



Planning & Zoning Commission
Hearing Date: January 15, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER: ZV2025-0001

PROPERTY OWNER/APPLICANT: Austin Emry

APPLICATION: Variance – Greater than 33%

LOCATION: The subject property is located at 15949 Hill Top Cir, Wilder, ID 83676 (Parcel R26293), also referenced as a portion of Lot 4, Block 5 in Seven Springs Park 2, within the NW ¼ of Section 13, Township 3N, Range 5W; BM; Canyon County, Idaho.

PLANNER: Dane Adams, Associate Planner

REVIEWED BY: Dan Lister, Planning Supervisor

REQUEST:

The applicant, Austin Emry, is requesting a variance to reduce the front setback requirement in the Agricultural ("A") zone from thirty feet (30') to three feet (3') for Hill Top Circle (found on the Northern boundary of the property). The applicant is requesting a front setback variance in order to obtain a building permit for an approximately 717 square foot home addition.

PUBLIC NOTIFICATION:

Courtesy Agency notice:	September 19, 2025
Agency Hearing Notice:	December 11, 2025
Neighbor notification within 600 feet mailed on:	December 11, 2025
Newspaper notice published on:	December 16, 2025
Notice posted on site on:	December 12, 2025

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1. BACKGROUND:

Parcel R26293 ("the subject property") is approximately 0.66 acres, zoned "A" (Agriculture), and has a future land use designation of "R-R" (Rural Residential). The subject parcel is considered an original parcel per Canyon County tax records. According to the 1978 Canyon County Assessor's records, the single-family residence was built in 1978 and does not meet the current Canyon County Setbacks or parcel size for an Agricultural Zone (**Exhibit B1**). Therefore, it is considered legal non-conforming.

In the summer of 2025, the property owner began building an approximately 717 square foot home addition without the proper building permits, approximately 3.5' from the northern property line, which has a standard setback of 30'. On July 18, 2025, a building code violation (CDEF2025-0162) was opened on the property for the unpermitted home addition. On August 26, 2025, the applicant met with the

Development Services to discuss the process to bring the subject property into compliance. On September 12, 2025, the applicant turned in this variance application to waive the front setback from 30' to 3'.

2. HEARING BODY ACTION:

Pursuant to Idaho Code section 67-6516 (Variance), each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

Pursuant to CCCO §07-02-03, a variance is a modification of the bulk and placement requirements of this chapter as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

Pursuant to CCCO §07-08-05, whenever the presiding party grants or denies a variance, it shall specify: (1) The ordinance and standards used in evaluating the application; (2) The reasons for approval or denial; and (3) If denied, what actions, if any, the applicant might propose to try to obtain the variance upon submission of a new application.

OPTIONAL MOTIONS:

Approval of the Application: "I move to approve ZV2025-0001, Emry, finding the application meets the criteria for approval under Section 07-08-03 of Canyon County Code of Ordinances, with the conditions listed in the staff report, finding that: *[Cite reasons for approval & insert any additional conditions of approval]*.

Denial of the Application: "I move to deny ZV2025-0001, Emry, finding the application does not meet the criteria for approval under Section 07-08-03 of Canyon County Code of Ordinances, *[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))]*.

Table the Application: "I move to continue ZV2025-0001, Emry, to a *[date certain or uncertain]*.

3. HEARING CRITERIA

Variance Code Analysis (CCCO §07-08-03)

Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	07-08-03(1)	A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.
			Staff Analysis	Chapter 7, Article 8 of the Canyon County Code provides the variance process consistent with Idaho Code section 67-6516.

				Per CCCO §07-08-01, a complete application with fees was accepted on September 12, 2025 (Exhibit A). The request requires a public hearing due to the proposal exceeding a 33% modification to the County setback requirements. Noticing was completed per CCCO §07-05-01. Property owners within 600 feet were notified of the request and public hearing on December 11, 2025.
			07-08-03 (2)	The presiding party shall ask and answer the following questions in their FCOs: A. Will granting the variance be consistent with the comprehensive plan? B. Do characteristics of the site create an undue hardship? C. Is the variance in conflict with the public interest?
☒	☐	☐	Staff Analysis	A. The variance request from 30' to 3' would not make the property incompatible with the goals and policies in Canyon County's 2030 Comprehensive Plan. - The 2030 Comprehensive Plan designates the future land use to be Rural Residential. The parcel is currently zoned "A" (Agriculture). The parcel was created in accordance with the zoning ordinance at the time. - The proposed variance supports the following goals and policies of the 2030 Comprehensive Plan. <u>Private Property:</u> G1.01.00: <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i> P1.01.03: <i>Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.</i> <u>Population:</u> G2.01.00: <i>Incorporate population growth trends & projections when making land-use decisions.</i> G2.02.00: <i>Promote housing, business, and service types needed to meet the demand of the future and existing population.</i> <u>Land Use and Community Design:</u> G4.01.00: <i>Support livability and high quality of life as the community changes over time.</i> P4.01.01: <i>Maintain a balance between residential growth and agriculture that protects the rural character.</i> P4.01.02: <i>Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</i> G4.02.00: <i>Ensure that growth maintains and enhances the unique character throughout the County.</i> P4.02.01: <i>Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</i> G4.03.00: <i>Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.</i>

				G4.07.00: <i>Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.</i> G4.08.00: <i>Maintain and enhance the aesthetic beauty of the county.</i> B. The characteristics of the site <u>do</u> create hardship: • Canyon County Code or Idaho Code does not define undue hardship for the purposes of a variance. Section 67-6516 states a variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site. The circumstances justifying the undue hardship must be “peculiar” to the property at issue (<i>City of Burley v. McCaslin Lumber Co., 107 Idaho 906, 693 P.2d 1108 (1984)</i>). • In the applicant’s letter of intent, the applicant states that due to extreme slopes, the location of the septic system’s drainage field, current home placement, and lot size have limited the available areas to build the home addition. See Exhibit A4 for the full letter of intent. • The subject property has approximately 59.1% slopes of 15% or greater (Exhibit B2.8). • According to the application packet, the septic system that serves the residential home has a drain field that runs West to East on the South side of the residence. This characteristic does not allow for the home addition to be built to the south of the residence (Exhibit A4 & B3). • The current home placement impacts where an addition would be able to be built, as there are current legal non-conforming setbacks for the front of the home (Exhibit A5). • The current legal non-conforming size of the subject parcel creates a hardship for potential locations of a home addition (Exhibit A4 & A7). • On November 14th, a site visit was conducted, and photos were taken of the subject property and existing conditions (Exhibit C). • Staff finds that the aforementioned characteristics of the site <u>do</u> create hardship. C. The variance is not in conflict with public interest: • The proposed variance is not expected to have an impact on residents or emergency services' ability to access any parcels off Hill Top Circle. • Hill Top Circle is a residential road that dead ends at a cul-de-sac approximately 90 feet east of the Northeast corner of the subject parcel. • There appears to be one (1) other home that takes access from Hill Top Circle that has legal nonconforming setbacks.
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4. AGENCY COMMENTS:

Agencies including Southwest District Health, Homedale Fire District, Idaho State Fire Marshal, Golden Gate Highway District No. 3, Idaho Transportation Department, CenturyLink, Intermountain Gas, Idaho Power, Ziply, Boise Project Board of Control, Wilder Irrigation District, Canyon County Sheriff’s Office, Canyon County’s Emergency Management Coordinator, Canyon County Paramedics/EMT, Homedale City

Ambulance, Canyon County's Building Department, Canyon County's Code Enforcement Department, Canyon County Engineering Department, Canyon County's GIS Department, and Idaho Department of Environmental Quality were notified of the subject application.

Staff received agency comments from the Idaho Department of Environmental Quality, Southwest District Health, and the Idaho Transportation Department. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

5. PUBLIC COMMENTS:

Staff received no written public comments by the materials deadline of January 5, 2026.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed variance request is **in compliance** with Canyon County Ordinance 07-08-03. A full analysis is detailed within the staff report.

Should the Planning and Zoning Commission find the request compliant with 07-08-03, staff recommends the following conditions:

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Within 30 days of approval of this application, a building permit shall be applied for the unpermitted addition found in the Northeast corner of Parcel R26293 (**Exhibit A5**).

