

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 26-005 Poulsen Setback Variance
MEETING DATE: July 9, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Marsha Poulsen
11468 W Tioga CT, Boise, ID 83709
PROPERTY OWNER: Mountain West IRA, FBO Marsha Poulsen
13905 W Wainwright DR, Boise, ID 83713
LOCATION: 1497 Pine Ridge Drive
Pelican Heights Subdivision Lot 5 in the NESW Section 11, T.14N, R.3E,
Boise Meridian, Valley County, Idaho
SIZE: 2.0-Acre Lot
REQUEST: Front Setback Variance from 20 feet to 10 feet
EXISTING LAND USE: Single-Family Residential Lot

Marsha Poulsen is requesting a variance to relax the front yard setback from the required Valley County 20' front yard setback to 10'. Pelican Heights subdivision plat requires a 30' front yard setback. Setbacks are measured from the eaves of a structure, not the walls.

	Valley County Setbacks	Plat Setbacks	Requested Setback
Front Property Line	20 feet	30 feet	10 feet
Side Property Line	7.5 feet	30 feet	30+ feet
From Rear Property Line	20 feet	30 feet	30+ feet

The request is due to the steep topography of the lot. The applicant had a surveyor measure the break line in the topography and she can only do a 10' front yard setback without astronomical costs in creating support structure. The structure will be 30' from the travelled surface; the property line is 20' from the travelled surface.

The face of the Pelican Heights Subdivision plat requires a 30' setback. Typically we enforce requirements on the face of the plat; however, in some instances we do not. There are older subdivisions that sometimes require a 50' setback, etc. Approval of the variance would also be due to this standard. We are not aware of a Homeowner's Association. Pelican Heights Subdivision was recorded at Book 8, Page 69, on July 25, 1995 as Instrument # 212254.

The 2-acre site is accessed from Pine Ridge Drive, a public road. The Valley County Road Department stated "No Culvert Required" on approved Approach Permit #1296 (attached).

FINDINGS:

1. The application was submitted on April 29, 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. The septic permit was issued for this property on March 16, 2026. The primary and replacement drainfield areas must stay the same as approved on March 13, 2026 by Josh Higgins. (June 14, 2026)

Steven Hull, Cascade Fire Chief, has no issues with the variance. (June 15, 2026)

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)

Paul Ashton, Parametrix and Valley County Engineer, did not review the application. (July 1, 2026)

4. Public comment received:

Moodies Investment LP, Charles Mollerup, and Louann Krueger, owners of 1490 Pine Ridge DR, stated the request does not qualify for a unique hardship. The hardship was created by the applicant. The property is two acres in size; it does not seem reasonable to build within 10-ft of the road. The road is busy and snowplows create large mounds on the side of the road. In addition, the construction of the existing driveway has removed a drainage culvert. (July 1, 2026)

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 there 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:

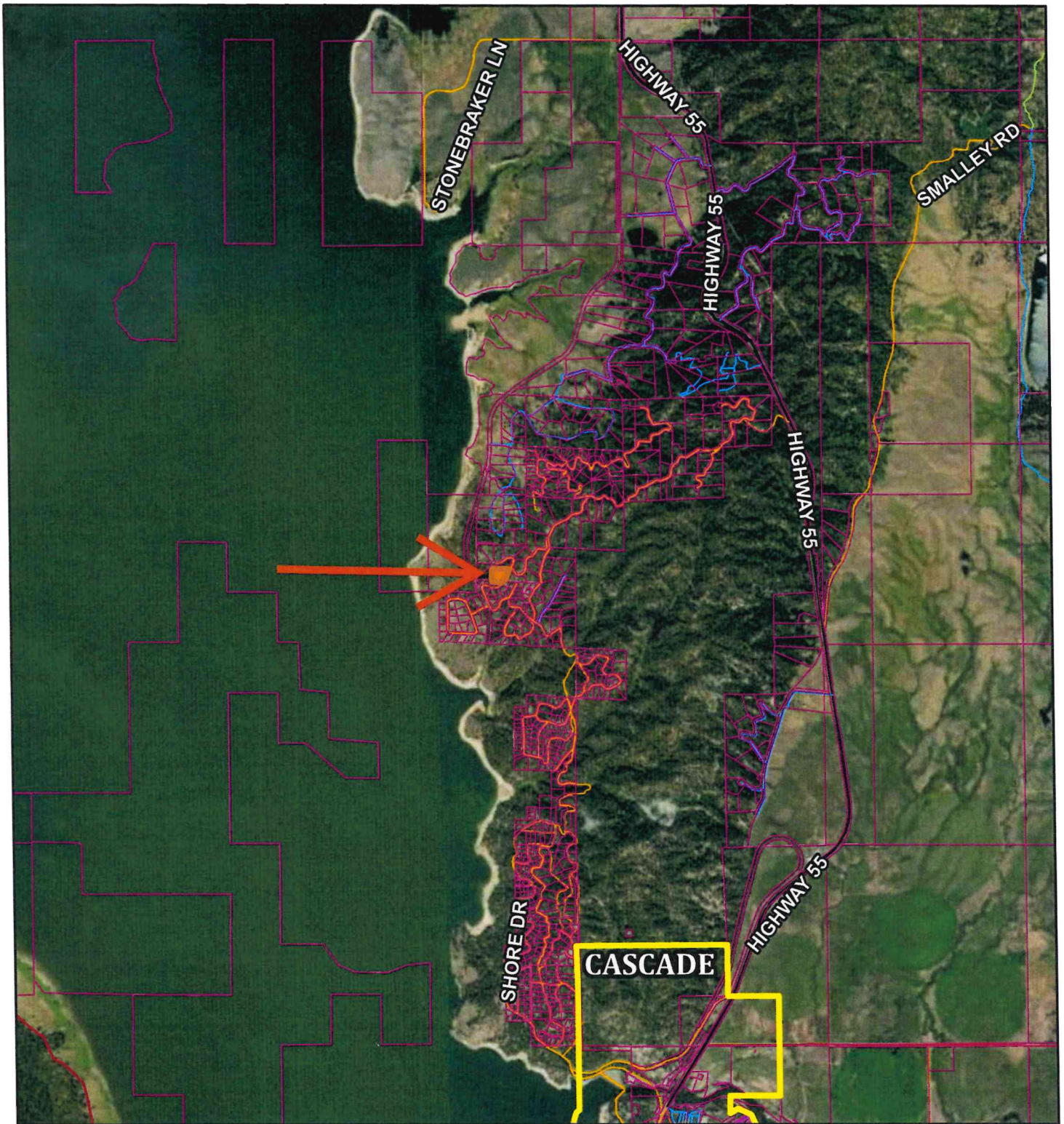
1. This site is within the Cascade Fire District, Water District 65, and a herd district. It is not within an irrigation district.
2. Was a culvert removed that will impede drainage?
3. Do you have a copy of the survey prepared by the surveyor? Do you have a topographic map?
4. Pictures taken at time of posting the site show that there is a drop in the land.
5. 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.
6. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

