



TO: ADA COUNTY PLANNING & ZONING COMMISSION
HEARING DATE: February 11, 2016
STAFF: Diana Sanders & Kristy Inselman, Associate Planners
PROJECT NO.: 201504098 ZOA
APPLICANT: Ryan Hardy, L&R Environmental

INTRODUCTION

A zoning ordinance text amendment to provide for a private septage disposal facility within the Rural Preservation (RP) District. Adding definitions of “Septage”, “Septage Disposal Facility, Private”, “Municipal Wastewater”, and “Sewage” in Section 8-1A-1, Amending Table 8-2A-1 “Septage Disposal Facility, Private” as an allowed use in the RP District. Adding specific use standards for “Septage Disposal Facility, Private” in Section 8-5-3-104; amending previous sections 8-5-3-104 through 8-5-3-114 to reflect renumbering due to the addition of “Septage Disposal Facility, Private”; and amending 8-5-3-9 and 8-5-3-87 to reference the updated section numbering.

EXECUTIVE SUMMARY

The applicant is requesting a Zoning Ordinance Text Amendment. As noted in the Findings of Fact and Exhibit #15, changes to the zoning ordinance text amendment were proposed by staff has drafted changes to the proposed text amendment to address concerns. These changes were made to allow staff and the decision makers to make findings that the use is not detrimental to the public health, safety, or welfare, and does not create undue adverse impacts to surrounding properties the application submittal information is necessary.

Throughout the entire text, based on recommendations by the Department of Environmental Quality (DEQ), the words “treatment &” were added resulting in the following: Septage Treatment & Disposal Facility, Private. Additionally, based on recommendations by DEQ, staff is recommending the removal of “municipal wastewater” and replacing it with “septage” throughout the entire text. A definition for “municipal wastewater” is not needed in the proposed zoning ordinance text amendment as the Ada County Code (ACC) already addresses municipal wastewater collection and treatment facility under “Public Infrastructure Facility” and is addressed through the public, quasi-public procedures under the specific use standards found in 8-5-3-86.

The use is proposed in the Rural Preservation (RP) Districts only and would be applicable county-wide. Although DEQ has minimum setback requirements for septage treatment and disposal facilities, Ada County Staff proposes more restrictive setbacks in order to protect nearby residential

and incompatible uses. The recommendation that there be a minimum three hundred foot setback from any property line is consistent with other odor creating facilities such as livestock confinement facilities and a slaughterhouse. Additionally, the recommendation to remove the proposed waiver language is because structures and ponds in which septage is contained “shall not result in material negative impact to any nearby resident” is not quantifiable. *DEQ has minimum setback requirements that will still be required to be met. Staff is recommending that there be a minimum three hundred foot setback from any property line which is consistent with other odor creating facilities such as livestock confinement facilities and soil and water remediation facilities. Additionally staff recommends removing the proposed waiver language because structures and ponds in which septage is contained “shall not result in material negative impact to any nearby resident” is not quantifiable.*

Staff is recommending that the following items be submitted with the application to address potential concerns with the use, and to be consistent with Ada County Code application requirements. The application submittal requirements are needed in order to provide adequate information for both the decision making body and the public. For staff and the decision makers to make findings that the use is not detrimental to the public health, safety, or welfare, and does not create undue adverse impacts to surrounding properties the application submittal information is necessary.

Staff is recommending one space for every employee and one (1) for every 1000 square feet of gross floor area due to the proposed location of the facilities within the Rural Preservation (RP) District.

DEQ will have specific requirements for signage for the facility therefore this information is not needed with the application submittal.

Staff recommends the addition of items f through i above to provide information needed for the decision making body and the public to review the application. The additional information allows for staff and the decision makers to make findings that will not be a detriment to the public health, safety, or welfare or create undue adverse impacts to surrounding properties.

RECOMMENDATION

Based upon Staff’s review of the application, staff concludes that with the staff recommended changes to the zoning ordinance text amendment, this application complies with the Ada County Code and recommends approval to the Commission as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

The Commission should consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application.

EXHIBIT LIST – PROJECT NO. 201504098 ZOA

1. Master Application Form and Checklists received December 7, 2015 (3 pages)
2. Applicant’s Letter of Intent received December 7, 2015 (16 pages)

3. Pre-application notes dated October 20, 2015 and November 10, 2015 (7 pages)
4. Comment from Ada County Building Official dated December 18, 2015 (1 page)
5. Comment from Eagle Fire Department received December 21, 2015 (1 page)
6. Comment from Pioneer Irrigation District received December 23, 2015 (3 pages)
7. Comment from Boise City Public Works Department dated December 24, 2015 and January 7, 2016 (3 pages)
8. Comment from Idaho Transportation Department dated December 24, 2015 (1 page)
9. Comment from DEQ dated December 31, 2015 (4 pages)
10. Comment from Ada County Engineer received January 15, 2016 (1 page)
11. Comment from Todd Crutcher, DEQ received January 15, 2016 (2 pages)
12. Comment from Central District Health received on December 18, 2015 and January 8, 2016 (2 page)
13. Comment from Nampa & Meridian Irrigation District received January 26, 2016 (1 page)
14. Additional Information from applicant received January 28, 2016 (1 page)
15. Staff Revised Ordinance Language (13 pages)

MASTER APPLICATION/PETITION REQUEST



ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702. www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

TYPE OF ADMINISTRATIVE APPLICATION:

- | | |
|--|---|
| <input type="checkbox"/> ACCESSORY USE* | <input type="checkbox"/> MASTER SITE PLAN* |
| <input type="checkbox"/> FARM DEVELOPMENT RIGHT | <input type="checkbox"/> EXPANSION NONCONFORMING USE |
| <input type="checkbox"/> FLOODPLAIN PERMIT | <input type="checkbox"/> ONE TIME DIVISION |
| <input type="checkbox"/> HILLSIDE DEVELOPMENT* | <input type="checkbox"/> PRIVATE ROAD |
| <input type="checkbox"/> HIDDEN SPRINGS ADMINISTRATIVE | <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT |
| <input type="checkbox"/> HIDDEN SPRINGS SPECIAL EVENT | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT (PUD) |
| <input type="checkbox"/> LIGHTING PLAN | <input type="checkbox"/> SIGN PLAN |
| <input type="checkbox"/> LANDSCAPE PLAN | <input type="checkbox"/> TEMPORARY USE* |
| <input type="checkbox"/> DRAINAGE PLAN | |

TYPE OF HEARING LEVEL APPLICATION:

- | | |
|--|---|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> VACATION |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> SUBDIVISION, PRELIMINARY* | <input type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> PLANNED COMMUNITIES* | <input checked="" type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> SUBDIVISION, SKETCH PLAT* | |

TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

TYPE OF ADDENDA:

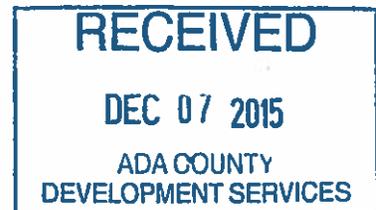
- | | |
|---|---|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> FINAL PLAT |
| <input type="checkbox"/> ADMINISTRATIVE MODIFICATION | <input type="checkbox"/> TIME EXTENSION |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT MODIFICATION | |

REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
 *SUPPLEMENTAL WORKSHEET REQUIRED

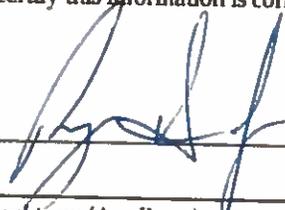
SITE INFORMATION:

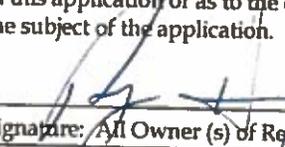
Section: 15 Township: 1N Range: 2E Total Acres: 160
 Subdivision Name: _____ Lot: _____ Block: _____
 Site Address: 1100 W Thompson Rd City: Kuna
 Tax Parcel Number(s): S2015110000
 Existing Zoning: RP Proposed Zoning: _____ Area of City Impact: _____ Overlay
 District(s) WUFI
Flood - unnumbered A zone



OFFICE USE ONLY

Project #.: <u>201504098-20A</u>	Planning Fees/GIS: <u>\$ 850.00</u>	Engineering Fees: <u>0</u>
Received By: <u>[Signature]</u>	Date: <u>12.7.15</u> Stamped <input checked="" type="checkbox"/>	

APPLICANT/AGENT: (Please print)		ADDITIONAL CONTACT if applicable: (Please Print)	
Name: <u>Ryan Hardy</u>		Name: _____	
Address: <u>2622 N Lorton PL</u>		Address: _____	
City: <u>Kuna</u> State: <u>ID</u> Zip: <u>53634</u>		City: _____ State: _____ Zip: _____	
Telephone: <u>208 243-2611</u> Fax: <u>208-922-2804</u>		Telephone: _____ Fax: _____	
Email: <u>rrhardy@gmail.com</u>		Email: _____	
I certify this information is correct to the best of my knowledge.		ENGINEER / SURVEYOR if applicable: (Please Print)	
		Name: _____	
<u>12/2/15</u>		Address: _____	
Signature: (Applicant)		City: _____ State: _____ Zip: _____	
Date		Telephone: _____ Fax: _____	
		Email: _____	

OWNER (S) OF RECORD: (Please Print)		OWNER (S) OF RECORD: (Please Print)	
Name: <u>L+R Corrosion Services</u>		Name: _____	
Address: <u>P.O. Box 65</u>		Address: _____	
City: <u>Kuna</u> State: <u>ID</u> Zip: <u>83634</u>		City: _____ State: _____ Zip: _____	
Telephone: <u>208 243-2611</u>		Telephone: _____	
Fax: <u>208-922-2804</u>		Fax: _____	
Email: <u>rrhardy@gmail.com</u>		Email: _____	
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.		I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	
			
<u>12/2/15</u>			
Signature: All Owner (s) of Record		Signature: All Owner (s) of Record	
Date		Date	

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.



ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702. www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



ZONING ORDINANCE TEXT AMENDMENT CHECKLIST (ACC 8-7-3)

A Zoning Ordinance Text Amendment request requires a public hearing.

GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
	One paper copy and one electronic copy of all required submittals.	
✓	Completed and signed Master Application	
✓	DETAILED LETTER by the applicant fully describing the request or project and addressing the following:	
	✓ Proposed change to the Ordinance.	
	✓ Reason for request	
	✓ Compliance with Comprehensive Plan.	
	✓ Compliance with base district purpose statement.	
	✓ Zoning Ordinance Sections to be amended.	
	✓ Specific proposed language and existing language.	
	✓ All applicable or cross-referenced Sections from the Zoning Ordinance.	
	✓ Other pertinent plans or ordinances.	
✓	PRE-APPLICATION CONFERENCE NOTES	
N/A	PLANNED COMMUNITY SUPPLEMENTAL INFORMATION	
	Land Use Districts	
	Dimensional Standards	
	Land Use Regulations (allowed, conditional, etc.)	
	Additional Service Standards	
	Community Design (if applicable)	
	APPLICATION FEE: Call County for Current Planning Fee or go to www.adaweb.net	\$350 ⁰⁰

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORM ARE SUMMITTED.



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P. Mark Thompson
Jeffrey A. War
Robert B. White

Angala M. Reed, of counsel

Retired:
Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

December 2, 2015

Ada County Planning and Zoning
Ada County Courthouse
200 W. Front Street
Boise, ID 83702



Re: L&R Environmental Landfarms
Application for amendments to the Ada County Zoning Ordinance
GP File: 12900-2

Dear Commissioners:

This letter is being submitted on behalf of L&R Environmental Landfarms ("L&R") in support of its application for amendments to the Ada County Zoning Ordinance ("Ordinance"). Concurrently herewith, L&R has also submitted an application for a Conditional Use Permit for a facility that would be authorized under the amendments proposed below.

Proposed Changes.

L&R proposes to amend the Ordinance to provide for specific standards for a conditional use in the Rural Preservation base district, outside of city areas of impact and conservation areas, for private septage disposal facilities. The proposed amendments would allow for the issuance of conditional use permits for the siting and operation of private septage disposal facilities upon compliance with appropriate standards for such permits.

L&R has reviewed the Comprehensive Plan and finds that Goal 7.4 and Policy 7.4-4 sufficiently provide the framework to address the proposed text amendment. If the Commissioners find that the Comprehensive Plan does not sufficiently address the framework



for the text amendment L&R would propose to amend the Comprehensive Plan to include a policy statement in the Wastewater Facilities section that refers to the need for appropriate disposal facilities for such waste.

Reason for Request.

In February 2015, the City of Boise and City of Meridian stopped accepting deliveries of residential and commercial septage from private haulers at their respective public wastewater treatment facilities located in Ada County. This has left the approximately 45,000 residents of (mostly rural) Ada County who depend on septic tanks for their wastewater disposal without any treatment facility in Ada County that will accept the waste from their tanks. As a result, the commercial haulers of such waste are forced to deliver the waste to facilities in Elmore and Canyon County.¹

The refusal of facilities to accept septage has been caused by the need to comply with the new requirements of the National Pollutant Discharge Elimination (NPDES) permits. New lower limits for the discharge of pollutants come into effect once a wastewater plant has to renew its Federal NPDES permit. There are also much stricter fines for exceeding the new limits. The City of Boise would have had to invest millions of dollars to meet the new discharge limits if it wanted to continue to accept septage. The City decided not to increase the cost to its rate payers to subsidize the cost of septage disposal for Ada County residents. This is becoming an industry-wide problem for wastewater treatment plants.

Various other cities are having to renew their NPDES permits and are facing the same problems as the City of Boise. The Central District Health Department has informed us that because of the steep increase in price for pumping, fewer people are having their septic tanks pumped in recommended intervals. The improper maintenance of septic tanks could significantly impact the groundwater quality in Ada County. The increased fuel and time costs for haulers have resulted in a significant increase in the price charged to an Ada County residential customer of approximately 100%. While pricing is set by the haulers, we anticipate that prices will decrease substantially as a result of the reduced transportation costs. Having to travel such greater distances to dispose of the waste creates additional emissions and increases the risk of spills and illegal dumping.

L&R has obtained statements in support of this proposal from the City of Boise, City of Nampa, Central District Health, the Deputy Director of the Idaho Department of Environmental Quality ("IDEQ"), the regional administrator of IDEQ, and many commercial septage haulers. Copies of those statements accompany this letter as Exhibit 1.

¹ The City of Caldwell's facility is currently accepting deliveries of septage but is also undergoing renovations that will require the renewal of its permits. It is possible that the City will decide not to incur the additional expenses that will be necessary to obtain approval from IDEQ and the EPA to accept septage in its facility.



L&R currently operates a remediation facility in Ada County that is approved to accept a variety of types of solid and liquid waste including petroleum based substances and other organic substances that are similar in composition to septage. The liquid waste is placed in ponds in which the liquid is allowed to evaporate and the remaining solids are removed and delivered to the landfill. In conjunction with this application, L&R has also applied for a conditional use permit to accept septage which will be delivered by private haulers and placed into evaporation ponds in the same manner as the other forms of waste that are accepted by L&R's current operation. IDEQ has already approved L&R's proposed use. L&R's ability to accept septage into its existing facility will address the need described above.

Compliance with Comprehensive Plan.

The use that would be conditionally allowed under the proposed amendments complies with the Comprehensive Plan. A comprehensive plan reflects the "desirable goals and objectives, or desirable future situations" for the land within a jurisdiction. I.C. § 67-6508. A comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the board responsible for making zoning decisions. The board may refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels within the jurisdiction. *See* I.C. § 67-6511. *Urrutia v. Blaine City*, 134 Idaho 353, 357-58, 2 P.3d 738, 742-43 (2000).

Specifically, the following provisions of the Comprehensive Plan address and authorize L&R's proposed Ordinance Amendments.²

Water Management

- Goal 6.3: As an essential and limited natural resource, preserve and protect groundwater and surface waters.

- Policy 6.3-7: Require industrial wastes or hazardous materials be stored or located in a manner that will ensure that they will not enter surface water or groundwater systems.

² While L&R believes that the following provisions of the Comprehensive Plan authorize the proposed amendments, should the County decide that an amendment to the Plan is necessary, L&R would propose the following policy statement: "Policy 7.4-6: In order to provide a cost-effective and environmentally sound method of disposal of the contents of septage tanks, allow for the siting of septage disposal facilities in appropriate locations based on compliance with standards that will prevent adverse effects on the natural environment and nearby residents."



Policy 6.3-8: Prevent contamination of surface waters and groundwater from solid waste disposal by enforcing strict regulations on disposal activities at approved solid waste management sites.

Wastewater Facilities

Goal 7.4: Assist in coordinating the provision of wastewater treatment and collection services and facilities in a cost effective, efficient and environmentally sound manner.

Policy 7.4-1: Provide notice to sewer service providers of Planned Community development applications and opportunities for them to review and comment; require consideration of municipal service from the nearest adjacent city or district as one alternative to wastewater service provision.

Policy 7.4.2: In order to minimize the number of facilities and to ensure cost effective provision of wastewater services, encourage regional planning of collection and wastewater treatment facilities and require adherence to these plans if they exist.

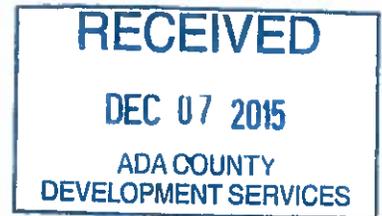
Policy 7.4-3: Coordinate with sewer providers to develop long-term planning area boundaries to accommodate future expansion to help ensure that wastewater treatment and collection facilities can be provided cost-effectively and efficiently over the long term (beyond 20 years) as unincorporated areas outside of Areas of City Impact are developed and urbanized or incorporated.

Policy 7.4-4: Proposed sewage disposal systems must be approved by the responsible agencies before final development approval.

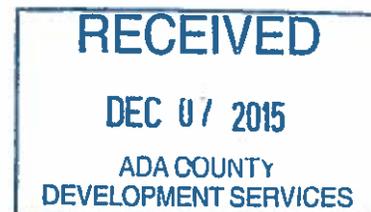
Policy 7.4-5: In order to protect groundwater quality and to facilitate cost effective wastewater treatment and collection, generally require all new residential development with lot sizes smaller than 5 acres (excluding right-of-way) to be served by central wastewater collection and treatment facilities.

Compliance with base district purpose statement.

The proposed amendments to the Ordinance also comply with the purpose statements of the base districts.



- A. Common Purpose Statements Of The Rural Preservation (RP) District And The Rural Residential (RR) District:
1. Promote the public health, safety, and welfare of the people of Ada County by encouraging the protection of prime agricultural lands; to ensure the important environmental features of the state and Ada County are protected and enhanced; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the "local land use planning act," Idaho Code section 67-6501 et seq., as amended;
 2. Implement the Ada County comprehensive plan goal to protect prime agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as rural areas on the comprehensive plan future land use map;
 3. Allow the development of agricultural industries and agriculture service establishments when such uses do not take prime agricultural land out of crop production;
 4. Protect agricultural and rangeland uses and wildlife management areas from undue adverse impacts from adjacent development;
 5. Permit the development of schools, churches, and other public and quasi-public uses in rural areas consistent with the applicable comprehensive plan; and
 6. Direct urban density development to occur within urban base districts and the planned community base district.
- B. Additional Purpose Statements:
1. Rural Preservation District: Permit the continued use of agricultural lands, rangelands, and wildlife management areas within the Boise front foothills (in areas designated as the foothills planning area in the Boise City comprehensive plan and the Ada County comprehensive plan). Limit development of hazardous areas including, but not limited to, fault lines, landslides, subsidence, shallow soils, steep slopes, unstable slopes, flooding, and seeps. Allow a limited number of uses with excessive space requirements or buffering needs on nonprime agricultural lands.



Zoning Ordinance Sections to be amended.

Add the following defined terms to Ada County Code Section 8-1A-1³:

MUNICIPAL WASTEWATER: Unless otherwise specified, sewage and associated solids, whether treated or untreated, together with such water that is present. Also called domestic wastewater. Industrial wastewater may also be present, but is not considered part of the definition.

PRIVATE SEPTAGE DISPOSAL FACILITY: An establishment that provides for the treatment and disposal of municipal wastewater and is under private ownership.