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Neighborhood Meeting Sign-in Sheet, Letter
3. Agency Acknowledgement
4. Revised Letter of Intent
5. Site Plan
6. Images of Property
7. Parcel Tool Report – Dated August 2025
8. Deed

B. Supplemental Documents

1. Canyon County Assessor Tax Records
2. Cases Maps/Reports
 - 2.1. Aerial
 - 2.2. Small Ortho 1-Mile
 - 2.3. Vicinity
 - 2.4. Zoning and Classification

- 2.5. Subdivisions with Report
 - 2.6. Canyon County Future Land Use 2030
 - 2.7. Notification Map
 - 2.8. Slope Map
- 3. Correspondence with Southwest District Health
- C. Site Visit Photos: November 14, 2025**
- D. Agency Comments Received by: January 5, 2026**
 - 1. Idaho Transportation Department; Received: September 19, 2025
 - 2. Southwest District Health; Received: September 19, 2025
 - 3. Idaho Department of Environmental Quality; Received: September 22, 2025
- E. Draft FCOs**

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# ZV2025-0001

Hearing date: January 15, 2026



VARIANCE >33%
PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: <u>Austin Emery</u>
	MAILING ADDRESS: <u>15949 Hill Top Cir.</u>
	PHONE: [REDACTED] EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Austin Emery</u> Date: <u>9/11/25</u>	

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: <u>15949 Hill Top Cir</u>	
	PARCEL NUMBER: <u>R26293</u>	
	PARCEL SIZE: <u>0.66 acres</u>	
	FLOOD ZONE (YES/NO) <u>NO</u>	ZONING DISTRICT: <u>AG</u>

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>2V2025-0001</u>	DATE RECEIVED:	<u>9/12/25</u>
RECEIVED BY:	<u>MG</u>	APPLICATION FEE:	<u>\$1,350.00</u> CK MO CC CASH <u>6</u>

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605zoninginfo@canyoncounty.id.gov Phone: 208-402-4164
NEIGHBORHOOD MEETING SIGN UP SHEET
CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 15949 Hill Top Cir	Parcel Number: R26293	
City: Wildor	State: Idaho	ZIP Code: 83676
Notices Mailed Date: 8/27/2025	Number of Acres: 0.66	Current Zoning:
Description of the Request: Pre Application Requirement for Public Hearing		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Austin Emry		
Company Name:		
Current address: 15949 Hill Top Cir		
City: Wildor	State: Idaho	ZIP Code: 83676
Phone: [REDACTED]	Cell: [REDACTED]	Fax:
Email: [REDACTED]		

MEETING INFORMATION

DATE OF MEETING: 9/10/25	MEETING LOCATION: 15949 Hill Top Cir	
MEETING START TIME: 10:00 am	MEETING END TIME: 11:00 am	
ATTENDEES: None		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1.		
2.		
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NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Austin Emry

APPLICANT/REPRESENTATIVE (Signature): Austin Emry

DATE: 9 / 10 / 25

NOTICE OF NEIGHBORHOOD MEETING
PRE APPLICATION REQUIREMENT FOR PUBLIC HEARING

Date: 8/27/2025

Dear Neighbor,

We are in the process of presenting an application to the Canyon County Development Services for a setback variance. One of the application requirements is to hold a "Neighborhood Meeting" to provide information and answer any questions about our application according to Canyon Country Zoning Ordinance 07-01-15. This meeting is for informational purposes only.

This meeting is not a public hearing. Once our application has been submitted to the County's Development Services Department, a public hearing will be scheduled. After our hearing, if accepted, neighbors will receive official notification from the county via mail.

Meeting Details:

Date: September 10th, 2025

Time: 10am to 11am

Location: 15949 Hill Top Cir, Wilder, ID 83676

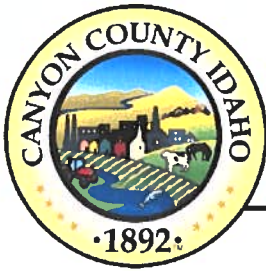
Project Proposal

Location: 15949 Hill Top Cir, Wilder, ID 83676

Proposal Description: To add onto the East side of our current house.

Sincerely,

Austin and Kelli Emry



AGENCY ACKNOWLEDGMENT

Date: 9/4/25
Applicant: Austin Emery
Parcel Number: R26293
Site Address: 15949 Hill Top Cir, Wilder, ID 83676

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.
The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

Southwest District Health:
☒ Applicant submitted/met for informal review.
Date: 09/09/2025 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Fondale Fire Dist.
☒ Applicant submitted/met for informal review.
Date: 9-10-25 Signed: Dennis Weiss
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Golden Gate Hwy #3
☒ Applicant submitted/met for informal review.
Date: 9/4/25 Signed: Bob Wetherill
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Wilder Irrigation Dist.
☒ Applicant submitted/met for informal review.
Date: 9/8/25 Signed: Mike Case
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

~~Irrigation District~~
~~Area of City Impact~~ City: _____
☐ Applicant submitted/met for informal review.
Date: _____ Signed: _____
Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Letter of Intent for Setback Variance Request
Property Address: 15949 Hill Top Cir, Wilder, ID 83676
Parcel# R26293

Dear Members of Planning and Zoning,

I am writing to formally request a variance for the front setback requirement for my property located at 15949 Hill Top Cir, Wilder, ID 83676. The property is currently subject to a 30-foot front setback per Canyon County zoning regulations. I am requesting a variance to allow for a reduced front setback of 3 feet. Below, I have outlined how the proposed variance meets the criteria for consideration under Canyon County Planning and Zoning: CCZO Section 07-08-03.

1. **The grant of the variance will not be detrimental to the health, safety, or welfare to the proposed property, adjacent properties, and surrounding public.**
 - a. The proposed reduction in the front setback will not negatively impact the health, safety, or welfare of the public. Adequate spacing will be maintained to ensure visibility and accessibility, and the proposed design will complement the existing road scape without interfering with neighboring properties, public utilities, and roadways.
2. **The variance request is based on conditions that are:**
 - a. **Unique to the subject property:**
 - i. Due to the current placement of the existing home, along with property boundaries, it presents a challenge in meeting the Canyon County Planning and Zoning setback of 30 feet. We are proposing to add additional square footage to the East side of the existing structure of our home. Our project will result in an additional 24 feet x 30 feet foundation. Not only will this add to the value of our property and neighborhood, but it is necessary, as it optimizes the existing framework of the house and topographic conditions.
 - ii. The home, built in 1978, currently does not meet today's standards of 30 feet setback. This creates a unique challenge of any structure updates, further illustrating the need for a setback variance approval. The challenge posed by the existing conditions is inherent to the property.
 - iii. Along with the challenges of the existing home setback, the topographic conditions severely limit usable space of the lot, hindering the ability to further develop the property.
 - iv. Yet another challenge, the existing septic tank and line run on the South side of the house creating no space for additional structure, as it would leave no room for septic and drain field relocation. Because of these

reasons, our proposed addition on the East side of the home is the only viable option.

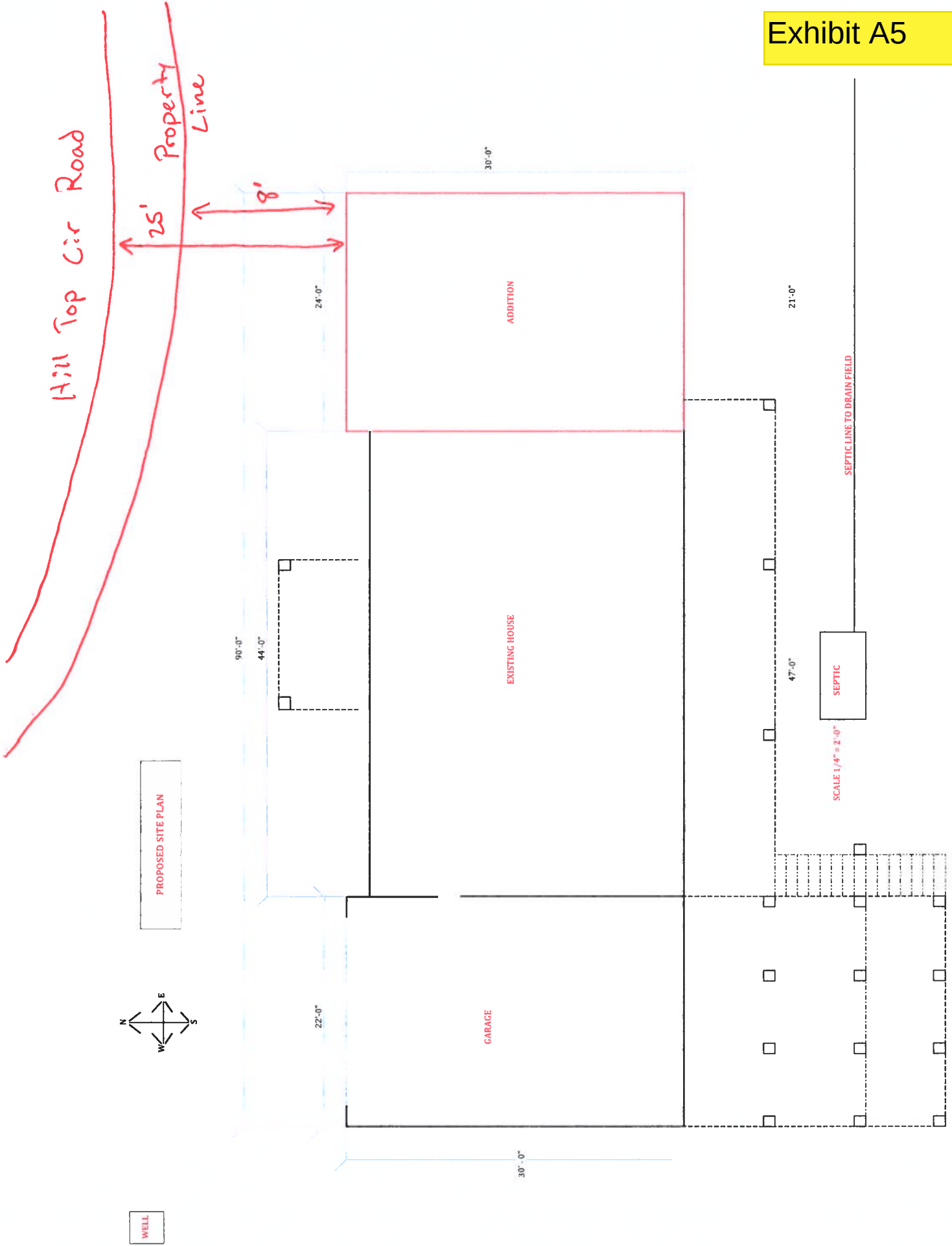
- v. The request for a 3-foot setback variance is the minimum necessary to address the properties' unique structure and topographic conditions while still allowing for functional and aesthetic use of the property within our neighborhood.
- vi. If the setback variance for the addition is approved, not only would it contribute to the value of our property and the properties adjacent, but it would also allow the existing home to be remodeled in turn bringing the structure up to current standards.

