

Valley County Planning and Zoning

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

STAFF REPORT: C.U.P. 22-20 CAT Rental Store
Extension Request

HEARING DATE: April 13, 2023

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

**APPLICANT /
PROPERTY OWNER:** David McKinnon, VP Properties - The Terteling Company INC
Western States Equipment Company
3858 N Garden Center Way STE 300
Boise, ID 83703

LOCATION: 10 Davis Creek Lane
Parcel RP16N03E269809 in the SESE Sec. 26, T.16N R.3E,
Boise Meridian, Valley County, Idaho

SIZE: 7.6 Acres

REQUEST: Extension of Conditional Use Permit for Equipment Rental Store,
Office, and Shop Facility

EXISTING LAND USE: Agriculture

VP Properties – The Terteling Company INC is requesting a one-year extension of the conditional use permit for an equipment rental store, office, and shop facility that expires on July 6, 2023. The applicant has submitted a building permit application and has pulled electrical power to the site. Additional time is needed to perform additional ground water monitoring. Septic system approval is anticipated in June and construction would start soon after.

On June 23, 2022, the Planning and Zoning Commission approved C.U.P. 22-20 for a commercial use with office space and shop bays for the maintenance of the Cat rental fleet. Maintenance at this location would be limited to the Company's own equipment, i.e., the following:

- Cleaning machine cabs, greasing & filling fluids
- Minor repairs
- All used oil will go into a waste oil tank.

The use of a temporary job trailer and maintenance shed was approved until the 4,800-sqft building could be constructed in 2023.

Approval also included a security gate at the entrance of the storage area and landscaping along Davis Creek Lane and Highway 55. An individual well and septic system will be used.

The site is addressed at 10 Davis Creek Lane. Access to the site is from Davis Creek Lane, a public road, that is paved at this location. Turn lanes already exist on Highway 55 for this intersection.

There is a discrepancy in the parcel size. The applicant states it is 9.63 acres; the Assessor's Office records state 7.583. The Valley County Cartographer has been asked to review this discrepancy.

FINDINGS:

1. The extension request was submitted on February 17, 2023.
2. Legal notice was posted in the *Star News* on March 23, 2023, and March 30, 2023. Potentially affected agencies were notified on March 14, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on March 20, 2023. The notice and application were posted online at www.co.valley.id.us on March 14, 2023. The site was posted on March 29, 2023.

3. Agency comment received:

Central District Health has no objection to the extension. (March 14, 2023)

Jess Ellis, Donnelly Fire Marshal, states that prior requirements shall remain in effect. (March 22, 2023)

4. Public comment received: None

STAFF COMMENTS / QUESTIONS:

- 1) When will landscaping be planted? Should it be a condition of approval.
- 2) Will landscaping be irrigated? Do you have water rights?
- 3) Is a site grading and stormwater management plan required?
- 4) Have you met with the Valley County Road Superintendent concerning the Road Development Agreement?

Previously Approved Conditions of Approval (#451264, Effective July 6, 2022)

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.
3. The use shall be established within one year, or a permit extension will be required.
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.

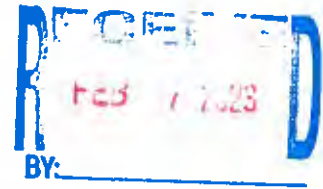
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
6. All setback requirements must be met, including a 100-ft setback from Highway 55.
7. The minimum building setbacks shall be thirty feet (30') from front and rear property lines and ten feet (10) from side property lines
8. Must submit approval letter from Central District Health.
9. Must comply with requirements of the Donnelly Fire District. A letter of approval is required.
10. Must obtain an Approach in County Right-of-Way Permit from the Valley County Road Department.
11. Hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday.
12. All mounding and berms shall have slopes no steeper than three to one (3:1).
13. All noxious weeds on the property must be controlled.
14. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
15. Shall obtain a sign permit prior to installation of a sign.
16. Shall obtain building permits for all temporary and permanent structures.