SEPTAGE: A general term for the contents removed from septic tanks, portable vault toilets, privy vaults, wastewater holding tanks, wastewater treatment plants, or semi-public facilities (i.e., schools, motels, mobile home parks, campgrounds, small commercial endeavors) receiving wastewater from domestic sources. Non-domestic (industrial) waste may also be present, but is not considered part of the definition. This does not include drinking water treatment residuals that may be held in a holding tank

SEWAGE: The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

Add a new subsection to Ada County Code Section 8-5-3:

8-5-3- : PRIVATE SEPTAGE DISPOSAL FACILITY

The following standards apply to establishments that import municipal wastewater from septic tanks for treatment and disposal.

- A. The minimum property size shall be forty (40) acres.
- B. The applicant or owner shall obtain written approval for the acceptance, treatment and disposal of municipal wastewater from the state of Idaho Department of Environmental Quality. The approval shall make specific reference to the location of the facility, the substance(s) being treated and its sources, the method(s) of treatment, the method(s) and location(s) of disposal of solids, monitoring methods, and the ability of the site to support the proposed use.

³ These definitions are sourced from IDEQ regulations in order to promote consistency with the required approval from that agency.



- C. The applicant or owner shall provide confirmation of the availability of an appropriate facility for the disposal of solids.
- D. Chain link fencing at least 6 feet tall shall be provided to prevent access to the facility by animals and unauthorized persons.
- E. The proposed use shall not be located in any city area of impact, the Snake River birds of prey national conservation area, or wildlife habitat area as depicted in the Ada County comprehensive plan.
- F. All structures shall be located a minimum of three hundred feet (300') from any property line. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the structure in which municipal wastewater is contained shall not result in material negative impact to any nearby resident. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- G. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- H. Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.
- I. Additional Standards:
 - 1. The following shall be considered as part of the review of the application:
 - i. The proximity of existing dwellings;
 - ii. The number and frequency of anticipated deliveries;
 - iii. The anticipated quantity of municipal wastewater to be accepted;
 - iv. Parking - one spot for every two employees
 - v. Signage Required - Municipal Waste Water Do Not Enter
 - vi. The hours of operation;
 - vii. Odor.



Add "Private Septage Disposal Facility" to Table 8-2A-1 as an allowed conditional use within the Rural Preservation base district, outside of city areas of impact.

Conclusion.

L&R respectfully submits that its application for amendments to the Ordinance complies with Ada County and state law and will serve an important public interest. L&R appreciates the time and attention of the Staff and Commissioners.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Martin C. Hendrickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin C. Hendrickson

MCH/jrt

cc: Clients
Mark Perfect
Catic Freeman



MAIN OFFICE - 707 N. ARMSTRONG PL. - BOISE, ID 83704-0825 • (208) 375-5211 • FAX 327-8500

"Partnering to promote, protect and preserve health in our community"

5-0799

November 6, 2015

L&R Environmental Landfarms LLC
Attn: Regan Hardy
P.O. Box 65
Kuna, Idaho 83634

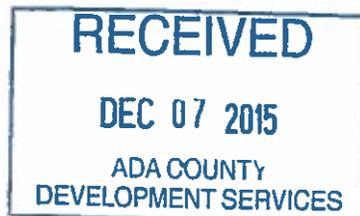
Re: Proposed Septage Disposal Facility in Ada County

Dear Mr. Hardy:

As you are aware, the City of Boise stopped taking septic effluent from the pumping of septic tanks last year. The City of Boise's treatment plant was the sole location for septic pumpers to dispose of their wastes in Ada County. Since that time, we have seen the price for pumping septic tanks in Ada County increase dramatically as a result of the pumpers having to haul their waste to Elmore County, or Canyon County for disposal. Central District Health Department (CDHD) recommends that septic tanks should be pumped every three to five years to ensure the proper function of the septic system. With the increase and some instances the doubling of the pumping price in the valley, less people are having their tanks pumped. As a homeowner on a septic system, I know that cost is a major driving force behind deciding whether or not to have your septic tank pumped. The creation of a properly operated and approved facility for pumpers in Ada County to dispose of septage waste would be a great benefit to the community if it resulted in a reduction in the pumping costs so that more residents would have their septic tanks pumped when recommended.

Sincerely,

Mike Reno
Supervisor, Land Based Programs



Serving Valley, Elmore, Boise, and Ada Counties

Ada / Boise County Office
707 N. Armstrong Pl.
Boise, ID 83704
Enviro. Health: 327-7499
Reproductive Health: 327-7400
Immunizations: 327-7450
WIC: 327-7488
FAX: 327-8500

Elmore County Office
520 E. 8th St. North
Mountain Home, ID 83647
Enviro. Health: 587-9225
Family Health: 587-4407
WIC: 587-4409
FAX: 587-3521

Valley County Office
703 N. 1st St.
McCall, ID 83638
Ph. 634-7194
FAX: 634-2174



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
John H. Tippets, Director

November 9, 2015

Mark Perfect
Ada County Development Services
200 W. Front Street
Boise, ID 83702



RE: Septage Disposal Facilities in Ada County

Dear Mr. Perfect:

In the last year, the City of Boise stopped taking septic effluent pumped from septic tanks. The City of Boise's treatment plant was the sole location for septic pumpers to dispose of this waste in Ada County. As a result, we have seen the price for pumping septic tanks in Ada County increase dramatically because the pumpers must haul the waste to Elmore or Canyon County for disposal.

Properly operated and approved facilities in Ada County, where pumpers can dispose of septage waste, would be a great benefit to the community. Having such facilities should reduce the pumping costs to residents and encourage residents to have their septic tanks pumped when recommended.

Beyond the basic need of properly operated and approved disposal facilities is the need for responsible management and disposal of septage in Ada County. The lack of accessible facilities likely leads to illegal dumping, improperly maintained septic systems, failed drainfields, and public health and environmental hazards.

DEQ recommends that when Ada County issues conditional use permits for facilities that treat and dispose of septage (wastewater), the permits require these facilities to obtain and maintain compliance with DEQ and Central District Health rules and requirements.

If you have any questions, please contact me at (208) 373-0420 or Aaron.Scheff@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff".

Aaron Scheff
Administrator
Boise Regional Office

Regan Hardy

From: Jess.Byrne@deq.idaho.gov
Sent: Friday, November 06, 2015 4:25 PM
To: 3131276@gmail.com
Subject: RE: Letter of Support

Flag Status: Flagged

Hi Regan,

I don't think it would be a problem for us to send a letter similar the CDHD. It will probably be Monday before we get it to you though. It will likely come from our Boise Regional Administrator and will be addressed to the county. I'll see that you get a copy by COB Monday (11/9).

Thanks,
Jess

From: Regan Hardy [mailto:3131276@gmail.com]
Sent: Friday, November 06, 2015 11:38 AM
To: Jess Byrne
Subject: Letter of Support

Jess,

Ada County is asking us to demonstrate that there is a need for a septage treatment facility in the county. We have reached out to local cities, regulators, and haulers and have had overwhelming support. Is it possible you could send us a letter or an email that would show support of such a facility? I am not asking for an endorsement or anything, just that a facility that did this would be a benefit to the community.

I want to also mention that the IDEQ has already approved our facility and we are registered with the EPA. The only hold up is to modify our conditional use with the county. I have attached a copy of a letter from the CDHD that show their support of this type of facility. We are asking for a letter from you that would be similar in nature.

Our meeting with the County is November 10th.

Thanks,

Regan Hardy
Member
L&R Environmental Landfarms
208-313-1276 Cell



Regan Hardy

From: Michael Fuss [fussm@cityofnampa.us]
Sent: Thursday, October 22, 2015 11:34 PM
To: Regan Hardy
Cc: Sheri Murray
Subject: Re: Letter in Support of a Septage Disposal Facility

Regan:

The City of Nampa is supportive of your organization finding a solution for septic waste for the treasure valley. What is the deadline for the letter? I am traveling and will be stacked upon my return. If you have a draft of what you are looking for it may expedite the process. Congratulations on getting through DEQ and EPA.

Michael Fuss

On Oct 22, 2015, at 10:07 AM, Regan Hardy <3131276@gmail.com<<mailto:3131276@gmail.com>>> wrote:

Michael,

As I am sure you are aware L&R Environmental Landfarms has been working for over a year now to get our septage facility up and running. We have been granted approval by IDEQ and EPA, and are only lacking Conditional Use Permit by the county. We are asking for a letter that would show your support for such a facility that we could present to the ADA County Commissioners.

Please address the letters to the ADA County Commissioners

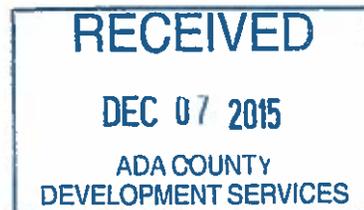
Here is my info

Regan Hardy
PO Box 65
Kuna, ID 83634
208-313-1276 Cell

Can you send me a digital copy?

Thanks,

Regan Hardy





Corrosion Services

Design + Install + Repair + Test

November 3, 2015

Ada County Board of Commissioners
200 W. Front Street
Boise, ID 83702

Dear Honorable Commissioners,

L&R Corrosion Services dba L&R Environmental Landfarms is seeking for the issuance of a conditional use permit for the siting and operation of a private septage disposal facility.

In February 2015 the City of Boise followed the City of Meridian's lead and stopped accepting deliveries of residential and commercial septage from private haulers at their respective public wastewater treatment facilities located in Ada County. The city of Nampa has significantly increased the cost of disposal as they transition out of accepting septage. This has left approximately 45,000 residents of (mostly rural) Ada County who depend on septic tanks for their wastewater disposal without a treatment facility in Ada County. As a result, the commercial haulers of such waste are forced to deliver the waste to facilities in Elmore and Canyon County. The increased fuel and time costs have resulted in a significant increase in the price charged to a Ada County residential customers of approximately 40%. Having to travel such greater distances to dispose of the waste also creates additional emissions and risks of spills, and illegal dumping.

L&R currently operates a remediation facility in Ada County that is approved to accept a variety of types of solid and liquid waste including petroleum based and organic substances. The liquid waste is placed in ponds in which the liquid is allowed to evaporate and the remaining solids are removed and delivered to the landfill.

L&R seeks to accept septage which will be delivered by private haulers and placed into evaporation ponds in the same manner as the other forms of waste that are accepted by L&R's current operation.