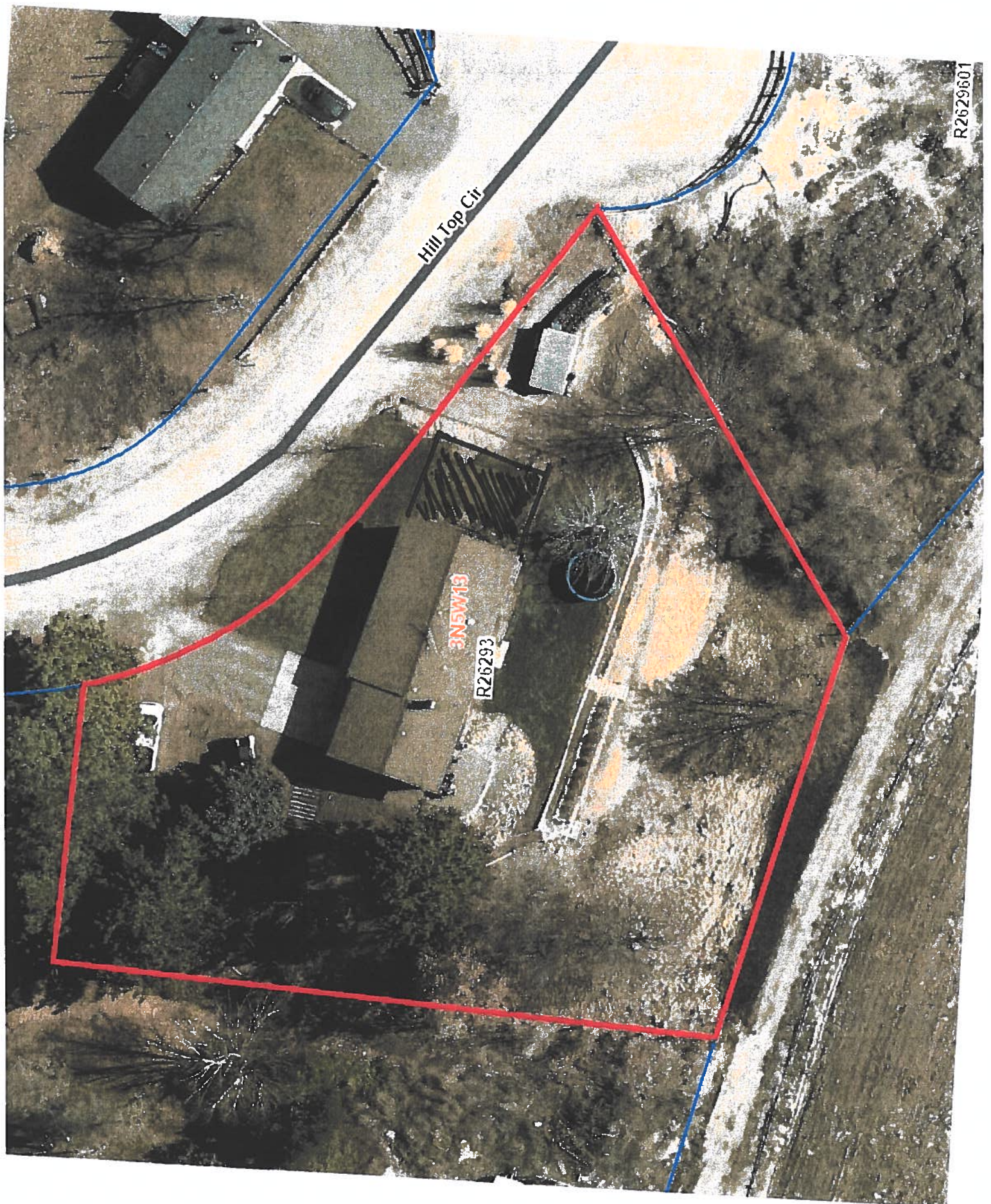
In summary, the requested front setback variance is necessary to address the unique site conditions and will help ensure the development consistent with the area's evolving homes and landscape. Thank you for considering this request and I am happy to provide any additional information regarding our proposal.

Sincerely,

Austin S. Emry

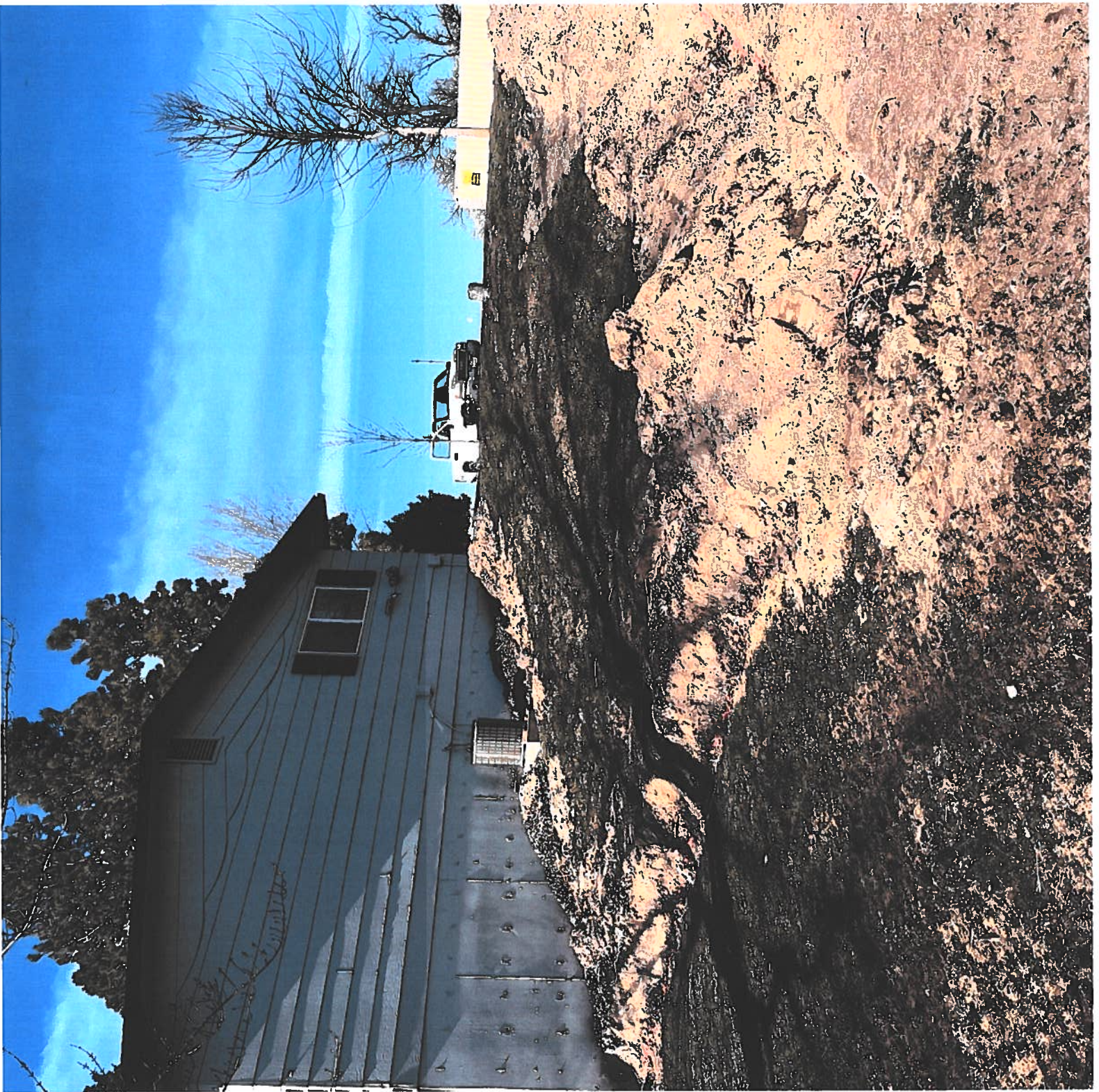
Property Home Owner











R26293

PARCEL INFORMATION REPORT

8/26/2025 4:43:35 PM

PARCEL NUMBER: R26293

OWNER NAME: EMRY AUSTIN AND KELLI FAMILY TRUST

CO-OWNER:

MAILING ADDRESS: 15949 HILL TOP CIR WILDER ID 83676

SITE ADDRESS: 15949 HILL TOP CIR

TAX CODE: 0780000

TWP: 3N RNG: 5W SEC: 13 QUARTER: NW

ACRES: 0.66

HOME OWNERS EXEMPTION: Yes

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURE

HIGHWAY DISTRICT: GOLDEN-GATE HWY #3

FIRE DISTRICT: HOMEDALE FIRE

SCHOOL DISTRICT: HOMEDALE SCHOOL DIST #370

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022 : Res

FLU Overlay Zone Desc 2030: AGRI-TOURISM EXCLUSIVE FARM USE

FLU RR Zone Desc 2030: RURAL RESIDENTIAL

FUTURE LAND USE 2030: AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0325F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: NOT In COLLECTOR

INSTRUMENT NO. : 2025012937

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 13-3N-5W NW SEVEN SPRINGS PK #2 TX 97292 IN LT 4 BLK 5

PLATTED SUBDIVISION: SEVEN SPRINGS PK #2

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

2025-012937

RECORDED

04/17/2025 04:01 PM

RICK HOGABOAM

CANYON COUNTY RECORDER

Pgs=3 EHOWELL

\$15.00

TYPE: DEED

STEVE RAUSCH LAW OFFICE, PLLC

ELECTRONICALLY RECORDED

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:STEVE RAUSCH LAW OFFICE, PLLC
1120 S. RACKHAM WAY, STE. 300
MERIDIAN, IDAHO 83642SEND TAX STATEMENTS TO:
AUSTIN AND KELLI EMRY
15949 HILLTOP CIRCLE
WILDER, IDAHO 83676

(SPACE ABOVE LINE FOR RECORDER'S USE)

QUITCLAIM DEED

GRANTOR AUSTIN S. EMRY does hereby convey, remise, release and forever quitclaim unto AUSTIN STUART EMRY AND KELLI COLEEN EMRY, TRUSTEES OF THE AUSTIN AND KELLI EMRY FAMILY TRUST DATED MARCH 27, 2025, AND ANY AMENDMENTS THERETO whose current address is 15949 Hill Top Circle, Wilder, Idaho 83676, as Grantee, all of their right, title and interest in and to that certain real property lying in Canyon County, Idaho, as more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 27th day of March, 2025.

GRANTOR:

Austin S. Emry
AUSTIN S. EMRY

State of Idaho

} ss.

County of Canyon

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

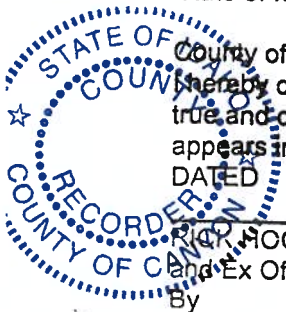
07/21/25

RICK HOGABOAM, Clerk of the District Court

and Ex Officio Recorder

By

[Signature]
Deputy



STATE OF IDAHO)

ss.

County of ADA)

On this 27th day of March, 2025, before me, the undersigned Notary Public in and for said State, personally appeared Austin S. Emry, known or identified to me to be the person who executed said within instrument, and acknowledged to me that he executed the same.

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



Steven Rausch
NOTARY PUBLIC, State of Idaho
Residing at Meridian, ID
Commission expires: 11/14/2030

EXHIBIT A

A part of Lot 4, Block 5, in SEVEN SPRINGS PARK NO. TWO according to the official plat on file in Book 14 of Plats at Page 3, in the office of the Recorder of Canyon County, Idaho, more particularly described as follows:

BEGINNING at the most Easterly corner of said Lot 4; thence South $56^{\circ}48'27''$ West 134.81 feet along the Southeasterly boundary of said Lot 4; thence North $75^{\circ}26'30''$ West 114.77 feet along the Southerly boundary of said Lot 4; thence North $2^{\circ}44'35''$ East 182.60 feet; thence East 76.54 feet; thence 94.09 feet along the arc of a 128.00 foot radius curve left; said curve having a chord bearing South $33^{\circ}56'30''$ East 91.00 feet; thence South $55^{\circ}00'00''$ East 106.52 feet along the Northeasterly boundary of said Lot 4 to the POINT OF BEGINNING.

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# ZV2025-0001

Hearing date: January 15, 2026

CANYON COUNTY ASSESSOR'S AX NUMBER: 97292
 SECTION/TOWNSHIP/RANGE: 13-34-5W-NW

NOTICE

SUBDIVISION: **SEVEN SPRINGS PK #2**

LOT\BLOCK\TRACT: LT 4 BLK 5
 ACCOUNT NUMBER: 7R26293
 TAX YEAR: 1997
 INST: # 828651
 DATE: APRIL 24, 1978
 GRANTOR: VANCE, MARION & BARBARA-H/W
 GRANTEE: EMRY, DUANE L & MARTHA L-H/W
 DATE CANCELLED:

THESE DOCUMENTS ARE MAINTAINED FOR
 ASSESSMENT PURPOSES & SHOULD NOT
 BE RELIED UPON FOR DETERMINING
 PROPERTY BOUNDARIES & CURRENT
 PROPERTY OWNERSHIP.

-----DESCRIPTION-----

A part of Lot 4, Block 5, in SEVEN SPRINGS PARK NO. TWO according to the official plat on file in Book 14 of Plats at page 3, in the office of the Recorder of Canyon County, Idaho; more particularly described as follows: BEGINNING at the most easterly corner of said Lot 4; thence South 56°48'27" West 134.81 ft. along the South-easterly boundary of said Lot 4; thence North 75°26'30" West 114.77 ft. along the Southerly boundary of said Lot 4; thence North 2°44'35" East 182.60 ft.; thence East 76.54 ft.; thence 94.09 ft. along the arc of a 128.00 ft. radius curve left; said curve having a chord bearing South 33°56'30" East 91.00 ft.; thence South 55°00'00" East 106.52 ft. along the Northeasterly boundary of said Lot 4 to the POINT OF BEGINNING.
 This parcel contains .664 acres.

Together with water and ditches and rights of way for water and ditches appurtenant thereto.



1/5/2026, 1:38:26 PM



Parcel Number Search _Query result



Current Impact Area

CanyonCountyRoads



City Limits



Roads



County Boundary



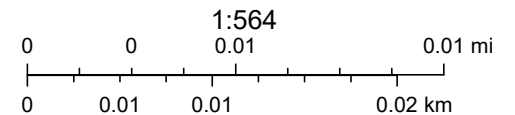
Sections

Imagery_2025_3in

Red: Band_1

Green: Band_2

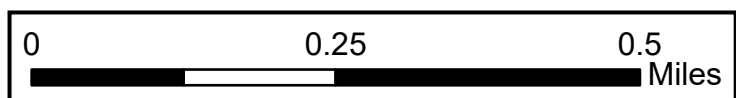
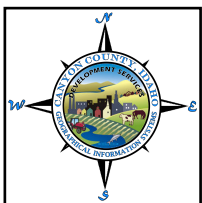
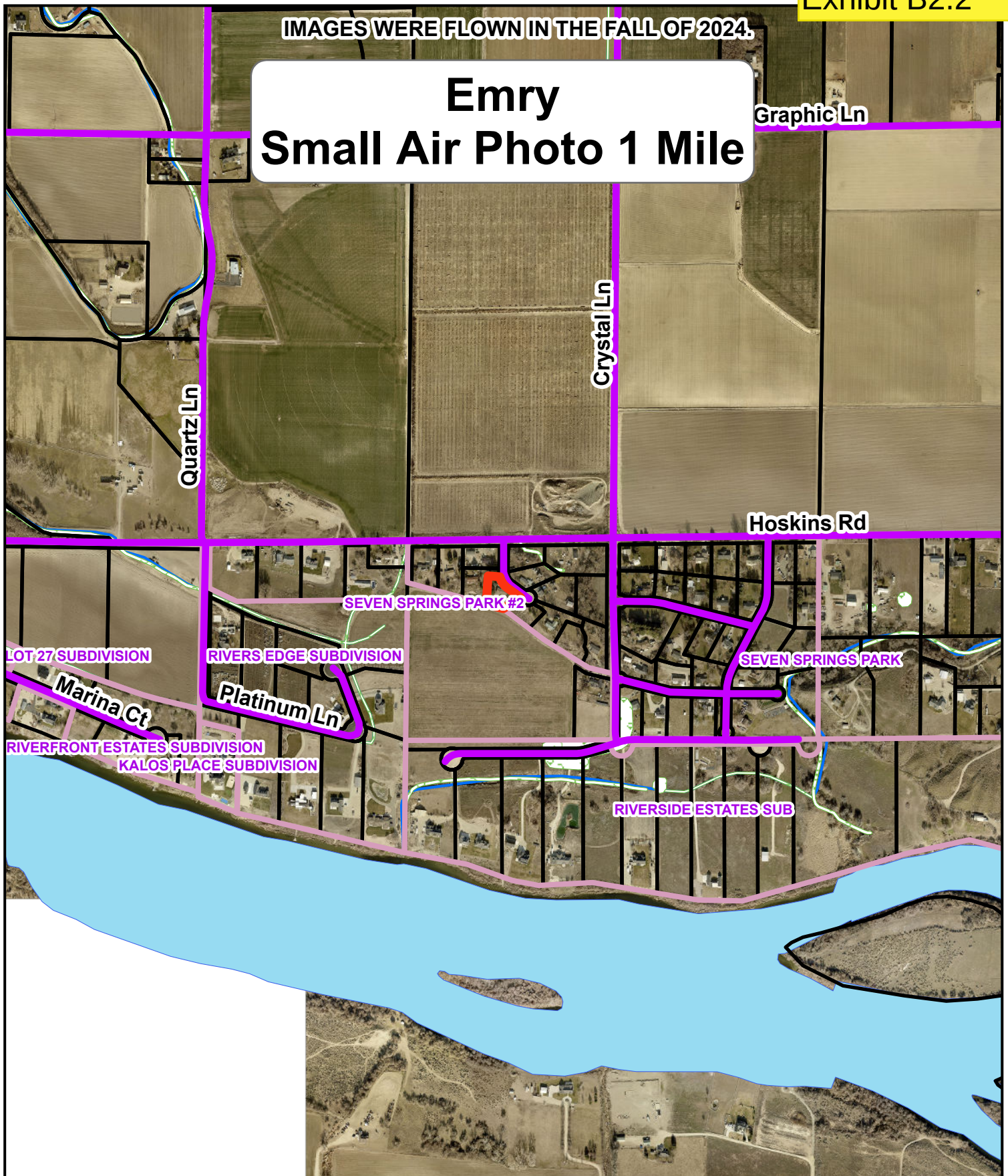
Blue: Band_3



