



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Floodplain Coordinator

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STAFF REPORT
Conditional Use Permit Application No. 20-32
Herrick Court
Preliminary Plat

HEARING DATE: December 10, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Dwight Jividen
Cascade South INC
413 Cabarton RD
Cascade, ID 83611
SURVEYOR: Fodrea Land Group
PO Box 188
Cascade, ID 83611
LOCATION/SIZE: Approximately 16 acres within Sections 8, 9, and 16, T.12N, R.3E,
Boise Meridian, Valley County, Idaho.
REQUEST: Subdivision plat for a private road
EXISTING LAND USE: Productive Forest Land

BACKGROUND:

Dwight Jividen is requesting a conditional use permit for a plat of a private road to access multiple future 20-acre parcels. The property is owned by Cascade South INC.

The private road would be a 70-ft wide right-of-way, approximately 8500-ft long, and constructed in three phases. A cul-de-sac will be built and maintained in each phase.

The road would connect Laurins Lane (private) and Skunk Creek Road (public). A gate will be placed at the junction with Laurins Lane. The gate will be Fire Department approved and for emergency access only.

The road would be located in parcels RP12N04E094804, RP12N04E087204, and RP12N04E160010.

FINDINGS:

1. Application was made to Planning and Zoning on October 22, 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 has no objection to this proposal. (Nov. 16, 2020)

Steve Hull, Cascade Rural Fire District Fire Chief, stated and attached the relevant requirements from International Fire Code 2015 Section 503. (Nov. 20, 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: Varied topography. Productive timberland that was logged about 18 years ago.

6. The surrounding land use and zoning includes:

North: Rural Parcels and Agriculture (grazing and timber)

South: Single-family Residences, Agriculture, and State of Idaho land

East: Single-family Residences and Agriculture (timber)

West: Single-family Residential Subdivision (Herrick Hills)

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.

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)

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

10-1-6 DEFINITIONS:

SUBDIVISION: The division of an original parcel of land by deed, mortgage, deed of trust, or contract of sale which: a) results in more than two (2) subparcels of the original parcel; or **b) provides land for a new street, either on the perimeter or across any portions of a parcel of land;** or c) the redivision of any lot or parcel that was divided from an original parcel as defined by the subdivision regulations for Valley County, Idaho, adopted April 29, 1970.

10-4-4: STREETS:

Any parcel of land that is intended to be used, or is actually used, to provide vehicular access to more than one building site, whether said street is public or private and whether the parcel is set aside by deed, easement, or other means, unless an administrative variance is allowed for a shared driveway to adjacent properties, both having the required frontage on an existing street, is in the best interest of all parties involved due to unusual circumstances or topographic reasons, as determined by the administrator.

- 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.
- B. **Arrangement Of Streets:** The arrangement of streets in a subdivision shall either:
 1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular traffic, circulation or topographic condition.
- F. **Street Layout:** Street layout shall provide for reasonable development of adjoining areas and the entire neighborhood, and shall provide for the following:
 1. Adequate access within a public right of way to adjoining lands when there may be future development.
 2. Streets intersecting at right angles, or as nearly as possible, to meet the requirements of the county road standards.
 4. No street names shall be used which will duplicate or may be confused with the names of existing streets in any city or in the county area. Street names shall be subject to the approval of the commission.

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').

10-4-6: EASEMENTS:

- A. Utility Easements: There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission. (Ord. 13-5, 9-16-2013)
- B. Stormwater Easement Or Drainage Right Of Way: Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- C. Drainage: Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.
- D. Existing Easements: All existing easements must be shown on the subdivision plat. (Ord. 10-07, 8-26-2010)

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".
- E. Connection To Public Road Required: The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards which shall provide access to the subdivision. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way. (Ord. 13-5, 9-16-2013)

10-5-3: DEPOSIT FOR COMPLETION OF IMPROVEMENTS:

