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### STAFF REPORT

#### Conditional Use Permit Application 20-09 Appeal of Planning and Zoning Commission's Approval of BP Properties Equipment Storage

**HEARING DATE:** August 3, 2020  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** BP Properties  
PO Box 4110  
McCall, ID 83638  
**APPELLANT:** Neighbors of C.U.P. 20-09  
c/o Larry Shake  
1612 S Samson Trail  
McCall, ID 83638  
**LOCATION:** Parcel RP18N03E289006 located in the SESE Section 28, T.18N,  
R.3E, Boise Meridian, Valley County, Idaho.  
**SIZE:** 11.8 acres  
**REQUEST:** Equipment Storage Facility  
**EXISTING LAND USE:** Bare Ground

#### BACKGROUND:

On June 11, 2020, the Planning and Zoning Commission approved C.U.P. 20-09 for an open (not covered) equipment storage site. Equipment stored on-site will be cranes, heavy equipment, trailers with forms, etc. No cranes will be erected on-site. No work will be performed on-site. No maintenance will be performed on-site.

BP Properties requested a conditional use permit for an open equipment storage site. The site would be used for overflow parking, materials, and equipment storage for his other businesses. No building construction is planned. Lighting will be dark-sky compliant in accordance with the Valley County Code.

The site is currently bare grassland. Berms and landscaping would surround all sides of the proposed parking area. The berm is proposed to be approximately 14 ft in height. However, the

applicant is now proposing a fence with landscaping on the north and east property lines.

Access was planned to be from Pearson Lane, a public road. The site is 11.8 acres. However, the applicant is now proposing one access from Burr Drive and no access from Pearson LN. The applicant stated there would be approximately 4 round trips per day, the P&Z allowed maximum of 10 round trips per day.

#### **APPEAL:**

The appeal stated is attached along with the pictures:

- The application is for a harmful, unnecessary, and conflicting use in a residential and agricultural area.
- It is not consistent with the Valley County Comprehensive Plan or Idaho Code Section 67-6502.
- It is not compatible with surrounding land uses and impacts and diminishes the value and enjoyment of nearby properties.
- The written application was incomplete.
- The appellants state the public hearing was in violation of Idaho Code Sections 74-201 through 74-208.
- On July 29, 2020, Larry Shake submitted photos requesting the berm not be allowed.

(The referenced Idaho State Statutes and Governor's Proclamation concerning public meetings is attached. Also attached are our Procedures for Participation in the June 11, 2020, and the August 3, 2020, public hearing.)

#### **APPLICANT SUBMITTAL and CHANGE TO THE PLAN:**

On July 29, 2020, the applicant submitted a change to the applicant at the request of a number of neighbors. He has agreed to put the access off Burr DR and remove the berm. Landscaping would be a fence around the north and east sides with landscaping as shown on the plan.

#### **FINDINGS:**

1. The Planning and Zoning Commission approved CUP 20-09 BP Property Equipment Storage at a properly noticed public hearing on June 11, 2020.
2. An appeal was received on June 22, 2020. The appeal is attached and had 52 signatures. Larry Shake is representing the group.
3. Legal notice was posted in the *Star News* on July 9, and 16, 2020. Potentially affected agencies were notified on June 30, 2020. Neighbors within 300 feet of the property line as well as those who previously commented were notified by fact sheet sent June 30, 2020. The site was posted on July 22, 2020. The notice, application, and P&Z Staff Report were all placed on the website under "Public Hearing Information".

## **STAFF RESPONSE TO APPEAL ISSUES:**

- **Issue 1:** The application is for a harmful, unnecessary, and conflicting use in a residential and agricultural area.
  - **Response:** The Board of County Commissioners (BOCC) should look at the map of the surrounding land uses. This site is a continuation of established commercial and industrial uses.
  
- **Issue 2:** It is not consistent with the Valley County Comprehensive Plan or Idaho Code Section 67-6502.
  - **Response:** The ordinances implement the Comprehensive Plan. The Planning and Zoning Commission found that it was in compliance with the Comprehensive Plan and complied with the standards in Title 9 of the Valley County Code.
  
- **Issue 3:** It is not compatible with surrounding land uses and impacts and diminishes the value and enjoyment of nearby properties.
  - **Response:**
    - The Board of County Commissioners (BOCC) should look at the map of the surrounding land uses. This site is a continuation of established commercial and industrial uses.
    - There is no evidence of diminishing values.
  
- **Issue 4:** The written application was incomplete.
  - **Response:** The Planning and Zoning Commission believed there was a complete application.
  
- **Issue 5:** The appellants state the public hearing was in violation of Idaho Code Sections 74-201 through 74-208.
  - **Response:**
    - Due to the Covid-19 pandemic, Governor Little issued a Proclamation relaxing open meeting laws. (attached)
    - The public had the opportunity to view, hear, participate, submit written testimony, submit telephonic testimony, and comment in person.

## **ADDITIONAL INFORMATION:**

- **Facts and Conclusions:** Attached are the Facts and Conclusions that were approved by the Planning and Zoning Commission. Part of the Valley County Board of Commissioners deliberation and decision should be the following:
  - a “reasoned statement that explains the criteria and standards considered relevant;
  - state the relevant facts relied upon, and
  - explain the rationale for the decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record,

- all of which' should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting.” (VCC 9-5H-11.8)

**The following are the Conclusions of the Planning and Zoning Commission:**

- The proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.
- The proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.
- That the proposed use is consistent with the Valley County Comprehensive Plan.
- Valley County is one Mixed Use Zone - Performance Based Planning which allows different uses adjacent to each other.
- The proposal is very different than the Idaho Power application that was previously denied.
- There would be minimal impact to Pearson Lane since there is an anticipated 2-3 trips per day proposed and 10 round trips being the cap allowed by the Planning and Zoning Commission.
- This would be a better neighbor than a gravel pit, dense subdivision, etc.
- The applicant is willing to work with the Irrigation District.
- The berm will be good to mitigate any impacts.
- There will be little visual impact and no lighting proposed.
- The Commission determined the application is complete and engineering compliance is typically required after initial approval as a condition of approval.
- The Commission completed the Compatibility Rating and determined it was a +18.
- There are quite a number of commercial uses adjacent to the proposed site and in the general area.
- There were a number of ways for the public to participate in the meeting including written testimony, telephonic testimony, and testimony in-person. The meeting was broadcast live. Open meeting laws were not violated.
- **Minutes with Exhibits:** The minutes for the Planning and Zoning Commission meeting held on June 11, 2020, are attached.
- **Planning and Zoning Commission Staff Report** is attached for review.



## **COMMENT RECEIVED AFTER NOTICE OF APPEAL (ATTACHED):**

### **1. Responses Received in Favor of Appeal (Opposed to C.U.P. 20-09) – Attached.**

- Valley County Code 9-11-1 Appendix A, Compatibility Evaluation is discussed.
- Valley County Comprehensive Code states “Protect private property from the negative effects of... nearby incompatible uses...”
- The public hearing process on June 11, 2020 was in violation of “Open Meeting Laws”. Only the applicants were allowed to stay in the meeting room to hear the entire public hearing. Listening online while outside the Courthouse was difficult due to traffic and lack of internet.
- The neighborhood would prefer additional homes rather than a parking lot at this site.
- The proposed use is a Heavy Industrial Business, not an Area Business.
- Site plans, engineering approval, etc, should be finalized prior to P&Z Commission approval and available for public review.
- The application did not contain sufficient information to enable the staff and Commission to fairly and adequately evaluate the proposed use.
- The conditions of approval do not include a requirement that a berm be built; both the dirt source and amount is disputed.
- Storage of equipment and a 14-foot berm would be unsightly and restrict views for homes and traffic in the area.
- The applicant has not followed the rules at a different property.
- Pearson Lane is a rural road and too narrow (20-22 ft wide) for the kind of traffic that the project would generate. There has been no conversation about the Valley County Road Department or Idaho Dept of Transportation regarding road surface widths or turning radius. Pearson Lane is deteriorating.
- Burr Drive should be used instead of Pearson Lane.
- This is a residential and agricultural area; the use is inappropriate and is industrial creep.
- Decrease in property value of homes and property in the area.
- Pearson Lane and the canal bridge are not constructed for large and heavy vehicles.
- The Highway 55 and Pearson Lane intersection is not built for large vehicles with trailers; they will need to cross the center line. The equipment might be 70-feet long.
- The noise generated will exceed allowed decibel levels.
- Traffic has increased on Pearson Lane as the neighborhood has grown and delay at the intersection is already long.
- Movement of equipment will create noise, dust, and traffic problems.
- Dust and snow removal would be a problem.
- The entrance to the site would need to be wide to accommodate large trailers.
- Previous applications for storage yards in the area have been denied (C.U.P. 06-39 Idaho Power and C.U.P. 19-26 CM Storage).
- There are zero industrial/commercial developments on Pearson Lane.
- Commercial uses should stay between the canal and Highway 55.
- The design of the compatibility matrix is weighted to produce a positive compatibility score once a new commercial use is approved next to an adjoining commercial property.

This approval could easily result in the creation of a commercial cluster at the Pearson Lane x Highway 55 intersection that is not compatible with the existing rural nature of the area.

- The application is incomplete and is lacking the landscaping plan, irrigation plan, and site grading plan.
- There is no mention of what type and quantity of materials will be stored at the site; possible impact to ground water or canal.
- This use should be confined to existing industrial use areas or existing Highway 55 commercial corridor.
- Industrial area in a designated scenic corridor.
- Commissioner Maupin's husband is a building contractor; therefore, she should recuse herself from this public hearing.
- The P&Z Commission had minimal discussion on the safety or commercial encroachment implications.
- Remand the application back to P&Z with direction that the proposal be reheard in a new public hearing to assure that neighbors and opponents have a full opportunity to hear and be heard.
- All C.U.P. meetings should be postponed until COVID has resolved so that all who wish to attend can participate in the same meeting room.

- 1) Larry and Monica Shake, 1612 S Samson Trail, July 26, 2020 – Representative for Appeal (two letters).
- 2) Nicki Humphries, 108 Magnetic Rock Road, July 26, 2020
- 3) Robert Youde, 1210 S Samson Trail, July 23, 2020
- 4) Linda Thompson, 14030 Hideaway Court, July 26, 2020
- 5) John Humphries, 108 Manetic Road Road, July 26, 2020
- 6) Todd and Bonnie Thompson, 117 Carefree Lane, July 26, 2020
- 7) Don Lojek, July 25, 2020
- 8) D. Joe Weiss, 14023 Hideaway Court, July 17, 18, & 24 and June 27 & 30, 2020
- 9) Mike Weiss, 43 Pearson Lane, July 15, 2020
- 10) Alan and Lana Lundgren, 105 Carefree Lane, July 25, 2020
- 11) Karlene and Jeff Neble, 170 Pearson Lane, July 3, 2020 and letter received June 12, 2020
- 12) Clayton Nalder, 13987 Country Way, July 9, 2020 (two letters)
  - a. If changes of access off Burr are accepted then withdraws his opposition
- 13) Vern Farris, 13990 Comfort Road, July 9, 2020
- 14) Max Williamson, July 9, 2020
- 15) Christine and Clifford Mann, 152 Carefree Lane, July 27, 2020
- 16) Bruce & Jamie Forsyth, 40 Pearson LN, June 3, 2020
- 17) John, Barbara, & Garnet Kwader, July 27, 2020
- 18) Geoffrey HH and Katharina Roth, 14006 Comfort Road, July 27, 2020
- 19) Greg and Linda Pittinger, 14015 Sage Court, July 27, 2020
- 20) Lissa Beebe, 100 Magnetic Rock Road, July 27, 2020
- 21) Troy Britton and Donnie Jo Britton, 14032 Pioneer Road, July 27, 2020

2. Responses Received in Opposition of Appeal (In Favor of C.U.P. 20-09) – Attached.
  - 1) Nick and Sabrina Kertz, 25 Pearson Lane, July 3, 2020 – Since the June P&Z meeting, they have met with the applicant and believe their concerns will be addressed. It is a good use of the parcel. Neighbors on East property line.
  - 2) Clayton Nalder withdraws his opposition if allowed to access from Burr Drive.

**Title 9 Valley County Code:**

Planning and Zoning Commission determined this was an Area Business in Table 9-3-1. The Compatibility Rating was a +20.

**9-5B-1: NOISE:**

A. Commercial Or Industrial Activity: The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

**9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS:**

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

A. Minimum Lot Area:

1. The minimum lot area shall be unlimited herein except for the provisions of subsection [9-5-3A2](#) of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.

B. Minimum Setbacks:

1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.
3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.

## **ATTACHMENTS:**

- Appeal Letter with Exhibits
- Governor's Proclamation, ID State Statutes, Valley County Code, Hearing Procedures
- New Site Plan and Landscaping Plan
- Map of Surround Land Uses
- P&Z Commission Facts and Conclusions with Conditions of Approval
- Vicinity Map, Site Plan Drawings, Pictures, Assessor's Plat, ROS 3-239 Showing Irrigation Easement
- Application
- P&Z Meeting Minutes and Exhibits– June 11, 2020
- P&Z Staff Report with Compatibility Evaluation – June 11, 2020
- Responses for Appeal
- Responses to Planning & Zoning Commission

## **Conditions of Approval:**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit. If traffic volumes exceed 20 trips per day a new permit would be required.
3. The use shall be established within one year of the date of approval or this permit shall be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lights shall be fully shielded so that there is no upward or horizontal projection of lights. The lights can only be a maximum of 20' in height.
6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
7. Must comply with Central District Health requirements.
8. Must comply with requirements of the McCall Rural Fire District.
9. Parking must comply with setback standards: 30' front, 10' side, 30' rear, 30' side street.

10. New structures must have building permits and be approved as part of a conditional use permit.
11. The site must be kept neat and orderly.
12. Shall obtain a sign permit prior to installation of a sign.
13. Landscaping shall be installed prior to July 1, 2021. If landscaping dies, it must be replaced. Landscaping must be irrigated.
14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
15. All mounding and berms shall have slopes no steeper than three to one (3:1).
16. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
17. A stormwater management plan shall be approved by the Valley County Engineer prior to excavation.
18. Large vehicles should not use Pearson LN unless on direct route to a job site.
19. Maximum of 10 vehicles trips per day once the berm is completed. (10 round trips...a trip to and from is equal to 1 round trip)
20. Cranes will not stand up in yard.
21. Ditch centered Easement must be observed.
22. Shall mitigate for dust annually.

**END OF STAFF REPORT**

**A COMPLETE COPY OF THE RECORD IS AVAILABLE FOR REVIEW  
AT THE PLANNING AND ZONING COMMISSION OFFICE.**

*Larry Shale Representative*

Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

RECEIVED

JUN 22 2020



Re: Notice of Appeal

On June 11, 2020 the Valley County Planning and Zoning Commission held a hearing on an application for a Conditional Use Permit submitted by BP Properties. This was designated as C.U.P. 20-09, and the decision of the Commission is hereby appealed by appellants pursuant to Section 9-5H-12 of the Valley County Code.

Many residents of Valley County filed objections to the application for a conditional use permit.. Those objections are a matter of record and are incorporated herein by reference. They documented the lack of common sense, engineering studies, traffic analysis, and drainage plans among other errors and omissions of the application. Put simply, the application is for a harmful, unnecessary and conflicting use in a residential and agricultural area. It is not consistent with the Valley County Comprehensive Plan or Idaho Code Section 67-6502. It is not compatible with surrounding land uses. It greatly impacts and diminishes the value and enjoyment of nearby properties. The application never should have been approved by the Valley County Planning and Zoning Commission because the written application was incomplete and the public was effectively excluded from the hearings.

Moreover, the hearing of June 11<sup>th</sup>, 2020 was in violation of Idaho Law and any decision rendered as a result must be regarded as null and void and of no consequence. Idaho Code Sections 74-201 through 71-208 address the necessity of open and honest government.

In particular I.C. Section 74-203 (1) requires that all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting. In this case the public was prohibited from attending the June 11<sup>th</sup> meeting both physically and virtually. The appellants and many others were physically excluded from the place of the meeting in the Valley County Court House. A uniformed member of the Valley County Sherriff's office guarded the locked door. There was no wi-fi reception outside the courthouse and those with laptop computers could not observe or listen to what was happening in the meeting, particularly the presentations of those in favor of the application. Similarly, those with cell phones could not hear what was happening at any time during the hearing. The sound quality was beyond poor. It was simply unavailable. There was no way for the public to hear, to observe or to participate in any meaningful way.

The Valley County Planning and Zoning Commission is a governing body of a public agency as set forth in Idaho Code Section 74- 202 (4) and (5). While Idaho Code Section 74-203(5) allows for telecommunication devices which allow members of a governing body to communicate with each other, there is no similar provision allowing members of the public to be limited to attendance via telecommunication means. Even if the Covid-19 pandemic has somehow allowed a governing body to allow only virtual participation, that system must be effective. In this case it was not. This appeal should be recognized and allowed. The process to should begin anew with due deference to all notice requirements and subsequent, meaningful public participation. Due process and Idaho laws compel this result

Accordingly, the appellants submit that the decision of the Valley County Planning and Zoning Commission on June 11, 2020 is of no force or effect because of the clear violation of mandatory Idaho Law governing meetings of a governing body. It is submitted that this is more than a technical violation of the law. The inability to listen to and evaluate the information presented by the proponents of the CUP application did not permit any meaningful rebuttal by those opposed thus making this Appeal necessary. The nature of the interest of the Appellants in this appeal stems from their private property rights and their interest in following published zoning restrictions in the light of the Valley County Comprehensive Plan.

The appeal fee of \$300 is being submitted with this document and the names, addresses and telephone numbers of the Appellants are set forth below.

Dated this 22nd day of June, 2020

Name	Address	Phone
Anne Carr	14023 Hideaway Ct.	208-315-5499
Cheryl Merrin	175 Pearson Lane	208-634-1952
Kathleen Balda	170 Pearson Ln	634 4714
Alan Kunkley	105 CAKFRUE LN.	208 422-6143
Tom Carnell	157 Comfort	208 880 4148
Vern Farris	13990 Comfort Rd	208-315-0257
Don Lojek D/L	14132 Pioneer	208-484-2292
CELESTE LOJEC/Don Lojek	" "	" " "
Gene Law	114 Creech Ave	208-634-5900
Claire Ransberg	14003 Comfort Rd.	208. 315. 2070
Walt Lojek	170 Pearson Ln	634 4714
David Weiss D/L	14023 Hideaway Ct.	208. 634. 2657
Robert P. Merrin	175 Pearson Lane	208-634-1952



<u>LANA LUNDGREN</u>	<u>105 CAREFREE</u>	<u>208-634-7301</u>
<u>JOHN BURKE</u>	<u>130 CAREFREE</u>	<u>208-830-7523</u>
<u>Shirley Smeang</u>	<u>130 Carefree</u>	<u>208-867-3937</u>
<u>John Humphries</u>	<u>108 MAGNETIC ROCK RD</u>	<u>208-630-4675</u>
<u>Michelle Humphries</u>	<u>108 Magnetic Rock Rd</u>	<u>208-630-3946</u>
<del>James [unclear]</del>	<del>14006 Comfort Rd</del>	<del>928 274 4566</del>
<u>Catherine [unclear]</u>	<u>14006 Comfort Road</u>	<u>928 274 0153</u>
<u>Laura Warren-Petersen</u>	<u>14026 Comfort Road</u>	<u>208-850-1729</u>
<u>Christine Mann</u>	<u>152 Carefree Rd</u>	<u>520-403-2707</u>
<u>JAMES Di BENEDETTO</u>	<u>135 CAREFREE HW.</u>	<u>(408) 234-4930</u>
<del>James Di Benedetto</del>	<del>135 Carefree Ln</del>	<del>408-313-7603</del>
<u>Emilio J. Rudek</u>	<u>13996 EAST ST.</u>	<u>208 634-1233</u>
<u>Sherry Avolon</u>	<u>13996 East St.</u>	<u>208-634-1233</u>
<u>Maynard Subelt</u>	<u>13970 Wrangler Rd</u>	<u>208 815 0906</u>
<u>Richard J. Subelt</u>	<u>13970 Wrangler Rd</u>	<u>208-315-0905</u>
<u>George Baker</u>	<u>13965 Wrangler Rd.</u>	<u>208-634-8675</u>
<u>Randal Rob</u>	<u>13965 " "</u>	<u>" " "</u>
<u>Franz Riegert</u>	<u>13964 Wrangler Rd</u>	<u>208-870-4175</u>
<u>Jae Riegert</u>	<u>13964 Wrangler Rd</u>	<u>208-870-4189</u>
<u>Cindy Mullett</u>	<u>13983 Easy St</u>	<u>208-634-3357</u>
<u>Jane Mullett</u>	<u>13983 EASY ST NW</u>	<u>" " "</u>
<u>Lea P. Thompson</u>	<u>14030 Hideaway Ct</u>	<u>253-691-6133</u>
<u>Mike [unclear]</u>	<u>43 Pearson Ln</u>	<u>208-634-8273</u>
<u>Catherine M. Enard</u>	<u>43 Pearson Ln</u>	<u>208 634-8273</u>
<u>Pamela Barber</u>	<u>14060 Pioneer Rd</u>	<u>208 631-5923</u>
<del>Robert Hill</del>	<del>14068 Pioneer Rd</del>	<del>208 634 2867</del>
<u>Kathy Deinhart Huff</u>	<u>14060 Pioneer Rd</u>	<u>208-634-2867</u>
<u>Linda Pittenger</u>	<u>14015 Sage Ct</u>	<u>208 315 1435</u>
<u>Ed Parker</u>	<u>14069 Pioneer Rd</u>	<u>208 631-5922</u>
<u>Pam Parker</u>	<u>14069 Pioneer Rd</u>	<u>208 631-5927</u>

Gary Britton 14082 Pioneer Road 2088612220  
McCall Idaho

Amy Leaf 14059 Pioneer Rd. McCall, ID  
972-822-1934

Wilson Garre 140 Pearson Ln.  
885/680-9747

Peggy P. Wiley 140 Pearson Lane  
McCall, ID 83638  
805-698-3698

LARRY Shalce 1612 S. SAMSON TRAIL McCall ID 208-315-502

MONICA Shalce 1612 S SAMSON TRAIL McCall ID 208-315-5778

SCOTT STIRRAAT 14027 HIDEAWAY CT

Lucille Reville XXX Hideaway Court

Shelly Stirrat 14027 Hideaway Court

## Re: public records request - large exhibits from CUP 20-09 on June 11, 2020

Larry Shake <larryshake@gmail.com>

Wed 7/29/2020 1:07 PM

To: Lori Hunter <lhunter@co.valley.id.us>; Cynda Herrick <cherrick@co.valley.id.us>; Carol Brockmann <carol.brockmann@gmail.com>

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

i KNOW YOU WILL TELL ME IT WILL NOT BE ACCEPTED.... but here is a photo taken from 30ft inside my property across Pearson and 60 ft from the road - into "the berm", top of the sign is at 14 ft, with trees on top of that.... as you can see, we will not see the horizon for about 45 degrees south and west... unacceptable



**"God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed, and the wisdom to distinguish the one from the other" — Reinhold Niebuhr**

On Wed, Jul 29, 2020 at 9:39 AM Larry Shake <larryshake@gmail.com> wrote:

Hi Lori... thanks for this stuff.... I have another request for you and Cynda... I noticed yesterday that Mr. Bitten (Bitton) ? is creating large dust storms flowing with the wind... he must have a CUP to be working on the 10 acres to the north of his current yard.... I was aware of a permit for one acre he was applying for but wasn't aware of the 10 acre that Cynda told me about.... does he have a CUP for what he is doing... and does he have a dust abatement program... ie: the county standard ?... what ever the case he should be required to stop until he has met the necessary requirements... IE: I don't think he owns the land.... so "I can pile dirt on my own land" doesn't apply.... and further I could debate the fact that because he has requested industrial CUP use for the property.... he can't conduct business activities on the property until a CUP is in place.... ie: building a industrial lot on the property would qualify for business activity... please let me know... L

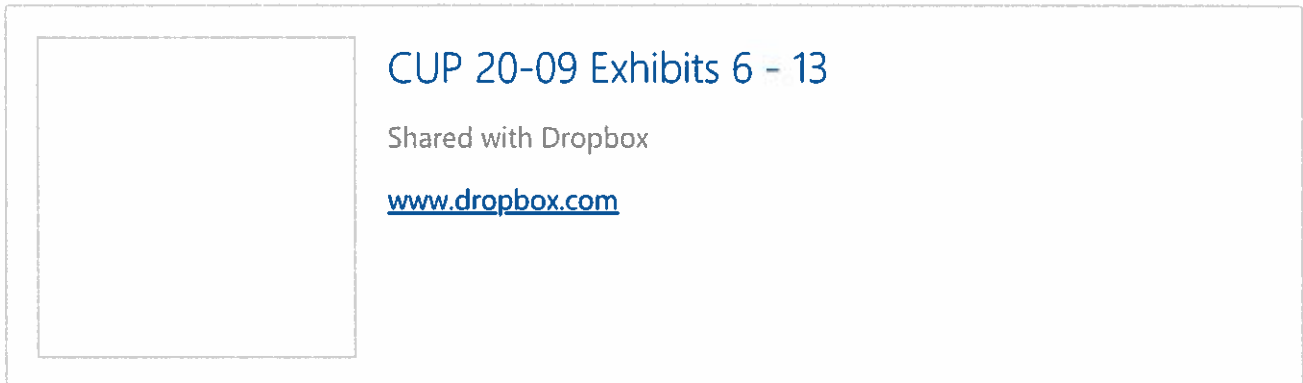
**"God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed, and the wisdom to distinguish the one from the other" — Reinhold Niebuhr**

On Wed, Jul 8, 2020 at 1:07 PM Lori Hunter <[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)> wrote:

Larry -

Exhibits 6-13 are available at this dropbox link:

<https://www.dropbox.com/sh/akug34xio1sdxn/AAAKm6SJYFBqsfVICEDbDNfWa?dl=0>



Lori Hunter, P&Z Technician  
Valley County Planning & Zoning Dept.  
Phone: 208-382-7115  
Fax: 208-382-7119  
[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)

*The smallest good deed is greater than the grandest intention.*

*Visit the P&Z GIS map at [www.co.valley.id.us/departments/information-technology/gis-maps/](http://www.co.valley.id.us/departments/information-technology/gis-maps/)*







Executive Department  
State of Idaho

The Office of the Governor  
*Proclamation*

State Capital  
Boise

*WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and*

*WHEREAS, that Proclamation remains in effect today; and*

*WHEREAS, government agencies and boards need to continue to operate, make decisions, and ensure the continuity of services to the people of Idaho during the declared emergency; and*

*WHEREAS, federal, state, and local public health authorities have recommended limited interaction with others at this time and that social interactions should be limited to ten (10) people in order to reduce the spread of the 2019 novel coronavirus (COVID-19); and*

*WHEREAS, the Idaho Open Meetings Act, Chapter 2, Title 74, Idaho Code, sets out important requirements to ensure that the public business is not conducted in secret. Those requirements remain important during a time of emergency such as this.*

*NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by Section 46-1008 of the Idaho Code and by the Constitution of the State of Idaho do hereby find and therefore proclaim and declare:*


- 1. The Proclamation I issued on March 13, 2020 is hereby amended to incorporate this Proclamation.*
- 2. The requirements of the following portion of section 74-203(5), Idaho Code, are suspended during the term of the emergency declared in the Proclamation dated March 13, 2020, including during any extensions of the declared emergency.*

*provided, however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section 74-204, Idaho Code, to ensure that the public may attend such meeting in person.*
- 3. The suspension of this requirement is necessary to permit governing bodies of public agencies to continue to conduct the public's business during this emergency, while also ensuring the public's business is not conducted in secret.*
- 4. The suspension of section 74-203(5), Idaho Code, applies only to the requirement of allowing the public to attend a meeting in person. All governing bodies of public agencies continue to be subject to the Open Meeting Law's requirements to allow public attendance using telecommunication devices at meetings subject to the Open Meeting Act.*
- 5. All other requirements of the Open Meeting Act remain intact and are not impacted by this action. Public agencies must continue to comply with all other requirements of the Open Meeting Act, including but not limited to requirements for providing notice and publishing the agenda.*

6. *Public agencies are encouraged, but not required, to take steps to enhance public attendance and participation in meetings via telecommunication devices during this unique and challenging time. For example, public agencies should consider publishing on its website and in advance of the meeting the materials to be discussed at the meeting, and giving the public an opportunity to sign up to testify telephonically.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 18<sup>th</sup> day of March in the year of our Lord two thousand and twenty and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.*

  
LAWRENCE DENNEY  
SECRETARY OF STATE

  
BRAD LITTLE  
GOVERNOR

**Procedures for PUBLIC HEARINGS ON JUNE 11, 2020  
PLANNING AND ZONING COMMISSION**

**PRIOR TO THE HEARING:**

- ⇒ Sign up to speak telephonically or in-person, as follows:
- Phone: (208)382-7115 until 4:00 p.m. on June 11, 2020
  - Email [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us) or [lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us) until 4:00 p.m. on June 11

Those that will be testifying in person should sign up as described above. **You will need to gather at the main entrance to the courthouse at 219 N. Main. You will then be escorted to the hearing room in groups when testimony is allowed, but you will then need to leave the hearing room. Proper social distancing of 6' in the hallways must be maintained.**

(Testimony will be limited to 3 minutes.)

- ⇒ Review the Staff Reports on the website.
- ⇒ You can watch the hearing on the Valley County website.

**EXPLANATION OF HEARING PROCEDURES BY CHAIRMAN AT BEGINNING OF MEETING**

- State the Date and Time
- Explain the Process: Staff Report, Testimony of Proponents, Testimony of Uncommitted, Testimony of Opponents, Testimony In-Person, Deliberations, & Decision  
(*unless more information is needed*)
- Time Limit of 3 Minutes – as a member of the public you should have signed up with the Valley County P&Z Administrator, Cynda Herrick or Lori Hunter, at (208)382-7115.

We will call on you by name. So, please, mute your phones.

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**☐ OPEN THE PUBLIC HEARING**

**☐ Ask if anyone has a conflict of interest.**

**☐ STAFF REPORT FROM PLANNING AND ZONING – CYNDA HERRICK**

**☐ TESTIMONY OF PROPONENTS (Name and Location) – on the phone**

**☐ TESTIMONY OF UNCOMMITTED (Name and Location) – on the phone**

**☐ TESTIMONY OF OPPONENTS (Name and Location) – on the phone**

**☐ TESTIMONY OF THE PUBLIC IN-PERSON – CANNOT STAY IN THE HEARING**

**☐ CLOSE THE PUBLIC HEARING for Deliberations**

**☐ DEVELOP REASONED DECISIONS – MAY WANT TO TABLE TO A SPECIFIC DATE AND TIME**





# Idaho Statutes

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 65  
LOCAL LAND USE PLANNING

67-6502. PURPOSE. The purpose of this act shall be to promote the health, safety and general welfare of the people of the state of Idaho as follows:

(a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.

(b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.

(c) To ensure that the economy of the state and localities is protected.

(d) To ensure that the important environmental features of the state and localities are protected.

(e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.

(f) To encourage urban and urban-type development within incorporated cities.

(g) To avoid undue concentration of population and overcrowding of land.

(h) To ensure that the development on land is commensurate with the physical characteristics of the land.

(i) To protect life and property in areas subject to natural hazards and disasters.

(j) To protect fish, wildlife and recreation resources.

(k) To avoid undue water and air pollution.

(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

(m) To protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state.

History:

[67-6502, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 1, p. 831; am. 1994, ch. 245, sec. 1, p. 764; am. 1999, ch. 396, sec. 2, p. 1100; am. 2011, ch. 89, sec. 1, p. 192; am. 2014, ch. 93, sec. 3, p. 254.]

How current is this law?

**Search the Idaho Statutes and Constitution**

TITLE 74  
TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 2  
OPEN MEETINGS LAW

74-201. FORMATION OF PUBLIC POLICY AT OPEN MEETINGS. The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.

[74-201, added 2015, ch. 140, sec. 5, p. 369.]

74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. [EFFECTIVE UNTIL JULY 1, 2023] As used in this chapter:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.

(3) "Executive session" means any meeting or part of a meeting of a governing body that is closed to any persons for deliberation on certain matters.

(4) "Public agency" means:

(a) Any state board, committee, council, commission, department, authority, educational institution or other state agency created by or pursuant to statute or executive order of the governor, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

(b) Any regional board, commission, department or authority created by or pursuant to statute;

(c) Any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;

(d) Any subagency of a public agency created by or pursuant to statute or executive order of the governor, ordinance, or other legislative act; and

(e) Notwithstanding the language of this subsection, the cybersecurity task force or a committee awarding the Idaho medal of achievement shall not constitute a public agency.

(5) "Governing body" means the members of any public agency that consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.

(6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

(a) "Regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

(b) "Special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. [EFFECTIVE JULY 1, 2023] As used in this chapter:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.

(3) "Executive session" means any meeting or part of a meeting of a governing body that is closed to any persons for deliberation on certain matters.

(4) "Public agency" means:

(a) Any state board, commission, department, authority, educational institution or other state agency created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

(b) Any regional board, commission, department or authority created by or pursuant to statute;

(c) Any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho; and

(d) Any subagency of a public agency created by or pursuant to statute, ordinance, or other legislative act.

(5) "Governing body" means the members of any public agency that consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.

(6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

(a) "Regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

(b) "Special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

[74-202, added 2015, ch. 140, sec. 5, p. 369; am. 2018, ch. 142, sec. 1, p. 288; added 2018, ch. 142, sec. 3, p. 289.]

74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) Deliberations of the board of tax appeals created in chapter 38, title 63, Idaho Code, the public utilities commission and the industrial commission in a fully submitted adjudicatory proceeding in which hearings, if any are required, have been completed, and in which the legal rights, duties

or privileges of a party are to be determined are not required by this act to take place in a meeting open to the public. Such deliberations may, however, be made and/or conducted in a public meeting at the discretion of the agency.

(3) Meetings of the Idaho life and health insurance guaranty association established under chapter 43, title 41, Idaho Code, the Idaho insurance guaranty association established under chapter 36, title 41, Idaho Code, and the surplus line association approved by the director of the Idaho department of insurance as authorized under chapter 12, title 41, Idaho Code, are not required by this act to take place in a meeting open to the public.

(4) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

(5) All meetings may be conducted using telecommunications devices which enable all members of a governing body participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. Participation by a member of the governing body through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section 74-204, Idaho Code, to ensure that the public may attend such meeting in person. The communications among members of a governing body must be audible to the public attending the meeting in person and the members of the governing body.

[74-203, added 2015, ch. 140, sec. 5, p. 369.]

74-204. NOTICE OF MEETINGS -- AGENDAS. (1) Regular meetings. No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given unless otherwise provided by statute. Provided however, that any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency or, if no such office exists, at the building where the meeting is to be held. The notice for meetings and agendas shall also be posted electronically if the entity maintains an online presence through a website or a social media platform.

(2) Special meetings. No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee of each public agency shall maintain a list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.

(3) Executive sessions. If only an executive session will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (2) of this section and shall state the reason and the specific provision of law authorizing the executive session.

(4) An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion. An agenda item that requires a vote shall be identified on the agenda as an "action item" to provide notice that action may be taken on that item. Identifying an item as an action item on the agenda does not require a vote to be taken on that item.

(a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.

(b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.

(c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification shall be reflected in the minutes.

[74-204, added 2015, ch. 140, sec. 5, p. 370; am. 2018, ch. 223, sec. 1, p. 502.]

74-205. WRITTEN MINUTES OF MEETINGS. (1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, resolutions, orders, or ordinances proposed and their disposition;
- (c) The results of all votes, and upon the request of a member, the vote of each member, by name.

(2) Minutes pertaining to executive sessions. Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.

[74-205, added 2015, ch. 140, sec. 5, p. 371.]

74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) To acquire an interest in real property not owned by a public agency;

(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;

(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

(g) By the commission of pardons and parole, as provided by law;

(h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;

(i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section 74-206A (1) (a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote.

[74-206, added 2015, ch. 140, sec. 5, p. 371; am. 2015, ch. 271, sec. 1, p. 1125; am. 2018, ch. 169, sec. 25, p. 377; am. 2019, ch. 114, sec. 1, p. 439.]

74-206A. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations between a governing body and a labor organization shall be in open session and shall be available for the public to attend. This requirement also applies to negotiations between the governing body's designated representatives and representatives of the labor organization. This requirement shall also apply to meetings with any labor negotiation arbitrators, fact finders, mediators or similar labor dispute meeting facilitators when meeting with both parties to the negotiation at the same time. Provided, however, a governing body or its designated representatives may hold an executive session for the specific purpose of:

(a) Deliberating on a labor contract offer or to formulate a counteroffer; or

(b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes, shall be subject to public writings disclosure laws.

(3) Any other provision of law notwithstanding, including any other provisions to the contrary in sections 33-402 and 74-204, Idaho Code, the governing body shall post notice of all negotiation sessions at the earliest possible time practicable. This shall be done by the governing body by immediately posting notice of the negotiation session on the front page of its official website. If time permits, the governing body shall also post notice within twenty-four (24) hours at its regular meeting physical posting locations.

(4) Public testimony, if any, shall be posted as an agenda item.

[(74-206A) 67-2345A, added 2015, ch. 271, sec. 2, p. 1126; am. and redesig. 2016, ch. 47, sec. 41, p.125; am. 2019, ch. 85, sec. 1, p. 211.]

74-207. OPEN LEGISLATIVE MEETINGS REQUIRED. All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

[74-207, added 2015, ch. 140, sec. 5, p. 372.]

74-208. VIOLATIONS. (1) If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(4) Any member of a governing body who knowingly violates any provision of this chapter and who has previously admitted to committing or has been

previously determined to have committed a violation pursuant to subsection (3) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section 31-2603, Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) (a) A violation may be cured by a public agency upon:

- (i) The agency's self-recognition of a violation; or
- (ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a) (i) or (a) (ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7) (a) (i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.



[74-208, added 2015, ch. 140, sec. 5, p. 372; am. 2015, ch. 345, sec. 1, p. 1301.]

CHAPTER 3  
[RESERVED]

**Procedures for PUBLIC HEARINGS ON AUGUST 3, 2020  
APPEAL OF P&Z APPROVAL OF CUP 20-09 BP PROPERTIES**

**PRIOR TO THE HEARING: WRITTEN TESTIMONY TAKEN UNTIL JULY 29, 2020**

⇒ **WRITTEN TESTIMONY TAKEN UNTIL JULY 29, 2020**

⇒ **To Testify**.....Sign up with the Clerk, Douglas Miller, as follows:

- **Telephonically:** (208)382-7102 until Friday, July 31, at 5:00 p.m. or E-mail [dmiller@co.valley.id.us](mailto:dmiller@co.valley.id.us) until testimony is opened
- **In-Person**...sign up with Douglas Miller. You will be escorted to the hearing room and be allowed to testify, but you will then need to leave the hearing room if proper social distancing cannot be maintained.

**EXPLANATION OF HEARING PROCEDURES BY CHAIRMAN AT BEGINNING OF MEETING**

- State the Date and Time
- Explain the Process: Staff Report, Presentation by the Appellant, Presentation by Applicant, Testimony of Proponents, Testimony of Uncommitted, Testimony of Opponents, Testimony In-Person, Rebuttal by the Appellant, Questions by Board of County Commissioners, Close public hearing: Deliberations, & Decision (*unless more information is needed*)
- Time Limit of 3 Minutes – **(as a member of the public you should have signed up with the Clerk, Doug Miller, at (208)382-7102 until Friday at 5:00 p.m. or E-mail)**

**OPEN THE PUBLIC HEARING**

**Ask if anyone has a conflict of interest or *ex parte* contact.**

**STAFF REPORT FROM PLANNING AND ZONING – CYNDA HERRICK**

**PRESENTATION BY APPELLANT**

**PRESENTATION BY APPLICANT**

**TESTIMONY OF THE PUBLIC IN-PERSON – CANNOT STAY IN THE HEARING UNLESS SOCIAL DISTANCING**

**TESTIMONY OF PROPONENTS OF THE APPEAL (Name and Location) – on the phone**

**TESTIMONY OF UNCOMMITTED OF THE APPEAL (Name and Location) – on the phone**

**TESTIMONY OF OPPONENTS OF THE APPEAL (Name and Location) – on the phone**

**REBUTTAL BY THE APPELLANT**

**QUESTIONS FOR APPELLANT OR APPLICANT**

**CLOSE THE PUBLIC HEARING for Deliberations**

**DEVELOP REASONED DECISIONS – MAY WANT TO TABLE TO A SPECIFIC DATE AND TIME**

**From:** Dusty Bitton <dusty@pinetopmccall.com>  
**Sent:** Wednesday, July 29, 2020 7:01 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** RMC

Cynda

Please see attached the new updated site plan for next week's meeting.

This is in response to the neighbors and neighborhood comments.

I think this is a win-win.

I have emailed this to people who have asked for it and am having another meeting this week to address any questions.

Let me know if you have any questions

PROJECT NO.  
PT-1007

CONTRACTOR TO VERIFY ALL DETAILS AND SPECIFICATIONS BEFORE CONSTRUCTION AND REPORT ANY DISCREPANCIES AND/OR ERRORS TO SMC DESIGN PRIOR TO THE COMMENCEMENT OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ANY LOCAL AGENCIES OR AGENCIES THAT MAY ARISE DURING CONSTRUCTION ON ANY OTHER PROPERTY.

PEARSON STORAGE FACILITY

PEARSON VALLEY CO. ID

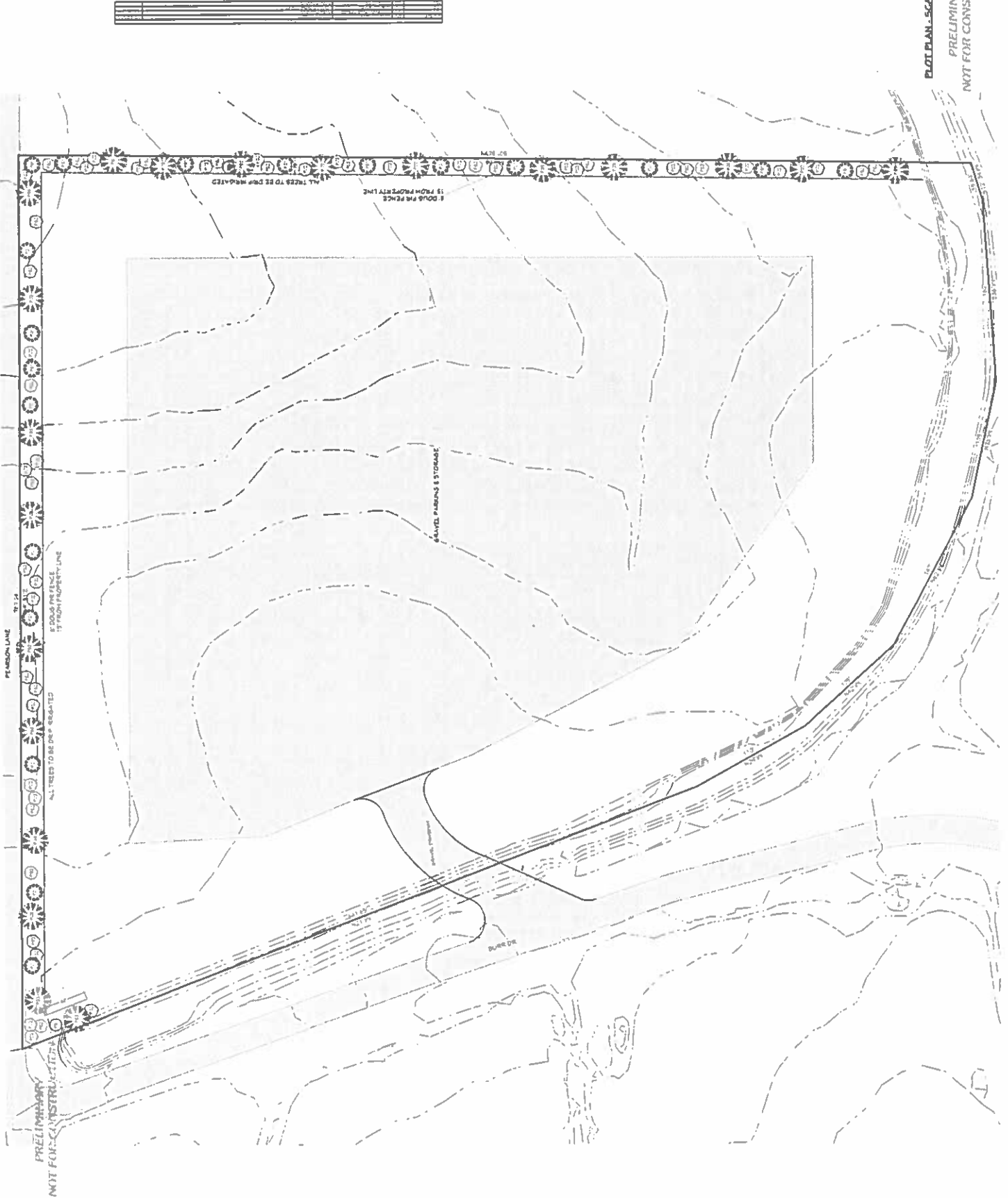
SITE PLAN

SHEET SIZE: ARCH E1 (30" x 42")  
INITIAL DATE: 10/20/14  
DESIGN DATE: 10/20/14

SMC Design  
200 244 7200  
Number, ID

SCALE: AS SHOWN  
PAGE 1 OF 1

NOT FOR CONSTRUCTION  
PRELIMINARY  
PLOT PLAN - SCALE: 1" = 50'±



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/20/14
2	ISSUED FOR CONSTRUCTION	10/20/14
3	ISSUED FOR RECORD	10/20/14

PROJECT NO.  
PT. 1901

CONTRACTOR TO VERIFY ALL DETAILED DIMENSIONS AND SPECIFICATIONS FROM CONSTRUCTION AND REPORT ANY DISCREPANCIES AND/OR OMISSIONS AND/OR OMISSIONS TO SMC DESIGN IMMEDIATELY UPON RECEIPT OF THE MAIN RELEASES AND OR SIGN FROM ANY CLAIMS, LITIGATION OR SUITS THAT MAY ARISE DURING CONSTRUCTION OR ANYTIME THEREAFTER.