L&R has been permitted by the IDEQ and approved by the EPA to accept septage waste. The Cities of Boise and Nampa are supportive of this application and the proposed operation.

L&R proposes to amend the Ada County Zoning Ordinance to allow for a private party to obtain a conditional use permit to operate a septage disposal facility to accept deliveries of residential and commercial septage into its evaporation ponds to be processed in the same manner as the other approved types of liquid waste.

Please find attached signatures of individuals and companies that support the above request.

Sincerely,

Regan Hardy
L&R Corrosion Services dba
L&R Environmental Landfarm



WE SUPPORT A LOCAL SEPTAGE DISPOSAL OPTION

NAME:

COMPANY:

[Signature]
ABE Septic Service

WE SUPPORT A LOCAL SEPTAGE DISPOSAL OPTION

NAME:

COMPANY:

Paul Unser
A Sewer Service LLC



WE SUPPORT A LOCAL SEPTAGE DISPOSAL OPTION

NAME:

COMPANY:

[Signature] President
Master Rooter Service Inc.

WE SUPPORT A LOCAL SEPTAGE DISPOSAL OPTION

NAME:

COMPANY:

[Signature]
[Signature]



WE SUPPORT A LOCAL SEPTAGE DISPOSAL OPTION

NAME: Alic Johnson

COMPANY: Sweets Septic

RECEIVED
DEC 07 2015
ADA COUNTY
DEVELOPMENT SERVICES

Regan Hardy

From: Paul Zimmerman [PZimmerman@cityofboise.org]
Sent: Friday, November 06, 2015 11:10 AM
To: Regan Hardy
Subject: Letter of Support

Mr. Regan Hardy, L&R Environmental;

L&R Environmental has asked the City of Boise to provide them with a letter in support of their proposed septage receiving facility located in Ada County, Idaho. This letter is in response to their request.

The City of Boise stopped accepting septage at our West Boise WWTF in May of 2014 to help us better comply with our EPA NPDES permit obligations. We have been providing this necessary service for many years. Therefore, septage haulers now have fewer options for proper disposal. Having more options for proper disposal can reduce hauling costs and truck emissions. Also, since there is a limited amount of these facilities in our area the potential for illegal dumping can become a concern as well.

Therefore, the City of Boise is generally supportive of any properly licensed and properly run facility that provides this necessary service.

Thank You

Paul Zimmerman, PE
Environmental Engineer
City of Boise





ADA COUNTY
DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Preapplication Number: 201501153 - PREAP - A

Status: Active

Date Received: 10/5/2015

Date Closed:

Meeting Date: 10/20/2015 Date Assigned: 10/5/2015

Applicant's Name:
L&R ENVIRONMENTAL

Project Description:
Comprehensive Plan, Zoning Ord. text amendment,
Conditional Use/Master Site Plan for a private wastewater
treatment facility can be submitted concurrently. Will require
additional pre-app meetings.

Development Services Staff Assigned To Meeting:

Staff Name:	Attended Meeting?
DIANA SANDERS	<input checked="" type="checkbox"/>
KRISTY INSELMAN	<input checked="" type="checkbox"/>
MARK PERFECT	<input checked="" type="checkbox"/>

No. of Lots/Units: 0 Total Acres: 160.000

Unique Features:

Sewer/Septic:

Water/Well:

General Property Location:

Parcel Info:

Parcel Num:	Street Address:	City/State/Zip:
S2015110000	1100 W THOMPSON RD	Kuna, ID 83634-0000

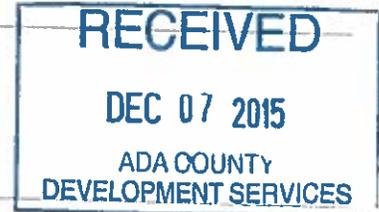
Zone Info:

Zone Type:	Zone:
Existing Zone	RP

Twon / Rng / Sec Info:

Overlay Areas Info:

Comp Plan:
Ada County



Agencies To Contact:

Agency Name:
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170
Comments:

CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517
Comments:

IDAHO POWER COMPANY - (208)-388-2699
Comments:

Contact Person:
LITTLE CHRISTY

RENO MIKE

HORNSBY COURTNEY

Proposed Allowed Uses:

TEXT AMENDMENT

Required Applications:

App Type:	Descriptive Name:
CPA	COMPREHENSIVE PLAN AMENDMENT

11/10/2015



ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

CU	CONDITIONAL USE
MSP	MASTER SITE PLAN
ZOA	ZONING ORDINANCE TEXT AMENDMENT

Notes:

Must submit a Comprehensive Plan Amendment, Text Amendment and a Conditional Use/Master Site Plan.

Additional preapp meetings are required.

For the Comprehensive Plan, staff is recommending that outreach on the proposal be conducted to obtain feedback from affected agencies and the public.

Staff would recommend you use the focus group concept to get feedback.

Agencies should include DEQ, CDHD, IDWR, the landfill and any other applicable local, state, or federal agencies that may have interest in your proposal.

Public should include septage businesses and Neighborhood Association representatives. The County can provide Homeowner Association information.

You can then generate basic goals and polices that address:

1. What the problem or issue is.
2. Goals and policies to correct or minimize the issue.

Once the goals/policies are established this should assist you in creating the Zoning Ordinance with definitions, appropriate location, and general & specific standards.

It should be noted that the RP District is also located in Boise City's AOI and that any changes to the Boise City Comp Plan will take a negotiated process between the Board and Boise City Council. You may want to consider only allowing these type of septic treatment facilities outside all Areas of City Impacts.

The Zoning Ordinance Amendment, Comprehensive Plan Amendment, and the Conditional Use/Master Site Plan can be submitted concurrently.

ACC 8-7-3: ZONING ORDINANCE AMENDMENTS:

ACC 8-5B: Conditional Use

ACC 8-4E: Master Site Plan

ACC 8-7A-3: Neighborhood Meetings

ACC 8-7A-5: Sign Posting

MEETING NOTES (10/20/15):

Applicant reviewed comprehensive plan and feels that this issue has already been addressed, and provisions in the comprehensive plan exist. The applicant will provide a narrative and references to comprehensive plan that address this issue.

Recommend applicant conduct specific outreach to affected agencies. For example: IDWR, landfills, any state and local agencies that may be affected.

Specific outreach to the general public. For example, neighborhood associations with septic systems, septic companies etc. Will the septic companies bring down prices if a local location.





ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Recommend looking at Centralized Power Facility portion of Ada County Code with regard to rural properties outside of AOI language.

Additional pre-applications meetings will be needed.

11/10/2015 meeting:

They have scheduled the neighborhood meeting for the conditional use application.

Policy 5.7-1 this proposed use is not neighborhood commercial. Because it would serve users throughout Ada County.

Concerned with some of the policies under the wastewater. These policies are more tied to Planned Communities.

The stated that Boise City does not allow for septage because of their NPDES permit. Nampa is currently taking it; however, they will likely not once they renew their NPDES permit.

They would solidify and take it to the landfill.

The applicant said that he has reached out to the public such as DEQ, Central District Health Department, septage haulers, and the news media.

In regards to the Comp Plan the outreach is the genesis of formulating the goals and policies.

The zoning ordinance text amendment needs to be based on the Comp Plan.

Staff still feel there are gaps in the comp plan.

Need to address protection of natural resources.

Have a policy that addresses the disposal of septage.

May need to address definitions in the Comp Plan for clarity.

In the zoning ordinance carved out the Areas of City Impact.

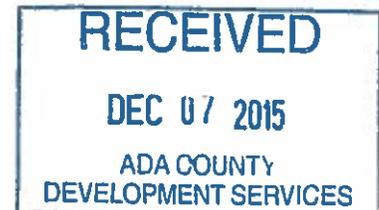
What do you mean by activity areas?

Put something in the text amendment about how the solids are going to be disposed off. (i.e. Provide proof that an applicant has a facility to take the solids).

In the zoning ordinance text amendment address fencing around the facility. Be specific to what type of fencing. The intent is of the amendment is to treat the private septage. Need to know the linkage between sewage and septage. Definitions in the proposed text amendment need to be shown how they are being used in the rest of the amendment. Need to address lagoons attracting birds and other animals and how it may affect planes associated with the Airport and the Orchard Combat Training Area.

The applicant talked about it just being in the RP Zone instead the RR Zone.

What is the benefit of having this? You will want to address this in the application. Express what the benefit to the public is going to be.





**ADA COUNTY
DEVELOPMENT SERVICES**
PREAPPLICATION CONFERENCE NOTES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

For the conditional use you will what to address the emergency hours of operation.

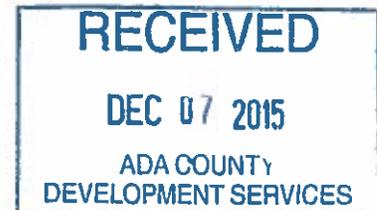
You will need to submit a master site plan application for the septage facility.

They will not encroach into the floodplain.

Additional Preap Conference: Required

Neighborhood Meeting Required? Yes

Cross References:





ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Preapplication Number: 201501162 - PREAP - A

Status: Active

Date Received: 11/2/2015

Date Closed:

Meeting Date: 11/10/2015 **Date Assigned:** 11/2/2015

Project Description:

Applicant's Name:
GIVENS PURSLEY LLP

Comprehensive Plan, Zoning Ord. text amendment,
Conditional Use/Master Site Plan for a private wastewater
treatment facility can be submitted concurrently. SECOND
PRE-APP

Development Services Staff Assigned To Meeting:

Staff Name:	Attended Meeting?
DIANA SANDERS	<input type="checkbox"/>
KRISTY INSELMAN	<input type="checkbox"/>
MARK PERFECT	<input type="checkbox"/>

No. of Lots/Units: 0 **Total Acres:** 160.000

Unique Features:

Sewer/Septic:

Water/Well:

General Property Location:

Parcel Info:

Parcel Num:	Street Address:	City/State/Zip:
S2015110000	1100 W THOMPSON RD	Kuna, ID 83634-0000

Zone Info:

Zone Type:	Zone:
Existing Zone	RP

Twn / Rng / Sec Info:

Twn:	Rng:	Sec:	Qtr:
1N	2E	15	

Overlay Areas Info:

Overlay Area:	Overlay Value:	Code Ref:	Comments:
Flood	A Zone Unnumbered	Article 8-3F	Please contact your insurance company for flood insurance purchase requirements.
WUFI	Yes	Article 8-3B	

Comp Plan:

Agencies To Contact:

Agency Name:	Contact Person:
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170 Comments:	LITTLE CHRISTY
CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517 Comments:	RENO MIKE
IDAHO POWER COMPANY - (208)-388-2699 Comments:	HORNSBY COURTNEY

Proposed Allowed Uses:

TEXT AMENDMENT



ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Required Applications:

App Type:	Descriptive Name:
CPA	COMPREHENSIVE PLAN AMENDMENT
CU	CONDITIONAL USE
MSP	MASTER SITE PLAN
ZOA	ZONING ORDINANCE TEXT AMENDMENT

Notes:

Must submit a Comprehensive Plan Amendment, Text Amendment and a Conditional Use/Master Site Plan.