ATTACHMENTS:

- Location Map
- Aerial Map
- Topographical Map
- Google Maps – Aerial View
- Photos Taken June 18, 2026
- Assessor Plat – T.14N R.3E Section 11
- Pelican Heights - Assessors Annotated Plat
- Approach Permit #1296
- Responses

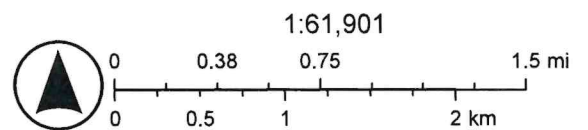
END OF STAFF REPORT

VAR 26-005 Location Map



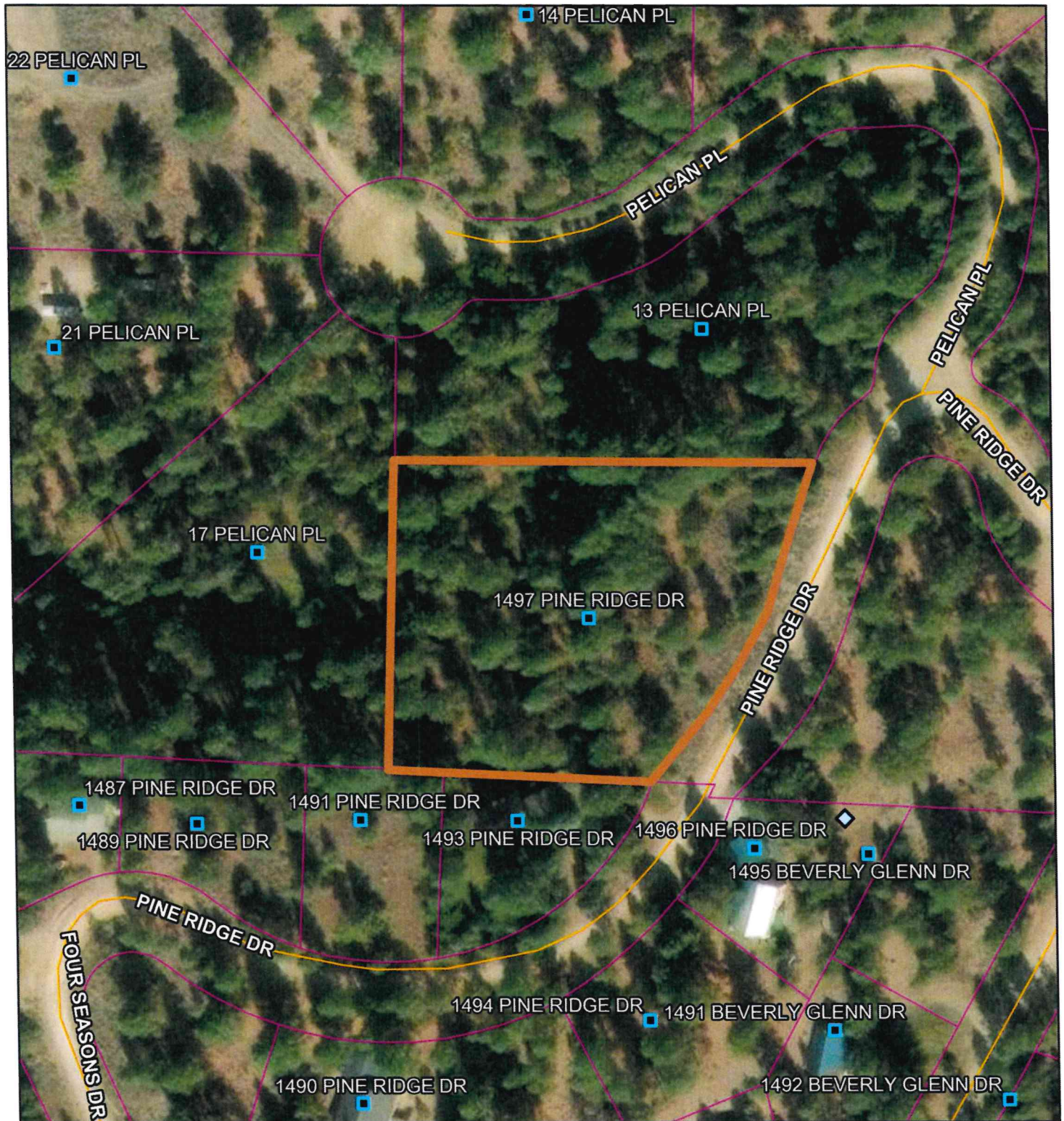
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|---|----------------------|---|-------------|
|  | Airstrips |  | COLLECTOR |
|  | Municipal Boundaries |  | URBAN/RURAL |
|  | Parcel Boundaries |  | USFS |
| Roads | |  | PRIVATE |
|  | MAJOR |  | OTHER |
|  | MINOR COLLECTOR |  | Other |