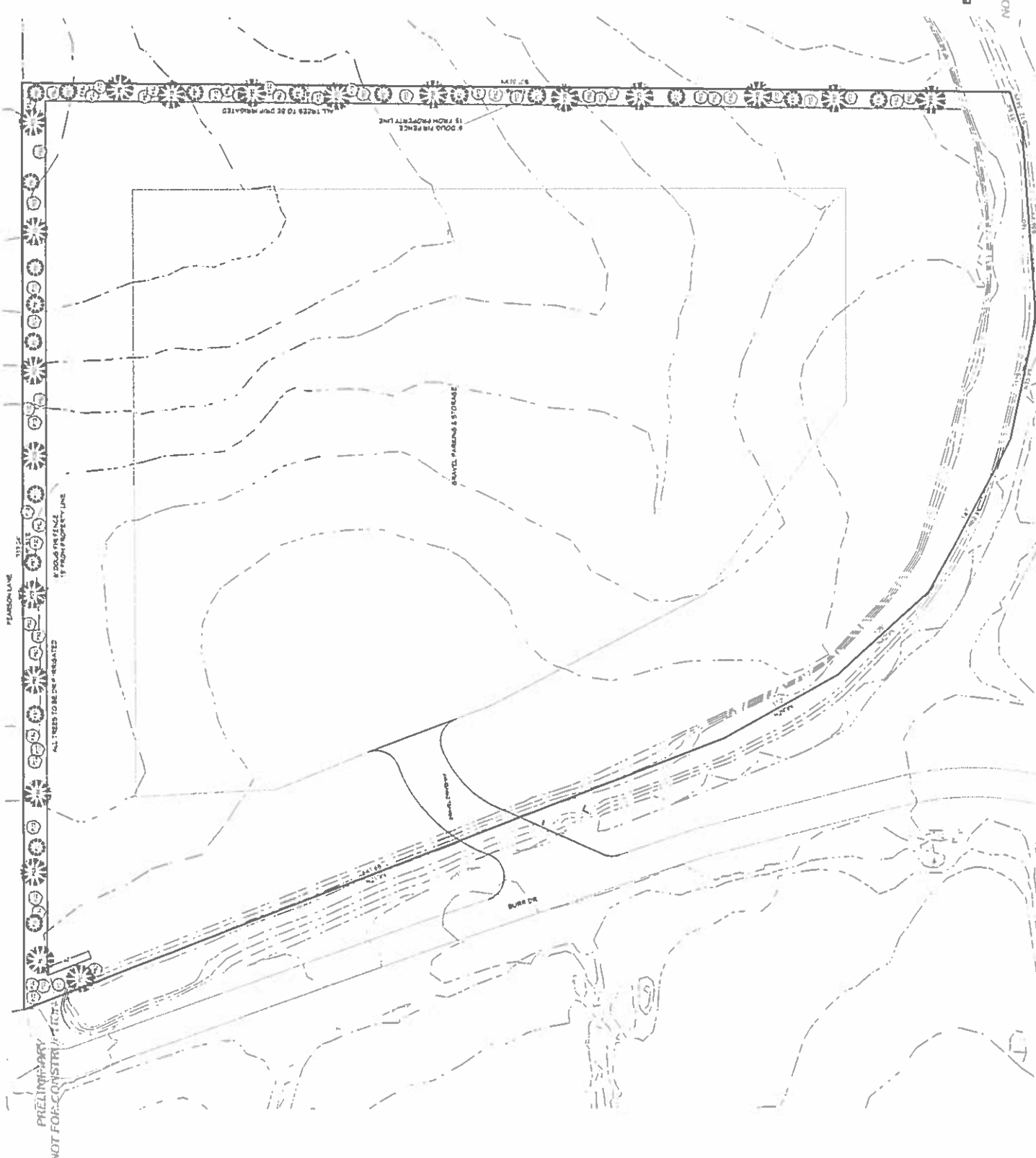
SITE PLAN

SMC Design  
208 249 1200  
Nampa, ID

SHEET NUMBER  
**A1**  
PAGE 1 OF 1

PEARSON STORAGE FACILITY  
PEARSON VALLEY CO., ID

DRAWN BY: Steve  
CHECK DATE: 10/20/10  
SHEET SIZE: ARCH E1 (30" x 42")

PLOT PLAN - SCALE: 1" = 50'-0"  
PRELIMINARY  
NOT FOR CONSTRUCTION

PRELIMINARY  
NOT FOR CONSTRUCTION



# C.U.P. 20-09 Surrounding Use



6/4/2020, 10:06:42 AM

Parcel Boundaries  
 Roads  
 All Road Labels

URBAN/RURAL  
 MAJOR  
 PRIVATE

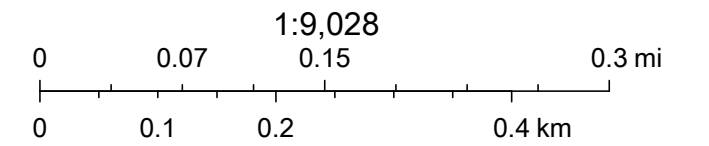
C.U.P. 87-4 High Mountain Cabinet Shop

C.U.P. 12-11 ASAP Portables

C.U.P. 12-10 M-D School District Transportation Facility

C.U.P. 18-06 RMC

C.U.P. 17-09 Kesler Storage



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE  
THE VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Conditional Use Permit No. 20-09  
BP Property Equipment Storage

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on June 11, 2020. The Commission reached a quorum. Commission members in attendance were Ed Allen, Brian Benton, Ray Cooper, Scott Freeman, and Chairman Johanna Defoort.

The applicant, Dusty Bitton, was present and requesting approval to establish an equipment storage facility on Parcel RP18N03E289006 located in the SESE Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. The site is 11.8 acres.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearings, which are summarized in the Minutes of the Valley County Planning and Zoning Commission's minutes dated June 11, 2020, the Valley County Board of Commissioners hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is bare grass land in a multiple use zone and will now be categorized under 5. Commercial Uses (d) Area Business in the Valley County Code (Title 9) in Table 9-3-1.
2. That the surrounding land uses are commercial uses, civic community service uses, and single family residential. In the local vicinity there were a variety of uses including agricultural and industrial; an aerial map was provided.
3. That the proper legal requirements for advertisement of the hearings have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the *Star News* on May 21 and 28, 2020. Potentially affected agencies were notified on May 12, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent May 14, 2020. The site was posted on May 20, 2020. The sign was destroyed (see attached pictures) and was reposted on June 3, 2020. We have been told the sign posted on June 3, 2020, has also been taken.

4. Other persons in attendance expressed both approval and disapproval of the proposed application.

5. **Due to Covid-19, the public hearing was held in accordance with Governor Little’s Proclamation concerning Open Meeting Laws.** The intent of the proclamation was that governing bodies can hold public meetings using technological means as opposed to at a specific physical location. “The meeting must be conducted using technology that allows all—the governing board and the public—to hear and be heard as procedures allow. When public hearings are required (e.g., planning and zoning, budget amendments, vacation of platted rights of way, etc.) opportunities for public participation must be accorded as required by law – just not necessarily at a definite physical location.” With this in mind the meeting was conducted as follows:
- Broadcast the Public Hearing Live on YouTube.
  - Allowed for listening and testifying telephonically.
  - Provided directions on the website on how to participate (attached).
  - Called members of the public who had provided their numbers.
  - Allowed for in-person testimony while requiring social distancing. Only the applicant was allowed to stay in the room through the entire hearing.
  - Sheriff Deputy handed out paper with the link to the Live Stream on YouTube.
  - Neighbor notice were mailed on May 14, 2020, a week earlier than required.
  - The site was posted 21 days in advance; only 7 days is required.

## **CONCLUSIONS**

Based on the foregoing findings, the Valley County Planning and Zoning Commissioners conclude as follows:

1. The proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety and welfare.
2. That the proposed use is consistent with the Valley County Comprehensive Plan.
3. Valley County is one Mixed Use Zone - Performance Based Planning which allows different uses adjacent to each other.
4. The proposal is very different than the Idaho Power application that was previously denied.
5. There would be minimal impact to Pearson Lane since there is an anticipated 2-3 trips per day proposed and 10 round trips being the cap allowed by the Planning and Zoning Commission.
6. This would be a better neighbor than a gravel pit, dense subdivision, etc.
7. The applicant is willing to work with the Irrigation District.
8. The berm will be good to mitigate any impacts.



9. There will be little visual impact and no lighting proposed.
10. The Commission determined the application is complete and engineering compliance is typically required after initial approval as a condition of approval.
11. The Commission completed the Compatibility Rating and determined it was a +18.
12. There are quite a number of commercial uses adjacent to the proposed site and in the general area.
13. There were a number of ways for the public to participate in the meeting including written testimony, telephonic testimony, and testimony in-person. The meeting was broadcast live. Open meeting laws were not violated.

## **ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Dusty Bitton, BP Property, for Conditional Use Permit No. 20-09 BP Property Equipment Storage, as described in the application, staff report, and minutes of the meeting be approved with the following conditions of approval:

### Conditions of Approval:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit. If traffic volumes exceed 20 trips per day a new permit would be required.
3. The use shall be established within one year of the date of approval or this permit shall be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.

5. All lights shall be fully shielded so that there is no upward or horizontal projection of lights. The lights can only be a maximum of 20' in height.
6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.
7. Must comply with Central District Health requirements.
8. Must comply with requirements of the McCall Rural Fire District.
9. Parking must comply with setback standards: 30' front, 10' side, 30' rear, 30' side street.
10. New structures must have building permits and be approved as part of a conditional use permit.
11. The site must be kept neat and orderly.
12. Shall obtain a sign permit prior to installation of a sign.
13. Landscaping shall be installed prior to July 1, 2021. If landscaping dies, it must be replaced. Landscaping must be irrigated.
14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
15. All mounding and berms shall have slopes no steeper than three to one (3:1).
16. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
17. A stormwater management plan shall be approved by the Valley County Engineer prior to excavation.
18. Large vehicles should not use Pearson LN unless on direct route to a job site.
19. Maximum of 10 vehicles trips per day once the berm is completed. (10 round trips...a trip to and from is equal to 1 round trip)
20. Cranes will not stand up in yard.
21. Ditch centered Easement must be observed.
22. Shall mitigate for dust annually.


**NOTICE OF FINAL ACTION AND  
RIGHT TO REGULATORY TAKING ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such request must be in writing, and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

**Please take notice** that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

**Please take notice** that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

**END FACTS AND CONCLUSIONS**

  
\_\_\_\_\_  
Valley County Planning and Zoning Commission  
Chairman

Date: 7-9-2020

**Procedures for PUBLIC HEARINGS ON JUNE 11, 2020  
PLANNING AND ZONING COMMISSION**

**PRIOR TO THE HEARING:**

- ⇒ Sign up to speak telephonically or in-person, as follows:
- Phone: (208)382-7115 until 4:00 p.m. on June 11, 2020
  - Email [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us) or [lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us) until 4:00 p.m. on June 11

Those that will be testifying in person should sign up as described above. **You will need to gather at the main entrance to the courthouse at 219 N. Main. You will then be escorted to the hearing room in groups when testimony is allowed, but you will then need to leave the hearing room. Proper social distancing of 6' in the hallways must be maintained.**

**(Testimony will be limited to 3 minutes.)**

- ⇒ Review the Staff Reports on the website.
- ⇒ You can watch the hearing on the Valley County website.

**EXPLANATION OF HEARING PROCEDURES BY CHAIRMAN AT BEGINNING OF MEETING**

- State the Date and Time
- Explain the Process: Staff Report, Testimony of Proponents, Testimony of Uncommitted, Testimony of Opponents, Testimony In-Person, Deliberations, & Decision *(unless more information is needed)*
- Time Limit of 3 Minutes – **(as a member of the public you should have signed up with the Valley County P&Z Administrator, Cynda Herrick or Lori Hunter, at (208)382-7115.**

We will call on you by name. So, please, mute your phones.

---

**☐ OPEN THE PUBLIC HEARING**

**☐ Ask if anyone has a conflict of interest.**

**☐ STAFF REPORT FROM PLANNING AND ZONING – CYNDA HERRICK**

**☐ TESTIMONY OF PROPONENTS (Name and Location) – on the phone**

**☐ TESTIMONY OF UNCOMMITTED (Name and Location) – on the phone**

**☐ TESTIMONY OF OPPONENTS (Name and Location) – on the phone**

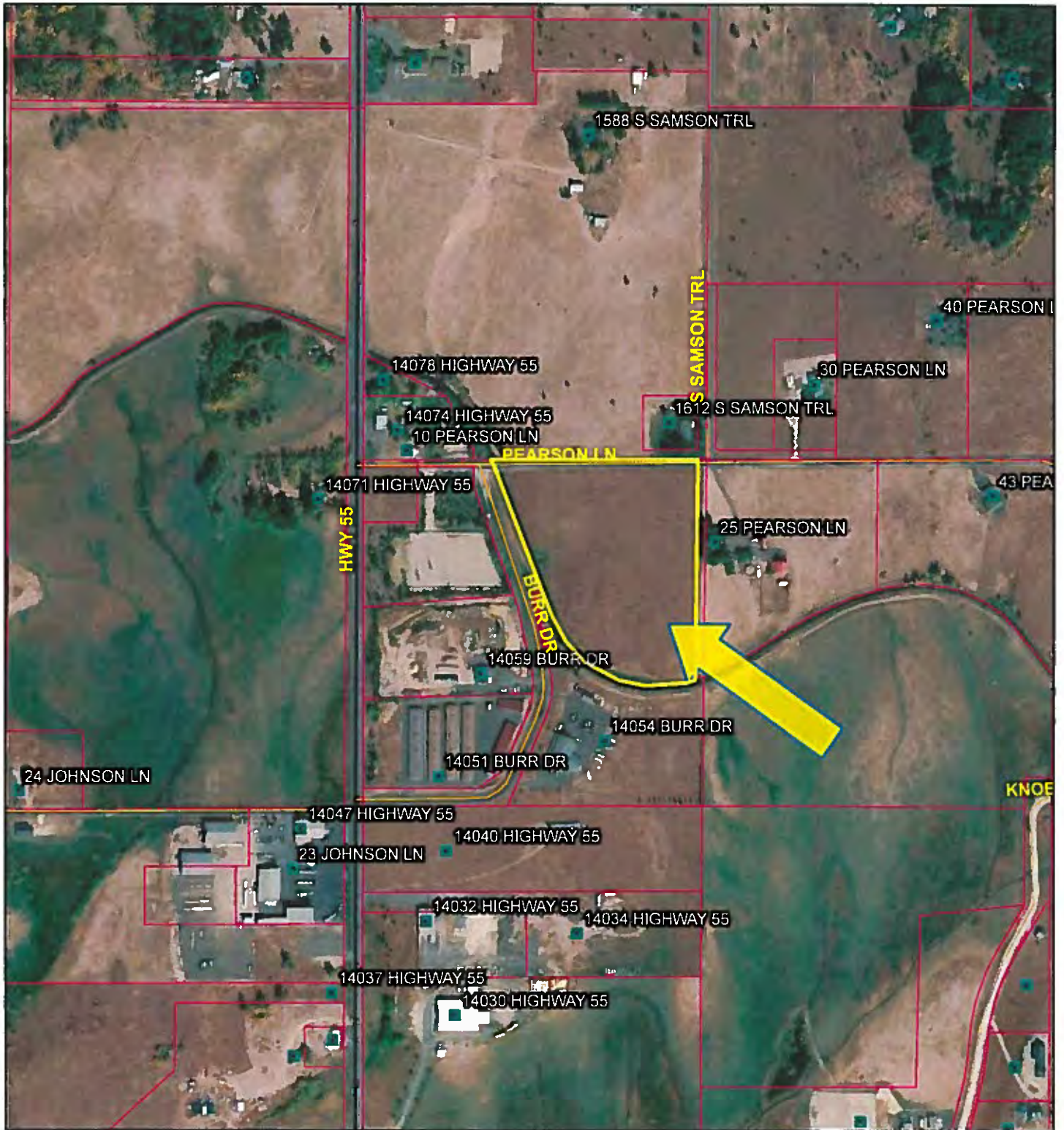
**☐ TESTIMONY OF THE PUBLIC IN-PERSON – CANNOT STAY IN THE HEARING**

**☐ CLOSE THE PUBLIC HEARING for Deliberations**

**☐ DEVELOP REASONED DECISIONS – MAY WANT TO TABLE TO A SPECIFIC DATE AND TIME**



# C.U.P. 20-09 vicinity map



5/7/2020 4:55:34 PM

Parcel Boundaries Roads

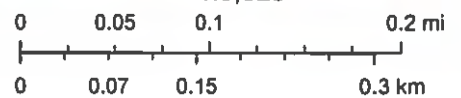
Addresses

All Road Labels

MAJOR

URBAN/RURAL

1:9,028



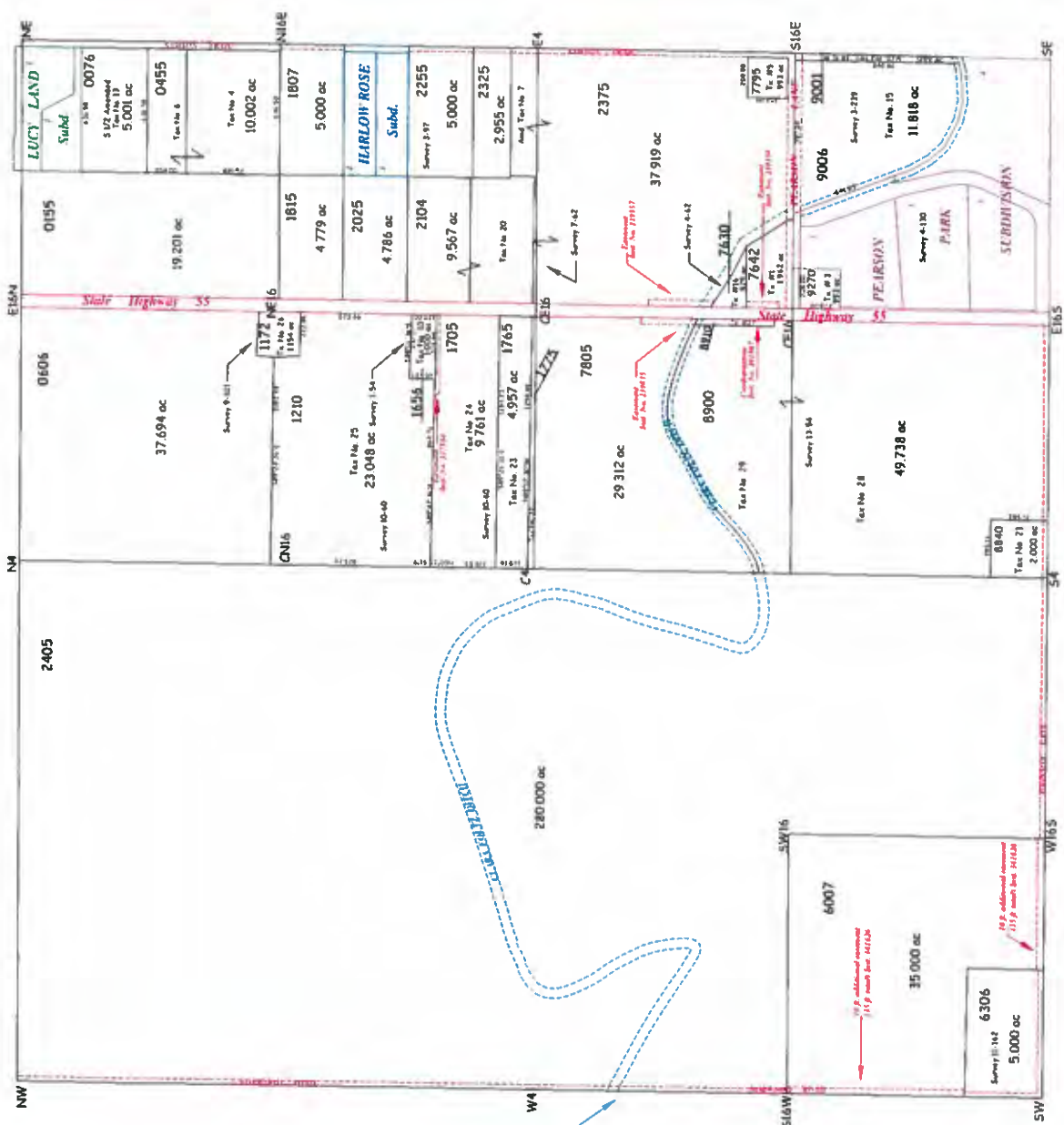
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PLAT TITLE

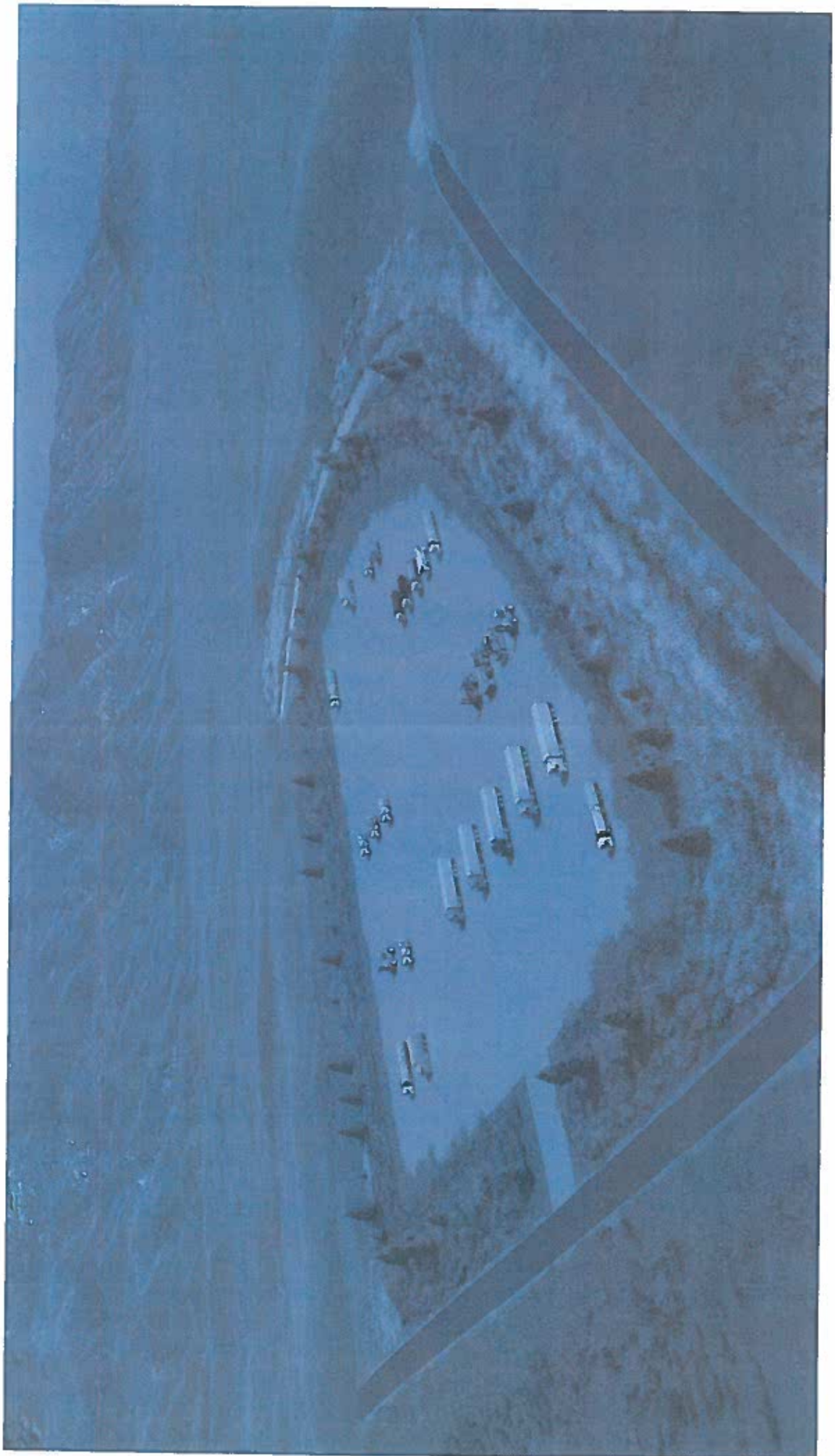
# TWP. 18N ROSE SEC. 28

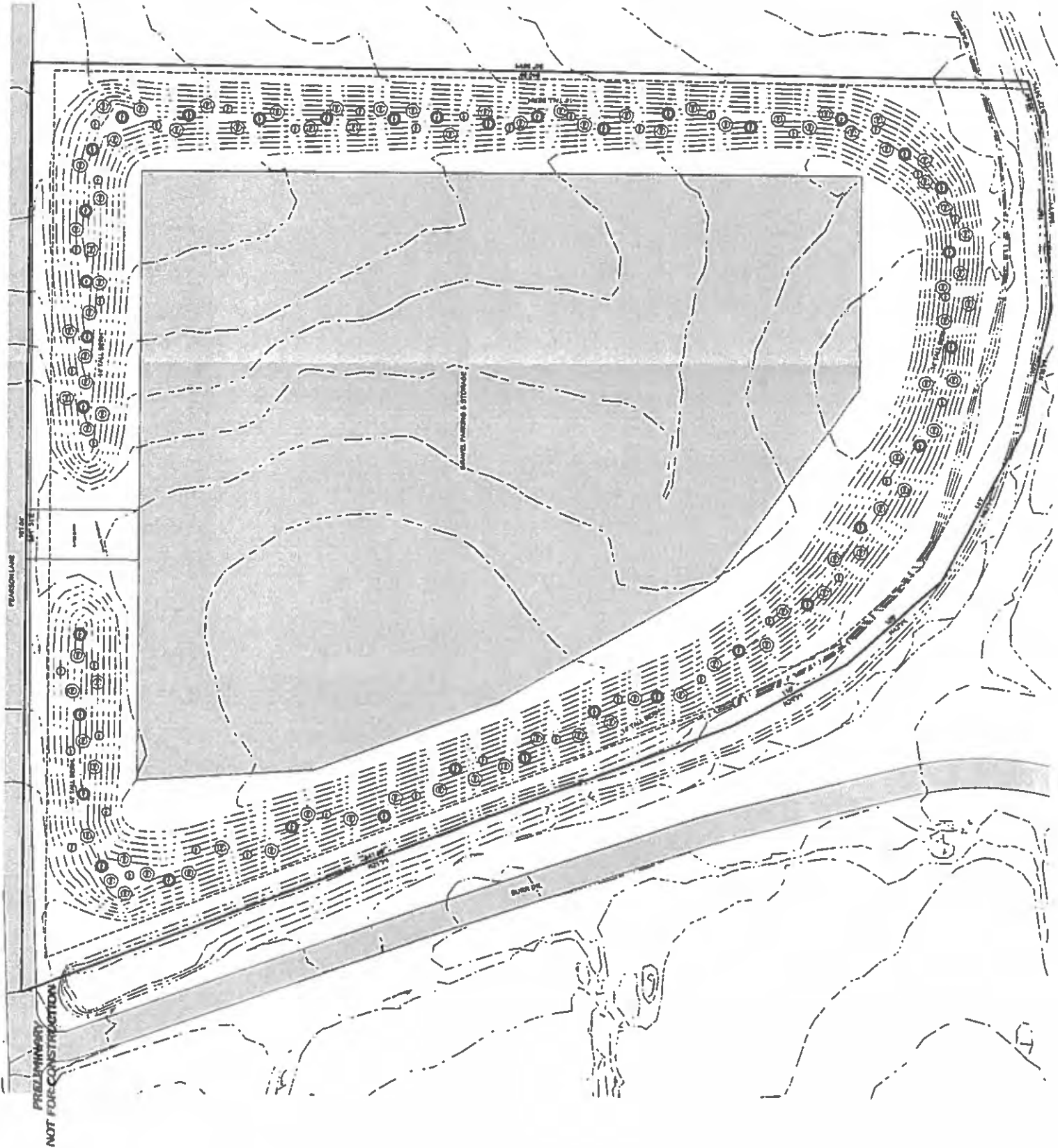
VALLEY COUNTY  
Assessor's Office  
Cartography Dept  
Cascade, ID 83611

Filename: Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 3/20/2020  
Drawn by: L. Frederick









PRELIMINARY  
NOT FOR CONSTRUCTION



Filed and recorded at the request of Kerr Surveying at 11:39  
 o'clock P. M., this 8 day of Sept, 1991.

I, Joel W. Drouillard, a Registered Land Surveyor, do hereby  
 certify that this plat was prepared from notes taken during an  
 actual survey made under my direct supervision in September of  
 1991, and that it correctly represents the points, courses and  
 distances as recorded in said field notes.



183487  
 REQUESTED BY  
 RECEIVED  
 OCT 01 1991

**RECORD OF SURVEY**

of  
 parcels of land situate in the  
 SW<sup>4</sup> Sec. 27 and the SE<sup>4</sup> Sec. 28,  
 T. 18 N., R. 3 E., B.M., Valley County, Id.

for  
**DUANE & ALBERTA  
 SMITH**

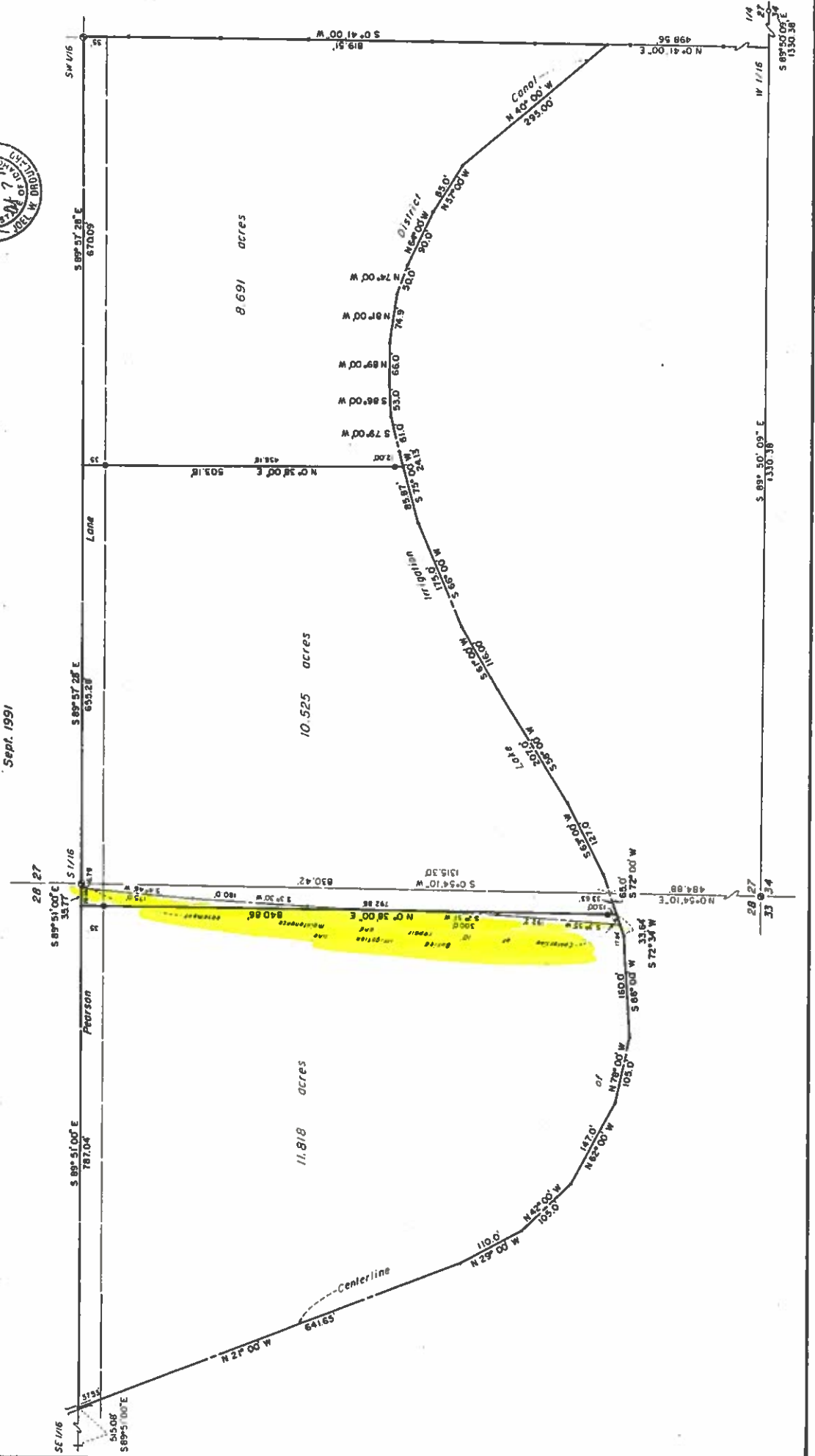
Kerr Surveying McCall, Idaho  
 Sept. 1991

**LEGEND**

- Found brass cap
- Set 1" x 24" rebar
- Found 1" x 24" rebar

Bearings based on State Plane Grid

Scale 1" = 100'



7-22-2020  
Appeal sign







Sign was reposted on June 3, 2020  
Sign was still present on June 10, 2020





*looking south*



*looking southwest*



*looking southeast*



---

May 8, 2020

Valley County Planning and Zoning  
219 N Main  
McCall, ID 83638

RE: BP Porperties – Detailed Project Description

To Whom It May Concern:

The purpose of our CUP is to improve our 12 acres with beautifully landscaped berm around the exterior of the property. This will provide audio and visual screening for the surrounding neighbors. The site will be used for overflow parking, materials, and equipment storage with limited traffic to and from the site.

Timeframe of construction will begin mid-June and end as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Dusty Bitten", is written over a horizontal line.

Dusty Bitten  
Rocky Mountain Crane

---

***Rocky Mountain Crane & Equipment Rental***

P.O. Box 2888  
McCall, ID 83638  
(208) 696-1476 Ph. / (866) 756-0090 Fax  
[www.rockymtncranes.com](http://www.rockymtncranes.com)

# Valley County Planning & Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
Phone 208-382-7115  
Fax 208-382-7119



## Conditional Use Permit Application

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT	
FILE # <u>C.U.P. 20-09</u>	FEE \$ <u>50</u>
ACCEPTED BY _____	DEPOSIT \$ _____
CROSS REFERENCE FILE(S): _____	DATE <u>5-7-2020</u>
PROPOSED USE: <u>equipment storage</u>	

When an application has been submitted, it will be reviewed in order to determine compliance with application requirements.  
A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

Applicant's Signature:  Date: 05.05.20

The following must be completed and submitted with the conditional use permit application:

- ❖ A detailed project description disclosing the purpose, strategy, and time frame of construction. Include a phasing plan if appropriate.
- ❖ A plot plan, drawn to scale, showing the boundaries, dimensions, area of lot, existing and proposed utilities, streets, easements, parking, setbacks, and buildings.
- ❖ A landscaping plan, drawn to scale, showing elements such as trees, shrubs, ground covers, and vines. Include a plant list indicating the size, quantity, location and name (both botanical and common) of all plant material to be used.
- ❖ A site grading plan clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development.
- ❖ A lighting plan.
- ❖ Names and addresses of property owners within 300 feet of the property lines. Information can be obtained through the Assessor's Office. Only one copy of this list is required.
- ❖ Ten (10) copies of the application, project description, plot plan, landscaping plan, grading plan, and impact report are required.

We recommend you review the Valley County Codes online at [www.co.valley.id.us/planning-zoning](http://www.co.valley.id.us/planning-zoning) or at the Planning & Zoning Office at 219 North Main Street, Cascade, Idaho

Subject to Idaho Statute 55-22 Underground Facilities Damage Prevention.



APPLICANT BP Properties PHONE 208.315.0090

Owner  Purchaser  Lessee  Renter

APPLICANT'S MAILING ADDRESS PO Box 4110, McCall, ID ZIP 83638

OWNER'S NAME BP Properties

OWNER'S MAILING ADDRESS PO Box 4110, McCall ZIP 83638

AGENT/REPRESENTATIVE Dusty Bitton FAX 866.756.0900 PHONE 208.315.0090

AGENT/REPRESENTATIVE ADDRESS PO Box 4110, McCall, ID ZIP 83638

CONTACT PERSON (if different from above) \_\_\_\_\_

CONTACT'S ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS OF SUBJECT PROPERTY \_\_\_\_\_

PROPERTY DESCRIPTION (either lot, block & subdivision name or attach a recorded deed with a metes and bounds description.)  
See attached Deed.

TAX PARCEL NUMBER RP18N03E289006

Quarter SESE Section 28 Township 18N Range 3E

1. PROPOSED USE: Residential  Civic or Community  Commercial  Industrial

2. SIZE OF PROPERTY 11.82 Acres  or Square Feet

3. EXISTING LAND USES AND STRUCTURES ON THE PROPERTY ARE AS FOLLOWS:  
Bare land, unimproved

4. ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (such as canals, hazardous material spills, soil or water contamination)? If so, describe and give location: N/A

5. ADJACENT PROPERTIES HAVE THE FOLLOWING BUILDING TYPES AND/OR USES:  
North Open Field and residential  
South Commercial Nez Perce  
East Open Field and residential  
West Commercial - Idaho Power, Falvey Excavation

6. MAXIMUM PROPOSED STRUCTURE HEIGHT: N/A

7a. NON-RESIDENTIAL STRUCTURES OR ADDITIONS (if applicable):  
Number of Proposed Structures: 0 Number of Existing Structures: 0  

<u>Proposed Gross Square Feet</u>	<u>Existing Gross Square Feet</u>
1 <sup>st</sup> Floor _____	1 <sup>st</sup> Floor _____
2 <sup>nd</sup> Floor _____	2 <sup>nd</sup> Floor _____
Total _____	Total _____



8a. TYPE OF RESIDENTIAL USE (If applicable):  
Single family residence  Mobile home for single family residence  Multiple residences on one parcel

8b. SQUARE FOOTAGE OF PROPOSED RESIDENTIAL STRUCTURES (If applicable): NA  
SQUARE FOOTAGE OF EXISTING RESIDENTIAL STRUCTURES: NA

8c. DENSITY OF DWELLING UNITS PER ACRE: 0

9. SITE DESIGN:

Percentage of site devoted to building coverage: 0

Percentage of site devoted to landscaping: 5

Percentage of site devoted to roads or driveways: 10

Percentage of site devoted to other uses: 85, describe: Overflow parking

**Total: 100%**

10. PARKING (If applicable):

Office Use Only

a. Handicapped spaces proposed: N/A

Handicapped spaces required: \_\_\_\_\_

b. Parking spaces proposed: N/A

Parking spaces required: \_\_\_\_\_

c. Number of compact spaces proposed: N/A

Number of compact spaces allowed: \_\_\_\_\_

d. Restricted parking spaces proposed: N/A

e. Are you proposing off-site parking: N/A

11. SETBACKS:

BUILDING

Office Use Only

PARKING

Office Use Only

Proposed

Required

Proposed

Required

Front

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rear

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Side

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Street Side

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12a. NUMBER OF EXISTING ROADS: 0 Width: \_\_\_\_\_ Private or Public? \_\_\_\_\_  
Are the existing road surfaces paved or graveled? N/A

12b. NUMBER OF PROPOSED ROADS: 0 Proposed width: N/A

Will the proposed roads be publicly or privately maintained? N/A

Proposed road construction: Gravel  Paved

13a. EXISTING UTILITIES ON THE PROPERTY ARE AS FOLLOWS:  
N/A

13b. PROPOSED UTILITIES: N/A

Proposed utility easement width \_\_\_\_\_

Location \_\_\_\_\_

14a. SEWAGE WASTE DISPOSAL METHOD: Septic  Central Sewage Treatment Facility

14b. POTABLE WATER SOURCE: Public  Water Association  Individual

If individual, has a test well been drilled? \_\_\_\_\_ Depth \_\_\_\_\_ Flow \_\_\_\_\_ Purity Verified? \_\_\_\_\_

Nearest adjacent well \_\_\_\_\_ Depth \_\_\_\_\_ Flow \_\_\_\_\_

15. ARE THERE ANY EXISTING IRRIGATION SYSTEMS? No  
 Are you proposing any alterations, improvements, extensions or new construction? No  
 If yes, Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
16. DRAINAGE (Proposed method of on-site retention): N/A  
 Any special drains? \_\_\_\_\_ (Please attach map)  
 Soil type (Information can be obtained from the Soil Conservation District): \_\_\_\_\_
- 17a. IS ANY PORTION OF THE PROPERTY LOCATED IN A FLOODWAY OR 100-YR FLOODPLAIN?  
 (Information can be obtained from the Planning & Zoning Office) No
- 17b. DOES ANY PORTION OF THIS PARCEL HAVE SLOPES IN EXCESS OF 15%? No
- 17c. ARE THERE WETLANDS LOCATED ON ANY PORTION OF THE PROPERTY? No
18. IS THERE ANY SITE GRADING OR PREPARATION PROPOSED? Yes If yes, Explain:  
Proposed parking area will be graded.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
19. COMPLETE ATTACHED PLAN FOR IRRIGATION if you have water rights and are in an irrigation district.
20. COMPLETE ATTACHED WEED CONTROL AGREEMENT
21. COMPLETE ATTACHED IMPACT REPORT. It must address potential environmental, economic, and social impacts and how these impacts are to be minimized.



## VALLEY COUNTY PLANNING & ZONING DEPARTMENT

219 North Main Street  
PO Box 1350  
Cascade, ID 83611

Phone 208-382-7115  
Fax 208-382-7119  
www.co.valley.id.us

### APPLICATION FOR IRRIGATION PLAN APPROVAL submitted with C.U.P. & Subdivision Applications (Idaho Code 31-3805)

Applicant(s): BP Properties

PO Box 4110

McCall, ID

83638

Mailing Address

City, State

Zip

Telephone Numbers: 208.315.0090

Location of Subject Property: \_\_\_\_\_

(Property Address or Two Nearest Cross Streets)

Assessor's Account Number(s): RP \_\_\_\_\_ Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_

C.U.P Number: \_\_\_\_\_

This land:  Has water rights available to it  
 Is dry and has no water rights available to it. If dry, please sign this document and return to the Planning & Zoning Department as part of your application.

**Idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water deliver entity ... no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:"**

- A. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- B. The owner filing the subdivision plat or amendment to a subdivision plat or map has provided for the division of land of underground tile or conduit for lots of one acre or less or a suitable system for lots of more than one acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
  1. For proposed subdivisions located within an area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with 50-the irrigation system.
  2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. Any missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners as part of final plat approval.

1. Are you within an area of negotiated City Impact? \_\_\_\_\_ Yes       X  No

2. What is the name of the irrigation and drainage entities servicing the property?

Irrigation:  N/A

Drainage:  N/A

3. How many acres is the property being subdivided?  N/A

4. What percentage of this property has water?  N/A

5. How many inches of water are available to the property?  N/A

6. How is the land currently irrigated?  surface       sprinkler       irrigation well  
 above ground pipe       underground pipe

7. How is the land to be irrigated after it is subdivided?

surface       sprinkler       irrigation well  
 above ground pipe       underground pipe

8. Please describe how the head gate/pump connects to the canal and irrigated land and where ditches &/or pipes go.

N/A   
\_\_\_\_\_  
\_\_\_\_\_

9. Is there an irrigation easement(s) on the property?  Yes       No

10. How do you plan to retain storm and excess water on each lot?  N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. How do you plan to process this storm water and/or excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)  N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Irrigation Plan Map Requirements

The irrigation plan **must be on a scalable map** and show all of the irrigation system including all supply and drainage structures and easements. Please include the following information on your map:

- All canals, ditches, and laterals with their respective names.
- Head gate location and/or point of delivery of water to the property by the irrigation entity.
- Pipe location and sizes, if any
- Rise locations and types, if any.
- Easements of all private ditches that supply adjacent properties (i.e. supply ditches and drainage ways).
- Slope of the property in various locations.
- Direction of water flow (use short arrows on your map to indicate water flow direction → ).
- Direction of wastewater flow (use long arrows on your map to indicate waste water direction → ).
- Location of drainage ponds or swales, if any where wastewater will be retained on property
- Other information: \_\_\_\_\_

Also, provide the following documentation:

- Legal description of the property.
- Proof of ownership.
- A written response from the irrigation entity and/or proof of agency notification.
- Copy of any water users' association agreement currently in effect which shows water schedules and maintenance responsibilities.
- Copy of all new easements ready for recording (irrigation supply and drainage).
- If you are in a city area of impact, please include a copy of the approvals by the city planning and zoning commission and city council of your irrigation plan.

=====Applicant Acknowledgement=====

I, the undersigned, agree that prior to the Planning and Zoning Department accepting this application, I am responsible to have all the required information and site plans.

I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior to the recording of the plat or building permit.

Signed:   
Applicant/Property Owner

Date: 05 / 05 / 2020  
(Application Submitted)



# VALLEY COUNTY

## WEED CONTROL AGREEMENT

The purpose of this agreement is to establish a cooperative relationship between Valley County and the undersigned Cooperator to protect the natural and economic values in the Upper Payette River watershed from damages related to the invasion and expansion of infestations of noxious weeds and invasive plants. This is a cooperative effort to prevent, eradicate, contain and control noxious weeds and invasive plants on public and private lands in this area. Factors related to the spread of weeds are not related to ownership nor controllable at agency boundaries. This agreement formalizes the cooperative strategy for management of these weeds addressed in Valley County's Integrated Weed Management Plan.

In this continuing effort to control Noxious Weeds, Valley County Weed Control will consult with the undersigned Cooperator and outline weed identification techniques, present optional control methods and recommend proper land management practices.

The undersigned Cooperator acknowledges that he/she is aware of any potential or real noxious weed problems on his/her private property and agrees to control said weeds in a timely manner using proper land management principles.

### COOPERATOR

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By: Dusty Bilton

Date: 5/5/20

By: \_\_\_\_\_

Valley County Weed Control

Date: \_\_\_\_\_

## IMPACT REPORT (from Valley County Code 9-5-3-D)

You may add information to the blanks below or attach additional sheets.