- A. Surety Agreement: A subdivider or other interested party, in lieu of completion of the required minimum street and other improvements required by section 10-5-1 of this chapter and in compliance with the schedules of required street, utility, and other improvements set forth in section 10-5-2 of this chapter, or any portion thereof, may deposit with the county clerk, a surety bond or performance bond, or a certified check or cashier's check drawn on a bank qualified to do business in the state, or a cash deposit, or a letter of credit, or assignment of funds on deposit in a bank or building and loan association, qualified to do business in the state, and only when such financial institutions have received a copy of the surety arrangements and have agreed in writing to abide by the conditions set forth therein and the amount of such surety called for to be equal to not less than one hundred twenty percent (120%) of the cost of

required improvements according to the estimate made by the subdivider and verified by the Valley County engineer; and in all cases such surety shall be drawn in favor of, and payable to the order of, Valley County, in accordance with the provisions contained in the surety agreement by and between the guarantor and Valley County. Such surety agreement shall contain suitable provisions requiring the subdivider to construct all improvements in accordance with Valley County standards and specifications, subject to inspection and approval by the Valley County engineer and for completion within one year from date of recording of said plat.

- B. **Right To Extend Period Of Construction:** The county shall reserve the right to extend the period of construction for a year, or to construct the required improvements with county forces (or with contracted forces) and charge the sureties posted for such work.
- C. **Correction Of Deficiencies At Later Date:** In order to guarantee that the construction of the improvements will stand the test of time and to assure the public of a near maintenance free facility, the county shall retain a surety in the amount of twenty percent (20%) of the original surety for a period of two (2) years after the original construction has been accepted. If, during this two (2) year period, it is discovered that the original construction was deficient due to drainage, settling, defective or insufficient materials or other unforeseen circumstances, then the county engineer shall notify the subdivider to correct these deficiencies in the construction and repair the facility back to county standards. If deficiencies are not corrected within thirty (30) days, or such additional time as deemed reasonable by the county engineer, the county engineer may cause such deficiencies to be remedied and use the subdivider's surety funds to pay for such remediation upon approval of the board. (Ord. 10-07, 8-26-2010)

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +9.

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

Staff Questions/Comments/Recommendation:

- Is it built to Valley County Private Road Standards?
- The application and plat refers to the road as both Herrick Court and Skunk Creek Court. Neither of these are acceptable; a different name will need to be proposed. I know there was a Cantrall family in the area.
- You have 50' building setbacks listed. Valley County will only enforce what is in our ordinance.
- You also have a 40' easement adjacent to the road...that would equate to a 150' easement. Is that what you intended? AND, the easements must be shown on the plat and included in the plat. The only thing shown on this plat is a 70' right-of-way...not property adjacent to the road. You can't plat an easement outside of the subdivision boundary.
- Central District Health will be required to sign the sanitary restrictions.
- Is the Wildfire Mitigation Plan adequate to meet requirements of the Valley County Code for this unusual subdivision? *VCC: General - All developers of proposed subdivisions shall*

provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.

- Will road be finished to standards prior to recording of the plat? It appears that it will be finished in 3 phases. The final plats will need to match the phasing plan unless you are prepared to issue financial guarantees at 120% of building costs.
- Will you be placing any utilities in the road? Where are the nearest utilities?
- It says Herrick Court Road Maintenance Group will maintain the road.
 - Will this be a corporation or how will it be formed?
 - Will the “group” last into the future...for maintenance 50 years from now.
 - Should the Declaration of Private Roads address future platting or other subdivisions using the private road?
 - The HCRMG said it will service parcels that are “legal lots created by Record of Survey recorded at Valley County, Idaho”. A record of survey does not create a legal lot.
- Did you send the Plan and Profile to the Valley County Engineer? You need to work with the Valley County Engineer.

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation
- Compatibility Evaluation
- Vicinity Map
- Assessor’s Plats T.12N R.4E Sections 8, 9, and 16
- Plat – page 1
- Picture Taken November 24, 2020
- 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 last final plat shall be recorded by December 31, 2024 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 a letter of approval from Cascade Rural fire District verifying construction of the road to fire code for the phase being recorded prior to recordation.
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 or if already in place must have as-built drawings and approved stormwater management.