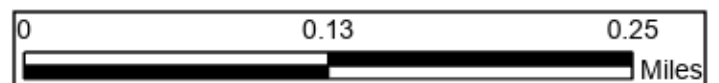
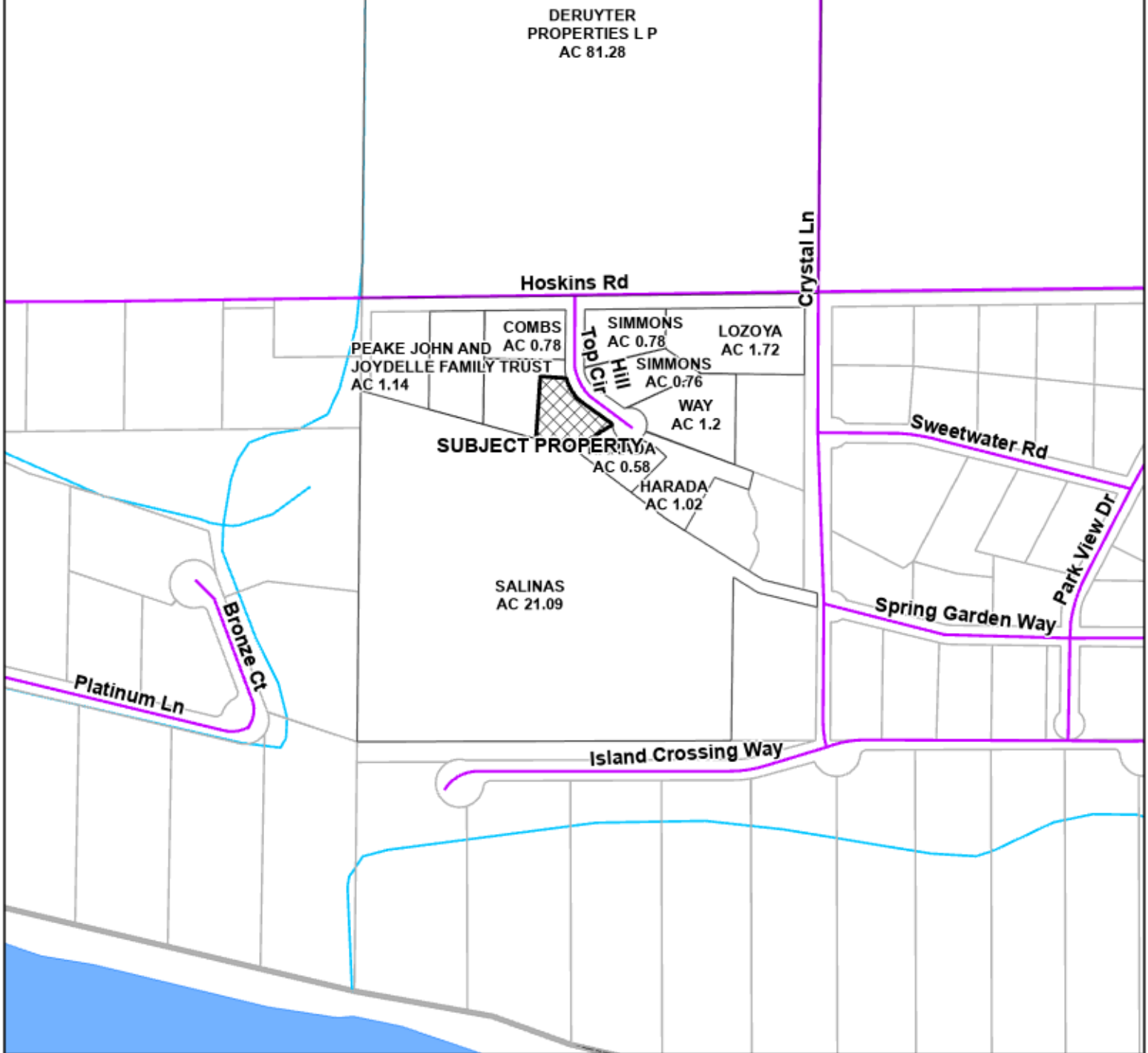
Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

IMAGES WERE FLOWN IN THE FALL OF 2024.

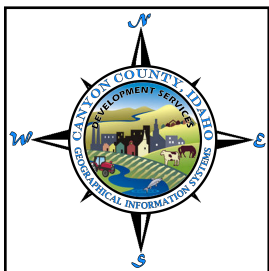
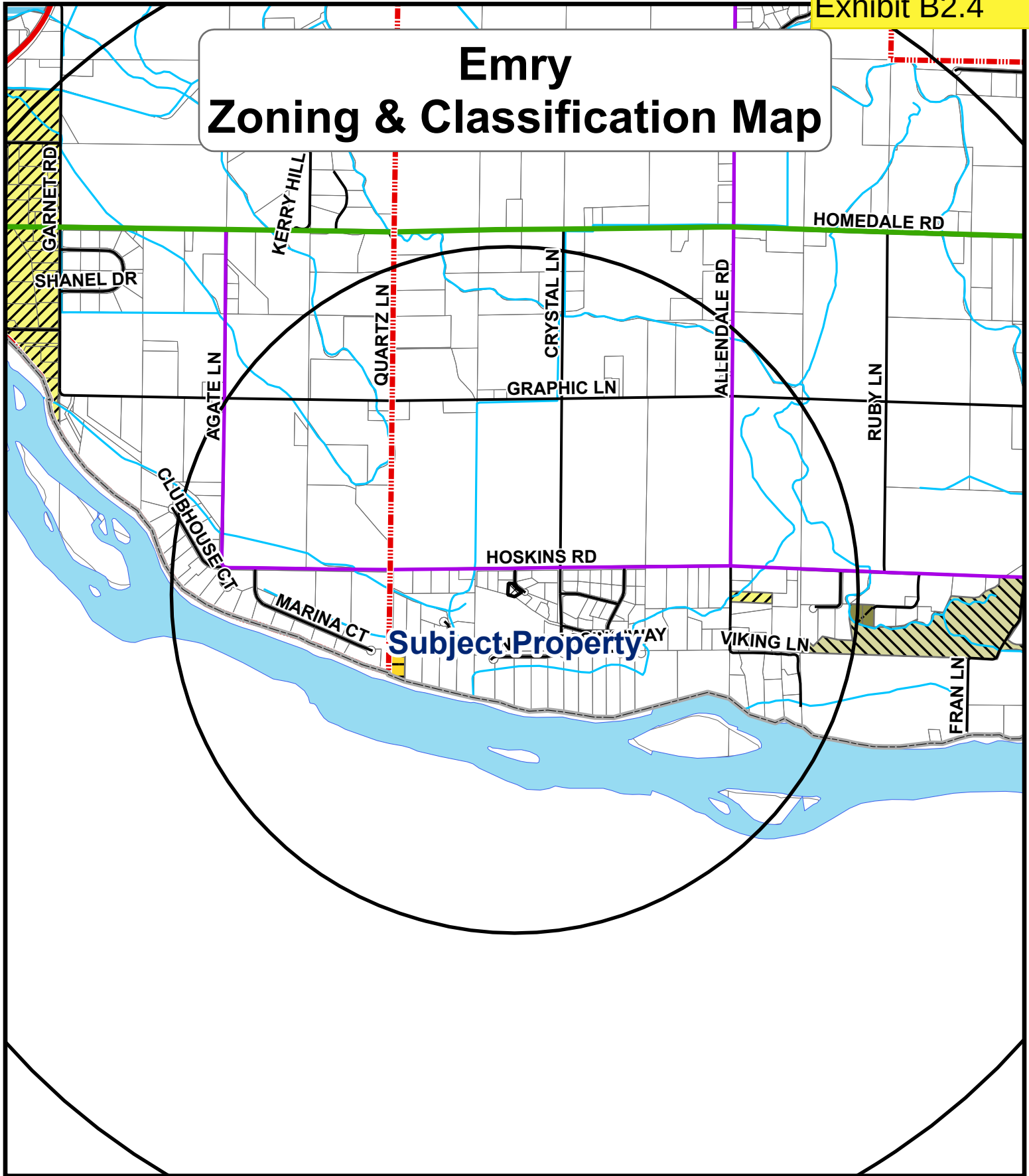
Emry Small Air Photo 1 Mile