- ❖ An impact report shall be required for all proposed Conditional Uses.
- ❖ The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:
  1. Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.  
**Very minimal increase in traffic volume. The only construction to take place will be for the entrance, landscape berm and parking pad.**
  2. Provision for the mitigation of impacts on housing affordability.  
**N/A**
  3. Noise and vibration levels that exist and compare to those that will be added during construction, normal activities, and special activities. Include indoor and outdoor, day and night variations.  
**Noise and vibration will be short, 1-2 weeks.**
  4. Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.  
**Glare from windshields in parked equipment, however surrounding properties and roads will not be impacted with proposed landscape berm.**
  5. Particulate emissions to the air including smoke, dust, chemicals, gasses, or fumes, etc., both existing and what may be added by the proposed uses.  
**N/A**



6. Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wet lands, flood prone areas and potential changes. Identify existing ground water and surface water quality and potential changes due to this proposal.

**N/A**

7. Fire, explosion, and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.

**N/A**

8. Removal of existing vegetation or effects thereon including disturbance of wet lands, general stability of soils, slopes, and embankments and the potential for sedimentation of disturbed soils.

**N/A**

9. Include practices that will be used to stabilize soils and restore or replace vegetation.

**N/A**

10. Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping.

**N/A**

11. Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.

**Open parking area surrounded by a landscape berm.**

12. Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the affect of shadows from new features on neighboring property.

**14' tall landscape berm around the perimeter of the property.**

13. Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.

**All properties adjacent to the lot off of Burr Ln serve commercial/industrial purposes. The property is also near our current business located at 14032 HWY 55.**

14. Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.

**N/A**

15. Approximation of costs for additional public services, facilities, and other economic impacts.

**N/A**

16. State how the proposed development will impact existing developments providing the same or similar products or services.

**No impact.**

17. State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource. Describe the process in detail and describe the impacts of each part.

**N/A**

18. What will be the impacts of a project abandoned at partial completion?

**N/A**

19. Number of residential dwelling units, other buildings and building sites, and square footage or gross non-residential floor space to be available.

**0**

20. Stages of development in geographic terms and proposed construction time schedule.

**Excavation and landscape, 1-2 weeks.**

21. Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or non-residential floor space in order to insure compatibility with adjacent land use and development.

**N/A**



## WARRANTY DEED

Order No.: 287812AM

### FOR VALUE RECEIVED

John R. Dawson Living Trust, dated December 2, 2005

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**BP Property LLC, an Idaho Limited Liability company**

whose current address is:  
Po Box 4110  
McCall, ID 83638

the grantee(s), the following described premises, in Valley County, Idaho, TO WIT:

**A parcel of land situated in the SE¼ of the SE¼ of Section 28, Township 18 North Range 3 East 3 of the Boise Meridian Valley County, Idaho described as follows:**

**Commencing at a brass cap marking the South 1/16 corner common to Section 27 and 28 of said Township 18 North Range 3 East; Thence North 89°51'00" West a distance of 35.77 feet, along the northerly boundary of said SE¼ of the SE¼ to the True Point of Beginning; Thence South 00°38'00" West a distance of 340.86 feet to the center line of Lake Irrigation District Canal; Thence Westerly and Northerly along said canal center line, South 72°34' West a distance of 33.64 feet; Thence South 86°00' West a distance of 160.00 feet; Thence North 78°00' West a distance of 105.00 feet; Thence North 62°00' West a distance of 147.00 feet; Thence North 42°00' West a distance of 105.00 feet; Thence North 29°00' West a distance of 110.00 feet; Thence North 21°00' West a distance of 541.65 feet to the Northerly boundary of said SE¼ of the SE¼; Thence South 89°51'00" East a distance of 787.04 feet to the True Point of Beginning.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 1, 2019



This document has been recorded electronically  
Please see the attached Copy to view the County  
Recorder's stamp as it now appears in the public  
record.

Submitted by: AMERITITLE

## WARRANTY DEED

Order No.: 287812AM

### FOR VALUE RECEIVED

John R. Dawson Living Trust, dated December 2, 2005

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**BP Properties LLC, an Idaho limited liability company**

whose current address is:

Po Box 4110

McCall, ID 83638

the grantee(s), the following described premises, in Valley County, Idaho, TO WIT:

**A parcel of land situated in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28, Township 18 North Range 3 East 3 of the Boise Meridian Valley County, Idaho described as follows:**

**Commencing at a brass cap marking the South 1/16 corner common to Section 27 and 28 of said Township 18 North Range 3 East; Thence North 89°51'00" West a distance of 35.77 feet, along the northerly boundary of said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  to the True Point of Beginning; Thence South 00°38'00" West a distance of 840.86 feet to the center line of Lake Irrigation District Canal; Thence Westerly and Northerly along said canal center line, South 72°34' West a distance of 33.64 feet; Thence South 86°00' West a distance of 160.00 feet; Thence North 78°00' West a distance of 105.00 feet; Thence North 62°00' West a distance of 147.00 feet; Thence North 42°00' West a distance of 105.00 feet; Thence North 29°00' West a distance of 110.00 feet; Thence North 21°00' West a distance of 641.65 feet to the Northerly boundary of said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; Thence South 89°51'00" East a distance of 787.04 feet to the True Point of Beginning.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 1, 2019

The John R. Dawson Living Trust

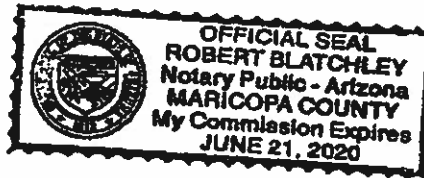
X [Signature]  
By John R. Dawson, Trustee

State of ARIZONA } ss.  
County of MARICOPA }

On this 23<sup>rd</sup> day of April, 2019, before me, ROBERT D. BLATCHLEY a Notary Public in and for said state, personally appeared John R. Dawson known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the John R. Dawson Living Trust, dated December 2, 2005, and acknowledged to me that he/she/they executed the same as Trustee.

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

\* [Signature]  
Notary Public for the State of ARIZONA  
Residing at: 3104 E. CANTON BACK RD PHX AZ 85014  
Commission Expires: 6/21/2020



\*

## OWNER'S POLICY OF TITLE INSURANCE

O-9301-4742024

Issued by

### STEWART TITLE GUARANTY COMPANY

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

#### COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
  - (a) A defect in the Title caused by
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (a) the occupancy, use, or enjoyment of the Land;
  - (b) the character, dimensions, or location of any improvement erected on the Land;
  - (c) the subdivision of land; or
  - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title



as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or

(b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records

(i) to be timely, or

(ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A. The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

Countersigned by:

*Molly Landers*



*Matt Morris*

**Matt Morris**  
President and CEO

Authorized Countersignature



*Denise Carraux*

**Denise Carraux**  
Secretary

AmerTitle

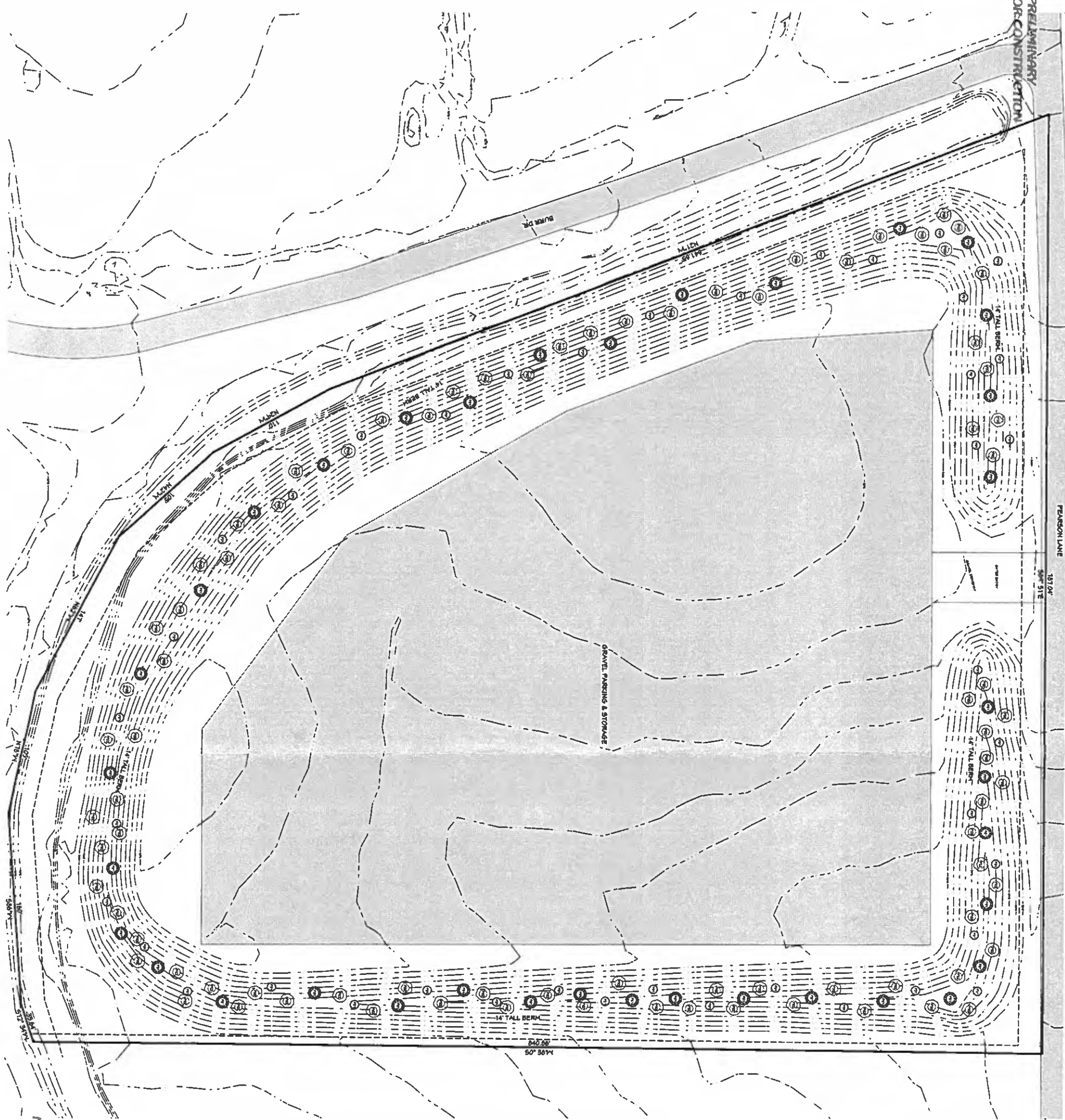
PO Box 798, 700 S Main St.

Cascade, ID 83611





PRELIMINARY  
NOT FOR CONSTRUCTION



PEARSON LANE  
30' W

30' W

14' TALL BERM

GRAVEL PARKING & STORAGE

14' TALL BERM  
50' 88" 1/4

NO.	DATE	DESCRIPTION	BY	CHECKED
1	1/2/2019	INITIAL DESIGN	SMC	
2	5/6/2020	REVISED DESIGN	SMC	

PLAT PLAN - SCALE: 1" = 30'-0"  
PRELIMINARY  
NOT FOR CONSTRUCTION

**SMC** Design  
SMC Design  
208.249.7288  
Nampa, ID

**A1**  
SHEET NUMBER  
PAGE 1 OF 1

**DRAWN BY:** Steve  
**INITIAL DATE:** 1/2/2019  
**PRINT DATE:** 5/6/2020  
**SHEET SIZE:** ARCH E1 (30" x 42")

**SITE PLAN**

**PEARSON STORAGE FACILITY**  
**VALLEY CO., ID**

**CONTRACTOR TO VERIFY ALL DETAILS, DIMENSIONS, AND SPECIFICATIONS PRIOR CONSTRUCTION, AND REPORT ANY OMISSIONS AND/OR ERRORS TO SMC DESIGN. THE PURCHASER OR BUILDER OF THIS PLAN RELEASES SMC DESIGN FROM ANY CLAIMS, LITIGATIONS OR SUITS THAT MAY ARISE DURING CONSTRUCTION OR ANYTIME THEREAFTER.**

**PROJECT NO.**  
PT-19001



# Valley County Planning & Zoning Commission

PO Box 1350  
219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)  
Website: [www.co.valley.id.us](http://www.co.valley.id.us)

Johanna Defoort, Chairman  
Scott Freeman, Vice-Chair

Ed Allen, Commissioner  
Brian Benton, Commissioner  
Ray Cooper, Commissioner

## MINUTES

Valley County Planning and Zoning Commission  
June 11, 2020  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

**A. OPEN:** Meeting called to order at 6:00 p.m. Quorum exists.

P&Z Administrator – Cynda Herrick:	Present
P&Z Commissioner – Ed Allen:	Present
P&Z Commissioner – Brian Benton:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort:	Present
P&Z Commissioner – Scott Freeman:	Present
P&Z Technician – Lori Hunter:	Present

Chairman Defoort explained tonight's public hearing procedures which are based on the Governor's current requirements for Covid-19. The public can livestream the meeting and may either comment in person or telephonically.

**B. MINUTES:** Commissioner Cooper moved to approve the minutes of May 14, 2020. Commissioner Benton seconded the motion. Motion carried unanimously.

- 1. PUD 04-02 Gold Fork Bay Village Final Plat Extension Request:** Gold Fork Bay LLC is requesting a one-year extension of conditional use permit and final plat approval that expire in June 2020. The approved permit allows for a single-family residential subdivision originally approved as a mixed use planned unit development. This plat consists of 15 single-family residential lots, dedicated open space, stormwater and pond infrastructure, and walking trails. Remaining infrastructure to be completed is the potable water well design and sewer approval. The site is accessed from Old State Road and Paradise Lane. It is 30 acres located in the SESE Section 34, T.16N, R.3E, Boise Meridian, Valley County, Idaho.  
*Action Item*



5. **C.U.P. 20-09 BP Property Equipment Storage:** BP Properties is requesting a conditional use permit for an open equipment storage site. Berms and landscaping would surround all sides of the proposed parking area. No new construction is planned. Access would be from Pearson Lane, a public road. The 11.8-acre site is parcel RP18N03E289006 located in the SESE Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Mathew Falvey of Falvey’s Earthworks believes the proposal is an appropriate use given the parcel is adjoined by other commercial properties. (June 11, 2020)
- **Exhibit 2** – Bryan Cooley, 13960 Wrangler Road, supports the proposal (June 11, 2020):
  - Very compatible with the surrounding land uses.
  - Will have minimal impacts on surrounding property owners.
  - The site is in close proximity to Highway 55, reducing impacts on County roads.
  - Location is second tier from the highway; back far enough to not impact the Scenic Byway but not back into the main residential area to the east.
  - Applicant is a local business who supports many families with local jobs.
  - Moving equipment to this site will lead to a cleaner appearance at applicant’s other business site.
  - The applicant has a need for this storage yard in Valley County to maintain business growth.
- **Exhibit 3** – Joey Pietri, 225 Valley Springs Road, is opposed. The location is inappropriate to mix with residential. (May 30, 2020)
- **Exhibit 4** – Joe Weiss stated that the few residents who are adjacent to the proposed building site would be living in a “hole” with no view to the south or east due to the berm. He calculated the berm would require about 5000 truckloads of dirt. (June 8, 2020)
- **Exhibit 5** – Larry Shake responded with letters and email dated June 1, 2020, and June 2, 2020. He is opposed.
  - He has asked for an extension of the public input stage due to the difficulties to make contacts and share information due to Covid-19 pandemic.
  - The use is not compatible with the surrounding land use. It is not compatible with the surrounding area that is zoned agricultural.
  - The proposed site has already been rejected for commercial/industrial uses with C.U.P. 06-09 Idaho Power Operations Center
  - The applicant may change use on the land in the future by renting excess parking space to other users.
  - Access to Pearson Lane from parking area will be difficult for large trucks and trailers.
  - Traffic is a concern. No traffic study was provided.

- Would decrease property values
- This use belongs in an approved industrial zone.
- What would keep the applicant from operating other operations from this location, e.g. snow removal?
- Would impact adjacent neighbors.
- Proposed use is not in harmony with the general purposes of Valley County ordinances and policies and will otherwise be detrimental to the public health, safety, and welfare.
- Requests Valley County determines zoning areas within the County.
- The proposal is either a Heavy Industrial Scrap Yard or Heavy Industrial Facility.

Staff stated that Valley County has one zone, Multiple Use. If the use is not single-family residence or agricultural, then a conditional use permit is required.

Chairman Defoort asked for the applicant's presentation.

Dusty Bitton, 7 Boulder View Place, spoke and presented multiple large exhibits. His business partner, Carrie Potter, is also present.

- **Exhibit 6** – Site Plan. It will be a gravel parking area with landscaping. It will be a storage yard for equipment and vehicles. He will add magnesium chloride annually for dust abatement. There will no structures. No tools will be at the site and equipment will not be worked on at the site.
- **Exhibit 7** – Colored drawing depicting proposed berm. It will be a 3:1 slope as required by Valley County Code. It will be 60-80 feet wide.
- **Exhibit 8** – Picture showing nearby businesses. Mr. Bitton also referred to the map of nearby commercial sites that was included in the staff report. Businesses are invested in how they look to the public.

A new conditional use permit would be required if he added anything else than a storage area. There will be no public at the site. Conditional use permits are evaluated based on compatibility. Burr Road will be primarily used, not Pearson Lane. His request is for a commercial use of a storage yard, not heavy industrial use. He employees many local residents in his company in good jobs. He lives half mile from the property. The RMC site is completely full; therefore, he needs more parking space to store equipment. He announced an neighborhood meeting on the Nextdoor social media site. No one has reached out to him personally about this proposal. Three neighbors did show up to a recent neighbor meeting.

Mr. Bitton described the surrounding uses. There is a buried irrigation pipe easement; the berm would not be placed on the easement. A new well would be used to irrigate landscaping. The amount of equipment will vary seasonally. There will be no public, no building, and no lighting. Employees will be on site an average of 1-4 times per day.

There will be no reason to use S. Samson Trail unless a job site was located on S. Samson Trail. The denied Idaho Power facility had more employees and would have had a larger impact. The

denied C.M Storage was in a more residential area.

Equipment has a 14-foot height limit to be able to travel on the highway. Cranes are worked on at the RMC site; therefore, he will not have cranes elevated at this site on Pearson Lane. Most equipment will not have fluids. No fuel will be stored at this site.

Landscaping plan includes indigenous tree species. Berm will cost a lot a money and will use up much of the property. He calculates that it will require about 1000-1200 truckloads of dirt. The berm will look better than a fence. The berm will not affect the canal nor access to the canal.

He added that Valley County does not have industrial use zones.

- **Exhibit 9, 10, 11, 12 ,13** – Large pictures of properties to the north, east, and south taken from the proposed site. Berm will block other nearby commercial sites from the neighbors' views.

He is willing to move the entrance further west along Pearson Lane.

Commissioner Allen asked for clarification of ownership of all business that would be at the site. Mr. Bitton explained that he owns multiple companies, including RMC and general contracting business. He would like to store equipment for all of his business at the site.

- **Exhibit 14** – Signatures in favor of the proposal.

Mr. Bitton replied to questions from Staff and Commissioners. The dirt for the berm will come from the McCall airport expansion, not from the proposed site. He will not stage a snow excavation business from this site. Electricity is available to the site for a well. He explained the irrigation easement on the property. The site was perc tested for future knowledge, but a septic system is not planned for this proposed use. He discussed the difficulties with moving the entrance to Burr Road, including elevation change, a longer driveway, and requirement of a large bridge across canal onto Burr Drive.

Chairman Defoort asked for proponents.

Joe Swinford, Rio Vista in McCall, owns EnergySeal; he has done business with the applicant for a long time. The applicant is honest, has good character, and will follow through with requirements. He creates good local jobs.

Chad Plager, 17 Michelle Place, is a supporter of the Bitton's and is employed by Rocky Mountain Crane. Dusty Bitton is approachable and will address concerns to be a good neighbor. The proposal will match nearby uses.

Keith Clow, 11 Boulder View Place, said the site will not be a big eyesore.

Chairman Defoort asked for undecided. There were none.



Chairman Defoort asked for opponents.

Gene Gans, 114 Carefree Lane, said that this is not the best project for this property. He referred to berms at along Highway 55 Olson's and south of the Chevron [in Eagle]. He wants a mowed, irrigated berm with a 3:1 slope. The berm at Falvey's is irrigated but not mowed.

Lana Lundgren, 105 Carefree Lane, bought into an agricultural and residential area 11 years ago. Commercial use is moving into this residential area. The amount of equipment has outgrown the area and should be moved to a different area. Pearson Lane is not suitable. Winter will be particularly difficult for the large vehicles. She is concerned about additional equipment being added to the site.

Mike Weiss, 43 Pearson Lane, will focus on the first three compatibility questions. Dusty Bitton is a good guy but this location is not a good fit for the proposal. A larger berm and bigger equipment are proposed than the previously denied Idaho Power application. Question #1 – should include both the immediate adjacent properties as well as the irrigation canal and the narrow Pearson Lane. It is not compatible with adjacent land use. The site is higher than the nearby commercial uses. Water will not have anywhere to drain. He would give it lower scores than was given in the staff report.

Don Lojek, 14132 Pioneer Road, must use Pearson Lane to go anywhere from his home. There are many opposition letters; he asks that the Commissioners particularly read those from Scott Harris and Nick Kertz. He spoke about questions 4, 5, and 6 of the Compatibility Matrix. The application is incompatible with the surrounding uses and is incomplete as shown in these letters. The positive scoring the Compatibility Matrix is bewildering. Potential impacts are not mitigated by a huge berm. The adjacent lots are not similar in size or scale. The traffic volume rating should be lower. He referred to the reasons of denial for the previous Idaho Power application. He did not like the procedures for tonight's public hearing. He has difficulty in understanding what has been previously said unlike the applicant who can stay in for the entire meeting and hear all comments. This proposal would start the creep of industrial use into a residential and agricultural area.

Joe Weiss, 14023 Hideaway Court in Carefree area, said there is an underlying historical assumption that the area is rural. However, the area is currently seeing much residential development and becoming a suburban area. Please review the letter from Nick Kertz. He spoke about questions 7, 8, and 9 of the Compatibility Matrix. Mr. Bitton owns seven companies and they all need storage. There is nothing keeping him from leasing the site to other businesses. The amount of dirt needed to build a 14-foot high berm is substantial and would equal 8,045 truckloads. This does not agree with Mr. Bitton's numbers and timeline. Question 8 should score a +2, not +4. Questions 9 should score lower as the roads are not big enough. He calculated a total score of -17.

Scott Harris, Ilka Lane, off S. Samson Trail, submitted Exhibit 15 – his statement, parcel map, and pictures. There is a 90 ft easement for the canal on the west and south portion of the parcel. The site is well separated from the industrial/commercial uses. Pearson Lane is not in good condition. Safety is big concern. Who will police the applicant's use of S. Samson Trail?

There is a lack of traffic data of within the impact question part of the application. Mr. Bitton's businesses will continue to grow. Who will monitor the use? He read the Industrial use descriptions from Valley County Code. This proposal fits heavy industrial use which has greater setbacks.

Nick and Sabrina Kertz, 25 Pearson Lane, said the western boarder of their property borders the proposed site. The site not posted as required. The 14-foot tall berm would be 20 feet from their home. They would lose all views from the west side of home. This proposal violates the purpose of the Valley County Comprehensive Plan and would significantly depreciate the value of their property. He is concerned about the berm diverting water towards their home and the pooling of standing water in the area surrounded by the berm. There is no plan to for drainage. The site plan shows the berm over the buried irrigation easement. Currently Pearson Lane is not home to any commercial traffic. Other properties are available for this use. Similar conditional use permits have already been denied for this area.

Art Troutner, 193 W Lake Fork Road, is representing both the Lake Irrigation District and Valley Soil and Water District. The Lake Irrigation District reviewed the applications at today's monthly meeting. Site map does not the access easement; the Irrigation District must have access to be able to maintain both sides of the ditch. He is glad that irrigation pipeline easement has been discussed. Said the Lake Irrigation District was not notified. He currently does not know if the property has a right to the water in irrigation canal. There needs to be trap for fuels, oils, etc. as most parking lots this size are required to have. The canal should have been listed as a hazard in the application. The property line runs down the center of the canal; therefore, the application is incorrect.

Larry Shake is upset about tonight's meeting process because people are not able to stay in the room to hear what everyone has to say. A parking lot is not essential, and the hearing should be postponed until it is safer to meet. He discussed the land use map for Valley County (Exhibit 16) and the lack of zoning in Valley County. He submitted pictures of the two adjacent homes (Exhibit 17). He considers this proposal to be an industrial use; industrial uses require a 1000-foot setback from residential areas. The only industrial properties in the area are the Suebert's and Meckel's properties on Lake Fork Road. If all of Valley County is multiple use, then who created the land use map? The application did not include an engineering report for the berm or stormwater. This proposal could cost him \$40,000 in property value; why should he lose so the applicant can benefit?

Anne Carr, 14023 Hideaway Court in the Carefree Subdivision, said that much information is missing and inadequate. The application is lacking a detailed project description with purpose and a time frame. She has many questions. What type of equipment and how many will be parked? What will happen at the site? What type of materials will stored at site? How will the berm be built? Where will the dirt come from? How deep will the hole be? A time frame of 1-2 weeks does not seem correct. There is not a detailed landscaping plan with plant information or an irrigation plan. The lighting plan is missing. The impact report had 15 questions relevant to this project; 11 were answered with "N/A". There should be mitigation of damage to Pearson Lane. The application is too deficient for a decision to be made.

Wilson Quarre, 140 Pearson Lane, said the proposed use is not consistent with the Comprehensive Plan. It is not compatible with the surrounding land use. He disagrees with the Staff Report compatibility rating, particularly items 4 and 7. The road is named a "lane", meant for residential use. He spoke about large trucks making right-hand turns and safety issues at either Highway 55, Pearson Lane, or Burr Road. If proposal is approved, commercial use will continue to expand in this area.

Vern Farris lives at 13990 Comfort Road and is the Carefree 1 HOA President. This is a heavy industrial project in a residential area. The nearby commercial use is all west of the canal. He spoke about current and past uses in the area. Pearson Lane has two irrigation canal crossings; there is not enough room for large vehicles and cars to pass. It is a narrow road with no shoulders. Pearson Lane and Highway 55 intersection is a narrow and dangerous intersection, particularly when residents are heading to town in the morning. Hundreds of residents use Pearson Lane. Please consider the public safety of all the families using this narrow road.

Bob and Cheryl Meinzer, 175 Pearson Lane, said a 14- ft berm encasing large vehicles is incompatible with current use. The vista of Jug Mountain is what people know and love. Pearson Lane and Highway 55 is already a dangerous intersection. Heavy truck traffic is incompatible with the road and current use.

Jeffrey and Katrina Roth live at 14006 Comfort Road at the end of Pearson Lane. This is a huge proposal for the area and right at the entrance for a large, quiet residential area that also uses Pearson Lane. This proposed use should be in a more suitable place.

Chairman Defoort stated that no one else was in attendance who wished to testify.

John Humphries, 108 Magnetic Rock Road, testified telephonically after staff called his number. He does not have much more to add to what has already been said in opposition. He disagrees with positive score in Compatibility Matrix question #3. The application is incomplete. The use would impact Pearson Lane.

No one else replied when asked if there was anyone who wished to testify telephonically.

Chairman Defoort asked for rebuttal.

Mr. Bitton said that at some point commercial use will meet residential use. This proposal is not the same type of use as either CM Backcountry or Idaho Power applications were. He will not use S. Samson Trail and only will use a small part of Pearson Lane. Engineering approval will be a conditional of approval for the use. There is no standing water on the property. This request is for commercial use, not industrial use. He will follow the rules as his companies have done so in the past. Water runoff would not affect the foundation of the home to the east.

Mr. Bitton met with Art Troutner about a year ago regarding the canal and the ditch easement.

There will be no lights at the site. There was a neighborhood meeting on June 10, 2020. The people in opposition tonight did not attend that meeting. There will be a retention pond

designed by an engineer to store snow. He requested that a locked gate be allowed. He discussed landscaping and clustering of trees, particularly along the east boundary.

Staff added that she had encouraged people to watch live and testify telephonically instead of coming to the meeting in person. At the entrance door, the deputies handed out paper with the link to the live stream. Neighbor notices were mailed on May 14, 2020, a week earlier than required by law. The site was posted 21 days in advance; only 7 days is required. The Irrigation District was noticed. Administrator Herrick believes the map Mr. Shake submitted is of the Assessor's property classifications, not land use.

Chairman Defoort closed the public hearing.

The Commissioners deliberated. Commissioner Allen said people do need to listen to the presentations that are livestreamed, particularly the applicant's presentation. Commissioner Allen said the proposal is very different than the Idaho Power application that was denied. There would be minimal impact to Pearson Lane. This would be an easier neighbor than a gravel pit, dense subdivision, etc. The applicant is willing to work with the Irrigation District. The Commission needs to make sure environmental issues are taken care of and needs to mitigate the social concerns if possible.

Commissioner Freeman thinks it is a good spot for the proposed use. The berm will be good. Commissioner Benton agreed; particularly with the lack of lighting and willingness to work with neighbors. Commissioner Cooper does not think this will make a big impact on the area other than a slight increase in traffic as long as the applicant does what he said he will do. Chairman Defoort said the application is complete and Mr. Bitton has addressed her concerns. A subdivision could also be approved here and would have a greater impact on the neighbors.

Administrator Herrick said the compatibility rating is based on a matrix and explained her calculations. The dominant surrounding land use is residential (-4); the next adjacent use is commercial/industrial (+2). If you look at the map in the staff report, there are quite a few businesses in the area. The berm is mitigation and will result in screening; therefore, upon mitigation this score is a +1. No structures are proposed. Traffic is similar to Burr Drive but not similar to those east of the property (+1). There will be no emissions. No impacts to public services or facilities, except for the road. If road is accounted for in this question, this would decrease to a +1. Total rating would then be +18.

The Commissioners deliberated further.

**COA** - Maximum 10 vehicles complete trips per day once the berm is completed.

**COA** - Cranes will not stand up in yard.

**COA** -Slope of berm will be 3:1.

**COA** -Ditch centered Easement must be observed.

**COA** -Shall mitigate for dust annually.

Site grading must be approved by both applicant's engineer and Valley County's engineer. Lighting will not be on site. Traffic will be minimal with minimal use of Pearson Lane. Irrigation concerns will be mitigated with conditions of approval. The view from nearby neighbors is currently minimal to the west already; the primary view is towards the east. Using low vegetation on the berm along the property line to the east will mitigate concerns of the adjacent neighbor. The berm will mitigate the less desirable view of businesses to the west and south that are closer to the highway. There will be limited noise and dust. Property values were discussed; this is difficult to quantify. Regardless of the use of the site, there will be an impact to the view. The concerns of people regarding the meeting process with the Covid-19 requirements were discussed.

Commissioner Freeman moved to approve C.U.P. 20-09 with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

Chairman Defoort explained the 10 day appeal period.

## **E. OTHER**

### **1. C.U.P. 19-09 The Retreat McCall – Phasing Plan and Portable Toilets Requests**

Colby Rampton discussed how the pandemic, social distancing, and customer demand has affected the event venue. Therefore, he is asking for a change to the phasing plan to allow building through 2024. Outdoor event will increase in popularity. Outdoor tents are already approved. He is also requesting the use of portable toilets.

Staff wanted Commissioners to determine if this change would this require a new conditional use permit.

Chairman Defoort said the request does not affect the concerns previously brought up by people who comment on the application. Commissioner Allen does not see any issues. The Commissioners agree that a new condition use permit is not warranted.

## **F. FACTS AND CONCLUSIONS – Action Items:**

- C.U.P. 19-31 Daugherty Excavation
- C.U.P. 20-05 Treetop Terrace

Commissioner Allen moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort adjourned the meeting at 11:05 p.m.

## **C.U.P. 20-09**

**Exhibit 1** – Mathew Falvey, Falvey’s Earthworks, believes the proposal is an appropriate use given the parcel is adjoined by other commercial properties. (June 11, 2020)

**Exhibit 2** – Bryan Cooley, 13960 Wrangler Road, supports the proposal (June 11, 2020):

- Very compatible with the surrounding land uses.
- Will have minimal impacts on surrounding property owners.
- In close proximity to Highway 55, reducing impacts on County roads.
- Location is 2<sup>nd</sup> tier from the highway; back far enough to not impact Scenic Byway but not back into the main residential area to the east.
- Applicant is a local business who supports many families with local jobs.
- Moving equipment to this site will lead to a cleaner appearance at applicant’s other business site.
- The applicant has a need for this storage yard in Valley County to maintain business growth.

**Exhibit 3** – Joey Pietri, 225 Valley Springs Road, is opposed. The location is inappropriate to mix with residential. (May 30, 2020)

**Exhibit 4** – Joe Weiss stated that the few residents who are adjacent to the proposed building site would be living in a “hole” with no view to the south or east due to the berm. He calculated the berm would require about 5000 truckloads of dirt. (June 8, 2020)

**Exhibit 5** – Larry Shake responded with letters and email dated June 1, June 2, and June 2, 2020. He is opposed.

- He has asked for an extension of the public input stage due to the difficulties to make contacts and share information due to Covid-19 pandemic.
- The use is not compatible in the area zoned agricultural; not compatible with surrounding land uses.
- The proposed site has already been rejected for commercial/industrial uses with C.U.P. 06-09 Idaho Power Operations Center
- The applicant may change use on the land in the future by renting excess parking space to other users.
- Access to Pearson Lane from parking area will be difficult for large trucks and trailers.
- Traffic is a concern. No traffic study was provided.
- Would decrease property values
- This use belongs in an approved industrial zone.
- What would keep the applicant from operating other operations from this location, e.g. snow removal?
- Would impact adjacent neighbors.
- Proposed use is not in harmony with the general purposes of Valley County ordinances and policies and will otherwise be detrimental to the public health, safety, and welfare.
- Requests Valley County determine zoning areas within the County.
- The proposal is either a Heavy Industrial Scrap Yard or Heavy Industrial Facility.



June 11, 2020

Attn: Cynda Herrick  
Planning and Zoning Administrator  
319 N. Main St.  
Cascade, Idaho 83611  
(Via Email [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us))

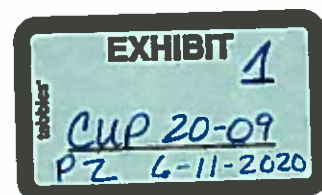
RE: C.U.P. 20-09  
Applicant: BP Properties

Dear Planning and Zoning Members,

I am aware of the C.U.P. 20-09 Equipment Storage application and I take no exception. Additionally, I believe it is appropriate given the parcel is adjoined by other commercial properties.

Mathew Falvey

Owner



## CUP 20-09 BP Equipment Storage

Cooley, Bryan <bryan.cooley@coastlineequipment.com>

Thu 6/11/2020 3:53 PM

To: Lori Hunter <lhunter@co.valley.id.us>; Cynda Herrick <cherrick@co.valley.id.us>

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

Commissioners,

First off I would like to say thank you for your service, and the many, and sometimes thankless hours you volunteer to Valley County and its citizens.

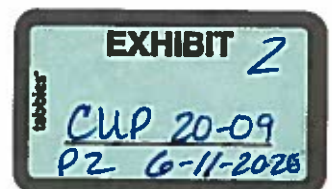
I believe you all really do an amazing job of justly and properly administering our ordinance, even when faced with difficult and sometimes heated applications.

I would like to express my support as a proponent for the application for CUP 20-09 BP Equipment Storage. Some of the reasons I support the application:

- The proposed use is very compatible with the surrounding land uses.
- The proposed use will have minimal impacts on surrounding property owners can easily and adequately be mitigated by berming and landscaping.
- The proposed use location is in very close proximity to the State Highway system, reducing impacts to County Roads, and the local traffic there on.
- The proposed use location is almost ideal in the fact that it is 2<sup>nd</sup> tier from the highway, back far enough as to not impact the Scenic Byway, but not back in to the main residential area to the East.
- The Applicant is a local business who supports many families in the county with jobs, is growing their business, and such growth will lead to an increase in good local jobs.
- The Applicant moving some items/equipment out of their current facilities to the proposed application storage site will lead to a cleaner appearance of that site, which is in closer proximity to the scenic byway.
- The applicant has a need for this storage yard to maintain their business growth, if not this location, I ask myself where in the County would be a better location. I cannot think of one.

Thank you,

Bryan A Cooley  
13960 Wrangler Road  
McCall, ID 83638





⏪ Reply all   ▾   🗑 Delete   🚫 Junk   Block   ...

## FW: Pearson Lane CUP

To: Cynda Herrick

Sherry Maupin

Valley County Commissioner  
208-315-5107  
[smaupin@co.valley.id.us](mailto:smaupin@co.valley.id.us)

S Service  
T Transparent  
A Accountable  
R Responsive

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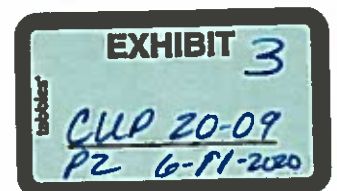
**From:** Joey Pietri <[joey@legendcrossfit.com](mailto:joey@legendcrossfit.com)>  
**Sent:** Saturday, May 30, 2020 3:49 PM  
**To:** Valley County Commissioners <[commissioners@co.valley.id.us](mailto:commissioners@co.valley.id.us)>  
**Subject:** Pearson Lane CUP

Dear Commissioners ,

I would like to echo Mr. Shake's Letter May written May 21st. as a concerned Long time citizen of Valley County looking to uphold the P&Z requirements for light industrial use . Rocky Mountain Crane is not Light Industry and I feel the location is in-appropriate to mix with residential .  
In the very least table the comment period until there is more public education On this matter .

Thank you ,  
Sincerely ,  
Joey Pietri  
225 Valley Springs Rd.  
McCall

Sent from my iPhone



Reply all Delete Junk Block ...

cup 20-09 attendees (or not)

- ① The message sender has requested a read receipt. To send a receipt, click here.
- ① Label: Default 180 Days Delete (6 months) Expires: Sat 12/5/2020 11:31 AM

JW

Joe Weiss <joeweiss29@gmail.com>

Mon 6/8/2020 12:31 PM

To: Cynda Herrick

Like Reply Reply all Forward ...

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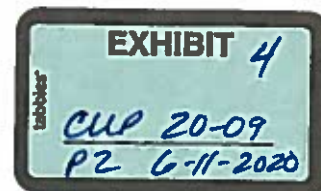
Hi, Cynda,

The response to our request to neighbors has been underwhelming, so I have no idea who is going to show up or want to speak on the 11th. Part of the problem is that the president of the homeowners assn, Vern Ferris, is has just returned from California, and he has not read nor forwarded our emails to his membership. We have a call in to him to find out what's going on, but I'm not hopeful as to response from his neighbors.

On a separate topic, my wife (Anne Carr) and I will be attending in person, and I think she notified you that she wants to speak, and I am now letting you know that I also want to speak.

Sorry that I can't give you a good answer to you question about attendance. What I do know is that the few residents who are adjacent to the proposed building site are apoplectic, because with a 14 foot berm with trees on top, they will be living in a "hole" with no view to the south or east. Frankly, I don't see a groundswell of opposition, but I've done a fair amount of calculation ( I have master's in math), and I get about 5000 truckloads of dirt coming in to make the berm. That is calculated by getting the area of a cross section of the berm, and multiplying that by the number of feet in the circumference of the berm to get the volume of dirt needed. I'm guessing that a truck holds about 12 cubic yards of dirt. When people see trucks of dirt coming in for the better part of a year, I think their interest will be piqued. I'm meeting with some other engineers today to verify my estimates. I'll let you know how that works out, but if I'm right, Bitton's estimate of two weeks to build the berm is way off.

Kind regards,  
Joe Weiss



Reply all  Delete  Junk  Block ...

**FW: C.U.P. 20-09**

SM

Sherry Maupin

Sun 6/7/2020 12:46 PM

To: Cynda Herrick

    ...

What is Larry talking about?

Sherry Maupin

Valley County Commissioner

208-315-5107

[smaupin@co.valley.id.us](mailto:smaupin@co.valley.id.us)

S Service

T Transparent

A Accountable

R Responsive

---

**From:** Larry Shake <larryshake@gmail.com>**Sent:** Monday, June 1, 2020 11:37 AM**To:** Valley County Commissioners <commissioners@co.valley.id.us>**Subject:** C.U.P. 20-09

Dear Commissioners... On or before May 26th we asked for a extension of the public input stage of the **Bp Properties C.U.P. 20-09**. We have not heard anything back from you concerning this matter... It has and continues to be difficult during the Covid-19 Pandemic to make contact and share information with the surrounding and impacted residents.

Then as of today we find out the Proponent of CUP 20-08 has been given an extension to July 9th... this is a proposal that is located right beside the parking area we as so concerned with and is the same proponent.... we are confused ... if the proponent can easily get rescheduled so he has more time.... why can't the affected citizens also request and receive a continuance... Again, please give us the same opportunity to be prepared for such an important decision regarding our property values and our life style. Please continue this hearing till July 8th so both proposals can be aired together.

Sincerely, Larry Shake

"God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed, and the wisdom to distinguish the one from the other" — Reinhold Niebuhr



Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

Date 6/2/2020

RE: C.U.P. 20-09 Equipment Storage

Dear Commissioners: Thank you for the opportunity to comment on this Special Use Permit application. It is my understanding BP properties is related to Rocky Mountain Crane, Pyle Snow Removal, Rocky Mtn Excavation, PineTop Construction and HeadBanger Construction. Given the list of companies that the Potter/Bitten family have under their direction/management/ownership, provides a multitude of potential variations/impacts to this proposal.

My name is Larry Shake and my wife Monica live at 1612 /s /Samson Trail, McCall Idaho, 83638. We have lived at this address for 35 years and have direct knowledge of the proposal, its location and some experience with the local road use, traffic, snow removal and seasonal considerations.

With this background of the local details we OPPOSE the approval of this CUP for the following reasons:

1. We feel the proposal is not compatible with the Comprehensive Plan this, area is zoned Agricultural.
2. The Proposed site has already been rejected for commercial/industrial uses Decision P&Z C.U.P. 06- 09 Dated Feb. 8 2007. Idaho Power Operations Center.
3. The proponent may change use on the land as years go by, renting excess parking space to other commercial/industrial uses, which may or may not meet the initial CUP approval and be in conflict with the intent of the C.U.P. and with the community.
4. Access to Pearson from parking area will be very difficult for large 50 ft long trucks and trailers, especially with a uphill grade coming on to the roadway.
5. Traffic hazard when combining fast moving daily traffic on Pearson and large equipment coming in and out of parking area and moving on and off the highway. Ps... NO traffic study provided !
6. Impact to property values because of incompatible uses, loss of valley vistas, and area appeal.
7. This kind of use belongs in an approved industrial Zone. Because of the nature of a equipment parking lot, it has potential to be used for many functions, ie: repair and modification, fueling and service tasks, which eventually requires addition of facilities, these facilities to be requested after this C.U.P. process that gets the zoning changed.
8. BP proposal indicates overflow parking, but with all the different business that they operate from this location it is impossible to forecast traffic generated, as we all know, work and job tasks always require change in plans. What keeps BP properties from operating snow removal, excavation, crane or either of the two construction operations from this location, or even renting storage space/parking for other active businesses?
9. There are no traffic studies, and any study would be difficult because of the lack of details and long range plans not revealed in this application.
10. This proposal would impact the adjacent neighbors creating extreme hardship caused by loss of value and enjoyment of the property as they planned. **What or Who gives anyone the right to cause harm to someone else for the purpose of creating more wealth for themselves?**
11. The application is not compatible with surrounding land uses.
12. The proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will otherwise be detrimental to the public health, safety and welfare.

**Decision P&Z C.U.P. 6-39 Dated Feb. 8, 2007. Idaho Power Operations Center.**

**CONCLUSIONS**

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. The proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will be otherwise detrimental to the public health, safety and welfare.
2. That the proposed use is not consistent with the Valley County Comprehensive Plan.
3. The application is not compatible with surrounding land uses.

**ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Idaho Power, for Conditional Use Permit No. 06-39 Idaho Power Operations Center, as described in the application, staff report, and minutes of the Planning and Zoning Commission meeting is denied.

**END FACTS AND CONCLUSIONS**

  
Ed Men, Chairman

  
Date

Facts and Conclusions  
C.U.P. 06-39  
Page 7 of 7

The above information should be proof to the County P&Z that DENIAL of CUP 20-09 is the correct ACTION... Thank you for your service to the citizens of Valley County.

Ps: We respectfully request the Valley County P&Z and the County Commissioners begin a County wide program to actually protect the land owners of this County from decisions made by County Government and others to approve or otherwise inflict land uses on existing ownership by allowing nonconforming and incompatible uses to be permitted in adjacent lands. The only way to achieve this fair and equitable land use would be to actually determining where appropriate uses should be located and those not, not to be allowed to located. This would require Zoning and Land Use Description/regulation throughout the County, determining which areas are Agricultural, Residential, Commercial and Industrial.

**WE NEED A PLAN  
FOR THE GOOD PEOPLE  
OF VALLEY COUNTY**

Sincerely, Larry Shake 16 12 S Samson Trail, McCall Idaho

Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

Date, June 2 2020

RE: C.U.P. 20-09 Equipment Storage

Commissioners : We have a big problem that we need to solve.....  
This proposal can be considered many ways... but **two** are the most obvious and likely most important ... side note : watch for the slick way to acquire the necessary Industrial Zone Permit first by only asking for a simple storage lot, this approach will almost forcing P&Z to only evaluate the "as written" permit request. This hides the potential to move the entire BP Properties (BPP) business group onto one location on Pearson, vastly increasing the impacts on our area.

When looking thru the Comp Plan trying to label this project to the closest item listed in the Plan, we find that nothing fits, but the closest is a **Heavy Industrial Salvage Yard**.

Keeping in mind that BPP has a Heavy Earthmoving Excavation Company, a Snow removal company, a Crane Company and two building companies.(Heavy Industrial /Service Company) all evidence of a **HEAVY INDUSTRIAL BUSINESS !**

Understanding that BPP is describing a overflow Storage Lot, likely for Heavy Equipment, Large Trucks, (see drawing) Cranes and material storage. Under material storage one could expect such things as crane booms, cable spools, concrete weights, bent or discarded misc parts, scrap metal, gravel or topsoil storage, culverts, lumber, and on and on..  
**(Heavy Industrial Salvage Yard) Sounds like Scrap to me.**

Now reviewing the Comp Plan again, we see that Scrap Yards are required to be located no closer than 1000 feet to a residential development. **This 1000 ft. requirement cannot be met at this location.** (unless the impacts are adequately mitigated)

Information that has been shared between local residents who have knowledge of this proposal, have indicated that the true desire of BBP is to move the entire company from their existing sites to the Pearson site, in an effort to achieve BPP's goal of complete consolidation. If they acquire the key approval being Industrial ZONE first, by only asking for a simple storage lot, they have a huge advantage to getting the remaining approval for this goal.