Additional preapp meetings are required.

For the Comprehensive Plan, staff is recommending that outreach on the proposal be conducted to obtain feedback from affected agencies and the public.

Staff would recommend you use the focus group concept to get feedback.

Agencies should include DEQ, CDHD, IDWR, the landfill and any other applicable local, state, or federal agencies that may have interest in your proposal.

Public should include septage businesses and Neighborhood Association representatives. The County can provide Homeowner Association information.

You can then generate basic goals and polices that address:

1. What the problem or issue is.
2. Goals and policies to correct or minimize the issue.

Once the goals/policies are established this should assist you in creating the Zoning Ordinance with definitions, appropriate location, and general & specific standards.

It should be noted that the RP District is also located in Boise City's AOI and that any changes to the Boise City Comp Plan will take a negotiated process between the Board and Boise City Council. You may want to considered only allowing these type of septic treatment facilities outside all Areas of City Impacts.

The Zoning Ordinance Amendment, Comprehensive Plan Amendment, and the Conditional Use/Master Site Plan can be submitted concurrently.

ACC 8-7-3: ZONING ORDINANCE AMENDMENTS:

- ACC 8-5B: Conditional Use
- ACC 8-4E: Master Site Plan
- ACC 8-7A-3: Neighborhood Meetings
- ACC 8-7A-5: Sign Posting

MEETING NOTES (10/20/15):

Applicant reviewed comprehensive plan and feels that this issue has already been addressed, and provisions in the comprehensive plan exist. The applicant will provide a narrative and references to comprehensive plan that address this issue.



**ADA COUNTY
DEVELOPMENT SERVICES**

200 W. FRONT STREET
BOISE, IDAHO 83702-7300
PHONE (208) 287-7900

PREAPPLICATION CONFERENCE NOTES

Recommend applicant conduct specific outreach to affected agencies. For example: IDWR, landfills, any state and local agencies that may be affected.

Specific outreach to the general public. For example, neighborhood associations with septic systems, septic companies etc. Will the septic companies bring down prices if a local location.

Recommend looking at Centralized Power Facility portion of Ada County Code with regard to rural properties outside of AOI language.

Additional pre-applications meetings will be needed.

Additional Preap Conference: Not Recommended

Neighborhood Meeting Required? Yes

Cross References:

MEMORANDUM



DATE: 1/4/2016

RE: 201504098-ZOA L&R

TO: Diana Sanders, Associate Planner

FROM: Mark Ferm, Ada County Building Official

Summary of Project:

Zoning Text Amendment to amend current ordinance to allow private septage treatment facilities in the RP District.

Findings and Conditions:

The Building Division has no objection to the proposed zoning ordinance text amendment.

Conclusion:

Approved as Submitted

Mark Ferm
Ada County Building Official
200 W Front Suite 2125
Boise Idaho 83702
Phone 287-7910

markf@adaweb.net

Diana Sanders

From: Kurt McClenny <kmccclenny@eaglefire.org>
Sent: Monday, December 21, 2015 10:34 AM
To: Diana Sanders
Subject: RE: Ada County Application Transmittal Notice.

Diana,

The Eagle Fire Department has reviewed this application for a Zoning Text Amendment and we have no specific comments or concerns regarding its approval.

Respectively,

From: Diana Sanders [mailto:dsanders@adaweb.net]

Sent: Friday, December 18, 2015 12:15 PM

To: cschmidt@gardencityidaho.org; nancy@drycreekcemetery.com; lynnmoser@qwestoffice.net; adam.straubinger@idpr.idaho.gov; chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; hatch.lohrea@meridianschools.org; gordon.m.hamilton@williams.com; sdouglas@idl.idaho.gov; john.lee@unitedwater.com; tfischer@blm.gov; kclare@usbr.gov; ddoan@cityofboise.org; rgervais@cityofboise.org; Amy Aaron; Scott Williams; mary@benchsewer.org; drh1294@gmail.com; lanette.daw@boiseschools.org; laurenboehlke@yahoo.com; carla.bernardi@cableone.biz; newts@q.com; mreno@cdhd.idaho.gov; lbadiglia@cdhd.idaho.gov; centralrimna@gmail.com; wnuj@chevron.com; mwigley@cityofboise.org; dabo@cityofboise.org; dfiuke@cityofboise.org; sbeecham@cityofboise.org; kyokom@cityofboise.org; lflook@cityofboise.org; mwilliams@cityofeagle.org; wendy@cityofkuna.com; cward@staridaho.org; Greg Timinsky; xraygal2012@cableone.net; sdel01@hotmail.com; cmiller@compassidaho.org; fuller@compassidaho.org; pkgann8061@aol.com; bryce@sawtoothlaw.com; chalberg@cableone.net; twononas@msn.com; Kurt McClenny; Scott Buck; boisecook@yahoo.com; scott.eaton@faa.gov; smm5156@gmail.com; lisa.harm@outlook.com; jamie.huff@dhs.gov; fergyriver@msn.com; borahna@gmail.com; joel.yeager@simplot.com; neal.murphy@ang.af.mil; james.heuring@bgab.afcent.af.mil; alan.clarke@ang.af.mil; ryan.odneal@ang.af.mil; mark.lessor@itd.idaho.gov; rward@idfg.idaho.gov; peoplesm@dhw.idaho.gov; klangford@idl.idaho.gov; danielle.robbs@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; jim.morrison@itd.idaho.gov; shona.tonkin@itd.idaho.gov; mark.wasdahl@itd.idaho.gov; msinglet@intgas.com; idprospect@aol.com; kunacemetery@gmail.com; jtillman@kunafire.com; kbekkedahl@kunaschools.org; annh_1@yahoo.com; agrover@melbaschools.org; tmcmmorrow@spro.net; mhill@meridiancity.org; meridianfire@meridiancity.org; gretchen@mld.org; mm_mi@juno.com; mm_mi@juno.com; velta@nyid.org; sp@nacfa.net; rgervais@cityofboise.org; jpoe@cityofboise.org; nwbsd@msn.com; mark@pioneerirrigation.com; dgordon@cityofboise.org; fryguy@cableone.net; starcemetery@msn.com; terraestraddasswd@cableone.net; sunset; jangels10@cableone.net; greg.j.martinez@usace.army.mil; greg.j.martinez@usace.army.mil; bob_kibler@fws.gov; suelynn.d.williams@usps.gov; swidrcd@idahorcd.org; wbsdmb@qwestoffice.net; wbestates@aol.com; bryce@sawtoothlaw.com; info@payetteriverscenicbyway.com; fromm.carla@epa.gov; ethan.morton@ishs.idaho.gov; sbumgarner@cityofeagle.org; Darby Weston; Darby Weston; clittle@achdidaho.org; syarrington@achdidaho.org; Scott Koberg; Carolyn Nitz; Bob Batista; info@westernada.com; fernsworth13@gmail.com; cityofmelba@aol.com; Ryan Strain; Ryan Strain; tonym222@msn.com; president@collistercna.org; edmiller@givenspursley.com; rh2board@yahoo.com; kyle.e.carpenter.mil@mail.mil; lee.d.rubel.mil@mail.mil; farin.d.schwartz.mil@mail.mil; james.p.anderson3.mil@mail.mil; cernusak@cableone.net; rennross@cableone.net; rgervais@cityofboise.org; Brian Wilbur; cheryliwright@cwidaho.cc; Brent Danielson; pdonalds@idoc.idaho.gov; mdewalt@adailb.org; gordon@cityofkuna.com; tdrb@hiddensprings.com; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; nathan@settlersirrigation.org; boiseccc@qwestoffice.net; Jerry Servatius; dmorris@ctctele.com; byrce@sawtoothlaw.com; jthorn@gardencityidaho.org; jtomlinson@cityofboise.org; richard.hedrick.1@us.af.mil; richard.hedrick.1@us.af.mil; rkinney@republicservices.com; kimberly.bose@ferc.gov; brandon.w.hobbs@usace.army.mil; bvnaboise@gmail.com.; michaelmcglathery@gmail.com; cdishner@imd.idaho.gov; jstuber@republicservices.com; zimmermana@cityofnampa.us; debi@idahowaste.com; ksmout@cityofcaldwell.com; lflook@cityofboise.org; kyokom@cityofboise.org

Cc: Diana Sanders

Subject: Ada County Application Transmittal Notice.

Diana Sanders

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Wednesday, December 23, 2015 10:34 AM
To: Diana Sanders
Subject: RE: Ada County Application Transmittal Notice.

Diana,

The proposed property development within this application does not impact any Pioneer Irrigation District owned or operated facilities and it is outside Pioneer's boundaries.