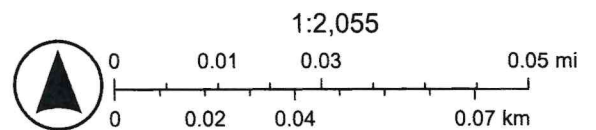
Earthstar Geographics

VAR 26-005 Aerial Map



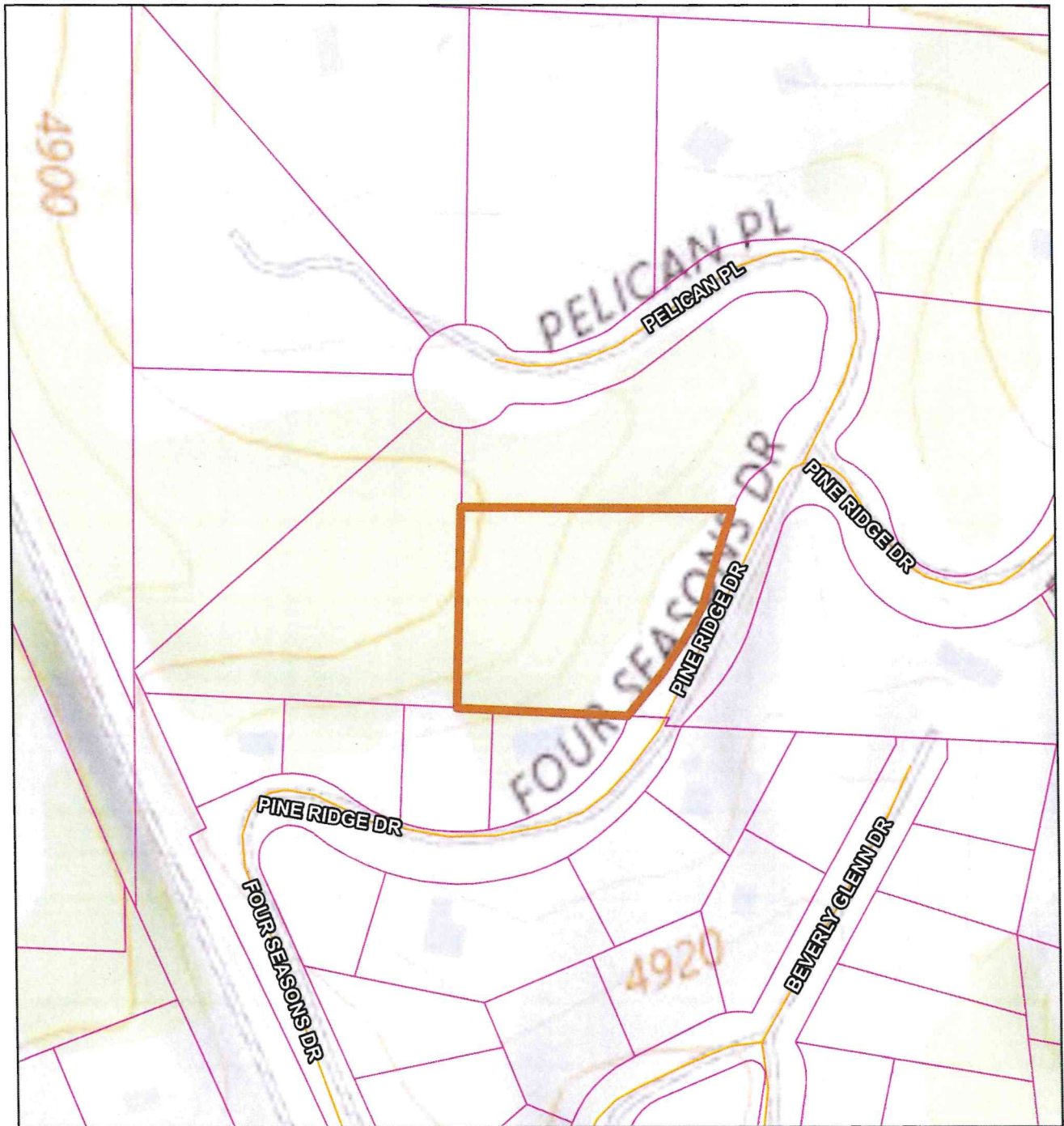
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Permits		RVC		Undefined		COLLECTOR	
	CUP		STR		Airstrips		URBAN/RURAL
	ADU		STS		Address Points		USFS
	FP		VAC		Municipal Boundaries		PRIVATE
	GF		VAR		Parcel Boundaries		OTHER
	EXC		PSP	Roads			Other
	Privy		HBB		MAJOR		
	RES				MINOR COLLECTOR		



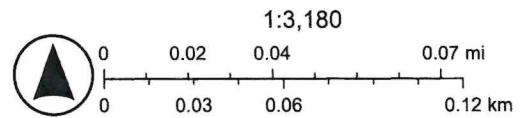
Microsoft, Vantor

VAR 26-005 Topo Map



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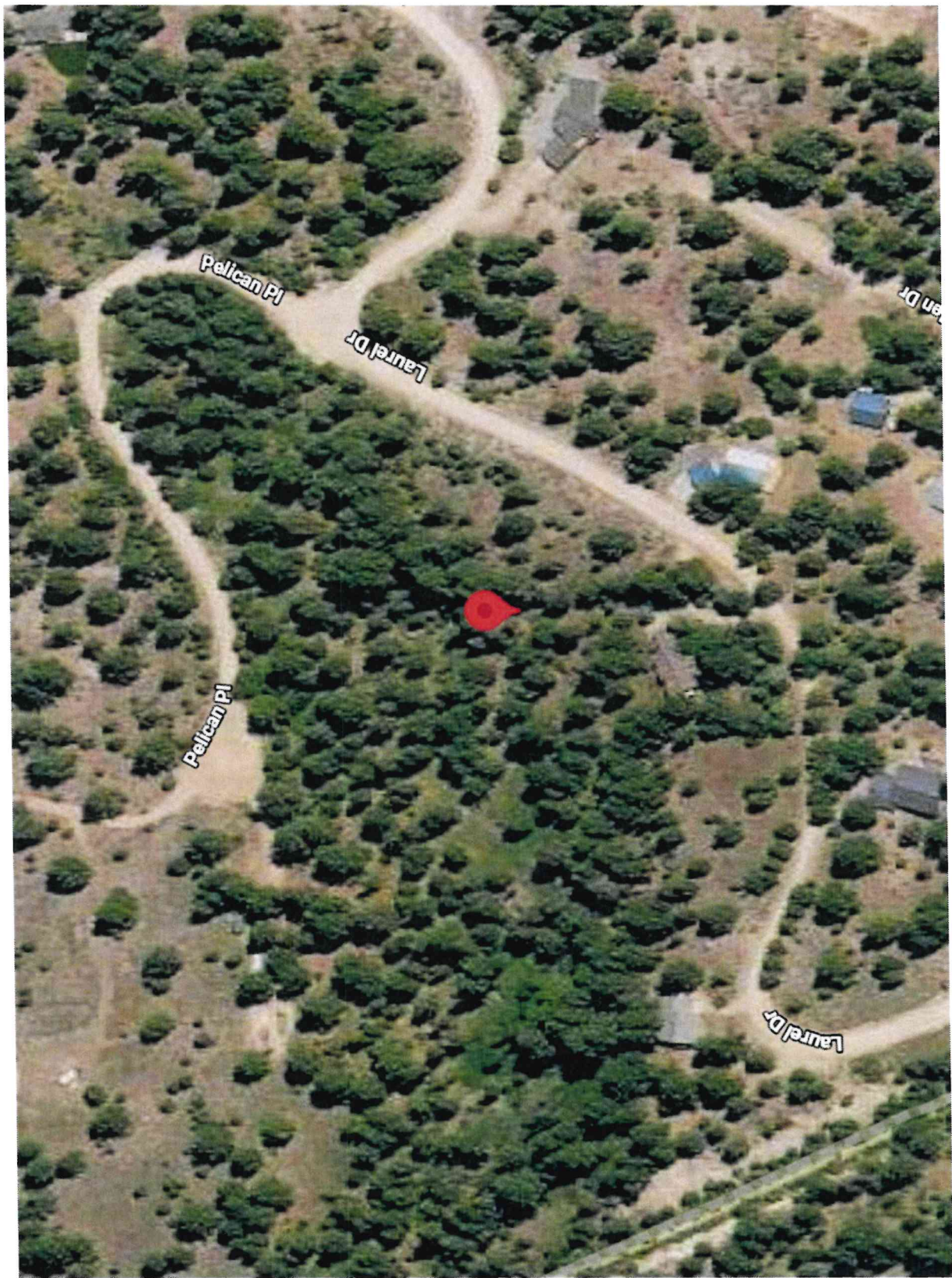
- | | |
|--|---|
|  Airstrips |  COLLECTOR |
|  Municipal Boundaries |  URBAN/RURAL |
|  Parcel Boundaries |  USFS |
| Roads |  PRIVATE |
|  MAJOR |  OTHER |
|  MINOR COLLECTOR |  Other |