To achieve their goal they would have to return to P&Z apply for the other facilities like water, septic and buildings.. This could provide a way for the proponent to outsmart the P&Z process including County Commissioners and achieve their final goal with very little possibility of being stopped.

Now back up and realize that the proposal is more than twice the size of the current location of the plant. The current location has a large (maybe 4000 sq ft) maintenance facility, Hwy frontage, employee parking, water, septic etc. plus equipment storage.

It is now my contention that this proposal has to be evaluated with this total installation as a probability, and that the long term impacts and a traffic study be included. Remember this would include daily traffic of construction crews, daily delivery of incoming and outgoing supplies, heavy Crane trucks and trailers(some over 50 feet in length and maximum weight) Heavy equipment, endloaders, trackhoes, vibrators,



Heavy dump trucks, all moving in and out of the property, much of this traffic daily. Materials, lumber, smaller trucks and trailers with building crews, office staff, employee vehicle traffic and on and on....

The way I see it.... Your choice is obvious, either this falls under **(1) Heavy Industrial Scrap Yard**, or under **(2) Heavy Industrial Facility**, with massive transportation and disruption considerations. Including all of the above along with the noise of trucks, being loaded/unloaded, backup alarms on trucks and tractors, cranes being raised and lowered, repairs done outside with welders and hammering, all easily understandable noise factors.

So now given the potential of a larger impact to the community, way more study should be required. It only makes sense to evaluate this proposal in its final configuration, **THIS IS A LONG TERM DECISION** and will last for **eternity**.

Keep in mind... if you as a commission vote to restrict heavy industrial to its current location, you will keep a very necessary 300 ft buffer between the light industrial area of Burr Lane and the Residential areas of Pearson, Samson, Ilka, Pioneer, Easy Street, Carefree and others. There are currently more than 150 homes that use Pearson on a daily basis and that number could increase to 200 or more in the years to come.

A few afterthoughts!

Burr Lane Industrial Park, was planned as and approved as Light Industrial not Heavy Industrial. Moving Heavy Industrial adjacent to residential is an error in judgment. In this situation property lines would be bordering each other with zero separation.

This is of course, counter to the goals and objectives of Valley County Comp Plan and county policy.

If Burr Lane Industrial Park isn't labeled as LIGHT INDUSTRIAL, it has by course been built as light industrial, except for maybe Falvey and he was approved as a landscaping company, that again being light industrial and should be counted as the permitted landscaping facility.

Why would a business plan spend 375,000 (value when it was for sale) and an estimated \$300,000 for earthwork and landscaping for a simple scrap, **\$600,000 Heavy Industrial Salvage Yard ...** must be another purpose for this property...

**9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS:**

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.

**B. Minimum Setbacks:**

1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.

2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.

**3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.**

Note the next to last ;line, they can just dismiss this if they choose, even if they agree with the salvage designation.

Sincerely, Larry Shake McCall Idaho

**Neighbors  
Property**

DATE: \_\_\_\_\_  
PRO  
NOT FOR







1912  
1912  
1912





Google

Imagery ©2020 Maxar

Idaho Power

Falvey

24/7 Storage

Nez Pierce

RMC

Rocky Mountain Crane & Equipment Rental

Franklin Building Supply

Supply

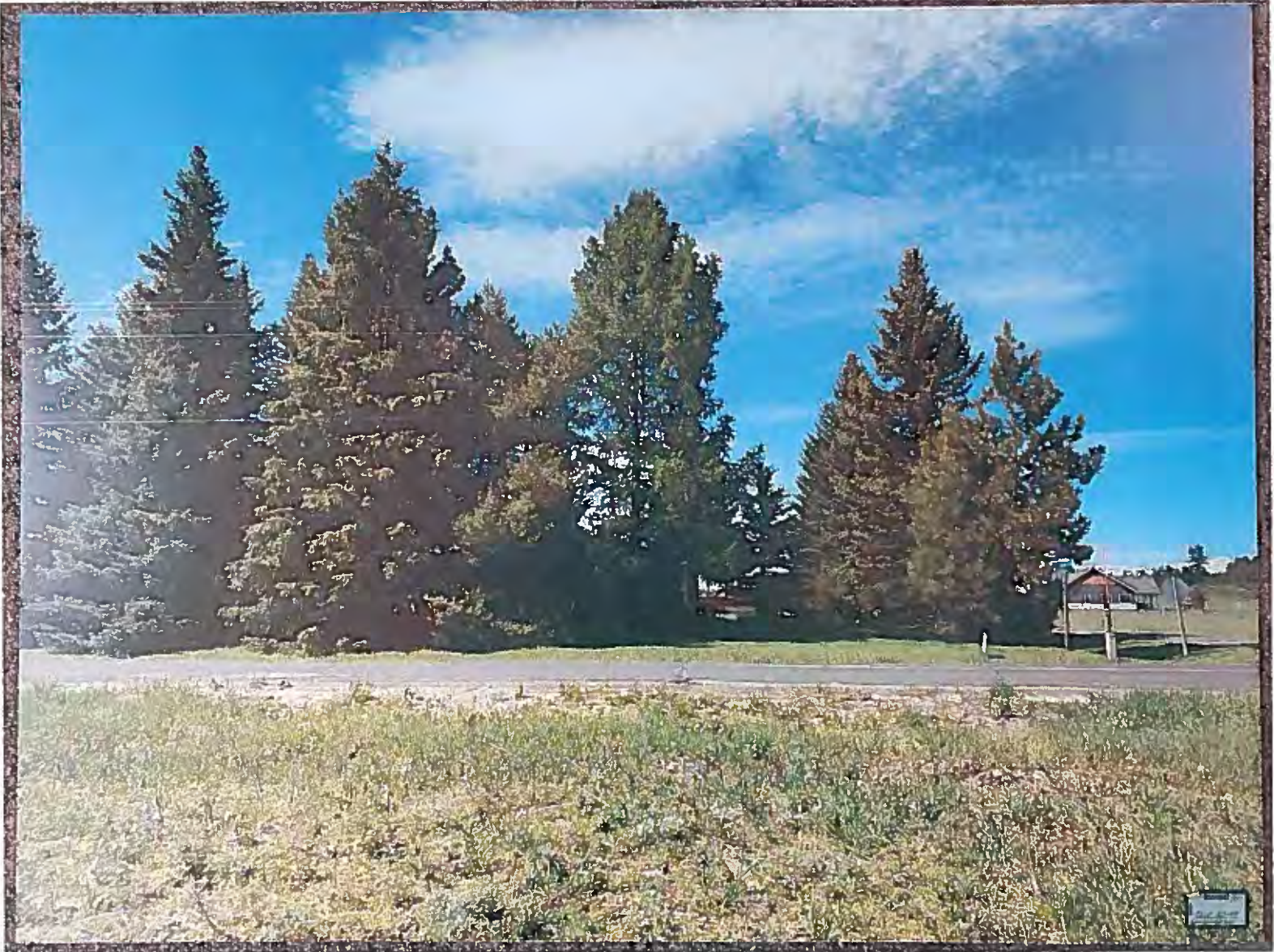
Harlows





















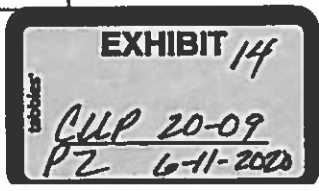


# PETITION IN SUPPORT OF ROCKY MOUNTAIN CRANES' CUP 20-09 APPLICATION

Petition Summary: Rocky Mountain Crane is proposing overflow parking on the twelve-acre parcel at the corner of Burr and Pearson Lane. This location was chosen because of the existing uses on parcels adjacent to, near and around for commercial/industrial uses. Rocky Mountain Crane will construct a 14-foot berm surrounding the property to screen neighbors from views and sounds from stored equipment and vehicles. This will comply with the Payette River Scenic Byway standards. Our company is growing and thriving in our economy and desperately need this space to allow the expansion of our current location just south of this property.

Action Petitioned for: We the undersigned are concerned citizens who urge our leaders to act now to approve the CUP 20-09 proposed by Rocky Mountain Crane.


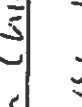




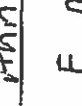
ADDRESS	NAME	SIGNATURE	DATE
PO Box 92 Donnelley ID 83615	Rowdy Paradis	<i>[Signature]</i>	8 June 2020
17 Michelle Pl McCall ID 83638	CHAD PLAGER	<i>[Signature]</i>	6/8/2020
15 Boulder View Pl McCall ID 83638	Carrie Potter	<i>[Signature]</i>	06/08/20
7 Boulder View Pl McCall ID 83638	Elise Bitton	<i>[Signature]</i>	06/08/20
904 Ann Street McCall ID 83638	Lisa Chivers	<i>[Signature]</i>	06/08/20
5527 Hwy 95 83654	Clay O'Neil	<i>[Signature]</i>	6/8/20
110 SC Pioneer Rd McCall ID	God/ Monica	<i>[Signature]</i>	6/8/20



# PETITION IN SUPPORT OF ROCKY MOUNTAIN CRANES' CUP 20-09 APPLICATION

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Action Petitioned for: We the undersigned are concerned citizens who urge our leaders to act now to approve the CUP 20-09 proposed by Rocky Mountain Crane.

ADDRESS	NAME	SIGNATURE	DATE
904 Ann St, McCall, ID 83658	Zach Chivers		6/9/2020
565 E Broadway N	Laura McLoughlin		6/9/2020
529 Willie Ln.	Steve Rine		6/9/20
180 THUNDER FALLS DR POWELL	JOSH NEEDS		6/9/20
500 W. 167th E. New Meadows	Franklin Morgan		6/9/20
481 Collier View Rd.	Josh Chamberlain		6/9/20
114 N. FAIRFIELD ST COUNCIL ID	ADAM PALMER		6/9/20





# PETITION IN SUPPORT OF ROCKY MOUNTAIN CRANES' CUP 20-09 APPLICATION

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Action Petitioned for: We the undersigned are concerned citizens who urge our leaders to act now to approve the CUP 20-09 proposed by Rocky Mountain Crane.

ADDRESS	NAME	SIGNATURE	DATE
3270 Hwy 55 Lot 18	Wesley Roberts	<i>Wesley Roberts</i>	6-9-20
<del>3270 Hwy 55</del> 15 Wisconsin St. 13250 KOKAHEE PO Box 967	Alsa Cape WILL BAUMANN	<i>Alsa Cape</i> <i>Will Baumann</i>	6/9/20 6/9/20
Cascade	Shank Derrick	<i>Shank Derrick</i>	6-9-20
64 West Prospect	Jerrad Houbos	<i>Jerrad Houbos</i>	6-6-20
<del>Bill Callahan</del> 1288 Spring Valley Rd. Donnelly Id.	Bill Callahan Bill Callahan	<i>Bill Callahan</i> <i>Bill Callahan</i>	6-9-20

# PETITION IN SUPPORT OF ROCKY MOUNTAIN CRANES' CUP 20-09 APPLICATION

Petition Summary: Rocky Mountain Crane is proposing overflow parking on the twelve-acre parcel at the corner of Burr and Pearson Lane. This location was chosen because of the existing uses on parcels adjacent to, near and around for commercial/industrial uses. Rocky Mountain Crane will construct a 14-foot berm surrounding the property to screen neighbors from views and sounds from stored equipment and vehicles. This will comply with the Payette River Scenic Byway standards. Our company is growing and thriving in our economy and desperately need this space to allow the expansion of our current location just south of this property.

Action Petitioned for: We the undersigned are concerned citizens who urge our leaders to act now to approve the CUP 20-09 proposed by Rocky Mountain Crane.

ADDRESS	NAME	SIGNATURE	DATE
400 Knights rd McCall Id 83638	MARC Veltrop	<i>Mark Veltrop</i>	6-8-2020
1395 HASTINGS DR	GARY DRO	<i>[Signature]</i>	06-08-2020
McCall Id 83638	Sarah Harrasmith	<i>[Signature]</i>	6-8-2020
13971 Emig St McCall ID 83638	Anthony Nichols	<i>Anthony Nichols</i>	6/09/2020
114 N. 3rd Street McCall ID 83638	Robert Goff	<i>[Signature]</i>	6/09/20
62 Pearson	Theresa Bluth	<i>Theresa Bluth</i>	06/08/20
14020 COMFORT RD	Charles Bluth	<i>[Signature]</i>	06/08/20
14020 comfort rd.			

Scott Harris

Statement regarding application for Valley County C.U.P 20-09

Scott and Connie Harris

June 11, 2020

**Encroachment into rural residential use** entirely to the east The staff report compatibility matrix answers the question "Is the proposed use compatible with the other adjacent land uses (total and average). The answer simply said "Commercial/Industrial" in truth, the property is bounded 25 % by a residence and attendant residential property, 25% by Pearson Lane, and 50% by the Lakefork Irrigation District canal which is an easement <sup>98</sup>~~50~~ feet wide. Along with the canal, the entire west boundary, 25% of the property is additionally bounded by Burr Drive, with a 75 foot easement, making the total width of that buffer being <sup>165</sup>~~125~~ feet (see Photo 1). These are the adjacent land uses, and the canal and Burr drive physically delineate the current rural residential use from the "rural commercial" use on Burr Drive.

**Safety:** South Samson Trail and Pearson Lane provide the only safe non-motorized access to residences along the roadways and subdivisions of Carefree and Pearson Corners. This route has become increasingly popular for pedestrians and bicyclists for both recreational and commuting use, including my wife and I. We live on Ilka Lane, off of Samson Trail, 1/3 of a mile from this property . Both roadways are relatively narrow, and already in poor repair, especially Pearson Lane exactly where the heavy equipment access is into the proposed facility. (see Photos 2,3,4).

**Impacts are essentially dismissed** by a single statement on the application stating "Very minimal increase in traffic volume". The question actually asked for description of "Traffic volume, character, and patterns including adequacy of existing street width...Contrast existing and changes before, during, and after...Include pedestrian, bicycle, auto and truck traffic."

The six businesses this would serve include the three very busy construction businesses and three equipment businesses owned by the applicant, including at least 12 cranes of varying sizes, excavation equipment, both including rentals, and materials storage for at least several dozen active jobsites. To assume traffic would be limited to "one or two" trips per day, which was relayed to Cynda strains credulity. The Staff Recommendation that "Large vehicles not use Pearson Lane unless on direct route to a job site" would include all trips north to McCall and beyond.

Valley County Code, 9-5B-6, Open Storage, states "Open storage of toxic or hazardous materials shall not be allowed" Presumably this heavy equipment would hold and require onsite fueling capacity. Anyone with any experience with such equipment is aware it is prone to leaks of both fuel and hydraulic fluids.

The Valley County Code defines Industrial Use as Light, Heavy or Extractive. Light uses listed are office buildings, laboratories, or enclosed manufacturing or warehousing facility. Extractive includes rendering or rock processing plants, lumber mills other facilities housing processing and fabrication. Clearly, this proposal is neither of these, leaving Heavy Industrial. Code 9-5F-2 has minimal setbacks for light industrial at 50" front and rear, 30" from sides. Heavy industrial setbacks for all uses at 150" front, 100 " from rear, and 75" from side property lines.



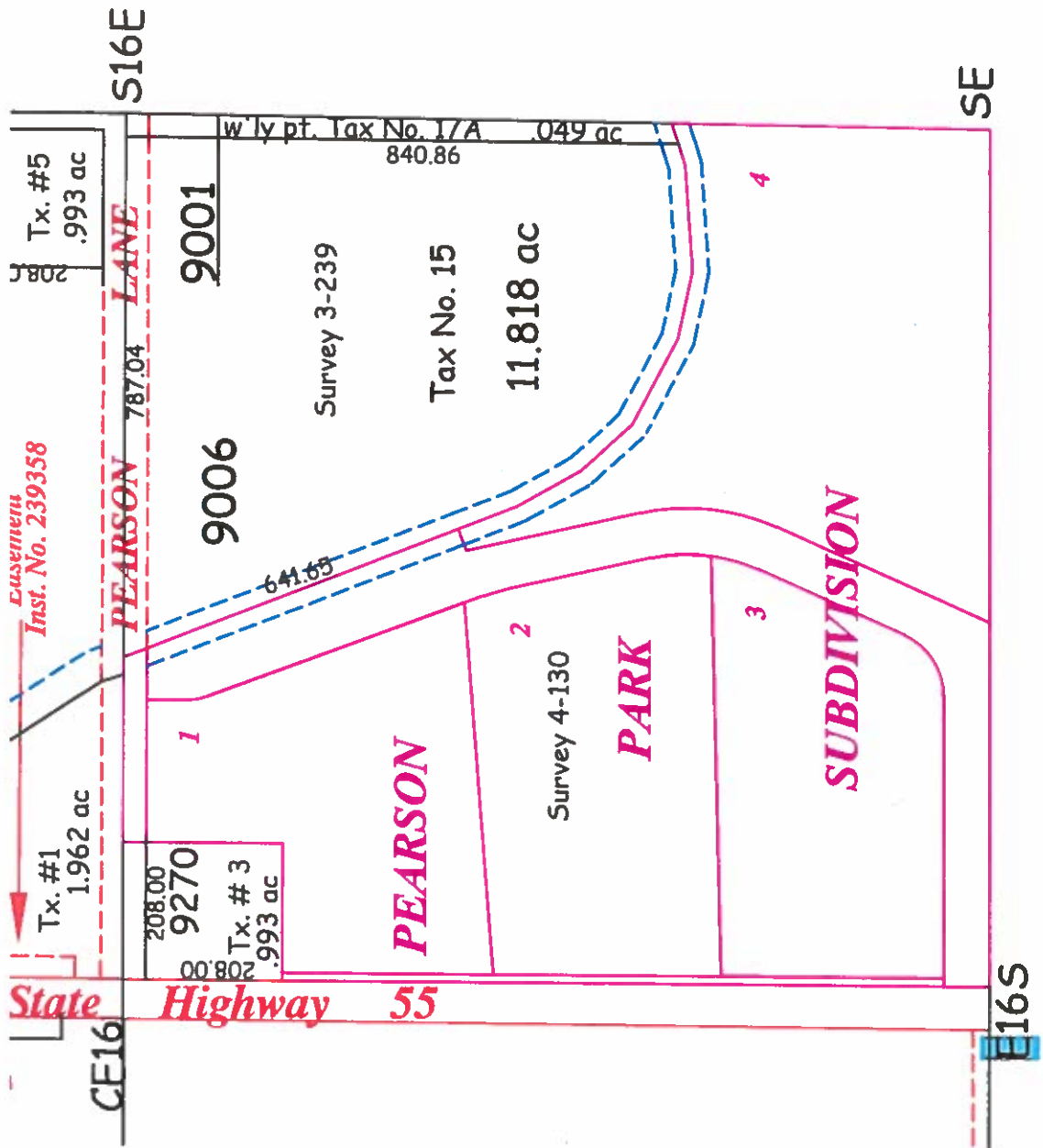


Photo 1: Width of canal and Burr Drive easements on west border of property.





Photo 2: Condition of Pearson Lane where access driveway planned, looking east.



Photo 3: Another area of deterioration of Pearson Lane at site, looking west.

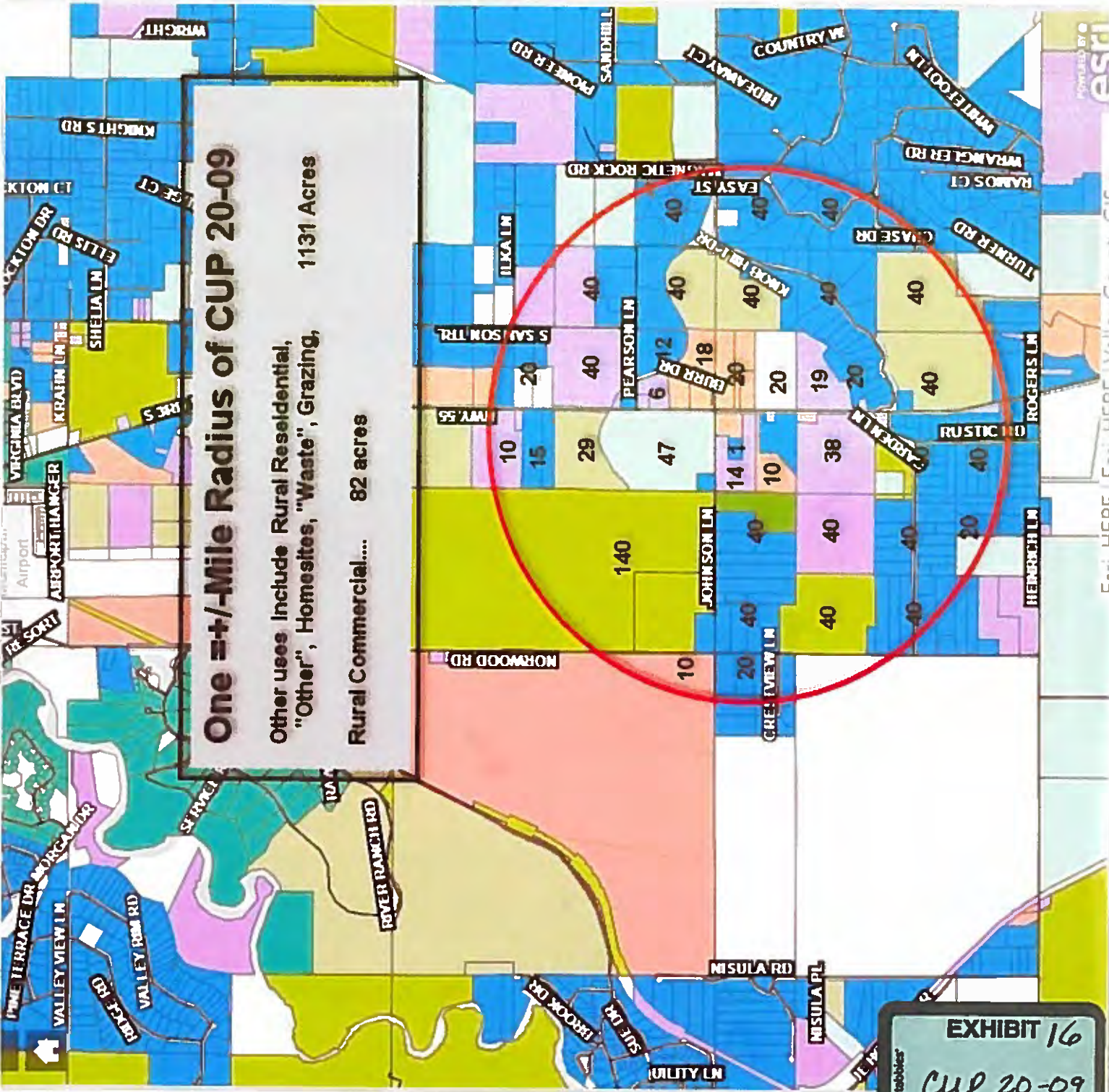




Photo 4: South Samson Trail near Pearson intersection, looking north.



- Dry Grazing Land
- Meadow Land
- Productivity Forest Land
- Bare Forest Land
- Patented Mineral Land
- City Residential
- City Commercial
- City Industrial
- Homesite
- Rural Residential
- Rural Commercial
- Rural Industrial
- Commercial Condo
- Residential Condo
- Manufactured Home
- Recreational Vehicles
- Exempt
- Common Area
- Other



**One +/- Mile Radius of CUP 20-09**

Other uses include Rural Residential, "Other", Homesites, "Waste", Grazing, 1131 Acres

Rural Commercial.... 82 acres

EXHIBIT 16  
 CUP 20-09  
 PZ 6-11-2020





**SHAKE HOME 1612 S. SAMSON TRAIL**



**KERTZ HOME 25 PEARSON LN.**

**EXHIBIT 17**  
CLP 20-09  
PZ 6-11-2020



Cynda Herrick, AICP, CRM  
VALLEY COUNTY  
IDAHO

PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611-1350

Planning & Zoning Administrator  
Floodplain Coordinator

Phone: 208.382.7115  
FAX: 208.382.7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)  
Web: [www.co.valley.id.us](http://www.co.valley.id.us)

## STAFF REPORT

### Conditional Use Permit Application 20-09 BP Properties Equipment Storage

**HEARING DATE:** June 11, 2020  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** BP Properties  
PO Box 4110  
McCall, ID 83638  
**LOCATION:** Parcel RP18N03E289006 located in the SESE Section 28, T.18N,  
R.3E, Boise Meridian, Valley County, Idaho.  
**SIZE:** 11.8 acres  
**REQUEST:** Equipment Storage Facility  
**EXISTING LAND USE:** Bare Ground

### BACKGROUND:

BP Properties is requesting a conditional use permit for an open equipment storage site. The site would be used for overflow parking, materials, and equipment storage for his other business.

No building construction is planned. The site is currently bare.

Berms and landscaping would surround all sides of the proposed parking area. The berm is proposed to be approximately 14 ft in height. La

Lighting will be dark-sky compliant in accordance with the Valley County Code.

Access would be from Pearson Lane, a public road.

### FINDINGS:

1. Application was made to Planning and Zoning on May 7, 2020.

1. Legal notice was posted in the *Star News* on May 21 and 28, 2020. Potentially affected agencies were notified on May 12, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent May 14, 2020. The sign was posted on May 20, 2020. The sign was destroyed (see attached pictures) and was reposted on June 3, 2020. We have been told the sign posted on June 3, 2020, has also been taken.

2. Agency comment received:

Central District Health replied in a Review Sheet stating they have no objections. (May 13, 2020)

Garrett de Jong, McCall Fire & EMS had no comment. (June 2, 2020)

3. Responses in Favor:

Cynthia Berkley, 13968 Wrangler Road, stated the site is an existing commercial area and will include berms. She is concerned about the impact of increased heavy equipment on Pearson Lane. The applicant should address how they intend to mitigate/repair the impact on Pearson Lane. (June 3, 2020)

4. Response Neutral:

John Gebhards does not have any issues with the proposed project; however, Pearson Lane is in poor condition. If approved, the applicant should remedy the road issues to handle the increased use and weight of the vehicles accessing the parking area. (May 21, 2020)

Greg Pittenger had questions but did not state if he was in favor or opposed. (May 26, 2020)

5. Responses in Opposition

- This is a residential and agricultural area; the use is inappropriate.
- Pearson Lane and the canal bridge are not constructed for large and heavy vehicles.
- The Highway 55 and Pearson Lane intersection is not built for large vehicles with trailers.
- This would increase truck traffic on both Pearson Lane and Samson Trail. These are the major access routes for over 200 homes.
- South Samson Trail has become more popular for walkers and bicyclists.
- If approved, access should be via Burr Road instead of Pearson Lane.
- Previous applications for storage yards in the area have been denied (C.U.P. 06-39 Idaho Power and C.U.P. 19-26 CM Storage).
- There are zero industrial/commercial developments on Pearson Lane.
- Commercial uses should stay between the canal and Highway 55.
- The design of the compatibility matrix is weighted to produce a positive compatibility score once a new commercial use is approved next to an adjoining commercial property. This approval could easily result in the creation of a commercial cluster at the Pearson



Lane x Highway 55 intersection that is not compatible with the existing rural nature of the area.

- The proposed berm would not mitigate the visual impact and would look unnatural.
- A 14-foot berm would not hide taller equipment.
- Concerns about lighting
- Machinery would leak fuel and oil into ground water.
- Concerns with noises, dust, and debris.
- Concerns that stored materials will be flammable.
- Would devalue surrounding residential properties.
- Landscaping plan is incomplete; there is no list of proposed plant names and sizes.
- There are questions as to how landscaping will be irrigated and maintained since the application states the property is dry and has no water rights.
- There are no specific daily traffic numbers.
- The adjacent neighbor to the east is concerned that drainage from the berm would affect their basement that is approximately 20-feet from the proposed berm.
- Future requests to add buildings to the site are likely.
- The application is incomplete and is lacking the landscaping plan and site grading plan.
- The berm might affect the canal.
- A traffic impact study should be required.
- This C.U.P. is for a project which would serve at least six businesses owned and operated by the applicant. Future use could include storage space rental for other businesses.
- Multiple requests to reschedule the public hearing until a later date when all property owners can travel to the meeting.
- This use should be confined to existing industrial use areas.
- The Valley County Comprehensive Plan states “to encourage the protection of prime agricultural...lands”.
- Zoning classification for Valley County are recommended.

- 1) Nick and Sabrina Kertz, 25 Pearson Lane, May 30, 2020
- 2) Mike Weiss, 43 Pearson Lane, May 19, 2020
- 3) David Weiss, Carefree Subdivision, May 20, 2020
- 4) Jamie Fernandez, 1599 S Samson Trail, May 25, 2020
- 5) Anne Carr, May 26, 2020
- 6) Paul and Mary Anne Traughber, May 27, 2020
- 7) Christine and Cliff Mann, 152 Carefree Lane, May 26, 2020
- 8) Don and Cecelia Lojek, 14132 Pioneer Road, May 28, 2020
- 9) Kathy Deinhardt Hill, 14068 Pioneer Road, June 1, 2020
- 10) Clayton Nalder, 13987 Country Way, June 1, 2020
- 11) Debbie Nalder, 13987 Country Way, June 1, 2020
- 12) Max Williamson, June 1, 2020
- 13) Todd and Bonnie Thompson, 117 Carefree Lane, June 1, 2020
- 14) Alan and Lana Lundgren, 105 Carefree Lane, May 29, 2020
- 15) John Humphries, 108 Magnetic Road Road, June 1, 2020

- 16) Linda Paul Thompson, 14030 Hideaway Court, June 1, 2020
- 17) Thea Belec and Scott Clinger, 13964 Turner lane, May 29, 2020
- 18) Vern Farris, President Carefree #1 HOA, 13990 Comfort Road, May 27 & 28, 2020
- 19) Larry and Monica Shake, 1612 S Samson Trail, May 18, 26 27, & 29, 2020 and June 1 and 3, 2020 – includes pictures
- 20) Monica Shake, June 2, 2020
- 21) Robert Youde, 1210 S Samson Trail, May 28, 2020
- 22) Geoffrey and Katharina Roth, 14005 Comfort Road, May 28, 2020
- 23) Peggy Wiley and Wilson Quarre, 140 Pearson Lane, May 25, 2020
- 24) Ed and Pam Parker, 14060 Pioneer Road, June 1, 2020
- 25) Greg Fastabend, June 1, 2020
- 26) Scott and Connie Harris, June 2, 2020
- 27) Ennio and Sherry Avalon, 13996 Easy Street, June 2, 2020
- 28) Linda Corder, 903 Buckboard Way, June 2, 2020
- 29) Melissa and Kevin Van Riper, 14100 Pioneer RD, June 3, 2020
- 30) Judy Drake, McCall, June 3, 2020
- 31) Greg and Linda Pittinger, 14015 Sage CT, June 3, 2020
- 32) Petition turned in by Larry Shake with 62 signatures in opposition, June 3, 2020

5. Physical characteristics of the site: flat land

6. The surrounding land use includes: (See attached map of nearby C.U.Ps)  
 North: Single-family Residential  
 South: Commercial  
 East: Single-family Residential and Agricultural (grazing)  
 West: Commercial

7. Valley County Code (Title 9) in Table 9-3-1. This proposal is categorized under:  
 • 5. Commercial Uses (d) Area Business

The Commission should review the standards in Title 9, Chapter 5.

**SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +20.

**Staff Comments:**

1. What are your intensions for the buried irrigation pipe that goes through the property?
2. Will the landscape berm be irrigated? What is the water source? What is the slope? What

is the width at the base of the berm?

3. How many pieces of equipment will be stored at the site? Will the equipment be rentals?
4. Will the public come to the site?
5. Will there be a locked gate?
6. Will there be any lighting?
7. How many vehicle trips per day are anticipated at this site?

**ATTACHMENTS:**

- Conditions of Approval
- Compatibility Evaluation and Matrix
- Vicinity Map
- Record of Survey 3-239 Showing Irrigation Easement
- Site Plan Drawings
- Pictures of Site Taken May 20, 2020
- Map of Surrounding Uses
- Responses

**Conditions of Approval:**

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit. If traffic volumes exceed 20 trips per day a new permit would be required.
3. The use shall be established within one year of the date of approval or this permit shall be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. All lights shall be fully shielded so that there is no upward or horizontal projection of lights. The lights can only be a maximum of 20' in height.
6. The applicant shall provide and maintain orderly and proper disposal of waste including by-products of the operation, other solid waste, and sanitary waste.

7. Must comply with Central District Health requirements.
8. Must comply with requirements of the McCall Rural Fire District.
9. Parking must comply with setback standards: 30' front, 10' side, 30' rear, 30' side street.
10. New structures must have building permits and be approved as part of a conditional use permit.
11. The site must be kept neat and orderly.
12. Shall obtain a sign permit prior to installation of a sign.
13. Landscaping shall be installed prior to July 1, 2021. If landscaping dies, it must be replaced. Landscaping must be irrigated.
14. A minimum of one tree should be planted for every 25 feet of linear street frontage. The trees may be grouped or planted in groves.
15. All mounding and berms shall have slopes no steeper than three to one (3:1).
16. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
17. A stormwater management plan shall be approved by the Valley County Engineer prior to excavation.
18. Large vehicles should not use Pearson LN unless on direct route to a job site.

**END OF STAFF REPORT**

Compatibility Questions and Evaluation

Matrix Line # / Use: 19  
Area Business

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -1 X 4 -4

1. Is the proposed use compatible with the dominant adjacent land use?

S.F. Residential

(+2/-2) +2 X 2 +4

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Commercial/Industrial

(+2/-2) +1 X 1 +1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See #2 plus #1 with Agricultural

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +3

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

It is large enough. Large berm will screen visually and from noise

(+2/-2) +2 X 1 +2

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

None

(+2/-2) +1 X 2 +2

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

Yes - similar to Barr Drive +2

No - not too close to East of site -1

(+2/-2) +2 X 2 +4

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

Yes - no emissions

(+2/-2) +2 X 2 +4

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

Yes - very little impact

(+2/-2) +2 X 2 +4

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Will ↑ taxes, provide space for a local business.

Sub-Total (+) 24

Sub-Total (--) 4

Total Score +20

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



APPENDIX A

MATRIX FOR RATING

QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
RESIDENTIAL USES	1. AGRICULTURAL		+2	-1	-2	-2	-2		+1	+1	+1	+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+2
	2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	-1	+2	+1	-2		+1	-1	+1	+1	+1	-1	+1	-2	-2
	3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	-1	+2	+1	-2		+1	-1	+1	+2	+1	-1	+1	-2	-2
	4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	-1	+2	+1	-2		+1	-1	+1	+1	+1	-1	+1	-2	-2
	5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2		+1	-1	+1	+1	-1	+1	-2	-2
	6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2		+1	-1	+1	+1	-1	+1	-2	-2
	7. P.U.D., RES.	-2	+1	+1	+1	+2	+2		+1	+1	-1	+2	+1	-2		+1	-1	+1	+1	-1	+1	-2	-2
CIVIC or COMMUNITY SERVICE USES	8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1		+1	+1	-1	+2	-2		-1	-1	+2	+1	+1	-1	+1	-2	-1
	9. FRAT or GOVT	+1	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2		-1	-1	+1	+1	+1	-1	+1	-2	-2
	10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1		+1	+1	+1	+1	-1		+1	+1	+1	+1	+1	+1	+1	+2	+2
	11. PUBLIC REC.	+1	+2	+2	+2	+2	+2		-1	-1	+1	+2	-1		+1	+1	+1	+2	+1	+1	+1	-1	+1
	12. CEMETERY	+2	+1	+1	+1	+1	+1		+2	+2	+2	+2	+1		+1	+1	+1	+1	+1	+1	+1	+1	+1
	13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2		-2	-2	-1	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2
COMMERCIAL USES	14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1		-1	-1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
	15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1		-1	-1	+1	+1	-1		+1	-2	-2	-1	-2	-2	+2	-1	+1
	16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1		+2	+1	+1	+1	-2		+1	-2	+1	+2	+2	+1	+2	-1	-1
	17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1		+2	+1	-1	+2	+1	-2		+1	-2	+1	+1	-1	+1	-2	-2
	18. SERV. BUS.	-1	+1	+1	+1	+1	+1		+1	+1	+1	+1	+2	+2		+2	+1	+2	+2	+2	+2	+1	+1
	19. AREA BUS.	-2	-1	-1	-1	-1	-1		+1	+1	+1	+1	+1	-2		+1	-1	+2	+2	+1	+1	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1		-1	-1	+1	+1	+1	-1		+2	+1	+1	+2	+1	+2	-2	+1	
INDUS. USES	21. LIGHT IND.	+1	+1	+1	+1	+1	+1		+1	+1	+1	+2	+2		+2	+2	+2	+2	+2	+2	+2	+1	+1
	22. HEAVY IND.	+2	-2	-2	-2	-2	-2		-2	-2	+1	+1	+2		-1	-1	-1	-2	-1	-2	+1		+2
	23. EXTR. IND.	+2	-2	-2	-2	-2	-2		-1	-2	+2	+1	+2		+1	+1	-1	-2	-1	-2	+1	+2	+2

RATE THE SOLID SQUARES AS +2

Valley County Commissioners  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

Re: Reverse Decision CUP 20-09

July 26, 2020

Dear Commissioners, My Name is Larry Shake, 1612 S Samson Trail, McCall Idaho. I am asking the commission to reverse the decision make at the June 11<sup>th</sup> P&Z Commission Meeting. In this action I represent Myself and my wife Monica, and the many neighbors on Samson Trail, Pearson, Pioneer, Hideaway Court, Ilka, the Carefree subdivision, and Knob Hill.

The decision made that night was flawed in many ways. Most of us felt that the decision was already made before the meeting. The Staff report was crazy in its support for, and could be interpreted to indicate the Administrator was pushing heavily in the support of the Applicant. In many ways this process reinforces the problems set forth by the **Valley County, ID Code of Ordinances**

**“9-11-1: APPENDIX A, COMPATIBILITY EVALUATION.**

**General:** One of the primary functions of traditional zoning is to classify land uses so that those **which are not fully compatible** or congruous can be geographically separated from each other.

The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses.”

(Below a quote right from the “Valley Code” and is what to expect without traditional zoning and is exactly what we are experiencing in this situation )

**“Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism**

designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised.” ( ??? Performance Zoning ?)

Please take time to review the following, and explain why this language directly out of the Comprehensive Plan adopted by Valley County does not give reason to reverse the approval of the C.U.P. 20-09

General: Design all provisions of the Comprehensive Plan in order to protect both **private property rights** and the community's rights to have a safe and healthy community. **Protect private property** from the negative effects of ... .. nearby incompatible uses. Protect **each citizen** in the community from unsafe and unhealthy conditions caused or worsened by activities, uses, structures, buildings or other factors **located on someone else's privately owned property.**

In General: The following is a summary of what happened at the June 11<sup>th</sup> P&Z Meeting, that has created a situation that indicates we now cannot get a fair and unbiased decision by the Planning and Zoning Commission.

OPEN MEETING RULE Broken !!!

This night the public process was completely upended and most likely, State and Local “OPEN MEETING LAWS” were broken. The applicants were allowed in the court room and those opposed were required to stay outside on the sidewalk during the Staff Report and the Applicants presentation of the project facts and the question and answer period with the Commissioners. This part of the meeting is key for those that oppose the project, as we didn't get to hear the potential changes, promises and any back and forth conversations with Commissioners. This procedure makes the current meeting format weighed heavily in favor of the Applicant and against the opponents' !

The process continued without any of us present until it was the time for testimony from the opposition. Then and only then did the deputies allow us, by groups of five, move into the building and testify singularly and alone, before the commissioners and the three applicants (who remained in the court room throughout) and then like lepers, we were told to exit out the court room and out of the building.... While all the time there was ample space in the empty court room, even with social distancing, for most of us to have witnessed the entire meeting.

The most important part of the meeting then took place without any of us to witness. The rebuttal of our testimony by the applicant and then the question and answer and deliberation by the commissioners and finally approval/denial phase of the C.U.P. all done with only the Applicant present ! The group of us in OPPOSITION were completely denied our right for a fair and equitable meeting. We also didn't receive any consideration or protection of our private property rights from our local governing body. We feel strongly that we are all equal under the law ! As you review the one letter of support, and the 32 letters in opposition, you will see that the neighborhood is strongly against this proposal, stating multiple times the concern of impacts to property values. It was mentioned by the P&Z Commission, that the neighborhood would be better off with a parking lot than homes in this 12 acre location .... A ridiculous statement, and apparently they didn't understand that is exactly what the neighborhood would prefer.

I would sincerely, request the Valley County Commissioners Deny C.U.P. 20-09.

Larry and Monica Shake, McCall

Valley County Commissioners  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

July 26, 2020

Re: Random notes regarding C.U.P. 20-09 – this was a fast letter, sorry for any errors>

Dear County Commissioners, I have many random items that need further exposure and consideration both in general, and directly derived from the June 11<sup>th</sup> 2020 meeting.

1<sup>st</sup>.. On going discussion regarding whether the BP Properties parking lot is a C.U.P regarding a commercial use, or a industrial use... on top of the matrix evaluation sheet, Cynda lists the project as a "local business"... now this is important. No where in the C.U.P. application process that I have found, is anything that indicates what classification the use that's being proposed. How can the impacts from a project be evaluated if there is no classification assigned, ie: Heavy Industrial, Commercial ...etc???

A side note: during the deliberation stage of the night on June 11<sup>th</sup>... Ms Defort said that the project was clearly a local business, (why can't a local business be a Industrial business) the local business has the least amount of stigma and of course low impact and reduced setbacks. But... really ? It is clearly a Heavy Industrial Business ( as proof see Meckel and Subert classified as Industrial on Lake Fork Rd).. even Scott Freeman stated "the berm will hide all the other Industrial stuff". He was referring to the adjacent properties to the south.

It is obvious ... that cranes that big, and 40 ft trailers, Endloaders, excavators, are all considered Heavy Industrial. Commercial business is a business like Franklin where customers come in and buy something, Crane and excavation companies don't normally have customers stop in to buy... Its Industrial....

Oh... the real kicker ... Bitten told the P&Z his business was commercial... ie: like they didn't know it truly is Industrial.

Note 2<sup>nd</sup>... Site plans, Engineering discussion, berm construction all items discussed as required, but not completed before the approval of the project. As the County Commissioners are aware, Dusty Bitten just was denied a CUP in the city impact area, where he built extensive buildings, with septic and water, without any permits having been applied for at all... and that he was instructed to remove these illegal structures which he has not done as yet.... My comments are meant to show, Bitten has proven to be less than forthright in his dealings with both the County and City in the past.

Not having the engineering approved and reviewed prior to approval is not a good business practice, but also it really puts the County in a dubious position and at the same time does not let the public review all the approvals of items discussed in open meetings, that then in turn are completed in secrecy. The public should be able to see the completed application, including Dust Abatement Plan, Irrigation Plan, Road Alignment, Berm design and landscaping requirements in the final form.. It is not healthy to put that responsibility on the administrator, possibly allowing relaxing some requirements because of reasons unknown to the public.



Currently we have no reason that BPP even will be required to build a berm... its not written into anything official, and the project has been approved ? All aspects of a project should be listed somewhere and shown "as to be completed" on all C.U.P applications, prior to approval.

The Finding of Facts and Conclusions (the only place the public can find that lists the conditions of approval) of course doesn't list a Berm to be built, says they will "Abate Dust" once a year ! No dust abatement during construction (hauling and piling 80,000 yrds) with no comprehensive dust plan... ludicrous ! Has no Irrigation Plan Commissioner Defort states " the Application was very well done and complete! Are you kidding me?

During the deliberations the Applicant was allowed to have conversations with the P&Z and optenially influence the decision making process to his benefit... This again is why all interested parties should witness the deliberation if so desired. Again for transparency this should not happen in a vacuum... the public should be allowed to witness this action, in person, if the Applicant can be in the room, so should the public !

Bitton showed little neighborhood concern during the time leading into the P&Z Meeting as though his money and influence could "bull" his way thru. At the June 11 meeting he led the Commission to thinking he was magnanimous in his approach and was friends with many of the people that attended his neighborhood meeting, but the truth is that very few neighbors attended and the general opinon was that he didn't care about us... "we gave them our phone number and they didn't call us " is the total of his attempt to resolve the social disagreement with his scrap yard. He said "he was friendly with adjacent land owners"... not until he bought out the Kurtz'z.

Ed Allen did comment that he thought that the social issues needed to be "worked out".... But not ?

Dusty indicated that he thought that the old people "90% of them "had time on their hands" and were just "not in our backyard type of deal" and that "none of them are working citizens of Valley County" and not "supplying jobs for the families that live and support this County". He indicated that he heard there were kids, and family using Samson and Pearson with bikes and walking, He questioned why no families and kids were there to testify. Really during Covid-19 pandemic ? Shows he is clueless !

Bitten answered a statement that questioned whether the companies would "follow the rules" ... well ask the City of McCall, at his Samson Trail property, he built large buildings without getting building permits, (and he's a builder)... and now after being denied a CUP for the property must remove the illegal structures... will he be a good neighbor ?

4. To her credit, Commissioner Defort stated the it was the commission's job to ensure the least impacts on surrounding neighbors... they failed miserably, To show mindset, Defort said she thought the scrap yard proposed would be better than 12 houses on the property... just to be clear, the neighborhood wants the property to be residential, but County regs would only allow 6 homes on 12 acres generally, but that is what we want ! the P&Z Commissioners are not listening to the affected neighborhood. We are against Industrial encroachment on our quality of life !

5. LETS GET SOMETHING STRAIGHT... Dusty stated he paid too much for the property and couldn't make any money building houses on it and that this was the only thing he could do. It's apparent the he might have made a big mistake and paid too much for the 12 acres, but that's his fault and its not up to P&Z or County Commissioners to help solve his problem... its not your job... your job is to follow the Comprehensive Plan and Protect each citizen in the community from unsafe and unhealthy conditions caused or worsened by activities, uses, structures, buildings or other factors located on someone else's privately owned property.