Regards,

Mark Zirschky – Superintendent
PIONEER IRRIGATION DISTRICT
Office – 208-459-3617
Mobile – 208-250-8481

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Diana Sanders [mailto:dsanders@adaweb.net]
Sent: Friday, December 18, 2015 12:15 PM
To: cschmidt@gardencityidaho.org; nancy@drycreekcemetery.com; lynnmoser@qwestoffice.net; adam.straubinger@idpr.idaho.gov; chornsby@idahopower.com; amurray@idahopower.com; lbishop@idahopower.com; hatch.lohrea@meridianschools.org; gordon.m.hamilton@williams.com; sdouglas@idl.idaho.gov; john.lee@unitedwater.com; tfischer@blm.gov; kclare@usbr.gov; ddoan@cityofboise.org; rgervais@cityofboise.org; Amy Aaron <aaaron@adaweb.net>; Scott Williams <opwillis@adaweb.net>; mary@benchsewer.org; drh1294@gmail.com; lanette.daw@boiseschools.org; laurenboehlke@yahoo.com; carla.bernardi@cableone.biz; newts@q.com; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; centralrimna@gmail.com; wnuj@chevron.com; mwigley@cityofboise.org; dabo@cityofboise.org; dfluke@cityofboise.org; sbeecham@cityofboise.org; kyokom@cityofboise.org; lflook@cityofboise.org; mwilliams@cityofeagle.org; wendy@cityofkuna.com; cward@staridaho.org; Greg Timinsky <gttiminsky@starfirerescue.org>; xraygal2012@cableone.net; sdel01@hotmail.com; cmiller@compassidaho.org; tfuller@compassidaho.org; pkgann8061@aol.com; bryce@sawtoothlaw.com; chalberg@cableone.net; twononas@msn.com; kmclenny@eaglefire.org; sbuck@eaglefire.org; boisecook@yahoo.com; scott.eaton@faa.gov; smm5156@gmail.com; lisa.harm@outlook.com; jamie.huff@dhs.gov; fergyriver@msn.com; borahna@gmail.com; joel.yeager@simplot.com; neal.murphy@ang.af.mil; james.heuring@bgab.afcent.af.mil; alan.clarke@ang.af.mil; ryan.odneal@ang.af.mil; mark.lessor@itd.idaho.gov; rward@idfg.idaho.gov; peoplesm@dhw.idaho.gov; klangford@idl.idaho.gov; danielle.robins@deq.idaho.gov; westerninfo@idwr.idaho.gov; aaron.golart@idwr.idaho.gov; jim.morrison@itd.idaho.gov; shona.tonkin@itd.idaho.gov; mark.wasdahl@itd.idaho.gov; msinglet@intgas.com; idprospect@aol.com; kunacemetery@gmail.com; jtillman@kunafire.com; kbekkedahl@kunaschools.org; annh_1@yahoo.com; agrover@melbaschools.org; tmcmmorrow@spro.net; mhill@meridiantcity.org; meridianfire@meridiantcity.org; gretchen@mld.org; mm_mi@juno.com; mm_mi@juno.com; velta@nyid.org; sp@nacfa.net; rgervais@cityofboise.org; jpoe@cityofboise.org; nwbsd@msn.com; Mark Zirschky <mark@pioneerirrigation.com>; dgordon@cityofboise.org; fryguy@cableone.net; starcemetery@msn.com; terraestrasswd@cableone.net; sunset <boise@yahoo.com>; jangels10@cableone.net;

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: December 24, 2015

To: Boise City Planning & Zoning

Re: 201504098-ZOA; 200 W. Front St.

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

No comment.

DRAINAGE/STORMWATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)

No comment.

PERSON MAKING OTHER COMMENTS –

OTHER COMMENTS -

**Rob
Bousfield**

Digitally signed by Rob Bousfield
DN: cn=Rob Bousfield, o,
ou=Asst. City Engineer,
email=rbousfield@cityofboise.or
g, c=US
Date: 2015.12.28 12:15:11 -0700

PUBLIC WORKS REPRESENTATIVE

**Mike
Sheppard,
P.E.**

Digitally signed by Mike Sheppard,
P.E.
DN: cn=Mike Sheppard, P.E.,
o=Public Works, ou=Civil Engineer,
email=msheppard@cityofboise.org
, c=US
Date: 2015.12.28 12:15:37 -0700

PUBLIC WORKS REPRESENTATIVE

I:\PWA\Subjects\Review Comments\CU\2015-CU\201504098-ZOA.doc

EXHIBIT 7
201504098 ZOA
L&R ENVIRONMENTAL

___ BOISE CITY APPLICATION

ADA COUNTY APPLICATION

APPLICANT: LEI R ENVIRONMENTAL

REPRESENTATIVE: RYAN HARDY
LOCATION: 200 FRONT ST.

1. CU, DR, OR PDR NUMBER: 2015 04098-20A

2. SEWER CONDITIONS: NO COMMENT

3. DRAINAGE/STORMWATER REVIEW: X/C

4. STREET LIGHT CONDITIONS: NO COMMENT

5. PERSON MAKING OTHER COMMENTS: _____

6. OTHER COMMENTS: _____

7. FILE NAME: _____

- MARK J.
- Mike Sheppard
- ___ BEV M.
- Mike Hedge
- BRIAN M.
- ___ Terry A.
- ___ Rick C.
- ___ LORI
- ___ ROB B.
- ___ Mike Sheppard
- ___ LORI

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: January 7, 2016

To: Boise City Planning & Zoning

Re: 201504098-ZOA; 1100 W. Thompson Rd.

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

No comment.

DRAINAGE/STORMWATER CONDITIONS – BRIAN MURPHY (384-3752)

No comment.

STREET LIGHT CONDITIONS – MIKE HEDGE (388-4719)

No comment.

PERSON MAKING OTHER COMMENTS –

OTHER COMMENTS -

**Mike
Sheppard,
P.E.**

Digitally signed by Mike Sheppard,
P.E.
DN: cn=Mike Sheppard, P.E.,
o=Public Works, ou=Civil Engineer,
email=msheppard@cityofboise.org,
c=US
Date: 2016.01.08 10:35:07 -0700

PUBLIC WORKS REPRESENTATIVE

Rob Bousfield

Digitally signed by Rob Bousfield
DN: cn=Rob Bousfield, o=Asst. City
Engineer,
email=rbousfield@cityofboise.org, c=US
Date: 2016.01.08 10:35:31 -0700

PUBLIC WORKS REPRESENTATIVE

___ BOISE CITY APPLICATION

X ADA COUNTY APPLICATION

APPLICANT: L&R ENVIRONMENTAL

REPRESENTATIVE: RYAN HARDY

LOCATION: 1100 W. THOMPSON RD.

- X MARK J.
- ✓ Mike Sheppard
- ✓ BEV M.
- ✓ Mike Hedge
- ✓ BRIAN M.
- ✓ Terry A.
- ✓ Rick C.
- ___ LORI
- ___ ROB B.
- ___ Mike Sheppard
- ___ LORI

1. CU, DR, OR PDR NUMBER: ADA COUNTY 201504098-ZOA

2. SEWER CONDITIONS: ~~ASSESS~~ No comment

3. DRAINAGE/STORMWATER REVIEW: NIC

4. STREET LIGHT CONDITIONS: No comment

5. PERSON MAKING OTHER COMMENTS: _____

6. OTHER COMMENTS: _____

7. FILE NAME: _____



IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

December 24, 2015

Diana Sanders
Ada County Development Services
200 W Front Street
Boise ID 83702

VIA EMAIL

RE: 201504098-ZOA PRIVATE SEPTAGE TREATMENT FACILITIES

The Idaho Transportation Department (ITD) has reviewed the referenced zoning ordinance change for the private septage treatment facilities amendment to the City zoning code. ITD has the following comments:

1. ITD has no comments about this proposed change.

If you have any questions, you may contact me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads "James K. Morrison".

James K. Morrison
Development Services Manager
jim.morrison@itd.idaho.gov



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

DEQ Response to Request for Environmental Comment

Date: 12/31/2015
Agency Requesting Comments: Ada County Development Services
Date Request Received: 12/18/2015
Applicant/Description: 201504098-OZOA. Zoning Text Amendment for Private Septage Facilities

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

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).*

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- *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.

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.

- ***For any facility that accepts, treats, and/or disposes of septage/wastewater, DEQ recommends that Ada County issue conditional use permits that include requirements to obtain and maintain compliance with DEQ and Central District Health rules/requirements.***
- *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 Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at [www.deq.idaho.gov](#)). 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 Todd Crutcher, Engineering Manager at 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. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *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:*
- *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 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 Dean Ehlert, Waste & Remediation Manager, at 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 373-0550, or visit the DEQ website (<http://www.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,

Danielle Robbins

Danielle Robbins

Boise Regional Office
Idaho Department of Environmental Quality

C: File # 2100

MEMORANDUM



DATE: January 15, 2016

RE: Recommendation Regarding File 201504098 ZOA, Ada County Zoning Ordinance Amendment to amend current ordinance to allow private septage treatment facilities in the RP District

TO: Diana Sanders, Associate Planner

FROM: Angela Gilman, Ada County Engineer

Diana,

Per your request I have reviewed the application referenced above. The documents reviewed include:

- Detailed letter
- Master Application
-

My comments and Conditions are as follows.

I have no objections to the proposed text amendments.

Regards,

Angela Gilman, P.E.

EXHIBIT 10
201504098 ZOA
L&R ENVIRONMENTAL



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

January 15, 2016

Diana Sanders
Ada County Development Services
200 W. Front Street
Boise, ID 83702

RE: Septage Disposal Facilities in Ada County File Number: 201504098-ZOA

Dear Ms. Sanders:

DEQ previously provided correspondence encouraging Ada County to issue conditional use permits for the creation of properly operated and approved facilities for septage pumpers to dispose of septage. We also recommended that these permits include requirements to obtain and maintain compliance with DEQ and Central District Health rules/requirements for the treatment and disposal of septage/wastewater.

The proposed language in the subject amendment generally appears to be in line with the DEQ requirements for the creation and operation of septage treatment and disposal facilities. A few comments for your consideration are included below:

1. The definition of septage used in the ordinance is the same as the DEQ definition found in IDAPA 58.01.16 except the ordinance definition omits the words "very small" from the term "very small wastewater treatment plants". To avoid confusion on the part of applicants, DEQ recommends that the county definition match the DEQ definition or simply reference the DEQ definition.

SEPTAGE: A general term for the contents removed from septic tanks, portable vault toilets, privy vaults, wastewater holding tanks, very small wastewater treatment plants, or semi-public facilities (i.e., schools, motels, mobile home parks, campgrounds, small commercial endeavors) receiving wastewater from domestic sources. Non-domestic (industrial) waste may also be present, but is not considered part of the definition. This does not include drinking water treatment residuals that may be held in a holding tank

2. The definition of "Septage Disposal Facility, Private" uses the term municipal wastewater. Although all septage is considered municipal wastewater under DEQ rules, the reverse is not true. All municipal wastewater is not considered septage. DEQ recommends that if the intent is to allow for private septage treatment and disposal facilities that the definition be restricted to septage and not include all municipal wastewater. You may also want to consider adding *treatment* to the term as it is used in the definition.