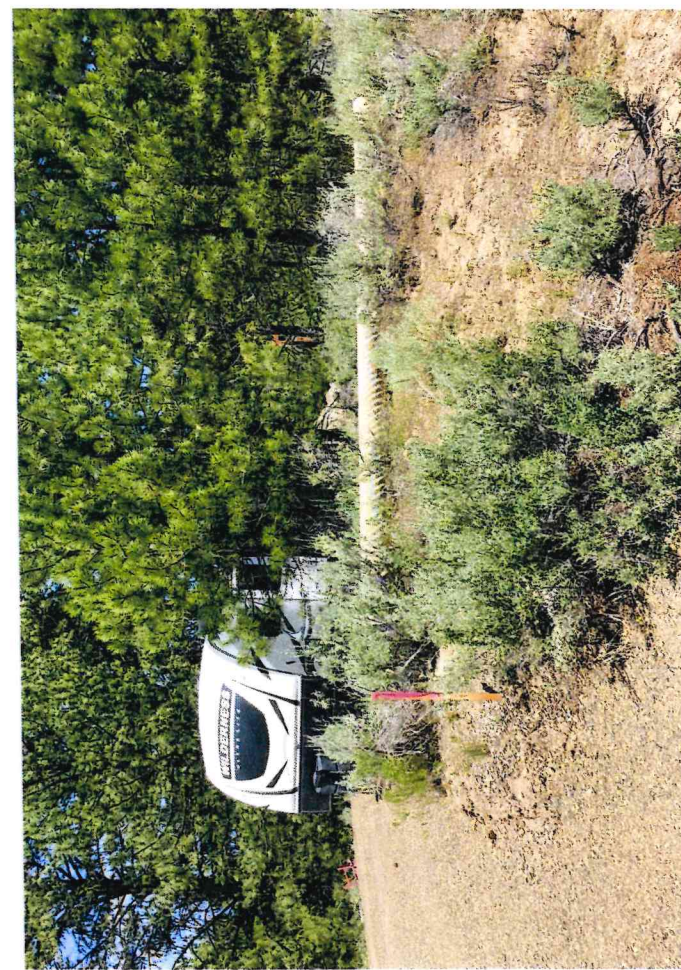
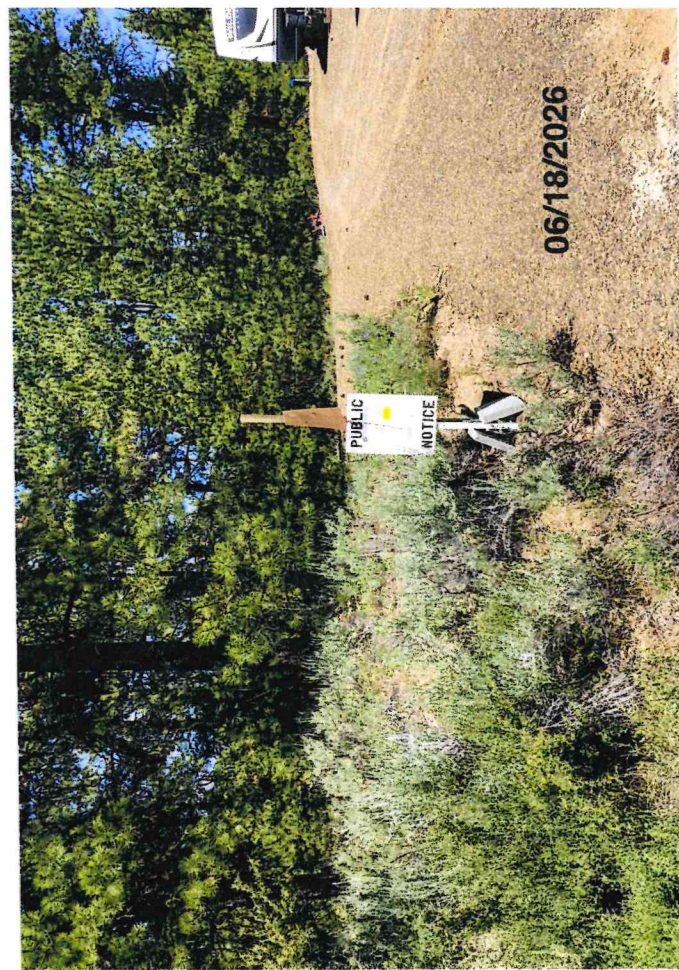
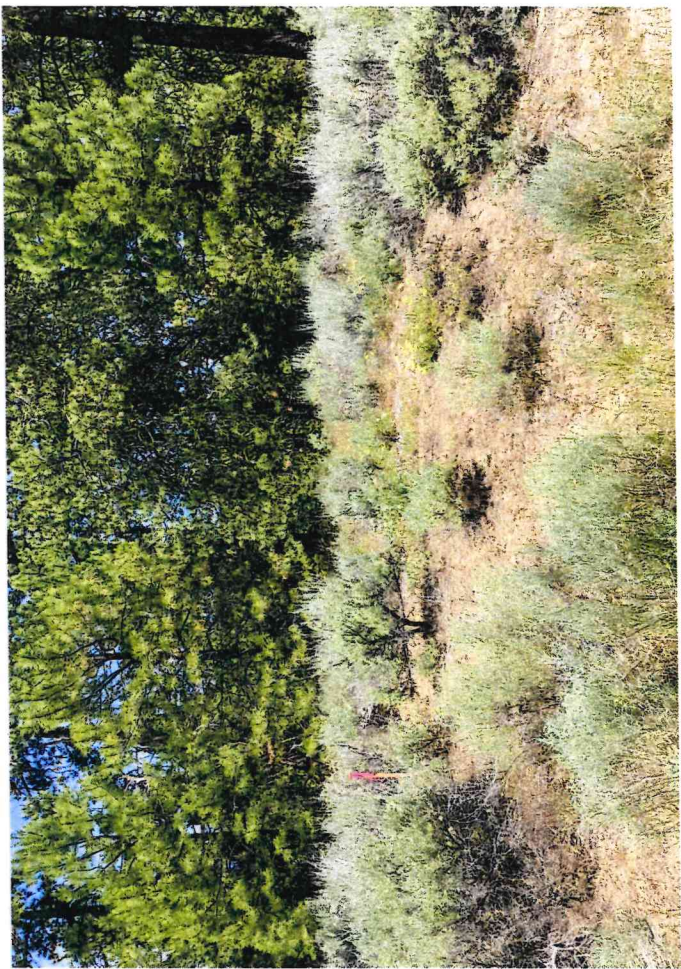
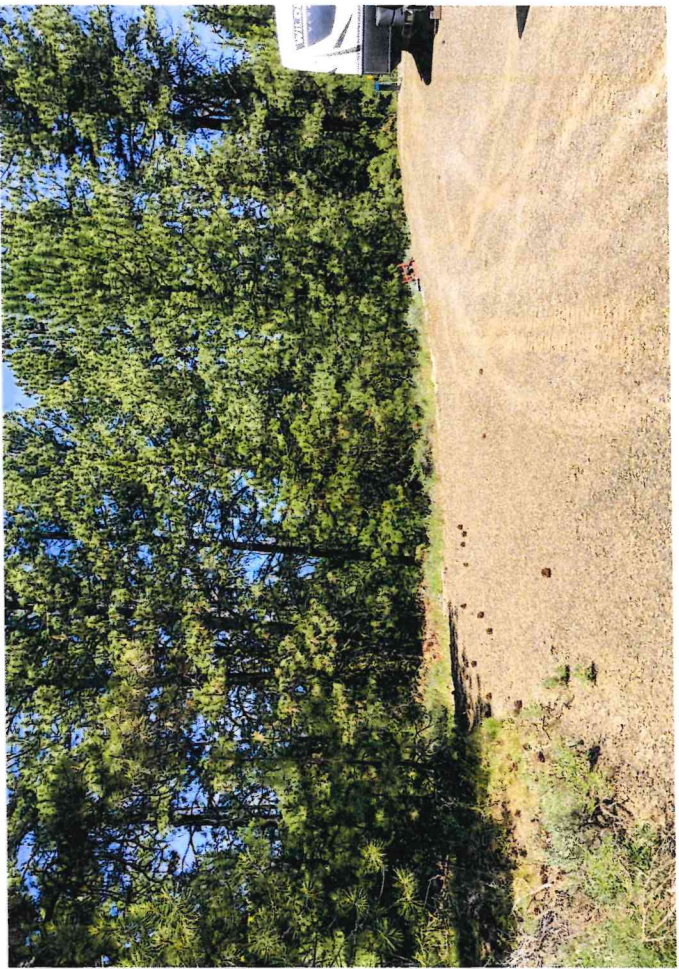


USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road data; Natural Earth Data; U.S.

Created by Valley County

Google Maps – Aerial View



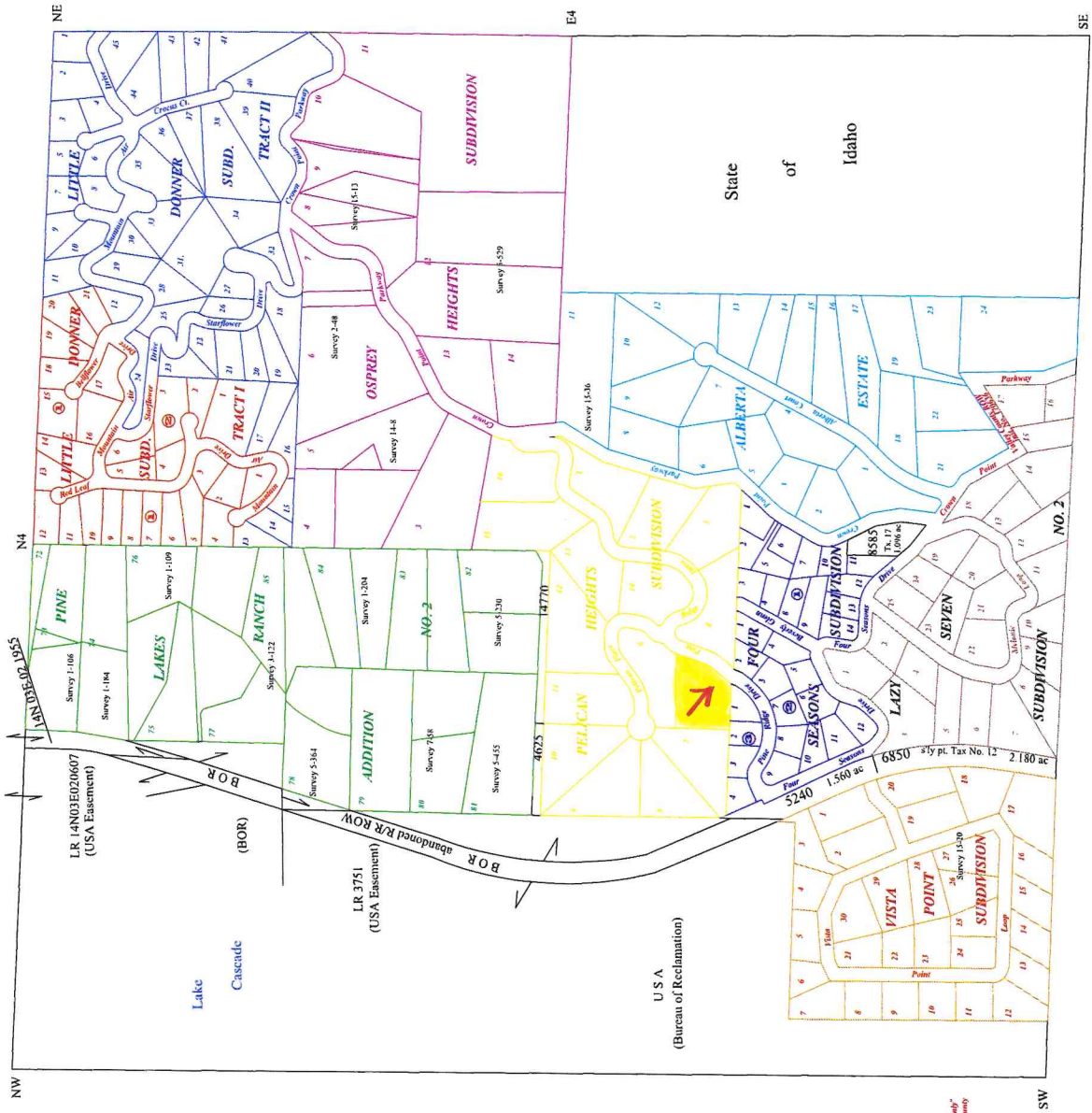


PLAT TITLE

T W P . 1 4 N R O 3 E S E C . 1 1

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

Filename:
Valley County Base Map
Scale: 1" = 400 ft.
Date: 12/12/2024
Drawn by: L. Frederick



See "Reference Only"
File for Assessed County
Road R001

Pelican Heights

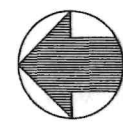
Subdivision

Located in Section 11

T. 14 N., R. 3 E., B.M., Valley County, Idaho
including a replat of Lots 1 and 2 of Osprey Heights.

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	C-1	211.67	84.53	48.83	83.97	S 28°35'21" W	28°35'21"
2	C-2	246.67	93.28	59.60	97.50	S 28°35'21" W	28°35'21"
3	C-3	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
4	C-4	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
5	C-5	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
6	C-6	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
7	C-7	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
8	C-8	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
9	C-9	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
10	C-10	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
11	C-11	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
12	C-12	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
13	C-13	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
14	C-14	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
15	C-15	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