Ed Allen states... if we don't build this here then what will get built there ? Again, its not P&Z's job to find something to build on this property !

This property is Dusty Bitten's problem, not the county... remember this!!!

6. Pearson Lane: is a rural road, not designated arterial or even a secondary arterial or collector... it is at least four feet too narrow to qualify for the kind of traffic that would be generated with the parking lot. There has been no conversation about or with the Valley County Rd. Dept or Idaho Dept. of Transportation regarding road surface widths, or turning radius both for on and off Pearson and on and off Highway 55 for 40ft trailers hauled by 20 long trucks, making overall length 60 feet... Look at how wide rocky Mtn. entry road is now... Pearson is not that wide at hwy 55, and the Pearson road bed at the entrance to the parking lot isn't as wide as the Hwy55.

This whole plan is unorganized and incomplete and totally not appropriate for this location !

In ending: I want to reinforce that BP Properties, Rocky Mtn. Crane etc: have not been stellar in their interaction with both the County and City of McCall, and that should give pause to all of us, when the decision that's made here will assuredly be difficult to administer, create significant disruption to hundreds of Valley County Property Owners for years and years, and will ultimately be someones great legacy for generations. That of course is only if you don't choose to deny this horrible idea.

Sincerely, Larry and Monica Shake

We've enjoyed our home for 35 years and want many more, please deny CUP 20-09

From: Nicolette Humphries <hohump@frontiernet.net>  
Sent: Sunday, July 26, 2020 7:08 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: C.U.P. 20-09 BP Property Equipment Storage Appeal to Valley County Commissioners

Dear Commissioners:

Thank you for the opportunity to express my opposition to this CUP approval. I'm dismayed that P & Z has approved this industrial use on a site where we fought this use earlier. Apparently P & Z believed the Idaho Power facility would have had a larger impact. Based on the information provided by this applicant, it seems we know little about his potential impact. We do know that Mr. Bitten plans to drive larger and heavier equipment on Pearson Lane, creating more damage to the road and danger to other drivers.

I'm surprised P & Z approved an application so vague. At the very least, we should know how many and what type of vehicles, materials and equipment will be stored here. Assuming this computer generated diagram is accurate, he's going to have a ton of extra room in that 12 acres. Will he be allowed to rent to other commercial interests who want to park their equipment there? What about mitigation for the damage to Pearson Lane by his huge crane trailers? How about an irrigation plan other than "will drill a well"? How about a detailed site grading plan? Information about what materials he plans to use on his parking lot other than for dust abatement. What exactly does he plan to do to contain and control noxious weeds? Before approval he should have been required to fill out the application.

I thought this area was wrong for industrial use 10+ years ago (as did the P & Z) and I haven't changed my mind. What changed theirs? Commercial Industrial creep along an essentially one lane road without a turning lane onto Hwy 55 that sees heavy residential use feels like the wrong decision and poor planning. I'm happy for Mr. Bitten and his industriousness, but does his success supplant our safe access to an established residential area? And supersede protection of the residential quality of our neighborhood? Please overturn this decision.

Thank you;

Nicki Humphries  
108 Magnetic Rock Rd  
McCall, ID. 83638

23 JULY 2020

To: Valley County Commissioners

From: Robert Youde - 1210 South Samson Trail, McCall Idaho

Re: Appeal of CUP 20-09 Equipment Storage

I write in SUPPORT of the Appeal of the County Planning and Zoning Commission's Approval of CUP 20-09 Equipment Storage on Pearson Lane, in OPPOSITION to the Original Application, and for REJECTION of the the P&Z decision.

Hundreds of tax-paying, rules following, voting homeowners have invested millions of dollars in creating their homes and desirable neighborhoods in the CareFree Subdivisions, Pearson Lane, and South Samson Trail area. Dozens have expressed to the P&Z their opposition and concerns for the negative impact of this dirt lot storage area. The visual degradation, the negative traffic impact on neighborhood roads and the Highway 55 intersection with Pearson Lane and on the already substandard Pearson Lane roadbed, the unsightliness of a fourteen foot high dirt berm surrounding the twelve acre industrial dirt site, and the negatives of an industrial entrance corridor off a designated scenic corridor Highway 55 into an established upscale rural residential area, were ignored and underweighted by the P&Z. It is the opportunity and duty of the County Commissioners to overturn this decision.

Let me suggest the following choices of action available for the County Commissioners:

1. Accept the Appeal and Reject outright the P&Z approval and Reject the proposal, based on the relative weighting of neighborhood interests versus the applicant's original proposal.
2. Remand the P&Z approval to the P&Z for reconsideration, with a recommendation that it be Rejected or tabled forever.
3. Remand the P&Z approval to the P&Z with direction that the proposal be reheard in a new public hearing, at such future post-Covid time as facilities and audiovisual systems are available to assure that the neighbors and opponents have a full opportunity to be heard and be heard. The previous P&Z public hearing, according to press reports and despite the best intentions and staff efforts, was not successful in providing that opposition input, and provided full presentation only for the applicant.

There was also, again per press reports and quotes attributed to a County commissioner and a P&Z member, an impression given that industrial expansion and economic development in any form are priorities higher than negative neighborhood impact. I would hope that both bodies are in fact more open-minded than that. The role of both bodies is balanced unbiased input and balancing of interests before decisions.

Thank you for the chance to comment, and to ask your vote to REJECT proposal CUP 20-09.

**From:** Linda Thompson <lindathompson700@gmail.com>  
**Sent:** Sunday, July 26, 2020 6:54 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 20-09

TO: THE VALLEY COUNTY COMMISSION

RE: CUP 20-09 EQUIPMENT STORAGE ON PEARSON LANE

I continue to be opposed to the application for heavy equipment storage on Pearson Lane.

1. Putting an equipment storage facility on Pearson Lane is not safe. Pearson Lane paving has already been torn up from last year's break-up, but more from increased traffic and movement of heavier equipment—trailers, construction equipment, etc. Valley County has not yet repaired the damage to the sections of road directly in front of the property in question. Who is going to foot the bill for further and more continuous repair? Roads that are in poor repair are a safety hazard.

In addition, traffic has increased on Pearson Lane as the neighborhood has grown. A diversion from Hwy 55 to Pearson then to Samson Road has occurred because Hwy 55 traffic has increased so much. Many residents who live along the Samson corridor use Pearson Lane as their entry to Hwy 55. This section of road has become heavily traveled. Moving heavy equipment onto the road there could cause some really bad backups. Mr. Bitton has stated there wouldn't be that much traffic in and out of the facility but was pretty obtuse when asked exactly how much traffic, days, times, etc. The McCall area has grown so much and tourism has increased so much that I frequently have to wait for 20-30 cars just so I can turn onto Hwy 55 from Pearson and frequently have to wait at least that long to turn off the highway to get onto Pearson. Adding an element of moving heavy equipment would be disastrous and dangerous to all.

2. The equipment storage area would be an eyesore. Even with the promise of a 14' berm, the entrance to this area would have to be pretty wide to accommodate big trailers, etc turning onto or off Pearson. The Falvey storage area on Burr Road is a good example of this. Even with the smaller equipment used there, the opening for that driveway must be at least 40' wide. Maintenance of this berm is questionable. Like the Falvey berm, I don't think it would take long for the berm to just be a weedy eyesore. No one has specified the age of the trees to be planted. It could take years for these trees to grow tall enough to be useful as a barrier. I don't believe there is anything Mr. Bitton could do that would mitigate the ugliness of a crane storage unit. This is unfair to the residents along Pearson, but especially to the two residences next to and across from the proposed storage area.



Dust from the excavated area would be a horrible problem. Tearing out all of that wonderful grassland field and replacing it with a flat floor of dirt combined with the winds that exist in this area of the valley would blow dirt and dust continually. Then there is the issue with snow removal. Is this equipment going to be moved in and out during the winter, too? Think of the clumps of mud that will be on Pearson from these heavy trailers and cranes during our wet season.

3. This is a prime example of industrial creep. In addition to this application, there are two pending CUPs for Pearson Lane or Pearson Lane access. Both are for event venues but one is right next to the proposed equipment storage. Where does it stop? Pearson Lane is not a road designed for commercial use. The County needs to implement some zoning regulations consistent with the growth that is occurring in Valley County. It is simply time to do so.

Pearson Lane is and should continue to be a residential area. Last year that decision was supported by the County with the decision about CM Backcountry rentals. The county should continue this philosophy. There are many other areas where such storage could be accomplished.

When this application was presented to the Planning and Zoning Commission, those opposed really got the short end of the stick. Those standing outside to make comments were unable to know what was going on in the Chambers, and those of us who were on video and/or the phone often could not hear or see everything that was happening in the Chamber. This alone made it hard to rebut the proposal and should be taken into account with this review.

Please consider my input when you make your decision about CUP 20-09. I love living along Pearson Lane and don't want to see this area denigrated by any commercial operations.

Thank you,  
Linda Paul Thompson  
14030 Hideaway Court  
McCall, ID 83638-3187  
253-691-6133

To: Valley County Commissioners

Subject: Appeal of C.U.P. No. 20-09, BP Property Equipment Storage

Form: John Humphries

Date: July 26, 2020

I am writing in opposition to the Planning and Zoning decision to approve this Conditional Use Permit.

The application states that the site will be used for overflow parking, materials, and equipment storage. In reviewing the meeting minutes and the Findings of Fact and Conclusions, there is no mention of what type and quantity of materials will be stored at the site. Are they hazardous or have the potential to leach into the ground water or the Lake Irrigation canal that is adjacent to one half of the property?

In the application Impact Report, the applicant states there will be a minimal increase in traffic volume. What he does not address is the character of the traffic, huge cranes and other large pieces of equipment using Pearson Lane for ingress and egress. The meeting notes state that Burr Road will be primarily used, not Pearson Lane. The entrance to this storage yard is from Pearson Lane not Burr Road! The Conditions of Approval allow a maximum of 10 vehicles complete trips per day but if traffic volumes exceed 20 trips per day a new permit would be required. In my experience, Conditions of Approval are rarely enforced. I can't see how this is not going to have a detrimental impact on the solely residential use of this narrow two lane road and the road surface. What happens when vehicle weight limitations are put in place for break up timeframes? Are they going to have to cross the center line of Pearson Lane to enter or exit the site? Do you think a traffic study might be in order?

The approval of this C.U.P continues the "creep" of commercial and industrial uses into residential areas. Due to the Multiple Use Zoning in Valley County once a use like this is deemed compatible it is nearly impossible to stop the spread on adjacent lands. Conditions of Approval are rarely if ever enforced which just exasperates th

In closing, I've lived off of Pearson Lane for 35 years and frankly am getting sick and tired of defending the rural residential character of this neighborhood. Pearson Lane was never designed or built for this continuous type of traffic and has become extremely busy with residential use. Please deny this C.U.P

Thank you.

John Humphries  
108 Magnetic Rock RD.  
McCall, ID 83638

Cynda Herrick  
Valley County Planning and Zoning  
P.O. Box 1350  
219 N. Main St,  
Cascade, ID 83611-3150



RE: Pearson Storage CUP

To Whom it May Concern;

We are writing to oppose the approval of the Pearson Storage CUP. In addition to the questionable permissions allowed by county zoning, we oppose for the following reasons:

- Increased traffic on Pearson – which is already deteriorating due to subdivision traffic
- Increased danger for vehicles turning on to Hwy 55. Large equipment requires a lot more time to gather speed than an automobile and will create a hazard.
- Increased danger for vehicles turning off of Hwy 55 onto Pearson. If large equipment/trailers are blocking Pearson the vehicle turning onto Hwy 55 has no where to go. *We witnessed this last winter when Cody Monroe was trying to turn onto Hwy 55. The car trying to turn onto Pearson had to go in the ditch to avoid being hit by oncoming traffic.*
- This is a residential area and commercial businesses should be confined to the industrial park or other zoned commercial property.

The residents of Carefree and surrounding subdivisions chose to make our homes here due to the residential nature of the area – not to be bombarded with commercial properties that will cause increased traffic, noise and safety issues.

Thank you.

Todd & Bonnie Thompson  
117 Carefree Lane  
McCall, Idaho 83638

From: Don Lojek <dwlojek7@gmail.com>  
Sent: Saturday, July 25, 2020 12:10 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: CUP Application 20-09

Dear Ms. Herrick:

I have not changed my mind regarding the Application of BP Properties to despoil a residential/agricultural property by creating a huge 14' berm around a heavy equipment parking lot. I and my spouse are against this commercial development.

Please add to the reasons previously given in my letter to you dated May 28, 2020 the fact that the P&Z hearing on June 11th was in violation of Idaho law as explained in the Appeal filed by Mr. Shake. I was one of the many who stood outside the locked Valley County Courthouse without any opportunity to see or to hear the presentation in favor of the Application of BP Properties. Laptop computers did not work. There was a screen showing the Commissioners but not the exhibits of those speaking in favor. My cell phone, like the cell phones of everyone else, could not pick up the audio of the proceedings inside the Courthouse in the hearing room as there was insufficient or no wi-fi available.

This requires a do-over where the open meeting requirements can be met. Your suggestion that everybody should have stayed home and watched the youtube video is not a good solution. On the do-over I suggest that the hearing be moved to the Roxy or the local high school gym.

If the hearing of August 3rd follows the same course as the P&Z hearing of June 11th that will be another violation of Idaho law. You have a first class Prosecution Attorney on the County payroll and I urge you to seek her guidance.

Please urge the County Commissioners to bite the bullet and remand the matter to the P&Z Commission for a new hearing at an appropriate venue which could accommodate everyone interested while respecting covid-19 guidelines.

Finally, I would like to personally appear on August 3rd to explain my objections to the County Commissioners.

Thank you for bringing this email to their attention.

Sincerely,

Don Lojek

24 July, 2020

Valley County Commissioners

Re: CUP 20-09, BP Properties' Request for Heavy Equipment Storage Area

Subj: Letter for the Record for Appeal Hearing

1. P&Z Board Irregularities

The P&Z Board conducted its meeting in violation of applicable rules, making it impossible for those in attendance to hear Dusty Bitton's presentation and appropriately take issue with the several statements that are simply not his actual intentions. Since this is the topic of a legal action being taken by others, I will not comment further.

2. Lack of Due Diligence by support staff

There were several areas where the support staff simply took Dusty's word for it, rather than doing any kind of original thinking. My hot button is the construction of the berm which is to hide the heavy equipment parking lot. In their presentation, BP said that the construction of the berm would take about 3 weeks, and that the dirt would come from the airport taxi way revision project. In discussions with the airport manager, it was clear that he had no knowledge of this, and that the excess fill dirt from the airport was committed to go somewhere else.

I have had ongoing emails with Cynda going through the arithmetic associated with calculating the amount of dirt you need to make a 14 foot berm, and in the end she said that "that's why we have engineers on staff." I doubt that she actually asked for an engineering opinion, and if she got an answer, it was not conveyed to me. But the answer is that you need 2.25 Million cubic feet of dirt. In private discussions with Dusty, it was clear that he has no intention of doing this project in any particular time frame, and has only a vague idea of where the dirt is going to come from. I don't really dispute that he can get the dirt from someplace, but it is a major undertaking and will cost in the neighborhood of \$300,000 according to a general contractor I asked for an estimate.

My opinion is that because the staff has not made the berm a requirement for approval, it will not get built because of the cost and time ( about a year), assuming a 5 day work week. The numbers here could have been derived by anyone who was interested in pursuing this issue, which brings up the issue of due diligence.

3. Prejudice on the P & Z Board

After leaving the P& Z meeting on Jun 11<sup>th</sup>, I went to the online broadcast of the board discussions prior to the vote. The discussions were brief and did not address or even acknowledge any of the issues brought up by the citizen speakers. The view of the Chair was that there was only one significant issue: Is it better for the neighbors and neighborhood to have a heavy equipment parking lot, or a bunch of new houses or other residences, presumably condos. Their feeling is that we would rather have have the parking lot. I can only conclude that they completely ignored our input, in that we made it abundantly clear that the land in question is zoned for residential, and that's what we expected



when we bought into the neighborhood.

At a previous appeal, Elt said something to the effect of, "as an old P&Z Board member, we looked at two issues: does it significantly alter the character of the neighborhood, and (2) does it make the neighbors unhappy." Clearly this CUP fails on both counts.

#### 4. Recommendation

I would ask the County Commissioners to kick this thing back to the support staff, with direction to actually do real work associated with the evaluation. I would also ask that verbal promises made by Dusty be incorporated as actual conditions for approval. I would caution the evaluators to not take promises and pictures as actual intention by BP. My prediction is that faced with the prospect of actually having to do what he has "promised", Dusty will decide that it's cheaper to find land somewhere else nearby which is not adjacent to a residential neighborhood.

D. Joe Weiss  
14023 Hideaway Ct.  
McCall

**Re: Question and comment**

Cynda Herrick <cherrick@co.valley.id.us>

Tue 6/30/2020 7:16 AM

To: Joe Weiss <joeweiss29@gmail.com>

Thank you for your comments. That is why we have engineers.

Cynda Herrick, AICP, CFM

Valley County

Planning and Zoning Administrator

Floodplain Coordinator

PO Box 1350

Cascade, ID 83611

(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service

T Transparent

A Accountable

R Responsive

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**From:** Joe Weiss <joeweiss29@gmail.com>

**Sent:** Tuesday, June 30, 2020 12:26 AM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** Re: Question and comment

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

Hi, cynda,

Sorry for making your life difficult, but I think you have 2 errors in your approach. The first is, I think, that you are assuming that the berm cross section is a triangle, where the height of it is 14 and the "slope" (by your definition) is 3. So that makes the base 42. The serious error here is that triangle with the 42 foot base is only half of the berm. The other half also has a 42 foot base, so the actual base is 84 feet.

The second, less serious error is the assumption that the berm is triangular in cross section. That means it has a pointy top. You can't plant trees on the pointy top. The top has to be flat. Which means the berm is a trapezoid. The 14 foot height is fixed; it can't change. So the little flat spot on top of the berm has to be 14 feet high. Now, how wide do you want the flat top to be (it has to be wide enough to plant trees)? Six feet? Eight feet? Ten feet? Pick a number. And once you have picked that number, it will dictate how long the base of the berm will be, because the slope must be 3 and cannot change.

When you fix these errors, it will tell you how much dirt Dusty has to move, and it's a helluva lot, and I think he knows it and is blowing sunshine at you, knowing that he can get away with it.

The minor area of confusion, for me anyway, is the non-standard definition of "slope" which is always defined as rise over run in text books. It's like, if everyone at work calls you "Cynda", but away from work you are "Delores". Or in my case, my name is "David", but my friends call me "Joe" (which is true). We can live with that, but it does present problems from time to time, which is why we have (or should have) standard definitions of things.

I will be happy to come down to your office with my ruler and calculator, if you'd like. However the bottom line for you is that Dusty has to move about 7,000 truckloads of dirt.

Just so you know, once again, I am a bit unhappy that the board is doing what it thinks is best for us without regard to our input.

You stay well, also. It's hard to do and getting harder. What we see here in McCall is a near total disregard for precautions. It's understandable, tho, because incidences are so small in Valley Co. We'll see what happens as the summer goes on and we get more people from Boise and from out of state.

Kind regards,  
Joe

On 6/29/2020 8:44 AM, Cynda Herrick wrote:

Hey Joe,

It is a very odd time....I have to agree with that statement.

The slope is measured on a 3:1 slope (x,y).....run 3 up 1. So a berm that is 14' high will run across the ground 42'.

We will make sure we clarify any timelines when this goes through the Board's process....I appreciate your comments.

(Stay well !) Cynda

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service  
T Transparent  
A Accountable  
R Responsive

---

**From:** Joe Weiss <[joeweiss29@gmail.com](mailto:joeweiss29@gmail.com)>  
**Sent:** Saturday, June 27, 2020 12:26 AM  
**To:** Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)>  
**Subject:** Question and comment

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

Hi, Cynda,

Hope you are keeping well during this odd and frightening time, at least it is for me, being old and have a few underlying medical conditions.

First the question: When the regulations for berms say the slope is 3 to 1, does that mean 3 units up and 1 unit over that is (on a standard graph)  $y/x = 3/1$ . Or is it the other way around, 1 unit up and 3 units over that is  $y/x = 1/3$  ?

The reason I'm asking is that a slope of 3/1 is VERY steep; you can't pile dirt in that configuration and expect it to stay there without a lot of vegetation holding it. However the usual textbook definition of "slope" is  $y/x$ . So a slope of 3 is 3/1, which doesn't make any sense in the practical world.

This is not an idle question. In his presentation, he said he could get the dirt for this berm from the airport as they are modifying the runway configuration. In fact the airport manager has no knowledge of this plan, and he, the airport manger, does have a plan for what the dirt is going to be used for. In informal discussions with Dusty Bitton, he is quite honest that he has no idea where the dirt is coming from...."some of it from the airport maybe, some from various projects he has going" or will have going, and "some of it from other places." Similarly, he has been less than truthful about the time frame. In fact, he intends to build the berm as the dirt becomes available. Or not. It is clear that once the CUP is granted, he can do pretty much whatever he wants to. The question of how long it will take is somewhat dependent on the definition of "slope". In either case a dedicated effort in building the thing is measured in months/years. In fact, it seems to me to be entirely likely that he's going to give up on the project, having underestimated the effort and cost, and not having any downside in not keeping his word.

The second observation is that the P & Z board really is not the least bit interested in the details. As the Chair said in her closing remarks (to paraphrase), " We have a choice of having this storage lot on that property, or having more housing there. This seems to be the better choice for the people living there." Really? How can she know what we want? Did she ask anyone?

The way things work is that the County Commissioners almost always support the P & Z board, unless there is a clear violation of procedure, which is going to be the argument going forward with the appeal. My crystal ball says the Commissioners will ask the board to have a do-over, and once again the P & Z board will do what they think is best, viewing the CUP from a point of view or what they think is best for us. That's why I am not

enthusiastic about fighting this. I just don't think we have a chance to win, because the P & Z board has made up their collective mind, and the fact that Dusty is not being entirely forthcoming on the details, largely because he hasn't thought this thing through, just doesn't make any difference to them.

Kind regards,  
Joe



**From:** Joe Weiss <joeweiss29@gmail.com>  
**Sent:** Friday, July 17, 2020 3:09 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Dusty's CUP

Hi, Cynda,

Dusty has been quoted as saying that he may finish the berm in a year, or maybe not. My guess, based on the fact that contractors I've talked to estimate the cost at about \$300,000, that Dusty actually has no intention of building it.

In reviewing your notes about conditions for the CUP approval, I see that there is nothing there which requires him to keep his word on the berm. I would ask you to ammend the CUP conditions so that completion of the berm is required within a specified time period.

Joe Weiss

**addendum to last email**

Joe Weiss <joeweiss29@gmail.com>

Sat 7/18/2020 11:21 PM

To: Cynda Herrick <cherrick@co.valley.id.us>

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

Hi, Cynda,

In my last note to you, I asked for you to ensure that the berm would actually get built.

In previous email exchanges, you declined my offer to you to come down to the County offices to ensure that you understood exactly what building the berm would entail, saying that "that's what our engineers are for" (or something to that effect). With that statement I am holding you to your word that you will get an engineering analysis without which the question of due diligence comes into play.

Please send me a copy of the engineer's analysis.

Kind regards,

Joe Weiss

PO Box 205  
43 Pearson Ln  
McCall, ID. 83638



Ms. Cynda Herrick, AICP, CFM  
PO Box 1350  
Cascade, ID. 83611

RE: C.U.P. appeal to County Council

July 10, 2020

Dear Ms. Herrick:

This is in regard to the County Council appeal of the P&Z grant of C.U.P. 20-09 to allow commercial storage of trucks on property currently zoned for residential and agricultural use set for August 3.

This is the third application in this area and the second for this specific property in my memory. Previous applications were for Idaho Power to build a storage yard on this same property. It also proposed landscaping to minimize visual impact of this use. It was denied and Idaho Power found a more suitable location west of Lake Fork. The second was to store commercial rental equipment at a residence at Pearson and Pioneer. It was also denied, twice, although I understand the owner is continuing to appeal this decision.

The reason for the zoning of this area as residential and agricultural is that it is currently used for exactly this purpose. It has not gone undeveloped, and, in fact, several high end residences are currently under construction. In fact, the owner in this application lives in this very area.

Granting this C.U.P. would defeat the purpose of zoning. A large berm proposed around this 14 acre parcel would not really mitigate the visual impact. I assume they would light the storage area. Machinery would have fuel and oil leaks and spills that would impact ground water in a residential and agricultural area, especially since, unlike the commercial/

industrial property to the west side of the irrigation canal, the ground level is above the water level in the canal. Similarly, the temporary lake created by the berm from the winter snow melt would also drain into the irrigation canal, bearing any contamination from the storage yard. Heavy equipment movement onto Pearson Lane and on the bridge over the canal would further damage the 2 lane country road that has already suffered substantial damage from trucks and equipment related to current construction, only this time it would not be temporary. Large trucks turning onto Pearson from Burr Rd. already have difficulty with the turn. Large cranes would have more trouble and would likely obstruct the road. Turning onto and off of Highway 55 would be even more problematic.

There would be additional traffic issues with large trucks hauling the immense amount of dirt required to construct the berm. The owner of the property said at the P&Z hearing that this would be quickly done with dirt from the airport construction project, and a benefit to the city, but a detailed construction plan was not presented. I am familiar with the taxi relocation project underway at the airport and there is no source of dirt from this project sufficient for the berm. Perhaps there is confusion with a future runway extension project in the long range plan for the airport. This is years, if not decades, in the future. Because the hearing was not open (as required by Idaho law, for good reason), this could not be discussed and corrected at the hearing.

For the above reasons, an environmental impact analysis and detailed, specific construction plans for this large project should have been presented at the hearing for consideration and public review.

This is not the only option for locating a storage yard. There are other properties, nearby, that are within the commercial corridor of highway 55. I am not clear why the owner purchased this property knowing it was not zoned for this use and would encroach on the intended residential and agricultural properties of their neighbors, and would have to be done over their strenuous objections.

The county board should take all this into consideration and reject this project, or, at least, send this back to P&Z to conduct a more thorough and open hearing. This project is not consistent with the planned development for this area, for good reasons. The applicant should be encouraged to find an alternative within the existing plan.

Thank you for your consideration.

Sincerely yours,

Mike Weiss 



July 25, 2020

Valley County Board of Commissioners  
P. O. Box 1350  
Cascade, Idaho 93611-1350



Re: Appeal of C.U.P. 20-09 Equipment Storage  
Public Hearing Meeting – August 3, 2020

Dear Commissioners,

It is with deep conviction that we address you regarding the above filed appeal and the Planning and Zoning Meeting held on June 11, 2020 – 6:00p.m.

First, the meeting of June 11. This meeting was held under supposed Covid-19 restrictions. The applicant was allowed into the meeting room, along with what we believe were his wife and business partner. As I, Lana, was allowed into the meeting to speak as a proponent, the second speaker, I noticed upon entering that all three were seated together, while not one of the proponents was present nor ever allowed to be present in the room. The proponents were restricted outside of the building, on the front sidewalk, with attempts to connect to the weak internet to view the applicants presentation to the Planning & Zoning panel. The noise of the traffic further made for horrible, when available, listening. Very poor planning by Planning & Zoning. We understand that we are living in “unchartered waters” with respect to Covid-19, however, a facility with proper social distancing for all would have allowed for a fair and proper meeting. As not one proponent was allowed into the meeting it was impossible to dispute any of the presentation and at the end of the meeting Planning and Zoning moved forward with their vote. Very unfair and very unprofessional. And one last thing – we believe Sheri Maupin’s husband is a building contractor, therefore, we find reason to believe that she should have recused herself from this C.U.P., this meeting and definitely the decision. As you know, Dusty Bitton, the C.U.P. applicant is also a building contractor.

Second, the residents who have taken the time to be involved in this process should be dealt the respect that such a process deserves. The applicant appears to not show such to his neighbors and is “bulldozing” forward to turn a valuable agricultural piece of property into a parking lot for his construction equipment. Since the meeting of June 11 the City has been moving dirt from the airport to the corner of Deinhard Lane and Spring Mountain Blvd. – what a disaster – the trucks cannot make the turn on the road itself and have had to use the side of the road to make the radius turn required. This is exactly what BP Equipment Storage will bring to the quiet residential and agricultural land of Valley County.

We will conclude that there is not a question as to why such a C.U.P. would be granted, let alone requested. The request comes with undue concern for the beauty and nature of this area and the residential property owners (their neighbors) within the neighborhood. An industrial setting is what BP Properties needs to pursue to establish storage of such equipment.

Thank you for your time and consideration,  
Alan and Lana Lundgren  
105 Carefree Lane  
McCall, Idaho 83638

RECEIVED

JUL 15 2020

RECEIVED

Jeff & Karlene Neble July 3, 2020  
170 Pearson Ln.  
McCall, Id. 83638

To Cynda Herrick AICP, CFM  
Planning & Zoning

Dear Cynda:

Please be advised that a heavy equipment storage yard on Pearson Lane just seems wrong.

It is a beautiful rural road to many, many nice homes.

We feel industrial of any kind should be kept up on Hwy. 55.

Sincerely

Karlene & Jeff Neble

RECEIVED

JUN 12 2020

May 29, 2020

To Cynda Herrick AICP  
P#2 Administrator

Re: C.U.P. 20-09 BP Property Equipment  
Storage

Please be advised that the undersigned  
are opposed to the above receiving a  
C.U.P. for ingress and egress off  
Pearson Lane.

Pearson Lane has enough traffic,  
and is always in need of repairs.  
Heavy equipment coming and going  
will only add to the destruction.

Is the bridge for the irrigation  
canal even meant to carry heavy traffic?  
A berm does not seem to be an  
answer to an unsightly storage.

Keep industrial up on Hwy 55,  
not in that location.

Please do not grant them a  
permit.

The Neble Family  
Jeff, Karlene and Rhyan

170 Pearson Lane  
McCall, Id. 83638

**From:** clayton nalder <cnalder10@gmail.com>  
**Sent:** Thursday, July 9, 2020 2:24 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Cc:** Dave Bingaman <dbingaman@co.valley.id.us>  
**Subject:** Additional Comments on Appeal of CUP 20-09

Thank you Cynda for correcting me on the month. Summer is going by too fast.

The following are additional comments after a discussion with the Valley County Road Supervisor after submitting my original comments. I had a discussion with Jeff asking about road standards on roads with mostly residential traffic vs commercial/industrial traffic. I then ask whether he had been contacted by the PZ Commission on CUP 20-09 since the majority of opposition letters identify safety concerns with Pearson Lane. His answer was "No" although he identified that he gets all staff reports on the CUPs. He said the title made it sound like a storage facility and had not reviewed.

We then discussed what Mr. Bitton disclosed in the June 11th meeting about construction equipment from his 6 businesses being stored at the CUP 20-09 site, including cranes from RMC. Jeff's response was that Pearson Lane is narrow, busy, in poor condition near SH55, and has poor visibility at the intersection with SH55. He eluded that Pearson Lane without changes may not be able support this use especially especially if use increases in the future. We both wondered whether the intersection has the turn radius to support the crane trailers.

We then discussed the possibility of BP Properties accessing the 12-acres from Burr Drive as an alternative. Jeff identified a location off Burr Drive, adjacent to the Nez Perce Tribe property, that would provide a decent access point. If this is viable it would prevent construction equipment from using Pearson Lane. He identified the Burr Drive intersection with SH55 is larger, has better visibility and Burr Drive has significantly less traffic than Pearson Lane.

It is clear to me that the PZ Commission has not researched and did not address a common theme from 28 of 32 opposition letters. It seems that if there was a road safety concern for a CUP, that the PZ Commission would have at least ran that concern by those responsible for managing roads in the county. In Jeff and my discussion, it doesn't sound like that occurred.

Jeff was going to look into the situation and possibly provide comments for the appeal hearing. I hope he does or if not, I hope the Valley County Commissioners will ask his opinion of the situation.

Thanks,

Clayton Nalder  
13987 Country Way  
McCall, Idaho



To: Valley County Commissioners

Subject: Appeal of CUP 20-09 BP Equipment Storage

My concerns are summarized below with additional information attached:

1. Safety to residents on Pearson Lane from intersection with SH55 and the Equipment Storage site.
  - Pearson Lane has the highest residential use to the east of SH55 between Elo and Lake Fork Roads. Pearson Lane accesses 50-100 homes. For Valley County, Pearson Lane has significant residential traffic all parts of the day.
  - Pearson Lane is narrow – the pavement is 20-22 ft wide between SH55 and the Equipment Storage Site. Valley County Minimum Road Standards for Public Road Design and Construction (2008) requires local roads to include a 24 ft wide paved prism with a 2ft gravel shoulder on each side. Pearson Lane does not meet that standard.
  - The intersection of Pearson Lane with SH55 is narrow and likely does not meet the turn radius required for large construction equipment. BP's request includes parking construction cranes at the site which are long and likely unable to maneuver through the intersection if other traffic is at the intersection. A condition of approval allows 20 trips per day but trips is not defined. If this is 20 round trips with access occurring between 7am to 7pm (another condition of approval) this comes out to over three construction vehicles an hour.
  - The use of Pearson Lane was a common theme in the 28 of 32 opposition letters and the P/Z Commission should have had thorough discussion with sound rationale to address this concern – they did not. Feel free to watch the video.
  - Potential Solutions
    - o Require access to the storage site and SH55 off Burr Drive – this would alleviate the issue with Pearson Lane.
    - o Have a transportation planner or road engineer look at Pearson Lane to determine if safety is a concern. If so, require applicant to remedy the situation.
    - o Require a certain size of construction equipment to be transported to and from the storage site between 7pm and 7am. Currently a special condition requires use to occur between 7am and 7pm – the busy time.
2. Commercial/Industrial Use on the Eastside of the Canal
  - Currently all CUPs occur on the south and east sides of the canal and access Burr Drive or SH55. Approval of this CUP places commercial/industrial use into residential areas.
  - The canal is a defining feature P/Z could use to delineate residential vs commercial/industrial use.
  - What is the long-term plan for this site? Once a storage facility it will likely be easier to gain approval to develop more and its only future will be a commercial/industrial area. It will never become a residential area.
  - In 2007 a CUP application was denied by the Planning/Zoning Commission.



- At the June 11<sup>th</sup> public hearing the P/Z commission had minimal discussion about this although this was a common theme in the 32 letters of opposition. Feel free you watch the video.

It is clear that the P/Z did not take the themes of the opposition comments on this proposal seriously and likely based on their minimal discussion at the June 11<sup>th</sup> meeting that they didn't review the comment letter but instead relied on a summary from the P/Z Administrator. Based on that, this was a rubber stamped approval with no desire to discuss or attempt to find solutions for the concerns. For these reasons the Valley County Commissioners should require this process to be undertaken again or if they have enough information generate a rationale response to the concerns and approve the CUP or deny the CUP.

Thank you for your time and I hope as a Valley County Commissioner you have read my concerns. Additional information on my concerns are attached below.

Clayton Nalder  
13987 Country Way  
McCall, Idaho



### Pearson Lane and State Highway 55 Intersection Safety Concern

As stated in my original comments Pearson Lane is a narrow-paved road (pavement approximately 20' wide) from the intersection with SH55 to its disappearance in the Carefree Subdivisions. Pearson Lane is likely the busiest road on the eastside of SH55 between Elo Road and Lake Road with all traffic being residential vehicles. My wife and myself travel through this intersection at least 4 times per day and likely more shuttling two kids to their activities. Our primary residence is one of the Carefree Subdivisions.

I include again the two figures below showing the width of Pearson Lane (bottom photo) and the access to Rocky Mountain of SH55. Rocky Mountain Crane's business is approximately 32' wide while Pearson Lane is 20' wide. This makes a great comparison because at the June 11 public hearing Mr. Bitton identified that most equipment to be parked at the equipment storage would come from Rocky Mountain Crane's business location just to the south on SH55.

I have concerns and you should also in that Pearson Lane was likely not constructed at the width to support large trucks and trailers entering and exiting onto SH55 in a safe manner. The bottom photo actually has a semi-tractor trailer at the intersection, you can see what it would take up to turn onto Pearson Lane. The CUP proposal did not include a description of vehicle widths and lengths that would be stored at the site but at the June 11 public hearing Mr. Bitton identified that the cranes he owns would be parked at the CUP Equipment Storage site. If you have seen these cranes being transported they are large likely larger than the semi-tractor trailer in the bottom photo. The approved CUP authorizes 20 trips to the storage facility between 7am – 7pm. If that is 20 round trips, this could be over 3 per hour entering or exiting. At minimum a transportation planner or road engineer should look at the intersection and size of equipment planned to determine safety.

I have a boat with a 25 feet trailer and to pull onto SH55 from Pearson Lane is a challenge heading north or south, I have to cross into the other lane on SH55. I contribute this to the narrowness of Pearson Lane. If there is another vehicle leaving or entering Pearson Lane, I have to wait until they clear the intersection. Construction sized equipment and cranes will cause a worse problem mixing with the residential traffic.

Although the intersection is a safety concern the approximately ¼ mile the equipment would have to travel on Pearson Lane would also be a concern as they would then need to navigate Pearson Lane and a new intersection into the CUP Equipment Storage facility.

A potential solution does exist to address my concern and many of the other residents' concerns about the safety and use of Pearson Lane to access the CUP Equipment Storage Facility. Access could be denied onto Pearson Lane but approved on Burr Drive with the requirement that all equipment use Burr Road to access SH55. This would require a crossing over the canal but this should be a simple fix to the problem. This also would likely be advantageous to Mr. Bitton's businesses as when discussing the concern of the Pearson Lane/SH55 intersection at the June 11 public meeting he stated that they would likely use Burr Drive instead of Pearson Lane.



### Commercial/Industrial Expansion into Residential Areas

The tax assessment info identifies these 12 acres as rural agricultural. This property was purchased in 2019 by Mr. Bitton, which as a developer in the area likely understands better than the rest of us what this means but also likely understood what the desires were with the property. The CUP proposal identified other CUPs surrounding the property but this is far from the situation. The north and east sides of the 12 acres abuts to resident lots. The south and east side of the property are bordered by the canal and on the other side of the canal are commercial/industrial land uses. The figure below (from the Staff Report for CUP 20-09) shows this and it is clear that the canal (light blue line) clearly separates

rural/residential areas and commercial and industrial areas (green X on the 12 acres). Approving this CUP would move commercial/industrial uses into what is rural/residential areas. I'm told back in 2007ish that another CUP proposal was denied for these 12 acres. The canal is a good separation between residential and commercial areas and these 12 acres could be developed much like the Pearson Corners has been developed. It would be a perfect location for 4-6 lots with single family homes with a clear separation (the canal) on what is commercial next to the residential area.



Future growth of Mr. Bitton's multiple businesses will likely increase the needs on these 12 acres also. If this CUP is approved, it should be expected that additional CUP proposals on these 12 acres into the future.

**Planning and Zoning Commission's Process**

Of significant concern was the process at which the Planning and Zoning Commission approved this CUP. I was unable to attend or watch live the June 11<sup>th</sup> meeting, but I did watch the 3 ½ hour video. It was apparent that the commission had not reviewed any of the comment letters for or against this proposal, and instead left it to the Planning and Zoning Administrator to summarize the numerous letters in a brief list of concerns. The summary was a disappointment with much of the content absent. There were 31 letters in the staff report with shared concerns about safety on Pearson Lane and commercial encroachment into residential areas (you should watch the 3 ½ hr video). After testimony at the June 11<sup>th</sup> meeting, the commission discussed before voting. The commission spent most of their hour discussing the canal and had minimal discussion on the safety or commercial encroachment. It was clear they were taking Mr. Bitton's word that he was going to use the equipment (4-6 trips a day) storage area minimally and that traffic would not be a concern. There was no discussion about the potential future needs of the equipment storage area or the safety of residential traffic on Pearson Lane or the intersection with SH55.

On top of that the commission basically ignored the fact that although the CUP application identified commercial businesses surrounding the 12 acres that is not the case. The staff report map of existing CUPs shows a different situation and yet the commission didn't even discuss. The commission was oblivious of the 2007 CUP application denial for the same 12 acres.

It was apparent that the June 11<sup>th</sup> meeting was a formality and that the commission did not review comments to the CUP application, did not do any research on the current juxtaposition of other CUPs or even understand that a previous Planning and Zoning Commission had denied another CUP for the same land. The conditions of approval identified by the current commission show their ignorance of the situation. #2 required 20 trips, is this 20 single trips or 20 round trips? Twenty round trips approves over three pieces of equipment per hour to be transported to or from the storage. #16 allows hours of operation between 7am and 7pm, if safety is the concern than wouldn't it be better to require 7pm to 7am. The best for last #18 stipulates large vehicles should not use Pearson Lane except going or coming from a job site. How does any equipment get the to equipment storage if they don't use Pearson Lane? They can't.

In conclusion to my concerns, I believe the safety concern for the intersection of Pearson Lane/SH55 and Pearson Lane can be resolved by requiring access for the equipment storage from Burr Drive. The Valley County Commissioners and Planning and Zoning Commission should review the development plan for Valley County, the past denial of a similar CUP, think about future needs of these 12 acres, and determine whether approving commercial activities in this location is appropriate. Lastly, the process at which the Planning and Zoning Commission approached this was a complete disappointment given the concern from the immediate area residents of the area. I hope that you Commissioners discuss and digest all comments and concerns more thoroughly than the Planning and Zoning Commission did.



Aug 3 Appeal to Valley County Commissioners

Re: June 11 P&Z meeting - C.U.P. 20-09

RECEIVED

JUL 09 2020

Commissioners, Please reject the June 11 meeting and its decision to approve this Heavy Equipment business in a residential area with inadequate rural road conditions.

Vern Farris, 13990 Comfort Rd. McCall

**I was denied access to the June 11 Planning and Zoning in violation of Idaho Open Meetings Law.**

**I wrote a letter in opposition to C.U.P. 20-09 and asked to speak at the P&Z Review.**

**I was at the Valley County Court House on June 11 at 6: PM to hear the 20-09 proposal and speak against the potential Safety Problems being created by this proposal, with no commitment to fix Pearson Lane and/or the intersection of highway 55 to eliminate safety issues.**

**I waited outside on the sidewalk for over 4 hours without the ability to hear the P&Z compatibility report, cooked up by Dusty Bittin and the P&Z Staff. I was not allowed to hear what BP Industries was presenting as a Heavy Industrial project on Residential/Agriculture designated land.**

**Proponents of the Heavy Equipment yard were allowed in the meeting with their supporters, but none of the leaders of the**

**opposition were allowed to hear what was being eluded to and therefore no direct rebuttal was possible.**

**After waiting over 4 hours on the sidewalk I was allowed in the meeting room and was given 3 minutes to explain my safety concerns of having heavy equipment, dirt haulers, cranes and other construction equipment competing with residential traffic on a farm lane at the intersection of highway 55.**

**I was ushered out of the meeting and was not allowed to hear the P&Z Commissioners question the proponents or discuss the issues. *This was not an "OPEN TO the PUBLIC" meeting and was rigged by BP Industries to insure approval by the P&Z Commissioners.***

**The decision was based on a faulty residential compatibility study and opponents to the proposal were not given an equal chance to present conflicting and opposing views of impact to the significant residential community on Pearson Lane.**

**Reject this meeting and deny the Industrial Creep into the largest residential area in Valley County.**

**Sincerely, Vern Farris**



**From:** Max Williamson <imwillmw@gmail.com>  
**Sent:** Wednesday, July 8, 2020 3:06 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 20-09 BP equipment storage

i'm opposed to subject conditional use permit. It conflicts with the residential & agricultural area. It appears to be industrial & should not be approved. It is not compatible with surrounding land uses & would impact & diminish the value & enjoyment of nearby properties. It is not consistent with the county's Comprehensive Plan. Thanks for your time & full consideration & please do not approve it.

Max Williamson

**From:** Nicholas Kertz <nick\_kertz@yahoo.com>  
**Sent:** Friday, July 3, 2020 10:34 AM  
**To:** Valley County Commissioners <commissioners@co.valley.id.us>  
**Cc:** Sabrina Kertz <sabrinahall26@hotmail.com>; Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 20-09 BP Equipment Storage Appeal public support

Board of County Commissioners,

We are Nick & Sabrina Kertz of 25 Pearson Ln. We live immediate adjacent to the CUP in question to the east. We submitted a letter to you prior to the P&Z meeting and provided a brief presentation at the P&Z meeting in which this CUP was approved. Both our letter and presentation were in opposition to the proposed CUP.

However, since the meeting, we have met with BP Properties, and we believe that they will move forward in good faith to address all of our concerns regarding the development of their lot. Furthermore, we believe this will be a good use of the parcel in fitting with surrounding businesses.

In short, we withdraw all objections and opposition to the project and instead write to you in full support of the project. We believe this is an excellent example of how these things should work amongst neighbors and fellow community members.

Regards,  
Nick & Sabrina Kertz

**From:** Chris Mann <cmann33@gmail.com>  
**Sent:** Monday, July 27, 2020 9:37 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Cc:** Chris Mann <cmann33@gmail.com>  
**Subject:** C.U.P 20-09 BP Properties

Dear Ms Herrick:

I still object to the proposed C.U.P. 20-09 BP Properties to create a storage lot for large industrial equipment. I feel this proposal was given a very cursory examination during the previous hearing and that the commission was inclined to favor this industrial development. This is a major intrusion of industrial use into our neighborhood and it should not be allowed.

This berm that is supposed to mitigate the sight of cranes and other huge equipment in a residential neighborhood is not adequately defined nor are penalties for failure to landscape, irrigate, and maintain it properly stated.

What plants will be used? How many? How will they be cared for before they are established? What will prevent erosion of this soil wall? What will prevent the soil and fertilizer from flowing into the irrigation canal?

What will prevent runoff from the parking lot and fueling operations from polluting ground water and running into the irrigation canal?

Is the applicant required to place a bond for road repair to cover heavy machinery damaging Pearson?

What are the hours of operation for this business?

How much traffic will be generated?

Will any engines be left running for periods of time between uses?

I strongly object to approval of this industrial incursion into our neighborhood.

It will change the aesthetics of the approach to our homes.

It will increase traffic.

It will encourage further zoning variances.

It will decrease our property values.

Please deny C.U.P/ 20-09 to BP Properties.