SEPTAGE TREATMENT AND DISPOSAL FACILITY, PRIVATE: An establishment that provides for the treatment and disposal of municipal wastewater septage and is under private ownership.

8-5-3-104: SEPTAGE TREATMENT AND DISPOSAL FACILITY, PRIVATE:

3. Item D under section 8-5-3-104 requires six foot chain link fencing. Please note, DEQ rules only require an adequate fence to prevent entering of livestock and discourage trespassing as six foot chain link may be too restrictive in some cases.
4. Item F includes a provision for waiving the setback requirements. Please note DEQ has minimum setback requirements for these types of facilities that must still be followed.

If you have any questions please contact me at 208-373-0550 or at todd.crutcher@deq.idaho.gov

Sincerely,



R. Todd Crutcher, P.E.
Engineering Manager, Boise Region



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # 201504098 - ZOA

Conditional Use # _____

Preliminary / Final / Short Plat _____

*L & R ENVIRONMENTAL
Sec 10.*

- 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 approval 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. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. 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
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. _____ Reviewed By: *[Signature]*

Date: 12/18/15

EXHIBIT 12
201504098 ZOA
L&R ENVIRONMENTAL



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # 201504098-ZOA

Conditional Use # _____

Preliminary / Final / Short Plat _____

RECEIVED
 JAN - 8 2013
 ADA COUNTY
 DEVELOPMENT SERVICES

L & R ENVIRONMENTAL
SBC 10

- 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 approval 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. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. 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
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. _____ Reviewed By: 
 _____ Date: 12/31/15



ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FRONT STREET SOUTH NAMPA, IDAHO 83651-4395
 RECEIVED
 JAN 26 2016
 FAX # 208.463.0092
 ADA COUNTY DEVELOPMENT SERVICES

January 14, 2016

Ada County Development Services
200 W Front St.
Boise, ID 83702-7300

Phones: Area Code 208
OFFICE: Nampa 466-7861
SHOP: Nampa 466-0663

RE: 201504098-ZOA/ 200 W. Front Street

Dear Development Services:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application.

All laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, Nampa & Meridian Irrigation District (NMID) must review drainage plans.

Sincerely,

Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
GGC/gnf

PC: Office/File

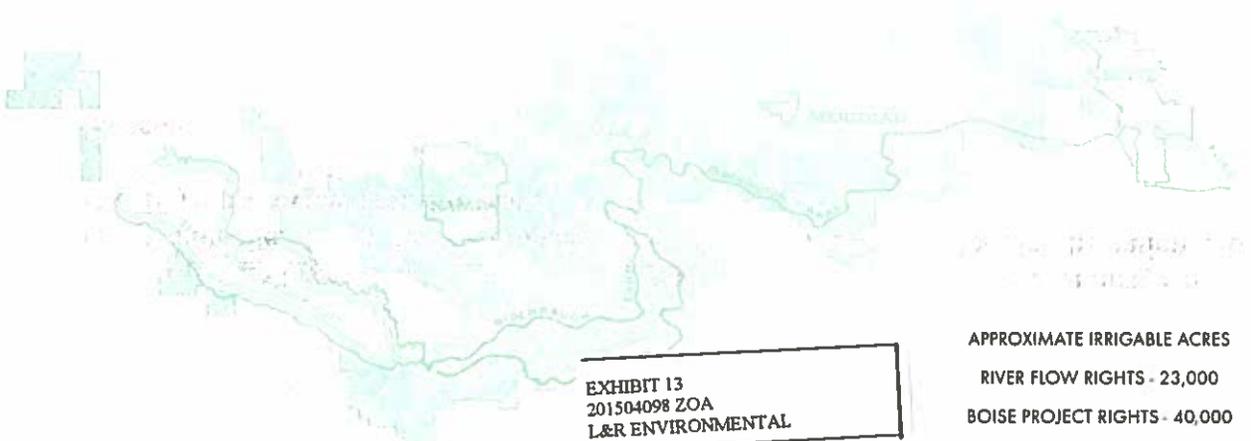


EXHIBIT 13
201504098 ZOA
L&R ENVIRONMENTAL

APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS - 23,000
BOISE PROJECT RIGHTS - 40,000

Diana Sanders

From: Martin C. Hendrickson <mch@givenspursley.com>
Sent: Thursday, January 28, 2016 11:32 AM
To: Diana Sanders
Cc: 'rrhardy@gmail.com'; Regan Hardy
Subject: L&R Environmental [IWOV-GPDMS.FID684724]

Hi Diana,

I am forwarding to you the information that you requested concerning the pending L&R applications.

First, as to the ponds shown on the site plan, the additional ponds are authorized under the existing CUP as amended. The current CUP application is intended to authorize the use of the ponds on the property for the acceptance and disposal of septage.

There are four employees present during normal business hours.

You inquired about a cost analysis or additional information concerning the expected reduction in fees charged to Ada County residents for septage disposal. As the rates charged by the companies that transport the septage from the customer to L&R's facility are not within the control of L&R, we cannot provide a number with regard to a decrease in the charges. However, given that the companies are saving approximately 30 miles each way from the customer to the disposal facility, with the resulting savings in both fuel and time, and the fact that L&R's fees for disposal are at or below those of the Caldwell facility, we certainly expect there to be a decrease. In addition, while the Caldwell facility is currently accepting septage, our understanding is that the City is likely to stop accepting septage in the near future due to the more stringent discharge regulations that are being applied. If that occurs, then the only septage disposal facility within 100 miles of Ada County will be in Mountain Home, which would certainly result in further significant increases in the fees charged to septage customers in Ada County.

Please let me know if you have further questions.

Best,

Martin

MARTIN C. HENDRICKSON

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

main 208-388-1200

direct 208-388-1246

cell 208-407-8311

fax 208-388-1300

mch@givenspursley.com

www.givenspursley.com

AN ORDINANCE AMENDING ADA COUNTY CODE 8-1A-1 TO ADD DEFINITIONS RELATED TO PRIVATE SEPTAGE **TREATMENT & DISPOSAL FACILITIES**; AMENDING ADA COUNTY CODE TABLE 8-2A-1 TO ADD PRIVATE SEPTAGE **TREATMENT & DISPOSAL FACILITIES** AS AN ALLOWED CONDITIONAL USE WITHIN THE RURAL PRESERVATION BASE DISTRICT OUTSIDE OF CITY AREAS OF IMPACT; ADDING ADA COUNTY CODE 8-5-3-104 TO ALLOW FOR PRIVATE SEPTAGE **TREATMENT & DISPOSAL FACILITIES**.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 8, CHAPTERS 1, 2, AND 5 BE AMENDED AS FOLLOWS:

SECTION 1: Amending Ada County Code 8-1A-1 to add the following new definitions, with all other definitions remaining unchanged, as follows:

8-1A-1: DEFINITIONS:

~~MUNICIPAL WASTEWATER: Unless otherwise specified, sewage and associated solids, whether treated or untreated, together with such water that is present. Also called domestic wastewater. Industrial wastewater may also be present, but is not considered part of the definition.~~

SEPTAGE: A general term for the contents removed from septic tanks, portable vault toilets, privy vaults, or wastewater holding tanks, ~~wastewater treatment plants, or semi-public facilities (i.e., schools, motels, mobile home parks, campgrounds, small commercial endeavors)~~ receiving wastewater from domestic sources. Non-domestic (industrial) waste may also be present, but is not considered part of the definition. This does not include drinking water treatment residuals that may be held in a holding tank.

SEPTAGE **TREATMENT & DISPOSAL FACILITY, PRIVATE:** An establishment that provides for the treatment and disposal of ~~municipal wastewater~~ **septage** and is under private ownership.

~~SEWAGE: The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.~~

SECTION 2: Amending Ada County Code Table 8-2A-1 to include Septage **Treatment & Disposal Facility, Private** as an allowed conditional use within the rural preservation (RP) base district outside of city areas of impact, with all other uses remaining unchanged, as follows:

TABLE 8-2A-1: ALLOWED USE WITHIN THE RURAL BASE DISTRICTS:

Allowed Use	RP	RR	Rural Residence
<u>Septage Treatment & Disposal Facility, Private</u>	<u>C</u>	=	=

AN ORDINANCE AMENDING ADA COUNTY CODE 8-1A-1 TO ADD DEFINITIONS RELATED TO PRIVATE SEPTAGE **TREATMENT & DISPOSAL FACILITIES** – PAGE 1

SECTION 3: Adding Septage Treatment & Disposal Facility, Private as Section 8-5-3-104; amending previous sections 8-5-3-104 through 8-5-3-114 to reflect the renumbering due to the addition of Septage Treatment & Disposal Facility, Private; and amending 8-5-3-9 and 8-5-3-87 to reference the updated section numbering, as follows:

TABLE 8-4G-2: REQUIRED PARKING SPACE BY USE

Use	Required Number of Automobile Spaces
Septage Treatment & Disposal Facility, Private	1 per 1,000 square feet of gross floor area plus 1 per employee

8-5-3-9: AMUSEMENT OR RECREATION FACILITY, OUTDOOR:

A. General Standards:

1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from all abutting residential districts.
2. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of section 5-13-3 of this code.
3. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to nine thirty o'clock (9:30) P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented concluding before ten o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event.

B. Drive-In Theater:

1. The projection screen shall not be located nearer than fifty feet (50') from any public street, shall not be visible from a public street, and shall not be located nearer than three hundred feet (300') from a residential district.
2. The site shall have access from a principal or minor arterial. Vehicle stacking lanes shall be available on the property, but outside the theater entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
3. A six foot (6') sight obscuring fence, wall, or screen shall be included in the landscape plan for all property lines abutting a residential district.
4. No central loudspeakers shall be permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.

5. Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.

C. Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

D. Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

E. Outdoor Shooting Range: See section 8-5-3-~~104~~105 of this chapter for outdoor shooting range standards.

8-5-3-87: RACETRACK, VEHICLE OR ANIMAL:

A. If the racetrack provides animal boarding, such facilities shall be subject to the regulations of section 8-5-3-10, "Animal Boarding With Outside Runs", of this chapter. If the racetrack provides horse boarding, such facilities shall be subject to the regulations in section 8-5-3-~~107~~108, "Stable Or Riding Arena, Commercial", of this chapter.

