

Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

STAFF REPORT: VAR 26-006 Merrick Setback Variance
MEETING DATE: July 9, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Joseph Larrea
2506 W Regan Ave, Boise ID 83702
PROPERTY OWNER: Merrick David K Family LTD Partnership, C/O David K Merrick
4012 W Edgemont St, Boise ID 83706
LOCATION: 2090 Payette Drive
Tax #19 in Amended Payette Lake Cottage Sites Subdivision Lots 30
and 31 in Section 32, T.19N, R.3E, Boise Meridian, Valley County, Idaho
SIZE: 0.29-Acre Lot
REQUEST: Rear Setback Variance and High-Water Line Setback Reductions
EXISTING LAND USE: Single-Family Residential Lot

Joseph Larrea is requesting a variance to relax both setbacks from the rear property line and the high-water line to 14.5 feet.

The owners wish to replace the existing non-conforming deck due to safety concerns and current building code requirements. The deck footprint would not be expanded.

Valley County setbacks for residential uses are 20-ft from the rear property line and 50-feet from the high-water line / base flood elevation of Payette Lake. A minimum 25-ft area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof. Vegetation shall be native. Fertilizer shall not be used in the setback area. (VCC 9-4-3-2: SETBACKS and VCC 9-6-6 Riparian Area Overlay).

Setbacks are measured from the eaves of a building, not the walls.

	Valley County Setbacks	Requested Setback
Front Property Line	20 feet	
Side Property Line	7.5 feet	
From Rear Property Line	20 feet	14.5 feet
From High Water Line	50 feet	14.5 feet

FINDINGS:

1. The application was submitted on May 22, 2026.
2. Legal notice was posted in the *Star News* on June 18, 2026, and June 25, 2026. The applicant was notified by letter on June 9, 2026. Potentially affected agencies were notified on June 9, 2026. Property owners within 300 feet of the property line were notified by fact sheet sent by mail on June 12, 2026. The notice was posted online at www.co.valley.id.us on June 9, 2026. The site was posted on June 18, 2026.

3. Agency comment received:

Brent Copes, Central District Health, has no objection. (June 14, 2026)

Ryan Garber, McCall Fire and EMS, had no comments. (June 9, 2026)

Paul Ashton, Parametrix and Valley County Engineer, stated:

- This project is subject to the Riparian Area Overlay (RAO) requirements.
- If a setback variance is granted to construct the new deck within the footprint of the existing deck, stormwater retention measures and Best Management Practices (BMPs) will be required to protect the lake from stormwater and sediment pollution.
- Given the steepness of the slope and the proximity of the work to the lake (encroaches the 25-foot stabilization buffer), an engineered stormwater management plan will be required for this project.
- The plan should include both temporary and permanent BMPs to be implemented during and after construction to minimize erosion and prevent sediment from entering the lake.

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (June 15, 2026)

4. Public comment received: *none*

5. Valley County Code:

9-5H-10: VARIANCES:

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

B. Application:

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
2. A written application for a variance shall be submitted to the administrator or staff containing:
 - a. Description of the nature of the variance requested.
 - b. A narrative statement and graphic material demonstrating:
 - (1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
 - (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

- c. A site plan showing the location of the variance and the special characteristics of the site.
 - d. A list of adjoining property owners within three hundred feet (300') of the site.
 - e. The fee set by resolution of the board shall accompany the application for a variance.
- C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.
- D. Granting Of Variance:
1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
 2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
 3. The commission's decision shall be a recommendation to the board.
 4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
 5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
 6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
 7. The variance approval is valid for five (5) years, unless a more specific date is specified.

9-4 PERMITTED USES

TABLE 4-A STANDARDS FOR PERMITTED USES

Use Description	Building Setbacks (feet)				Maximum % Lot Coverage	Minimum Street Frontage	Maximum Building Height
	Front	Side	Side Street	Rear			
Residential Uses	20	7.5	20	20	35	30	35

9-4-3-2: SETBACKS:

- A. Buildings Exceeding Three Feet In Height: The setbacks for all buildings exceeding three feet (3') in height shall be in accordance with section 9-4-8, table 4-A of this chapter.
- B. Setback From Highway 55: All buildings shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
- C. High Water Lines And Ditches: All residential buildings shall be set back at least fifty feet (50') from high water lines and ditches. All other buildings shall be set back at least one hundred feet (100') from high water lines and ditches.
 1. The setback shall be from the base flood elevation if these is a determined flood elevation or a high-water line where vegetation is denuded.
 2. In order to provide for ecological function and ensure water quality benefits are preserved, a minimum twenty-five (25') area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This area may consist of a vegetative buffer, bank stabilization measures, or a combination thereof.
 3. Vegetation shall be native.