Sincerely,

Christine and Clifford Mann  
152 Carefree Lane  
[cmann33@gmail.com](mailto:cmann33@gmail.com)

⏪ Reply all ▾ 🗑 Delete 🚫 Junk Block ...

## CUP 20-09

ⓘ Label: Default 180 Days Delete (6 months) Expires: Mon 11/30/2020 5:08 AM

BF Bruce Forsyth <bforsyth208@gmail.com>  
Wed 6/3/2020 6:08 AM  
To: Cynda Herrick

👍 ↶ ⏪ → ...

My wife and i are opposed to this application to make it commercial zoning. This area is mostly residential. we have safety concerns about the increased activity on the area. early morning noise is also a concern. we are asking the board to deny this application.

Bruce and Jamie Forsyth  
40 Pearson Ln. McCall Id.

Cynda Herrick, AICP, CFM

July 27, 2020

Planning & Zoning Administrator

We are writing to express our opposition to C.U.P. 20-09 BP Property Equipment Storage for the following reasons.

1. We believe the proposal is not compatible with residential development adjacent to the site.
2. Storage of equipment and a 14-foot berm around the area would be unsightly and restrict views for homes and traffic in the area.
3. Pearson Lane and the bridge over the irrigation canal is not designed for heavy traffic.
4. Movement of equipment will create noise, dust, and traffic problems in a residential area.

We request you do not approve C.U.P.20-09 for equipment storage.

We suggest that you postpone all C.U.P. meetings until COVID has resolved so that all who wish to attend can participate in the same meeting room.

We thank you for the opportunity to comment on this issue.

John, Barbara & Garnet Kwader

**From:** Geoffrey HH ROTH <ghhr@gr-we.com>

**Sent:** Monday, July 27, 2020 3:44 PM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Cc:** Anne Carr <range.rat43@gmail.com>; Vern <vernfarris@citlink.net>; lojeklaw@aol.com <lojeklaw@aol.com>

**Subject:** Appeal of C.U.P. 20-09

To The Valley County Board of County Commissioners,

Regarding the Appeal of C.U.P. 20-09 BP Equipment Storage, my wife, Katharina, and I attended the original meeting in Cascade. Unfortunately for almost all the attendees the process was not complete in any way. Yes, the Virus has upset many activities but, in this case, the attempt by the County to run this meeting within the guidelines outlined by the State of Idaho for open meetings was just not acceptable. Standing out on the sidewalk hoping to be able to see and hear what transpired within the meeting room was just not possible. One was not able to get any understanding of what all the parties that did speak had to say. I could not tailor my talk to address any of the details offered by either side. Mr Bitten seemed to have a private audience with the County Board and all of the citizens with concerns about his projec were seemingly left out. We were not able to hear or see any of the materials presented by Mr. Bitten.

With regards to the proposal from BP Equipment Storage, I have three major concerns:

#1 - In his proposal Mr. Bitten has all but promised us that he will build a fourteen foot high berm with landscaping and you, the County Board, have stated that "Berms and landscaping would surround all sides of the proposed parking area". Yet you have failed to make this a condition of your approval. This absolutely must be a condition that Mr. Bitten has to adhere to and this berm and landscaping would need to be completed prior to his use of the land as he has outlined.

#2 - The County Board seems to have given no consideration for the safety of residents and visitors alike with regards to ingress and egress at Highway 55 and Pearson Lane for "Equipment". I believe Mr. Bitten's larger current and future "Equipment" can be 50, 60 and maybe 70 feet long. Pulling out from Pearson Lane to head north with a 50-70 foot long piece of equipment will take up both lanes of highway 55 and then some. The intersection of highway 55 and Pearson Lane has been the sight of many accidents over the years, some of them very serious. If BP Equipment storage does end up using the proposed acreage for storage, the County must require Mr. Bitten to create separate turn lanes north and south on 55 for entering into and turning out of Pearson Lane as well as necessary widening of Pearson Lane both at highway 55 and at the entrance to the storage yard.

#3 - Pearson Lane is a "Lane", not a State highway. It is narrow and not designed nor built to major highway standards. It simply is not suitable for regular use by large, heavy equipment. There is absolutely no question whether or not large equipment will tear up Pearson Lane. It will. The County would be remiss in their duties if they did not require Mr. Bitten to regularly maintain Pearson Lane from Highway 55 to his property. If the County did not require this, I would venture to say that all the increase in taxes payed to the County for this C.U.P. would not come close to covering the increased expenses to the County for maintenance of our Lane.

With everthing I have outlined above I hope you will begin to see why this proposed business just does not belong on this parcel. Pearson Lane is the main entrance to one of the largest residential communities in Valley County. It is a pristine area and many have worked very hard to make and keep it that way. Industrial endeavors of this magnitude simply do not belong here.

Thank You All For Your Time And For Listening To And Serving All The People Of Valley County,

Geoffrey HH and Katharina Roth  
14006 Comfort Road  
McCall Idaho  
928 274 4566



RECEIVED

JUL 27 2020

Greg & Linda Pittenger

14015 Sage Ct.

McCall, ID 83638

This letter is in support of the request to overturn the Valley County P&Z commission's approval of CUP 20-09.

**The CUP application of BP Properties did not contain sufficient information to enable the Planning and Zoning staff and Commission to fairly and adequately evaluate the proposed conditional use.**

The purpose of the CUP application is to provide sufficient information about the proposed project to allow Staff, the public and P&Z commission members to make informed decisions.

*“Conditional uses may be allowed only after **proper application, review, approval, and mitigation of impacts through conformance with the conditions of approval.**” (emphasis mine) LUDO 9-5-1A*

I.

The following is the material information submitted by BP Properties in its Application and Impact Report.

- 1. The purpose of our CUP is to improve our 12 acres with beautifully landscaped berm around the exterior of the property. This will provide audio and visual screening for the surrounding neighbors. The side will be used for overflow parking, materials**

**and equipment storage with limited traffic to and from the site. Time frame of construction will begin mid-June and end as soon as possible.” See attached RMC letter dated May 8, 2020**

**2. Proposed parking area will be graded. See CUP Application pages question 18.**

**3. Contrast changes proposal will bring to adequacy of existing streets and surfaces during construction, and full occupancy- Very minimal increase in traffic volume. The only construction to take place will be for the entrance, landscape berm and parking pad. See Impact Report Question 1.**

**4. Compare noise levels that exist with those to be added during construction and normal activities- Noise and vibration will be short, 1-2 weeks. See Impact Report Question 3.**

**5. Site grading or improvements- Open parking area surrounded by a landscape berm. See Impact Report Question 11.**

**6. Visibility from public roads- 14’ tall landscape berm around perimeter of property. See Impact Report Question 12**

**7. Proposed construction time schedule- Excavation and landscape, 1-2 weeks. See Impact Report Question 20**

## II.

### . Deficiencies in application

The total extent of the information provided by the applicant and relied upon by P&Z staff in preparing the compatibility rating and staff report can be summed up as follows.

On a 12 acre parcel of bare land which has single family residential as its dominate adjacent use, BP Properties wants to excavate a graveled parking pad for the use of parking, materials and equipment storage. The

boundaries of the 12 acres will be surrounded by a 14 foot high berm. The work will take 1-2 weeks to complete and there will be very minimal increase in traffic volume. Noise will be short, 1-2 weeks.

Critical information that should have been provided and which is essential to a meaningful evaluation was not provided by the applicant or sought by staff prior to the preparation of the compatibility rating or staff report.

For example;

1. The size and location of the parking pad for equipment and materials should have been disclosed and located on the property. Without such information it is impossible to determine the numbers of equipment, trucks and vehicles the site could accommodate at build out. This is necessary in order to determine the effect of potential traffic volume on existing roads and road surfaces, as required by the impact report.
2. Identifying the types of vehicles and equipment expected to be stored on site including gross vehicle weights and decibel rating of each, including backup alarms, should have been provided. This information is necessary to evaluate the impact such vehicles will have on road surfaces and will be necessary to evaluate noise levels that will be emitted from the site, as required by the impact report.
3. Provide details on the expected increase in site construction related traffic volume and noise levels to be added during construction and build out, as required by the impact report.

4. Detail what will be done to reduce the effect of the 8-10 foot rise in elevation from Pearson Lane to the center of the property on the effectiveness of the proposed berm as it relates to visibility of equipment and materials and noise that will be heard at the property boundaries, as is required by the impact report.
5. Provide the mandatory Site Grading Plan as required by the LUDO. *“The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. (Ord. 10-06, 8-23-2010)”* (emphasis mine) LUDO 9-5A-1-E

A Site grading plan that would have disclosed among other things the final proposed elevations of the berm and parking pad, as well as methods that will be used during construction to control or prevent the blowing of dirt caused by grading, excavation, open cuts, side slopes, and other site preparation and development. This is required by ordinance and is critical in determining if dust mitigation during construction is required.

The deficiencies of the application are made all the more apparent as a result of the presentation of the applicant at the June 11 P&Z hearing. At that time, it was disclosed that material for the 14foot berm would be transported to the site by Granite Excavation from the work being done on the McCall airport taxiway expansion. Applicant estimated that 1,000 -1,200 truckloads of material would be hauled to the site over three weeks. This amounts to a 2,000-2,400 increase in traffic volume on Pearson Lane in a 21day period. This is clearly not the “minimal increase in traffic volume” as stated by applicant in the Traffic impact section of the application. The P&Z commission should require applicant to commission a traffic study of Sampson Trail, Burr Road and Pearson Lane on the effect of the project of those roads during construction and after full occupancy of the site.

The amount of noise generated by the proposed CUP during construction and use during normal activities was overlooked. Staff and the P&Z commission has accepted without proof or analysis that the berm will mitigate noise issues related to the proposal.

The noise requirements which this applicant must meet are set out in the LUDO at 9-5B-1

*”Commercial Or Industrial Activity: The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness,*

*and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same."*

Single family and agricultural uses adjoin the CUP site on the north, east and south east. During construction, dump trucks and equipment building the berm and parking pad will be operating on the property. That kind of equipment has decibel readings of 90 decibels and any equipment outfitted with backup alarms can emit sound up to 110 decibels. While a berm and the distance of the equipment emitting the noise from the property line will help reduce decibel levels, berms and distance have their limits. Berms, have a real world noise reduction maximum of 10-15 decibels. To be effective a barrier must block the line of site between the source of the sound i.e exhaust stack of a truck and the noise receiver. *See attached Virginia DOT Noise Wall Information and Penn State Noise Information.* Holes in a berm i.e. openings for driveways, provide no sound reduction. BP Properties should be required to demonstrate that it's planed use of the site will meet noise decibel requirements both at construction and normal activities.

Based on the above noted deficiencies, Commissioners should overturn the approval of CUP 20-09 and BP Properties should be required to file a new application if it wishes to proceed.





May 8, 2020

Valley County Planning and Zoning  
219 N Main  
McCall, ID 83638

RE: BP Properties – Detailed Project Description

To Whom It May Concern:

The purpose of our CUP is to improve our 12 acres with beautifully landscaped berm around the exterior of the property. This will provide audio and visual screening for the surrounding neighbors. The site will be used for overflow parking, materials, and equipment storage with limited traffic to and from the site.

Timeframe of construction will begin mid-June and end as soon as possible.

Sincerely,

\_\_\_\_\_  
Dusty Bitten  
Rocky Mountain Crane

---

**Rocky Mountain Crane & Equipment Rental**

P.O. Box 2888  
McCall, ID 83638  
(208) 698-1478 Ph. / (866) 756-0090 Fax  
[www.rockymtncranes.com](http://www.rockymtncranes.com)

# Valley County Planning & Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
Phone 208-382-7115  
Fax 208-382-7119



## Conditional Use Permit Application

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT	
FILE # <u>C.U.P. 20-09</u>	FEE \$ <u>50<sup>-</sup></u>
ACCEPTED BY _____	DEPOSIT \$ _____
CROSS REFERENCE FILE(S): _____	DATE <u>5-7-2020</u>
PROPOSED USE: <u>equipment storage</u>	

When an application has been submitted, it will be reviewed in order to determine compliance with application requirements.  
A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

Applicant's Signature:  Date: 05.05.20

The following must be completed and submitted with the conditional use permit application:

- ❖ A detailed project description disclosing the purpose, strategy, and time frame of construction. Include a phasing plan if appropriate.
- ❖ A plot plan, drawn to scale, showing the boundaries, dimensions, area of lot, existing and proposed utilities, streets, easements, parking, setbacks, and buildings.
- ❖ A landscaping plan, drawn to scale, showing elements such as trees, shrubs, ground covers, and vines. Include a plant list indicating the size, quantity, location and name (both botanical and common) of all plant material to be used.
- ❖ A site grading plan clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development.
- ❖ A lighting plan.
- ❖ Names and addresses of property owners within 300 feet of the property lines. Information can be obtained through the Assessor's Office. Only one copy of this list is required.
- ❖ Ten (10) copies of the application, project description, plot plan, landscaping plan, grading plan, and impact report are required.

We recommend you review the Valley County Codes online at [www.co.valley.id.us/planning-zoning](http://www.co.valley.id.us/planning-zoning) or at the Planning & Zoning Office at 219 North Main Street, Cascade, Idaho

Subject to Idaho Statute 55-22 Underground Facilities Damage Prevention.

APPLICANT BP Properties PHONE 208.315.0090

Owner  Purchaser  Lessee  Renter

APPLICANT'S MAILING ADDRESS PO Box 4110, McCall, ID ZIP 83638

OWNER'S NAME BP Properties

OWNER'S MAILING ADDRESS PO Box 4110, McCall ZIP 83638

AGENT/REPRESENTATIVE Dusty Bitton FAX 866.756.0900 PHONE 208.315.0090

AGENT/REPRESENTATIVE ADDRESS PO Box 4110, McCall, ID ZIP 83638

CONTACT PERSON (if different from above) \_\_\_\_\_

CONTACT'S ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS OF SUBJECT PROPERTY \_\_\_\_\_

PROPERTY DESCRIPTION (either lot, block & subdivision name or attach a recorded deed with a metes and bounds description.)  
See attached Deed.

TAX PARCEL NUMBER RP18N03E289006

Quarter SESE Section 2B Township 18 N Range 3E

1. PROPOSED USE: Residential  Civic or Community  Commercial  Industrial

2. SIZE OF PROPERTY 11.82 Acres  or Square Feet

3. EXISTING LAND USES AND STRUCTURES ON THE PROPERTY ARE AS FOLLOWS:  
Bare land, unimproved

4. ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (such as canals, hazardous material spills, soil or water contamination)? If so, describe and give location: N/A

5. ADJACENT PROPERTIES HAVE THE FOLLOWING BUILDING TYPES AND/OR USES:  
North Open Field and residential  
South Commercial Nez Perce  
East Open Field and residential  
West Commercial - Idaho Power, Falvey Excavation

6. MAXIMUM PROPOSED STRUCTURE HEIGHT: N/A

7a. NON-RESIDENTIAL STRUCTURES OR ADDITIONS (if applicable):

Number of Proposed Structures: 0 Number of Existing Structures: 0

Proposed Gross Square Feet

Existing Gross Square Feet

1<sup>st</sup> Floor \_\_\_\_\_

1<sup>st</sup> Floor \_\_\_\_\_

2<sup>nd</sup> Floor \_\_\_\_\_

2<sup>nd</sup> Floor \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

8a. TYPE OF RESIDENTIAL USE (if applicable):  
Single family residence  Mobile home for single family residence  Multiple residences on one parcel

8b. SQUARE FOOTAGE OF PROPOSED RESIDENTIAL STRUCTURES (if applicable): NA  
SQUARE FOOTAGE OF EXISTING RESIDENTIAL STRUCTURES: NA

8c. DENSITY OF DWELLING UNITS PER ACRE: 0

9. SITE DESIGN:

Percentage of site devoted to building coverage: 0

Percentage of site devoted to landscaping: 5

Percentage of site devoted to roads or driveways: 10

Percentage of site devoted to other uses: 85, describe: Overflow parking

Total: 100%

10. PARKING (if applicable):

Office Use Only

a. Handicapped spaces proposed: N/A

Handicapped spaces required: \_\_\_\_\_

b. Parking spaces proposed: N/A

Parking spaces required: \_\_\_\_\_

c. Number of compact spaces proposed: N/A

Number of compact spaces allowed: \_\_\_\_\_

d. Restricted parking spaces proposed: N/A

e. Are you proposing off-site parking: N/A

11. SETBACKS:

BUILDING

Office Use Only

PARKING

Office Use Only

Proposed

Required

Proposed

Required

Front

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rear

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Side

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Street Side

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12a. NUMBER OF EXISTING ROADS: 0 Width: \_\_\_\_\_ Private or Public? \_\_\_\_\_  
Are the existing road surfaces paved or graveled? N/A

12b. NUMBER OF PROPOSED ROADS: 0 Proposed width: N/A

Will the proposed roads be publicly or privately maintained? N/A

Proposed road construction: Gravel  Paved

13a. EXISTING UTILITIES ON THE PROPERTY ARE AS FOLLOWS:  
N/A

13b. PROPOSED UTILITIES: N/A

Proposed utility easement width \_\_\_\_\_ Location \_\_\_\_\_

14a. SEWAGE WASTE DISPOSAL METHOD: Septic  Central Sewage Treatment Facility

14b. POTABLE WATER SOURCE: Public  Water Association  Individual

If individual, has a test well been drilled? \_\_\_\_\_ Depth \_\_\_\_\_ Flow \_\_\_\_\_ Purity Verified? \_\_\_\_\_

Nearest adjacent well \_\_\_\_\_ Depth \_\_\_\_\_ Flow \_\_\_\_\_

15. ARE THERE ANY EXISTING IRRIGATION SYSTEMS? No  
 Are you proposing any alterations, improvements, extensions or new construction? No  
 If yes, Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
16. DRAINAGE (Proposed method of on-site retention): N/A  
 Any special drains? \_\_\_\_\_ (Please attach map)  
 Soil type (Information can be obtained from the Soil Conservation District): \_\_\_\_\_
- 17a. IS ANY PORTION OF THE PROPERTY LOCATED IN A FLOODWAY OR 100-YR FLOODPLAIN?  
 (Information can be obtained from the Planning & Zoning Office) No
- 17b. DOES ANY PORTION OF THIS PARCEL HAVE SLOPES IN EXCESS OF 15%? No
- 17c. ARE THERE WETLANDS LOCATED ON ANY PORTION OF THE PROPERTY? No
18. IS THERE ANY SITE GRADING OR PREPARATION PROPOSED? Yes If yes, Explain:  
Proposed parking area will be graded.  
 \_\_\_\_\_  
 \_\_\_\_\_
19. COMPLETE ATTACHED PLAN FOR IRRIGATION if you have water rights and are in an irrigation district.
20. COMPLETE ATTACHED WEED CONTROL AGREEMENT
21. COMPLETE ATTACHED IMPACT REPORT. It must address potential environmental, economic, and social impacts and how these impacts are to be minimized.

## IMPACT REPORT (from Valley County Code 9-5-3-D)

You may add information to the blanks below or attach additional sheets.

- ❖ An Impact report shall be required for all proposed Conditional Uses.
- ❖ The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:
  1. Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.

**Very minimal increase in traffic volume. The only construction to take place will be for the entrance, landscape berm and parking pad.**
  2. Provision for the mitigation of impacts on housing affordability.

**N/A**
  3. Noise and vibration levels that exist and compare to those that will be added during construction, normal activities, and special activities. Include indoor and outdoor, day and night variations.

**Noise and vibration will be short, 1-2 weeks.**
  4. Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.

**Glare from windshields in parked equipment, however surrounding properties and roads will not be impacted with proposed landscape berm.**
  5. Particulate emissions to the air including smoke, dust, chemicals, gasses, or fumes, etc., both existing and what may be added by the proposed uses.

**N/A**



6. **Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wet lands, flood prone areas and potential changes. Identify existing ground water and surface water quality and potential changes due to this proposal.**

**N/A**

7. **Fire, explosion, and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.**

**N/A**

8. **Removal of existing vegetation or effects thereon including disturbance of wet lands, general stability of soils, slopes, and embankments and the potential for sedimentation of disturbed soils.**

**N/A**

9. **Include practices that will be used to stabilize soils and restore or replace vegetation.**

**N/A**

10. **Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping.**

**N/A**

11. **Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.**

**Open parking area surrounded by a landscape berm.**

**12. Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the affect of shadows from new features on neighboring property.**

**14' tall landscape berm around the perimeter of the property.**

**13. Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.**

**All properties adjacent to the lot off of Burr Ln serve commercial/industrial purposes. The property is also near our current business located at 14032 HWY 55.**

**14. Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.**

**N/A**

**15. Approximation of costs for additional public services, facilities, and other economic impacts.**

**N/A**

**16. State how the proposed development will impact existing developments providing the same or similar products or services.**

**No impact.**

**17. State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource. Describe the process in detail and describe the impacts of each part.**

**N/A**

**18. What will be the impacts of a project abandoned at partial completion?**

**N/A**

**19. Number of residential dwelling units, other buildings and building sites, and square footage or gross non-residential floor space to be available.**

**0**

**20. Stages of development in geographic terms and proposed construction time schedule.**

**Excavation and landscape, 1-2 weeks.**

**21. Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or non-residential floor space in order to insure compatibility with adjacent land use and development.**

**N/A**

### Wall Length/Flanking Noise

Flanking noise refers to the noise component that diffracts around the ends of a noise barrier, as compared to over the barrier, as illustrated in Figure 11.

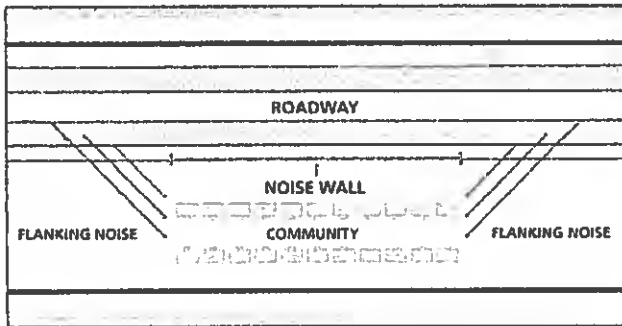


Figure 11: Flanking Noise

Flanking noise must also be considered so as to effectively mitigate for highway-noise with noise barriers. When considering the design of noise barriers to avoid flanking noise, barriers should extend well beyond the noise-sensitive land uses they are designed to protect. FHWA recommends barriers to extend beyond impacted receivers by as much as four-times the distance from the road to the receiver to offset the effects of flanking noise. Often physical features or logical termini exist, such as hill sides or bridge structures that dictate the horizontal-limits and termini of noise barrier designs. This is illustrated in Figure 12.

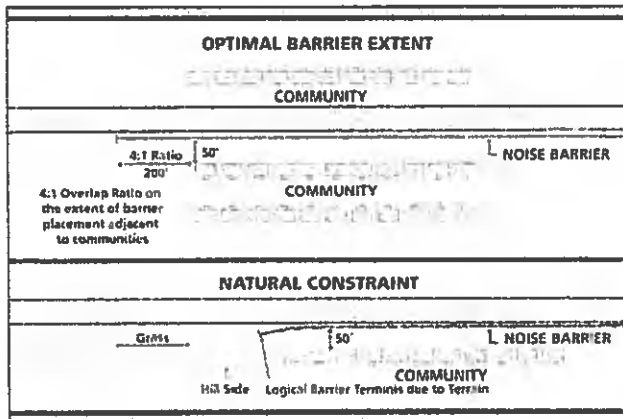


Figure 12: Barrier design, minimizing flanking noise

### Wall Height

Effective noise barriers are both tall enough and long enough to significantly eliminate the line-of-sight from the roadway to the noise-sensitive sites. Generally, noticeable noise reductions (in the range of 5 dBA) are not achieved until the line-of-sight between the source to the receiver is effectively broken. Once that point is reached, additional 1-dBA reductions can typically be achieved with each 2-foot step of additional barrier height, illustrated in Figure 13. While the maximum theoretical limit of noise reduction in real-world application is 10 to 15 dBA.

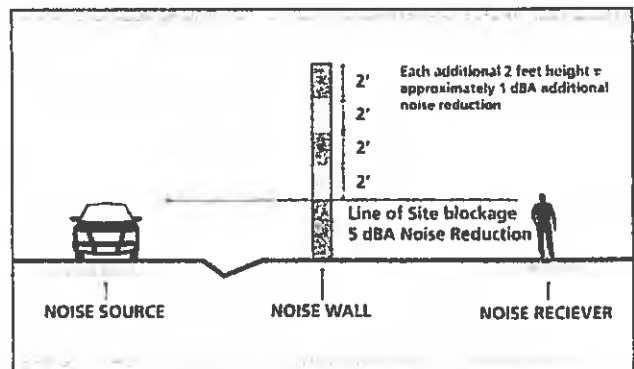
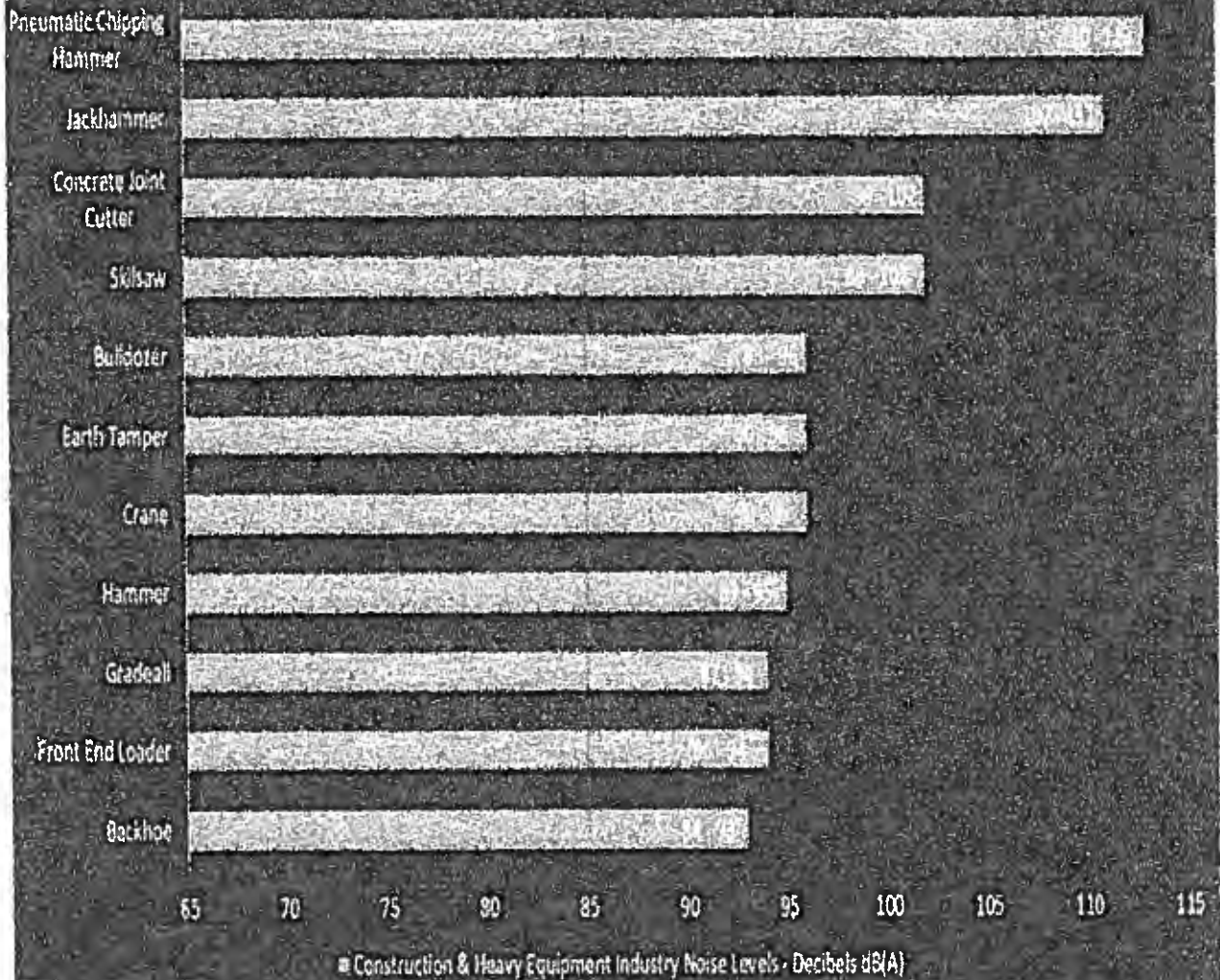


Figure 13: Line of site blockage

### Construction & Heavy Equipment Industry Noise Levels - Decibels dB(A)



## Noise - Supplemental Information

### Penn State Extension of College of Agricultural Sciences

#### "Noise Induced Hearing Loss in Agriculture

Tractors, forage harvesters, silage blowers, chain saws, skid-steer loaders, grain dryers, squealing pigs and guns are some of the most typical sources of noise on the farm. Studies suggest that lengthy exposure to these high sound levels have resulted in noise induced hearing loss to farmers of all ages, including teenagers. ...."

<b>OSHA Permissible Noise Exposure</b>	
<b>Duration per day (hours)</b>	<b>Sound Level dB(A)</b>
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼	115

<b>Typical Equipment Noise Levels</b>			
<b>Equipment Type</b>	<b>Noise Level (L<sub>max</sub>) 50 feet</b>	<b>Noise Level (L<sub>max</sub>) 100 feet</b>	<b>Noise Level (L<sub>max</sub>) 300 feet</b>
Bulldozer <sup>1</sup>	85	79	70
Dump Truck <sup>1</sup>	84	78	69
Wood Chipper <sup>2</sup>	81	75	66
Front End Loader <sup>1</sup>	80	74	65

*Note<sup>1</sup>: Noise levels are from Federal Highway Administration (FHWA) 2006 data*  
*Note<sup>2</sup>: The reference sound level for Morbark 1100 Tub Grinder is provided by Oxygen Environmental Ltd., Article 12 Compliance Information, 22 Dec 2004*



**From:** Lissa Beebe <lissabeebe@yahoo.com>  
**Sent:** Monday, July 27, 2020 4:30 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 20-09

I am writing to register my displeasure about the lack of open meeting regarding CUP 20-09: Pearson Storage.

I testified last year before both P and Z as well as the County Commissioners. Being able to hear and follow the testimony of others and, most importantly the applicant, informed my testimony and allowed me to rebut inaccurate statements. The fact that meeting participants were unable to hear testimony negatively impacted their ability to effectively oppose this CUP.

Additionally, I am very concerned with “industrial/business creep” into a quiet rural neighborhood. Since the original approval of this CUP, yet another CUP directly next door has been filed— this is proof of exactly what Pearson area property owners are afraid of. Where does it stop?

As a Pearson area homeowner, I urge you to consider these issues as you negotiate this appeal process.

Lissa Beebe  
100 Magnetic Rock Rd

**From:** troybritton@frontiernet.net <troybritton@frontiernet.net>  
**Sent:** Monday, July 27, 2020 9:23 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Cc:** troybritton@frontiernet.net <troybritton@frontiernet.net>  
**Subject:** C.U.P. 20-09 BP Equipment storage

Valley county commissioners;

Troy and Donnie jo Britton living @14082 Pioneer Road McCall oppose conditional use permit for equipment storage. Reasons: 1. Even with a 14 ft berm if you travel less than 1/10<sup>th</sup> of a mile east or 1/10<sup>th</sup> of a mile north of the property the elevation gain is greater than 14 feet, visibility of equipment would still be quite apparent. 2. Heavy large equipment entering or leaving the property would endanger local traffic flow and safe access to hi-way 55. 3. With the recent discussion over the Trident land swap the Boise news stations stated that the McCall area was one of the 'most beautiful' in our state. Why release a residential/agriculture piece of property for commercial use? Save neighborhoods, respect neighbors. Please vote NO.

Respectfully submitted,

Troy Britton and Donnie jo Britton



CENTRAL DISTRICT HEALTH DEPARTMENT  
Environmental Health Division

- Return to:
- Cascade
  - Donnelly
  - McCall
  - McCall Impact
  - Valley County

Rezone # \_\_\_\_\_  
 Conditional Use # CUP 20-09  
 Preliminary / Final / Short Plat BP Properties  
 \_\_\_\_\_  
SEC 28 T18N R3E

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water
  - bedrock from original grade
  - waste flow characteristics
  - other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - interim sewage
  - individual sewage
  - community sewage system
  - central water
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - sewage dry lines
  - community sewage system
  - central water
  - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
  - food establishment
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center
- 14. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: [Signature]  
 Date: 5/13/20

**From:** Garrett de Jong <garrett@mccallfire.com>  
**Sent:** Tuesday, June 2, 2020 10:00 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** CUP 20-06, 20-07, 20-08, 20-09

Hi Cynda,

**CUP 20-06: Appel Subdivision:**

- No comment

**CUP 20-07: Valley County Recycling Site:**

- In the event that a fabric-covered structure is used, Section 3102 of the International Building Code (IBC) requires these membrane materials to be noncombustible as described in IBC Section 703.5 or meet the fire propagation criteria of NFPA 701, (Chapter 31, 2015 International Fire Code).
- In the event that a fabric-covered structure is used, portable fire extinguishers shall be provided, 2-A minimum rated extinguisher, located within 75' of travel distance to each extinguisher, as required by Section 906.3 (2015 International Fire Code).
- In the event that a gate is installed, a Knox Box, or Knox Pad Lock shall be installed for fire district access.

**CUP 20-08: RMC Equipment Storage:**

- No comment

**CUP 20-09 BP Equipment Storage:**

- No comment

Have a great week!

Garrett

**Garrett de Jong**  
**Fire Chief**  
**McCall Fire & EMS**  
201 Deinhard Lane  
McCall, ID 83638  
[www.mccallfire.com](http://www.mccallfire.com)  
PH: 208.634.7070  
FAX: 208.634.5360



 Reply all   Delete  Junk  Block ...

## C.U.P. 20-09 Equipment Storage

 Label: Default 180 Days Delete (6 months) Expires: Mon 11/30/2020 10:41 AM

CB **Cynthia Berkley** <cynberk@yahoo.com>

Wed 6/3/2020 11:41 AM

To: Cynda Herrick

    ...

I do not oppose this C.U.P. They will be located in an existing commercial area and will be installing berms.

However, I do have concerns about the impact of increased heavy equipment on Pearson Lane. This road is already severely potholed.

So, my comment to the Board is: if the C.U.P. is approved, will you require the company to address in their "plan" how they intend to mitigate/repair the impact of their equipment on Pearson Lane?

Thank you Cynda. Would you please confirm receipt of this email.

Cynthia Berkley  
13968 Wrangler Road  
208-634-2852

[Sent from Yahoo Mail on Android](#)

**From:** John Gebhards <johng@nezperce.org>  
**To:** "lhunter@co.valley.id.us" <lhunter@co.valley.id.us>, "cherrick@co.valley.id.us" <cherrick@co.valley.id.us>  
**Date:** 05/21/2020 10:31  
**Subject:** CUP 20-09 BP Equipment Storage Comments

---

I would like to take this time to comment on CUP 20-09 BP Equipment Storage Notice and Application. I do not have any issues with the proposed project in itself, however, Pearson Lane along that section of the proposed project is in poor condition and not designed for use by heavy trucks. If approved, the applicant should remedy the road issues to handle the increased use and weight of the vehicles accessing the proposed parking area.

Thanks, John



## Cynda Herrick

---

**From:** Linda Pittenger <pittengergreg@gmail.com>  
**Sent:** Tuesday, May 26, 2020 2:45 PM  
**To:** Cynda Herrick  
**Subject:** CUP 20-09

Cynda,

I have a few questions about the above referenced CUP

1. In approx. 2003-2006 Idaho Power submitted a CUP application for this same property to build an Office and equipment storage yard. That CUP was turned down. If records are kept back that far I would appreciate a copy of the staff report, compatibility rating and any P&Z meeting minutes.
  2. I assume this proposal is being classified as an Area business. If so what sub category of Area Business is being used to evaluate the proposed use.
  3. The CUP application is very vague on the actual proposed use. It makes no reference to the business that requires a site for "overflow parking". Does this proposed use related to the Rocky Mountain Crane and Equipment Rental business? Will only that businesses' equipment and overflow traffic be able to utilize the site if approved or will this be a site rented to any business in need of storage. What materials will be stored on site?
  4. I notice That Rocky Mountain Crane and Equipment Rental has its own CUP application for the very same use proposed as outlined CUP-09 on a one acre leased parcel that is adjacent to their HW 55 location. Is CUP 20-09 in addition to or conditional in the event CUP 20-09 is not approved ?
  5. Is there irrigation proposed for the berm?
  6. Your staff report and compatibility rating would be appreciated when available.
- As always, thanks for your help in these matters  
Greg Pittenger

Any other

Sent from [Mail](#) for Windows 10

**From:** Nicholas Kertz <nick\_kertz@yahoo.com>  
**Sent:** Saturday, May 30, 2020 8:20 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>; Valley County Commissioners <commissioners@co.valley.id.us>  
**Cc:** Sabrina Kertz <sabrinahall26@hotmail.com>  
**Subject:** C.U.P. 20-09 Equipment Storage comments, concerns, and request

Cynda & Commissioners,

This email is in regards to the proposed equipment storage on Pearson Lane.

My wife, Sabrina, and I are the owners of 25 Pearson Ln. We own the property immediately adjacent to the east of the proposed equipment storage. The entire western border of our property is shared with the eastern border of the proposed storage lot.

Our first request to the County P&Z as well as the Commissioners is to postpone this hearing until at least a time after the State of Idaho's 4th Stage of Rebound from Covid-19 is complete (see here for details: [Stages of Reopening](#) ). During the current pandemic, talking to neighbors and gathering & informing people is cumbersome at best. In the interest of public notice and ability to engage in public comment, we believe this proposal should be tabled until at least such a time as all restrictions are lifted, and public meetings are available to be attended, in person, by the public. Furthermore, there appears to be information disseminated from Commissioner Hasbrouck that this proposal has already been denied. If this is the case, we think all affected people should be notified, if not, we believe this alone justifies a postponement.

Our second request to the County P&Z as well as the Commissioners is to, in the interim, require a public notice on the parcel in question notifying all of those who live in the area of the public process, schedule of public hearing, and contact info for participating in the public process. Considering the current pandemic, we feel this is very reasonable and a good and standard way to inform the public.

Below are our comments and concerns regarding the proposed CUP:

We purchased our property in December 2019. We chose our property, with our children (age 12 & 14) and our family's interests and love of the outdoors as our primary motivator. This property which was previously owned by a long-time local family who raised two generations of kids on the property, is amazing. It provides us nearly 11 acres of land within minutes of school and town and 360 degree unobstructed views including Jughandle Mountain to the east, Brundage to the north, Tamarack to the south, and West Mountain ridge to the west. It is absolutely gorgeous!

Our home as well as our manicured and landscaped lawn and gardens sits on the western edge of our property between the northern and southern border of our property. Both our master bedroom and our guest master bedroom have windows looking out the west side of the house with views of West Mountain ridge. The

proposed storage area with a 14' tall berm and trees on top of it would **eliminate not only all views out of the western side of our house, but all views to the west and south from anywhere on our property as it would be ~20' from our house.** The western side of our house is approximately 18' tall. Neither the western side of our house, nor most of the landscaped areas around our house would ever see afternoon sun again.

Secondly, reviewing the Valley County assessor's GIS map and zoning, we note that the property is zoned agricultural, not industrial. In keeping with what has been developed to date in this part of Valley County, there are essentially no industrial developments that are north of Lake Fork and east of the immediate Highway 55 corridor. More specifically, there are **zero** industrial/commercial developments on Pearson Lane. Pearson Lane is home to many single family homes on larger properties as well as several subdivisions, not commercial and industrial businesses. This property was purchased by the applicants knowing that its zoning does not match their intended use.

In reviewing the application there are several concerns which are enumerated below:

- The site plan attached to the application does not convey how drainage will be addressed. It can be assumed that surrounding a property with a 14' tall berm and no drainage plan will have a detrimental effect on neighboring properties (we have a basement ~20' from the proposed berm) as well as create standing water concerns on the property itself which will lead to insect issues for the area. A project of this scope **should require a drainage and erosion plan certified by a licensed civil engineer.**
- According to the CUP application form, a landscape plan is required and is to "include a plant list indicating the size, quantity, location and name (both botanical and common) of all plant material used. **This application does not include the required landscaping plan information.**
- Accord to the CUP application form, a site grading plan including BMPs for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development is required. This application, although it specifies that there will be grading on every square foot of the 12 acres parcel **provides none of the required information for site management.**
- According to the CUP application form, the name and addresses of property owners within 300 feet of the property lines in required. **This list is not included with the application as required.**
- In short, most of the required information in the application has not been included. This application should not have even been received until it was complete, and is basis for denial. **If the applicant has this disregard for the detail and completing the application in compliance with County requirements, it's fair to assume construction and maintenance of the property would be met with a similar disregard.**

- The application for irrigation plan approval states that the property is dry and has no water rights available to it. Yet the applicant states in their cover sheet that the 12 acre parcel will have a "beautifully landscaped berm around the exterior of the property". This application lacks congruity. ***How can one have a "beautifully landscaped berm" without any water?***
- Impact Report
  - (1) The impact report from the applicant states that there will be very minimal impact in traffic volume. As previously stated, there is currently no commercial or industrial traffic on Pearson Lane. If the applicant needs a 12 acre storage facility for crane and industrial equipment, then clearly, there will be a ***very significant impact on traffic*** notably at the intersection of Pearson & Highway 55. With residential traffic, there already exists traffic issues at this intersection when trailers are turning in or out of Pearson Lane, and congestion issues turning on and off the highway during high traffic times on Highway 55. Pearson Lane at Highway 55 and at the proposed entrance to the equipment storage is not wide enough for industrial equipment to turn onto without impeding oncoming traffic. This is a significant safety concern. ***A project of this scope must include a traffic impact study.***
  - (2) The portion of Pearson Lane that will be utilized by the crane company's industrial equipment is already in very poor shape with the regular residential traffic it sees. The impact of the roadway which isn't designed for industrial traffic will be great. ***This project must include a road impact study.***
  - (3) "Noise and vibration will be short, 1-2 weeks." How is that possible? Is the crane company not going to be bringing industrial equipment to and from their storage regularly? Clearly this isn't correct.
  - (5) "Particulate emissions to the air including smoke, dust, chemicals, gasses, or fumes, etc., both existing and what may be added by the proposed uses". The applicant state "N/A". A 12 acre gravel lot with industrial equipment won't be emitting any smoke, dust, or gasses? Clearly this isn't correct.
  - (6) "...identify existing surface water drainage, wet lands, flood prone areas and potential changes..." The applicant states "N/A". Again, the plan of grading 12 acres, building a 14' berm around all of it, and yet concerns about surface water drainage aren't applicable? Clearly this isn't correct.
  - (7) "Fire, explosion, and other hazards existing and proposed." The applicant states "N/A". They plan on utilizing industrial equipment that all have fire/explosion potential on a property with no water and two residences within 50', but this isn't applicable? Clearly this isn't correct.
  - (8) "Removal of existing vegetaion or effects thereon including the disturbance of...general stability of soils, slopes, and embankment and the potential for sedimentation of disturbed soils." The applicant states

- "N/A" Only a licensed civil engineer can make this determination, and this suggestion defies logic. Clearly this isn't correct.
- (9) "Include practices that will be used to stabilize soils and restore or replace vegetation." The applicant states "N/A". How are you going to stabilize a 14' tall berm and replace landscaping seems rather applicable to this project. Clearly this isn't correct.
  - (10) "Soil characteristics and potential problems in regard to...road construction. Include suitability for supporting proposed landscaping." The current road is in disrepair with residential traffic. No soil data were provided to suggest that the road construction is conducive to this change in usage. Clearly this isn't correct.
  - (12) "Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. **Include the affect of shadows from new features on neighboring properties.**" (emphasis added) The applicant does not address at all the visibility other than to say again they will build a 14' landscape berm. As previously mentioned, the shadowing will remove all afternoon/evening sunlight from our home and yard. Clearly this response isn't correct.
  - (13) The response to (13) fails to mention that two residences will be within 50' of a new industrial development. It fails to mention that the proposed project is on Pearson Lane, not Burr Lane, and that there are **zero** commercial/industrial properties on this road. This response is willfully misleading.
  - (15) "Approximation of costs for additional public services, facilities, and other economic impacts." The applicant states "N/A". There will be a significant negative economic impact to the property values of our property as well as the other residences in the area.

This application must be denied on numerous critical points as currently set forth by county regulation, precedent, and long term planning. First, CUP 06-39 similar in nature and on the same parcel was denied in 02/2007. The precedent has already been set. Secondly, there is no reason provided by the applicant to grant a change in zoning, nor even an attempt made to provide such reasoning. There are plenty of appropriately zoned properties in the immediate area that would accommodate this project. Third, the impact on immediately adjacent residences as well as the character of the neighborhood was not addressed. This project would **greatly diminish the value of our property as well as our right to enjoy our property**. Finally, the application itself is grossly incomplete and clearly lacking in candor.

Regards,  
Nick & Sabrina Kertz  
25 Pearson Lane

PO Box 205  
43 Pearson Ln  
McCall, ID. 83638

RECEIVED

MAY 22 2020

Ms. Cynda Herrick, AICP, CFM  
PO Box 1350  
Cascade, ID. 83611

May 19, 2020

Dear Ms. Herrick:

This is in regard to a public hearing scheduled for June 11, 2020 for C.U.P. 20-09 to allow commercial storage of trucks on property currently zoned for residential and agricultural use. This is the third application in this area and the second for this specific property in my memory.

Previous applications were for Idaho Power to build a storage yard on this same property. It also proposed landscaping to minimize visual impact of this use. It was denied and Idaho Power found a more suitable location west of Lakefork. The second was to store commercial rental equipment at a residence at Pearson and Pioneer. It was also denied, twice, although I understand the owner is continuing to appeal this decision.

The reason for the zoning of this area as residential and agricultural is that it is currently used for exactly this purpose. It has not gone undeveloped, and, in fact, several high end residences are currently under construction. In fact, the owner in this application lives in this very area.

Granting this C.U.P. would defeat the purpose of zoning. A large berm proposed around this 14 acre parcel would not really mitigate the visual impact. I assume they would light the storage area. Machinery would have fuel and oil leaks and spills that would impact ground water in a residential and agricultural area. Heavy equipment movement onto Pearson Lane would and on the bridge over the canal would further damage the 2 lane country road that has already suffered substantial damage from trucks and equipment related to current construction, only this time it would not be temporary.