B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.

C. Any outdoor speaker system associated with the racetrack shall comply with the noise regulations of section 5-13-3 of this code.

D. Lighted facilities shall maintain a three hundred foot (300') setback from any property line abutting a residential district and shall comply with the lighting standards set forth in chapter 4, article H of this title. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to off-site improvements, and physical obstructions.

E. Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the Central District Health Department and the applicable fire authority.

8-5-3-104: SEPTAGE TREATMENT & DISPOSAL FACILITY, PRIVATE:

The following standards apply to establishments that import ~~municipal wastewater~~ septage from septic tanks for treatment and disposal.

A. General Use Standards:

1. ~~A.~~ The minimum property size shall be forty (40) acres.

2. ~~B.~~ The applicant or owner shall obtain written approval for the acceptance, treatment and disposal of ~~municipal wastewater~~ septage from the state of Idaho Department of Environmental Quality. The approval shall make specific reference to the location of the facility, type of facility, the substance(s) being treated and its sources, the method(s) of treatment, the method(s) and location(s) of disposal of solids, monitoring methods, and the ability of the site to support the proposed use.

~~C. The applicant or owner shall provide confirmation of the availability of an appropriate facility for the disposal of solids.~~

3. ~~D.~~ ~~Chain link fencing at least six (6) feet tall~~ Security fencing shall be provided to prevent access to the facility by animals and unauthorized persons as required by DEQ.

4. ~~E.~~ The proposed use shall not be located in any city area of impact, the Snake River Birds of Prey National Conservation Area, Airport Overlay District, or wildlife habitat area as depicted in the Ada County comprehensive plan.

5. ~~F.~~ All structures, ponds/lagoons, and waste storage areas shall be located a minimum of three hundred feet (300') from any property line. ~~This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the structure in which municipal wastewater is contained shall not result in material negative impact to any nearby resident.~~ The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

6. ~~G.~~ The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

7. ~~H.~~ Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.

8. The applicant shall submit written approval that the operator of the private septage disposal facility is licensed and qualified as required by DEQ.

9. Private Septage Treatment & Disposal Facilities shall not be allowed on a private road.

10. The applicant shall submit an odor management plan for the septage disposal facility as required by DEQ.

~~B. I. Additional Standards:~~ Application Requirements:

1. The application materials shall include the following written documentation ~~following shall be considered as part of the review of the application:~~

a. The proximity of existing residential dwellings within 1,000-feet of any proposed structure, lagoon, or pond associated with the use;

b. The number and frequency of anticipated deliveries from outside companies dumping septage;

c. The anticipated quantity (in gallons) of ~~municipal wastewater~~ septage to be accepted;

d. Parking – one spot for every ~~two~~ one (2 1) employees and one (1) for every 1000 square feet of gross floor area;

~~e. Signage Required – Municipal Waste Water Do Not Enter;~~

~~f. e. The hours and days of operation;~~

~~g. Odor;~~

f. Description of the disposal method(s), including but not limited to: evaporative lagoon(s), land application, or subsurface discharge (interment), and proposed location of disposal;

g. Description of the proposed substance(s) being treated and its source(s), the method(s) of treatment, monitoring methods, and the ability of the site to support the proposed use;

h. Description of the surrounding area within one mile of the subject site;

i. Storage and screening method for materials to be used to process solid waste (i.e. woodchips) and location of storage good.

8-5-3-104105: SHOOTING RANGE:

A. Written Approval: The applicant or owner shall obtain written approval from the federal bureau of alcohol, tobacco, and firearms.

B. Outdoor Range:

1. The proposed use shall be within a rural district, but outside the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Ada County comprehensive plan.

2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.

3. The range shall be designed and located so no ammunition travels off site.

4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

C. Indoor Range:

1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.

2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty five percent (25%) of the gross floor area on the ground level.

3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid federal firearms license from the bureau of alcohol, tobacco, and firearms.

4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

D. Alternative Development Proposal: The director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to public health, safety, and welfare.

8-5-3-~~105~~106: SLAUGHTERHOUSE:

A. The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.

B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

C. A meatpacking facility may be an accessory use to the slaughterhouse.

8-5-3-~~106~~107: SOIL OR WATER REMEDIATION:

The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ remediation of soil and/or water.

- A. The minimum property size shall be forty (40) acres.
- B. The proposed use shall not be located in the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Ada County comprehensive plan.
- C. The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality. The approval shall make specific reference to the location, substance being treated, method of treatment, monitoring methods, and ability of the site to support the proposed use.
- D. The applicant or owner shall obtain written approval from Central district health department.
- E. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- F. All structures shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

8-5-3-107108: STABLE OR RIDING ARENA, COMMERCIAL

- A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:
 - 1. The riding arena is open to the general public, a homeowners' association or a club.
 - 2. The riding arena is for private use, but is enclosed within a structure that exceeds twenty four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
 - 3. The riding arena can be rented by an individual or group.
 - 4. Spectator seating for more than fifty (50) people is provided at the arena.
 - 5. Retail sales accessory to the stable or riding arena are conducted on site.
 - 6. Group lessons are provided to the general public for a fee.

B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.

C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.

D. Only off-site catering is permitted, and must be approved by the Central District Health Department.

8-5-3-108109: STORAGE FACILITY, SELF-SERVICE AND STORAGE FACILITY, SELF-SERVICE – OUTDOOR ONLY:

A. Storage Facility, Self-Service: Specific standards for storage facilities, self-service, shall be as follows:

1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.
2. The maximum size of individual storage areas shall be five hundred (500) square feet.
3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.
4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.
5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.
6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

B. Storage Facility, Self-Service - Outdoor Only: Specific standards for storage facilities, self-service - outdoor only, shall be as follows:

1. Parcel Size; Site Coverage: A minimum parcel size of five (5) acres shall be required for any proposed outdoor only storage facility. Any eligible property

shall be limited to an overall maximum site coverage of twenty percent (20%), and no facility shall be greater than fifteen (15) acres in size.

2. **Frontage:** The property shall have frontage to an arterial street.
3. **Distance Between Stored Vehicles:** The distance between stored vehicles, including RVs and trailers, shall be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. Each space shall have access from an access aisle that is a minimum of twenty feet (20').
4. **Screening:** The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from the public right of way, and comply with chapter 4, article F of this title. For the purpose of perimeter landscaping and screening, property lines, as described in section 8-4F-6 of this title, shall refer to the specific facility boundaries.
5. **Location:** No boundary of the facility shall be located within one hundred feet (100') of a residential property line, with the exception of a boundary adjacent to a public roadway.
6. **Dwellings; Places of Business:** Stored vehicles, including RVs and trailers, shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at an outdoor only self-service storage facility is specifically prohibited.
7. **Storage Of Hazardous Materials:** Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.
8. **Design Standards:** Minimum design standards for the facility shall include the following:
 - a. The storage facility shall be screened year round and comply with chapter 4, article F of this title. This article provides for the minimum required screening. The commission may require additional or modified screening and/or buffering in order to prevent or enhance the blocking of views of existing adjacent residences and to maintain the rural and residential character of the RUT district.
 - b. Access locations into the facility shall be approved by the applicable transportation jurisdiction.

- c. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.
 - d. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times.
 - e. Outdoor storage areas shall further comply with the requirements for outdoor storage, as set forth in section 8-5-3-78 of this chapter.
9. Use As A Junkyard Prohibited: The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.
10. Storage: The storage of any items and materials other than vehicles, RVs, or trailers is prohibited unless otherwise approved by the commission; provided, that items and materials contained within a vehicle, RV or trailer are permitted.
11. Maintenance, Repair, Or Rebuilding: Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.
12. Noise: Use of the property shall comply with title 5, chapter 13, "Noise", of this code.
13. Hours of Operation: Unless otherwise approved or restricted through the conditional use, hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Facilities abutting residential uses (section 8-1A-2, figure 5 of this title) shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
14. Prohibited Locations: Vehicles shall not be stored within the required yards.
15. Use of Site: The site shall not be used as a "contractor's yard" as herein defined unless such use has been approved.
16. Compliance: The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F, of this title.
17. Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.

18. On-Site Office Prohibited: An on-site office within the confines of the storage facility is prohibited. If the facility owner has a dwelling located on the remaining property, and if that dwelling will be used by the owner to administer the facility, or if the owner intends to administer the facility from an off-site dwelling, then the owner shall obtain a home occupation permit and comply with the requirements of section 8-5-3-54 of this chapter.

19. Additional Standards:

a. The following shall be considered as part of the review of an application:

- (1) The proximity of existing dwellings;
- (2) The number of vehicles anticipated to be stored upon the property;
- (3) The hours of operation;
- (4) Dust;
- (5) Noise;
- (6) Traffic and circulation;
- (7) Landscaping and screening;
- (8) Other.

b. The duration of a conditional use permit for an outdoor only storage facility shall be limited. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. If the applicant wishes to continue the use beyond the five (5) year period, a new conditional use permit shall be submitted prior to expiration of the original conditional use permit and approved by the commission. Upon expiration of the conditional use permit, all stored vehicles shall be removed within thirty (30) days from the subject property.

8-5-3-~~109~~110: STRUCTURE GREATER THAN TEN THOUSAND SQUARE FEET:

8-5-3-~~110~~111: STUDIO:

No additional standards are required for this specific use.

8-5-3-~~111~~112: SWIMMING POOL, PRIVATE:

AN ORDINANCE AMENDING ADA COUNTY CODE 8-1A-1 TO ADD DEFINITIONS RELATED TO PRIVATE SEPTAGE TREATMENT & DISPOSAL FACILITIES – PAGE 11

All swimming pools shall be provided with a barrier which meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

8-5-3-~~112~~113: TANNERY:

A. The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.

B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

C. The tannery shall have adequate sewer and water facilities as provided in section 8-4A-22 of this title.

~~8-5-3-113: RESERVED:~~

///// INTENTIONALLY BLANK /////

**add to 8-4G-6 for parking*

ADOPTED this _____ day of _____, 2016.

Board of Ada County Commissioners

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Yzaguirre, Commissioner

By: _____
David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk