

Valley County Planning and Zoning

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Cascade, ID 83611-1350



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ADDENDUM – Staff Report No. 2

STAFF REPORT: Appeal of Planning and Zoning Commission Approval of C.U.P. 22-34 Shoemaker Donnelly Storage - Addendum

HEARING DATE: April 24, 2023

TO: Board of County Commissioners

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

APPELLANT: Todd Jurdana
PO Box 538, Donnelly, ID 83615

APPLICANT: Jeff Hatch, Hatch Design Architecture
200 W 36th ST, Boise, ID 83714

PROPERTY OWNER: Craig Shoemaker, Shoemaker Properties LLC
2265 S Riverbirch PL, Eagle, ID 83615

LOCATION: Parcel RP16N03E157408 located west of Highway 55 at the intersection of Old State RD and Eagle Lane. The site is in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho

SIZE: 26.97 acres

REQUEST: Public Storage Facility

EXISTING LAND USE: Bare Land

Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings. The buildings would be built on the southern portion of the parcel. The facility would provide covered storage for boats, RVs, and recreational equipment, along with a variety of standard storage spaces. No outside storage is proposed.

On February 6, 2023, the Valley County Board of County Commissioners held a public hearing for an appeal. The matter was tabled to obtain further information regarding:

- Idaho Department of Environmental Quality comments
- U.S. Army Corps of Engineers Report
- Central District Health septic system information
- Idaho Transportation Department comments
- Management of landscaping without chemicals
- Architectural review information.

The applicant submitted information on March 20, 2023. This information (attached) includes:

- Central District Health correspondence requiring a septic permit application and ground water monitoring form for the sales office restroom. (Feb. 9, 2023)
- Wendy I. Howell, Idaho Transportation Department, stated meetings with the applicant's representatives have occurred regarding realigning Old State Road to provide clearer site lines and safety from the ingress/egress. A 2019 Application Form and fee must be submitted. (Mar. 7, 2023)
- Cory Schrack, the applicant's engineer, replied and supported evidence supporting that the construction of the proposed storage facility will not have any adverse effects on the surrounding waterways, lands, or developments. (Mar. 9, 2023)
- Parametrix Engineering Review of Site Grading Plans and Drainage Calculations Information. (2023)
- Sarah Windham, U.S. Corps of Engineers, replied that the proposed project will not require a 404 permit since wetlands 4 and 5 are not considered waters of the U.S. (Feb. 28, 2023)
- Revised Landscape Plan (page L1.0) dated March 20, 2023.

FINDINGS:

1. The Valley County Planning and Zoning Commission approved C.U.P. 22-34 Shoemaker Donnelly Storage at a properly noticed public hearing on December 8, 2022.
2. An appeal was received in a timely manner on December 19, 2022, with the appropriate \$500 fee. The appeal is attached. Summarized reasons for appeal are listed below:
 - Lack of compatibility using the Compatibility Evaluation.
 - Traffic hazards related to the additional traffic and dangerous intersection for the entrance.
 - Snow storage and water contamination issues.
3. Legal notice for the Appeal was completed.
4. On February 6, 2023, the Valley County Board of County Commissioners held a public hearing for an appeal. The matter was tabled to obtain further information regarding:
 - Idaho Department of Environmental Quality comments,
 - U.S. Army Corps of Engineers Report,
 - Central District Health septic system information,
 - Idaho Transportation Department comments,
 - Management of landscaping without chemicals, and
 - Architectural review information.
5. Legal notice for public hearing on April 24, 2023, was completed, as follows:
 - Published in the *Star News* on March 30, 2023, and April 6, 2023.
 - Potentially affected agencies were notified on March 21, 2023.
 - Property owners within 300 feet of the property line were notified by fact sheet sent March 22, 2023.
 - Additional people who previously commented were notified by fact sheet sent March 22, 2023.

- The public hearing notice and application submittals of March 20, 2023, were posted online at www.co.valley.id.us on March 21, 2023.
- Two locations on the property (Highway 55 and Eagle Lane) were posted on April 14, 2023.

6. All Agency comment received:

(New) Wendy I. Howell, Idaho Transportation Department, Development Project Coordinator, updated her response. ITD has had meetings with the applicant regarding realigning Old State Road to provide clearer site lines and safety from the ingress/egress. A 2019 Application Form and fee must be submitted. (February 28, 2023, and March 7, 2023)

Central District Health requires more information on soil conditions and seasonal ground water. Restroom facilities will require a sewage system. (Sept. 20, 2022)

Jeff McFadden, Road Department Superintendent, stated that Valley County owns right-of-way along Old State Road and Eagle Lane. He recommends mitigation of impacts to these roads negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (Sept. 26, 2022).

Jeff McFadden, Valley County Road Department Superintendent, referred to a comment made about culvert on Creekside Court. This culvert is rusted out and is scheduled for replacement in 2023. (Nov. 16, 2022)

Jess Ellis, Donnelly Fire Marshall, responded with requirements for roads, gates, building plans, water storage tank, and fire extinguishers. (Oct. 5, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, ground water contamination, and best management practices. (Jan. 11, 2023, and March 27, 2023)

Wendy I. Howell, Idaho Transportation Department, Development Project Coordinator, responded with requirements. This project abuts State Highway 55; no direct access to the State Highway system has been requested. Traffic generation numbers were not provided; ITD is requesting that the applicant provide a Traffic Impact Study (TIS) reflecting the full buildout. The ITD Form 2109 must be submitted. An Encroachment Permit may be required. (Dated Nov. 22, 2022; Received Jan. 23, 2023)

7. Public Comment Received after February 6, 2023

Lenard D. Long, representing Friends of Lake Cascade, states the application is flawed and is non-compliant with County Codes and the Comprehensive Plan. Issues include site drainage, lack of compatibility with dominant land use, and a traffic hazard at entrance. (April 17, 2023)

8. **RECOMMENDATIONS:**

- Part of the Valley County Board of Commissioners deliberation and decision should be 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)
- **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
 - (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.
 - (5) **Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:**
 - (a) The ordinance and standards used in evaluating the application;
 - (b) The reasons for approval or denial; and
 - (c) The actions, if any, that the applicant could take to obtain approval.
- If the Board of County Commissioners uphold the Planning and Zoning Commission approval, they should remove from or add to the Planning and Zoning Commission Facts and Conclusions so that a separate document can be prepared for their approval at a later date.

ATTACHMENTS:

- Proposed Conditions of Approval **if** Conditional Use Permit is Approved by the Board of County Commissioners
- Appeal Letter
- Applicant’s Submittal of March 20, 2023
- Applicant’s Response to Appeal Letter with Traffic Study Revised Landscaping Plan
- Board of County Commission Meeting Minutes – February 6, 2023
- Board of County Commission Staff Report – February 6, 2023
- PZ Commission Facts and Conclusions
- PZ Commission Meeting Minutes – October 20, 2022
- PZ Commission Staff Report – Oct. 20, 2022
- PZ Commission Meeting Minutes – Dec. 8, 2022
- PZ Commission Staff Report – Dec. 8, 2022
- Responses Received
- Vicinity Map
- Aerial Map

- Wetland Map
- Assessor Plat – T.16N R.3E Section 15
- Site Plan
- Pictures Taken Sept. 28, 2022, January 26, 2023, and April 14, 2023
- Idaho Code 67-6519 Application Granting Process
- Application Submittals

Proposed Conditions of Approval if Conditional Use Permit Approved by the Board of County Commissioners

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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
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 of the date of approval, 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. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. Shall obtain building permit for the structures.
9. Shall obtain a sign permit prior to installation of a sign.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.
12. The site must be kept in a neat and orderly manner.
13. Any use other than storage buildings and an office will require an additional conditional use permit.
14. Shall obtain Central District Health approval prior to issuance of a building permit for the office.
15. Berm should be elevated above new grade and not have a slope no greater than 3:1.
16. Landscaping should be installed within one year after first structure is completed.
17. 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.
18. Must have an approach permit from the Valley County Road Department and/or Idaho Transportation Department.
19. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. Gates will be locked when closed.
20. No outside storage allowed.
21. 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.

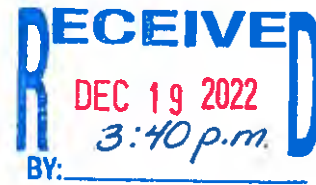
END OF STAFF REPORT

Staff Report

C.U.P. 22-34 Appeal - Addendum

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



Todd Jurdana

Physical Address:

177 Eagle Lane
Donnelly, Idaho 83615
83615

Email: [REDACTED]

Mailing Address:

P.O. Box 538
Donnelly, Idaho

Appeal to Decision CUP 22-34 Shoemaker Donnelly Storage

I request to appeal the decision for approval of the referenced application. Myself and many of my neighbors interpret the project as not compatible for the parcel related to the application. The applicant was asked by the P&Z members for a traffic study and an environmental impact study. Neither item was submitted to the members at the subsequent meeting and it is unclear why they weren't required for the approval.

The primary issues we would appeal are the following:

1. Lack of compatibility using the county's scoring system

All the planning and zoning members confirm the poor compatibility numbers. This will affect the scenic byway with an industrial use with high walls and extremely large square footage. This will also bring an industrial complex to a residential neighborhood, which will diminish the quality of life of the residents and create a financial hardship related to property values.

2. Traffic hazards related to the additional traffic and dangerous intersection for the entrance

The intersection of Highway 55 and Old State Road is a poor intersection as it sits. Adding the changes the applicant requests will cause additional stopping traffic on Highway 55 both right and left turns at this intersection.

3. Snow storage and water contamination issues

The water authority testified at the meeting this project will affect water quality of the stream that flows into

Lake Cascade.

Several neighbors in the area that support the appeal are:

Bradley and Heather Beaman
13017 Old State Road, Donnelly ID 83615 -

[REDACTED]

Mike and Rene Birkinbine
20 Creekside Court, Donnelly, ID 83615 -


[REDACTED]

Arleigh S. McCoy
13067 Highway 55, Donnelly ID 83615 -

[REDACTED]

Dwight Stutzman
Creekside Court, Donnelly, ID 83615 -

[REDACTED]


12/19/2022
Todd Jurdana

Donnelly Storage Appeal

From: Steve Thiessen [REDACTED]
Sent: Monday, March 20, 2023 2:26 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Jeffery Hatch [REDACTED]
Subject: Re: Donnelly Storage Appeal

Good afternoon Cynda,

I have attached the requested materials for the CUP appeal. Please review and let us know if you have any comments or questions. Please confirm receipt.

Thank you,
Steve

Steve Thiessen, Architectural drafter
Hatch Design Architecture
200 West 36th Street
Boise, ID 83714

C: [REDACTED]
E: [REDACTED]

RE: [External Email]Shoemaker Donnelly Storage

Steve Thiessen [REDACTED]

Thu 2/9/2023 9:55 AM

To: Kelley Filbin <KFilbin@cdh.idaho.gov>

Cc: Mike Reno <MReno@cdh.idaho.gov>

Hi Mike,

Thank you for taking the time to talk this morning. I forgot to mention the use. The system will be needed for the sales office restroom.

Thank you,
Steve

On Feb 9, 2023 9:37 AM, Kelley Filbin <KFilbin@cdh.idaho.gov> wrote:

Dear Steve,

I have attached a septic permit application if you would like to proceed please complete, scan and email to me. I will contact you for payment.

I have also attached the ground water monitoring form. Monitoring needs to be completed weekly from mid-February through the end of May.

Best and thanks,

Kelley



Kelley Filbin | Customer Service Representative
Community & Environmental Health
P. 208-630-8002 | F. 208-634-2174
E. [mailto:%7BE-mail%7D]KFilbin@cdh.idaho.gov | W. cdh.idaho.gov
703 1st St., McCall, ID 83638

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From: Mike Reno <MReno@cdh.idaho.gov>
Sent: Thursday, February 9, 2023 9:34 AM
To: Kelley Filbin <KFilbin@cdh.idaho.gov>
Cc: 'steve' [REDACTED]
Subject: RE: [External Email]Shoemaker Donnelly Storage

Steve,

Based on the soils evaluated by Atlas in Test pit 1, the minimum separation distance from the drainfield to surface water is 100 feet from all surface water present for more than two months out of the year. As we discussed, CDH will still need an application for a septic permit, ground water monitoring data, information on the intended use of all proposed structures that will generate wastewater to determine expected flows, and the opportunity to observe and evaluate the soils in the drainfield area before it can be determined if a septic permit could be issued for this use.

Mike Reno



Mike Reno | Program Manager
Community & Environmental Health
Phone: 208-327-8522
Mobile: 208-869-9144

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Shoemaker Properties, LLC

Wendy Howell <Wendy.Howell@itd.idaho.gov>

Tue 3/7/2023 10:15 AM

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

Cc: Josh Nopens <Josh.Nopens@itd.idaho.gov>; Steve Thiessen [REDACTED]; Jeffery Hatch

[REDACTED]; Rachel [REDACTED]

Good morning Cynda,

This email is an update to the Shoemaker Properties, LLC’s development located on Highway 55 at the intersection of Old State Road and Eagle Lane. To date, ITD has had meetings with their representatives regarding realigning Old State Road to provide clearer site lines and safety from the ingress/egress. ITD needs 2109

Application Form submitted with its fee in order for ITD to process the permit.

Thank you,

Wendy I Howell, PCED

Development Services Coordinator

Idaho Transportation Department, District 3

8150 W Chinden Blvd

Boise, ID 83714

Phone No: (208) 334-8338

Email: wendy.howell@itd.idaho.gov



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200 w. 36th st, boise, idaho 83714 • phone [REDACTED] • fax [REDACTED] • email [REDACTED]

March 9, 2023

Civil Engineer Narrative

Valley County Planning and Zoning
219 N Main St.
Cascade, ID 83611

Re: **Conditional Use Permit Appeal for Shoemaker – Donnelly Storage
Located at TBD, Donnelly, ID 83615**

Please see the narrative below prepared by Cory Schrack, PE of Nasland Engineering located at 910 Main Street, Suite 314, Boise, ID 83702.

"This narrative is intended to provide clarity to the methods and design of the Donnelly storage project and provide evidence supporting that the construction of this storage facility will not have any adverse effects on the surrounding waterways, lands or developments. The Civil Engineering site design is intended to capture, store and treat all stormwater runoff generated by the design storm event as required by Valley County code. The design of stormwater storage can be explained in 3 parts; where the water travels to, how much water will need to be accounted for and what happens to stormwater at its destination. The design of the stormwater facility uses the methods outlined in The Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, guidance from the Valley County Engineer and Engineering Judgment developed from a variety of projects across the State.

The path of travel of stormwater on site is determined by the grading and layout of the site. The proposed storage facility is comprised of 5 buildings and paved access drives connecting them. We have designed the site to drain south towards the two proposed stormwater basins through a series of gutters located in drive isles and connected to curbs. In a rainfall event, water falling will hit the roofs of the buildings and flow off onto the drive lanes, then flow into the gutters located between the buildings. Each gutter will then transfer water around the site towards cuts in curbs where it will move into the retention basins. The locations of the stormwater retention basins are placed on the opposite side of the existing drainage course and wetlands to the north of the site. The design is intended to safely direct stormwater and snow melt away from the proposed buildings and drainage course. The site design also includes areas for snow storage during the winter. This area is located to provide an easy location to store snow in order to keep roadways clear and also provide a path for snow melt to runoff directly to the basins.

The design of the onsite stormwater storage was based on the criteria in The Catalog of Stormwater Best Management Practices for Idaho Cities and Counties. Calculations consisted of using the rational method (as outlined in the Catalog) to determine the amount of water that could be generated in a rainfall event happening over an extended period of time. The size of a given storm used in these calculations is expressed by the likelihood of that storm happening each year. For example, a 5-year storm has a 20% chance to occur in any given year. The design of the stormwater system used a 100-year storm as its design storm meaning the stormwater system will be able to account for a storm that has a 1% chance of occurring in any given year. In relation to this, a larger design storm will correlate with more inches of water per hour than that of a lower storm. As a design storm frequency is not specified for the area, engineering judgment and standards utilized by other local jurisdictions led us to select a 100-year storm for the design storm, which is very conservative. From a design storm, the area of the site, the type of material on site and the time it takes for water to travel



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200 w. 36th st, boise, idaho 83714 • phone [REDACTED]

over the material on site can be used to find a total amount of water that will be need to be retained. The site-specific total volume of water that was determined from these calculations was 48,235 cubic feet in a 100-year event for the developed site condition. For reference the total amount of water generated by this site as it is currently undeveloped is 16,080 cubic feet. Per guidance for the Valley County Engineer, "stormwater runoff from a project cannot exceed pre development conditions" meaning you cannot allow more water to leave the site than what naturally would, prior to development. Based on our engineering judgment, we elected to utilize a design that captures and retains the 100-year storm volume, as stated above. The proposed retention basins provide up to 48,560 cubic feet of storage which is greater than the total stormwater volume of the 100-year storm event. This design choice was made to ensure that no pollutants or excessive flows would be discharged to environmentally sensitive areas.

The proposed stormwater retention basins work in two ways. First, they can hold the entire volume of water generated by the design storm without overflowing. The retention basins also include one foot of "freeboard" above the water surface elevation. Second, the stormwater basin has a bottom layer of sand and drain rock. This allows water in the basin to flow back into the ground to naturally occurring aquifers or groundwater. This practice is very common in Idaho and can have benefits in agricultural focused areas such as natural well recharging. The sand and drain rock provide a filter like material that cleans stormwater as it passes through to groundwater, ensuring no negative impacts to the groundwater such as contamination from pollutants. The amount of time required for our basins to drain was determined by information from the geotechnical investigations and testing performed at the site. With this information, the basins time to drain is anticipated to be approximately 26 hours. The typical required time for any basin to drain is 48 hours.

Finally, with the site location adjacent to a water course, potential impacts of flooding must be considered. A wetland and waterway delineation report has been prepared by Wendy Hosman, Professional Wetland Scientist. According to current FEMA maps as well as the wetland and waterway report, the location of the site does not include any designated floodways or special flood hazard areas. The water course running to the north of the development was referenced in the report as well as defined by the Army Corps of Engineers as a jurisdictional waterway however the proposed storage facility does not encroach upon any setbacks from jurisdictional waterways or wetlands as confirmed in the report and by the army corps of engineers.

The project has been designed to meet all applicable codes and standards and will also undergo a thorough review by Valley County staff during the building permit process Please refer to the conceptual grading & drainage plan prepared by Nasland Engineering for a visual depiction of the site plans and retention basin locations."

Cory Schrack, PE LEED AP BD+C
Senior Project Manager
Nasland Engineering
910 Main Street, Suite 314
Boise, ID 83702

Valley County Conditional Use Permits (CUP)

Parametrix Engineering Review of Site Grading Plans and Drainage Calculations

Purpose – This memo was prepared at the request of Valley County to summarize the approach Parametrix takes in reviewing individual Conditional Use Permit (CUP) applications within Valley County which qualify for a review of the site grading and drainage plans, along with the drainage calculations.

STEP 1) PARAMETRIX INITIAL PLAN REVIEW AND DRAINAGE CALCULATION REVIEW

Apply the appropriate review criteria depending on the application conditions. For the purposes of this memo, we will outline the engineering review process for a residential or commercial development of sufficient size to warrant the site grading and drainage plan review. These sections are covered in detail on the following pages and include;

- **Minimum Standards for Public Road Design and Construction (Adopted April 16, 2008)**
 - Roadway Design Standards, Design Criteria, and Classification
 - Roadway Geometry, Alignment, Cross Section, Structural Section, Utility Improvements, Structures (Bridges and Retaining Walls), Signing, Pavement Markings, and General Site Grading Plan Submittal Requirement
 - Roadway Right-of-Way Requirements
 - Drainage Design Standards and Criteria
 - Erosion and Sedimentation Control
 - Maintenance and Operation of Drainage Facilities
 - Construction Specifications

- **Minimum Standards for Private Road Design and Construction (Adopted November 28, 2005)**
 - Roadway Design Standards, Design Criteria, and Classification
 - Roadway Geometry, Alignment, Cross Section, Structural Section, Utility Improvements, Structures (Bridges and Retaining Walls), Signing, and General Site Grading Plan Submittal Requirement
 - Roadway Right-of-Way Requirements
 - Drainage Design Standards and Criteria
 - Erosion and Sedimentation Control
 - Maintenance and Operation of Drainage Facilities
 - Construction Specifications

STEP 2) PARAMETRIX INITIAL REVIEW LETTER TO VALLEY COUNTY

Send a draft review letter to Valley County either approving the provided information or requesting the applicant address specific comments and resubmit the site grading and drainage plans, and drainage calculations.

STEP 3) PARAMETRIX REVIEW OF RESUBMITTAL

Review revised plans and calculations for responses to comments and revisions.

STEP 4) PARAMETRIX RESUBMITTAL LETTER TO VALLEY COUNTY

Send a revised review or approval letter stating whether the comments have been addressed and include any further comments. If all comments have been addressed and there are no further comments, recommend approval of the documents. Steps 3 & 4 are repeated until approval has been recommended to Valley County.

Valley County Conditional Use Permits (CUP)

Parametrix Engineering Review of Site Grading Plans and Drainage Calculations

GENERAL OUTLINE OF DRAINAGE / EROSION CONTROL ITEMS REVIEWED WITH EACH APPLICATION

1. Drainage Peak Flow Calculations
 - The Soil Conservation Service (SCS) method is preferred but the Rational Method is acceptable for smaller areas (generally 100 acres or less)
 - Public Roads Require: 100-yr storm event for major roads, bridges, etc. and 50-year for all other facilities
 - Private Roads Require: 100-yr storm event for major roads, bridges, etc. and 25-year for all other facilities
 - Site Development: Not directly specified so we use standard adopted practices and engineering judgement which often incorporates the 25-year storm event
 - The storm duration is generally a 1-hour event when using the Rational Method, or a 24-hour event when using the SCS method
2. Storage/Detention Requirements
 - Downstream drainage systems shall not be adversely affected by upstream development
 - The preliminary site grading plans should clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement
 - Ensure the runoff from a development/project do not exceed pre-development conditions flow rates/volumes
 - Check for Shallow Injection Wells -> Development will have to file with IDWR
 - Any feature that is operated to allow injection which also meets at least one (1) of the following criteria:
 - a) A bored, drilled or driven shaft whose depth is greater than the largest surface dimension
 - b) A dug hole whose depth is greater than the largest surface dimension
 - c) An improved sinkhole; or
 - d) A subsurface fluid distribution system
3. Water Quality Requirements
 - Road standards state: "It is the developer's responsibility to ensure the runoff from a development does not contain pollutants."
 - Clean Water Act creates NPDES Permits governed/managed by IDEQ
 - Small MS4 communities are regulated (defined as urbanized areas by US Census Bureau). McCall is only community in Valley County that qualifies as a Small MS4. There are no regulatory or statutory requirements for treatment. We called and confirmed this with IDEQ [James Craft (208)373-0144]. Idaho Code Section 39-118 prevents IDEQ from overstepping their boundaries regarding water quality.
4. Erosion and Sediment Control (ESC) / Best Management Practices (BMP) / Storm Water Pollution Prevention Plan (SWPPP)
 - Disturbing over 1-acre of land, with a discharge to Waters of the US (SWPPP required, with IDEQ)

- 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
 - Show stormwater BMP / ESC items on the plans
 - Confirm temporary ESC measures are identified for construction duration
 - Silt fence/wattles are commonly used
 - Inlet protection for stormwater structures is commonly used
 - Confirm permanent ESC measures are identified where warranted for post construction
 - Riprap and/or other energy dissipation are commonly used
 - Seeding/planting/soil stabilization are commonly used
5. Floodway / Floodplain Impact Considerations
- Check FEMA to see if the project is located in or near a mapped floodplain and/or floodway (<https://msc.fema.gov/portal/search>)
 - Note that FEMA has not mapped ALL floodplains and floodways. FEMA requirements still apply adjacent to rivers/streams without mapped boundaries
 - Check whether Floodplain Development Permit is required from Valley County
 - Anything that may alter floodway will need FEMA approval (inform applicant)
6. Waters of the US / Wetlands
- Check National Wetland Inventory Maps for wetlands in project area (<https://www.fws.gov/wetlands/data/mapper.html>)
 - Reference aerial imagery for additional evidence of potential wetlands
 - Valley County is not responsible to ensure property owner acquires approved appropriate 404-permits, but it is a best practice to provide guidance to the applicant where 404-permits are required
 - US Army Corps of Engineers (IDL and IDWR) permit 'Waters of the US, including Wetlands', so a project may require additional permitting without having wetlands. Check and inform applicant where applicable
7. Check Proposed Culvert and Drainage Conveyance Pipe Networks
- Ensure all drainage structures are accommodated within R/W or easements
 - Culvert Size and Material
 - Size: Design Flow Shall Not Exceed 80% Capacity
 - a) Private Roadway: 12" Minimum Diameter Culvert Size and 12" Minimum Cover
 - b) Public Roadway: 15" Minimum Diameter Culvert Size and 12" Minimum Cover
 - Culvert Materials:
 - a) Corrugated steel (16 ga)
 - b) Aluminum (14 ga)
 - c) HDPE (0.05 @ 12", 0.175 @ 36")

RESOURCES:

➤ Valley County Code of Ordinances

- Website for most current Valley County Code of Ordinances
<https://codelibrary.amlegal.com/codes/valleycountyid/latest/overview>
- Ordinance Titles 5, 6, 7, 9, 10, 11, 12, 13 are saved as PDFs to the PMX server (as of July 2020)
- Title 9 – Valley County Land Use and Development Ordinance or “LUDO” (Ord. 10-06, 8-23-2010)
 - a) 9-1-7 - Applicability of Title
 - I. Code is not retro-active but is applied to anyone changing land use
 - b) 9-1-9 - Related County Ordinances, Policies, etc
 - I. Valley County Flood Damage Prevention Ordinance & Road Standards may be applicable.
 - c) 9-5 - Conditional Use Permit Requirements
 - I. 9-5-3-A-2 - Lot Size Sufficient to accommodate “stormwater containment”
 - II. 9-5-3-B-3 - Setback from high water lines, if applicable
 - III. 9-5-3-D-2-k - Impact Report – Site Grading and Improvements, including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas
 - d) 9-5A-1 – Site Grading
 - I. C – Flood Prone Areas: Are there any floodplains/floodways? Check FEMA maps: <https://msc.fema.gov/portal/search>
 - II. D – Wetlands: Check National Wetland Inventory Maps for wetlands in project area: <https://www.fws.gov/wetlands/data/mapper.html>
Reference aerial imagery for wetlands
 - III. E – Site Grading Plans
 - The preliminary site grading plans should **clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials** and their placement
 - 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. Show stormwater BMPs on the plans
 - e) 9-5A-3 - Parking & Off-Street Loading
 - I. A – Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the.... snow storage, and drainage
 - II. 9-5A-3-D.3.f - Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality
 - f) 9-5A-6-F – Utilities
 - I. A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)
 - g) 9-6-2 - Flood Prone Areas
 - I. Check FEMA mapping to determine if development is located in a flood prone area. If so, these requirements apply

- Valley County Minimum Standards for Road Design and Construction
 - Public Roads (Adopted April 16, 2008)
http://www.co.valley.id.us/images/pdf/2008_VC_Adopted_Public_Rd_Stds_041608.pdf
 - Private Roads (Adopted November 28, 2005)
http://www.co.valley.id.us/images/pdf/VC_2005_Private_Rd_Stds_&_Specs.pdf
- Valley County GIS (<http://www.co.valley.id.us/departments/information-technology/gis-maps/>)
 - Land Use Database
 - Road Assets Dashboard
 - Assessors Map
 - Planning & Zoning
- US Fish & Wildlife Service (FWS) National Wetlands Inventory
 - <https://www.fws.gov/wetlands/data/mapper.html>
- FEMA Maps
 - <https://msc.fema.gov/portal/search>
- ITD Roadway Design Manual (Drainage -> Section 600 and Appendix B)
 - <https://apps.itd.idaho.gov/apps/manuals/RoadwayDesign/files/RoadwayDesign600.pdf>
 - <https://apps.itd.idaho.gov/apps/manuals/RoadwayDesign/files/RoadwayDesignAppendixB.pdf>
- IDEQ BMP Manuals
 - <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/14968>
 - Valley County Amendments (to 2005 outdated version):
<https://www.co.valley.id.us/departments/PlanningZoning/StormwaterAddendum>

Windham, Sarah V CIV USARMY
CENWW
(USA) <Sarah.V.Windham@usace.army.mil>

To: Steve Thiessen

Tue 2/28/2023 9:44 AM

Good morning Steve,

I'm happy to provide some clarification. The Corps has determined that Wetlands 1, 2 and 3 (including the unnamed waterway) are jurisdictional. We have also determined that Wetlands 4 and 5 are not jurisdictional, meaning that Section 404 of the Clean Water Act does not apply. If the project will result in a discharge of fill material into the jurisdictional features, a permit would be required, but any discharge into Wetlands 4 and 5 would not require a permit from the Corps. The plot plan that was submitted indicates that future development will avoid wetlands 1-3 and will impact Wetlands 4 and 5.

To summarize, the project as proposed will not require a 404 permit from the Corps since wetlands 4 and 5 are not considered waters of the U.S.

Let me know if I can answer any other questions or clear up anything else,

Sarah

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Idaho County/parish/borough: Valley City: Donnelly
Center coordinates of site (lat/long in degree decimal format): Lat. 44.720996° N, Long. -116.071831° E.
Universal Transverse Mercator: Zone 11 Easting 573508.11 m Northing 4952376.33 m

Name of nearest waterbody: Boulder Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Cascade Reservoir

Name of watershed or Hydrologic Unit Code (HUC):

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or 2.25 acres.
Wetlands: 0.94 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: The review area consists of Parcel RP16N03E157408, a 26.967 acre property in Valley County, Idaho. The property is owned by Craig Shoemaker and is zoned for multiple use. The property owner intends to develop the

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

property for commercial purposes. An unnamed perennial stream bisects the property. Historical and current aerial imagery shows that the surrounding area is used for agricultural purposes; parcels to the northeast of the property are classified as irrigated grazing land. Aerial photographs show that both irrigation and grazing are actively occurring on adjacent properties. Development is planned to occur in this southern portion. The portion of the property north of the unnamed stream contains Wetlands 1, 2 and 3; Wetlands 4 and 5 are located in the southern portion.

Isolated Wetland Features: Wetlands 4 and 5 are delineated 0.2 acre emergent wetland depressions. There is no surface water connection between Wetlands 4 and 5 and Boulder Creek or the unnamed waterway. Topo maps retrieved from USGS (1985, 2011) do not show a hydric connection. A soil survey retrieved from the USDA's Soil Survey website revealed that the soil consists of roseberry coarse sandy loam, which has minor hydric components but is not considered a hydric soil. Several depressions are visible in aerial images which appear to originate from the artificially irrigated land to the northeast. Irrigation water flows northeast to southwest from adjacent artificially irrigated properties. Drainage depressions are visible on aerial imagery; Wetlands 4 and 5 occur on one of these drainage depressions. Wetlands 4 and 5 have no outlet water and the delineation report submitted by the agent indicates that uplands separate Wetland 4 from other water resources on the property.

It is likely that Migratory birds use Wetlands 4 and 5. However, there is no other evidence of its use in interstate or foreign commerce and the channel is not boatable. In *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers*, 531 US159 (2001), the US Supreme Court held that isolated, non-navigable intrastate waters are not jurisdictional under the Clean Water Act if the sole interstate nexus is the use of such waters by migratory birds or other factors of the Migratory Bird Rule. Therefore, we have determined that Wetlands 4 and 5 are non-jurisdictional features.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .
2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

- (i) General Area Conditions:
Watershed size: Pick List
Drainage area: Pick List
Average annual rainfall: _____ inches
Average annual snowfall: _____ inches
- (ii) Physical Characteristics:
 - (a) Relationship with TNW:
 Tributary flows directly into TNW.
 Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.
Project waters are Pick List river miles from RPW.
Project waters are Pick List aerial (straight) miles from TNW.
Project waters are Pick List aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .
Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: Pick List. Characteristics: .

Subsurface flow: Pick List. Explain findings: .

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) **General Wetland Characteristics:**

Properties:

Wetland size: _____ acres

Wetland type. Explain: _____

Wetland quality. Explain: _____

Project wetlands cross or serve as state boundaries. Explain: _____

(b) **General Flow Relationship with Non-TNW:**

Flow is: Pick List. Explain: _____

Surface flow is: Pick List

Characteristics: _____

Subsurface flow: Pick List. Explain findings: _____

- Dye (or other) test performed: _____

(c) **Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: _____

Ecological connection. Explain: _____

Separated by berm/barrier. Explain: _____

(d) **Proximity (Relationship) to TNW**

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: _____

Identify specific pollutants, if known: _____

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): _____

Vegetation type/percent cover. Explain: _____

Habitat for:

Federally Listed species. Explain findings: _____

Fish/spawn areas. Explain findings: _____

Other environmentally-sensitive species. Explain findings: _____

Aquatic/wildlife diversity. Explain findings: _____

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately (_____) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
- Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: An unnamed waterway bisects the property, generally flowing from northeast to southwest. Data sheets submitted by the applicant confirm that the waterway is perennial. Aerial maps (Shoemaker Wetland Report, Appendix B: Photographs, dated 05/07/2022) indicate that water consistently remains in the waterway, which drains into Boulder Creek which in turn drains into Lake Cascade. This unnamed waterway is approximately 2.25 acres..
- Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: A hydrological connection is observed from the unnamed waterway, a RPW, to Wetlands 1, 2 and 3. These wetlands have a surface connection and are abutting and therefore adjacent to the unnamed waterway.

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: 0.94 acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 0.2 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

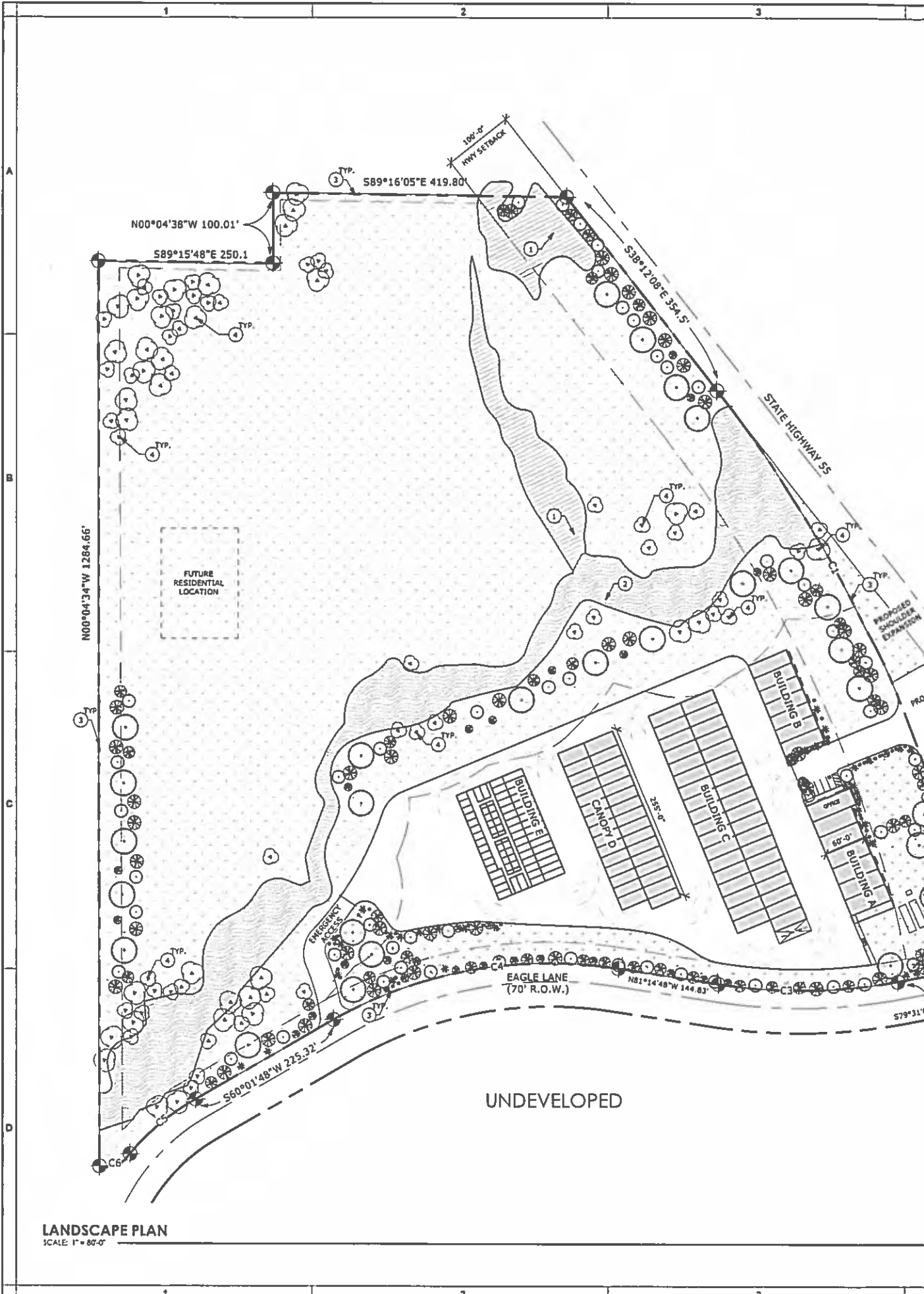
- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Shoemaker Donnelly Storage Plot Plan.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Cascade 1954 (HTMC, 1956 ed.) Scale 1:62500, Donnelly 1985 (HTMC, 1986 ed.) Scale 1:24000, Donnelly 2017 (US Topo) Scale 1:24000.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 2: NRCS Soils.
- National wetlands inventory map(s). Cite name: Figure 3: NWI Wetlands.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: Figure 4: Valley County FEMA 100-Year Floodplains.
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
or Other (Name & Date): Shoemaker Wetland Report, Appendix B: Photographs, dated 05/07/2022.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

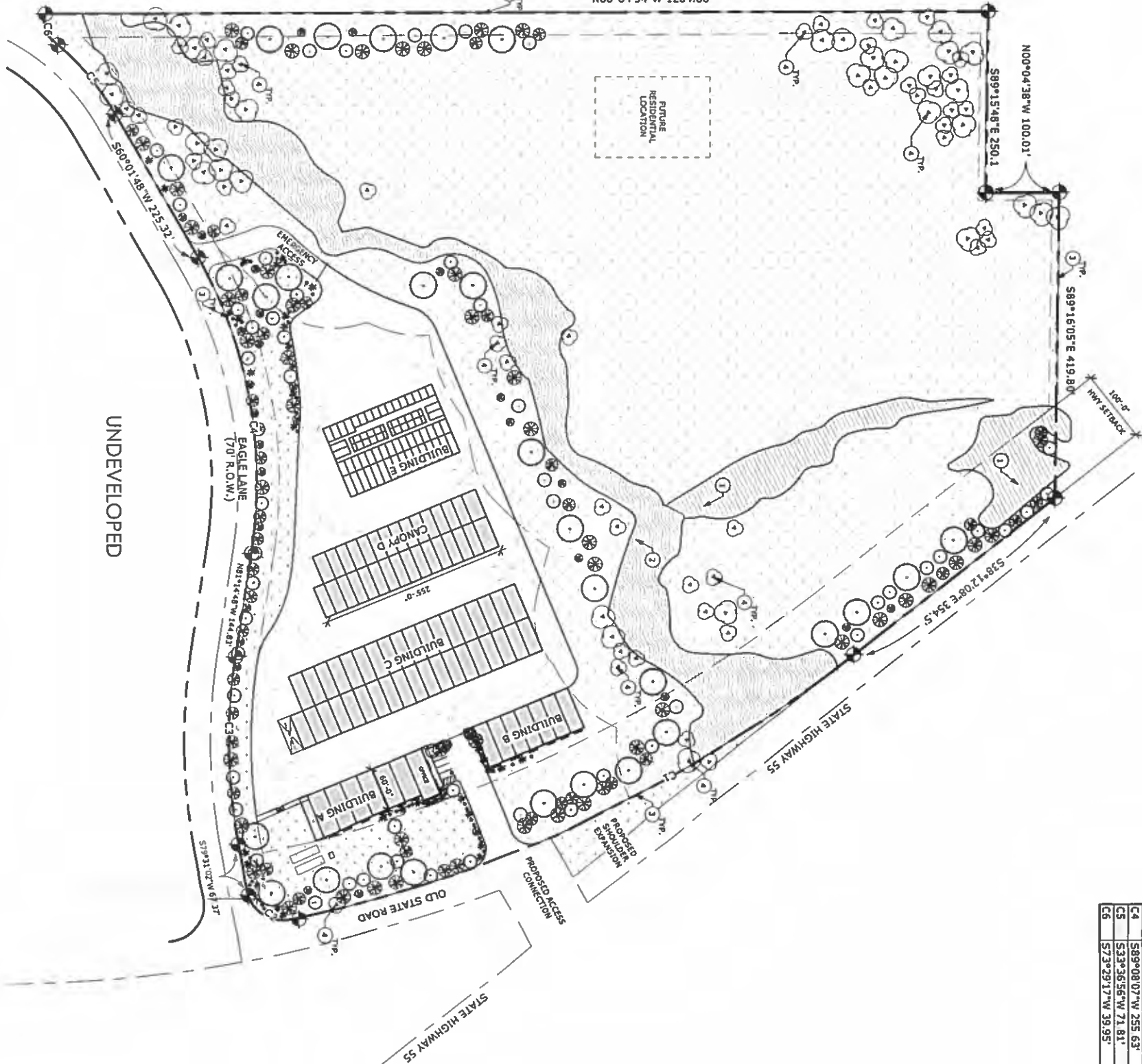
B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area encompasses a parcel within Valley County, near the City of Donnelly. Adjacent properties have historically been utilized for agriculture and are classified as Irrigated Grazing Land. Wetland 4 and 5, delineated wetlands, are located within a low depression area that receives water drained from the surrounding irrigated land. Wetlands 1 and 2 abut the unnamed waterway and Wetland 3, which bisect the property. These wetlands have a direct surface connection to the unnamed waterway. Development is proposed to occur in uplands that occur on the northern half of the property and on the southern half of the property, which will impact Wetland 4 and 5. The Wetland Scientist proposed that Wetlands 4 and 5 are not jurisdictional since there is no surface connection between the two wetlands to the nearby waterway. Aerial imagery shows drainage patterns from adjacent properties. Wetlands 4 and 5 occur along one of these drainage patterns, which occur due to artificial irrigation. The Corps has determined that Wetlands 1, 2 and the waterway and Wetland 3 are jurisdictional features, whereas Wetlands 4 and 5 have no outlet water and the delineation report submitted by the agent indicates that uplands separate Wetland 4 from other water resources on the property. Therefore, Wetlands 4 and 5 are not jurisdictional features.



LANDSCAPE PLAN
SCALE 1" = 80'-0"

3/20/2023 2:07:44 PM

LANDSCAPE PLAN
SCALE 1" = 60'-0"



CURVE TABLE	
MARK	CHORD
C1	S25°14.38'E 841.79'
C2	S49°21.31'W 124.07'
C3	S79°23.30'W 421.04'
C4	S89°08.07'W 255.63'
C5	S33°36.56'W 71.81'
C6	S73°29.17'W 39.95'

PLANTING SCHEDULE				
COMMON NAME - SCIENTIFIC NAME	COUNT	CLASS	MATURE SIZE H X W	SIZE SYMBOL
CONIFER				
BLACK HILLS SPRUCE - PICEA GLAUCOA DENSATA	56	N/A	45' X 20'	6' HT.
PONDEROSA PINE - PINUS PONDEROSA	29	N/A	60' X 25'	6' HT.
DECIDUOUS				
RIVER BIRCH - BETULA NIGRA	49	CLASS II	40' X 35'	2" CAL. B & B
COMMON HACKBERRY - CEALTIS OCCIDENTALIS	39	CLASS II	45' X 35'	2" CAL. B & B
AMUR MAPLE - ACER GINNALA	31	CLASS I	20' X 20'	2" CAL. B & B
EXISTING TREES TO REMAIN	N/A	N/A	N/A	
SHRUB				
BOXWOOD - BUXUS	44	N/A	<VARIES>	5 GAL.
OLEANDER - NEROLIUM OLEANDER	39	N/A	<VARIES>	5 GAL.

KEYNOTE	
1	Approximate Wetland Area, Per Wetland Delineation Report
2	Approximate Stream and Adjacent Wetland Area, Per Wetland Delineation Report
3	Property Boundary Line
4	Existing Plantings To Remain, See Schedule On This Sheet

- GENERAL NOTES**
- ALL PLANT MATERIALS SHALL BE WATERED BY THE PROPOSED PRIVATE IRRIGATION SYSTEM.
 - LANDSCAPE BERRMS ARE PROPOSED ALONG THE HWY 55 AND EAGLE LAKE FRONTAGE. BERRMS TO BE CONSTRUCTED PER THE STANDARDS SET FORTH IN VCC 9-5A-4.
 - ONLY THE USE OF ENVIRONMENTALLY FRIENDLY FERTILIZERS IS TO BE ALLOWED ON THE PREMISES. GROUNDS MAINTENANCE TO BE EDUCATED AND FAMILIAR WITH NATIVE PLANTS, AND IS NOT TO REMOVE OR DAMAGE THEM.
 - LANDSCAPING TO BE SERVICED BY WATER TRUCK FOR THE FIRST TWO YEARS OR UNTIL PLANTINGS ARE ESTABLISHED.

LANDSCAPE CALCULATIONS & REQUIREMENTS

PARCEL AREA: 26,967 ACRES (1,175,518 S.F.)

LOT COVERAGE:
 BUILDING FOOTPRINT - 90308 S.F. (8.2%)
 IMPERVIOUS SURFACE - 136182 S.F. (11.6%)
 EXISTING VEGETATION - 833102 S.F. (70.8%)
 PROPOSED LANDSCAPING - 110247 S.F. (9.4%)
 TOTAL - 1,175,518 S.F. (100%)

REQUIREMENTS:
 ONE TREE PER 25' ALONG LOT FRONTAGE

HATCH DESIGN ARCHITECTURE
 200 W. 26TH ST.
 BOISE, IDAHO 83714
 COPYRIGHT 2023
 HATCH DESIGN ARCHITECTURE



THE USE OF THE PLANS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. CHANGES, REVISIONS, AND OTHER DOCUMENTS INCLUDING THOSE IN ELECTRONIC FORM, PREPARED BY THE ENGINEER OR ARCHITECT, SHALL BE CONSIDERED THE AUTHORITY IN ALL RESPECTS FOR THE PROJECT. THE ENGINEER AND ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION AND CARE OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COPYRIGHT, PATENT, AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS.

NOT FOR CONSTRUCTION

SHOEMAKER - DONNELLY STORAGE

HWY 55 VALLEY COUNTY, ID

LANDSCAPE PLAN

L1.0

RECEIVED
 MAR 20 2023

DATE: OCTOBER 2022
 DRAWN BY: BT
 CHECKED BY: JUA
 JOB NUMBER: MKT22



HATCH
DESIGN
ARCHITECTURE

200 w. 36th st., boise, idaho 83714 • phone [REDACTED]

January 31, 2023

Appeal Response

Valley County Planning and Zoning
219 N Main St.
Cascade, ID 83611

Re: **Conditional Use Permit Appeal for Shoemaker – Donnelly Storage**
Located at TBD, Donnelly, ID 83615

1. Lack of compatibility using the Compatibility Evaluation.
1R. The majority of commissioners agreed that storage is a low impact use when it comes to ground water quality, traffic, and drainage. Storage is a much-needed service for the community and this site would serve as a low impact buffer to the noise of Hwy 55. The proposed site will be accessed off of Old State Rd. This will limit the impact to Eagle Lane. This access will also allow the developer to coordinate with ITD and the county to reconfigure the intersection at Old State Rd. and Hwy. 55. Additional landscaping has been added to the Southwest corner of the site to further screen the site from the neighbors to the South and West. Please see the revised landscape plan on sheet L-1.0.

2. Traffic hazards related to the additional traffic and dangerous intersection for the entrance.
R2. Please see the attached traffic impact statement, provided by our traffic engineer.

3. Snow storage and water contamination issues.
R3. As per our civil engineer, the project is designed to capture and infiltrate the required design-storm volumes to comply with Valley County requirements. There will not be any direct stormwater runoff from the developed area of the site to the creek. The preliminary grading plan indicates the proposed location of stormwater retention basins, which are on the south and east sides of the site. These have been placed as far from the creek as possible. During the building permit process, the Civil Engineering design will be reviewed and approved by the County Engineer.

Please contact our office with any questions you may have in reviewing the application materials.

Sincerely,

Jeff Hatch, AIA LEED AP

HATCH DESIGN ARCHITECTURE

CUP 22-34 Appeal

From: Steve Thiessen [REDACTED]
Sent: Tuesday, January 31, 2023 4:52 PM
To: Cynda Herrick [REDACTED]
Subject: CUP 22-34 Appeal

Good evening Cynda,

I have attached the traffic study and a revised landscape plan for the upcoming hearing.

Thank you,
Steve

Steve Thiessen, Architectural drafter
Hatch Design Architecture
200 West 36th Street
Boise, ID 83714

C [REDACTED]
E [REDACTED]

MEMORANDUM TO: Jeff Hatch, AIA Leed AP
Hatch Design Architecture

FROM: Brendan S. May, PE, PTOE
Senior Consultant

Luay R. Aboona, PE, PTOE
Principal

DATE: January 31, 2023

SUBJECT: Traffic Impact Statement
Self-Storage Facility
Donnelly, Idaho

This memorandum summarizes the findings of a traffic impact evaluation prepared for the proposed self-storage facility to be located in the northwest quadrant of the intersection of Eagle Lane with State Highway 55/Old State Road in Donnelly, Idaho.

As proposed, the self-storage facility will provide approximately 90,348 square feet of building space. Access to the facility will be provided off State Highway 55 and emergency access will be provided off Eagle Lane. As part of the proposed facility, the intersection of State Highway 55 with Old State Road/the proposed access drive will be reconfigured to provide two 90-degree intersections.

The purpose of this memorandum was to document the existing roadway conditions, estimate the traffic projected to be generated by the self-storage facility, provide a generally assessment of the impact the traffic will have on the adjacent roadway system, and to review the proposed access configuration.

Existing Roadway Characteristics

State Highway 55 is generally a north-south other principal arterial roadway that in the vicinity of the site provides one travel lane in each direction. State Highway 55 operates under free flow conditions at its intersection with Old State Road. North of Old State Road, State Highway 55 carries an annual average daily traffic (AADT) volume of 6,000 vehicles (ITD 2021) and has a posted speed limit of 45 miles per hour. South of Old State Road, State Highway 55 carries an annual average daily traffic volume of 4,900 vehicles (ITD 2021) and has as a posted speed limit of 65 miles per hour. State Highway 55 is under the jurisdiction of the Idaho Transportation Department (ITD).



COMPILED AND
MATCH DESIGN
ARCHITECTURE

NOT FOR
CONSTRUCTION

SHOEMAKER - DONNELLY
STORAGE
HWY 55 VALLEY COUNTY, ID

DATE: 02/01/2023
PROJECT: SHOEMAKER - DONNELLY STORAGE
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
JOB NO.:

LANDSCAPE
PLAN
L1.0

COMMON NAME	SCIENTIFIC NAME	COUNT	CLASS	MATURE SIZE (H X W)	SIZE	SYMBOL
COMTHER						
BLACK HILLS SPRUCE	PICEA GLAUCA DENSATA	16	N/A	45' X 20'	6" HT.	(Symbol)
PONDEROSA PINE	PINUS RESINOSA	18	N/A	50' X 25'	6" HT.	(Symbol)
DECIDUOUS						
RIVER BIRCH	BETULA NIGRA	14	CLASS II	40' X 35'	2" CAL. B.B.B.	(Symbol)
COMMON HICKORY	CELTIS OCCIDENTALIS	38	CLASS II	45' X 35'	2" CAL. B.B.B.	(Symbol)
AMUR MAPLE	ACER GINNALA	11	CLASS I	20' X 20'	2" CAL. B.B.B.	(Symbol)
EXISTING TREES TO REMAIN		N/A	N/A	N/A	N/A	(Symbol)
NOYWOOD	MAYUS	14	N/A	< 10' HGT >	5 GAL.	(Symbol)
OLEANDER	FRILIDIA OLEANDER	38	N/A	< 10' HGT >	5 GAL.	(Symbol)

MARK	CHORD
C1	S21°14'38"E 841.79'
C2	S49°21'31"W 124.07'
C3	S49°27'30"W 421.04'
C4	S49°08'30"W 351.53'
C5	S72°28'17"W 111.91'

KEYNOTE	DESCRIPTION
1	Approximate Wetland Area, Per Wetland
2	Delineation Report
3	Approximate Stream and Adjacent Wetland Area, Per Wetland Delineation Report
4	Proposed Elementary Lake
5	Proposed Plantings to remain, see schedule Per (6/14/18)

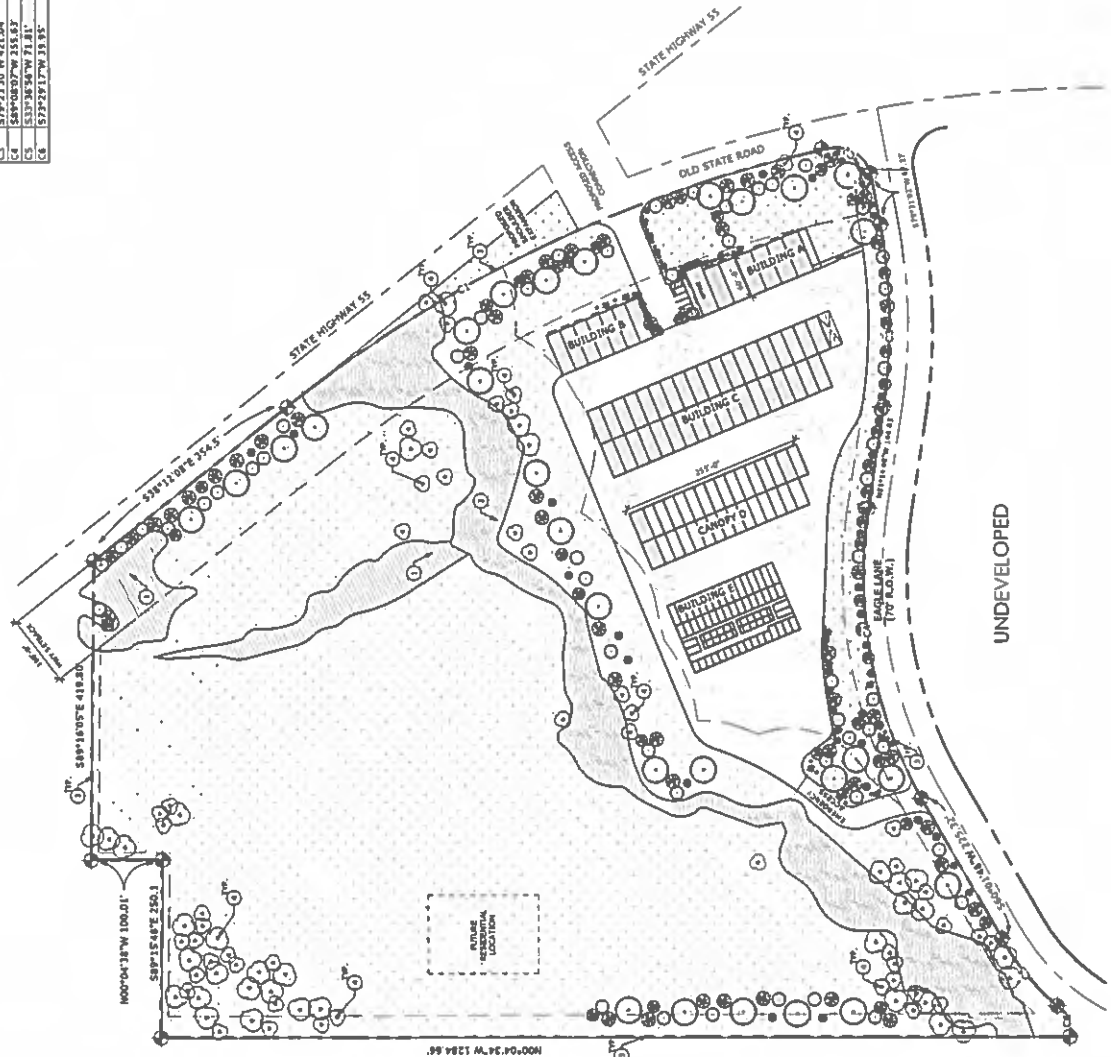
GENERAL NOTES

A. ALL PLANT MATERIALS SHALL BE WATERED BY THE PROPOSED PRIVATE IRRIGATION SYSTEM, AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. PLANTINGS TO BE CONSTRUCTED PER THE STANDARDS SET FORTH IN VCC 9-54-04.

LANDSCAPE CALCULATIONS & REQUIREMENTS

PARCEL AREA: 26,967 ACRES (1,175,518 S.F.)
 LOT COVERAGE:
 BUILDING FOOTPRINT - 90308 S.F. (0.29%)
 IMPERVIOUS SURFACE - 138183 S.F. (11.8%)
 PROPOSED LANDSCAPING - 110247 S.F. (9.4%)
 TOTAL - 1,175,518 S.F. (100%)

REQUIREMENTS:
 ONE TREE PER 25' ALDING LOT FRONTAGE



RECEIVED
 JAN 31 2023
 BY: [Signature]

LANDSCAPE PLAN
 Scale: 1"=40'

Valley County Board of Commissioners

P.O. Box 1350 • 219 N. Main Street
Cascade, Idaho 83611-1350

Phone (208) 382-7100
Fax (208) 382-7107



ELTING G. HASBROUCK
Chairman of the Board
ehasbrouck@co.valley.id.us

SHERRY MAUPIN
Commissioner
smaupin@co.valley.id.us

NEAL THOMPSON
Commissioner
nthompson@co.valley.id.us

DOUGLAS A. MILLER
Clerk
dmiller@co.valley.id.us

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
February 6, 2023**

PRESENT: **ELTING HASBROUCK (CHAIRMAN)**
 NEIL THOMPSON (COMMISSIONER)
 SHERRY MAUPIN (COMMISSIONER)
 DOUGLAS MILLER (CLERK)

Edgar Allen led the pledge of allegiance.

Chairman Hasbrouck presented the commissioners' agenda for February 6, 2023. Commissioner Maupin made a motion to approve the commissioners' agenda for February 6, 2023. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioners' agenda for February 6, 2023.

Chairman Hasbrouck presented the commissioner meeting minutes from January 23, 2023. Commissioner Thompson made a motion to approve the commissioner meeting minutes from January 23, 2023. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioner meeting minutes from January 23, 2023.

Chairman Hasbrouck presented the Fiscal Year 2022 National Culvert Removal, Replacement and Restoration Grant program. Commissioner Maupin made a motion to approve the Fiscal Year 2022 National Culvert Removal, Replacement and Restoration Grant Program. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve the Fiscal Year 2022 National Culvert Removal, Replacement and Restoration Grant.

Valley County Veteran's Service Officer, Jamie Coffey Kelly presented to the commissioners regarding the work that had been conducted since August 1, 2022, with local Valley County Veterans. A copy of her presentation will be appended to the commissioner meeting minutes.

Treasurer, Johanna Defoort began the discussion regarding the reinvestment of ARPA funds, and she provided the commissioners with three potential options which will be appended to the commissioner meeting minutes. The commissioners discussed the options presented and discussed the need to allocate the American Rescue Plan Act funds soon. Chairman Hasbrouck made a motion to authorize Treasurer, Johanna Defoort to invest the American Rescue Plan funds as discussed. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to authorize Treasurer, Johanna Defoort to invest the American Rescue Plan funds as discussed.

Planning & Zoning Director, Cynda Herrick presented the facts and conclusions for CUP 22-42 Brutsman Appeal. Commissioner Maupin made a motion to approve the facts and conclusions for CUP 22-42 Brutsman Appeal. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to approve the facts and conclusions for CUP 22-42 Brutsman Appeal.

Human Resource Director, Pat Duncan presented on her request to change the holiday pay from 8 hours to 10 hours and she provided her explanation to the commissioners. Chairman Hasbrouck made a motion to authorize holiday policy to a day instead of hourly basis. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to authorize holiday policy to a day instead of hourly basis.

Human Resource Director, Pat Duncan presented on the potential need to go over her allotted budget for the employee recognition program. The commissioners were made aware of the possibility and advised that they would allow the expense line for employee recognition to go over budget.

Human Resource Director, Pat Duncan presented on the possibility of allowing Valley County to utilize existing housing for students who are considering employment in Valley County but not necessarily for the county. Commissioner Maupin made a motion to allow Valley County Housing to be used for interested potential applicants and to be used for community college students. Commissioner Thompson seconded the motion. No further discussion, all in favor. Motion passed to allow Valley County Housing to be used for potential applicants and to be used for community college students seeking employment.

Durena Farr with Valley Soil & Water Conservation District introduced Mr. Shaun Parkinson who is with Idaho Power to provide the commissioners with a presentation regarding cloud seeding in Idaho. A copy of the presentation will be appended to the commissioner meeting minutes. Ms. Pamela Pace also provided comments to the commissioners regarding the cloud seeding program presentation.

Chairman Hasbrouck opened the Public Hearing for appeal of Planning & Zoning Commission Approval of CUP 22-34 Shoemaker Donnelly Storage at 1:25 p.m. Chairman Hasbrouck asked if the commissioners had any ex-parte communication or conflict of interest. All commissioners advised that they did not have any ex-parte communication or conflict of interest related to CUP 22-34 Shoemaker Donnelly Storage.

Chairman Hasbrouck asked for a staff report. Planning & Zoning Director, Cynda Herrick provided a staff report to the commissioners related to CUP 22-34 Shoemaker Donnelly Storage.

Chairman Hasbrouck asked to hear from the appellant. Mr. Todd Jurdana who resides in Donnelly, Idaho, provided testimony to the commissioners regarding the appeal of CUP 22-34 Shoemaker Donnelly Storage.

Chairman Hasbrouck asked to hear for the applicant of CUP 22-34 Shoemaker Donnelly Storage. Mr. Jeff Hatch who owns Hatch Design Architecture provided testimony to the commissioners regarding the application for CUP 22-34 Shoemaker Donnelly Storage.

Chairman Hasbrouck asked to hear testimony from those that are proponent of the appeal.

Mr. Mike Fairchild who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Ms. Susan Dorris who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Ms. Heather Beaman who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Bradley Beaman who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Ms. Alison Hatzbuler who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Ms. Sherry Reavs who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Chris Renfro who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Mike Burkinbine who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. David Galliopoli who resides in McCall, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Lenoard Long who resides in Cascade, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Joey Peitri who resides in McCall, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Mr. Art Troutner who was representing Valley Soil & Water Conservation District provided testimony to the commissioners as a proponent of the appeal.

Ms. Durena Farr who resides in Donnelly, Idaho, provided testimony to the commissioners as a proponent of the appeal.

Chairman Hasbrouck asked to hear from those who were uncommitted. Record would reflect non.

Chairman Hasbrouck asked to hear testimony from those who are opponents of the appeal.

Mr. Craig Shoemaker who resides in McCall, Idaho, provided testimony to the commissioners as an opponent of the appeal.

Mr. Roger Burgon who resides in Meridian, Idaho, provided testimony to the commissioners as an opponent of the appeal.

Chairman Hasbrouck asked to hear additional testimony from the applicant of CUP 22-34 Shoemaker Donnelly Storage. Mr. Jeff Hatch provided further testimony to the commissioners.

Chairman Hasbrouck asked to hear rebuttal testimony from the appellant of CUP 22-34 Shoemaker Donnelly Storage. Mr. Todd Jurdana who was the appellant of CUP 22-34 Shoemaker Donnelly Storage provided additional testimony to the commissioners.

Commissioner Maupin had additional questions for Planning & Zoning Director, Cynda Herrick and she provided a response.

Chairman Hasbrouck closed the Public Hearing at 3:07 p.m. and brought the matter back to the commissioners for deliberations. Commissioner Maupin provided her opinion regarding the application and requested additional information regarding the drainage of the area. She also had concerns regarding the possibility of obtaining a septic permit. She felt that the City of Donnelly also needs to provide input of the property since it was in impact. Commissioner Thompson provided his opinion regarding the application, and he had concerns regarding the need for improvements of the road. He also had concerns regarding the impact of the water quality for the area. Chairman Hasbrouck provided his opinion regarding the application and had concerns with the landscaping proposal and had significant concerns with the drainage of the area. The commissioners wanted to see DEQ Comments, Army Corp of Engineer Report, Central District Health determination of Septic can be installed on area and statement from ITD, management of landscaping without chemicals, architectural review. Commissioner Maupin made a motion to table CUP 22-34 Shoemaker Donnelly Storage to obtain further information. Commissioner Thompson seconded the motion. No further discussion, all in favor. **Motion passed to table CUP 22-34 Shoemaker Donnelly Storage to obtain further information.**

The commissioners began a workshop with Idaho Department of Lands and in attendance were members of Idaho Department of Recreations, City of McCall, Idaho Department of Lands, Valley County.

Commissioner Maupin made a motion to go into Executive Session per Idaho Code 74-206 I(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 being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement."-Litigation Commissioner Thompson seconded the motion. No further discussion,

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: Appeal of Planning and Zoning Commission Approval of C.U.P. 22-34 Shoemaker Donnelly Storage

HEARING DATE: February 6, 2023

TO: Board of County Commissioners

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

APPELLANT: Todd Jurdana
PO Box 538, Donnelly, ID 83615

APPLICANT: Jeff Hatch, Hatch Design Architecture
200 W 36th ST, Boise, ID 83714

PROPERTY OWNER: Craig Shoemaker, Shoemaker Properties LLC
2265 S Riverbirch PL, Eagle, ID 83615

LOCATION: Parcel RP16N03E157408 located west of Highway 55 at the intersection of Old State RD and Eagle Lane. The site is in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho

SIZE: 26.97 acres

REQUEST: Public Storage Facility

EXISTING LAND USE: Bare Land

Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings. The buildings would be built on the southern portion of the parcel.

The facility would provide covered storage for boats, RVs, and recreational equipment, along with a variety of standard storage spaces. No outside storage is proposed.

Phase 2, proposed residential home(s) and any additional storage on the remainder of the parcel, would require a new application.

An individual well, an individual septic system, and electricity are proposed. Landscape berms with native plantings are proposed along all boundaries of the site. Drainage and snow storage would remain on-site.

The primary access would be from Old State Road, a public road, to State Highway 55. This intersection would be realigned. There would also be an emergency access road connecting to Eagle Lane, a public road.

FINDINGS:

1. The matter was heard during a public hearing on October 20, 2022, and then tabled to December 8, 2022, for rebuttal from the applicant's representatives and Commissioner deliberation. On December 8, 2022, the public had opportunity to testify regarding the new information. The Valley County Planning and Zoning Commission approved C.U.P. 22-34 Shoemaker Donnelly Storage at a public hearing on December 8, 2022.
2. **Appeal:** The appeal was received in a timely manner on December 19, 2022, with the appropriate \$500 fee. The appeal is attached. Summarized reasons for appeal are listed below:
 - Lack of compatibility using the Compatibility Evaluation.
 - Traffic hazards related to the additional traffic and dangerous intersection for the entrance.
 - Snow storage and water contamination issues.
3. **STAFF RESPONSE TO APPEAL** based on the Application, Presentation at the Public Hearing, Required as Conditions of Approval, and Laws of State of Idaho and Valley County: (See the Minutes and Facts & Conclusions of the P&Z Commission)

Valley County Code (VCC) 9-5H-12: APPEALS:

Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

Appellant identifies himself as an aggrieved individual. Definition of **Aggrieved Person**: a person sufficiently harmed by a legal judgment, decree, or order to have standing to prosecute an appellate remedy. (Merriam-Webster)

The existing use of the property described in the Petition is bare land.

The land use categorization for the proposed storage units in Valley County Code (Table 9-3-1) is as follows:

- 5. Commercial Uses d. Area Businesses (8) Mini-warehouse storage

Appeal Issue and Staff Comments:

- ***Lack of compatibility using the Compatibility Evaluation*** (attached).

Staff Comment: The Compatibility Questions and Evaluation was a +5. The Commission felt the applicant mitigated impacts through design, landscaping, and relocation of the access point. The Commission also believed that it is better to have this type of commercial use along Highway 55 versus a residential use due to noise impacts. The structures and landscaping will absorb and lessen noise impacts from Highway 55 on residential uses to the south and west.

- ***Traffic hazards related to the additional traffic and dangerous intersection for the entrance.***

Staff Comment: The applicant is working with Idaho Transportation Department to adjust the alignment of Old State Highway. The existing Old State Road and Highway 55 intersection is dangerous; realigning the intersection to improve safety is very positive.

A traffic study has been prepared. The applicant moved the ingress from Eagle LN; Eagle LN access will be for emergencies only.

- **Snow storage and water contamination issues.**

Staff Comment: Snow will be stored on-site; buildings will retain the snow. A detailed stormwater management and drainage plans will be prepared by the applicant and approved by the Valley County Engineer prior to work being done on-site. They will have to use recommended BMP's and follow accepted stormwater management guidelines of Dept. of Environmental Quality. They will also have to comply with the requirements of the Army Corps of Engineers in regards to any disturbance of wetlands. They cannot increase the flows onto neighboring properties.

4. **Applicant's Response to Appeal** was received on January 31, 2023. It is attached directly behind the Appeal and will be presented by the Applicant.

a) Lack of compatibility using the Compatibility Evaluation.

The majority of commissioners agreed that storage is a low impact use when it comes to ground water quality, traffic, and drainage. Storage is a much-needed service for the community and this site would serve as a low impact buffer to the noise of Hwy 55. The proposed site will be accessed off of Old State Rd. This will limit the impact to Eagle Lane. This access will also allow the developer to coordinate with ITD and the county to reconfigure the intersection at Old State Rd. and Hwy. 55. Additional landscaping has been added to the Southwest corner of the site to further screen the site from the neighbors to the South and West. Please see the revised landscape plan on sheet L-1.0.

b) Traffic hazards related to the additional traffic and dangerous intersection for the entrance.

Please see the attached traffic impact statement, provided by the traffic engineer. Based on the evaluation and recommendations, the following conclusions have been made:

- The proposed facility will be a low traffic generator and will increase the daily traffic volumes along the area roadway network by approximately one percent.
- The proposed facility is estimated to generate eight trips during the weekday morning peak hour and fourteen trips during the weekday evening peak hour resulting in one vehicle approximately eight minutes and four minutes, respectively.
- As part of the proposed facility, the intersection of State Highway 55 and Old State Road will be reconfigured to create two 90-degree intersections incorporating access to the proposed facility.
- With the previously described recommendations, as illustrated in Exhibit 1, the newly configured intersections will significantly improve sightlines for vehicles turning to/from State Highway 55, particularly for vehicles making an eastbound to northbound left-turn movement.

c) Snow storage and water contamination issues.

As per our civil engineer, the project is designed to capture and infiltrate the required design-storm volumes to comply with Valley County requirements. There will not be any

direct stormwater runoff from the developed area of the site to the creek. The preliminary grading plan indicates the proposed location of stormwater retention basins, which are on the south and east sides of the site. These have been placed as far from the creek as possible. During the building permit process, the Civil Engineering design will be reviewed and approved by the County Engineer.

5. Legal notice for the Appeal was completed, as follows:

- Posted in the *Star News* on January 19, 2023, and January 26, 2023.
- Potentially affected agencies were notified on January 6, 2023.
- Property owners within 300 feet of the property line were notified by fact sheet sent January 6, 2023.
- Additional people who previously commented were notified by fact sheet sent January 6, 2023.
- The appeal letter, notice, and application submittals were posted online at www.co.valley.id.us on January 6, 2023.
- Two locations on the property (Highway 55 and Eagle Lane) were posted on January 26, 2023.

6. Additional Information:

- Compatibility Questions and Evaluation - Attached
- Minutes with Exhibits - Attached
- Planning and Zoning Commission Staff Reports - Attached
- Facts and Conclusions as approved by the Planning and Zoning Commission:

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

1. That the existing use of the property described in the Petition is bare land and will now be a public-storage facility.
2. The application and submittal information presented at the public hearing meets all the requirements of the Valley County Ordinances as codified in Title 9 of the Valley County Code.
3. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
 - 5. Commercial Uses d. Area Businesses (8) Mini-warehouse storage
4. That the surrounding land uses are Agriculture and Single-family Residential.
5. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
 - The application was received on Aug. 12, 2022, from the applicant Jeff Hatch, Hatch Design Architecture. Additional information was received on Sept. 27, 2022; Nov. 28, 2022; Dec. 6, 2022; and Dec. 8, 2022.
 - Legal notice was posted in the *Star News* on Sept. 29, 2022, Oct. 6, 2022, and Oct. 27, 2022.
 - Potentially affected agencies were notified on Sept. 20, 2022.

- Property owners within 300 feet of the property line were notified by fact sheet sent Sept. 20, 2022.
 - The site was posted at two locations (Eagle Lane and Highway 55) on Sept. 28, 2022.
 - The notice and application were posted online at www.co.valley.id.us on Sept. 20, 2022.
 - Additional legal notice for the public hearing on Dec. 8, 2022, was posted in the *Star News* on Nov. 17, 2022, and Nov. 23, 2022.
6. Valley County has one mixed use zone. Applications are evaluated on compatibility with surrounding land uses and promotes the mitigation of potential impacts.
 7. The wetlands have been delineated.
 8. A stormwater management plan and site grading plan shall be approved by the Valley County Engineer.
 9. Snow will be held on buildings; approximately 13% of snow will be stored on the ground.
 10. The City of Donnelly may request an entrance sign on the abandoned old state right-of-way that will be created due to the relocation of the intersection of Old State Highway and State Highway 55.
 11. The proposal consists of the following coverages of the 26.97 acres:
 - * Building coverage - 8.5%.
 - * Impervious areas – 10.3%
 - * Existing landscaping (vegetation) – 70.1
 - * Proposed landscaping – 11.1%
 12. Other persons in attendance expressed approval and disapproval of the proposed use.

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

1. That 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 must follow the laws of the State of Idaho and in the Valley County Code.
4. The proposed use is compatible with surrounding land uses due to mitigation.
5. The applicant has made efforts to improve the design, respond to concerns, and mitigate impacts.
6. This site is an ideal spot for something other than residential uses. Having storage units between Highway 55 and the residential area would reduce traffic noise to the residences.
7. Storage units might have less impacts on traffic, water quality, ground water, and drainage than single-family residences.
8. The existing Old State Road and Highway 55 intersection is dangerous; having the applicant work with ITD to improve safety is very positive. Use of this intersection will continue to increase.
9. Water quality concerns have been addressed through the future approval of an engineered stormwater management plan.

7. All Agency comment received:

Central District Health requires more information on soil conditions and seasonal ground water. Restroom facilities will require a sewage system. (Sept. 20, 2022)

Jeff McFadden, Road Department Superintendent, stated that Valley County owns right-of-way along Old State Road and Eagle Lane. He recommends mitigation of impacts to these roads negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (Sept. 26, 2022).

Jeff McFadden, Valley County Road Department Superintendent, referred to a comment made about culvert on Creekside Court. This culvert is rusted out and is scheduled for replacement in 2023. (Nov. 16, 2022)

Jess Ellis, Donnelly Fire Marshall, responded with requirements for roads, gates, building plans, water storage tank, and fire extinguishers. (Oct. 5, 2022)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, ground water contamination, and best management practices. (Jan. 11, 2023)

Wendy I. Howell, Idaho Transportation Department, Development Project Coordinator, responded with requirements. This project abuts State Highway 55; no direct access to the State Highway system has been requested. Traffic generation numbers were not provided; ITD is requesting that the applicant provide a Traffic Impact Study (TIS) reflecting the full buildout. The ITD Form 2109 must be submitted. An Encroachment Permit may be required. (Dated Nov. 22, 2022; Received Jan. 23, 2023)

8. All public comment received:

Responses Received After the PZ Commission Meeting on December 8, 2022

Joni Goode, 13079 Highway 55, Donnelly, is not in favor of the storage units. Concerns include the scenic byway, lighting, noise, traffic safety, wetlands, water pollution, and well water. (Jan. 21, 2023; Jan. 22, 2023)

Lisa Mohler, 47 Johnson Lane, is opposed. Concerns include traffic, Scenic Byway designation, lights, noise, emergency access, caretaker availability, and desire for a rural atmosphere. (Jan. 28, 2023)

Jason Barnes, Donnelly, is in favor. The area has a lack of storage for all the recreational opportunities in the area. These storage condos would help alleviate the traffic congestion on Highway 55. (Jan. 25, 2023)

Exhibits – October 20, 2022

Exhibit 1 – Margie Higgins, 13072 Eld Lane, is concerned with traffic, lights, and property values. (Oct. 20, 2022)

Exhibit 2 – Slide show presentation by applicant.

Exhibits – December 8, 2022

Exhibit 1 – Additional Submittal from Applicant (Dec. 6, 2022, and Dec. 8, 2022)

Responses Included in the PZ Commission Staff Reports

Email chain between Jeff Hatch and Dwight Stuzman. Mr. Stuzman stated the design looks good. (Sept. 26, 2022; Nov. 14, 2022; Nov. 15, 2022)

Joey Pietri recommends that this project not be reviewed until after infrastructure improvements are made. (Sept. 26, 2022)

Lisa Mohler, 47 Johnson Lane, asks that the application be denied or tabled for more information. If approved, there should be 15-ft high evergreen trees and a fence on the east side of the property before any building starts; no advertising signs on the south side of the complex; and a caretaker on site 24/7. Red should not be approved as a design color for the building or sign. Questions include the number of acres, number of storage units, water on the site, the job types, and timeline.

9. **RECOMMENDATIONS:**

- Part of the Valley County Board of Commissioners deliberation and decision should be 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)
- **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
 - (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.
 - (5) **Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:**
 - (a) The ordinance and standards used in evaluating the application;
 - (b) The reasons for approval or denial; and
 - (c) The actions, if any, that the applicant could take to obtain approval.
- If the Board of County Commissioners uphold the Planning and Zoning Commission approval, they should remove from or add to the Planning and Zoning Commission Facts and Conclusions so that a separate document can be prepared for their approval at a later date.

ATTACHMENTS:

- Proposed Conditions of Approval if Conditional Use Permit Approved by the Board of County Commissioners
- Appeal Letter
- Applicant's Response to Appeal Letter with Traffic Study Revised Landscaping Plan
- PZ Commission Facts and Conclusions
- PZ Commission Meeting Minutes – October 20, 2022
- PZ Commission Staff Report – Oct. 20, 2022
- PZ Commission Meeting Minutes – Dec. 8, 2022
- PZ Commission Staff Report – Dec. 8, 2022
- Vicinity Map
- Aerial Map
- Wetland Map
- Assessor Plat – T.16N R.3E Section 15
- Site Plan
- Pictures Taken Sept. 28, 2022, and January 26, 2023
- Idaho Code 67-6519 Application Granting Process
- All Responses, Including Exhibits
- Application Submittals

Proposed Conditions of Approval if Conditional Use Permit Approved by the Board of County Commissioners

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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
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 of the date of approval, 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. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. Shall obtain building permit for the structures.
9. Shall obtain a sign permit prior to installation of a sign.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.
12. The site must be kept in a neat and orderly manner.
13. Any use other than storage buildings and an office will require an additional conditional use permit.
14. Shall obtain Central District Health approval prior to issuance of a building permit for the office.
15. Berm should be elevated above new grade and not have a slope no greater than 3:1.
16. Landscaping should be installed within one year after first structure is completed.
17. 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.
18. Must have an approach permit from the Valley County Road Department and/or Idaho Transportation Department.
19. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. Gates will be locked when closed.
20. No outside storage allowed.
21. 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.

END OF STAFF REPORT

Staff Report

C.U.P. 22-34 Appeal

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: Conditional Use Permit No 22-34
Shoemaker Donnelly Storage**

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on October 20, 2022. The Commission reached a quorum. Commission members in attendance were Scott Freeman, Ken Roberts, and Chairman Neal Thompson. The staff report, applicant's presentation, and public testimony were heard. The matter was tabled to December 8, 2022.

This matter came before the Valley County Planning and Zoning Commission on December 8, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Sasha Childs, Scott Freeman, and Vice Chairman Ken Roberts. The applicant's representatives presented rebuttal comments and the public testified on the new information.

Jeff Hatch was present and requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings totaling approximately 97,125 sqft. The site is part of the 26.97-acre parcel RP16N03E157408, located in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated October 20, 2022, and December 8, 2022, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is bare land and will now be a public-storage facility.
2. The application and submittal information presented at the public hearing meets all the requirements of the Valley County Ordinances as codified in Title 9 of the Valley County Code.
3. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
 - 5. Commercial Uses d. Area Businesses (8) Mini-warehouse storage
4. That the surrounding land uses are Agriculture and Single-family Residential.
5. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
 - The application was received on August 12, 2022, from the applicant Jeff Hatch, Hatch Design Architecture. Additional information was received on Sept. 27, 2022; Nov. 28, 2022; Dec. 6, 2022; and Dec. 8, 2022.

- Legal notice was posted in the *Star News* on September 29, 2022, October 6, 2022, and October 27, 2022.
 - Potentially affected agencies were notified on September 20, 2022.
 - Property owners within 300 feet of the property line were notified by fact sheet sent September 20, 2022.
 - The site was posted at two locations (Eagle Lane and Highway 55) on Sept. 28, 2022.
 - The notice and application were posted online at www.co.valley.id.us on September 20, 2022.
 - Additional legal notice for the public hearing on December 8, 2022, was posted in the *Star News* on November 17, 2022, and November 23, 2022.
6. Valley County has one mixed use zone. Applications are evaluated on compatibility with surrounding land uses and promotes the mitigation of potential impacts.
 7. The wetlands have been delineated.
 8. A stormwater management plan and site grading plan shall be approved by the Valley County Engineer.
 9. Snow will be held on buildings; approximately 13% of snow will be stored on the ground.
 10. The City of Donnelly may request an entrance sign on the abandoned old state right-of-way that will be created due to the relocation of the intersection of Old State Highway and State Highway 55.
 11. The proposal consists of the following coverages of the 26.97 acres:
 - * Building coverage - 8.5%.
 - * Impervious areas – 10.3%
 - * Existing landscaping (vegetation) – 70.1
 - * Proposed landscaping – 11.1%
 12. Other persons in attendance expressed approval and disapproval of the proposed use.

CONCLUSIONS

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

1. That 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 must follow the laws of the State of Idaho and in the Valley County Code.
4. The proposed use is compatible with surrounding land uses due to mitigation.
5. The applicant has made efforts to improve the design, respond to concerns, and mitigate impacts.
6. This site is an ideal spot for something other than residential uses. Having storage units between Highway 55 and the residential area would reduce traffic noise to the

residences.

7. Storage units might have less impacts on traffic, water quality, ground water, and drainage than single-family residences.
8. The existing Old State Road and Highway 55 intersection is dangerous; having the applicant work with ITD to improve safety is very positive. Use of this intersection will continue to increase.
9. Water quality concerns have been addressed through the future approval of an engineered stormwater management plan.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Jeff Hatch for Conditional Use Permit 22-34 Shoemaker Donnelly Storage, as described in the application, staff report, correspondence, minutes, and exhibits of the meeting be approved.

Special conditions applied to the proposed use are:

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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
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 of the date of approval, 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. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. Shall obtain building permit for the structures.
9. Shall obtain a sign permit prior to installation of a sign.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.

12. The site must be kept in a neat and orderly manner.
13. Any use other than storage buildings and an office will require an additional conditional use permit.
14. Shall obtain Central District Health approval prior to issuance of a building permit for the office.
15. Berm should be elevated above new grade and not have a slope no greater than 3:1.
16. Landscaping should be installed within one year after first structure is completed.
17. 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.
18. Must have an approach permit from the Valley County Road Department and/or Idaho Transportation Department.
19. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. Gates will be locked when closed.
20. No outside storage allowed.
21. 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.

**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

Kurt M. Cabell
Valley County

Date: 01/12/23

Planning and Zoning Commission Chairman

Valley County Planning and Zoning Commission

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



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner
Sasha Childs, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
October 20, 2022

Valley County Court House - Cascade, Idaho
PUBLIC HEARING – 6:00 p.m.

You may view the hearing by going to www.co.valley.id.us and click on "Watch Meetings Live".

A. **OPEN:** Meeting called to order at 6:00 p.m. by Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Excused
PZ Commissioner – Sasha Childs:	Excused
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. **MINUTES:** Commissioner Roberts moved to approve the minutes of September 1, 2022, and September 8, 2022. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

1. **C.U.P. 22-32 Esplin Glamping and Short-Term Rentals:** Harmon Esplin is requesting approval of a conditional use permit for a camping facility for short-term rentals. Phase 1 an existing rental cabin, three RV camping sites, and five yurt campsites. Phase 2 would replace the campsites and existing cabin with a total of seven residences available for short-term rentals. Individual wells and storage tank would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District. Access will be multiple driveways from West Mountain RD (public) and Palladin RD (public). The 2.9-acre site, addressed at 2440 Palladin RD, parcels RP16N03E191508 and Smiling Julie Lot 33A, is located in the NE ¼ Sec. 19, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item. **POSTPONED from September 8, 2022**

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

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Slide presentation by Applicant showing proposed boundaries and drawings of proposed house styles.
- **Exhibit 2** – Brad Oakey and Abby Fry, owners of property addressed at 2439 Palladin Road, ask questions regarding the short-term rental permit and driveway access. (Oct. 20, 2022)
- **Exhibit 3** – Ben and Rachel Esplin support the proposal. (Oct. 20, 2022)
- **Exhibit 4** – Justin Roth, 2278 Franks RD, supports the proposal. (Oct. 20, 2022)

Chairman Thompson calculated a compatibility of +2. He struggled with compatibility. The final result would be multiple short-term rentals on one property.

Commercial aspect of more than one short-term rental would have a different impact than use by family. The applicant is currently permitted for one short-term rental. Commissioner Roberts stated a similar request for multiple rentals on one parcel was recently denied. Commissioner Roberts said the applicant choose one use, not phases, and have a clean application with a clear intent. Commissioner Freeman said the use is commercial and thus should be built to commercial standards and building setbacks, not residential as shown. The applicant can reapply.

Commissioner Roberts moved to deny C.U.P. 22-32 Esplin Glamping and Short-Term Rentals. Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

6:55 p.m.

2. **C.U.P. 22-34 Shoemaker Donnelly Storage:** Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings totaling approximately 97,125 sqft. Phase 2 (residential and additional storage) would require a new application. Individual well, an individual septic system, and electricity are proposed. Access would be from Eagle Lane, a public road. The site is part of the 26.97-acre parcel RP16N03E157408, located in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Margie Higgins, 13072 Eld Lane, is concerned with traffic, lights, and property values. (Oct. 20, 2022)

Director Herrick responded to questions from Commissioners. She stated that a response was not received from the City of Donnelly. Highway 55 requires a 100-ft setback. A wetland delineation would be required. Hours of access were discussed. The proposal is for a self-service facility. Proposed conditions of approval would be used to reduce traffic and mitigate impacts. Landscaping and lighting plans have been submitted. The applicant has proposed a 120-ft landscape buffer from Highway 55 and Old State Road as well as an 80-ft landscape buffer along Eagle Lane.

Chairman Thompson asked for the applicant's presentation.

Jeff Hatch of Hatch Design Architecture, Boise, Idaho, presented a slide presentation (**Exhibit 2**). He described the proposed site which includes wetlands. The proposal does not include the northern portion of the property. A wetland delineation application has been submitted and is currently being reviewed by the U.S. Corps of Engineers. **Exhibit 2** includes modifications for the wetlands from the previous submittals. Small low cast lights would be directed downward. Lighting would be motion-lights and be set on timers to be off when during closed hours. Dark for majority of evenings. If all lit up at the same time, the result would be similar to a parking lot, approximately 1.5 candles. Landscaping plan includes a 120-ft setback from Highway 55 for appropriate berm and a drainage swale. The site includes wetlands and natural vegetation.

Commissioner Roberts asked if the applicant would be willing to block the view of the buildings from the north. Mr. Hatch that they are willing to add more landscaping to the site. The berm would be 7 to

8-feet tall, not including the height of the vegetation.

Buildings would be single-story. Snow would be stored on roofs of structures. He presented renderings of views of the site from different directions. Phase 2 would be a separate application. Signage is not included in this application; it would be in a separate sign permit application. The application originally proposed to be open hours to 24 hours; the applicant is willing to limit hours to 6 a.m. to 10 p.m. as listed in the proposed conditions of approval.

Wetlands have been surveyed. There are existing ditches and water rights. A septic system and water well are proposed for the office on southeast portion of property. They are willing to tie into North Lake Recreational Sewer and Water District if available at the site. Mr. Hatch responded to the compatibility questions and staff evaluation. The proposed development would be eight acres of low intensity commercial use. There would be no wetland disturbance and no living in facilities. Staff would be on site. The landscaping buffer exceeds requirements. The applicant is willing to add additional landscaping. The building color in renderings has been revised based on comments. There would be 146 storage units of varying sizes. Four phases would be completed in five years. The number of buildings has been reduced from five to four due to wetland delineation survey results. The number of units is similar but the overall building footprint has been reduced. The southwest corner would be used for snow storage. Snow can also be stored on the north part of the property (18 acres). Stormwater would be contained and kept from wetland area.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Susan Dorris, Mayor of City of Donnelly, stated that a response letter was mailed from the City of Donnelly three days after the public hearing notice was received. The letter was written by Allison Hatzenbuhler.

Allison Hatzenbuhler, Planning and Zoning Administrator for the City of Donnelly. Her concerns are the site is designated as Scenic Byway. Storage units is not what they want to be as the entrance to Donnelly. Concerns include lighting and landscaping. This site is within the Donnelly Impact Area.

Chairman Thompson asked for opponents.

Arleigh McCoy, 13067 Highway 55, lives immediately west of site. Lighting would impact the properties to the west. The northwest corner is also a wetland. Deer herds use this property. Property values would decrease.

Todd Jurdana, lives at 177 Eagle Lane and also owns 247 Eagle Lane. The commercial driveway would be about 25 yards away from his property and new home. Every vehicle would shine into his property and house. Eagle Lane is a residential road for a 10-lot subdivision. The creek is currently fully running. Wildlife would be impact. Kids, dogs, grandkids would not be safe. Highway 55 and Old State Road is a dangerous corner intersection. There would be heavy weekend traffic if people are stopping at the storage units to pick up their boats, trailers, etc. for use. The applicant stated that contractors would use the storage units which would be regular traffic in and out of the site.

Mike Birkinbine, 20 Creekside Court, also accesses his home from Eagle Lane. These are dead-end roads. He has resided there for 17 years. Wetlands drain from east side of Highway 55 into this parcel as well as the south side of Eagle Lane. The water drains into the creek and then goes under Creekside Court. Underneath Creekside Court is a 4-ft culvert that has rotted out. Valley County has said that there is no money to replace the culvert. If snow is stored in the southwest corner, runoff will flood Eagle Lane and Creekside Court, the creek, and will then flow directly into Boulder Creek and Lake Cascade. In addition, Eagle Lane is a one-lane road in the winter as the County cannot push

the snow high enough. Plowed snow will destroy the landscaping. Water pools on Eagle Lane and is unable to drain. Water is on the proposed property year-round, especially north of the wetland area. Currently Valley County will not plow Eagle Lane until six inches of snow have accumulated. Eagle Lane is a dirt road and would be a muddy road. The County does not have the money or equipment to improve the road. The 120-ft berm area would have water 12 months of the year. Headlights would directly shine into his house. The proposal does not benefit Donnelly or Valley County citizens. The land is not appropriate for this type of build. Two previous owners cancelled developments at this site as the land is not buildable.

Art Troutner, representing the Valley County Soil and Water Conservation District, is not opposed but has water quality and drainage questions. The use would be a large parking lot with hard surfaces (roof and driveways). Water will flow into creek. There has been no discussion about protecting the wetlands areas from parking lot runoff with contaminants. He suggested that this proposal be tabled until there is a viable drainage plan.

Bradley Beaman, 13017 Old State Road, lives two properties south of this proposal. He was shocked by proposed renderings and compared them to a "supersized Walmart". The proposal has many issues including dangerous intersection of Highway 55 and Old State Road, the additional noisy traffic, snow storage, water drainage, and wildlife habitat. How would access to the site be limited? The berm would block turning traffic. Eagle Lane is a graveled dirt road that would need improved, widened, and paved. This is a residential area. How many years to get tall, mature trees for landscaping? The use is not compatible.

Heather Beaman, 13017 Old State Road, agrees with previous comments. She wanted to reiterate how dangerous the corner is. There is not much room, especially for trucks and trailers, to maneuver. This road is also a bus route. Eagle Lane is a residential dirt road.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Hatch responded to comments. The landscaping and berm address Scenic Byway concerns. Lighting will be dark-sky compliant; applicant is willing to reduce to 38 lights. The applicant is also willing to provide additional landscaping to north and west of the buildings. Regarding the roadway concerns, a condition of approval could include a traffic impact study for both current and proposed uses as well as recommended improvements. Regarding stormwater concerns, they are working with U.S. Corps of Engineers. Swales can be increased. The possibilities for this site are limited particularly due to the wetlands. Storage units are a need in Donnelly. The applicant wants to be a good neighbor; the use will be screened.

Commissioner Roberts has concerns regarding the runoff and water quality. The application did not contain stormwater management information or retention ponds.

Mr. Hatch stated their civil engineer recently receive the soil report for this site. There is some limited subsurface, primarily in the southeast corner. Thus, the majority of the subsurface stormwater would be stored in the drive lane in that southeast corner. There is also storage in the southwest corner. There also is ancillary storage in the swales along Eagle Lane. The soil engineer could also review to determine if oversaturation occurs near the highway and Old State Road.

Commissioner Roberts stated that people must understand that they cannot buy and build anything they want on all pieces of land in Valley County. There are unique soil types in Valley County that do not lend themselves to construction of buildings including silty loam soils. The applicant would need to elevate the building site, bring in soil, etc. The Commission's job is to determine if the proposed use is compatible for the site. He would like to see the response letter from the City of Donnelly. There are some issues that need to be addressed for the site, particularly the deteriorating water quality. The toxic cyanobacteria is getting worse. Too much warm nutrient rich water is flowing into

Lake Cascade. He is concerned how the water would drain from this property, including chemicals from vehicles. These issues affect the compatibility and appropriateness of the use. The site is within the Roseberry Irrigation District.

Mr. Hatch stated that commercial development is required by law to maintain stormwater drainage on the property. Traditionally the applicant would coordinate with the engineering department to satisfy that request. Mr. Hatch suggested that the Commissioners table the public hearing so the applicant can submit sufficient engineering information for review.

Chairman Thompson asked Mr. Hatch to also respond to additional traffic concerns.

Chairman Thompson closed the public hearing.

The Commission deliberated and agreed that more information is needed. Chairman Thompson stated storage units are needed; however, there are issues and unknowns. Commissioner Freeman is particularly concerned about water runoff, flow amounts, and filtration.

Commissioner Roberts moved to table C.U.P. 22-34 Shoemaker Donnelly Storage until the regularly scheduled December 2022 meeting at 6.00 p.m. [December 8, 2022]. Commissioners desire more time to review the application. More information is requested from the applicant including traffic impact study, civil engineering plan, and proposed road development agreement. Commissioner Freeman seconded the motion. Motion carried unanimously.

Short recess. Chairman Thompson stated that the order of the agenda has been amended.

3. C.U.P. 22-40 Stonebraker Winter Recreation Parking Site: The Idaho Fish and Game Department and Valley County Parks and Recreation are requesting a conditional use permit for a winter parking area on private property. No overnight parking would be allowed. A porta-potty would be placed at the site. Access would be from Stonebraker Lane. The approximately 0.5-acre site is part of parcel RP15N03E350006, addressed at 21 Stonebraker LN, and located in the NENE Sec. 35, T.15N R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Director Herrick stated that this item has been moved earlier in the agenda due to public safety issues and implementation is necessary prior to winter if the use is approved.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. This proposal is for a civic community service use.

Director Herrick suggested that proposed Conditional of Approval #10 be stricken as this is a joint Valley County and Idaho Fish and Game Department project. A lot of congestion and recreational parking along Highway 55 and the east part of Stonebraker Lane occurs every winter. This proposal is a porta-potty and parking area for ice fishermen to alleviate this problem

Chairman Thompson asked for the applicant's presentation.

Jordan Messner, Idaho Fish and Game, McCall, and Dave Bingaman, Valley County Parks and Recreation Department, hope to start work as soon as possible. This application would alleviate the congestion problem with Highway 55 traffic and snowplowing difficulties. The parking area will be graded, and surface will be hardened. The parking site is a higher and dryer area compared to surrounding area. The proposed 0.5-acre parking area was described. Two entrances would create a

Valley County Planning and Zoning

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



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STAFF REPORT: C.U.P. 22-34 Shoemaker Donnelly Storage
HEARING DATE: October 20, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Jeff Hatch, Hatch Design Architecture
200 W 36th ST
Boise, ID 83714
PROPERTY OWNER: Craig Shoemaker
2265 S Riverbirch PL
Eagle, ID 83615
LOCATION: Parcel RP16N03E157408 located west of Highway 55 at the
intersection of Old State RD and Eagle Lane. The site is in the SE ¼
Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho.
SIZE: 26.97 acres
REQUEST: Public Storage Facility
EXISTING LAND USE: Bare Land

Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings totaling approximately 97,125 sqft. The buildings would be built on the southern portion of the parcel.

The facility would provide covered storage for boats, RVs, and recreational equipment, along with a variety of standard storage spaces. No outside storage is proposed.

The application submittal includes renderings of proposed building style, materials, and colors.

Phase 2, proposed residential home(s) and additional storage on the remainder of the parcel, would require a new application.

Individual well, an individual septic system, and electricity are proposed. Landscape berms with native plantings are proposed along the east and south boundary of the site. Drainage and snow storage would remain on-site. A lighting plan was submitted. The applicant does not intend to fence the property.

Access would be from Eagle Lane, a public road.

This site is within the Donnelly Impact Area. The City of Donnelly was sent a copy of the application plus the additional submittal for review.

FINDINGS:

1. The application was submitted on August 12, 2022. Additional information was received on Sept. 27, 2022.
2. Legal notice was posted in the *Star News* on September 29, 2022, and October 6, 2022. Potentially affected agencies were notified on September 20, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent September 20, 2022. The site was posted at two locations (Eagle Lane and Highway 55) on Sept. 28, 2022. The notice and application were posted online at www.co.valley.id.us on September 20, 2022. The additional application submitted was added on September 28, 2022.

3. Agency comment received:

Central District Health requires more information on soil conditions and seasonal ground water. Restroom facilities will require a sewage system. (Sept. 20, 2022)

Jeff McFadden, Road Department Superintendent, stated that Valley County owns right-of-way along Old State Road and Eagle Lane. He recommends mitigation of impacts to these roads negotiating with developer the payment of road improvement costs attributable to traffic generated by the proposed development. The value of the developers proportionate share may be determined by several methods. The recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Department, and developer identifying the value of road improvement costs contributed. (Sept. 26, 2022).

Jess Ellis, Donnelly Fire Marshall, responded with requirements for roads, gates, building plans, water storage tank, and fire extinguishers. (Oct. 5, 2022)

4. Neighbor comment received:

Joey Pietri recommends that this project not be reviewed until after infrastructure improvements are made. (Sept. 26, 2022)

Lisa Mohler, 47 Johnson Lane, asks that the application be denied or tabled for more information. If approved, there should be 15-ft high evergreen trees and a fence on the east side of the property before any building starts; no advertising signs on the south side of the complex; and a caretaker on site 24/7. Red should not be approved as a design color for the building or sign. Questions include the number of acres, number of storage units, water on the site, the job types, and timeline.

5. Physical characteristics of the site: Relatively Flat with sloped drainage running across parcel
6. The surrounding land use and zoning includes:
 - North: Single-Family Residential
 - South: Bare Land – Single-Family Residential Parcel
 - East: Agriculture (Irrigated Grazing Land)
 - West: Single-Family Residential

7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
- 5. Commercial Uses d. Area Businesses (8) Mini-warehouse storage

Review of Title 9 - Chapter 5 Conditional Uses should be done.

9-5-3: STANDARDS:

A. Lot Areas:

2. Minimum Lot Size And Configuration: The minimum lot size and configuration for any use shall be at least sufficient to accommodate water supply facilities, sewage disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, stormwater containment, snow storage, open areas, accessory structures, and setbacks in accordance with provisions herein. All lots shall have a reasonable building site and access to that site.
3. Direct Frontage Along Public Or Private Road: All lots or parcels for conditional uses shall have direct frontage along a public or private road with minimum frontage distance as specified in the site or development standards for the specific use.

B. Setbacks:

1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
2. Highway 55: All structures shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
6. Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

9-5A-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

E. Site Grading Plan:

1. 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.

- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.

- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord 10-06, 8-23-2010)

9-5A-2: ROADS AND DRIVEWAYS:

- B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.
- E. Access To Highway 55: Access to Highway 55 shall be limited at all locations and may be prohibited where other access is available. An access permit from the Idaho transportation department may be required. (Ord. 10-06, 8-23-2010)

9-5A-4: LANDSCAPING:

B. Purpose And General Regulations:

1. Minimum Requirements: Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:
 - b. Service/Commercial Use: Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.
 - d. Additional Landscaping: In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.
2. Future Commercial And Industrial Development: Future commercial and industrial development sites shall be landscaped in the first phase of construction, unless a phased plan is approved by the commission.
4. Use Adjacent To Single-Family Residential Development: Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single-family residential development, such trees shall be planted at ten feet (10') on center, with every other tree being a minimum twenty four inch (24") box size.
5. Commercial, Office Or Industrial Use Adjacent To Residence: Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a residence, the landscape buffer described in subsection B3 of this section shall be increased to fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.
6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:
 - a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;
 - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
 - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
7. Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section [9-5-4](#) of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:
 - a. The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;
 - b. All retention areas shall maintain slopes no steeper than three to one (3:1).
9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).
10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.
11. Landscape Designs: Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate or shall be from native stock.

9-5A-5: FENCING:

- A. Substituted For Planting Screens: Fencing may be substituted for planting screens subject to the approval of the staff and the commission.

- B. Separation Or Screening: Fencing shall be installed to provide separation or screening as specified in the site or development standards for the specific use. A sight obscuring fence required by the commission for any conditional use shall be stained or painted a single solid color, shall not be used for advertising, and shall be maintained in good repair.
- C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.
- D. Random Entry: Fencing shall be installed to secure against random entry into hazardous areas or operations.
- E. Construction And Materials: Fence construction and materials shall be in accordance with commonly accepted good practices to produce a neat appearing durable fence. The location, height, and materials used for constructing a fence shall be approved by the commission and specified in the conditional use permit. Fences required for any conditional use shall be maintained in good repair.
- F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.
- G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

9-5B-6: OPEN STORAGE:

All storage shall be located within an area not closer than twenty feet (20') from the street right of way line and shall be enclosed with a heavy wire or board fence not less than six feet (6') high, or by plantings the same height. Lumber, coal, or other combustible material will be fully accessible to firetrucks at all times. Open storage of toxic or hazardous materials shall not be allowed. (Ord. 10-06, 8-23-2010)

9-5B-7: FIRE PROTECTION:

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

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

- 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:
 - 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.
- C. Maximum Building Height And Floor Area:
 - 1. Building heights shall not exceed thirty-five feet (35') above the lower of the existing or finished grade.
 - 2. The building size or floor area shall not exceed the limitations of subsections 9-5-3A and C of this chapter and title 6, chapter 1 of this code.

3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.

D. Site Improvements:

1. Where commercial uses are proposed on a lot or parcel having frontage on Highway 55 and a side street, the access shall be limited to the side street.

SUMMARY:

Compatibility Rating: Staff's compatibility rating is a +5.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).

STAFF COMMENTS / QUESTIONS:

1. This site is within the city of Donnelly Impact Area, Donnelly Fire District, the Roseberry Irrigation District, and a herd district.
2. Residential uses in Phase 2 will need to be a new conditional use permit. There are no details in this application.
3. The Commission should determine if the proposed style of building fits in with the rural character of this area along the Payette River National Scenic Byway.
4. Signage can only be 32 sq. ft.
5. If all of the red circles (looks like 46) around the buildings are lights, then it will make the entire area glow. I cannot read the submittal; it was too small. The smallest amount of lumens would be best.
6. Will you be open 24 hours a day? Or what are your hours that the public can access the site? Vehicle headlights all night long could impact adjoining residential users.
7. Are the wetlands that are shown delineated or was it a general wetland overlay from the GIS system?
8. Do you have water rights and if so, what are you going to do with them? Are there existing irrigation ditches through your property?

ATTACHMENTS:

- Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Vicinity Map
- Aerial Map
- Wetland Map
- Assessor Plat – T.16N R.3E Section 15
- Site Plan
- Pictures Taken Sept. 28, 2022
- 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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
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 of the date of approval, 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. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. Shall obtain building permit for the structures.
9. Shall obtain a sign permit prior to installation of a sign.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.
12. The site must be kept in a neat and orderly manner.
13. Any use other than storage buildings and an office will require an additional conditional use permit.
14. Shall obtain Central District Health approval prior to issuance of a building permit for the office.
15. Berm should be elevated above new grade and not have a slope no greater than 3:1.
16. Landscaping shall be installed prior to October 1, 2023. If landscaping dies, it must be replaced.
17. 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.
18. Must have an approach permit from the Valley County Road Department.
19. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. Gates will be locked when closed.
20. No outside storage allowed.
21. 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.

END OF STAFF REPORT

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO X Response Value

Use Matrix Values:

(+2/-2) _____ X 4 _____

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

(+2/-2) _____ X 2 _____

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

(+2/-2) _____ X 1 _____

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

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) _____ X 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?

(+2/-2) _____ X 1 _____

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

(+2/-2) _____ X 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?

(+2/-2) _____ X 2 _____

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?

(+2/-2) _____ X 2 _____

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?

(+2/-2) _____ X 2 _____

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?

Sub-Total (+) _____

Sub-Total (--) _____

Total Score _____

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

9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. 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. 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. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

E. Terms:

DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and

1. Comprises at least one-half ($\frac{1}{2}$) of the adjacent uses and one-fourth ($\frac{1}{4}$) of the total adjacent area; or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

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
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1	+1	+1	+2	+1	+1	-1	-1	-1	-1	-1	-1	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-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	+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	+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	+1	+1	-2	-2
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+1	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-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	+1	+1	+2	+2
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	-2	-2	-2	-2	-1	+2	+2	+2
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1						+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+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	-1	+1		-2	-2	-1	-2	-2	+2	+2	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2			+1	+2	+2	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1	+1	+1	-1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	+2	+2	+2	+2	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+2	+1	+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	-1	-1	-1	-2	-1	-2	+1	+1	+2
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-2	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: 19
Area Business

Prepared by: CH

YES/NO	X	Response Value	
(+2/-2)	<u>-1</u>	X 4	<u>-4</u> 1. Is the proposed use compatible with the dominant adjacent land use? <u>S.F. Residential</u>
(+2/-2)	<u>-2</u>	X 2	<u>-4</u> 2. Is the proposed use compatible with the other adjacent land uses (total and average)? <u>Agricultural</u>
(+2/-2)	<u>-1</u>	X 1	<u>-1</u> 3. Is the proposed use generally compatible with the overall land use in the local vicinity? <u>See 182 w/Commercial</u>
<u>Site Specific Evaluation (Impacts and Proposed Mitigation)</u>			
(+2/-2)	<u>+1</u>	X 3	<u>+3</u> 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? <u>Property is large without trees</u>
(+2/-2)	<u>+1</u>	X 1	<u>+1</u> 5. <u>Applicant will put in beams and landscaping</u> Is the size or scale of proposed <u>lots and/or</u> structures similar to adjacent ones? <u>Will be larger</u>
(+2/-2)	<u>-1</u>	X 2	<u>-2</u> 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? <u>No it is a commercial use.</u>
(+2/-2)	<u>+2</u>	X 2	<u>+4</u> 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? <u>Yes - storage units are quiet</u>
(+2/-2)	<u>+2</u>	X 2	<u>+4</u> 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? <u>Very little services required.</u>
(+2/-2)	<u>+2</u>	X 2	<u>+4</u> 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? <u>will ↑ market value</u>
Sub-Total	(+)		<u>16</u>
Sub-Total	(-)		<u>11</u>
Total Score			<u>+5</u>

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

Valley County Planning and Zoning Commission

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



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner
Sasha Childs, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
December 8, 2022
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

- A. **OPEN:** Meeting called to order at 6:00 p.m. by Acting Chairman Roberts. A quorum exists.
- | | |
|-------------------------------------|---------|
| PZ Director – Cynda Herrick: | Present |
| PZ Commissioner – Katlin Caldwell | Present |
| PZ Commissioner – Sasha Childs: | Present |
| PZ Commissioner – Scott Freeman: | Present |
| PZ Commissioner – Ken Roberts: | Present |
| PZ Commissioner – Neal Thompson: | Excused |
| PZ Assistant Planner – Lori Hunter: | Present |

Vice Chairman Roberts stated two withdrawals by applicants: C.U.P. 22-47 Cryptocurrency Site and C.U.P. 22-48 Wolfe RV Rental Site.

- B. **MINUTES:** Commissioner Freeman moved to approve the minutes of November 10, 2022, and November 17, 2022. Commissioner Childs seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. **P.U.D. 98-1 Tamarack Resort – Update and Extension Request:** Tamarack Resort Two LLC will present a summary of the progress to date and planned improvements at Tamarack Resort for the next three years. The site is located in T.15N, R.2E; T.16N, R.2E, and T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Vice Chairman Roberts introduced the item and opened the public hearing. Vice Chairman Roberts asked if there was any *ex parte* contact or conflict of interest. Commissioner Caldwell recused herself due to a family member being in contract with the applicant.

Vice Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Idaho Department of Environmental Quality response. (Dec. 7, 2022)

Expansion onto U.S. Forest Service would require an amendment to the PUD and further public hearings. Anything that is a diversion from the original approved preliminary plat will require a public hearing.

4. **C.U.P. 22-34 Shoemaker Donnelly Storage:** Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings totaling approximately 97,125 sqft. Phase 2 (residential and additional storage) would require a new application. Individual well, an individual septic system, and electricity are proposed. Access would be from Eagle Lane, a public road. The site is part of the 26.97-acre parcel RP16N03E157408, located in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item

Vice Chairman Roberts introduced the item which was tabled on October 20, 2022.

Commissioner Caldwell moved to remove C.U.P. 22-34 from the table. Commissioner Childs seconded the motion. Motion passed unanimously.

Vice Chairman Roberts asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Caldwell noted that although she was not present at the public hearing on October 20, 2022, she did watch it.

On October 20, 2022, a motion was unanimously approved to table C.U.P. 22-34 Shoemaker Donnelly Storage until the regularly scheduled December 2022 meeting at 6.00 p.m. [December 8, 2022]. Commissioners desired more time to review the application. More information was requested from the applicant including traffic impact study, civil engineering plan, and proposed road development agreement.

Vice Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Additional submittal from the Applicant on Dec. 6, 2022, and Dec. 8, 2022:
 - Plot Plan A-1.0
 - Landscape Plan L1.0
 - Exterior Elevations A.4.0
 - Lighting Schematic

The public will have the opportunity to testify regarding the new information only.

Vice Chairman Roberts asked for the applicant's presentation.

Jeff Hatch, Boise, explained the revisions for the site plan, landscaping plan, exterior elevations, and lighting schematic from the original submittal (**Exhibit 1**). He has met with several neighbors. Based on neighbor concerns, the primary entrance has been shifted eastward to Highway 55. This change has been discussed with the Idaho Transportation Department (ITD). ITD has requested that a portion of Old State Road be closed to remove an awkward and dangerous wedge currently used to access Highway 55 from Old State Road. The revised site plan shows the 90° access that ITD requested. Mr. Hatch has submitted an email from ITD stating the applicant should proceed with an application to ITD to evaluate the approach onto Highway 55 and a deceleration lane.

Mr. Hatch has also met with the City of Donnelly who may request an entrance sign for Donnelly at the site. Mr. Hatch referred to the stormwater plan, snow retention, and the grading plans. The snow storage sites have been moved away from wetland areas. Wetland areas have been surveyed and delineated. Approximately 13% of the snow will be stored on the ground. The buildings will be engineered to store snow on roofs which increases snow storage to 48%. The quantity of lights has been reduced. Lights will be put on timers and motion sensors. Additional screening has been added to the landscape plan. The revision includes additional landscaping along the frontage and both north and west sides of the site while still maintaining stormwater drainage.

Another change to the original site plan is Canopy D. This structure will be a solid structure on north and south sides and open on the east and west sides. Building elevations have been updated and colors changed. Curb and gutter will channel drainage away from wetland areas. Mr. Hatch referred to the submitted correspondence with Idaho Transportation Department (ITD). The revision includes changing the Eagle Lane access to emergency only and improvement of intersection of Old State Road and Highway 55.

The storage units will primarily be used for recreational storage (e.g., boats, snowmobiles). The majority of traffic is expected on weekends and will change seasonally.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents.

Mike Birkinbine, 20 Creekside Court, applauds the entrance redesign and appreciates the desire to enhance landscaping improvements. The drainage from Highway 55 on the east has been addressed; however, he wants to ascertain that drainage from property south of Eagle Lane onto this property will also be addressed. If the drainage is blocked, the water would flow to lower Eagle Lane and Creekside Court area that already has seasonal flooding. Storage capacity of snow is a concern. He believes that snow will still need to be moved and stored even with the revised site plan. Snow drifts could be a concern. The proposed berms could create significant drainage problems. Since the drainage from this property flows into Boulder Creek and then Lake Cascade, he is concerned how contaminants will be controlled.

Todd Jurdana, 177 Eagle Lane, is also concerned about drainage. His property already floods thus he is concerned about this causing additional water flow through his property. He likes the landscaping. However, he will look through the emergency access into the RV storage from his front window. This area is already a dangerous intersection; adding additional trailers, boats, etc., will increase danger at this site. He does like the reduction in lighting, but the proposed storage units are at his front door. The proposal is not a good use for the community.

Larry Shake, 1612 S Samson Trail, stated that the decisions that PZ Commission makes will impact peoples' property values.

Joey Pietri, 225 Valley Springs RD, complements the changes made. However, the water quality will be altered. A study should be completed to determine effects on Lake Cascade. This proposal contains a large surface area and increased contaminants will flow from the site.

Vice Chairman Roberts asked for rebuttal from the applicant.

Jeff Hatch responded to concerns regarding drainage. The U.S. Corps of Engineers is currently reviewing a report and has provided some information regarding two possibilities: a nationwide 39 permit for wetlands or an option for Idaho Department of Environmental Quality review. Snow storage and stormwater retention plan (page C1.0) shows that physical hardscape will separate snow storage from wetland area. In addition, there is a substantial amount of land not dedicated to snow storage that would be available for a swale to store drainage if needed. This would be evaluated by civil engineer. The stormwater retention plan will also address contaminants. The ITD permit will include an evaluation of turning movements, use, and any required improvements. The applicant is willing to discuss if the emergency access location could be modified with the neighbor to south who testified. The stormwater retention area has been moved from the southwest area of the site. The project design will continue to maintain

the natural drainage. The civil engineer has added curb and gutter to keep drainage at the site away from the wetland area.

Vice Chairman Roberts closed the public hearing.

The Commission deliberated. The compatibility matrix rating was reviewed. The applicant has made efforts to improve the design and respond to concerns.

Vice Chairman Roberts stated that the charge of the PZ Commission is to determine if the proposed use is compatible with the area. The first three questions of the compatibility rating resulted in a score of -9; he does not believe the use is compatible. Overall, Vice Chairman Roberts calculated a score of -3 compared to Staff's score of +5.

Commissioner Freeman likes the revised layout, particularly the access from Highway 55 and drainage modifications. He grew up in a residence along the highway and is in favor of having storage units between residences and the highway to absorb traffic noise.

Commissioner Caldwell also likes the revised proposal which mitigates many of the impacts to surrounding area, particularly the additional landscaping. She agrees with Commissioner Freeman that the project would block traffic noise. Storage units also might have less impacts on traffic, water quality, ground water, and drainage than single-family residences. The proposal follows the Valley County Ordinances. Even though there is a negative score on the top portion of the matrix, the applicant has mitigated impacts. The applicant would still need to work with the County Engineer for approval of the stormwater and drainage plans.

Commissioner Childs traffic and environmental impacts of single-family residential. This site is an ideal spot for something other than residential uses. It is a needed use. The proposal would have both negative and positive impacts. She appreciates the changes the applicant has made. The existing Old State Road and Highway 55 intersection is dangerous; having the applicant work with ITD to improve safety is very positive. Use of this intersection will continue to increase.

If this project is approved, condition of approval # 16 should be modified to allow the applicant time to receive all approvals from Valley County Engineer and ITD before installing landscaping.

Vice Chairman Roberts referred to the negative compatibility from staff. The Valley County Comprehensive Plan refers to the property rights of neighboring properties, open spaces, and maintaining the rural atmosphere of Valley County. This site floods every 10 years or so. More storage units are needed in Valley County but this location along the Scenic Byway is not the right spot. Testimony has been in opposition which means the use is not compatible. This use would worsen the traffic congestion along Highway 55. He will not support the project.

Commissioner Caldwell moved to approve C.U.P. 22-34 with the stated conditions as modified:

COA #16: Landscaping should be installed within one year after first structure is completed.

Commissioner Childs seconded the motion. Commissioner Caldwell, Commissioner Childs, and Commissioner Freeman voted for the motion; Vice Chairman Roberts voted against. The motion passed.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

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. 22-34 Shoemaker Donnelly Storage
HEARING DATE: December 8, 2022
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Jeff Hatch, Hatch Design Architecture
200 W 36th ST
Boise, ID 83714
PROPERTY OWNER: Craig Shoemaker
2265 S Riverbirch PL
Eagle, ID 83615
LOCATION: Parcel RP16N03E157408 located west of Highway 55 at the
intersection of Old State RD and Eagle Lane. The site is in the SE ¼
Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho.
SIZE: 26.97 acres
REQUEST: Public Storage Facility
EXISTING LAND USE: Bare Land

Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility.

A public hearing was held on October 20, 2022. The matter was tabled to December 8, 2022. The Commissioners requested more information from the applicant including traffic impact study, civil engineering plan, and a proposed road development agreement.

The Applicant submitted additional information on November 28, 2022 (attached):

- Revised Plot Plan A-1.0
- Revised Preliminary Grading Plan C1.0
- Artist Renderings (4 sheets)
- Emails between Applicant's Representative and Idaho Transportation Department
- Email chain between Jeff Hatch and Dwight Stuzman. Mr. Stuzman stated the design looks good.

FINDINGS:

1. A properly noticed public hearing was held on October 20, 2022, and tabled to December 8, 2022. Additional legal notice was posted in the *Star News* on November 17, 2022, and November 23, 2022.

2. Additional comments received:

Jeff McFadden, Valley County Road Department Superintendent, referred to a comment made about culvert on Creekside Court. This culvert is rusted out and is scheduled for replacement in 2023. (Nov. 16, 2022)

Email chain between Jeff Hatch and Dwight Stuzman. Mr. Stuzman stated the design looks good. (Sept. 26, 2022; Nov. 14, 2022; Nov. 15, 2022)

STAFF COMMENTS:

The Commission should follow process in Idaho State Statute for approval or denials (attached in full):

67-6519. APPLICATION GRANTING PROCESS.

- (5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:
- (a) The ordinance and standards used in evaluating the application;
 - (b) The reasons for approval or denial; and
 - (c) The actions, if any, that the applicant could take to obtain approval.

ATTACHMENTS:

- Proposed Conditions of Approval
- Meeting Minutes – October 20, 2022
- Exhibits – October 20, 202
- Additional Comments Received after October 20, 2022
- Idaho State Statute 67-6519
- Additional Submittal from Applicant

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. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
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 of the date of approval, 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. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105% prior to obtaining building permits.
6. Must comply with requirements of the Donnelly Fire District.
7. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
8. Shall obtain building permit for the structures.
9. Shall obtain a sign permit prior to installation of a sign.
10. All noxious weeds on the property must be controlled.
11. Snow must be stored on-site.
12. The site must be kept in a neat and orderly manner.
13. Any use other than storage buildings and an office will require an additional conditional use permit.
14. Shall obtain Central District Health approval prior to issuance of a building permit for the office.
15. Berm should be elevated above new grade and not have a slope no greater than 3:1.
16. Landscaping shall be installed prior to October 1, 2023. If landscaping dies, it must be replaced.
17. 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.
18. Must have an approach permit from the Valley County Road Department and/or Idaho Transportation Department.
19. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. Gates will be locked when closed.
20. No outside storage allowed.
21. 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.

END OF STAFF REPORT



Shoemaker Properties, LLC

From: Wendy Howell <Wendy.Howell@itd.idaho.gov>

Sent: Tuesday, March 7, 2023 10:15 AM

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

Cc: Josh Nopens [REDACTED]; Steve Thiessen [REDACTED]; Jeffery

Hatch [REDACTED]; Rachel [REDACTED]

Subject: Shoemaker Properties, LLC

Good morning Cynda,

This email is an update to the Shoemaker Properties, LLC's development located on Highway 55 at the intersection of Old State Road and Eagle Lane. To date, ITD has had meetings with their representatives regarding realigning Old State Road to provide clearer site lines and safety from the ingress/egress. ITD needs 2109 Application Form submitted with its fee in order for ITD to process the permit.

Thank you,

Wendy Howell, PCED
Development Services Coordinator
Idaho Transportation Department, District 3
8150 W Chinden Blvd
Boise, ID 83714
Phone No: (208) 334-8338
Email: wendy.howell@itd.idaho.gov



Shoemaker Properties, LLC

From: Wendy Howell <Wendy.Howell@itd.idaho.gov>

Sent: Tuesday, February 28, 2023 10:03 AM

To: steve@hatchda.com <[REDACTED]>

Cc: jeff [REDACTED]; Cynda Herrick <cherrick@co.valley.id.us>; Josh Nopens [REDACTED]

Subject: Shoemaker Properties, LLC

Greetings,

Per your request, attached is the letter submitted to Valley County for your appeal hearing.

Additionally, it appears that ITD will require road realignment.

Thank you,

Wendy T Howell, PCED

Development Services Coordinator

Idaho Transportation Department, District 3

8150 W Chinden Blvd

Boise, ID 83714

Phone No: (208) 334-8338

Email: wendy.howell@itd.idaho.gov



YOUR Safety . . . > YOUR Mobility . . . > YOUR Economic Opportunity



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

November 22, 2022

Valley County
Cynda Herrick, Planning & Zoning Director
219 N Main St
Cascade, ID 83611

Re: Shoemaker Properties, LLC's Appeal, CUP 22-34

Dear Ms. Herrick,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Shoemaker Properties, LLC's appeal located on Highway 55 at the intersection of Old State Road and Eagle Lane, Valley County, Idaho. The application is for a conditional use permit to construct a self-storage facility including an office and five structures on 26.97 acres. Please see the below comments:

1. This project abuts State Highway 55 (SH-55).
2. No direct access to the State Highway system has been requested with this application.
3. Traffic generation numbers were not provided with this application. Based on the change of land use and its proximity to SH-55, ITD is requesting that the applicant provide a Traffic Impact Study (TIS) reflecting the full build out including left and right turn lane warrants, Acceleration and deceleration lane warrants, and intersection site traffic turning volumes. ITD needs more information to determine what mitigations if any, the applicant may be required to construct on the State Highway system. Any necessary mitigation for traffic impacts identified by the TIS shall be the responsibility of the applicant to construct.
4. The ITD Form 2109, *Right-of-Way Encroachment Application and Permit Approaches or Public Street* must be submitted with the TIS. For additional information please contact Josh Nopens at Josh.Nopens@itd.idaho.gov.
5. Any addition, modification, change use, relocation, maintaining, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit (ITD Form 2110) to use state right-of-way. For additional information please contact Shona Tonkin at Shona.Tonkin@itd.idaho.gov.
6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
7. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information.

ITD reserves the right to make further comments upon review of submitted traffic generation data or other documents.

Sincerely,

Wendy I. Howell, Development Project Coordinator
ITD – District 3



April 8, 2023

Valley County P&Z Commissioners
c/o Cynda Herrick
219 N. Main St.
Cascade, Idaho 83611

RECEIVED
APR 17 2023
BY: _____

Subject: CUP 22-34 Shoemaker Storage
Highway 55, Valley County, ID

We wish to inform the P&Z Commissioners that the application still has flaws and is non-compliant with County Codes and the Comprehensive Plan. We seek low impact development near sensitive receiving waters and encourage the Commissioners to think about the cumulative water quality consequences before making a decision. The site is apparently adjacent (nexus) to jurisdictional wetlands and the receiving waters of Boulder Creek and Lake Cascade are impaired, failing to meet Clean Water Act standards. Below is a brief list of deficiencies:

- **Site Drainage (ref: VCC 4-5-2.2 "To protect all County waterways against pollution from contaminants", VC Waterways Management Plan county-wide objective CW5 and Priority Strategy LC3, and VC Comprehensive Plan chapters 4 and 6).** We want to give credit where credit is due - the developer's engineers use of a 100-year storm return frequency for stormwater treatment is a conservative attempt to eliminate site discharge of pollutants is a step in the right direction; however, he is basically designing a retention basin for most storms which robs Boulder Creek/Lake Cascade of cold water which is much needed to tone-down harmful algae blooms and protect fish habitat. It also robs filtering wetlands of moisture needed for ecosystems survival. Compounding the problem in this County is the fact that significant runoff events occur in the spring, with winter-long pollutant loading on surfaces, during warm-rain snowpack-slush melt, when the soil is frozen (temporarily impermeable).

We recommend designing a detention basin with storage to filter/treat runoff (especially the first flush) and then allow some flow to continue to the wetlands and lake to attempt to mimic natural hydrologic processes in this sensitive area.

- **Lack of Compatibility within Dominate Land Use (VCC 9-11-1):**
This proposed commercial development sits in a rural setting along a Scenic Byway at the entrance to Donnelly. This development fails to meet the County Compatibility Evaluation criteria (See attached Valley County Compatibility Rating).
- **Traffic Hazard at Entrance:**
The information provided indicates entrance design is incomplete and a determination by IDT appears not to have been finalized. This entrance design should be completed and approved by IDT prior to P&Z approval.

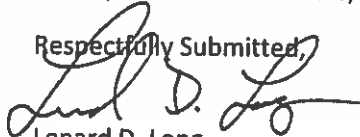


*Figure 1; September 30, 2022 Harmful Algae Bloom viewed from Sentinel2 satellite. The brilliant green streaks and swirls that you see are caused for the most part by a bloom of toxic producing cyanobacteria called *Dolichospermum*. Other toxic producing cyanobacteria like *Aphanizomenon*, *Woronichinia*, and *Microcystis* are also present. Consider the cumulative water quality consequences and need for permanent BMPs before deciding*

Changes in land-use and associated man-made activities (e.g., landscape, construction sediments, oil & grease road runoff, excess fertilizers, litter and pets) increase pollutants degrading our waterways. Lake Cascade, with its complexity of nutrient problems, is impaired for failing to meet Environmental Protection Agency's (EPA's) list of 303(d) water quality standards (primarily phosphorus). The lake has exceeded its natural ecological rebound capacity and currently has no remaining natural resiliency to annual nutrient loading and resulting eutrophication (see attached lake photos).

The cumulative impact of developments adds lake pollutants and destroys filtering wetlands ... unless permanent and well-engineered BMPs are installed like detention basins and constructed wetlands for filtration. Developments located with 1,000 feet of wetlands, tributaries and the lake need to take extra "low impact" precautions.

Respectfully Submitted,



Lenard D. Long
Friends of Lake Cascade
250 3rd Street
Cascade, Idaho 83611

[Redacted]
(Representing 1,800+ concerned lake enthusiasts)

[Faint, illegible text, likely bleed-through from the reverse side of the page]

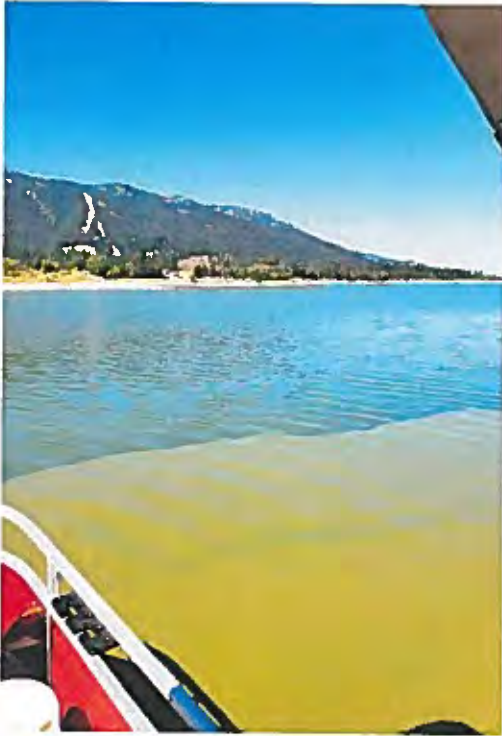


Figure 2; September 2019 Tamarack Bloom in the NFPR Arm near this site's drainage discharge. Consider the cumulative and unintended water quality consequences and need for good permanent BMPs before deciding.

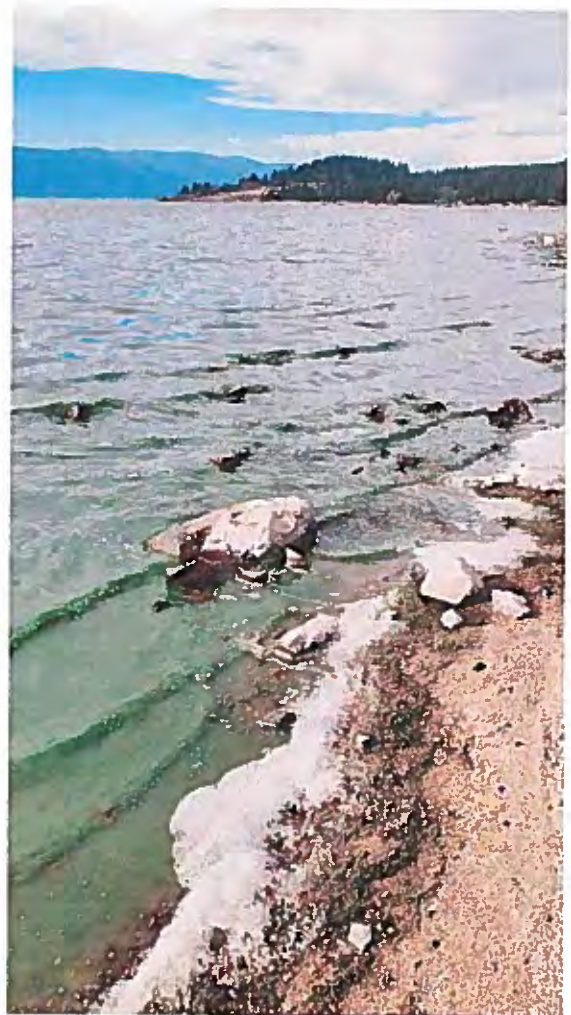


Figure 3; October 8, 2022 Van Wyck Beach looking toward Crown Point. Consider the cumulative and unintended water quality consequences and need for good permanent BMPs before deciding.



Figure 4; Foul-smelling Cyanobacteria mat October 5th, 2022 mid Lake Cascade near Sugarloaf SP. Consider the cumulative and unintended water quality consequences.



Figure 5, June 2022, Cyanobacteria bloom at the Cascade Golf Course. Consider the cumulative and unintended water quality consequences.

VALLEY COUNTY COMPATIBILITY MATRIX

Shoemaker Storage

YES/NO				Response Value	Question and Evaluation
(+2/-2)	-2	X	4	-8	<p>1. Is the proposed use compatible with the dominant adjacent land use?</p> <ul style="list-style-type: none"> ✓ No, Existing rural property values will be negatively impacted by commercial development. ✓ No, adjacent lands are rural residential, low density not commercial and is not the "Dominate Land Use". ✓ The land is on the state Scenic Byway.
(+2/-2)	-2	X	2	-4	<p>2. Is the proposed use compatible with the other adjacent land uses (total and average)?</p> <ul style="list-style-type: none"> ✓ No, Adjacent land is not commercial. ✓ No, Adjacent land is rural and farming.
(+2/-2)	-2	X	1	-2	<p>3. Is the proposed use generally compatible with the overall land use in the local vicinity?</p> <ul style="list-style-type: none"> ✓ No, The land use within a 1 to 3 mile radius is generally agricultural and low density rural, not commercial. ✓ The site is located along a Scenic Byway for Idaho.
(+2/-2)	-2	X	3	-6	<p>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?</p> <ul style="list-style-type: none"> ✓ No, Access off Hwy 55 looks very dangerous and will add to traffic congestion and high risk for adjacent property owners.
(+2/-2)	-2	X	1	-2	<p>5. Is the size or scale of proposed structures similar to adjacent ones?</p> <ul style="list-style-type: none"> ✓ No, The storage units are not consistent with adjacent properties. ✓ No, The architectural design differs and is larger scale. ✓ No commercial structures in this neighborhood.
(+2/-2)	-2	X	2	-4	<p>6. Is the traffic volume and character to be generated by the proposed use similar to the ones on properties that will be affected by proximity to parking lots, on-site roads, or access roads?</p> <ul style="list-style-type: none"> ✓ No, The traffic volume and congestion will increase on Highway 55.
(+2/-2)	-1	X	2	-2	<p>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?</p> <ul style="list-style-type: none"> ✓ No, Retention ponds will take away cold water from draining into Lake Cascade. ✓ No, this will impact wildlife and the scenic byway.
(+2/-2)	-2	X	2	-4	<p>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?</p> <ul style="list-style-type: none"> ✓ No, There are plenty of storage units available in Donnelly. Other incalculable direct economic impacts that become a burden on tax payers include: Law enforcement and the fire department, hospitals and emergency response, school classrooms and transportation, post office and Internet service. Medical centers, fire protection, and emergency medical services along with sheriff protection are already stretched thin and overworked and these services have been asking taxpayers for increases to handle the load.

(+2/-2)	0	X	2	0	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? ✓ Unsure
Subtotal (+)				0	
Subtotal (-)				-32	
Total Score				-32	

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



Brad Little, Governor
Jess Byrne, Director

March 27, 2023

Cynda Herrick, Planning & Zoning Director
Valley County Planning & Zoning
219 N. Main Street
P.O. Box 1350
Cascade, Idaho 83611
cherrick@co.valley.id.us

Subject: C.U.P. 22-34 Shoemaker Donnelly Storage

Dear Cynda Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

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

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

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

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

6. ADDITIONAL NOTES

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

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

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

To Whom it may Concern,

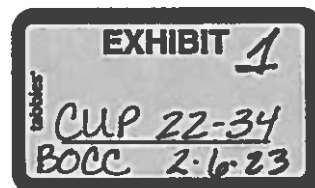
Our family has had a difficult time finding a reliable, clean, and secure storage place in Donnelly. The garages in Donnelly are small and do not have enough room to keep our belongings out of the harsh winter conditions. A new storage unit would allow the us to get our stuff inside and clean up the area. We are in support of a new storage facility.


Steve Boatman

January 12th, 2023

20 Mangum Circle #3

Donnelly, ID



February 1st, 2023

To Whom it may Concern,

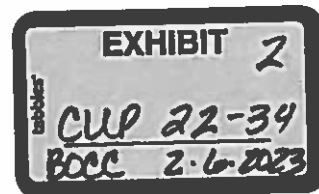
We have been in the Valley County area for over 18 years. In the time the area has vastly grown in most areas while the storage facilities have lacked. In the past we have need to a storage unit and been unable to get a spot when needed. A new storage facility in the Donnelly area would be a welcome addition to the community in my opinion,



Carl Marcum

36 Mangum Circle #4

Donnelly, ID



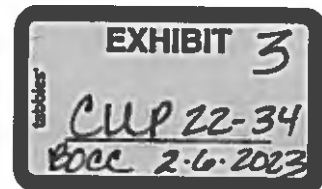
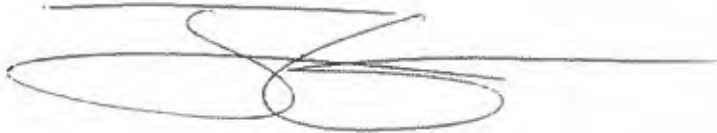
RE: Storage unit addition

January 26th, 2023

To Whom it may Concern,

As a resident in valley county since 2018 I have found it increasingly difficult to find proper storage in Donnelly. A new facility would be greatly apricated by the locals.

Joey Gibson
41 Mangum Circle #1
Donnelly, ID



Denial of Shoemaker Donnelly Storage Units - C.U.P. 22-34 appeal

Linda Eddy

Sun 2/5/2023 10:21 PM

To: Elt Hasbrouck <ehasbrouck@co.valley.id.us>; Sherry Maupin <smaupin@co.valley.id.us>; Neal Thompson <NThompson@co.valley.id.us>; Douglas Miller <dmliller@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.

Dear Honorable:
Valley County Commissioners
Doug Miller, Valley County Clerk
Cynda Herrick, Valley County Planning & Zoning Director



I attended the December 9, 2022 Valley County Planning and Zoning hearing on the application for the Shoemaker Donnelly Storage Units. I was very concerned about the traffic danger at the intersection of Old State Road and the entrance to Highway 55 where this proposed development will be located off Old State Road near the intersection.

I think the Valley County Commissioners should today hear what Mr. Robert's stated at the December 9, 2022 at the Valley County Planning & Zoning hearing:

Would Mr. Miller, VC Clerk or Ms. Cynda Herrick, VC Planning & Zoning Director please play the recording of the December 9, 2022 Public Hearing where Mr. Ken Roberts, VC Planning & Zoning Board Member stated facts why the application for the Shoemaker Donnelly Storage Units should be denied. I totally agreed with Mr. Roberts why this application should have been denied. I still agree today with Mr. Roberts.

My number one concern is the traffic danger at the intersection of Old State Road and Highway 55. The speed limit on Highway 55 (55) as you're approaching Old State Road from the north on 55 is 45 mph and within about 100' from this intersection 55 turns to 65 mph. Most all the traffic approaching the 65mph speed at this intersection are almost going 60+ mph already, I think we all know that.

When you leave 55 onto Old State Road most people are going a minimum of 45+ mph. The proposal of this developer is to put an entrance/exit onto Old State Road within 100+feet of this intersection. The speed limit on Old State Road is 45mph going south and coming north towards this intersection. If someone with a vehicle pulling a trailer of any kind behind their vehicle pulls out of said storage units onto Old State Road as someone is coming off 55 there is no way they could get stopped in time. Also, for the developer to put in berms and trees will generate a blind spot for customers pulling out of the development and won't be able to see traffic coming off 55 at 45+mph or faster.

Here's an example of my own experience Friday, February 3, 2023 around 4:15pm. I left Donnelly heading to Wagon Wheel Subdivision I had two cars ahead of me and three vehicles behind me, the last one was a big pickup pulling a snowmobile trailer. We raised our speed immediately when we reached the 45mph sign all traveling south on 55. Once I got near and could see the intersection I turned on my signal and so did the cars in front of me and the three behind me. Remember we were all going

45+miles per hour when we exited onto Old State Road. If there would have been someone all of a sudden pulling out of the proposed entrance/exit of Shoemaker Donnelly Storage with a trailer behind them I'm sure it would have been a major horrible accident, especially with the big pickup pulling the trailer behind us, he can't stop that quick. My husband over the past 26+years, through his business, has traveled this route from Donnelly onto the Old State Road for many years and knows the danger of this intersection.

Most all the residents living in the Wagon Wheel Subdivisions use Old State Road if they're going to go north on Highway 55.

In the application it speaks this intersection will "Probably" be realigned with 55. I don't feel until the Valley County Road Department and the VC Commissioners have this designed and approved with the Idaho Transportation Department this application should be DENIED until such time the Old State Road HAS BEEN realigned.

Please DENY this application based on my testimony.

Respectfully,
Bill & Linda Eddy
Donnelly, Idaho

Fwd: Shoemaker Donnelly Storage Appeal

Douglas Miller <dmiller@co.valley.id.us>

Sat 2/4/2023 11:35 AM

To: Cynda Herrick <cherrick@co.valley.id.us>; Neal Thompson <NThompson@co.valley.id.us>

Get [Outlook for iOS](#)

From: Therese Gibboney [REDACTED]
Sent: Saturday, February 4, 2023 9:05:18 AM
To: Sherry Maupin <smaupin@co.valley.id.us>; Elt Hasbrouck <ehasbrouck@co.valley.id.us>; Douglas Miller <dmiller@co.valley.id.us>
Subject: Shoemaker Donnelly Storage Appeal

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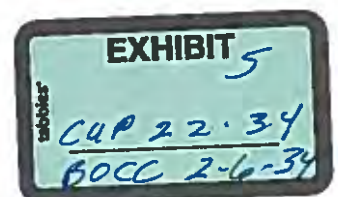
Hello Commissioners: Elt, Sherry and Neil,
(we did not have Neil's work email and did not want to utilize his personal one)
Unfortunately we can not make it to the hearing on Monday 2/6/23, however, we are hopeful you will share our email as testimony. We had to go out of town on a family matter and in turn missed the filing date for letters. We are writing to you to ask that you deny this application. Donnelly has a large, new unrented storage unit on Coho, built by U-Haul. Along with the storage by the fire department and the Stor-It in town we do not need yet another one. We certainly don't want Donnelly to become the dumping grounds for too many storage units. With our economy going into a semi recession it is time to slow down and think of what we are leaving for future generations.
Please take a moment and watch Ken Roberts thoughtful and sound reasoning on why he wanted this denied. His words speak volumes and they are why we are asking for this to be denied. **Starts at 2.22 38**
<https://www.youtube.com/watch?v=qvCw-otyLsU>
Once again please deny this application today.

Respectfully,
Therese and Gregg Gibboney

*Confirm received

**Douglass can you play this as my testimony please.

Sent from [Mail](#) for Windows





CENTRAL DISTRICT HEALTH DEPARTMENT Environmental Health Division

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____

Conditional Use # CUP 22-34

Preliminary / Final / Short Plat Shoemaker Donnelly Storage

- 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/or surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - community sewage system
 - 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
 - sewage dry lines
 - 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
 - swimming pools or spas
 - beverage establishment
 - grocery store
 - child care center

14. _____

Reviewed By: [Signature]

Date: 9/20/22



Valley County Road & Bridge

PO Box 672* Cascade, Idaho 83611

Jeff McFadden
Superintendent

jmcfadden@co.valley.id.us

Office * (208)382-7195

Fax * (208)382-7198

C.U.P. 22-34

September 26, 2022

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact to the local roads that will be utilized for accessing the proposed storage facility. CUP 22-34 is a preliminary plat submitted by Jeff Hatch seeking approval of an office and five storage buildings totaling approx. 97,125 sq/ft on 26.97 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include Old State Road and Eagle Lane. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

Valley County owns Right-of-Way along Old State Road and Eagle Lane.

- Recommendation (1): Mitigate impacts to transportation services on those roads identified above by negotiating with developer payment of road improvement costs attributable to traffic generated by proposed development. The value of the developers proportionate share may be determined by several methods: (1) reference 2007 Capital Improvement Program cost comparisons for the Wagon Wheel CIP with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.

Any or all of the above recommendations that are agreeable to the developer should be memorialized in a future voluntary road agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Dept. and developer identifying the value of road improvement costs contributed.

Valley County Road Superintendent

A handwritten signature in black ink, appearing to read "Jeff McFadden".

Jeff McFadden

Creekside Court

From: Jeff Mcfadden <jmcfadden@co.valley.id.us>

Sent: Wednesday, November 16, 2022 11:52 AM

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

Subject: Creekside Court

Just a follow up on the conversation about the culvert on Creekside Court, I would not tell anybody we don't have the money to replace a culvert that could cause serious issues to the public. I have since looked at that culvert, and it is rusted out on the bottom. I have it down for replacement next year. This could be a possibility for the mini storage development to spend some of the RDA money if it is approved.

Thank you,

Jeff McFadden, Superintendent
Valley County Road Department



Donnelly Rural Fire Protection District
P.O. Box 1178 Donnelly, Idaho 83615
208-325-8619 Fax 208-325-5081

October 5, 2022

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 22-34 Shoemaker Donnelly Storage

After review, The Donnelly Rural Fire Protection District (DRFPD) will require the following.

- **Section 503.1 IFC 2018.** Fire apparatus access roads shall be provided and maintained in accordance with **Sections 503.1.1 through 503.1.3**
- All roads shall be built to Valley County Road Department standards or **Section 503.2 IFC 2018.**
- All fire apparatus access roads shall be a minimum of 24 feet in width as determined by the AHJ
- **Section D103.3 IFC 2018** all roads shall have not less than a 28 foot turning radius
- In accordance with **Section D103.5 IFC 2018.**
 - Where a single gate is provided, the gate width shall not be less than 20 feet.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access
 - Emergency opening devices shall be approved by the fire code official
- All roads shall be inspected and approved by Donnelly Fire Department personnel prior to building permits being issued
- **Section 503.4 IFC 2018** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in **Sections 503.2.1 and 503.2.2** shall be maintained at all times
- All building plans shall be submitted to the Donnelly Fire District for review prior to building permits being issued to assess the need for fire suppression system or separation by construction
- The Donnelly Fire Department shall require one 10,000 gallon fire suppression water storage tank, tank shall be connected to a well and have automatic fill and shut off capability. Design specifications and tank placement plan shall be submitted to the DRFPD for review and approval prior to installation. **Sections 507.1 through 507.4 IFC 2018**

- Fire suppression water storage tank shall be tested and approved by Donnelly Fire Department personnel prior to occupancy
- Portable fire extinguishers shall be installed in accordance with **Section 906.3 IFC 2018.**

Please call 208-325-8619 with any questions.

Jess Ellis



Fire Marshal
Donnelly Fire Department

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



Brad Little, Governor
Jess Byrne, Director

January 11, 2023

Cynda Herrick
Planning & Zoning Director
Valley County
PO Box 1350
Cascade, ID 83611
cherrick@co.valley.id.us

Subject: Appeal of PZ Commission Approval of CUP 22-34 Shoemaker Donnelly Storage

Dear Cynda Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

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

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

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

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

6. ADDITIONAL NOTES

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

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

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

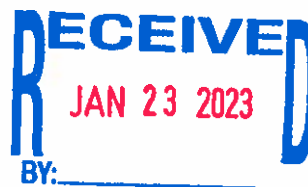


**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

November 22, 2022

Valley County
Cynda Herrick, Planning & Zoning Director
219 N Main St
Cascade, ID 83611



Re: Shoemaker Properties, LLC's Appeal, CUP 22-34

Dear Ms. Herrick,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Shoemaker Properties, LLC's appeal located on Highway 55 at the intersection of Old State Road and Eagle Lane, Valley County, Idaho. The application is for a conditional use permit to construct a self-storage facility including an office and five structures on 26.97 acres. Please see the below comments:

1. This project abuts State Highway 55 (SH-55).
2. No direct access to the State Highway system has been requested with this application.
3. Traffic generation numbers were not provided with this application. Based on the change of land use and its proximity to SH-55, ITD is requesting that the applicant provide a Traffic Impact Study (TIS) reflecting the full build out including left and right turn lane warrants, Acceleration and deceleration lane warrants, and intersection site traffic turning volumes. ITD needs more information to determine what mitigations if any, the applicant may be required to construct on the State Highway system. Any necessary mitigation for traffic impacts identified by the TIS shall be the responsibility of the applicant to construct.
4. The ITD Form 2109, *Right-of-Way Encroachment Application and Permit Approaches or Public Street* must be submitted with the TIS. For additional information please contact Josh Nopens at Josh.Nopens@itd.idaho.gov.
5. Any addition, modification, change use, relocation, maintaining, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit (ITD Form 2110) to use state right-of-way. For additional information please contact Shona Tonkin at Shona.Tonkin@itd.idaho.gov.
6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
7. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information.

ITD reserves the right to make further comments upon review of submitted traffic generation data or other documents.

Sincerely,

Wendy I. Howell, Development Project Coordinator
ITD – District 3

Shoemaker storage appeal comment from a neighbor

From: Gerald Kelly [REDACTED]
Sent: Saturday, January 21, 2023 1:26 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: Shoemaker storage appeal comment from a neighbor

Hello V.C. Commission and Staff,

My Name is Joni Goode. I live at 13079 Highway 55 and agree this Storage project is a mistake. The sign near this location reads Donnelly Scenic Byway as best I remember. This industrial building is anything but scenic. Scenery brings tourists and they won't come if the area looks awful.

The lighting from this project will effect me. So will the noise of people coming and going .Backup beeping at 6am for example.

The danger of people making that turn being hit by trucks that have usually hit 65 mph at Old Highway 55 turn off (I live here and know) will cause fatalities. It is inevitable.

The two creeks running into wetlands between my property and the planned build should not be polluted by what people in the storage buildings dump down the drain (which they will)

My well is not the best. I most likely will know have to dig another one so a storage facility that should be in an industrial park is plopped down in an area of pristine pasture land?

This really seems unfair and unnecessary.

Joni Goode
13079 Highway 55
Donnelly Id
[REDACTED]

Appeal of PZ Commission of CUP 22-34 Shoemaker Donnelly Storage

From: Gerald Kelly [REDACTED]

Sent: Sunday, January 22, 2023 1:24 PM

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

Subject: Appeal of PZ Commission of CUP 22-34 Shoemaker Donnelly Storage

Hello V.C. Commission and Staff,

My Name is Joni Goode. I live at 13079 Highway 55 and agree this Storage project is a mistake. The sign near this location reads Donnelly Scenic Byway as best I remember. This industrial building is anything but scenic. Scenery brings tourists and they wont come if the area looks awful.

The lighting from this project will effect me. So will the noise of people coming and going. Backup beeping at 6am for example.

The danger of people making that turn being hit by trucks that have usually hit 65 mph at Old Highway 55 turn off (I live here and know) will cause fatalities. It is inevitable.

The two creeks running into wetlands between my property and the planned build should not be polluted by what people in the storage buildings dump down the drain (which they will)

My well is not the best. I most likely will know have to dig another one so a storage facility that should be in an industrial park is plopped down in an area of pristine pasture land?

This really seems unfair and unnecessary.

Joni Goode
13079 Highway 55
Donnelly Id
[REDACTED]

C.U.P. 22-34 Appeal

From: Lisa Mohler [REDACTED]

Date: January 28, 2023 at 7:30:45 PM MST

To: Valley County Commissioners <commissioners@co.valley.id.us>

Subject: C.U.P. 22-34 Appeal

Appeal of PZ Commission Approval on C.U. P. 22-34 Shoemaker Donnelly Storage

Lisa Mohler
47 Johnson Lane
McCall ID 83638
Jan. 28, 2023

Valley County Commissars 2023

E. Hasbrouck

S. Maupin

N. Thompson

DENY ALWAYS NO MATTER HOW MANY TIMES THEY CHANGE DESIGN OR RESUBMITTAL ON THIS PROPERTY.

My reason are;

1. This is a really really really bad location for any Commercial Business. There are too many roads that have heavy traffic.
2. Have you taken into consideration all the vehicles that travel these roads Snowplows, School Buses, teenagers running late to school, Families going to work with cars full of kids. Then there will be the upset drivers having to wait while trucks and trailers coming from the south that do not know how to drive with a trailer and jackknife while turning into the badly placed driveway.
3. This is not Treasure Valley; they expect storage units in strange places.
4. This is the Hwy 55 Scenic Byway. Your planned metal building does not fit into the surrounding areas.
5. Absolutely NO lights or Noise after ten p.m. this is a neighborhood not a Commercial District. All Business must be conducted between 8a.m. and 10 p.m. You must place a locking gate at the entrance. Have you compared the other Storage Units in Valley County? Round Valley has a lot of open space. You are also encouraging Break-in and Theft of property in all the surrounding areas.
6. Your emergency Access connecting to Eagle Lane is not guaranteed to be a usable access in an emergency. The people who live on this Lane work their property, have gas, propane, hay, and other such deliveries.
7. When your caretaker has problems will you be there in 2.30hrs to take over? Absentee Business owners are the worst.
8. P & Z never should have approved this application. It was a bad idea from the start. Unfortunately, P & Z has to deal with all the bad ideas.
9. We live here to not see Big City Buildings. We want trees, horses, cows, yaks, and goats.
10. Again, DENY THIS APPEAL ALWAYS NO MATTER HOW MANY TIMES THEY REAPPLY.

Wrong Location

Thank you for your time, Lisa Mohler

From: Jason Barnes [REDACTED]
Sent: Wednesday, January 25, 2023 9:47 AM
To: Carl Benjamin [REDACTED]
Subject: Re: Donnelly Storage support email

Hey,

Thanks for informing me about the new Shoemaker Storage condos coming to Donnelly. I have been a resident of Donnelly for twelve years. I am actually a summer and winter resident and have many friends that reside in Donnelly. I own two properties in Donnelly, one on Norwood road 152 Forest Place Circle and the other on Mangum 20 #4. I see a huge benefit to having storage condos like these built in the Donnelly area. Donnelly and McCall have a lack of storage for all the recreational opportunities in the area. One of the properties I own is an acre lot and I wanted to build a Barndominium on it. Now with the opportunity to purchase a storage condo in Donnelly I think it would be a better fit for me and many people. A huge issue that the Shoemaker Storage condos can help alleviate is the traffic congestion on highway 55. We all know traveling on 55 Friday and Sunday is a challenge when following boats and RV's. With very little opportunity to safely pass many drivers get impatient and take risks when passing. I believe the Shoemaker Storage condos will help with this and help families to make it safe traveling the Highway. Donnelly has recently approved a couple large residential developments that will only increase the amount of recreation and travel within the valley county. I would be in favor of the Shoemaker storage condos as many of my friends would.

Please contact me anytime to answer any questions.

Jason Barnes
[REDACTED]

Margie Higgins

13072 ELD LN

Phoyed on October 20 and is unable to come to the meeting.

Concerned with traffic, lights, and property values.

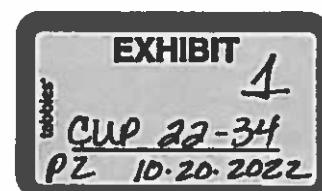


Exhibit 2 – Slide Show Presentation by Applicant

A thumb drive was submitted. Requests were submitted to Valley County IT to download document.

Shoemaker Donnelly Storage

From: Steve Thiessen [REDACTED]
Sent: Tuesday, November 15, 2022 8:09 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Jeffery Hatch [REDACTED]
Subject: Re: Shoemaker Donnelly Storage

Good morning Cynda,

I have attached an email chain from Dwight Stutzman @ 10 Creekside Ct. His property borders ours to the West. Please add this to the submittal.

Thank you,
Steve

Steve Thiessen, *Architectural drafter*
Hatch Design Architecture
200 West 36th Street
Boise, ID 83714

[REDACTED]

From: Dwight Stutzman [REDACTED]
Sent: Tuesday, November 15, 2022 5:53 AM
To: Jeffery Hatch [REDACTED]
Subject: RE: Donnelly storage

Good morning Jeff,

Call at your convenience. I did a little research and now have a better understanding of what your design is. Looks good.



Dwight Stutzman
 Site Superintendent
 dstutzman@speedwellconstruction.com
 SPEEDWELL CONSTRUCTION, INC.
 667 Ditz Dr., Manheim PA 17545



BEST PLACES
 to work in **PA** 2021

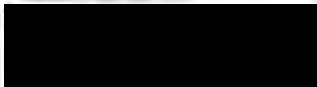
From: Jeffery Hatch [REDACTED]
Sent: Monday, November 14, 2022 7:47 PM
To: Dwight Stutzman [REDACTED]
Subject: Re: Donnelly storage

Good afternoon Dwight,

I wanted to follow-up with you on your inquiry. We are still working through with the highway district and city on coordination for this project and would also like to follow-up with neighbors. Do you have time this week or next for schedule a meeting or coordination call?

Sincerely,

Jeff Hatch, AIA LEED AP
Hatch Design Architecture
 200 w. 36th Street
 Boise, ID 83714



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From: Dwight Stutzman [REDACTED]
Sent: Monday, September 26, 2022 3:23 PM
To: Jeffery Hatch [REDACTED]
Subject: Donnelly storage

Hi Jeff,

I am a property owner bordering I think the proposed storage units. I am working in NJ. putting me out of the loop of information. I would be interested to see the site plan if one is available. 10 Creekside court is my property address.



11/15/22 7:58 AM

Mail - Steve Thiessen - Outlook

Thanks for your response and time.

Dwight Stutzman


Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Valley Meadows Sub. PUD

From: Joey Pietri [REDACTED]
Sent: Monday, September 26, 2022 12:59 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Cc: Valley County Commissioners <commissioners@co.valley.id.us>
Subject: Valley Meadows Sub. PUD

Honorable Commissioners and County P&Z,

I think Valley Meadows needs a bit more scrutiny before approval of this to move to the next step of the process.

Too many glaring deficiencies and public outcry would seem enough to send Developers back to the drawing board it is an inadequate application.

Please reject this Valley Meadows plan since there are 9 some points of non compliance .

I would also Recommend not even a review of the Shoemaker Storage project until infrastructure improvements are made.

Thank you for your consideration.

Respectfully,

Joey Pietri

Shoemaker Storage

From: Lisa Mohler [REDACTED]
Sent: Saturday, October 8, 2022 12:19 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: Shoemaker Storage

Lisa Mohler 47 Johnson Lane McCall ID 83638

Oct. 9, 2022

C.U.P. 22-34
Shoemaker Donnelly Storage
S. of Donnelly Hwy 55

To C. Herrick P&Z Director
Planning & Zoning Commissioners:
Katlin Caldwell Scott Freeman
Ken Roberts Sasha Childs

Please DENY OR TABLE C.U.P. 22-34 with CONDITIONS and QUESTIONS If P&Z Board
feel this is needed below are my concerns,

CONDITIONS

To the North of Donnelly on the west side of Hwy 55 Storage units are being completed. They are back from the Hwy and many trees hide these units.

300ft from HWY55 is not enough of a buffer space

I am fully aware this is not what I want to see every time I drive down on Hwy 55. What I want is for you to plant 15ft HIGH EVERGREEN TREES and add a fence on the East side of property to completely hide the buildings and all your construction before any Building starts. To the north of Donnelly on the west side of Hwy 55 across from the Vet are storage units being built. These will be finished before you open.

I also DO NOT want to see any advertising signs on the South side of the complex. This is not Treasure Valley. People will find you if you keep your prices decent.

There must be a caretaker on site 24/7. From start to finish of the complex. Crime will happen, nothing you can do except have on site security.

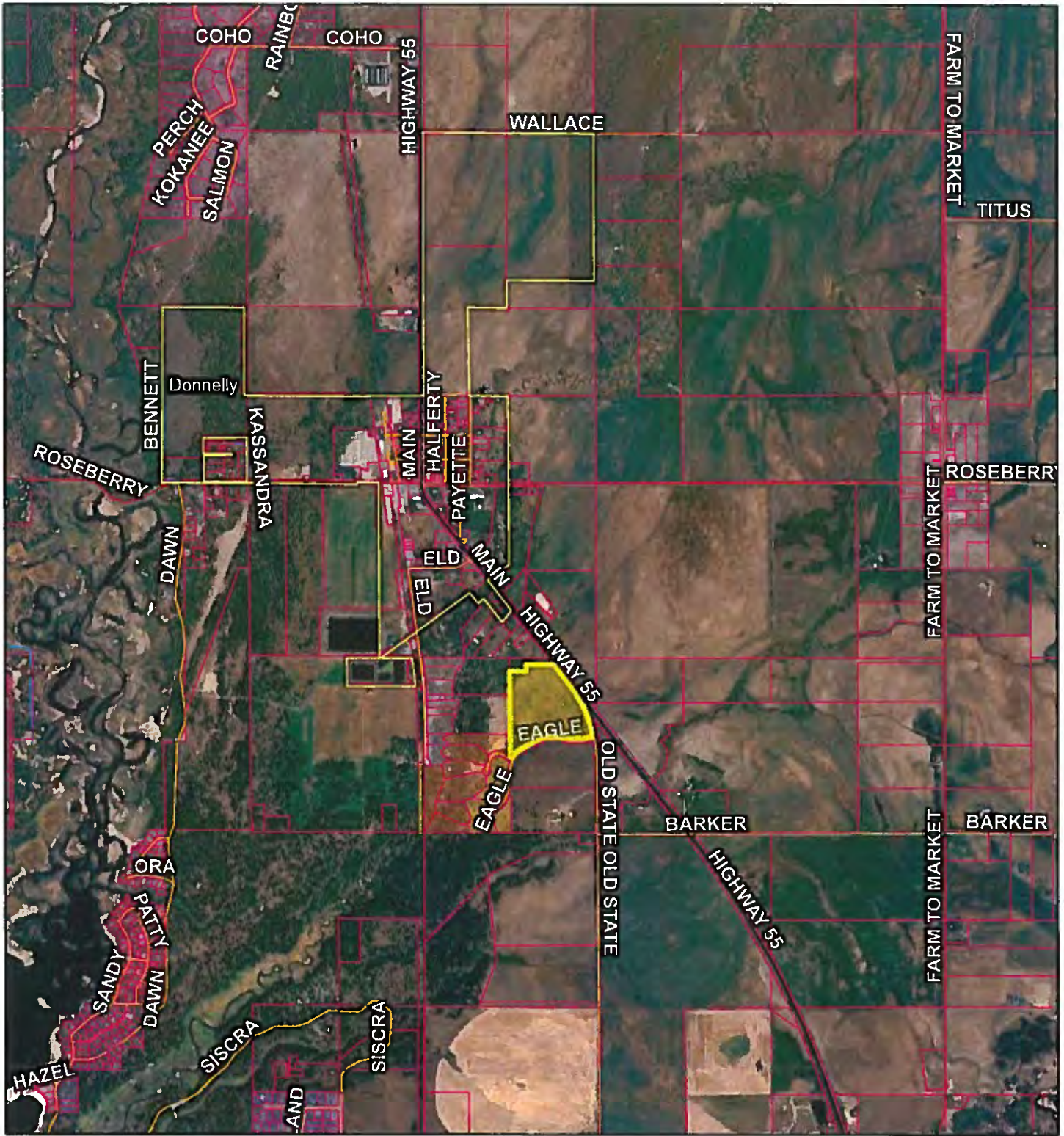
Your rendering A-4.0 of color and sign is not how we want Hwy 55 a Scenic Route to look. Red is not a good color, just Green is better. Yes, there are established structures that do not follow Hwy 55 codes that must Stop, so we start with you.

QUESTIONS

1. I cannot find how many acres this is.
2. How many storage units will you have? Giving SQ FT does not answer this question.
3. What is that (looks like a river) down the middle of the property. If it is water, how will you handle this?
4. What type of jobs do you speak of that will benefit Donnelly?
5. Will your units be used as temporary housing?
6. Having to pay more taxes is the price of doing Business. NOT improving the landscape does not reflect well on your contribution to keeping Valley County looking beautiful.
7. Why will your project take 10 years to complete?