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: #2

Prepared by: CH

YES/NO	X	Response Value
(+2/-2)	<u>-1</u>	X 4 <u>-4</u>
(+2/-2)	<u>+2</u>	X 2 <u>+4</u>
(+2/-2)	<u>0</u>	X 1 <u>0</u>
(+2/-2)	<u>+1</u>	X 3 <u>+3</u>
(+2/-2)	<u>+2</u>	X 1 <u>+2</u>
(+2/-2)	<u>+2</u>	X 2 <u>+4</u>
(+2/-2)	<u>+2</u>	X 2 <u>+4</u>
(+2/-2)	<u>-1</u>	X 2 <u>-2</u>
(+2/-2)	<u>-1</u>	X 2 <u>-2</u>
Sub-Total	(+)	<u>17</u>
Sub-Total	(-)	<u>8</u>
Total Score		<u>+9</u>

Use Matrix Values:

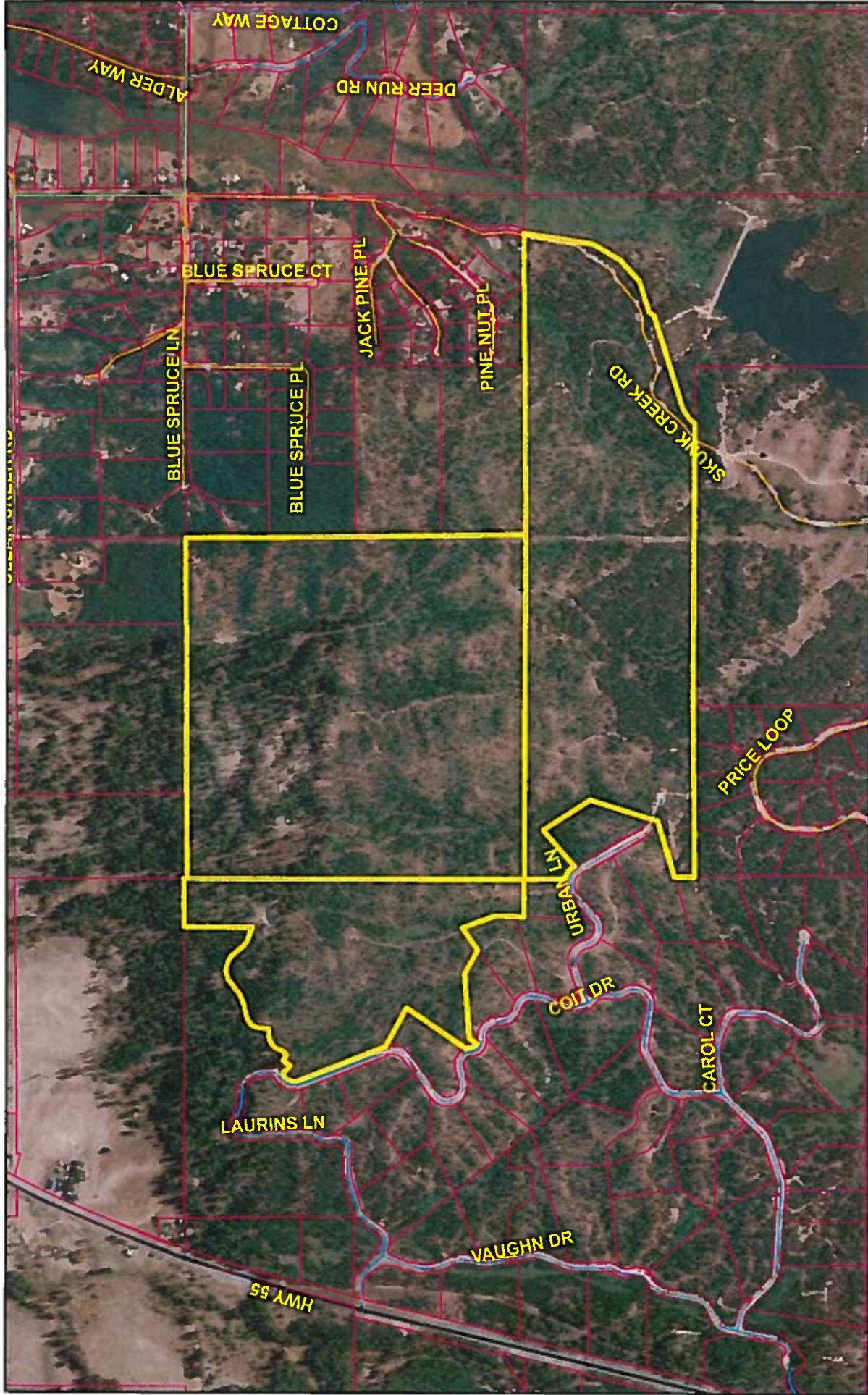
1. Is the proposed use compatible with the dominant adjacent land use?
Agricultural
2. Is the proposed use compatible with the other adjacent land uses (total and average)?
S. F. Subdivisions
3. Is the proposed use generally compatible with the overall land use in the local vicinity?
Yes

Site Specific Evaluation (Impacts and Proposed Mitigation)

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?
*Road itself will be little impact
Will allow for splitting into large parcels*
5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?
Yes
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
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 - will lead to residential use
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?
Will impact utilities, fire, police & roads
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 revenue slightly but cost agencies

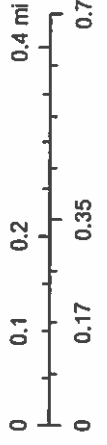
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

C.U.P. 20-32 Herrick Court



10/27/2020, 3:25:55 PM

1:18,056



- Parcel Boundaries
- All Road Labels
- USFS
- MAJOR
- PRIVATE
- URBAN/RURAL

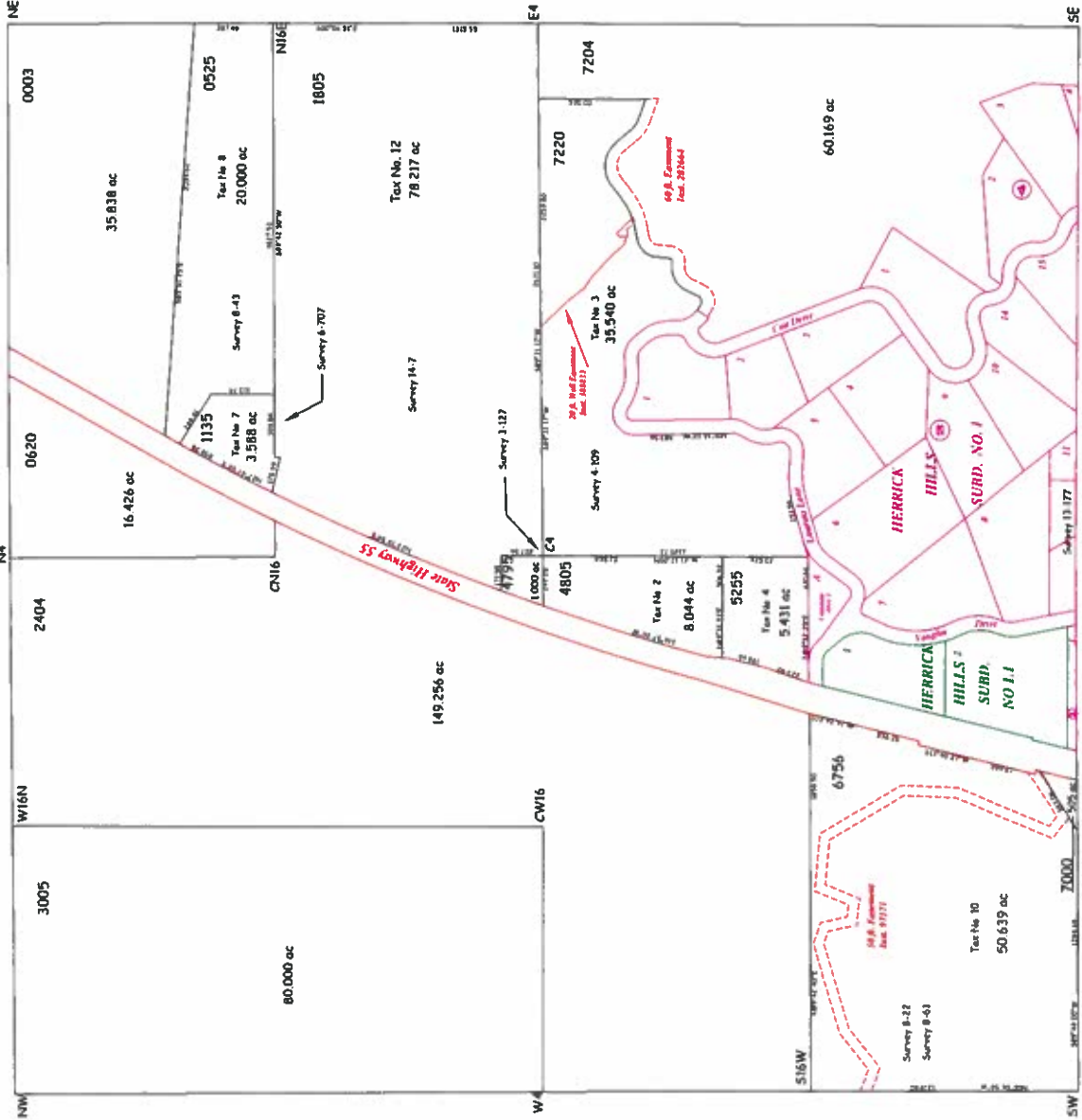
USDA FSA, GeoEye, Maxar

PLAT TITLE

TWP. 12N R04E SEC. 08

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

Filename: Valley County Ass Map
Scale: 1" = 400 ft.
Date: 5/12/2020
Drawn by: L. Frederick