4. No vegetation can be planted that requires fertilizers. Fertilizer shall not be used in the setback area.
 5. A five feet (5') permeable pathway will be allowed to access through the vegetative buffer. The pathway cannot cause water to flow directly into the waterbody without proper filtration.
 6. See requirements in VCC 9-6-6 Riparian Area Overlay.
 - D. Front Yard: Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.
 - E. Encroachment By Other Structures: No other structures may encroach on the yards determined for the structure establishing the principal use.
 - F. Measurement: Setbacks shall be measured horizontally, perpendicular to the property line, to the nearest corner or projections or overhang.
 - G. Adjustment Of Front Or Rear Yard Setbacks: The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block; however, no setback may be less than seven and one-half feet (7.5').
 - H. Lots Having Common Boundary Line With United States Bureau of Reclamation (USBR) Property Surrounding Lake Cascade: Minimum rear yard setbacks for those lots having a common boundary line with USBR property surrounding Lake Cascade are seven and one-half feet (7.5'), but may not be less than that provided for in subsection C of this section.
-

STAFF COMMENTS / QUESTIONS:

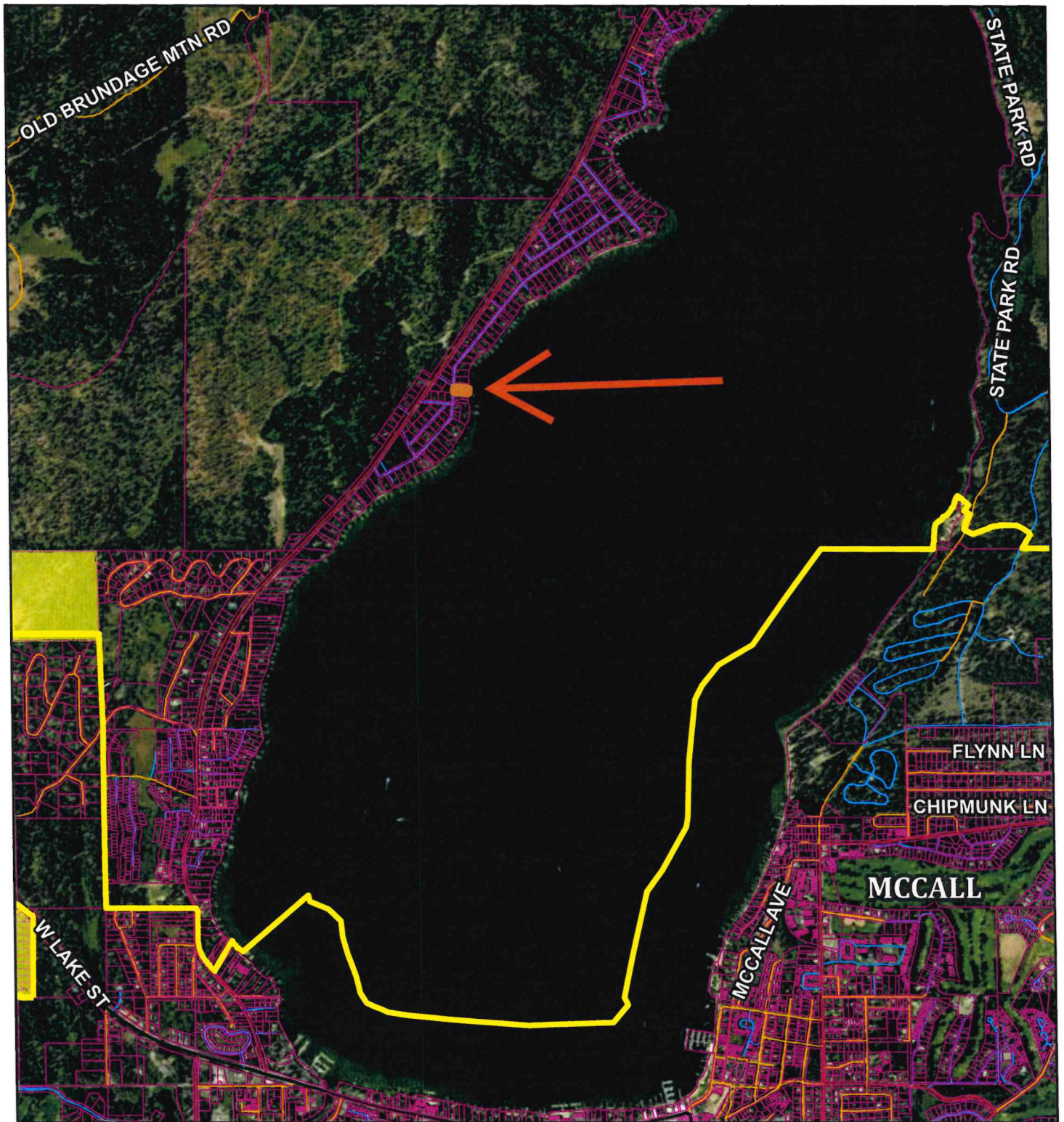
1. This site is within the McCall Fire District, Water District 65, and a herd district. It is not within an irrigation district.
2. Staff does not approve demolition and reconstruction in the footprint of a nonconforming use. When a nonconforming use is demolished they must then comply with current setbacks. We do allow remodeling and improving structural support, but not systematic demolition.
3. This application is for demolition of the porch and reconstruction in the existing footprint due to safety concerns of the existing structure.
4. The Planning and Zoning Commission needs to determine if the 1) future development of the neighborhood would be inhibited by the variance and 2) identify the topographic reason for the variance.
5. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
6. If this use is approved a site grading/storm water management plan would need to be approved by the Valley County Engineer.