Emry Small Vicinity Map



Emry Zoning & Classification Map

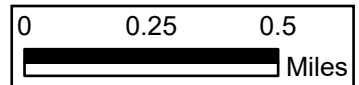


- RR
- CR-RR
- R1
- CR-R1
- R2
- C
- C1
- CR-C1

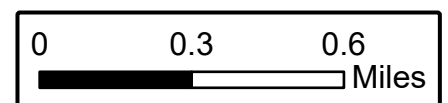
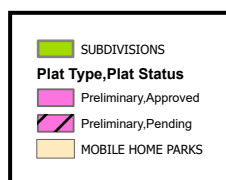
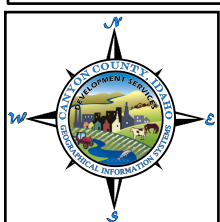
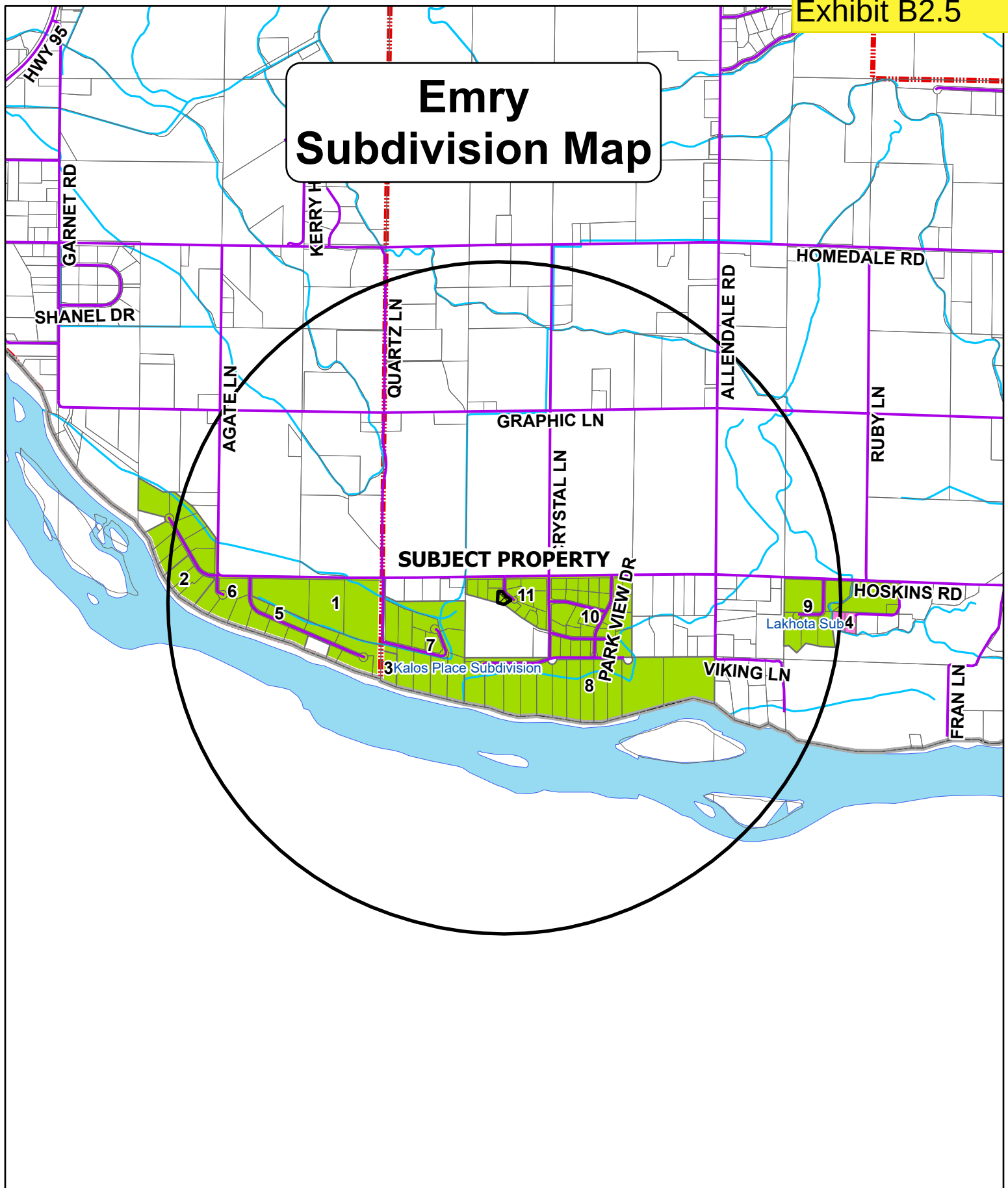
- C2
- CR-C2
- M1
- CR-M1
- M2
- AG
- INTERSTATE

- OTHER
- FREEWAY/EXPRESSWAY
- PROPOSED
- OTHER
- FREEWAY/EXPRESSWAY
- PRINCIPAL ARTERIAL

- PROPOSED
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED
- MINOR ARTERIAL
- COLLECTOR
- PROPOSED
- COLLECTOR



Emry Subdivision Map



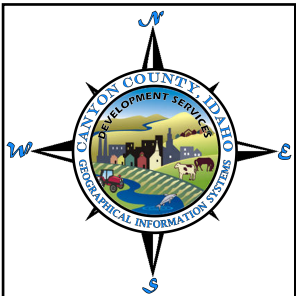
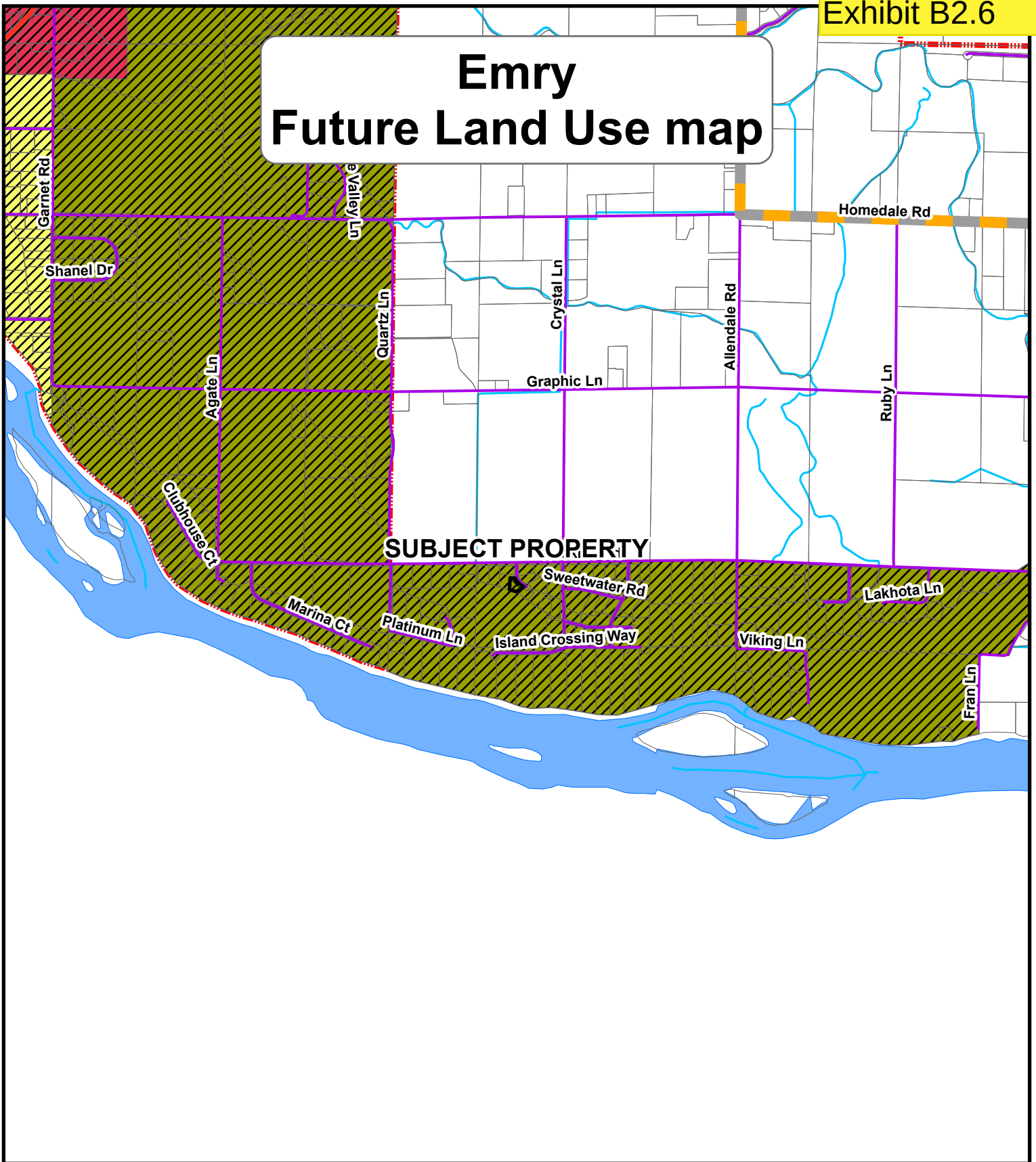
SUBDIVISION & LOT REPORT					
NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
11		325.90	109	2.99	
NUMBER OF SUBS IN PLATTING		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
2		5.70	4	1.43	
NUMBER OF LOTS NOTIFIED		AVERAGE	MEDIAN	MINIMUM	MAXIMUM
21		9.83	1.03	0.58	81.28
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
CENTRAL COVE SUBDIVISION	1	3N5W14	35.29	3	11.76	COUNTY (Canyon	2005
E&D ESTATES SUBDIVISION	2	3N5W11 & 14	7.69	3	2.56	COUNTY (Canyon	2024
KALOS PLACE SUBDIVISION	3	3N5W13	2.99	2	1.50	COUNTY (Canyon	2020
LAKHOTA LANE SUBDIVISION	4	3N4W18	2.71	2	1.36	COUNTY (Canyon	2023
LOT 27 SUBDIVISION	5	3N5W14	3.42	2	1.71	COUNTY (Canyon	2019
RIVERFRONT ESTATES SUBDIVISION	6	3N5W11 & 14	61.89	24	2.58	COUNTY (Canyon	2005
RIVERS EDGE SUBDIVISION	7	3N5W14	43.06	11	3.91	COUNTY (Canyon	2005
RIVERSIDE ESTATES SUB	8	3N5W13	79.40	13	6.11	COUNTY (Canyon	2004
SANDY RIDGE	9	3N4W18	32.66	9	3.63	COUNTY (Canyon	1996
SEVEN SPRINGS PARK	10	3N5W13	40.24	29	1.39	COUNTY (Canyon	1973
SEVEN SPRINGS PARK #2	11	3N5W13	16.56	11	1.51	COUNTY (Canyon	1974