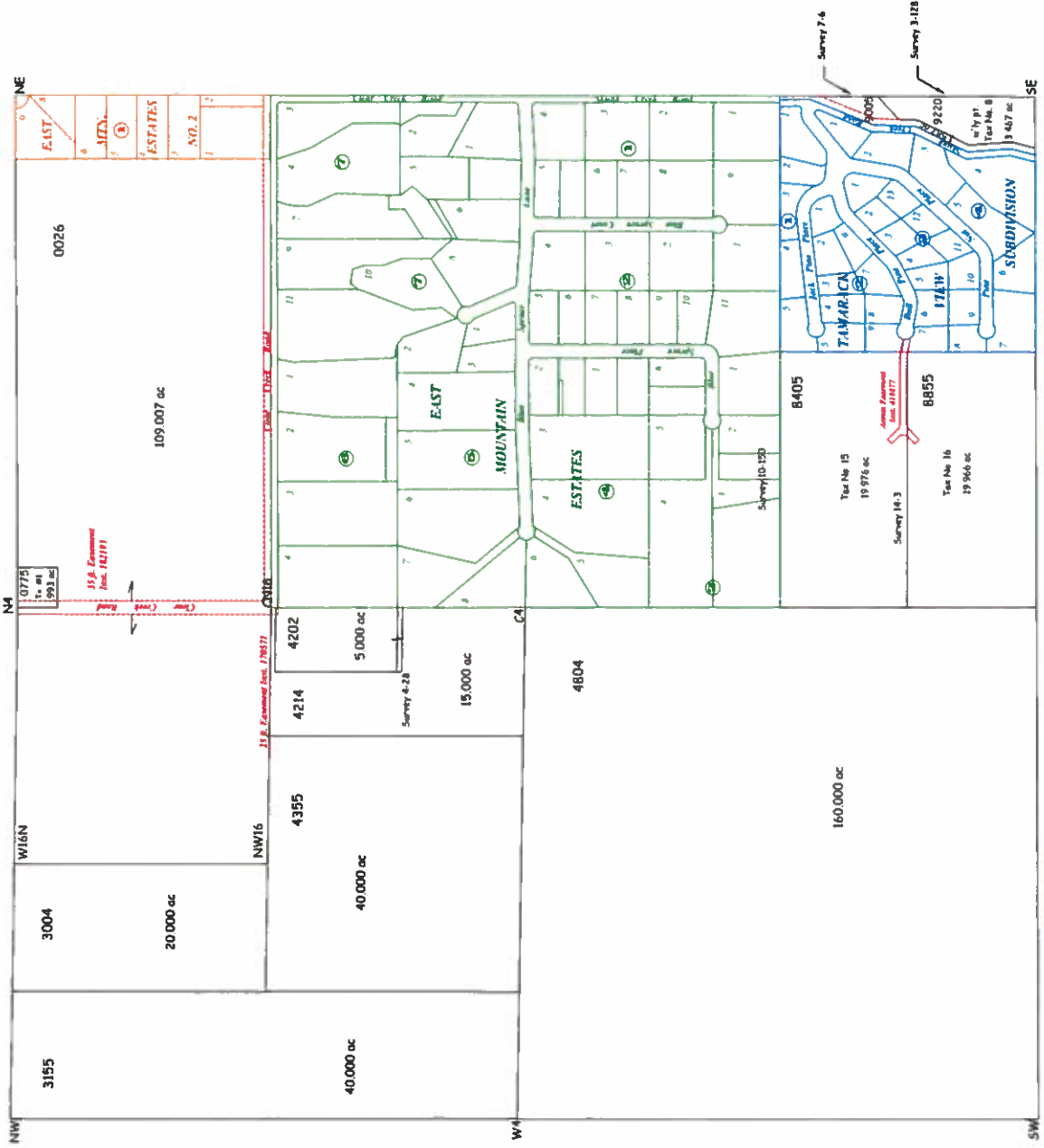


PLAT TITLE

T W P . 1 2 N R O 4 E S E C . 0 9

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

Filename:
H:\p\08\01\Valley County Base Map
Scale: 1" = 400 ft.
Date: 1/10/2020
Drawn by: L.Frederick