This is not the only option for locating a storage yard. There are other properties, nearby, that are within the commercial corridor of highway 55. I am not clear why the owner purchased this property knowing it was not zoned for this use and would encroach on the intended residential and agricultural properties of their neighbors, and would have to be done over their strenuous objections.

I want to add my objection against the approval of this C.U.P. application. It is not consistent with the planned development for this area and would encourage the applicant to find an alternative within the existing plan.

Thank you for your consideration.

Sincerely yours,



Mike Weiss

May 20, 2020

Cynda Herrick  
Valley County Offices, Cascade

Ref: CUP 20-09 (Request for Bitton to store Pine Top heavy equipment on Residential and Agriculturally zoned land) to the P & Z board

Hi Cynda,

Having been through this process before, I will make this as short as possible since I now know that your office will tally the number of these letters and summarize the points made.

I oppose this CUP. Reasons are enumerated as follows:

1. There are long established zoning regulations separating commercial use from Residential and Agricultural use. Those of us living in the neighborhood served by Pearson have located here with the expectation that the zoning regs meant something. These regulations should be respected, especially in light of the fact that the land adjacent to this proposed area is a growing residential area with many new houses being built and many more planned. Furthermore, if this CUP were to be approved, it will encourage C&M Backcountry to go back to court to ask why Bitton can get a CUP, but he can't.
2. I have the usual concerns about visual and audible quality of life issues which will have been expressed by most of the other people writing to you. Please keep in mind that Pearson is the primary entrance to all the neighborhoods on the east side of Rte 55. We all have to drive on that road. (The only other choice is Rogers Ln. which is not a practical alternative when coming from town.)
3. I am particularly concerned about the fact that Pearson Rd. is not constructed with reinforced substructure capable of supporting the weight of the very large commercial equipment that is proposed to be stored on that site. Pearson gets enough potholes and damage to the asphalt as things are now. In addition, Pearson is not wide enough at the proposed entrance location to make it easy for the equipment to get on the road.

David E. Weiss  
Carefree Subdivision

## Cynda Herrick

---

**From:** Jamie Fernandez <thatcleaninglady@gmail.com>  
**Sent:** Tuesday, May 26, 2020 2:05 PM  
**To:** cherrick@co.valley.id.us  
**Cc:** Sam Fernandez  
**Subject:** C.U.P. 20-09 Equipment Storage

Dear Cynda,

We received a notice in the mail for the proposed BP properties equipment storage. While reading through the details we noticed that the access would be from Pearson Lane.

My question is how are they supposed fit semi trucks onto a small two lane road? The road by the proposed access is currently filled with potholes. Will they be paying for the repairs to the road? The large increase in heavy equipment (cranes, semi trucks), will cause substantial damage to the road. When running heavy machinery the roads will also deteriorate at a faster rate. Is this something that county is considering? This will also create a bog in traffic (large vehicles trying to make the turns, trying to access the road from the parking lot) and a large dangerous hazard.

Also the area surrounding the proposed access is residential where animals and children both reside. A gentleman getting off work hit and killed our puppy this year (not on the road, tire tracks were into the ditch on our property). So we are very concerned with the increase in traffic as we also have 2 younger children. Which leads me to another note.

How are you going to deal with the increase in traffic on that road? Having large equipment crossing over a lane to turn onto the road is not safe for those trying to access their homes down on Carefree or off of Samson Trail. Other concerns that we have are noise issues, dust and debris, de valuation of ours and the surrounding properties, a 14 foot berm with a fence is an eyesore which again is tied to property values and blockage of people's views.

Furthermore, while stated as 11.8 acre parking lot, only 1 acre was dedicated to employee parking (overflow at the RMC site), the rest would be equipment storage and large machinery which was already denied last year. It also brings worry to what would be next on this large area... would other activities be allowed or "day projects" start and perhaps drag on?

Sincerely,

Jamie Fernandez

Full time resident at 1599 S. Samson Trail McCall, ID 83638

Cell phone number 208-250-4884

May 26, 2020

Cynda Herrick, AICP, CFM  
Valley County Planning and Zoning  
Administrator  
P.O. Box 1350  
Cascade, ID 83611

Subject: C.U.P. 20-09 Equipment Storage

Dear Cynda,

This correspondence is in response to the C.U.P. 20-09 Equipment Storage request by BP Properties.

Anne Carr is OPPOSED to this C.U.P.

The biggest reason I oppose it is that this property has been zoned agricultural/residential, and property owners buy homes and live here expecting that zoning to be respected. The proposed use is completely inappropriate in our rural setting, and would be an eyesore to everyone who viewed it. The neighbors who live adjacent to it would have their lovely valley and mountain views blocked forever, and no doubt have their property values significantly diminished.

There are many questions asked by the county that go unanswered in this proposal. For example, the application *requires* 3 items which are missing: a landscaping plan, site grading plan, and lighting plan. I have the following questions regarding these omissions:

**SITE GRADING PLAN:**

The application indicates this property will be used for 'overflow parking, materials, and equipment storage'.

- What 'overflow' will be parked there? The diagram shows large semi trucks, some with double trailers; also, cranes, which have tons of cement ballast; and other types of large vehicles. What kinds of operations will be performed there, in addition to simply parking? Even parking large vehicles there means there will be oil, fuel and other pollutants that can contaminate the ground.
- What will the surface of the parking lot be composed of? There is no mention of paving or gravel, so one can only suppose that it will just be the soil exposed by their excavation of the property to build the berm. How appropriate will this be for parking large trucks on?

- What 'materials' will be stored there? Are they flammable? Dangerous? Will they pollute the ground on which they're stored? If so, what will they do to mitigate this situation?
- What other 'equipment' will they store there? What impact will it have on anything?

#### **LANDSCAPING PLAN:**

A 14-foot-high berm surrounding the entire 11.8 acres is being proposed, with 160 trees planted along the top of it. However, the plan also requires a list (missing) of the plants (both botanical and common names) which will be planted, and the sizes of each.

- What will this berm be composed of? Has an engineering study been done to determine that the soil on this property is an appropriate kind of soil with which to build a berm that high? If not, how do they propose to stabilize it? Will they plant grass on it, or will it erode every time it rains?
- How will it be created? Will they truck in many truckloads of dirt from a mountain they eliminate, or will they just dig up the ground on this property? If so, how deep will the crater be? What type of soil does this consist of?
- What are the dimensions of this berm? We know it will be 14 high, but how wide will it be at the bottom? How wide will it be at the top? Is that wide enough for the root systems of 160 trees when they grow as tall as the diagram shows?
- How deep will they have to excavate in order to take out enough soil to build this huge berm? Does this mean that the trucks and other equipment will be stored below the level of Pearson? Will it create a giant mud puddle whenever it rains? Is the soil that will be exposed when they excavate the berm (which is my assumption) conducive to having large trucks parked on it?
- How far will this berm be from the canal that runs along the west and south sides of the property? Is it far enough away that if the berm erodes, it won't send soil into the canal, silting it up, or polluting it so that the farmers downstream – and their livestock - are affected?
- Will the trees they plant be dwarf species, 2 feet high, or ponderosa pines?
- How will the trees be kept alive until they take root? Where will the water come from – the canal that runs alongside this property? There was no irrigation plan provided to account for this 'tree farm' being maintained. How will they keep the water from eroding the berm?
- What will the weight of all these trees do to the berm over time?

#### **LIGHTING PLAN:**

Although there is a requirement for this to be provided, it isn't. There are no guidelines for it in the application. So the following questions arise:

- Where will the lights be located?
- How many?
- What kinds of lights? Wattage?
- How high will they be?
- Who will be able to see the lights?

- Will they point up, down, ??
- How long will they be on?

Other miscellaneous issues also are of concern to me:

**SAFETY:** With such large trucks, some with double trailers, others pulling heavy cranes, how safely can they pull out from behind a berm, which might block their vision of traffic coming along Pearson?

**ROAD HAZARD:** The application does not specify how often the equipment parked and stored here will be moved in or out. The small, unlit, unlined 2-lane road which will be the only ingress and egress from this parking lot to either Samson Trail or Highway 55 is already full of potholes and has to be patched every year. The possibility exists that every time equipment is moved, it will leave its mark on Pearson. This will create costs to the taxpayers in re-paving. Also, the tiny bridge that crosses the canal was not designed to handle high traffic of heavy equipment. It, too, will suffer and will eventually need to be replaced.

**POLLUTION:** Noise, air, light, and groundwater pollution will all result from this use of the property.

I respectfully request that the county zoning officials deny this CUP. Thank you.

Anne Carr



27 May 2020

Cynda Herrick, Planning and Zoning Administrator  
C/o Valley County Planning and Zoning  
PO Box 1350  
Cascade, ID 83611

Re: 12 acres south of Pearson & east of Burr Road, south of McCall.

Dear Cynda Herrick,


We understand there is a proposal by Mr. Dusty Bitton to Planning and Zoning regarding a request for a Conditional Use Permit by Mr. Bitton to use the above property for Commercial use specifically what he is currently calling "overflow parking". We know and like the Bittons, but believe this is inappropriate use of that property which should be Residential and/or Agricultural use only.

Previously we have been pretty consistent about the question of Commercial use in this area when zoning questions came up and have supported keeping acreages off the highway from large commercial usage. We believe it is in the best interest of the county for Commercial properties to be either in the municipalities like Cascade/Lake Fork/McCall/etc., in designated industrial areas like the one by the airport, or immediately bordering Hwy 55. That is why we opposed the Idaho Power attempt to make this identical 12 acres Commercial a few years back. If he moves some or all of his different company vehicles and heavy equipment (PineTop, Rocky Mountain Excavating, Rocky Mountain Crane, etc.) to that site it will cause significant problems very similar to what that previously rejected proposal would have caused. These include:

1. Increased heavy vehicle traffic on Samson & Pearson with resultant road damage.
2. Safety issues related to the increased large vehicle traffic.
3. Reduced property values of all nearby residents due to huge cranes, etc. due to the undesired skyline; despite berms and other measures; as you can see by the Idaho Power site's (just to the west on Hwy 55) unsightliness, even after 20 years.
4. Establishing a bad precedent of allowing large commercial sites intermixed with Residential and Agricultural areas makes it difficult for the county to control anything.

One might argue that careful limitations of what can be done on the property can minimize the impact but that can be problematic as there is minimal county enforcement. We do not think the desired long-range plan for this area of Valley County supports Mr. Bitton's request.

Respectfully,

  
Paul and Mary Anne Traughber

PO Box 967  
McCall ID 83638

May 26, 2020

Christine Mann  
Clifford Mann  
152 Carefree Lane  
McCall, ID 83638

Cynda Herrick, AICP, CFM  
Planning and Zoning Administrator  
P.O. Box 1350  
Cascade, ID 83611

RE: CUP 20-09

Dear Ms. Herrick:

We object to approval of the Conditional Use Permit 20-09 applied for by Dusty and Elise Britton.

Approval of this Use Permit will destroy the nature and ambience of this rural residential area and will decrease our property values. This property should not be approved for heavy equipment storage. A big berm will not disguise the large machinery behind it and the industrial misuse of the property.

- What types of machinery are going to be stored? Cranes and large trucks will not be hidden by a berm.
- If this is a dirt berm, how will it be stabilized? Or will it just erode down and run into the street and canal?
- If the berm is going to be planted, what species will be used and how will they be watered and maintained until they are established? Non native species should be prohibited.
- Will material for the berm come from the property or be imported? If it is imported is it clean and weed free?
- Will the Storage Yard be lighted? What type of lights will be used and what hours will they be shining?
- Will this area be paved? What materials will be used?
- What environmental pollutants will leak from this equipment? Will a fuel tank be on the property? What provisions will be made to prevent toxic runoff?
- What type, how much, and how loud will be the noise generated by the equipment moving in and out of the Storage Yard?
- What will guarantee that environmental and aesthetic restrictions are followed?

This use will create an additional burden for taxpayers when the road and bridge require more frequent repair. Pearson is already potholed and this use will make it more dangerous and unpleasant to use. This road was not designed for heavy equipment.




This will ruin the feeling created by the beautiful rural/ residential alternative route into McCall. The Sampson route through McCall showcases the reasons this is a beautiful place to live. Commercial use that will begin the destruction of this gateway should not be permitted.

This use will decrease property values of everyone who has purchased a home in this area. It is a travesty to a residential and agricultural area. This will allow creeping industrialization of land currently set aside for residential and agricultural use in county codes. There have already been assaults on the current zoning in our area. Property owners should be able to expect that the zoning in place when they bought their home has meaning.

If McCall is to continue to be a wonderful place to live and work, zoning must be respected for residential and agricultural areas. These areas make McCall unique and desirable for living and working. The proposed use should be on Highway 55, not in a quiet neighborhood.

We ask you to deny this petition.

Sincerely,

  
Christine Mann  
Clifford Mann   


May 28, 2020

Cynda Herrick, AICP, CFM  
Valley County Planning & Zoning  
P.O. Box 1350  
Cascade, Idaho 83611

Re: C.U.P. 20-09 Equipment Storage Request by BP Properties

Dear Ms. Herrick:

Q: How do you hide an elephant in your living room?

A: You can't.

The application for this C.U.P. seeks a gross departure from the agricultural/residential zoning which presently exists at the now-vacant acreage. My spouse and I are absolutely **OPPOSED** to this application. We live at 14132 Pioneer and must use Pearson Lane regularly. We are very aware of the parcel under consideration.

The proposed use is not a small deviation. It contemplates a fortress-like eyesore for which no disguise is possible. A 14-foot berm around 11.8 acres is not a "conditional" use. It is a blight on the neighborhood starting with its size and continuing with its use of parking large, commercial vehicles which, by their very nature, must move in and out of this fortress to do work elsewhere. That movement to and from Hwy. 55 is itself problematic.

As many others have pointed out, Pearson Lane is just that – a lane. It is not designed for the movement of heavy industrial machinery. To change the design of this roadway to accommodate the big machines would further degrade the idea of the present agricultural/residential zoning.

There is also the slippery slope argument. Once you allow a 11.8 acre fortress on this rural lane, every other nearby parcel of any significant size becomes fair game for a conditional use permit: a used car lot, a wrecking yard, school bus parking, a welding shop, tire repair, a woodworking facility, *ad infinitum*, are all distinct possibilities. Once the bell is rung, it cannot be somehow un-rung. Once the BP monstrosity is allowed, the quality of life for nearby residential property owners will be gone forever. The County should not let that happen. There is a place for heavy equipment but its placement in an area zoned agricultural/residential and serviced by a county lane is not that place.

Respectfully,



Don and Cecelia Lojek

PO Box 1712  
BOISE, ID 83701

⏪ Reply all   ✓   🗑 Delete   🚫 Junk   Block   ⋮

## CUP20-09 BP Equipment Storage

Here are my reasons:

1. The applicant states there will limited traffic to and from the site. What does that mean? Two, 10, 20, trucks and equipment each day? Mr. Bitton is storing his equipment, overflow parking, and materials at this site. He is a very prolific builder in the area. To say this lot will have limited traffic is disingenuous.
2. Mr. Bitton's information is presented on the Rocky Mountain Crane letterhead. There is no mention of the cranes in the application. Is this bait and switch? No berm is going to hide the cranes that he leaves up for months at a time, which everyone in the Pearson area has experienced in the last three years.
3. The property has well established residences to the east and north. To say this will have little or no impact on them with a "beautifully landscaped berm" is ludicrous.
4. There is no mention of the noise or dust this "storage" area will create.
5. There is no mention of lighting. Does the applicant plan to put lights around this parcel to protect his equipment? What about a fence?
6. Pearson Lane onto Highway 55 is a busy intersection. It needs a turn lane now; adding more traffic to this will only further increase danger of this intersection. Why can't Mr. Bitton use Burr Lane as his access?

Mr. Bitton's proposal ignores the concerns of the neighbors. I would ask that you not approve this CUP as requested, but instead address the concerns of traffic, noise, dust, unsightliness, and industrial creep on Pearson Lane.

Please deny this CUP.

Thank you

Kathy Deinhardt Hill  
14068 Pioneer Road  
McCall, Idaho

RECEIVED

JUN 01 2020

Subject: C.U.P 20-09

Valley County Planning and Zoning;

I'd like to voice my concerns and objection to BP Properties request to construct an equipment storage facility of Pearson Lane. The owners of BP Properties are well versed in development of properties in the McCall area and likely understood the conflict they would cause with this proposal. The owners of BP Properties use Pearson Lane to access their primary residence so understand the residential road use that occurs at the SH55 and Pearson Lane.

Concern 1: Pearson Lane from Burr Road East is a rural residential area with no commercial activities. Currently the canal is a clearly delineated area where commercial activities occur to the west and residential areas occur to the east. The proposal moves commercial activities further east into and immediately adjacent to residences on the north and east side of the proposed equipment storage facility. New commercial properties should have direct entrances onto SH55 and not use roads designed and developed specifically for residential use.

The property adjacent and to the east was just purchased last fall/winter. If I just purchased knowing that I had rural residential property as a neighbor I would be furious if the county approved changing that to a commercial use. Interesting there are currently 93 acres adjacent to SH55 for sale less than ¼ mile south of BP Properties other commercial business (Rocky Mountain Crane).

Concern 2: The proposal is short sided. What equipment storage facility or construction parking area does not want power, water, and a shop/maintenance building? It would be short sided to believe that there will not be a future proposal to add these other things. The proposal identifies a 14' high berm, neatly landscaped. Unfortunately, as the owners of BP Properties are we versed in (because they also own Pinetop Custom Homes), in order to have vegetative landscaping requires water, which requires a well, which requires power. The proposal is too short term looking and if approved as an equipment storage facility with no facilities, will likely have future requests to add facilities.

Concern 3: Pearson Lane is almost entirely used by residential traffic and is likely the busiest road to the east of SH55 between Elo Road and Lake Fork Road. Although the equipment storage facility would only use ¼ mile of the Pearson Lane from SH55, I have concerns on the congestion and safety for the SH55/Pearson Lane intersection and the ¼ mile of Pearson Lane. Pearson Lane was not built wide (such as Elo or Lake Fork Roads) facilitate safe passage of construction equipment and residential traffic. Due to the narrowness of the road, the intersection with SH55 does not allow safe ingress/egress onto Pearson Lane. I have a boat with a 25 foot trailer and to pull onto SH55 from Pearson Lane is a challenge heading north or south, I have to cross into the other lane on SH55. I contribute this to the narrowness of Pearson Lane. If there is another vehicle leaving or entering Pearson Lane, I have to wait until they clear the intersection. Construction sized equipment and cranes will cause a worse problem mixing with the residential traffic. Winter would be even scarier.

The owners of PB Properties are likely aware of the issue with turning on and off of SH55 since they use Pearson Lane to access their home. The two images below are from google earth. The first image is of



the entrance off SH55 to Rocky Mountain Crane's business, owned and operated by the same folks with the BP Properties request (less than ¼ mile south of Pearson Lane). The second image is of SH55/Pearson Lane intersection. I measured the width of the pavement of both roads the same distance off SH55 (approximately 30 feet) from the white line on SH55. The road that access Rocky Mountain Crane's business is 32 feet in width while the width of Pearson Lane is only 20 feet. Pearson Lane is 12 feet narrower, is likely the busiest road to the east of SH55 between Elo Road and Lake Fork Road, and is much narrower than either of those and the roads that access commercial businesses along this section of SH55.



To avoid unsafely mixing commercial traffic with residential traffic on Pearson Lane, a transportation planner or road engineer needs to take measurements to ensure the safety of all. I fully expect their recommendation would be to widen Pearson Lane from SH55 to the entrance of the proposed equipment storage facility.

The next question on the safety of this proposal would be the new intersection's design. Since Pearson Lane is so narrow what would need to be done to allow a safe intersection?

Valley County Planning and Zoning need to consider whether they want to allow commercial business/activities to encroach into rural residential areas. Planning and Zoning also needs to anticipate not just the address the current proposal but anticipate the future proposals that may occur if this is approved. Most important, if Planning and Zoning does decide to approve this proposal, they need to ensure that it provides a safe environment for residents that currently use this route. Based on the narrowness of Pearson Lane compared to the width of the access road to the owners other business site (likely where the excess equipment will come from) this should be a simple decision for Planning and Zoning.

For the reasons identified above I object to this proposal and hope that Valley County Planning and Zoning will deny the request.

Respectfully,

Clayton Nalder  
(208) 867-0873  
13987 Country Way  
McCall, Idaho 83638

RECEIVED

JUN 01 2020

Subject: C.U.P 20-09

Valley County Planning and Zoning;

I am writing to you because I have concerns with the proposed conditional use permit that BP Properties is proposing for its equipment storage unit located off of Pearson Lane. Pearson Lane is a narrow road that was built to accommodate residential traffic. This road is not wide enough to allow for large equipment travel and would potentially congest normal traffic of residential vehicles traveling to Samson Trail homes, Carefree subdivisions, and Pearson Corner subdivision to and from Highway 55. The located site is within a residential area, not a commercial/ industrial area. Having a large equipment storage area would impact our residential area by increasing large vehicle traffic, increase noise with the movement of this equipment, and would impact the aesthetic properties of the area by having large equipment stored on site. The berm and landscaping that they are proposing is not sufficient enough to offset these impacts. I would also question how you can have landscaping that is to survive if you do not have a water source to irrigate that vegetation. This site is among homes and not other businesses. I also have concern that if this permit was allowed, that other businesses could buy property and further encroach upon our residential area. I strongly oppose this conditional use permit proposed by BP properties. This property would be better suited with an entrance and exit off of a larger road such as Highway 55, further south away from residential homes. Please consider not approving this permit.

Respectfully,

Debbie Nalder  
(208) 860-3054  
13987 Country Way  
McCall, Idaho 83638

Reply all Delete Junk Block ...

CPU 20-09

Label: Default 180 Days Delete (6 months) Expires: Fri 11/27/2020 4:54 PM

MW

Max Williamson <imwillmw@gmail.com>

Sun 5/31/2020 5:54 PM

To: Cynda Herrick

Cc: Larry Shake <larryshake@gmail.com>



Valley County Planning and Zoning
6/2/20020
P.O. Box 1350
219 North Main Street
Cascade, ID 83611-1350

Date

RE: C.U.P. 20-09 Equipment Storage
I strongly request DENIAL

Dear Commissioners: Thank you for the opportunity to comment on this Special Use Permit application.

My name is Max Williamson I have lived in McCall & Valley County since 1972. With background of the local details I OPPOSE the approval of this CUP for the following reasons:

I feel the proposal is not compatible with the Comprehensive Plan area is zoned Muti-use. The Proposed site has already been rejected for commercial/industrial uses Decision P&Z C.U.P. 6-39 Dated Feb. 8 2007. Idaho Power Operations Center. The conclusions are as follows:

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows.

- 1. The proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will be otherwise detrimental to the public health, safety and welfare
2. That the proposed use is not consistent with the Valley County Comprehensive Plan.
3. The application is not compatible with surrounding land uses.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Idaho Power, for Conditional Use Permit No. 06-39 Idaho Power Operations Center, as described in the application, staff report, and minutes of the Planning and Zoning Commission meeting is denied.

END FACTS AND CONCLUSIONS

[Signature]
E.U. [Title]

[Signature]
Date

June 1, 2020

To: Valley County Commissioners  
From: Todd and Bonnie Thompson  
117 Carefree Lane, McCall, Idaho  
Re: Bitton CUP Application

We are writing to ask you to deny this application for several reasons – the most pertinent being:

- **Traffic hazards on both Pearson and Hwy 55.** There is no turning lane off of Hwy 55 and in the 20 years we have lived here we have witnessed several “near misses” when vehicles are trying to turn off Hwy 55 to Pearson. The most recent was January 2020 when a vehicle towing a large snowmobile trailer was taking up both lanes on Pearson. A vehicle turning onto Pearson realized too late that the trailer was taking up both lanes and had to go in the ditch as there was a vehicle coming from the South and he had no other option.
- Pearson is obviously not built to accommodate heavy equipment, it doesn’t hold up well to regular traffic.
- There is no reason for a heavy commercial business/storage to be in a residential zoned neighborhood. There are other areas zoned for this type of business.

It is our understanding that the Bitton’s own seven properties, six of which consist of heavy equipment. If you approve this CUP we will inevitably have the impact of all those businesses in our residential neighborhood.

It is difficult for us to understand why you would even consider this application after denying Cody Monroe’s CUP – they are similar in nature and pose similar hazards and threats. In reality the Bitton application is on a much larger scale. You had reason to deny the Monroe application and this one should be denied as well.

Residents of this neighborhood chose to purchase property here to avoid having to deal with this type of business/traffic/hazard, and if you approve this application you set the precedent for the next business that wants to move into a residential area.

Thank you for your time.

⏪ Reply all ▾ 🗑 Delete 🚫 Junk 🚫 Block ...

## C.U.P. 20-09 Equipment Storage

🕒 Label: Default 180 Days Delete (6 months) Expires: Wed 11/25/2020 2:42 PM

LL Lana Lundgren <lanafaysc@yahoo.com>  
Fri 5/29/2020 3:42 PM  
To: Cynda Herrick

👍 ⏪ ⏩ → ...

BP Properites.doc  
27 KB

Hi Cynda,

As concerned property owners of Valley County attached please find our letter in **Opposition** to an approval of C.U.P. 20-09, an agenda item for the Public Hearing scheduled for June 11, 2020 at 6:00 p.m.

At this point in time we are not sure if we will attend in person or join the meeting via "Watch Commissioner Meetings Live": It is our feeling that the internet is never and never will be as impactful as being in person. However, living in such uncertain times with Covid19, making a commitment is difficult.

Has the County possibly considered putting C.U.P.s such as this on hold until a later date, a more stable time?

This is certainly not a life and death situation, but apparently a convenience for the applicant.

Thank you,  
Alan and Lana Lundgren  
105 Carefree Lane  
McCall, Idaho 83638

May 29, 2020

Valley County Planning & Zoning Commission  
P. O. Box 1350  
Cascade, Idaho 83611-1350

Re: C.U.P. 20-09 Equipment Storage  
Meeting - June 11, 2020 – 6:00 p.m.

Dear Commission,

It is once again with deep regret that we to write to you, however, as property owners of Valley County we felt it necessary to address the above upcoming Agenda item. We mention “again” as it was just last August when we had a similar issue in the same area of the county, and our neighborhood, and the storage issue was not approved by the County.

It has been brought to our attention that a new property owner, BP Properties, adjacent to our neighborhood, has filed a C.U.P. with Valley County “for an open air equipment storage site”. This property is located on the rural, narrow road of Pearson Lane, just east of State Highway 55 just south of the city of McCall, Idaho. It is our belief that the same owner(s) are also involved in the agenda item C.U.P. 20-08 RMC Equipment Storage (Rocky Mountain Crane). We further believe that the same owner(s) are also the developers of nearby Pearson Corners and perhaps where the residence of these owners exist. We understand C.U.P. 20-08 and the residence do not pertain to the C.U.P. 20-09 request, but certainly paint a clear picture in our view.

The road, Pearson Road, which leads to this property crosses an irrigation canal. The potential weight capacity of this crossing is unknown by us, but constant use of the hauling of equipment over the bridge may be to the detriment of the bridge. The turning capacity into the said property off of narrow Pearson Lane is such that vehicles may be in jeopardy as they await passage. The winter is a total subject unto itself - you can only imagine what the icy, snowy conditions could bring.

As one considers this requested C.U.P. application you are to wonder, currently where is all this equipment and what is this equipment? The construction of a 14 ft. high berm surrounding the property would be unsightly, not to mention very unnatural for this area. The current condition of the surface of Pearson Lane is in poor shape – if this is heavy equipment, what further damage will be caused – and monies for road repairs are slim to nothing.

We will conclude that there is not a question as to why such a C.U.P. would be granted, let alone requested. The request comes with undue concern for the beauty and nature of this area and the residential property owners (their neighbors) within the neighborhood. An industrial setting is what BP Properties needs to pursue to establish storage of such equipment.

Thank you for your time and consideration,

Alan and Lana Lundgren  
105 Carefree Lane  
McCall, Idaho 83638



To: Vally County Planing and Zoning Commissioners

Subject: C.U.P. 20-09, Equipment Storage

From: John Humphries

Date: 6/1/20

I am writing in opposition to the proposed BP Equipment Storage C.U.P.. In reviewing the application, I find it lacking in specific information regarding several key factors.

First, it would be nice to know what type and size of equipment is to be stored. What type of materials are to be stored? How high is the equipment? In the computer generated picture contained in the application, the equipment looks to be gigantic.

The landscape plan shows a 14' high berm with trees and other vegetation. How does the applicant plan on maintaining the trees and vegetation without an irrigation system? Also, a 14' high berm seems very tall to me but still may not be adequate in shielding the equipment if it is over 14' in height.

The application states there are no canals on or adjacent to the property. In fact, the Lake Fork Irrigation canal borders the south and west sides of the property. Do the materials to be stored on the property pose a threat to the water quality?

The application states there is no irrigation easement on the property. I don't know for sure but in my opinion, that is hard to believe.

In the application impact report, the applicant states there will be a very minimal increase in traffic volume. What he fails to state is, what type of traffic (character) is proposed. The equipment pictured in the application would definitely impact the adequacy of Pearson Lane and the intersection with Highway 55.

The application states there will be no proposed utilities. I guess if you don't irrigate the vegetation on the berm that is a true statement. The same holds true for water demand.

In closing, I use Pearson Lane to access my home and frankly am getting sick and tired of defending the rural residential character of this area. The residents of this area came out in force to oppose last years CM Backcountry Rental Storage C.U.P.19-26, which was denied. Many of the same issues apply to this C.U.P and I therefore encourage you to deny it.

Thank You.

John Humphries

108 Magnetic Rock Rd.  
McCall, ID 83638

⏪ Reply all ▾ 🗑 Delete 🚫 Junk Block ...

## CUP 20-09

LT

Linda Thompson <lindathompson700@gmail.com>

m>  
Fri 5/29/2020 3:36 PM  
To: Cynda Herrick

RE: CUP 20-09

👍 ↶ ⏪ → ...

Putting an equipment storage unit on the corner of Pearson and Burr Road does not appeal to me but there are things that can be done that would make this more palatable.

If the application and drawings could be revised so that trucks and equipment would enter from Burr Road instead of Pearson Lane, I believe that would help the noise, the slow traffic caused when equipment is being moved in and out, and would provide a continuum of berm and trees on the north side of this property to mitigate the view from surrounding property owners. I recognize that this means the applicant would need to put a bridge from Burr Road to the proposed storage yard, but it seems the least the Applicant could do to truly hide the storage yard, minimize heavy equipment on Pearson Lane, and muffle any associated noise. That section of Pearson is especially heavily used by vehicles approaching Hwy 55 from the east on Pearson, but also those accessing Hwy 55 from Samson Trail onto Pearson Lane. If this revision to the plan is not possible, then I would ask the County reject this CUP.

In addition, I share concerns with others about lighting, about insuring no development is done on the property that would allow maintenance or other uses, have continued concern with the potential damage to Pearson Lane from the heavy equipment, and the safety of other vehicles using Pearson.

If this Application is approved, then I feel strongly that the County should enact a rule that no further commercial development be allowed along any section of Pearson Lane.

Thanks you,  
Linda Paul Thompson  
14030 Hideaway Court  
-----  
McCall, ID 83638  
-----

253-691-6133  
lindathompson700@gmail.com

⏪ Reply all ▾ 🗑 Delete 🚫 Junk Block ...

## CUP 20-09

TB

Thea Belec <[theasfabrications@gmail.com](mailto:theasfabrications@gmail.com)>

Thu 5/28/2020 8:57 PM

To: Cynda Herrick

👍 ↶ ⏪ → ...

Cynda Herrick and Valley County Planning and Zoning

My husband and I are opposed to this application for a change to Commercial Zoning.

This area is mostly residential and those adjacent to or near this property will certainly be adversely effected. A commercial project of this magnitude will negatively effect the feeling of the area even for those of us that live further off of Pearson Lane. We live on Turner Lane off Rogers and frequently turn onto Pearson to access our property. I cannot imagine what this proposed CUP would turn this area into. A berm of the size they are proposing is nonsense and would look like a monstrosity no matter how many trees were plopped on top.

Please support us in our endeavors to keep this lovely residential area a place for families and retirees to enjoy. I don't know what the math is, but I'm thinking that the acreage would yield more in residential property taxes than a bone yard would.

We are asking the board to deny this application.

Thea Belec and Scott Clinger  
13964 Turner Lane  
McCall ID 83638  
208.315.2439

[theasfabrications@gmail.com](mailto:theasfabrications@gmail.com)

## Cynda Herrick

---

**From:** Vern Farris <vernfarris@citlink.net>  
**Sent:** Thursday, May 28, 2020 8:56 AM  
**To:** Cynda Herrick  
**Subject:** Re: Valley Co. P&Z CUP 20-09

Thank you for the telephonically option but seeing the public outcry. Seeing the commissioners wiggle in their seats is important to evaluating how I will support the P&Z decision on these matters. Our voting block as tax payers in Valley County is conditional on how the Commissioners help maintain a balanced stance on growth and public interest NOT Just Commercial interest!

Vern Farris

**From:** Cynda Herrick  
**Sent:** Thursday, May 28, 2020 7:56 AM  
**To:** Vern Farris  
**Subject:** RE: Valley Co. P&Z CUP 20-09

Thank you for your response. It will be placed in the record.

I also wanted to let you know that you have the ability to testify telephonically if you do not want to come to the courthouse. Please sign up for testifying with me....

Thanks, Cynda

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest..."

S Service  
T Transparent  
A Accountable  
R Responsive

**From:** Vern Farris <vernfarris@citlink.net>  
**Sent:** Wednesday, May 27, 2020 4:56 PM  
**To:** cherrick@co.valley.id.us  
**Subject:** Valley Co. P&Z CUP 20-09

Cinda Herrick, Valley Co Planning & Zoning  
Please add our comments to the agenda for Planning and Zoning review of CUP 20-09.

## Cynda Herrick

---

**From:** Vern Farris <vernfarris@citlink.net>  
**Sent:** Wednesday, May 27, 2020 4:56 PM  
**To:** cherrick@co.valley.id.us  
**Subject:** Valley Co. P&Z CUP 20-09

Cinda Herrick, Valley Co Planning & Zoning

Please add our comments to the agenda for Planning and Zoning review of CUP 20-09.

We the property owners of Carefree #1 HOA OPPOSE the any re ZONING AND CUP 20-09 as requested by BP PROPERTIES. The acreage in question has been the subject of previous C.U.P dating back to 2007. Other properties along Hwy 55 in this same area have been denied Commercial Usage due to being incompatible with the agriculture and considerable residential subdivisions which border this 9 acre parcel.

In addition to being incompatible with the surrounding property use, it would compound an already serious safety problem with the intersection of Pearson Lane and Hwy 55. Big trucks, crane's and construction equipment turning in and out of traffic traveling 55 miles an hour with no turn lanes, not striped for no passing is unthinkable. Consider this to be the Scenic Highway previous P&Z commissions have strived to preserve as the gateway to Valley County and McCall.

The Comprehensive Plan currently in effect is for Agricultural and the single lane of Pearson Lane where it crosses the water channel already poses a safety hazard for family cars and school buses. Building a entrance with 20 foot berm, trees and landscape will only create a visual impairment for drivers and adjoining residential properties.

We the property owners of Carefree #1 along with the other 7 Carefree Subdivisions ask the Planning and Zoning Commission to deny the C.U.P. 20-09, uphold the decision made in 02/08/2007 (CUP 06-39A) denying commercial use of this property. Please consider previous Comprehensive Plan decisions to follow common sense zoning creating Commercial and residential areas. Support the property owners along Pearson Lane and in Carefree to preserve the investments we have made in this residential area.

Lastly please reschedule the P&Z review of this matter to a future date out in July or August, so all the effected property owners in this area have a chance to attend the meeting, after the Idaho Governor opens the state post Corona Virus.

Vern Farris  
President, Carefree #1 HOA  
13990 Comfort Rd  
McCall, Idaho  
208-315-0257

Valley County Planning and Zoning Commissioners:  
Valley County Planning and Zoning:  
Valley County Idaho

Dated 5/18/2020

Re: BP properties CUP application

Dear Commissioners,

Thank you for hearing my early concerns in regard to a Planning and Zoning matter. During this on going Covid-19 Pandemic, I am concerned about the length of time between our notice of the proposal and the actual P&Z meeting. In an effort to fully examine the project as proposed including the not existing drainage plan, full scope of earthwork and non existing Traffic study I feel the citizens of the surrounding area need more time... the June 11<sup>th</sup> meeting is too soon, a portion of our neighbors are currently restricted to "Stay at Home Orders" or other impacts from the National Pandemic and are currently unavailable to give comment or to attend either virtual or actual P&Z meeting.

I respectfully request an extension of the public meeting timeline to give the public more time to make adjustments and preparation.

I would also request that the Planning and Zoning Commission consider moving the meetings on this occasion to McCall because most of the items on the agenda are located in the northern part of the county.

Sincerely, Larry Shake  
1612 S Samson Trail  
McCall Idaho, 83638

Please forward this communication to the County Commissioners

⏪ Reply all ▾ 🗑 Delete 🚫 Junk 🛑 Block ...

## RE: BP Properties CUP

ⓘ Label: Default 180 Days Delete (6 months) Expires: Sat 11/14/2020 2:49 PM

CH

Cynda Herrick

Mon 5/18/2020 3:49 PM

To: Larry Shake <larryshake@gmail.com>

👍 ↶ ⏪ → ...

Hello Larry,

I will place your comment in the record.

Our ordinance requires 17 days notice for neighbors – you were sent notice last week, well in advance of the public hearing.

You can express to the P&Z Commissioners that you would like additional time for specific reasons in writing prior to the hearing or during the public hearing.

Thanks, Cynda

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

“Live simply, love generously, care deeply, speak kindly, and leave the rest...”

S Service  
T Transparent  
A Accountable  
R Responsive

**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Monday, May 18, 2020 11:49 AM  
**To:** cherrick@co.valley.id.us  
**Subject:** BP Properties CUP

Valley County Planning and Zoning Commissioners:  
Valley County Planning and Zoning:  
Valley County Idaho

Dated 5/18/2020

Re: BP properties CUP application

Dear Commissioners,



## Cynda Herrick

---

**From:** Cynda Herrick <cherrick@co.valley.id.us>  
**Sent:** Wednesday, May 27, 2020 9:00 AM  
**To:** Larry Shake  
**Subject:** RE: CUP 20-09

Mr. Shake,

Under no instance would I ever filter information to the Commission or the Board.

The letter will be placed in the file with the rest of the correspondence and forwarded to the Commission with the rest of the record.

The Commission can not just "table" something to a later date before they even meet.

If you decide to call Commissioners they will have to recuse themselves from the process or disclose it at the hearing.

Thank you,

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service  
T Transparent  
A Accountable  
R Responsive

**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Tuesday, May 26, 2020 2:41 PM  
**To:** Lori Hunter <lhunter@co.valley.id.us>  
**Cc:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Re: CUP 20-09

Ok, thanks. please forward to Cynda

**"God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed, and the wisdom to distinguish the one from the other" — Reinhold Niebuhr**

On Tue, May 26, 2020 at 2:14 PM Lori Hunter <[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)> wrote:

This would be a question to ask Cynda.

Lori Hunter, P&Z Technician  
Valley County Planning & Zoning Dept.  
Phone: 208-382-7115  
Fax: 208-382-7119  
[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)

*The smallest good deed is greater than the grandest intention.*

*Visit the P&Z GIS map at [www.co.valley.id.us/departments/information-technology/gis-maps/](http://www.co.valley.id.us/departments/information-technology/gis-maps/)*

From: Larry Shake <[larryshake@gmail.com](mailto:larryshake@gmail.com)>  
To: Lori Hunter <[lhunter@co.valley.id.us](mailto:lhunter@co.valley.id.us)>  
Cc: Valley County Commissioners <[commissioners@co.valley.id.us](mailto:commissioners@co.valley.id.us)>  
Date: Tue, 26 May 2020 14:08:15 -0600  
Subject: Re: FW: Idaho Power CUP Denial... Pearson Lane

Thank you for the clarification. So... I sent a request for extension for public comment to the P&Z commissioners and Cynda "put it in the file"... does that mean we need to call the commissioners at home for them to get the request now instead of later?... I also send one to County Commissioners, assuming that P&Z is filtering information going to PZ commissioners.. **God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed, and the wisdom to distinguish the one from the other"** — *Reinhold Niebuhr*

⏪ Reply all ▾ 🗑 Delete 🚫 Junk 🚫 Block ...

## Fwd: We really got mixed up... so the Pearson Lane 20-09 Equipment

① Label: Default 180 Days Delete (6 months) Expires: Wed 11/25/2020 1:59 PM

EH

Elt Hasbrouck  
Fri 5/29/2020 2:59 PM  
To: Cynda Herrick

👍 ↶ ⏪ → ...

FYI

Begin forwarded message:

**From:** Larry Shake <[larryshake@gmail.com](mailto:larryshake@gmail.com)>  
**Date:** May 27, 2020 at 12:11:23 PM MDT  
**To:** Elt Hasbrouck <[ehasbrouck@co.valley.id.us](mailto:ehasbrouck@co.valley.id.us)>  
**Subject:** We really got mixed up... so the Pearson Lane 20-09 Equipment

Hi Elt.... well after a victory lap last night, I talked with the city this morning and figured this out... we are back to opposing the Equipment Storage that is proposed in the same location as Idaho Power in 2007, which was Denied by planning and zoning then... wish that could be applied this time ... as the applications are very similar.... that aside I am representing more than 50 residents around this CUP and we are asking for an extension of the comment period because of the impact of COVID 19 regulations that are in force by both the State of Idaho and the CDC, limiting travel both around the State and across the nation, but mostly because of the limited access to our neighbors and the limited notification by the county and now the mixup last nite...

I first tried to get the extension from P&Z and Cynda said "it goes in the file" to be read when ever... and we need to know sooner... I don't feel that we can canvas our neighbor hood because of the virus and many affected people still don't know of the proposed action. So we respectfully ask for more time for written public comment... Sincerely, Larry Shake

Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

Date 6/1/2020

RE: C.U.P. 20-09 Equipment Storage

Dear Commissioners: Thank you for the opportunity to comment on this Special Use Permit application. It is my understanding BP Properties, Rocky Mountain Crane and Equipment Rental, Pyle Snow Removal, Rocky Mtn Excavation and Equipment, Rocky Mtn. Accounting, PineTop Construction and Pinetop Custom Homes, are all companies that the Potter/Bitten family have under their direction/management/ownership, which provides a multitude of potential variations/impacts to this proposal.

My name is Larry Shake and my wife Monica live at 1612 S. Samson Trail, McCall Idaho, 83638. We have lived at this address for 30 years and have direct knowledge of the proposal, its location and some experience with the local road use, traffic, snowremoval and seasonal considerations.

## We OPPOSE C.U.P. 20-09

**What or Who gives anyone the right to cause harm to someone else for the purpose of creating more wealth for themselves or others?**

If P&Z gives approval to this C.U.P. you will cause us to lose \$40,000 so that BP Properties can become more wealthy.. By approving this CUP that is what you are doing to me and my family, we live on a fixed income and our home is our retirement fund...

when does our County Government protect its citizens ?....

**That is part of your job ...?**

Planning and Zoning should work for all... What needs to be done is P&Z needs to require BP properties to bring forth an application that has neighborhood approval, even if that means they have to buy out properties or otherwise compensate those under direct or indirect impact...

**Novel Idea... COST OF DOING BUSINESS**

**EVERYONE IS EQUAL UNDER THE LAW**

**EVEN IN VALLEY COUNTY**

Sincerely, Larry and Monica Shake.... 50 feet away from "Scrap Yard Location"

**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Wednesday, June 3, 2020 4:59 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Proof of Dust and Crane Yard

Hi Cynda... don't know how to document these... photos were taken May 20, 2020.... Dust generated at Crane Yard blowing around the neighborhood.. Cynda.. the last one I want Zoning Commissioners to see what happens.... the photo is Falvey Landscaping.. that really is Falvey Excavation. We all thought we were to buy plants and flowers there !!!