SUBDIVISIONS IN PLATTING				
SUBDIVISION NAME		ACRES	NO. OF LOTS	AVERAGE LOT SIZE
Kalos Place Subdivision		2.99	2	1.50
Lakhota Sub		2.71	2	1.36

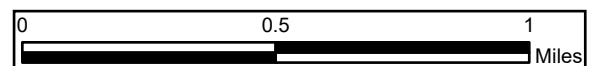
MOBILE HOME & RV PARKS					
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...

Emry Future Land Use map



Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL



Neighborhood Notification Map

Parcel No. R26293

Buffer Distance 600 Feet

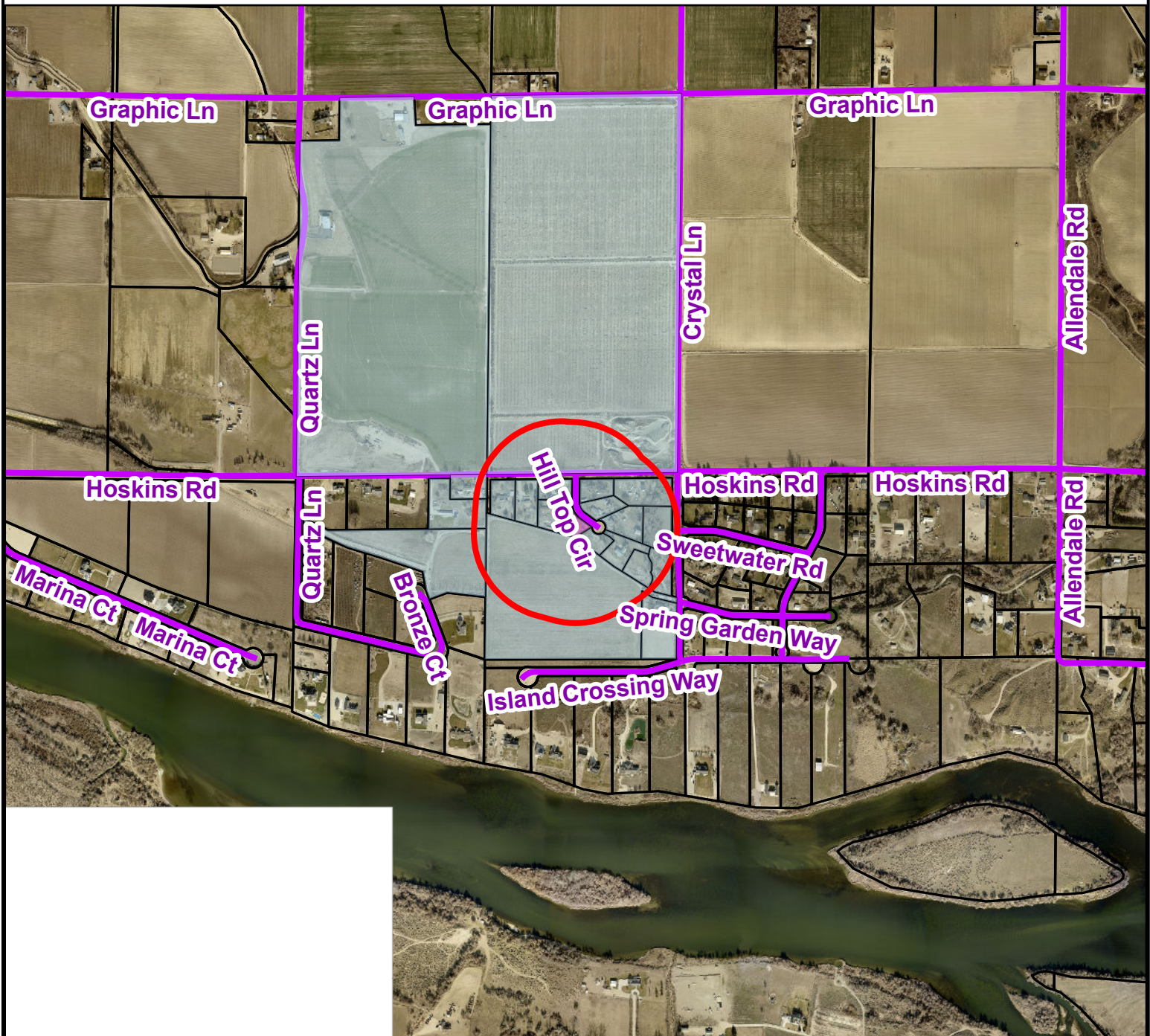
Canyon County
Development Services
111 N. 11th Ave ROOM 310
Caldwell, ID 83605

Exhibit B2.7



This map is for informational purposes only and does not suggest approval of the project.

Date: 12/3/2025
By: TAlmeida



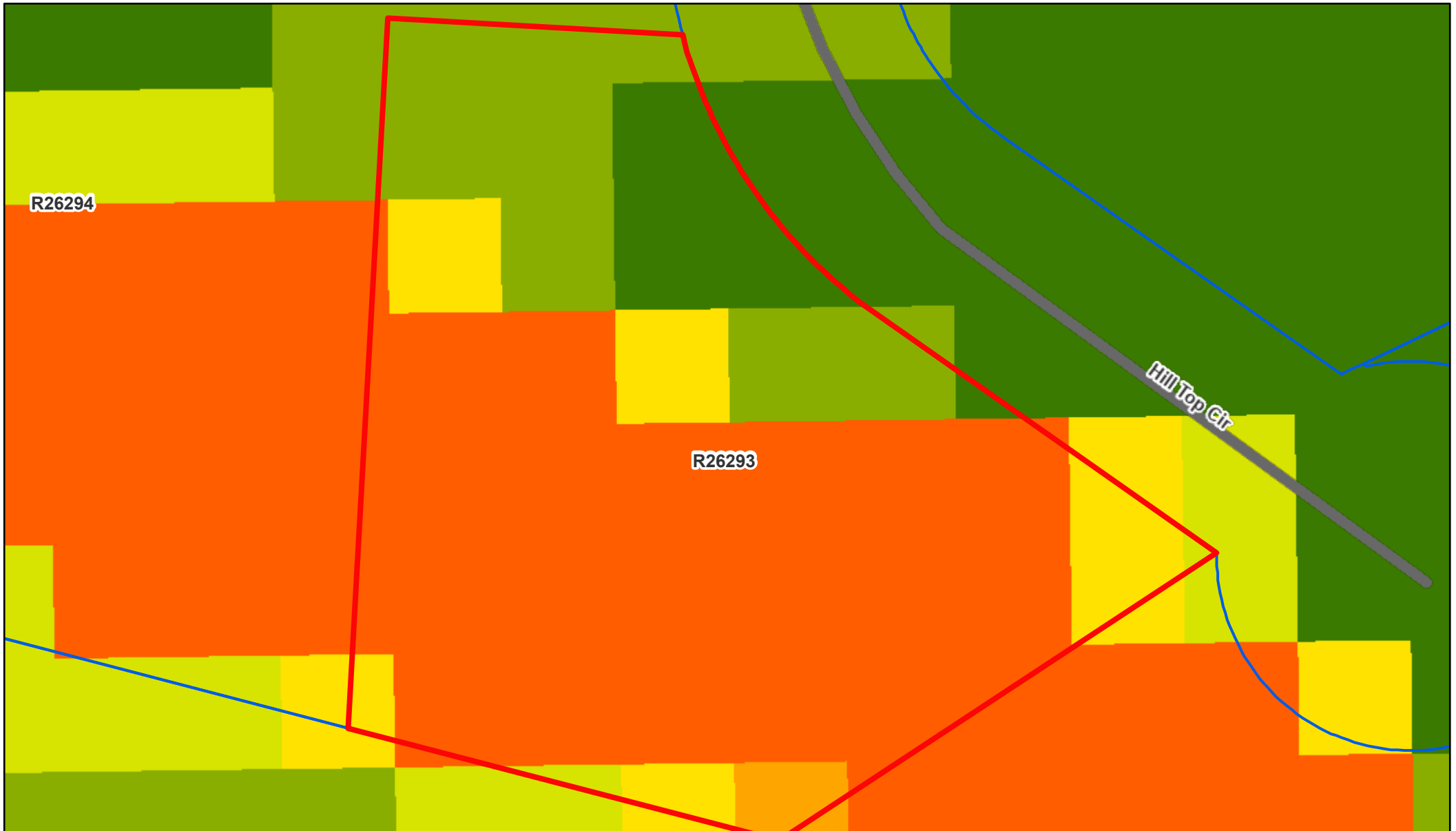
Legend

- NOTIFICATION BUFFER
- SUBJECT_PROPERTY
- NOTIFIED PARCELS
- TAX PARCELS
- Highway
- Interstate
- Local Road

