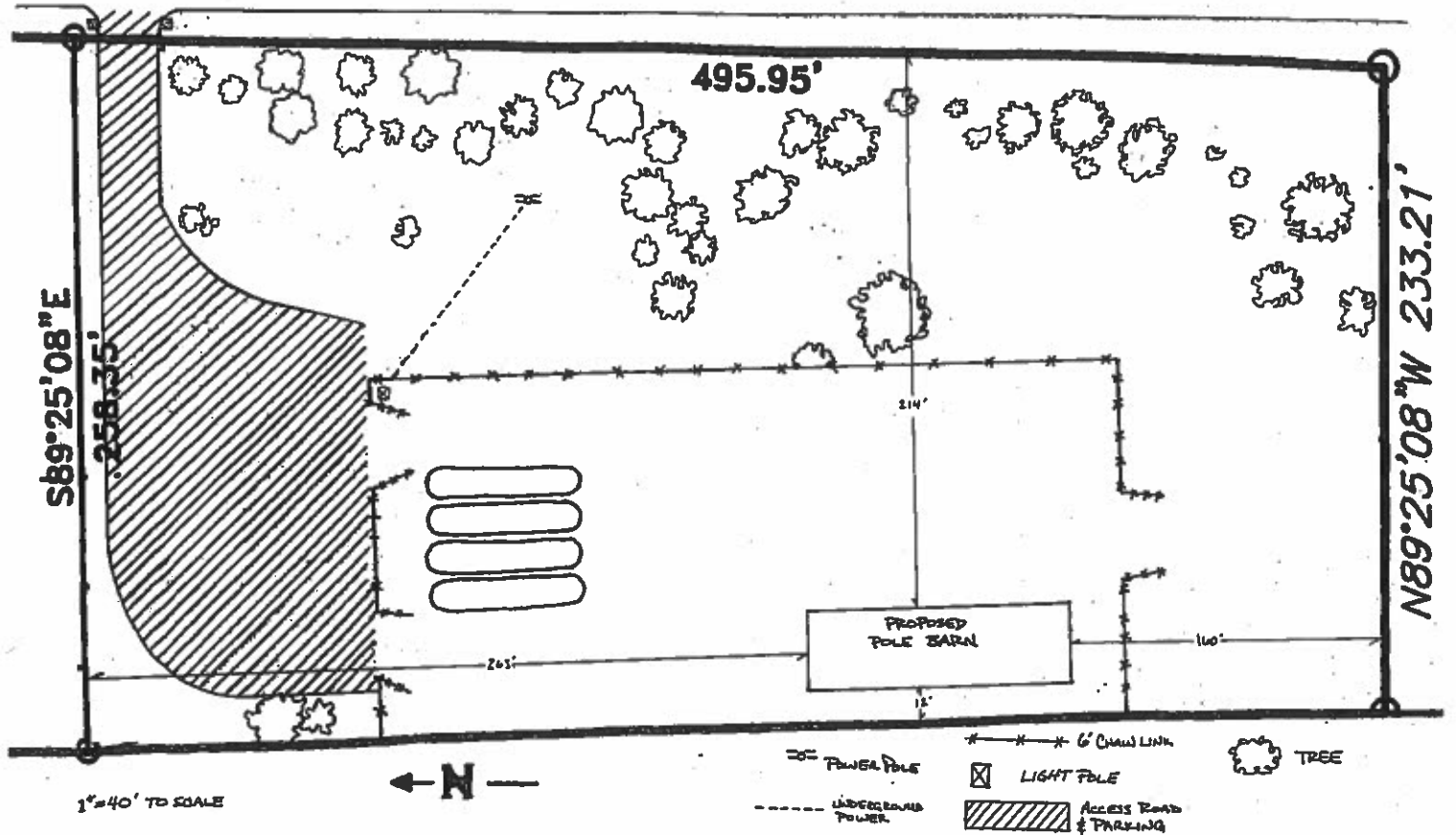
Roads

 MAJOR



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Hwy 55



1" = 40' TO SCALE



- POWER POLE
- UNDERGROUND POWER
- 6' CHAIN LINK
- LIGHT POLE
- ACCESS ROAD & PARKING
- TREE

C.U.P. 19-28
Revised
site plan
9/27/2019



Planning and Zoning Commission
VALLEY COUNTY
IDAHO

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

Instrument # 424422
VALLEY COUNTY, CASCADE, IDAHO
10-22-2019 03:16:26 PM No. of Pages: 3
Recorded for : PLANNING & ZONING
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COUNTY MISC

CW

Phone: 208.382.7115
FAX: 208.382.7119

**CONDITIONAL USE PERMIT
NO. 19-28**

Ed Staub and Sons – Pole Building

Issued to: Lou Milani
Ed Staub & Sons
1301 Esplanada Ave
Klamath Falls, OR 97601

OWNER: SOS Properties
1301 Esplanade Ave
Klamath Falls OR 97601

Property Location: The 2.79 acre site is addressed at 13451 Highway 55, located in Big Valley Estates Lot 4, in the SE ¼ Sec. 27, T.17N R.3E, Boise Meridian, Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of October 10, 2019. The Commission's decision stands and you are hereby issued Conditional Use Permit No. 19-28 with Conditions for establishing a pole structure as described in the application, staff report, and minutes.

The effective date of this permit is October 22, 2019.

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 use shall be established within one year of approval, or a permit extension will be required.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lights shall be fully shielded so that there is no upward or horizontal projection of lights. The lights can only be a maximum of 20' in height.
6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
7. Must comply with Central District Health requirements.
8. Must comply with requirements of the Donnelly Rural Fire District. An approval letter is required.
9. Parking must comply with setback standards: 100' front, 10' side, 30' rear, 30' side street.
10. New structures must have building permits and be approved as part of a conditional use permit.
11. The site must be kept neat and orderly.
12. Shall obtain a sign permit prior to installation of a sign.
13. Color of building will be a natural color.
14. Hours of operation will be 7:00 a.m. to 7:00 p.m.

END CONDITIONAL USE PERMIT

Date October 22, 2019

Approved by Gyda David

On this 22nd day of October, 2019, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.



Ashlie Gifford
Notary Public
Residing at: Cascade, ID (Valley County)
Commission Expires: 01.23.2024

BK 10, page 43
CCR 308176

Instrument # 50817A
 Submitter: JACQUES DAVO
 Recorded by: DAVO
 Date: 10/17/06
 County: VALLEY
 State: IDAHO

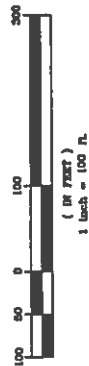
A PLAT SHOWING BIG VALLEY ESTATES PART OF THE SW 1/4 OF SECTION 27, T. 17 N., R. 3 E., B.M. VALLEY COUNTY, IDAHO 2006

CENTRAL DISTRICT HEALTH
 DEPARTMENT APPROVAL

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL. SANITARY RESTRICTION MAY BE RE-IMPOSED IN A CERTIFICATE OF DISAPPROVAL.