ATTACHMENTS:

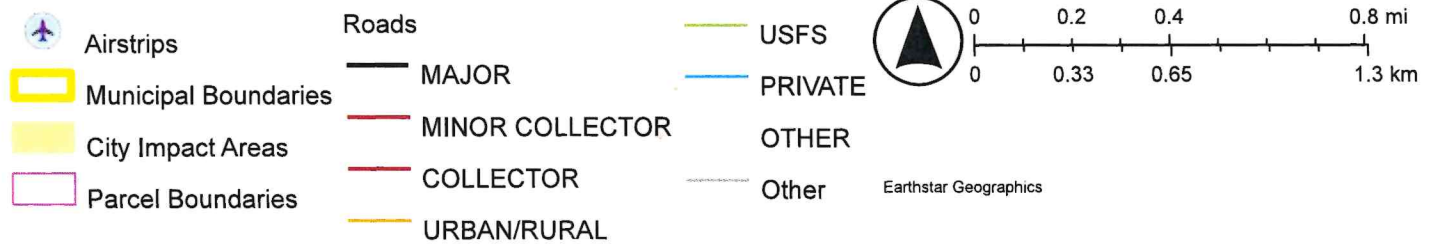
- Location Map
- Aerial Map
- Google Maps – Aerial View
- Photos Taken June 18, 2026
- Assessor Plat – T.19N R.3E Section 32
- Amended Payette Lake Cottage Sites - Assessors Annotated Plat – Sheet 2
- ROS 13-033
- Site Plan with Topography
- Responses