SCALE

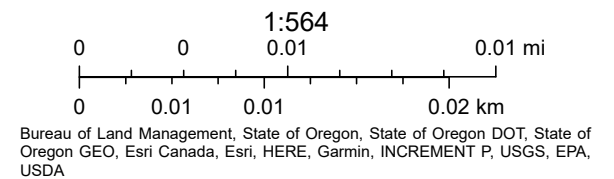
0 0.2 0.4 Miles

Neighborhood listings and maps are provided "as-is" without warranties on accuracy, completeness, or timeliness. Users are solely responsible for determining their appropriateness for decision-making. Canyon County, ID makes no guarantees, express or implied, including fitness for any particular use. Maps are dynamic and subject to ongoing revisions; they do not represent a survey. Neither Canyon County nor its employees assume liability for any errors or damages arising from the use of this information.



1/5/2026, 2:25:51 PM

- | | | | |
|---|---|---|---|
|  Parcel Number Search _Query result |  3 to 6 |  15 to 202.717 |  Sections |
| CanyonCountyRoads |  6 to 9 |  County Boundary | Imagery_2025_3in |
|  Roads |  9 to 12 |  Current Impact Area |  Red: Band_1 |
| SlopePercent_USGS |  12 to 14.99 |  City Limits |  Green: Band_2 |
|  0 to 3 | | | |



FINAL/AS-BUILT - Subsurface Sewage Disposal

Exhibit B3

 Public Health Prevent. Promote. Protect. Idaho Public Health Districts	SOUTHWEST DISTRICT HEALTH	Permit #: 022628
	13307 Miami Lane Caldwell, Idaho 83607 (208) 455-5300	Date Rcvd: 10/02/2025 Parcel #: R26293
Applicant's Name: AUSTIN EMRY Owners Name: AUSTIN EMRY Property Address: 15949 HILL TOP CIR WILDER ID 83676		EHS: Brandon VanSlochteren

Legal Description:	Township: 3N	Range: 5W	Section: 13
Size (Acres): .66			

Notes/ Conditions of Approval: Keep replacement area available at all times. Is this system non-conforming? ☐ Yes ☒ No Comments: Technical Allowance Granted: ☐ Yes ☒ No Comments:	System Type: Intrench Sand Filter	Gravel (Yards): 37.3
	System Mfg:	Sand (Yards): 40
	Septic/ Trash Tank (Gal): 1060 G	Installation Depth (Inches): 48
	Septic/ Trash Tank Mfr: Infiltrator	Date Installed: 10/2/2025
	Depth to Tank Lid (inches): 30	Rock Under Pipe (Inches): 6
	Standpipe/ Riser (inches): 30	Drainfield Longitude: -116.884143
	Pump Tank (gallons): N/A	Drainfield Latitude: 43.602076
	Pump Tank (Mfg): N/A	Well Installed ☒ Yes ☐ No
	Drainfield Width (Ft): 6	Distance to tank from Well: >50
	Drainfield Length (Ft): 70	Distance to DF from Well: >100
	Drainfield Area Installed (Sq. Ft.): 420	Valve: ☐ Yes ☒ No
	Effective Area (Sq. Ft.): 420	Dist-Box: ☐ Yes ☒ No
		Drop-Box/Serial Distribution ☐ Yes ☒ No
	ETPS Tank Volume Gallons ETPS Tank Manufacturer:	All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.

Installer Name: Uria Pump Installer Number: 1-1210	Signature: _____ Date: 10/02/2025
---	--------------------------------------

By signing above, I certify that all answers and statements on this Final As-built are true and complete to the best of my knowledge.
OFFICIAL USE ONLY

☒ As-Built provided by EHS
☐ As-Built provided by Installer

EHS Final Inspection Signature

077

EHS Code

10/02/2025

Date

Permit #: 022628

10/02/2025

15949 Hilltop

Original file name: 15949 Hilltop.jpg

02-Oct-2025 1:59 PM

Well <100' to
tank and DF



Legend
Transfer-line from Dwelling/ Structure to Septic
Tank Septic Tank Information
Transfer-line from Tank to Drainfield
Drainfield Information
Well Information

EXHIBIT C

Site Visit Photos: November 14, 2025

Planning & Zoning Commission

Case# ZV2025-0001

Hearing date: January 15, 2026

Site Photos



Photo 1:

Taken from the North side of the property,
facing West.





Photo 2:

Taken from the North side of the property,
facing South.





Photo 3:

Taken from the North side of the property,
facing East.





Photo 4:

Taken from the North side of the property,
facing North.





Photo 5:

Taken from the Northeast side of the property,
facing West.





Photo 6:

Taken from the Northeast side of the property,
facing Southwest.





Photo 7:

Taken from the East side of the property, facing North.





Photo 8:

Taken from the East side of the property, facing Northwest.



EXHIBIT D

Agency Comments Received by: January 5, 2026

Planning & Zoning Commission

Case# ZV2025-0001

Hearing date: January 15, 2026

Dane Adams

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, September 19, 2025 11:58 AM
To: Amber Lewter
Cc: Caitlin Ross
Subject: [External] RE: Agency Notice ZV2025-0001 / Emry

Hi Amber –

This application will not have an impact to state highway facilities. Therefore, ITD has no comments.

Thanks,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C:

208.296.9750

Email:

niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

[Book a Meeting with Me!](#)

From: Caitlin Ross

Sent: Friday, September 19, 2025 8:49 AM

To: 'ddenney@homedaleschools.org'; 'homedalefd@gmail.com'; 'knute.sandahl@doi.idaho.gov'; 'bobw@gghd3.org'; 'brandy.walker@centurylink.com'; 'eingram@idahopower.com'; 'easements@idahopower.com'; 'arobins@idahopower.com'; 'monica.taylor@intgas.com'; 'jessica.mansell@intgas.com'; 'Contract.Administration.Bid.Box@ziply.com'; 'tritthaler@boiseproject.org'; 'gashley@boiseproject.org'; 'wilderirrigation10@gmail.com'; 'mitch.kiester@phd3.idaho.gov'; 'anthony.lee@phd3.idaho.gov'; D3 Development Services; Niki Benyakhlef; Brian Crawforth; Christine Wendelsdorf; Michael Stowell; 'tryska7307@gmail.com'; Dalia Alnajjar; Tom Crosby; Lucy Ostyn; Code Enforcement; GIS and Addressing Division; 'BRO.Admin@deq.idaho.gov'; 'makline2@marathonpetroleum.com'

Subject: Agency Notice ZV2025-0001 / Emry

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached agency notice. You are invited to provide written testimony or comments by **October 19, 2025**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Amber Lewter** at amber.lewter@canyoncounty.id.gov.

Thank you,



Caitlin Ross

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-7463

Email: Caitlin.Ross@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

Pre-Development Meeting

Name of Development: Variance to Setback
 Applicant: Austin Emrv
 P.E./P.G.: _____
 All others in Attendance: _____

EHS#035 Date 9/09/2025

Number of Lots or Flow: N/A Acreage of Proposed Development: 0.66
 Location of Development: 15949 Hill Top Cir
Wilder, ID 83676
R26293000 0

Project in Area of Concern: No Groundwater/Rock <10' >10'
 Level 1 NP Necessary for N: No

LSAS/CSS Proposed: No
 BRO meeting for P or above: No
 Proposed Drinking Water: Individual ☒, City ☐, Community ☐, Public Water Supply ☐
 BRO meeting for PWS, Com: No

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐

Additional Comments: Applicant discussed with SWDH the proposal for a setback
variance from 30 feet to 8 feet on the north side of the property
line for an addition to the existing foundation. SWDH
does forseen a concern with this variance as it will not impact
existing septic systems. Anthony Lee

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.

1445 N Orchard St
Boise, ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

September 22, 2025

Amber Lewter, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
amber.lewter@canyoncounty.id.gov

Subject: Agency Notice ZV2025-0001 / Emry

Dear Ms. Lewter:

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

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- 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 local public health district.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

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.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

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

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Smith".

Troy Smith
Regional Administrator