ATTACHMENTS:

- Extension Request
- Conditional Use Permit 22-20, Instrument #451264
- Vicinity Map
- Aerial Map
- Assessor's Plat
- Site Plan
- Photos taken March 29, 2023
- Responses

END OF STAFF REPORT

February 13, 2023



Valley County Planning and Zoning Commission
219 N Main Street
PO Box 1350
Cascade, ID 83611

Re: CUP Extension request for CUP No. 22-20, CAT Rental Store

Dear Commissioners,

Pursuant to Condition No. 3 of CUP No. 22-20, we are requesting a permit extension in order to establish the approved CAT Rental Store use at 10 Davis Creek Lane in Valley County. The CUP was issued on July 6th, 2022 and we already know that we will not have our facility up and operational within one year of that date.

We have already submitted for a building permit and have pulled 3-phase power to our building site, but we are in need of additional time to perform additional ground water monitoring prior receiving approval of our septic system. Valley County will not issue a building permit until we have a septic system approval. We anticipate receiving approval for the septic system in June and we will start building construction immediately thereafter.

We will continue construction on the building until completion, and we anticipate that being completed by the end of 2023. We may, with prior approval, begin site and pad improvements prior to approval of the building permit. We also have to get our well drilled this year, and we anticipate having that done this summer as well.

We hope to have everything completed this calendar year, but as we have learned, things are extremely busy in Valley County during the short construction window, and if we run into any unforeseen issues like weather, lack of contractors, supply chain issues, etc... we could miss a big chunk of the building season, so we are asking for a 1-year time extension to provide a cushion and to prevent us from having to come back to you again for an additional time extension.

We are super excited about getting our building built as soon as possible and quickly becoming a member of the Valley County community. If there are any additional questions regarding our time extension request, please reach out anytime at [REDACTED] or via phone at [REDACTED]

Sincerely,

A handwritten signature in blue ink, appearing to read "David McKinnon".

David McKinnon
VP Properties, The Terteling Company, Inc.

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350
Phone: 208-382-7115
Email: cherrick@co.valley.id.us



Instrument # 451264

VALLEY COUNTY, CASCADE, IDAHO
7-6-2022 04:30:42 PM No. of Pages: 2
Recorded for : PLANNING AND ZONING
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COUNTY MISC

CONDITIONAL USE PERMIT NO. 22-20 CAT Rental Store

Issued to:

Western States Equipment Company (applicant)
3858 N Garden Center Way STE 300
Boise ID 83703

Clover Valley Properties LLC (owner)
PO Box 1177
Donnelly ID 83615

Property Location:

The site is 9.6 acres identified as parcel RP16N03E269809, addressed at 10 Davis Creek Lane, and located in the SESE Sec. 26, T.16N R.3E, Boise Meridian, Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of June 23, 2022. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. 22-20 with Conditions for establishing an office and shop bays for the maintenance of the CAT rental fleet as described in the application, staff report, and minutes.

The effective date of this permit is July 6, 2022.

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.
3. The use shall be established within one year, or a permit extension will be required.
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 not upward or horizontal projection of lights.
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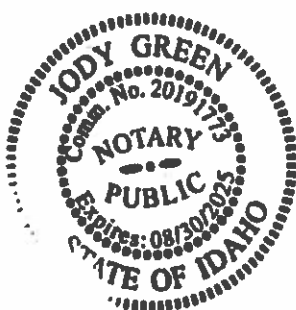
END CONDITIONAL USE PERMIT