END OF STAFF REPORT

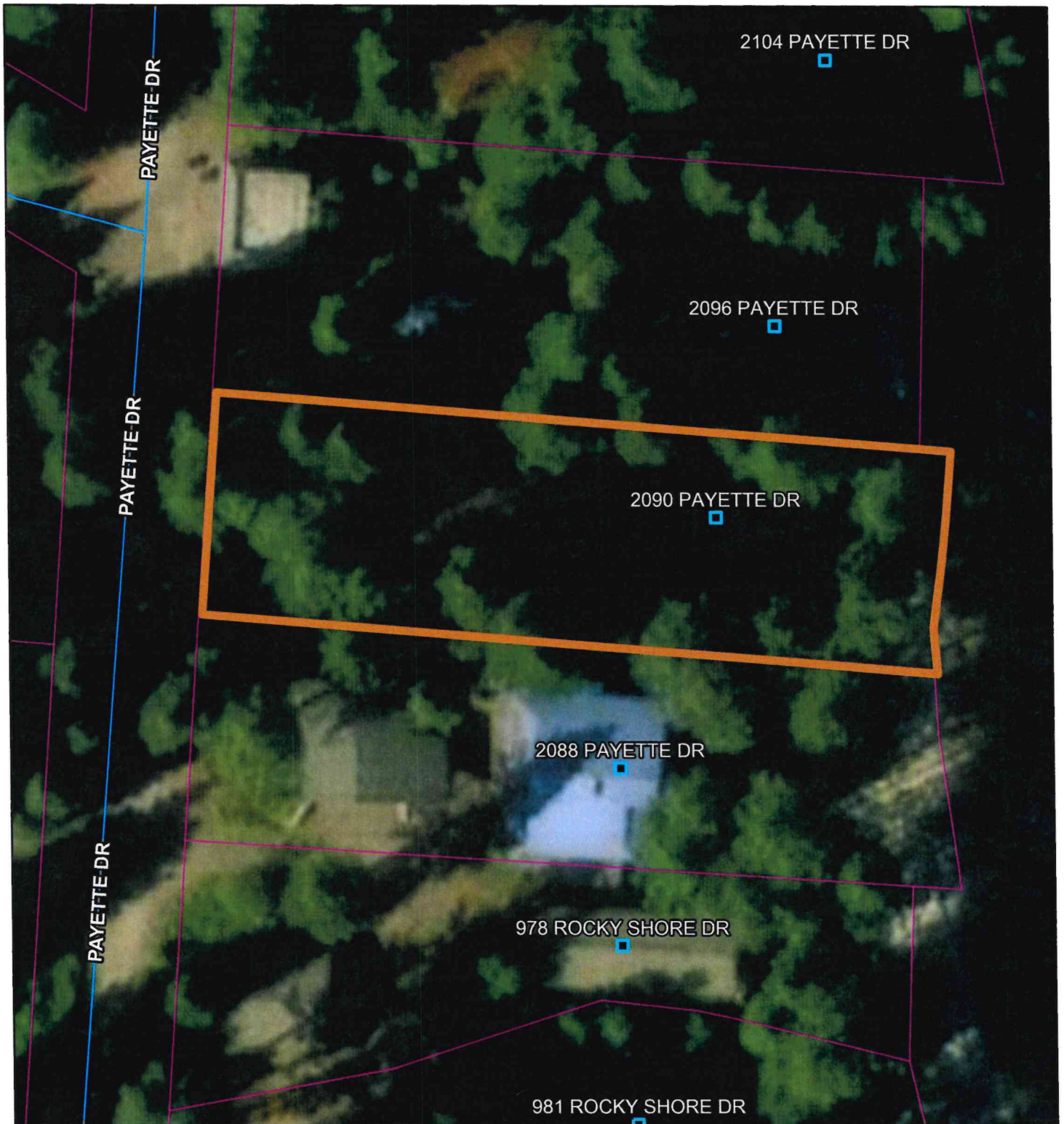
VAR 26-006 Location Map



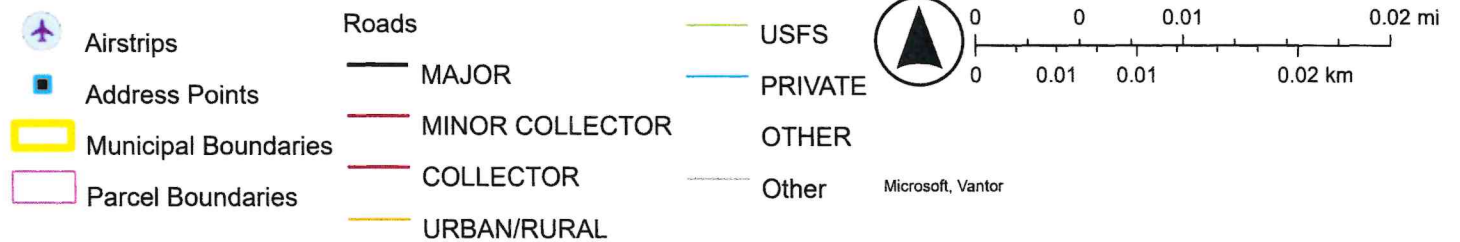
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VAR 26-006 Aerial