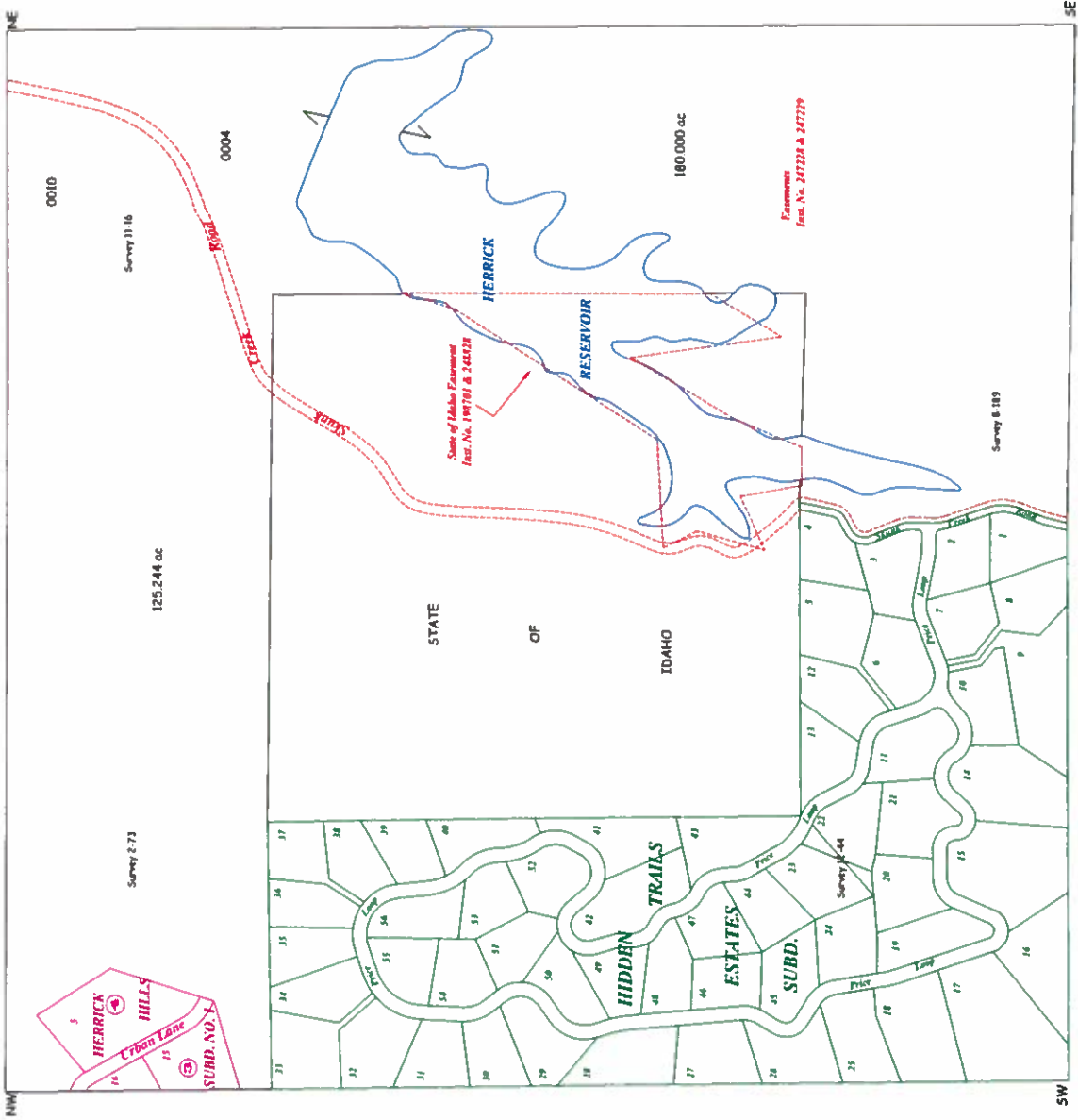


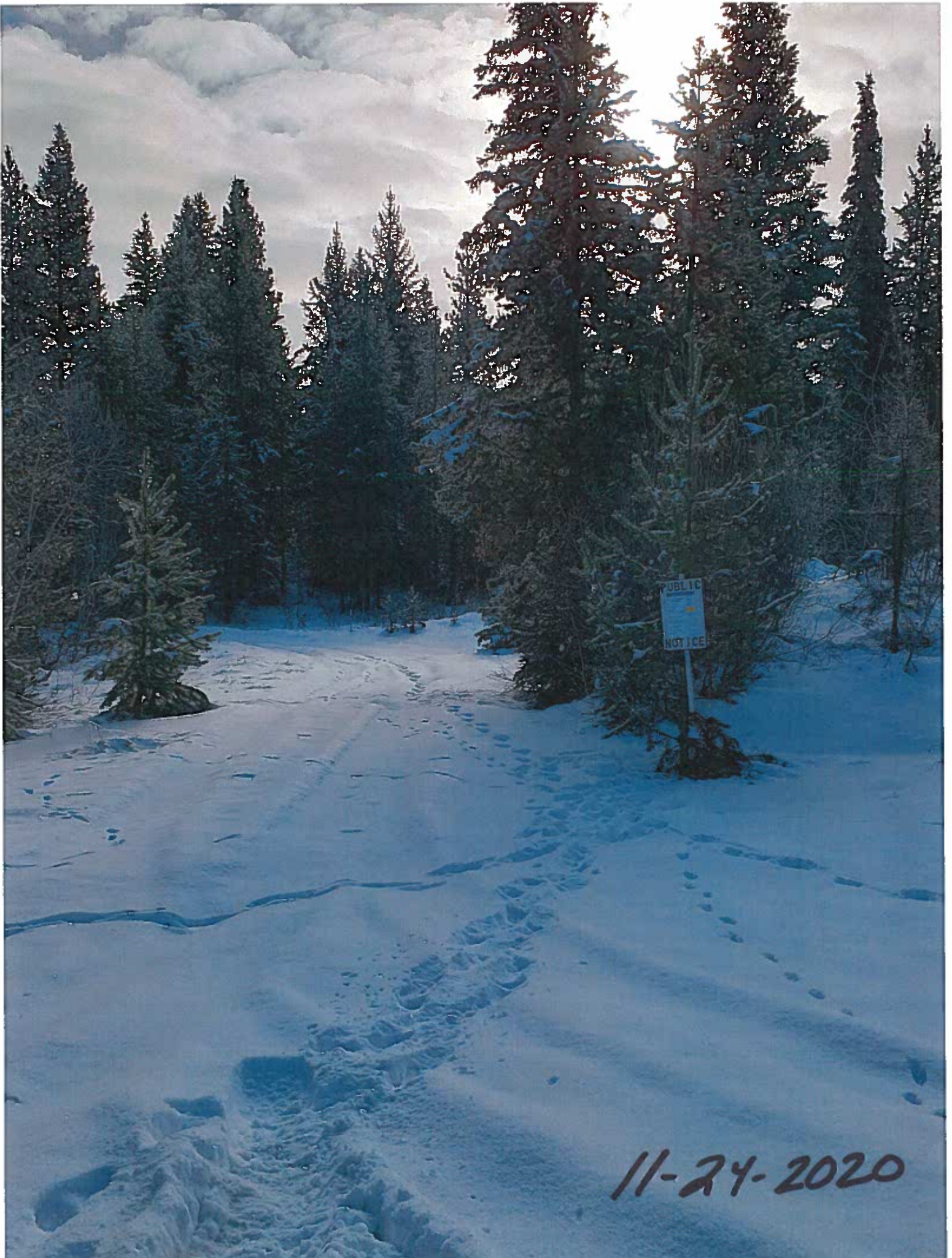
PLAT TITLE

T W P . 1 2 N R O 4 E S E C . 1 6

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

Filename: 11-16-19-Valley County Base Map
Scale: 1" = 400 ft.
Date: 3/29/19
Drawn by: L. Frederick





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 20-32

Preliminary / Final / Short Plat Private Pl.

Section 8 & 9 & 16 T12UR5B

- 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. _____

Reviewed By: _____

[Signature]

Date: 11/16/20



Cascade Rural Fire Protection District