Date July 6, 2022

Approved by Cynda Herrick

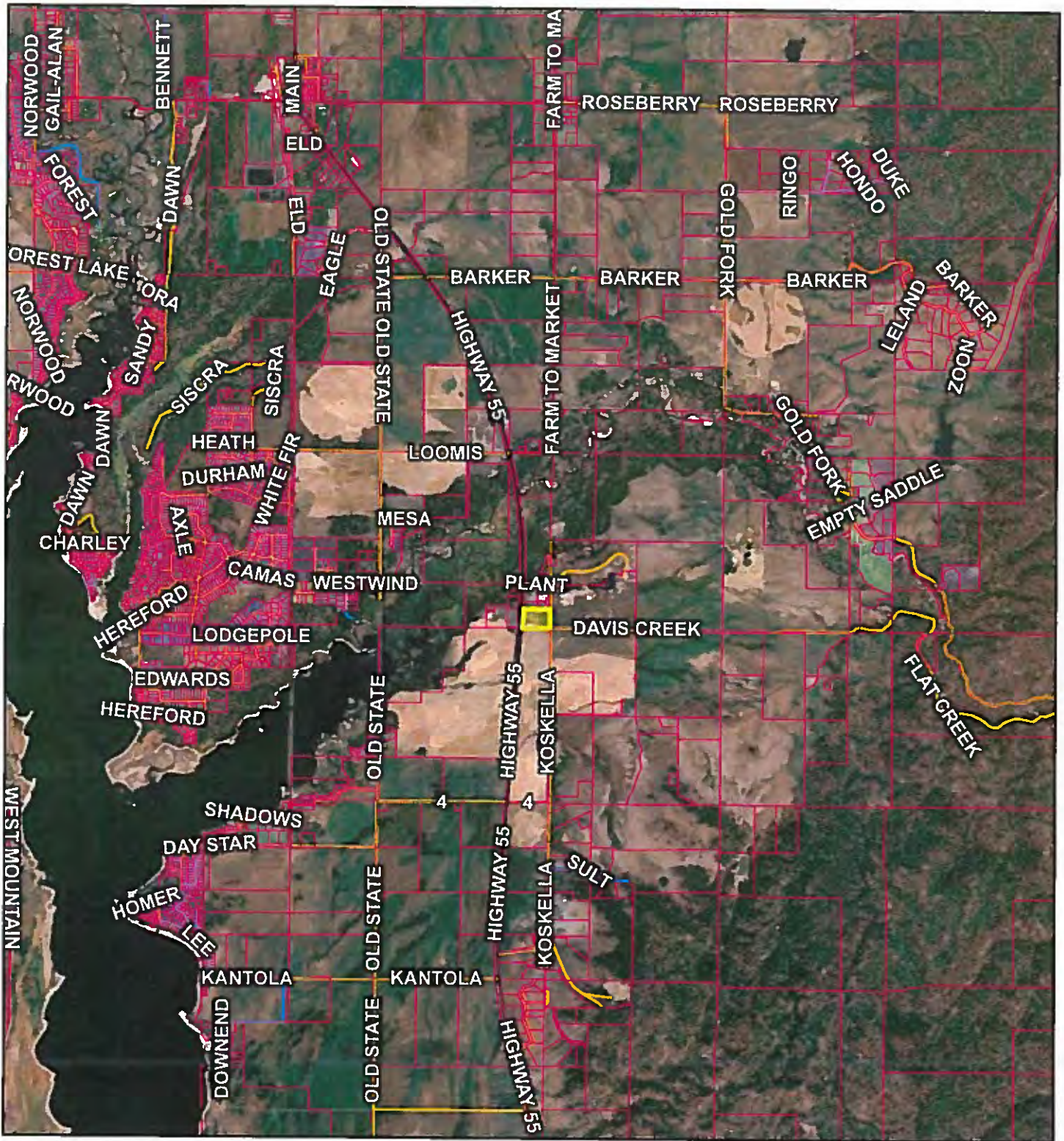
On this 10 day of July, 2022^{***}, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

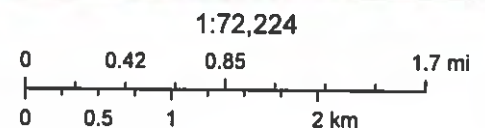


[Signature]
Notary Public
Residing at: Valley County
Commission Expires: 8/20/25

C.U.P. 22-20 Vicinity Map



4/28/2022, 1:40:02 PM



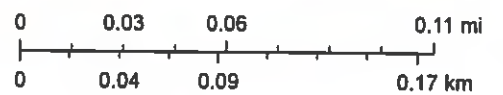
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