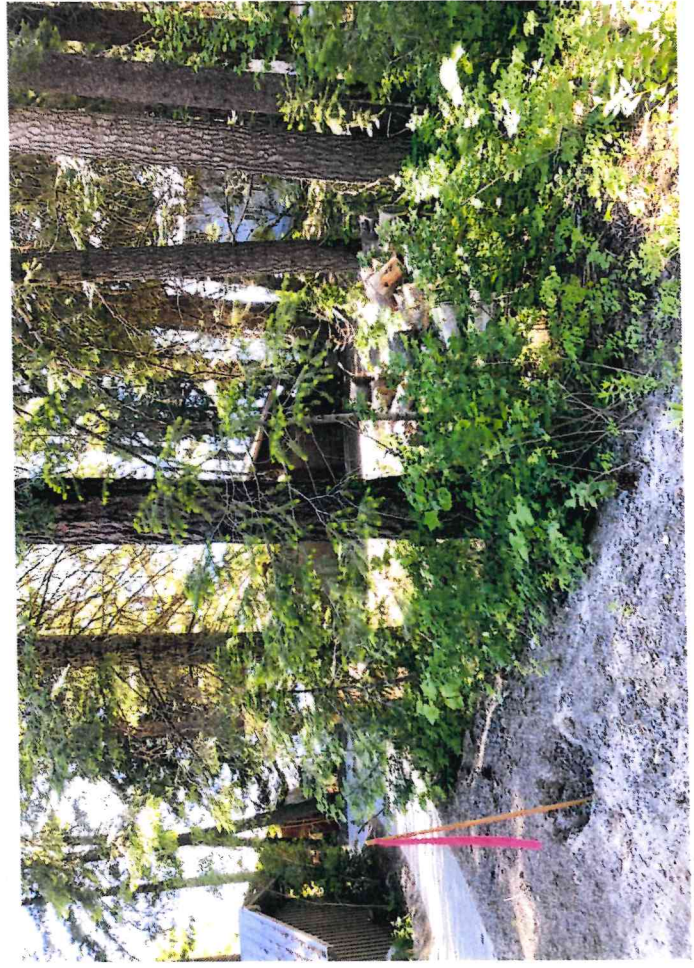
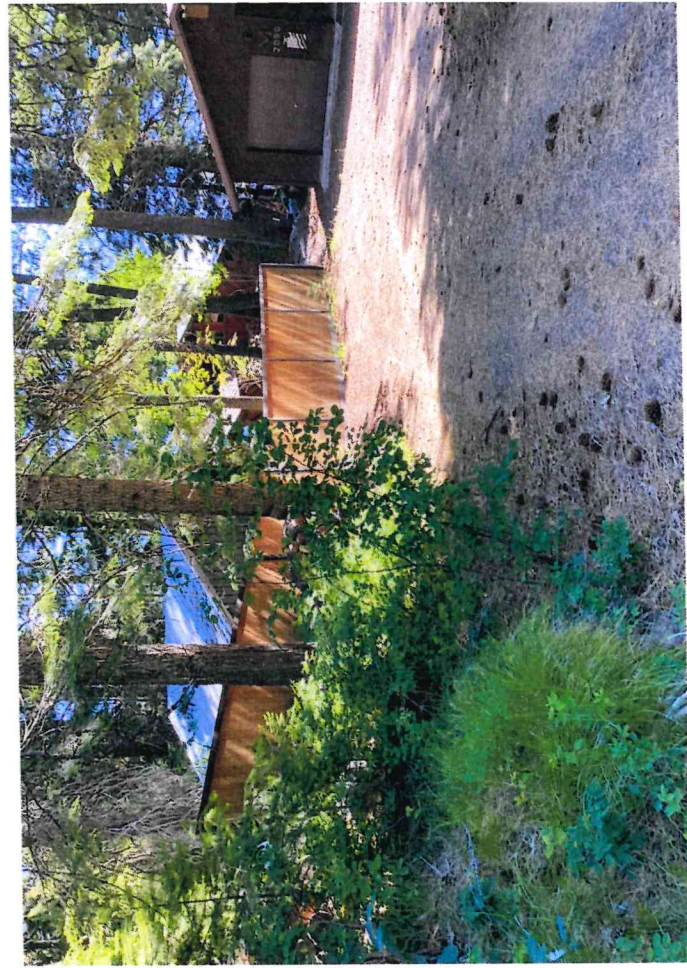