16	C-16	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	C-1	211.67	84.53	48.83	83.97	S 28°35'21" W	28°35'21"
2	C-2	246.67	93.28	59.60	97.50	S 28°35'21" W	28°35'21"
3	C-3	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
4	C-4	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
5	C-5	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
6	C-6	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
7	C-7	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
8	C-8	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
9	C-9	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
10	C-10	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
11	C-11	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
12	C-12	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
13	C-13	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
14	C-14	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
15	C-15	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"
16	C-16	255.33	95.28	61.50	100.00	S 28°35'21" W	28°35'21"



Scale 1 inch = 100 feet

Legend

- Set 5/8 inch rebar
- Found property corners see Record of Survey Bk. 5, page 273.
- Beats of bearing, see Record of Survey Bk. 5, page 273.
- Lots shall not be divided.

Building setbacks shall be 30 feet from the front and side lines, excepting lots 7, 8, 9 and 10, which shall have a front setback of 55 feet from the right-of-way of Pelican Road.

Utility and drainage easements shall be 12 feet wide, centered on the line, and shall be 6 feet wide on the interior side of the subdivision boundary.

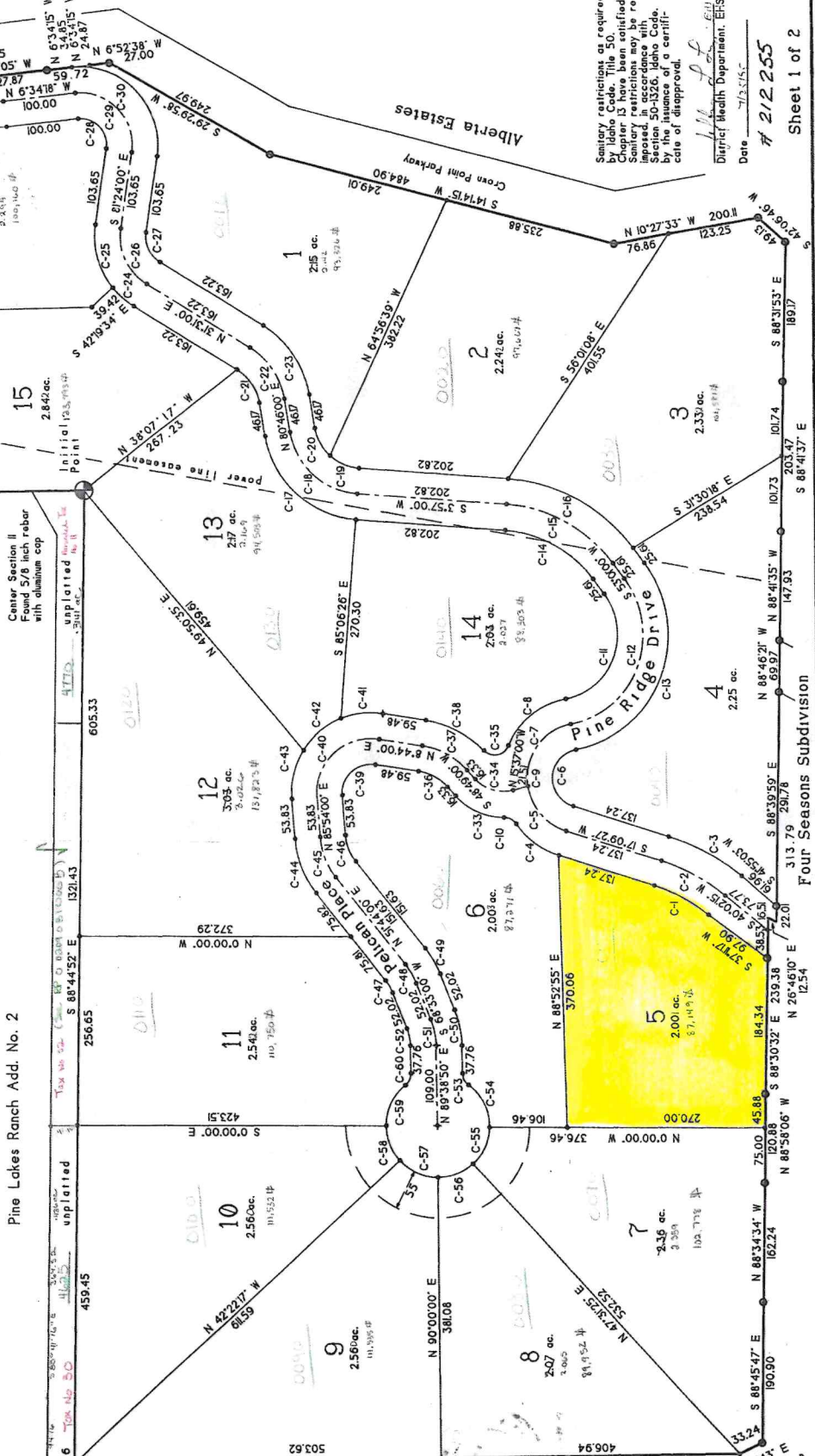
Protective Covenants:

Int. #212256
This plat is subject to Idaho Code Section 31-3805, no irrigation water shall be applied to any lot herein.

Record of Survey Bk. 5, page 273

Pine Lakes Ranch Add. No. 2

Center Section II
Found 5/8 inch rebar with diameter cap



Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. This plat is subject to the replat of Lots 1 and 2 of Osprey Heights, Idaho Code, Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

District Health Department, EHS
Date 7/13/15

212255
Sheet 1 of 2

Valley County Road Department

520 S Front Street
P.O. Box 672
Cascade, ID 83611
www.co.valley.id.us
Phone 208-382-7195
Fax 208-382-7198



Approach in County Right-of-Way Permit

Fee ** \$50.00	Date Paid <u>03/11/2026</u>	Permit No. <u>1296</u>
**CHECK OR MONEY ORDER ONLY MD# <u>38164233023</u>		

Property Owner: MARSHA POULSEN

Applicant: MARSHA POULSEN Signature: [Signature]

Mailing Address: 114168 W. TROGACT, BOISE, ID 83709

Phone numbers: 208-891-9090

Physical Address of site: 1497 PINE RIDGE, CASCADE, ID 83611

Access is located off county road named: PINE RIDGE

Approach used to access parcel #: RP004390000050
CROWN POINT TO PINE RIDGE

*** Attach a site plan & vicinity map. Stake the location on-site. ***

The Valley County Road Superintendent hereby grants permission to place, construct, and thereafter maintain an approved access road at the above location.

1. Driveway/approaches must be built per attached figure (# 200).
2. Driveways should not exceed eight percent (8%) grade and have a minimum of a fifty foot (50') plus/minus four percent (+/-4%) runout. Per Valley County Ordinance 6-1-9.
3. Above ground fixtures shall be located off the road right-of-way or on the right-of-way line.
4. All trenches and other excavations shall be carefully backfilled in such a manner as to eliminate settlement, and the surface of the ground shall be returned to its original condition.
5. It is understood and agreed that Valley County will not be liable for any costs in connection with the future required relocation of the road improvement.
6. All abandoned approaches/driveways shall be reclaimed to their original state at the cost of the applicant and/or its successors.

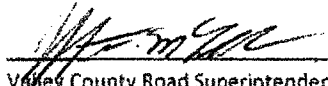
7. Installation, maintenance, relocation, and removal of said approach on county right-of-way shall be done in a manner satisfactory to, and subject to supervision by, the Valley County Road Superintendent.
8. Valley County shall not be liable for damage to said approach resulting from reconstruction or maintenance of the right-of-way. Applicant and/or its successors shall hold the County harmless for injury to persons or damage to property resulting from the location of said approach on county right-of-way. Applicant and/or its successors are responsible for any and all claims of damage, personal injury, or bodily injury that might result from their activities on any existing road in Valley County. Furthermore, the applicant and/or its successors agree to indemnify and hold harmless Valley County for any and all claims of damage, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Valley County on account of the activities conducted by the applying company and/or its successors on the construction of said approach.
9. Applicant and/or its successors shall promptly remove said approach from county right-of-way or shall relocated or adjust said approach, at its sole cost and expense when requested to do so by the county. The applicant and/or its successors shall be responsible to pay for all costs of moving, relocation, or reconstruction of the said approach, should Valley County deem it necessary or advisable, in its sole discretion, to repair or reconstruct the existing road. Should the applicant and/or its successors fail to take necessary steps to relocated or reconstruct its approach, the County may take steps to have the same accomplished, and the applicant agrees to reimburse the County for all expenses incurred in moving, relocating, or reconstruction of the approach so the existing roads may be repaired or reconstructed.
10. If at any time Valley County wants to excavate in this area and if it should require the said approach to be moved, it will be at the expense of the applicant and/or its successors.
11. Applicant and/or its successors shall repair or replace public road structures and appurtenances, and any existing facilities located on, over, or under public right-of-way which may be damaged as a result of the installation and maintenance of said approach.
12. Any other road construction activity beyond a driveway (e.g. utility work, trenching) must have a "Construction in County Right-of-Way" permit.