DISTRICT HEALTH DEPARTMENT, EHS
 3/17/06
 DATE

308175

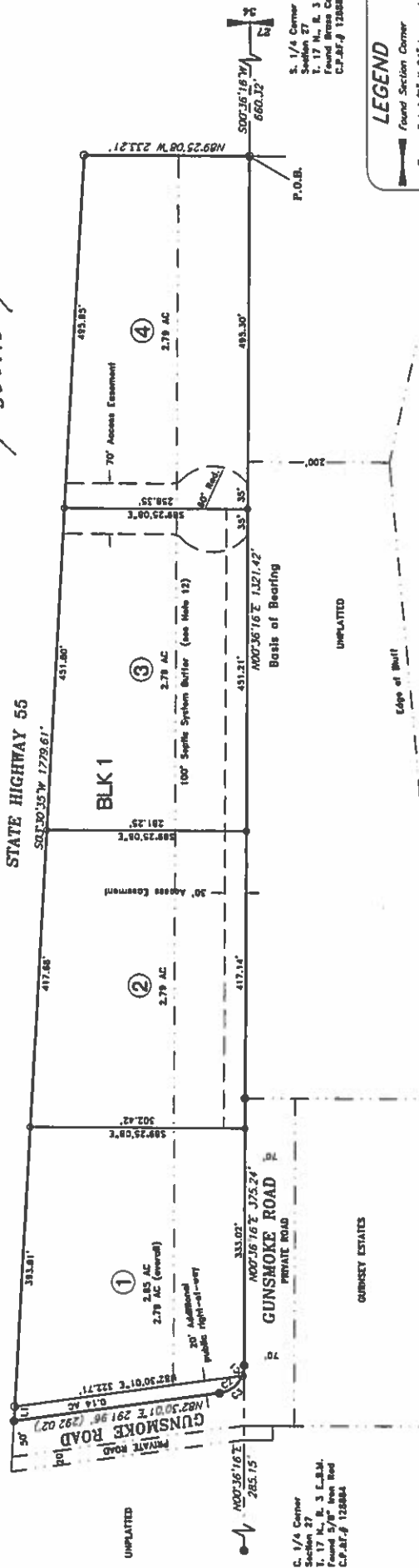


CURVE TABLE

CURVE	BEARS	DELTA	LENGTH	BEARING	CHORD
C1	40.00'	21°53'45"	15.25'	N11°35'06"E	15.19'
C2	40.00'	60°00'00"	41.88'	N37°30'01"E	40.00'
C3	40.00'	81°23'43"	57.18'	N41°35'08"E	52.43'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S03°30'35"W	20.37'



- NOTES**
- Any Re-Subdivision of this plat shall comply with the applicable regulations in effect of the time of the re-subdivision.
 - This development recognizes Section 22-4503 of the Idaho Code, Right to Farm Act, which states: "No agricultural operation or an appearance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than (1) year, when the operation was not a nuisance at the time the operation began; provided that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appearance to it."
 - Utility and drainage easement shall be public right-of-way and subdivision boundaries and centered on all lot lines.
 - The private road shall remain private property dedicated to the public use former as a public right-of-way. Valley County shall have no responsibility for construction or maintenance of the private road shown hereon. The private road shall be maintained by the Homeowner's Association as described in the CCR's. 308177
 - Reference is made to public health letter on file regarding additional restrictions.
 - No direct lot access to State Highway 55 shall be permitted. Lots 2, 3 & 4, Blk 1 shall own and maintain a 30' access easement as shown on the face of the plat.
 - This subdivision shall comply with Idaho Code Section 31-3805, relating to the transfer of water rights.
 - The utility and drainage easement along the road may be used as a road easement and for snow storage.
 - Irrigation/Drainage waters shall not be impeded by any construction on site.
 - No additional domestic water supplies shall be installed beyond the water system approved in sanitary restriction release and shall comply with Idaho Code 50-1334.
 - Lots shall not be reduced in size without the prior approval of appropriate health authority and the Valley County Commissioners.
 - No septic systems are allowed between the West property line and the 100' septic system setback requirements are allowed within the buffer area and shall meet building setback requirements.

LEGEND

- Found Section Corner
- Set 1/2" x 24" iron rod with cap marked P.L.S. 7323
- Found 5/8" iron rod
- Set 5/8" x 30" iron rod with cap marked P.L.S. 7323
- P.O.B. Point of Beginning
- Record Measurement
- Boundary Line
- Section Line
- Easement Line
- Centerline
- Lot Line
- Parcel Line



ARRON
 LAND SURVEYING AND CIVIL ENGINEERING, INC.
 1011 E. MAIN STREET, SUITE 100, VALLEY, IDAHO 83151
 (208) 336-1775 FAX (208) 336-1781

FINAL PLAT OF BIG VALLEY ESTATES

DATE	BY	FOR	OF
SBC 27, T. 17 N., R. 3 E., B.M.	DAVO	ARRON	J
MAILED 10/17/06	DAVO	ARRON	1
INDEXED 10/17/06	DAVO	ARRON	2



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # CUP 20-27

Preliminary / Final / Short Plat ED Staub Driver's Office

13451 Highway 55

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

14. Applicant will need to apply for a septic permit for this use. Sizing will be based on number of employees @ 20 gallons per day per employee.

Reviewed By: [Signature]

Date: 12/13/20



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard Street • Boise, ID 83706 • (208) 373-0550
www.deq.idaho.gov

Brad Little, Governor
Jess Byrne, Director

October 23, 2020

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

Cynda Herrick, AICP, CFM
Planning & Zoning Administrator
Valley County
P.O. Box 1350
Cascade, Idaho 83611

Subject: CUP-20-27 Ed Staub Drivers' Office – Amendment to CUP-19-28; CUP-20-28 Eis RV Site; CUP-20-29 Kemp Private Airstrip; and CUP-20-30 Willow Creek Vista Multiple Residence

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

ec: EDMS#2020AEK239



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

October 19, 2020

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

RE: C.U.P. 20-27 Ed Staub Drivers' Office-Amendment to C.U.P 19-28

After review, the Donnelly Rural Fire Protection has no comments or concerns on this matter at this time.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal
Donnelly Fire Department