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Google Maps – Aerial View

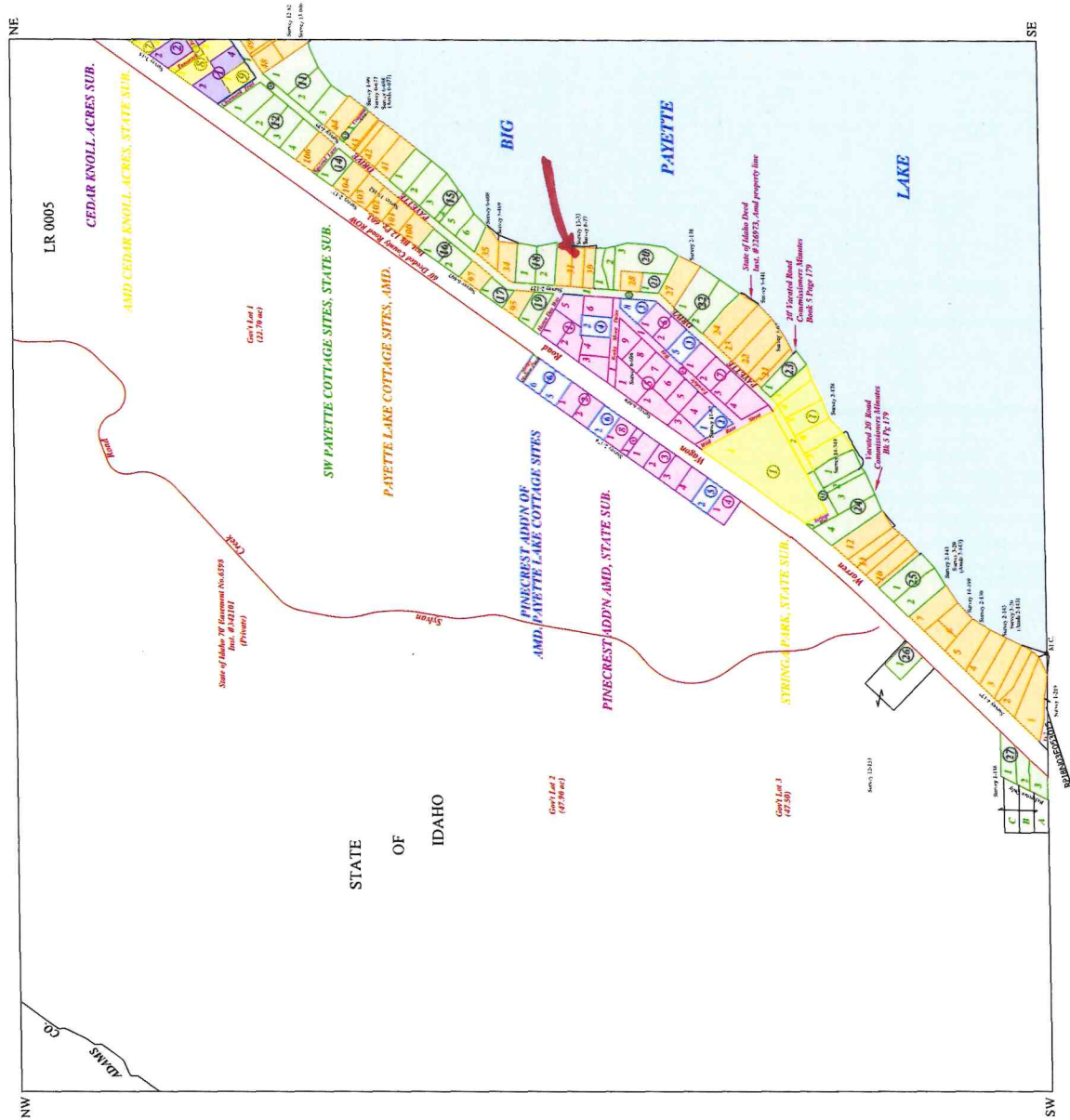




T W P . 1 9 N R O 3 E S E C . 3 2

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

Filename:	Valley County Base Map
Scale:	1" = 100' 0"
Date:	5/5/2026
Drawn by:	L. Frederick



This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Inaccuracies Contained Herein.

75.34

**THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY.
THE COUNTY IS NOT RESPONSIBLE
FOR ANY INACCURACIES CONTAINED
HEREIN.**

SCALE 1"=100'

(MAP) = RECORDED PLATMAP
(C) = CALCULATED
(R) = DEARING ROTATED
(L) = STATE LEASE

BASIC of BEARINGS
PINECREST ADDITION

W A P S

1924 - PAYETTE LAKE COTTAGE SITES LOTS 29 thru 32 and 94

1932-AMENDED PAYERTE LAKE CORRAGE SITES LOT 17 chn 28

1949-PINE CREEK Addition to P4/6 TRE LAKE Cottage Sites

Block 1 ch 6

Survey 2-12.7 lot 94

SHEET 2 of 6

I, Rod M. Skiftun, a Professional Land Surveyor, do hereby certify that this plat was prepared from notes taken during an actual survey made under my direct supervision in Sept. 2015 & July 2016, and that it correctly represents the points, courses, and distances as recorded in said field notes.



NUM	BEARING	DISTANCE
L1	S7°28'22"W	25.56'
L2	S5°22'36"W	27.51'
L3	S2°37'34"E	7.62'
L4	S2°37'34"E	18.23'
L5	S7°53'29"E	43.29'

LEGEND

- | | |
|---|-------------------------------|
| ⊙ | found 5/8" rebar |
| ○ | found 1/2" rebar |
| □ | calc. point, no monument set |
| △ | found monument as noted |
| ● | set 5/8" rebar w/ plastic cap |
| ● | set 1/2" rebar w/ plastic cap |
| ⊗ | found aluminum cap |
| ⊙ | sewer manhole |
| — | edge of traveled way |

SURVEY REFERENCES

ROS: Book 2, Pg. 127 of Surveys, Inst. No. 155808
ROS: Book 8, Pg. 77 of Surveys, Inst. No. 286707

PLAT: Book 1, Pg. 19 of Plats
PLAT: Book 13, Pg. 12 of Plats

NOTE:

This drawing was prepared to show the monuments found or set to establish the boundary between the Sullivan and Herrick properties. Sideline angle averaging and the split of lake frontage equity was used.