Contractor Name Printed

Contractor Signature

Date

Contractor Phone #



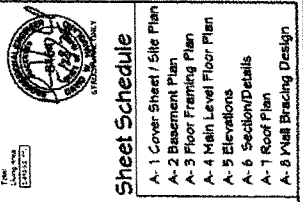
Valley County Road Superintendent Signature

3-18-20

Date

No Culvert Required

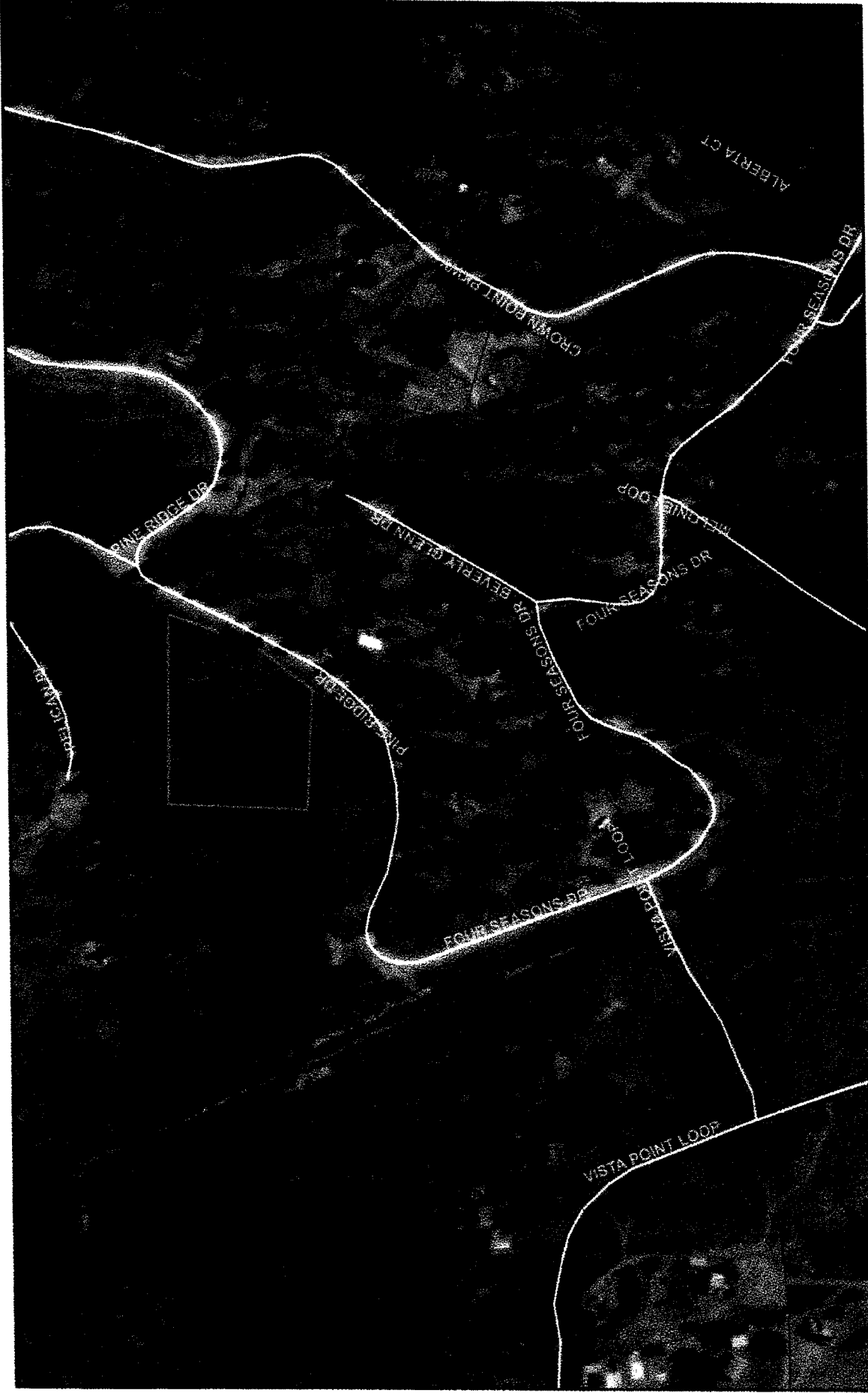
called
3-18-20

[illegible]

ENT ADOPTED CODES. IN CASES OF SMALL APPLT. VERIFY ALL UTILITIES, SITE AND STRUCTURE SHALL BE CORRECT. IN CASE OF ERRORS OR BE BUILT AS PER INC. INC ORC. PROVIDE SUFFICIENT INFORMATION TO VERIFY ACCURACY OF REQUIREMENTS PRECEDENCE OF

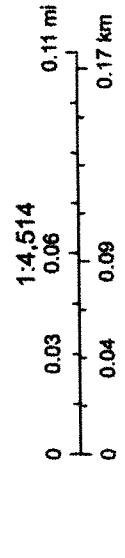
[illegible][illegible]

Assessor's Map & Parcel Viewer



3/11/2026, 12:07:12 PM

☐ Parcel Summary & Improvement Report





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 26-005 Pooler 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. There is a septic permit issued for this property on 3/16/26, the primary and replacement drain field areas must stay the same as approved on 3/13/26 by Josh Higas. Reviewed By: Brenda Cope
Date: 6/14/26

From: Steven Hull <steve@cascaderuralfire.com>

Sent: Monday, June 15, 2026 11:12 AM

To: Cynda Herrick <cherrick@valleycountyid.gov>

Subject: CUP 26-013 Brown RV Camp, VAR 26-005 Poulsen Setback

I have reviewed CUP 26-013 and VAR 26-005. I have attached a letter of recommendation for CUP 26-013 and we don't have any issues with the Variance 26-005 request.





June 15, 2026

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

To: Valley County Planning & Zoning Commission: This communication is to register our concern and objection to VAR 26-005 Poulsen Setback Variance for the following reasons.

This hardship is not unique. Several homes in the Four Seasons subdivision have been built successfully in forested areas with steep slopes and anyone buying in the area is able to see setbacks have been achieved and lend to the higher end nature of the neighborhood.

This hardship was created by the applicant at the time of purchase after a visual inspection of the property and with we assume, the help and assistance of a licensed realtor.

The property is two acres in size. Therefore, it does not seem reasonable, nor the absolute minimum required to make the property usable, to build 10 feet from Pine Ridge Road.

The public good is not being maintained here. Pine Ridge road is busy, often with large commercial vehicles. This change in variance leaves less room to safely navigate. In the winter, snowplows create large berms on each side of the road, and parking must be on the owner's property. Parking on the road is at your own risk and adds to the confusion and difficulty of those using the roadway with recreational vehicles, RVs, 4wheelers, kids on bikes and pedestrians.

One final and separate concern is that during the construction of the driveway, the applicant has removed a 15-to-20-foot drainage culvert. This will lead to melting snow and storm water run-off problems and should be remedied as soon as possible before damaging the roadway and adjacent properties on either side of Pine Ridge Road.

Thank you for your attention and consideration,

Moodies Investment LP
Charles Mollerup
Louann Krueger
1490 Pine Ridge Road, Cascade, Idaho 83611