P. O. Box 825
109 East Pine Street
Cascade, Idaho 83611-0825
208.382.3200 – Phone
208.382.4222 – Fax

November 20, 2020

To: Cynda Herrick
Valley County Planning and Zoning

RE: Herrick Court
Parcel # RP12N04E160010,
Owner: Cascade South Inc.

The proposed subdivision, Herrick Court, shall be built to International Fire Code 2015 standards. Section 503 Fire Apparatus Access Roads and turnarounds shall be built in accordance with Appendix D (attached):

Section 503

- 503.2.1 **Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- 503.2.3 **Surface.** Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.
- 503.2.5 **Dead ends.** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

Appendix D

- D103.2 **Grade.** Fire apparatus access roads shall not exceed 10 percent in grade
- D103.4 **Deadends.** Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Please contact me with any questions

Steve Hull
Fire Chief
Cascade Rural Fire District

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

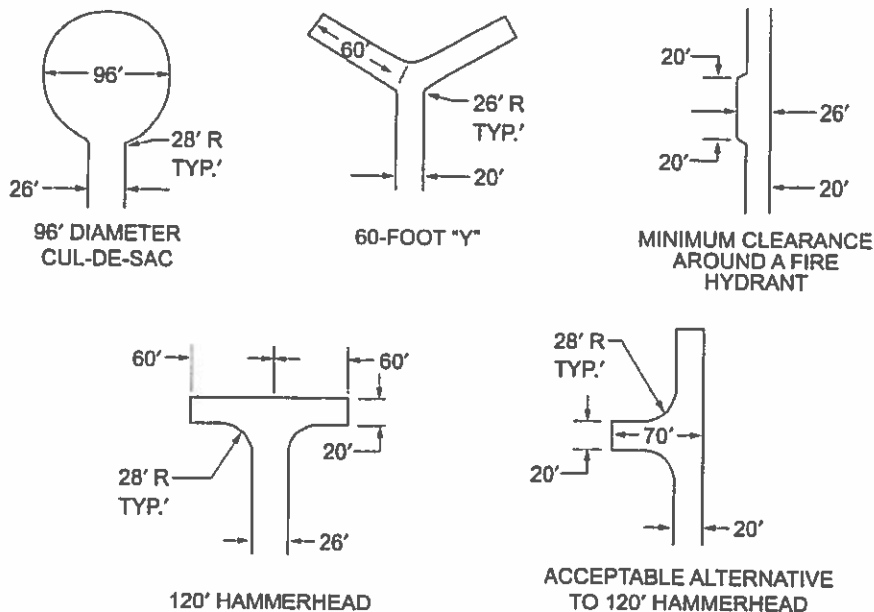
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**



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