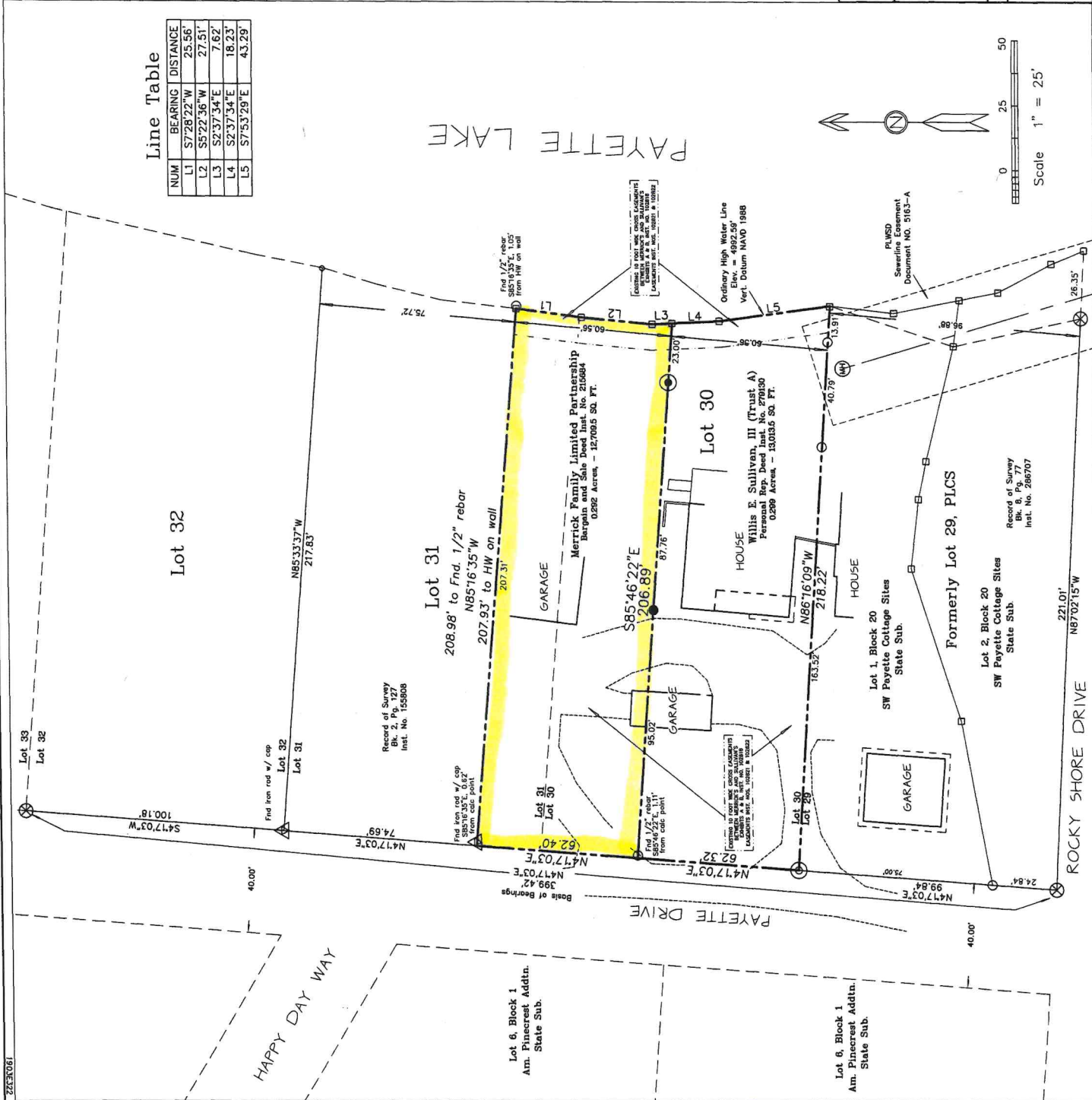
RECORD OF SURVEY

Valley County, State of Idaho
SULLIVAN AND MERRICK
Lot 30 and a Portion of Lot 31
PAYETTE LAKE COTTAGE SITES
Situate in Government Lot 2 of
Section 32, T. 19 N., R. 3 E.B.M.

FILE NAME:	SULLIVAN LOT 30 PLCS ROS 2016.dwg	LOCATOR CODE:	190JE32 G2
REVISION:	3 SEP 2016		
DRAWN BY:	RLR		



SKIFTUN LAND SURVEYING, INC.
13784 HIGHWAY 55
MCALL, IDAHO 83638
208-634-3696/FAX 208-634-8472





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 _____

VAR 26-006 Merrick Setback Variance

- ☐ 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. CDH has no objection to this proposal.

Reviewed By: Bret Cooper

Date: 6/14/26

VAR 26-006 Merrick Setback Variance

From Ryan Garber <ryan@mccallfire.com>
Date Tue 6/9/2026 12:39 PM
To Lori Hunter <lhunter@valleycountyid.gov>
Cc Mike Bertrand <mike@mccallfire.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lori,

McCall Fire has no comments on VAR 26-006 Merrick Setback Variance request.