C.U.P. 22-20 Aerial Map



4/28/2022, 1:37:50 PM

1:4,514



■ Addresses

□ Parcel Boundaries

Roads

— MAJOR

— URBAN/RURAL

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

Web AppBuilder for ArcGIS

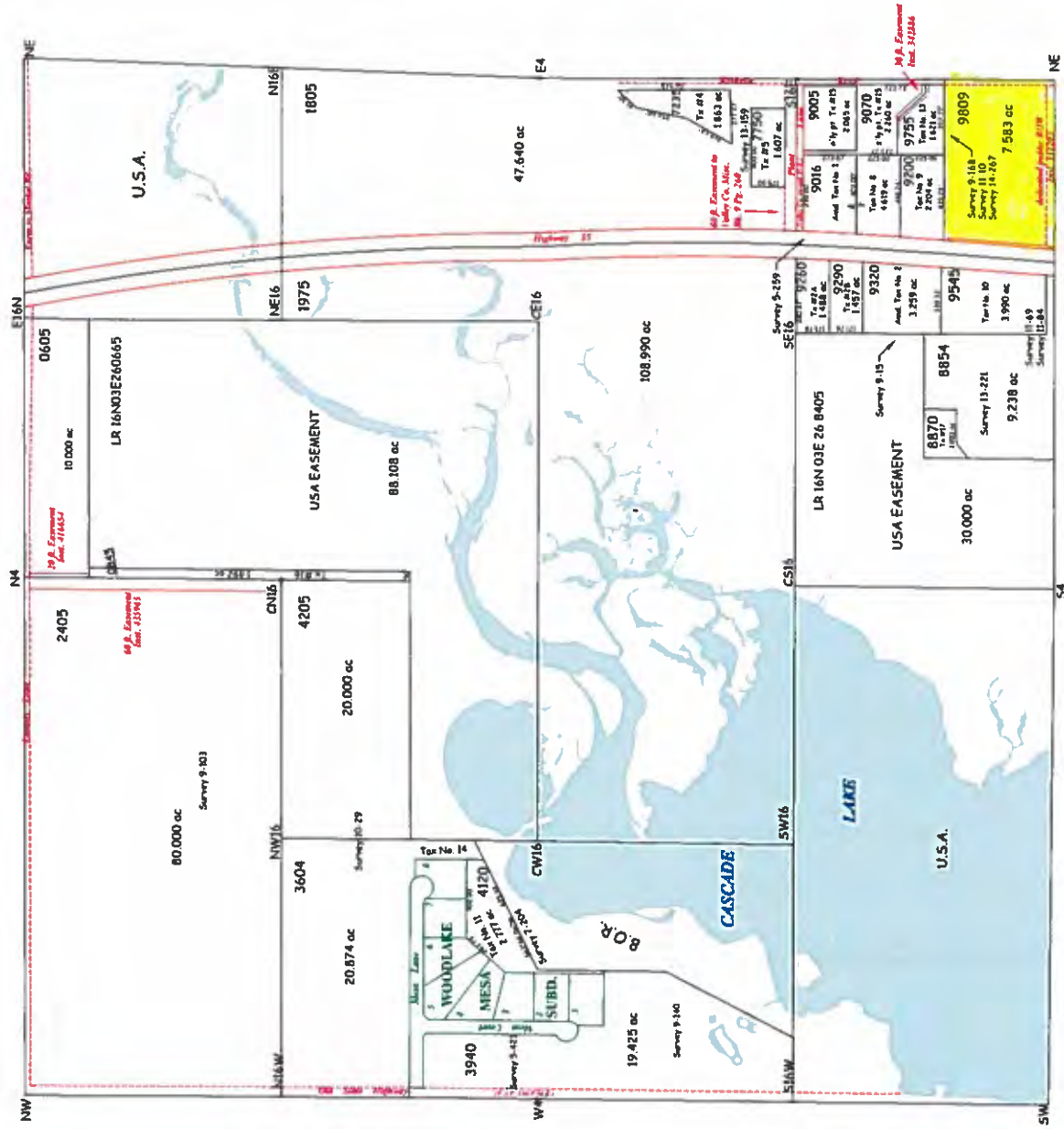
Maxar | Valley County IT | Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530 | United States Forest Service Natural Resource Manager (NRM) Infra

PLAT TITLE

T W P . 1 6 N R O 3 E S E C . 2 6

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

Filename:
Valley County Base Map
Scale: 1" = 400 ft.
Date: 9/2/2022
Drawn by: L. Frederick



This drawing is to be used for Reference Purposes (RPL). The County is NOT Responsible for any Information Contained Herein.







Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # CUP 22-20

Preliminary / Final / Short Plat _____

CAT Rental STORE EXTENSION

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
☐ high seasonal ground water ☐ waste flow characteristics
☐ bedrock from original grade ☐ other _____
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
☐ central sewage ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:
☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store

☒ 14. we have no objection to extension

Reviewed By: [Signature]

Date 3/14/23



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

March 22, 2023

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 22-20 Cat Rental Store Extension Request

After review, the Donnelly Rural Fire Protection District requires the following.

- All prior requirements shall remain in effect

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in black ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department