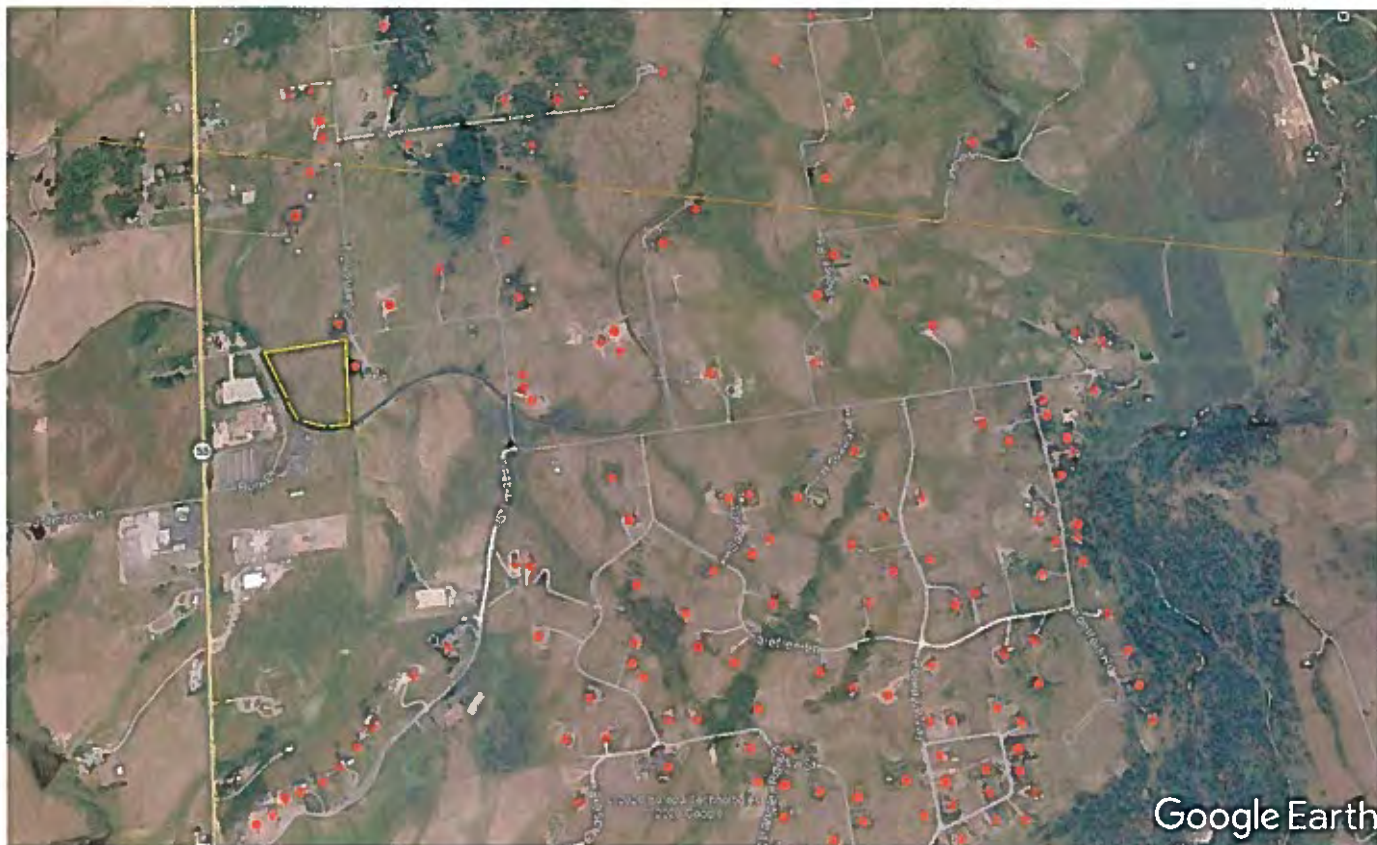
**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Wednesday, June 3, 2020 5:17 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Map with 300 ft buffer



**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Wednesday, June 3, 2020 5:17 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Map with 300 ft buffer



**From:** Larry Shake <larryshake@gmail.com>  
**Sent:** Wednesday, June 3, 2020 5:19 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Map showing affected homes and Industrial Scrap Yard





From: Larry Shake <larryshake@gmail.com>  
Sent: Wednesday, June 3, 2020 5:21 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: CUP Boundary close to our homes



P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

RE: C.U.P. 20-09 Equipment Storage

RECEIVED

JUN 03 2020

Heavy Industrial on Hwy 55-our scenic byway  
By Larry Shake

In spite of the Covid-19 Pandemic, there are other important events happening that the citizens of Valley County need to know about. The Storage Lot is proposed by Bp Properties and identified by Conditional Use Permit (C.U.P) 20-09 BP Properties Equipment Storage. Sounds easy right ?

Not so fast ! If this C.U.P. is approved it will impact Valley County forever. Why you ask ? This proposal will be a stepping stone for continued **Heavy Industrial Zoning** to spread along HWY 55. This action will destroy the existing 300 ft buffer between Light Industrial (Burr Lane Business Park) and current and future residential areas on Pearson, Samson Trail and in the general Carefree area to the east.

Homes located adjacent to this Storage Lot stand to lose significant property values, but as important are the residents that use Pearson and Samson for their primary access to town. Currently more than 150 families use these roads to and from McCall and Valley County. Residents walking, riding bikes, simply enjoying the vistas and the quality of life, which is being compromised right in front of our very eyes. One home adjacent to the proposed Storage Lot 14ft berm, will actually lose the afternoon sunlight to their home.

BP Properties proposes a 14ft high berm (plus trees) completely surrounding the site. Equipment Storage sounds harmless enough, but it could be just a first step to change the zoning of the property to Industrial, then eventually **after additional steps (CUP applications)**, it will be very difficult for County Government to STOP Heavy Industrial from expanding onto this 12 acres and then into adjacent residential properties all the way north to the city limits.

It is past time for Valley County Commissioners to establish true and real zoning regulation. We citizens of the county deserve protection of our investment from decisions made by P&Z and others that would locate Asphalt Plants, Gravel Pits or in this case Equipment Storage areas (larger than Franklin Lumber) to be located within close proximity of existing residential property.

We as a community must stand together and demand our County Government STOP the archaic spot zoning and compatibility rating system, that no longer works for the citizens at large.

We are asking Valley County P&Z Commissioners... to deny CUP 20-09, upholding the decision made by the commission dated 02/08/2007 CUP 06-39. In addition to denying this CUP we duly request the County Government adopt a Comprehensive Plan that designates all the County Lands to appropriate Zones; ie: Residential, Agricultural, Commercial and Industrial. Please give all County citizens the peace of mind knowing when they commit their hard earned dollars to Valley County property, that they have protection against detrimental uses and loss of value now and into the future.

Stand up Valley County !! Come to the meeting in person June 11. Let Planning and Zoning know we've had enough !

Sincerely, Larry Shake 1612 S Samson Trail, McCall

Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350

Date 6/2/20020

RE: C.U.P. 20-09 Equipment Storage

I strongly OPPOSE C.U.P 20-09

Dear Commissioners: Thank you for the opportunity to comment on this Special Use Permit application.

My name is Monica Shake and I live at 1612 S Samson Trail, McCall  
With background of the local details we **OPPOSE** the approval of this CUP for the following reasons:

- 1: We feel the proposal is not compatible with the Comprehensive Plan area is zoned Multi-use.
- 2: The Proposed site has already been rejected for commercial/industrial uses. The conditions and the previous C.U.P. Proposal were strikingly similar and we feel the P&Z commission should end this revolving door and declare that Industrial / Commercial business will not be allowed on this property once and for all.... That way the value of the property will be adjusted to residential property value and it could sell for that use..

Keep in mind, during the Tamarack boom this property was on the market for 1.5 million... then it has been slowly retracting.... Finally someone bought it "betting on the fact they could rezone", that was a risk they took. They only have property rights that would give them right to have residential / multi-use but not anything else. BP Properties are seasoned developers and knew what their risks were !

My husband and I have been in our home for 35 years and if you decide to approve this application, you will directly impact our real-estate value. That directly takes money away from our retirement..... **What gives you the right** to make a decision that takes value away from us giving it to someone else...

**In Valley County, we are all equal under the Law**

Decision P&Z C.U.P. 6-39 Dated Feb. 8 2007. Idaho Power Operations Center.

The conclusions are as follows:

**CONCLUSIONS**

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. The proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will be otherwise detrimental to the public health, safety and welfare.
2. That the proposed use is not consistent with the Valley County Comprehensive Plan.
3. The application is not compatible with surrounding land uses.

**ORDER**

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Idaho Power, for Conditional Use Permit No. 06-39 Idaho Power Operations Center, as described in the application, staff report, and minutes of the Planning and Zoning Commission meeting is denied.

**END FACTS AND CONCLUSIONS**

  
Ed Allen, Chairman

  
Date

Facts and Conclusions  
C.U.P. 06-39  
Page 7 of 7

Tell BP Properties to find a different property to build the scrap yard on... or bring P&Z a proposal the neighborhood accepts. If they can invest \$600,000 in a scrap yard they can buy out or negotiate with the neighborhood. They can buy the adjacent property and then recoup most of their expense by reselling... The neighborhood should never forced to accept impacts to their lifestyle or retirement because of a business "bulleying" their way thru the process. BP Proberties have not met with any of the Neighborhood...

Sincerely, Monica Shake



## Cynda Herrick

---

**From:** Bob <youde@frontier.com>  
**Sent:** Thursday, May 28, 2020 12:11 PM  
**To:** cherrick@co.valley.id.us  
**Subject:** OPPOSITION Letter CUP#20-09

Cynda - this letter is to state our opposition to the proposal for CUP #20-09 by BP Properties / Rocky Mountain Crane... This outlandish proposal is inconsistent with and in direct opposition to the character of the adjacent established rural residential neighborhoods of Pearson Lane, Carefree subdivisions, and South Samson Trail. The company already has sufficient HWY 55 access without adding industrial level traffic burden to the already inadequate roadbeds of Pearson Lane and its intersection with HWY 55. The proposed use map and plan is also simply ugly and insulting. The County P&Z and Commissioners recently demonstrated courage and responsibility in denying another commercial/industrial CUP use of a residential property further east on Pearson Lane, and I recommend they do the same in this instance. Apparently the commercial and industrial interests think they can get County approval for basically anything along the highway from Lake Fork all the way north to McCall. It is time to stop this degradation of the HWY55 scenic corridor, and to turn this down this proposal NOW.

Please add this letter to the OPPOSED file on this project, and share this letter with all members of the County Planning and Zoning Commission and with each of the County Commissioners. Thank you.

Robert Youde – 1210 S Samson Trail - McCall 208-315-0442

## Cynda Herrick

---

**From:** Geoffrey HH ROTH <ghhr@gr-we.com>  
**Sent:** Thursday, May 28, 2020 12:41 PM  
**To:** cherrick@co.valley.id.us  
**Subject:** CUP 20-09

Cynda Herrick and Valley County Planning and Zoning

My wife and I are opposed to this application for a change to Commercial Zoning.

This area is mostly residential and those adjacent to or near this property will certainly be adversely effected. A commercial project of this magnitude will negatively effect the feeling of the area even for those of us that live further in off of Pearson Lane which is our ingress and egress to our properties.

Please continue to support us in our eandoevers to keep our neighborhoods in this area sensitive to those that have chosen to reside there.

We are asking the board to deny this application.

Geoffrey and Katharina Roth  
14006 Comfort Road  
McCall ID 83638

928 274 4566

RECEIVED

MAY 28 2020

May 25, 2020

Cynda Herrick, AICP, CFM  
Valley County Planning and Zoning  
Administrator  
P.O. Box 1350  
Cascade, ID 83611

Subject: C.U.P. 20-09 Equipment Storage

Dear Cynda,

This correspondence is in response to the C.U.P. 20-09 Equipment Storage request by BP Properties.

Peggy Wiley and Wilson Quarre are OPPOSED to this C.U.P.

**C.U.P. 20-09 proposed use is not consistent with the Valley County Comprehensive Plan.**

**The Application is not compatible with surrounding land uses.**

**The proposed use is not in harmony with the general purpose of Valley County ordinances and policies.**

**BP controls:**

**Rocky Mountain Crane  
Rocky Mountain Excavation  
Rocky Mountain Snow Removal  
Pine Top Construction  
Hammerhead Construction**

**BP is NOT a single entity. There are copious amounts of equipment needed for these operations.**

- This C.U.P. is an encroachment into a residentially zoned area. Two sides are zoned residential and a third area is directly & diagonally across the street. They are all on Pearson Lane and Sampson Trail Road and will be negatively impacted.
- Visual: Pictures are provided to show the REAL impact of having a COMMERCIAL STORAGE operation in direct proximity to residential properties.
- COMMERCIAL CREEP into residential areas will cause ALL property to be devalued. It will not stop there and tends to continue as needed by commercial operations.
- No berm will conceal the height of the cranes and equipment from residents living on Pearson Lane, Sampson Trail Road and Elka Road.
- Berm outline shows over 160 trees being planted. These will not conceal anything for many years and many will probably not survive thus exposing the Commercial Storage Yard to unsightly views to residents.
- Property values will be significantly reduced for everyone on Pearson Lane and Sampson Trail Rd.
- Pearson Lane is a RESIDENTIAL LANE. The turnoff from Hwy. 55 and the road bed up to the entrance is now deteriorated and will be significantly more deteriorated by heavy trucks, including heavy counter weights and commercial cranes.
- Driving these trucks over the BRIDGE will significantly and negatively impact the roadbed and bridge. Pearson Lane is not designed for constant commercial rigs use.
- BP Properties will start using Sampson Trail Road to access McCall and all points North as an alternative to busy Hwy. 55. (Right Turn into McCall)
- Lighting will be installed and if not, the noise and lights from the trucks will be OFFENSIVE to all neighbors on Pearson Lane, Sampson Trail and Elka Rd. areas.
- Where will the runoff go? Polluted water from stored combustible engines must migrate somewhere. If BP leaves the site in the future, who will clean up the pollution?

#### Application:

- Item 4: **Incorrect:** There is a known HAZARD right next to property. A CANAL.
- Item 5: The COMMERCIAL uses should STAY on the WEST side of the Canal, as they are now. (Idaho Power and Falvey Excavation)
- Item 6: NO proposed structure heights but the equipment storage will be FAR ABOVE the 14' proposed berm.
- Item 9: 5% devoted to landscaping means less than .6 acre for the berm? Not feasible.
- Item 9: 10% devoted to roads = 51,487 square feet of roads? 1.1 acres of roads?
- Item 11: No setbacks for parking?
- Item 12a: Pearson Lane is an existing road.
- Item 12b: No proposed roads, BUT the proposal states in Item 9 that BP plans to build over 1.1 acres of roads.
- No BATHROOMS on property? If so, incredibly ugly for a residential area. (Honey Pots)

- Item 16: Berm 10 + acres and have NO Drainage system? Only ingress/Egress is out Pearson Lane which means the ONLY place for water to migrate is out the entrance on Pearson Lane with what results? Who will maintain this drain off? Valley County?

#### **Application For Irrigation Plan Approval**

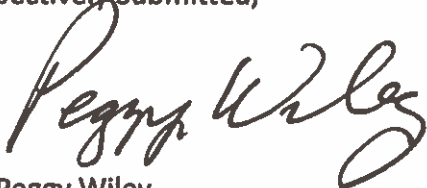
- Item 11: NO plan to process storm water PRIOR to entering drainage system. Pollute the surrounding residential areas through percolation is not the answer. Location is next to an irrigation canal.

#### **Impact Report: VC Code 9-5-3-D**

- Although there will be an Increase in traffic, it is the TYPE of TRAFFIC that we believe destroy the roadbed and edging onto Pearson Lane. This is a residential Country Lane.
- Item 3: Noise will be ONGOING with diesel engines being started and continuing to run. The entire neighborhood will be impacted by noise, lights and pollution.
- Item 5: Diesel exhaust emissions and combustible engine dripping will be ADDED to the environment.
- Item 10: Slope stability, embankments, road construction and landscaping are not addressed.
- Item 12: Equipment will be visible above the proposed berm. (Note Photos) Berm will SETTLE over time and be less than 14'.

**We request that you DENY the C.U.P. 20-09 Equipment Storage**

Respectively Submitted,



Peggy Wiley



Wilson Quarre

140 Pearson Lane  
McCall, ID 83638

(Peggy) (805) 698-3698  
[peggywiley@me.com](mailto:peggywiley@me.com)

(Wilson) (805) 680-9747  
[wqc4@hotmail.com](mailto:wqc4@hotmail.com)

- **Attached photos are of RMC existing storage yard and show the visual vertical intrusions.**





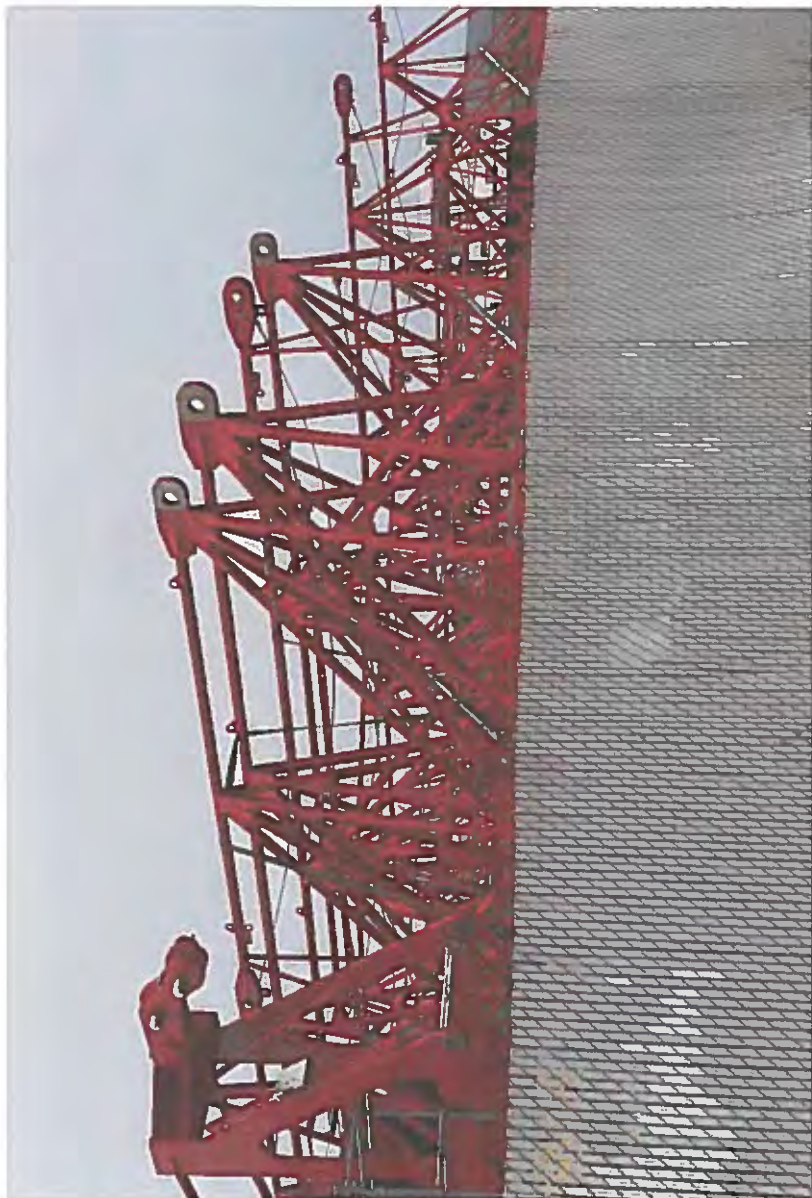












⏪ Reply all ▾ 🗑 Delete 🚫 Junk 🚫 Block ...

## C.U.P. 20-09 Bp EQUIPMENT STORAGE

🕒 Label: Default 180 Days Delete (6 months) Expires: Sat 11/28/2020 5:25 PM

M mountainmaned@yahoo.com

Mon 6/1/2020 6:25 PM

To: Cynda Herrick

👍 ↶ ⏪ → ...

My wife and I are against the aforementioned C.U.P.

We believe development will create a negative effect on the surrounding area.

Large equipment utilizing Pearson Rd would only add to an already overused country road. Pot holes exist and broken pavement every year. The danger of equipment entering Hwy. 55 with approaching traffic traveling 60 to 70 MPH. Large equipment waiting to enter the hwy. would take up a good portion of Pearson Rd. It would be virtually impossible for traffic turning onto Pearson Rd to do it in total safety because of limited lane space on Pearson Rd.

The tall cranes can be seen far away and are an eyesore for a country setting.

It would take years for trees to mature on top of a manufactured berm.

Too close to a scenic highway 55

Established residences in the proximity of the project would have their view of West Mt. interrupted by unsightly equipment.

Ed and Pam Parker  
14060 Pioneer Rd.  
McCall Idaho 83638



⏪ Reply all ▾ 🗑 Delete 🚫 Junk 🚫 Block ...

## C.U.P. 20-09 Equipment Storage

ⓘ Label: Default 180 Days Delete (6 months) Expires: Sat 11/28/2020 12:09 PM

GF

Greg Fastabend <fastabend@hotmail.com>

Mon 6/1/2020 1:09 PM

To: Cynda Herrick

👍 ⏪ ⏩ ...

I would like to voice my concern over the proposed conditional use permit for BP Properties on Pearson Rd. I understand that the highway corridor is likely to continue to develop as a commercial area and am concerned the this use will continue to creep towards nearby residential properties. I own a property nearby on S. Samson Trail and am very concerned with the increased traffic on Pearson that this project would create. The Pearson/55 intersection is already a tight one and does not seem suited for an increase in commercial traffic and larger vehicles.

I appreciate the applicant's willingness to landscape the area with a large berm and trees and think that if maintained it will serve well to reduce the eyesore a large commercial parking lot will cause to the area. The berm however will not help those of us that frequently drive past the entrance. Unlike the existing lot on the corner of Pearson and 55 which has a long driveway, this entrance is only the depth of the berm and will do little to hide the view from those that drive by.

I would recommend that instead of using Pearson the access to the lot be constructed on Burr Rd over the canal. The Road already services a number of businesses with commercial vehicles and this option would also reduce traffic on Pearson as vehicles could optionally enter and exit the highway on Burr instead of always on Pearson. This gives their drivers more flexibility, reduces the traffic impact and the 'eyesore' nature of the project to the nearby residents whose lives will be permanently affected by this project.

If this is not possible I would recommend that the applicant be required to landscape the berm in a way that more efficiently obstructs the view from Pearson than merely having a few trees. One option would be to extend the berm into the property from Pearson in a way that lengthens the driveway and increases the effectiveness of the berm.

As McCall continues to grow it is imperative that the city planners work to balance the needs of BOTH the residents and the businesses that call McCall home in order to keep McCall the wonderful city that we all love.

Sincerely,  
Greg Fastabend

RECEIVED

JUN 02 2020

Scott and Connie Harris  
McCall, Idaho  
June 2, 2020

We are writing in response to Valley County C.U.P. 209-09. We are in opposition for several reasons, particularly because we do not have enough information as to detailed use, traffic impact, impact on safety, impact on infrastructure. This project is far more complex in scope and impact than the simple characterization on the application

Summary of our concerns, with details following:

1. **Safety:** This is a burgeoning business with dozens of ongoing construction projects, an astounding amount of heavy equipment, a major need for daily materials supply, and likely over a hundred construction employees and contractors which would be using this facility, which might also include future rental access for equipment and materials storage beyond that owned by the applicant
2. **Impacts of Pearson Lane and South Samson Trail,** including current traffic patterns, on pedestrian and non-motorized traffic, which is growing weekly. These narrow roadways are already in poor repair and unlikely to withstand heavier traffic, especially by weighty machinery.
3. **Encroachment into land currently listed as residential and agricultural.** While this parcel is arguably contiguous with an existing industrial development, it is actually separated and demarcated by the Clara Foltz Ditch canal and bounded by residential land. The other businesses have Highway 55 access, this does not.
- 4 **The application is overly vague and skips over impacts, and has conflicting information.** More detail is needed, and a formal traffic analysis is indicated.

**This CUP is for a project which would serve an extremely complicated and busy construction business which has at least six construction businesses owned and operated by the applicant**

1. Rocky Mountain Crane and Equipment Rental.
2. Rocky Mountain Excavation and Equipment Rental
3. Pyle Snow Removal
4. BP Properties.
5. Pinetop Construction
6. Pinetop Custom Homes

**These businesses are extremely busy,** the nature of which would present a threat to the residential and non-motorized traffic. Cranes and heavy excavation equipment for this business are currently stored on Highway 55 two parcels removed from the subject property. This appears to include least a dozen cranes of varying sizes in addition to excavation equipment. The applicant has dozens of ongoing

projects, as evidenced by the myriad Pinetop signs at sites. These require extensive daily equipment, labor, and materials support. This means likely multiple daily trips, currently onto Highway 55, but with this proposal, this would be dumped onto Pearson Lane and, likely, South Samson Trail.

**Samson Trail and Pearson Lane** are the major access routes for residential access for over 200 homes, along those routes, including subdivisions at Pearson Corners, Pioneer Ridge, and Carefree, all growing, with several new homes under construction. They are named a Trail and a Lane for a reason. They are relatively narrow and are in need of repair, particularly Pearson, which is crumbling in several places, including in front of the proposed project. They are not designed for heavy and wide equipment and are unlikely to withstand the volume of heavy vehicles and traffic this project portends.

South Samson Trail has become more and more popular as a path for walkers and bicyclists, and many of them commute via bicycle. We live on Ilka Lane, off of the South Samson Trail, and walk two miles there daily with our dog. We already must carefully choose the hours we walk to avoid the two daily two hour "rush hours" as residents commute to and from work. Additionally, tradesmen and construction workers are traveling at the same time, and into the late afternoon, many already paying little heed to the 35 MPH posted speed. We must, at times while walking actually step off of the pavement for safety. This route serves as an increasingly needed safe connector between McCall and residents to the south.

**Encroachment into land to the east which is currently entirely rural residential use.** This property is currently clearly demarcated on the west and south borders by the Clara Foltz Ditch, and on the east by a house with acreage, and another home and agricultural land across Pearson. The Burr Road industrial loop to the west includes a storage unit facility, headquarters for the Nez Perce Tribe, and Idaho Power substation, and Falvey Landscaping, which does have small to moderate sized construction equipment, but the others do not. The Burr Lane loop fronts on Highway 55 and on Pearson, which already adds some construction traffic on to South Samson Trail. Thus the businesses on both sides of the highway from Pearson Lane to Knob Hill Estates are one property deep and have Highway 55 access. This property does not access Highway 55, and presents a clear departure from the commercial corridor on Highway 55, with a jump back over the demarcating canal into residential use areas. Once this is allowed, there is no way to prevent further encroachment and disruption of existing, established residential uses.

**This CUP application has several issues which must be addressed:**

First, Mr. Bitton's intro letter states a "beautifully landscaped berm", but he plans no irrigation water. Application for Irrigation Plan Approval is signed asserting no water access and Item 15 of the CUP Permit Application. A dusty dirt pile without watering is simply that. Would this allow future water access, both irrigation and potable? If so, what would be the source in this area of limited ground water? This facility would be behind a huge berm with possible solid gates eliminating scrutiny.

Will fuel, oil or other toxic materials, including some building materials be stored here? Does this pertain to fuel trucks? Additionally, all heavy equipment inevitably has some leakage of fuel, oil and hydraulic fluid, if not fuel., and there is great potential for spillage, with ground water and the canal nearby. How will this be handled?

**9-3-1: TABLE 3-A, LAND USE CLASSIFICATIONS:**

**TABLE 3-A**

**LAND USE CLASSIFICATION PERMITTED AND CONTROLLED USES**

**6. Industrial Uses:**

**6 a. Light industry:**

- (1) Professional, administrative, or general business office
- (2) Experimental or testing laboratories
- (3) Any enclosed manufacturing, packing, or warehousing facility, except meatpacking plants

**6b. Heavy industry:**

- (1) Asphalt or concrete batch plant
- (2) Chemical manufacturing plant
- (3) Food processing plant
- (4) Slaughterhouse or meatpacking
- (5) Lumber mill
- (6) Wood processing plant
- (7) Other facilities housing processing and fabrication operations
- (8) Rock processing plant including screening and crushing

Clearly this project does not fit under "Light Industry", leaving only "Heavy" or "Extractive". It is not extractive, so standards for heavy should apply, especially given the volume and size of equipment and the materials stored.

If this is classified as "Heavy Industrial", the following setback rules apply:

**9-5F-2: INDUSTRIAL USES; SITE OR DEVELOPMENT STANDARDS:**

**B. Minimum Setbacks:**

1. Light Industrial Uses: The minimum building setbacks for light industrial uses shall be fifty feet (50') from front, rear, and side street property lines and thirty feet (30') from side property lines.

2. Heavy Industrial Uses:

a. The minimum building or use setbacks for heavy industrial uses shall be one hundred fifty feet (150') from front and side street property lines, one hundred feet (100') from rear property lines, and seventy five feet (75') from side property lines. Heavy industrial uses shall be located not less than one thousand feet (1,000') from any residential development, civic, or community service use or commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation."

From: E Avalon <maui.paradise26@yahoo.com>  
Sent: Tuesday, June 2, 2020 1:02 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Cc: SHERRY Ennio Avalon <maui.paradise@hotmail.com>; ennio sherry <maui.paradise26@yahoo.com>  
Subject: CUP 20-09 BP Properties Equipment Storage

June 2, 2020

To whom it may concern:

Please find attached a copy of my letter in strong opposition to the approval of BP Properties CUP application .

We live at 13996 Easy Street, off Pierson. Pierson Rd is not wide enough and was not constructed to handle the load of so much heavy equipment, not considering the noise from beeping machinery and pollution to our waters.

Respectfully,

Ennio and Sherry Avalon

**Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350**

**Date 5/27/2020**

**RE: C.U.P. 20-09 BP Properties Equipment Storage**

**We are in OPPOSITION !!!**

**Dear P&Z Commissioners: My name is Ennio Avalon, we live on Easy Street in Carefree Subdivision and we have major concerns regarding this proposed C.U.P.**

**First and foremost, The Equipment Storage site is zoned as Agricultural. The industrial Parking Lot is not Agricultural. This action would violate the Valley County Comprehensive Plan .**

**"To promote the health, safety and general welfare of the people" " to encourage the protection of prime agricultural... lands" (Comp Plan)**

**In this process we must remember the applicant purchased the property with full knowledge that it was zoned Agricultural. With that sideline, then to apply for uses that don't comply with current zoning, limits the owner's private property rights to only agricultural permitted uses, until such times as that zoning is changed.**

**It is Important to remember the application is not compatible with surrounding uses. This was established by the denial of CUP No. 06-39. which was similar in scope and impact. The surrounding use is overwhelmingly residential five acres or more, very rural in nature.**

**Other issues that I find unacceptable include impacts to transportation, especially with continued growth of Carefree and surrounding area. There are currently over 150 homes in the area, that use this primary access to Highway 55. If approved, the proposed "Overflow Parking Area" will provide more congestion at a point on Pearson where traffic moves quickly. If the vehicles from the parking area consist of large Crane Trucks with 50 ft maximum weight trailers, we will experience very slow and cumbersome activity long with significant wear (damage) and tear on our already fragile road surface.**

**Planning and Zoning regulations have flaws that compromise the effectiveness of the decisions that are made. One such flaw is enforcement. The fact that when a C.U.P. is issued for an applicant's proposal, it may be just the first step to acquire approval for a lot larger project. But if the area is rezoned industrial, in the first approval, the larger facility could get approval in the second application... ie: this parking lot first, the whole Crane, Excavation, Construction and Snow Removal company as a second application. We want to STOP this action NOW !**

**AS said in Decision C.U.P 06-39 "the proposed use is not in harmony with the general purpose of the Valley County Planning and Zoning ordinances and policies and will be otherwise detrimental to the public health, safety and welfare." Signed Ed Allan 02/08/07**

**Sincerely, Ennio Avalon**

**From:** Linda Corder <snowshoelou@gmail.com>  
**Sent:** Tuesday, June 2, 2020 4:21 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** C.U.P. 20-09 BP Properties Equipment Storage

Dear Valley County Planning and Zoning Administrator and Commissioners:

Thank you for the opportunity to comment on the application for industrial equipment storage - C.U.P. 20-09 BP Properties Equipment Storage. My husband, Earl Dodds and I live at 903 Buckboard Way, McCall. We have lived in Valley County for several decades and care deeply about the development of Valley County. It is very important to us to preserve the character of the various areas of Valley County while allowing for the uses that are necessary to insure the continued economic health of our communities.

The proposed equipment storage and whatever other uses that could result from its approval, is not compatible with the surrounding land uses. The area where this is proposed is a residential and agricultural area. Allowing such a large equipment storage at that location would devalue existing neighboring residential properties and interfere with the enjoyment of those properties and the beauty of that part of the county. Such industrial use should be confined to existing industrial use areas. We request that Valley County Planning and Zoning Commission deny the aforementioned C.U. P.

In addition to the denial of this CUP, we request that the County develop a plan that designates all county lands to appropriate zones. This would allow citizens to know if they have built in areas that are going to continue to be residential. It would give businesses a clear path to know where to locate and where they can grow their businesses without conflict. Finally, it would reduce the work of the county in the long run as uses would not have to be considered piecemeal, as they are now.

Sincerely,

*Linda L. Corder*  
[Snowshoelou@gmail.com](mailto:snowshoelou@gmail.com)



From: Missi STEELE Van Riper <missisteele@msn.com>  
Sent: Wednesday, June 3, 2020 3:07 PM  
To: Cynda Herrick <cherrick@co.valley.id.us>  
Subject: OPPOSING permit of BP Equipment Storage CUP 20--09

This letter is to formally oppose the BP Properties approval of a special use permit for an equipment Parking Lot on the 12 acres just after the bridge on Pearson Lane in McCall IDAHO.

This would diminish the beauty of the area, but more importantly it will cause large semis and equipment to routinely be entering and exiting the property.

Thank You,

Melissa and Kevin Van Riper  
14100 Pioneer Rd. McCall, ID

Please confirm receipt of this email.

**Valley County Planning and Zoning  
P.O. Box 1350  
219 North Main Street  
Cascade, ID 83611-1350**

**Date 5/27/2020**

**DENY C.U.P. 20-09**

**RECEIVED**  
JUN 03 2020

**RE: C.U.P. 20-09 BP Properties Equipment Storage**

We are in OPPOSITION !!!

Dear P&Z Commissioners: My name is Judy Drake, we live on Samson Trail and we have major concerns regarding this proposed C.U.P.

First and foremost, The Equipment Storage site is zoned as Agricultural. The industrial Parking Lot is not Agricultural. This action would violate the Valley County Comprehensive Plan .

"To promote the health, safety and general welfare of the people" " to encourage the protection of prime agricultural... lands" (Comp Plan)

Planning and Zoning regulations have flaws that compromise the effectiveness of the decisions that are made. One such flaw is continuance. The fact that when a C.U.P. is issued for an applicant's proposal, it may be just the first step to acquire approval for a lot larger project. If the area is rezoned industrial, in the first approval, the larger facility could get approval in the second application... When in fact, the larger plan would have never been considered without the first approval.

ie: this parking lot is first stage of this scam, the whole Rocky Mtn. Crane, Rocky Mtn, Rocky Mtn.Excavation, Pyle SnowRemoval, Pine Top relocation as a second application. This happens when we all are led to believe the first proposal was the final....We want to STOP this action NOW ! DENY THIS APPLICATION

It is important to remember the application is not compatible with surrounding uses. This was established by the denial of CUP No. 06-39. which was similar in scope and impact. The surrounding use is overwhelmingly residential five acres or more, very rural in nature.

Other issues that I find unacceptable include impacts to transportation, especially with continued growth of Carefree and surrounding area. There are currently over 150 homes in the area, that use Pearson as the primary access to Highway 55. If approved, the proposed "Overflow Parking Area" will create more congestion at a point on Pearson where traffic moves quickly. If the vehicles from the parking area consist of large Crane Trucks with 50 ft in length and maximum weight trailers, we will experience very slow and cumbersome activity long with significant wear (damage) and tear on our already fragile road surface.

AS said in Decision C.U.P 06-39 "the proposed use is not in harmony with the general purpose of the Valley County Planning and Zoning ordinances and policies and will be otherwise detrimental to the public health, safety and welfare." Signed Ed Allan 02/08/07

Sincerely, Judy Drake McCall

Ps: Valley County needs Zoning for the future. We need to know where Commercial/Industrial/Residential are going to be allowed in the future to protect our existing and future investments.

RECEIVED

JUN 03 2020

Greg and Linda Pittenger

14015 Sage Ct. Carefree Subdivision

To: Valley County Planning and Zoning Commission

This letter is submitted in opposition to CUP- 20-09.

To date, the location of commercial activity in the vicinity of the proposed CUP has been confined to property that fronts on Highway 55. The overwhelmingly rural residential character of the area accessed by Person Lane and Sampson Trail is in danger of being lost if commercial development that must utilize these country roads to access Highway 55 is approved. The impact of allowing this CUP should not be made without consideration of the impact such approval will have on adjoining properties and the adjacent area.

The design of the Valley County compatibility matrix is weighted to produce a positive compatibility score once a new commercial use is approved next to an adjoining commercial property. The consequences of approval of this CUP could easily result in the creation of a commercial cluster at the Person Lane Highway 55 intersection that is clearly not compatible with the existing rural nature of the area.

In 2007 Planning and Zoning denied the CUP application of Idaho Power to build a business office and equipment storage yard on the same property that is the subject of this application. The commission found that the proposed use was not consistent with the comprehensive plan and was not compatible with the surrounding land uses. While the decision of a prior commission is not binding, that decision is worthy of consideration in the evaluation of this application. The proposed uses are similar in scope and in character and if anything, the area has become more residential and even less compatible with commercial activity. A decision by this commission consistent with the 2007 decision would be appropriate on the merits of this CUP request and demonstrate a uniformity of interpretation and application of the land use ordinance.

The proposed equipment and material storage yard does nothing to benefit the residents of this area. It will attract heavy truck traffic to a narrow country lane that is already subject to breakup. It will degrade property values and create commercial sprawl. This is not a business that is needed or will be used by the homeowners who will be forced to live with it. The appropriate location for this use would be along the commercial corridor that has been established on Highway 55.

Your consideration of these remarks is greatly appreciated.

# STOP Petition

## BP Equipment Storage

C.U.P 20-09

### BP properties Equipment Storage

Help us Stop the unregulated Commercial Spread on Pearson Lane

The proposal will further encroach Commercial/industrial impacts into a residential area. See Map. The parking area proposed would have a 14 foot high berm completely surrounding the site with an entry/exit road on to Pearson, impacting smooth traffic flow and creating a traffic nuisance and safety hazard, impacting the way of life of many Valley County citizens that live and travel thru the area.

This same site was rejected by Valley County in 2007 for a proposed Commercial/Industrial Facility. The 2007 proposal was similar to the size and use proposed by BP Properties. VC P&Z denied the CUP citing "proposed use is **not consistent** with the **Valley County Comprehensive Plan**" "The application is **not compatible with surrounding land uses.**" And "The **proposed use is not in harmony** with the general purpose of **Valley County ordinances and policies** and will be otherwise **detrimental to the public health, safety and welfare.**"

RECEIVED

JUN 13 2020

The undersigned are asking Valley County to deny CUP 20-09 upholding the decision made by the commission dated 02/08/2007 CUP 06-39. In addition to denying this CUP we citizens of Valley County duly request the County Government Develop a Planning and Zoning Plan that designates all the County Lands to appropriate Zones; ie: Residential, Agricultural, Commercial and Industrial. Please give all County citizens the peace of mind knowing when they commit their hard earned dollars to Valley County property, that they have protection against detrimental uses and loss of value now and into the future.

Signed	Name	Address	email address
	Scott Erekson	37 Iika Ln	scottere@ksn57@gmail.com
	Laurie Erekson	37 Iika Ln	laurieerekson@frontier.com
	Jay Pietri	225 Valley Sp. Rd	joey@alegendfitness.com
	Jordan Mcumber	1818 SHULTZ	jordan.mcumber@hotmail.com
	Molly Booth	19031 Nisula Rd	mkaal.twell521@gmail.com
	Tamara Meyer	301 Colorado St	McCall
	Deanna Balma	225 Valley Springs Rd Apt 6103	McCall, Idaho
	Anne Zimmerman	403 Bergström	McCall Zimmerman1939@gmail.com
	David Conroy	225 Valley Springs Rd Ft 101 / McCall Id	Davidivofac@ksn57.com
	Henry R. Boomer	626 Woodlands	McCall boomermediation@gmail.com

# STOP

# Petition

# BP Equipment Storage

## C.U.P 20-09 BP properties Equipment Storage

### Help us Stop the unregulated Commercial Spread on Pearson Lane

The proposal will further encroach Commercial/Industrial impacts into a residential area. See Map The parking area is purposed with a 14 foot high berm completely surrounding the site with an entry/exit road on to Pearson, impacting smooth traffic flow and creating a traffic nuisance, impacting the way of life of many Valley County citizens that live and travel thru the area.

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Signed	Name	Address	email address
--------	------	---------	---------------

<i>John P Kuwader</i>	<i>John P Kuwader</i>	<i>34 Ilka Lane</i>	<i>JPKuader@aigmail.com</i>
<i>Suzanne Sue Kuwader</i>	<i>Suzanne Sue Kuwader</i>	<i>34 Ilka Lane</i>	<i>Iconsidertheegg@gmail.com</i>
<i>Garret Kuwader</i>	<i>Garret Kuwader</i>	<i>34 Ilka Lane McCall</i>	<i>garretk@outlook.com</i>
<i>James D. Hamison</i>	<i>James D. Hamison</i>	<i>55 Acres Knob Hill</i>	<i>Jhamisonjr@hamisonprop.com</i>
<i>Karlene Neble</i>	<i>Karlene Neble</i>	<i>170 Pearson P 40 acres McCall</i>	<i>hamsonprop.com</i>
<i>Thymon Wils</i>	<i>Thymon Wils</i>	<i>170 Pearson McCall</i>	
<i>Jeff Wils</i>	<i>Jeff Wils</i>	<i>170 Pearson McCall</i>	
<i>Mike Wils</i>	<i>Mike Wils</i>	<i>43 Pearson McCall</i>	<i>mikewils45@gmail.com</i>
<i>Ryan Gunderson</i>	<i>Ryan Gunderson</i>	<i>105 Carefree Ln McCall</i>	<i>lanafayson@yahoo.com</i>
<i>Allen Lundgren</i>	<i>Allen Lundgren</i>	<i>105 CAREFREE LN.</i>	<i>ATLUNDGREN@YAHOO.COM</i>
<i>Shirley Hicks</i>	<i>Shirley Hicks</i>	<i>114 Carefree Ln</i>	
<i>John Hicks</i>	<i>John Hicks</i>	<i>14105 EAST</i>	<i>Johnixmccall@gmail.com</i>
<i>Shirley Hicks</i>	<i>Shirley Hicks</i>	<i>14105 EAST</i>	<i>Shirleyinmccall@gmail.com</i>



# STOP Petition

## BP Equipment Storage

C.U.P 20-09 BP properties Equipment Storage

Help us Stop the unregulated Commercial Spread on Pearson Lane

The proposal will further encroach Commercial/industrial impacts into a residential area. See Map The parking area is purposed with a 14 foot high berm completely surrounding the site with an entry/exit road on to Pearson, impacting smooth traffic flow and creating a traffic nuisance, impacting the way of life of many Valley County citizens that live and travel thru the area.

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Signed	Name	Address	email address
	Sabrina Kertz	25 Pearson Ln, McCall	
	Nick Kertz	25 Pearson Ln, McCall	
	Edward R. Paper	14115 Pioneer Rd.	
	Bonnie Thompson	117 Cavefree	bktst15@gmail.com
	Todd Thompson	117 Cavefree McCall "	" "
	Pamela Bush	995 S. Samson Trl. McCall	pshush@mail.com
	Rob Nelson	14160 S. Samson Trl	
	Char Nelson	14160 S. Samson Trl	
	Jason Porter	14035 Easy St	notetojason@gmail.com
	Jennifer Porter	14035 Easy St/Pearson	jenniferptp@gmail.com
	Cynthia Telez	13914 Turner Ln.	theastfabrications@gmail.com
	Steve Poga	995 S. SAMSON TEL.	STEVEPOGA@HOTMAIL.COM
	Ed Parker	14060 Pioneer Rd McCall	MOUNTAINMANEd@yahoo.com

# STOP

# Petition

# BP Equipment Storage

C.U.P 20-09 BP properties Equipment Storage

Help us Stop the unregulated Commercial Spread on Pearson Lane

Signed	Name	Address	email address
	DAVID RICHMOND	14023 SAGE	diversto@frontier.com
<i>Jacky Richmond</i>	KATHY RICHMOND	14023 Sage	" "
	Jamie Fernandez	1599 S Sanson Trail Rd.	thatcleaninglady@gmail.com
<i>Peggy W</i>	Peggy Wiley	140 Pearson Lane	peggywiley@me.c.
<i>Wilson</i>	WILSON QUARRE	140 PEARSON LN. W.C. 4	HotMAIL.COM
<i>Scott Harris</i>	Scott Harris	86 ILKA LANE McCall 83	
		& PO Box 331	scottconnie777@gmail.com
	Connie Harris	Connie Harris	" " " "
	TOM JONES	14007 COUNTRY WAY	
	Linn Jones	" " "	ejones3233@gmail.com
	David B. Weiss	14023 Hideaway Ct	JOEWEISS29@gmail.com
	Linda Pittenger	Linda Pittenger 14015 Sage Ct.	lpittenger@gmail.com
<i>Gilbert</i>	GILBERT	135 CAREFREE LN McCall	glibenada@stc.net
	JAMES DiBENEDETO	135 CAREFREE LN	BowD861@SBCGLOBAL
	Gene Gans	114 Carefree Ln	ggans@Frontier.net
	Greg Pittenger	14015 Sage Ct.	pittenger2109@gmail.com
	Scott Howert	14006 Easy St	
	Sarah Howert	14006 Easy St	sjhworkoffaith@gmail.com
	Ron Prather	14020 Countryway	hanomadi@isu.edu
	Madison Hanoutet	14020 Countryway	" "
	FRED DRAKE	1055 S SANSON TRAIL McCall	
	Cheryl Meinzer	175 Pearson Lane, McCall, ID	CherylMeinzer@gmail.com



# STOP Petition

## BP Equipment Storage

C.U.P 20-09 BP properties Equipment Storage

Help us Stop the unregulated Commercial Spread on Pearson Lane

Signed	Name	Address	email address
	Clint Colper	172 PEARSON LN	
	<del>Al Madler</del>	13987 Country Way, McCall	zerrit9@yahoo.com
	<del>Mary Ann</del>	13967 Country Way	McCall
	Anne Can	14023 Hideaway Ct	" range.vat43@gmail.com
	Sarah Colpo	172 Pearson Ln McCall	
	<del>by sw</del>	1305 S Simpson Trail	
	Jordan Bellman	13982 country way	Jordanspikha@gmail.com

# STOP Petition

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The proposal will further encroach Commercial/industrial impacts into a residential area. See Map. The parking area proposed would have a 14 foot high berm completely surrounding the site with an entry/exit road on to Pearson, impacting smooth traffic flow and creating a traffic nuisance and safety hazard, impacting the way of life of many Valley County citizens that live and travel thru the area.

This same site was rejected by Valley County in 2007 for a proposed Commercial/Industrial Facility. The 2007 proposal was similar to the size and use proposed by BP Properties. VC P&Z denied the CUP citing "proposed use is **not consistent** with the **Valley County Comprehensive Plan**" "The application is **not compatible with surrounding land uses.**" And "The **proposed use is not in harmony** with the general purpose of **Valley County ordinances and policies** and will be otherwise **detrimental to the public health, safety and welfare.**"

The undersigned are asking Valley County to deny CUP 20-09 upholding the decision made by the commission dated 02/08/2007 CUP 06-39. In addition to denying this CUP we citizens of Valley County duly request the County Government Develop a Planning and Zoning Plan that designates all the County Lands to appropriate Zones; ie: Residential, Agricultural, Commercial and Industrial. Please give all County citizens the peace of mind knowing when they commit their hard earned dollars to Valley County property, that they have protection against detrimental uses and loss of value now and into the future.

Signed	Name	Address	email address
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