Ryan

Captain Ryan Garber
Fire Prevention / Code Enforcement
McCall Fire & EMS
201 Deinhard Lane
McCall, ID 83638
www.mccallfire.com
Cell: (208) 469-0135

[Schedule a Short Term Rental Safety Inspection](#)
[Schedule a Phone Call with Ryan](#)
[Schedule a Firewise Safety Inspection](#)
[Schedule another type of inspection](#)



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Parametrix No. 314-4875-001

Cynda Herrick, AICP, CFM
Valley County Planning and Zoning
700 South Main Street
PO Box 1350
Cascade, ID 83611

Re: July 9, 2026, Planning and Zoning Commission Agenda Items

Dear Cynda:

I have reviewed the items you requested us to review as listed on the July 9, 2026, Valley County (VC) Planning and Zoning Commission agenda and have the following comments for your consideration:

New Business:

1. SUB 25-006 Bear Den 2 Subdivision – Preliminary Plat

All subdivision lots directly access Nisula Road and no new roads will be constructed so site grading and drainage plans are not required for review by the Valley County engineer. Stormwater improvements along Nisula Road, including culverts under driveways, shall meet the criteria outlined in the Valley County Minimum Standards for Private/Public Road Design and Construction. Additional stormwater resulting from site improvements will need to be retained on site and appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

Improvements to Nisula Road, a public local road, shall meet the criteria outlined in the Valley County Minimum Standards for Public Road Design and Construction. The roadway shall maintain a 70-ft right-of-way with 35 feet minimum on each side of roadway centerline.

A traffic impact study is not required for this 5-lot subdivision; however, a development agreement identifying public road impacts may be required.

2. SUB 25-010 Starview Estates Subdivision – Preliminary Plat

Detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

The proposed extension of Johnson Lane, a public local road, shall meet the criteria outlined in the Valley County Minimum Standards for Public Road Design and Construction. The roadway shall maintain a 70-ft right-of-way with 35 feet minimum on each side of roadway centerline and may require a turnaround to accommodate a standard emergency vehicle, as determined by the fire department.

A traffic impact study is not required for this 2-lot subdivision; however, a development agreement identifying public road impacts may be required.



The applicant will need to delineate existing wetlands to confirm that there are no wetland impacts. If wetlands are impacted, the project may require approval of the U.S. Army Corps of Engineers under the federal Clean Water Act.

3. SUB 25-011 North Fork Landing (fka Valley View Landing)– Preliminary Plat

Detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements will be required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

Improvements to Loomis Lane, a public major collector road, shall meet the criteria outlined in the Valley County Minimum Standards for Public Road Design and Construction. The roadway shall maintain a 100-ft right-of-way with 50 feet minimum on each side of roadway centerline.

Valley County requires a 100-foot setback from ITD ROW for any permanent structures (as shown on the preliminary plat).

A traffic impact study and a development agreement identifying public road impacts will be required for this subdivision.

4. VAR 26-005 Poulsen Setback Variance

Not reviewed.

5. CUP 26-013 Brown RV Camp

Not reviewed.

6. VAR 26-006 Merrick Setback Variance

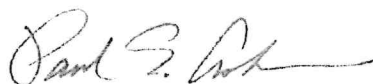
This project is subject to the Riparian Area Overlay (RAO) requirements. If a setback variance is granted to construct the new deck within the footprint of the existing deck, stormwater retention measures and Best Management Practices (BMPs) will be required to protect the lake from stormwater and sediment pollution.

Given the steepness of the slope and the proximity of the work to the lake (encroaches the 25-foot stabilization buffer), an engineered stormwater management plan will be required for this project. The plan should include both temporary and permanent BMPs to be implemented during and after construction to minimize erosion and prevent sediment from entering the lake.

Please contact me if you have any questions.

Sincerely,

Parametrix



Paul Ashton, PE





June 15, 2026

Cynda Herrick, Planning & Zoning Director
Valley County Planning & Zoning
700 S. Main Street, Cascade, ID 83611
cherrick@valleycountyyid.gov

Subject: Agency Notice - PZ Commission - July 9, 2026

Dear Cynda Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>.

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 D5

- 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).
For questions, contact David Luft, Air Quality Manager, at (208) 373-0201.
- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.
- For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

AIR QUALITY C1, D1, D2, D3

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors 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 contractors are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

AIR QUALITY C2, D4, D6

- No Comments

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 local public health district.
- 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 groundwater.
- 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) 373-0459.

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.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- 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.
- 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 groundwater 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) 373-0459.

4. SURFACE WATER

- A Construction General Permit from DEQ may be required for projects that meet the eligibility criteria and have an allowable discharge of storm water or authorized non-storm water associated with construction activities. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 813-0872.
- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- 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) 373-0564.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER 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 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. 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.
- **Groundwater 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 Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance. If applicable to this project, DEQ recommends that BMPs be implemented for any of the following land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. 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,



Troy Smith
Regional Administrator