Thank you for your time, Lisa Mohler

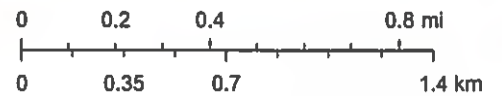
C.U.P. 22-34 Vicinity Map



9/12/2022, 9:28:52 AM

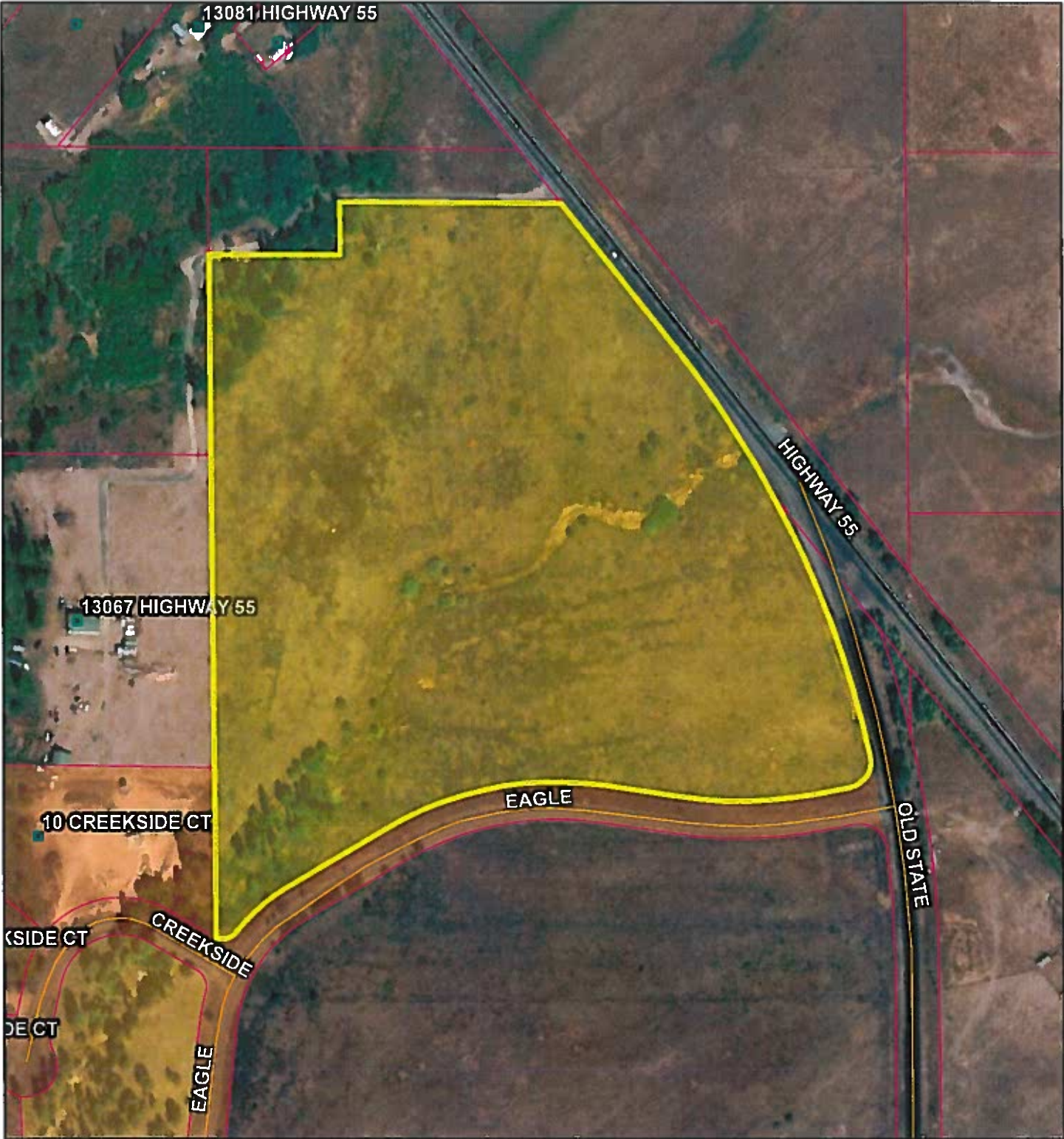
1:36,112

- Municipalities
- Parcel Boundaries
- Roads**
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE



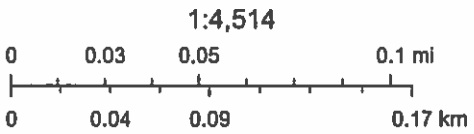
Maxar

C.U.P. 22-34 Aerial Map



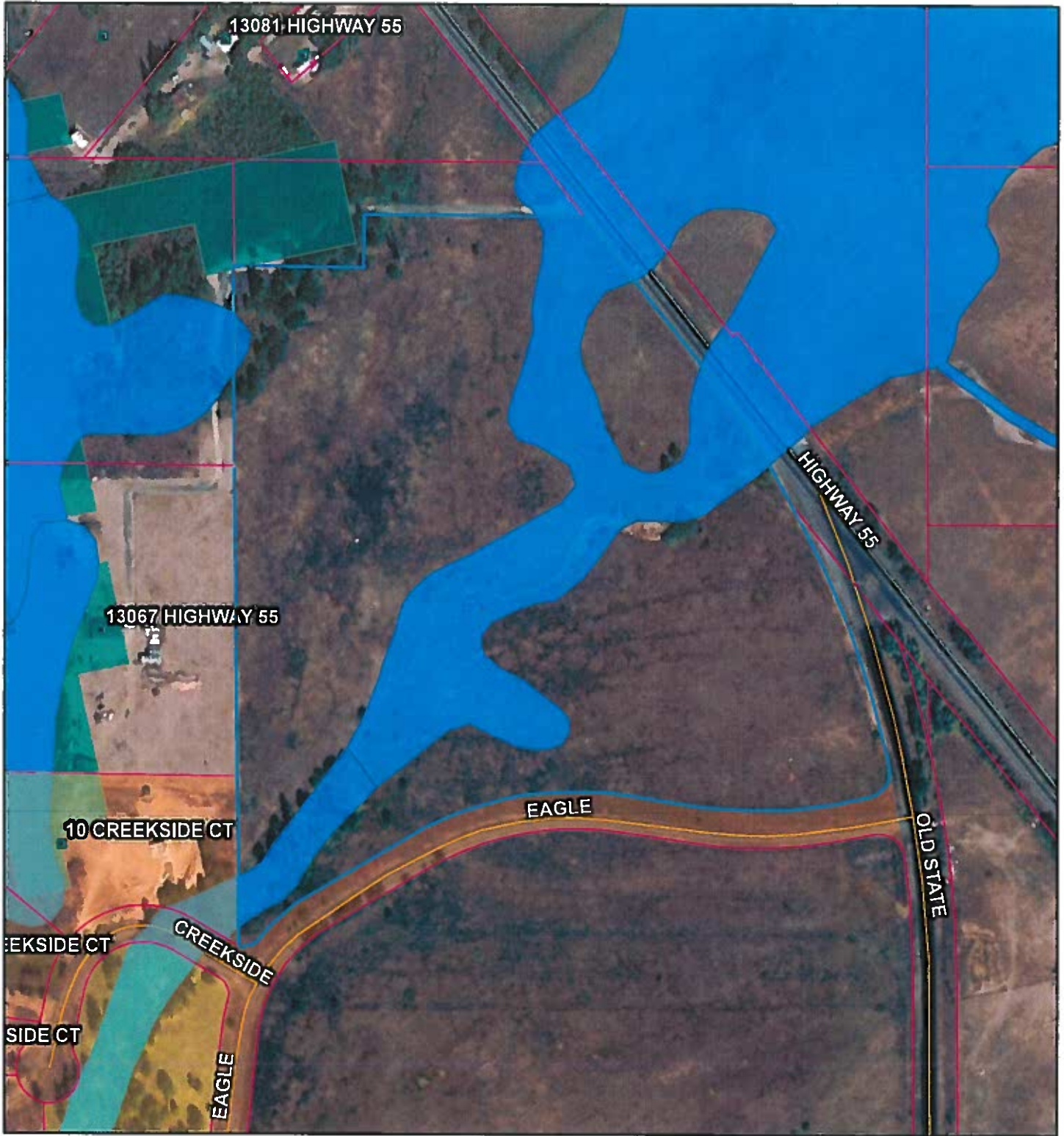
9/12/2022, 9:25:32 AM

- Address Points
- Parcel Boundaries
- MAJOR
- URBAN/RURAL



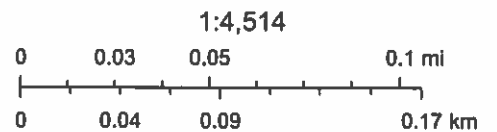
Maxar

C.U.P. 22-34 Wetland Map



9/12/2022, 9:18:48 AM

- Address Points
- Parcel Boundaries
- Wetlands (USFWS)
- Woody Wetlands
- Roads**
- MAJOR
- URBAN/RURAL
- Wetlands (NLCD)**



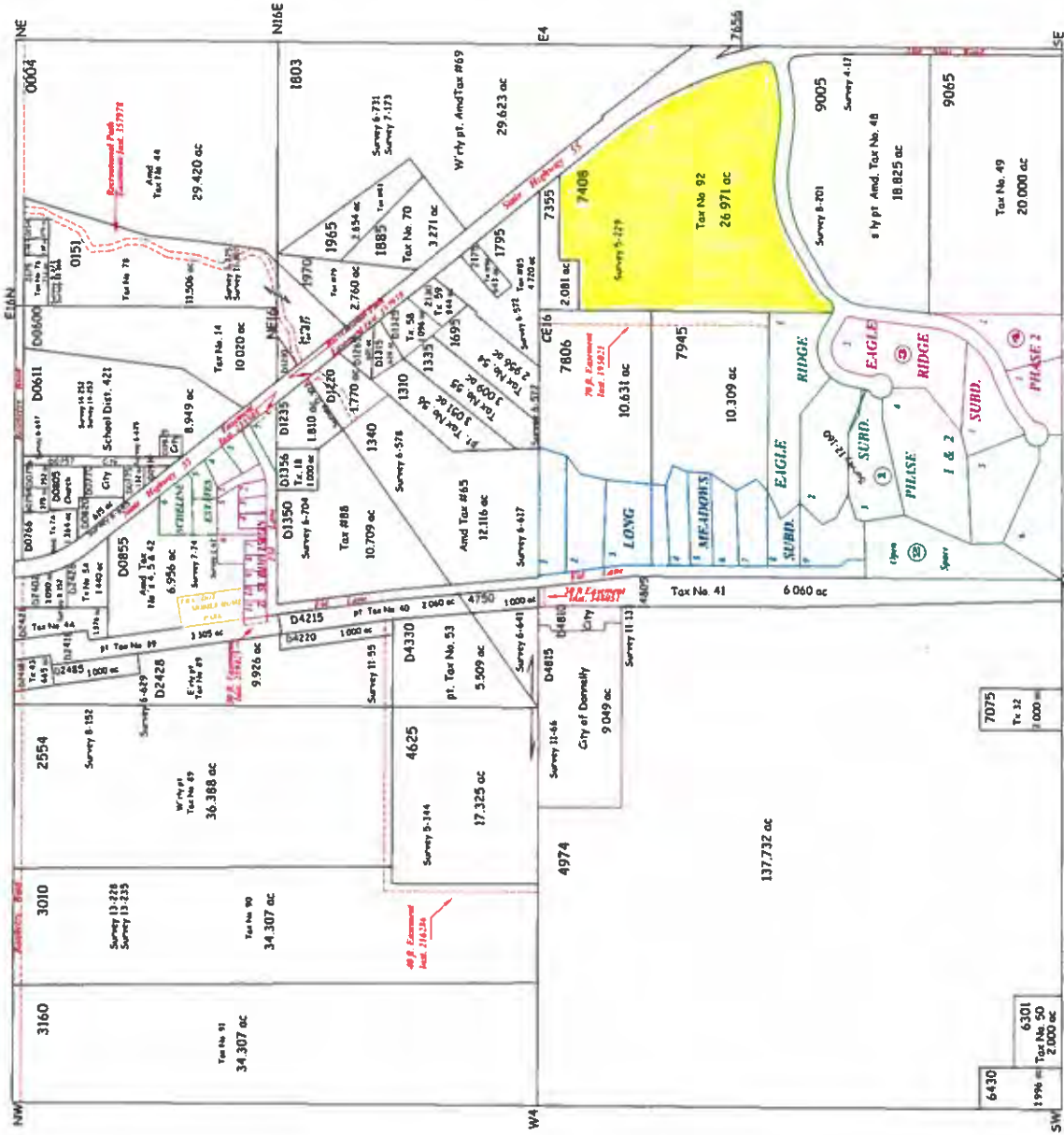
Maxar

PLAT TITLE

T W P . 1 6 N R O S E S E C . 1 5

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

Filename: Valley County Base Map
 Scale: 1" = 400 ft.
 Date: 8/17/2022
 Drawn by: L. Frederick



This drawing is to be used for reference purposes only. The County is NOT responsible for any measurements contained herein.

CURVE TABLE

MARK	CHORD
C1	SE57°34'E 841.79'
C2	S49°21.51'W 124.07'
C3	S77°27.27'W 151.87'
C4	S33°38.56'W 218.81'
C5	S77°28.17'W 28.93'

SITE RECAP

ZONING: MULTIPLE USE

TOTAL PROJECT AREA: 11,175.51 SQ FT

PROPOSED BUILDING FOOTPRINT: 10,204.37 SQ FT

BUILDING A: 14,278.57 SQ FT

BUILDING B: 18,288.27 SQ FT

BUILDING C: 21,075.57 SQ FT

BUILDING D: 10,348.37 SQ FT

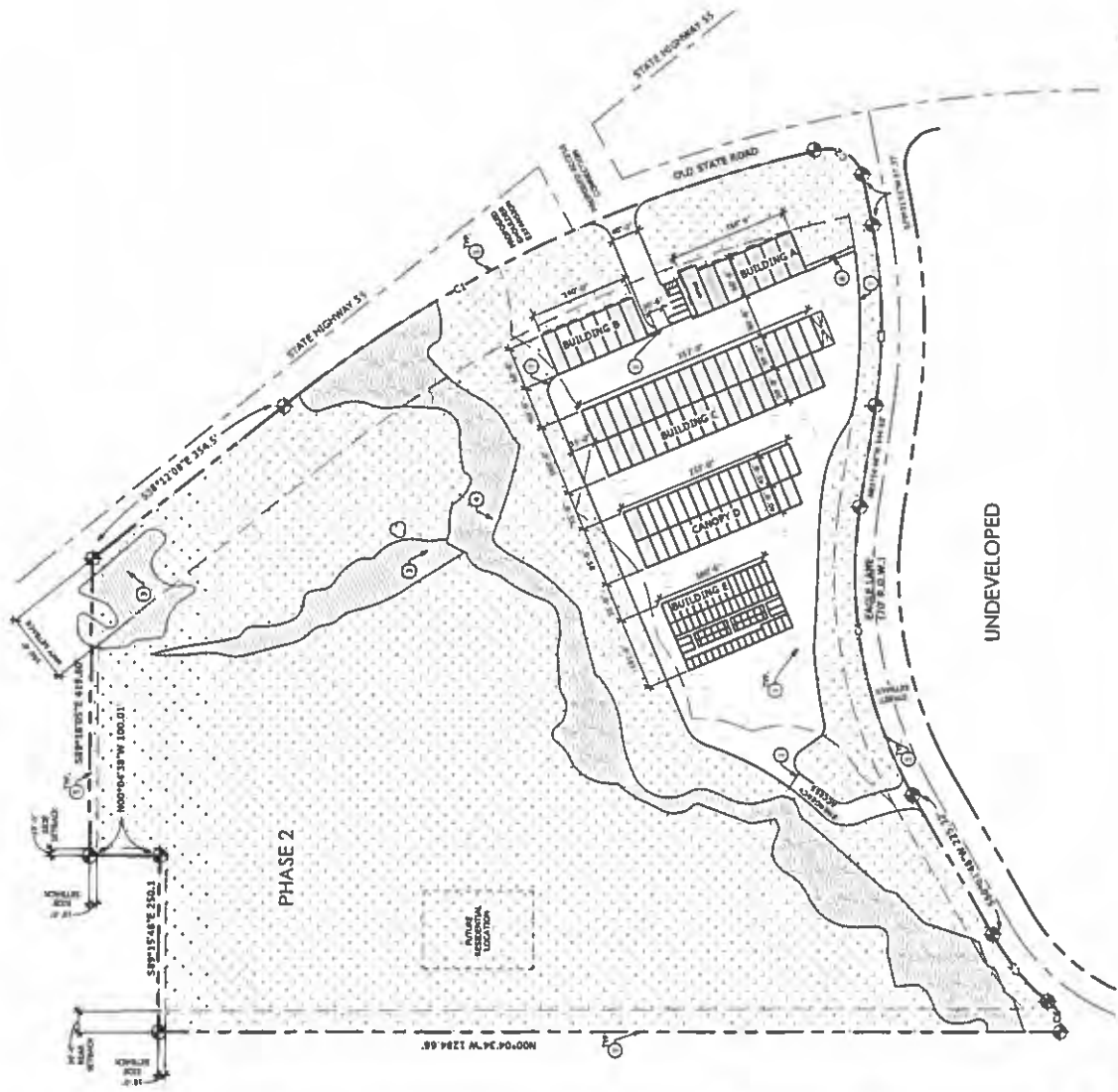
TOTAL: 64,000.80 SQ FT

SETBACKS:
FRONT (HWY 55) - 100'-0"
REAR - 30'-0"
SIDE - 30'-0"
STREET (EAGLE LN) - 30'-0"

PARKING:
REQUIRED: 6 SPACES PER 250 SF
1,200 SF / 250 SF = 5 SPACES
HC ACCESSIBLE - 1 SPACE

PROVIDED: HC ACCESSIBLE - 1 SPACE
STANDARD - 5 OF 5 SPACES
TOTAL - 6 OF 6 SPACES

- GENERAL NOTES**
- PROPOSED POWER FROM OLD STATE ROAD.
- KEYNOTE**
- | NO. | DESCRIPTION |
|-----|--|
| 1 | Five Turn Radius, 25' Interior Radius and 48' Lettering Radius |
| 2 | Left Arm Access Gate, See Detail 3300 |
| 3 | Asymmetrical Wetland Area, Per Wetland |
| 4 | Asymmetrical Stream and Adjacent Wetland Area, Per Wetland |
| 5 | Property Boundary Line |
| 6 | Utility Station, See Civil Drawings |
| 7 | Drainage Facility, See DMS 7, 2022 |

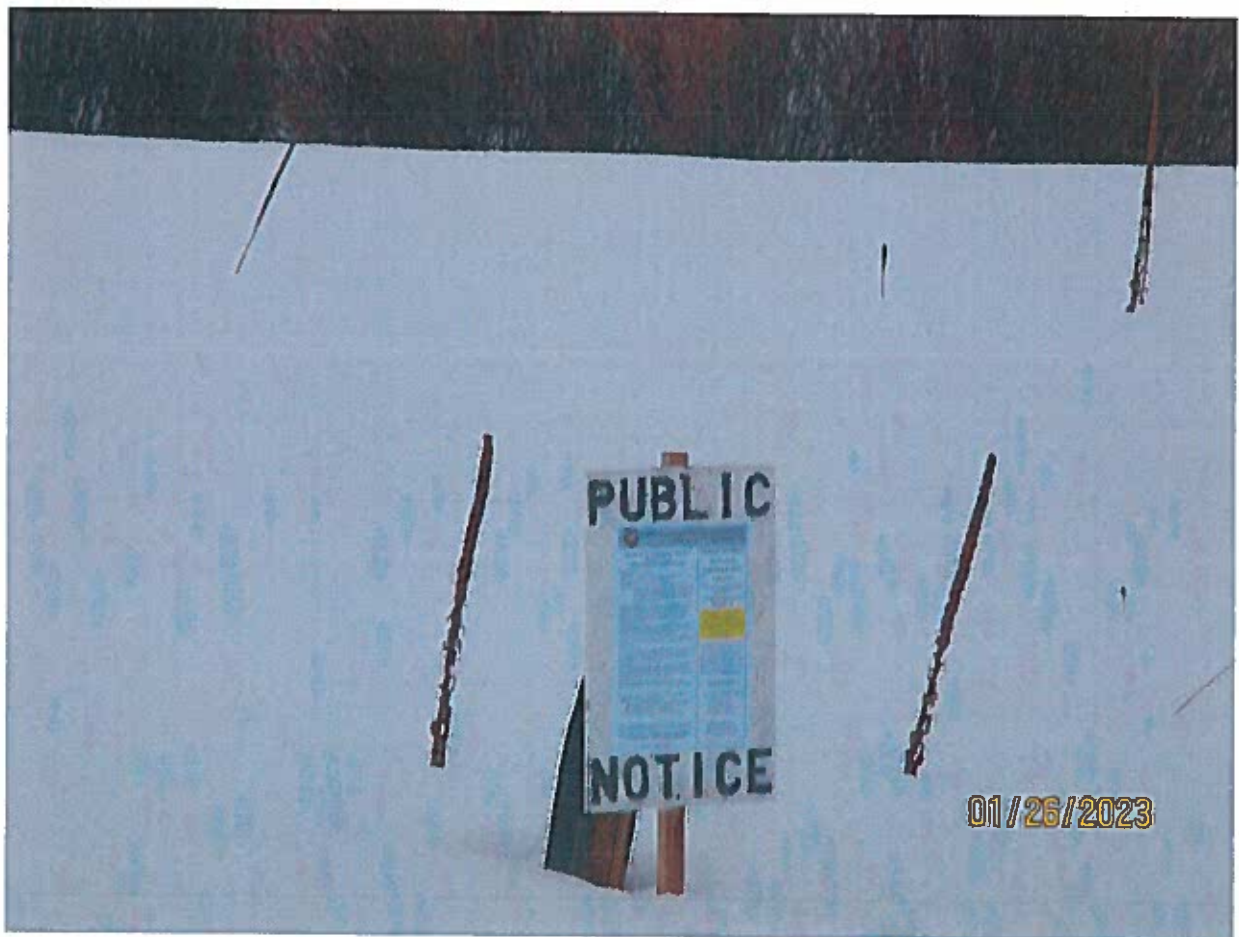


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Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.

(2) Where the commission hears an application, the commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the application or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Provided however, any application which relates to a public school facility shall receive priority consideration and shall be reviewed for approval, denial or recommendation by the commission or the governing board at the earliest reasonable time, regardless of the timing of its submission relative to other applications which are not related to public school facilities.

(3) When considering an application which relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicular, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this

chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

- (a) The ordinance and standards used in evaluating the application;
- (b) The reasons for approval or denial; and
- (c) The actions, if any, that the applicant could take to obtain approval.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

History:

[67-6519, added 1975, ch. 188, sec. 2, p. 515; am. 1993, ch. 216, sec. 111, p. 678; am. 2000, ch. 431, sec. 1, p. 1388; am. 2003, ch. 123, sec. 1, p. 373; am. 2010, ch. 175, sec. 1, p. 359; am. 2011, ch. 279, sec. 1, p. 759; am. 2018, ch. 246, sec. 1, p. 572.]

How current is this law?

Search the Idaho Statutes and Constitution