

Valley County Planning and Zoning

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STAFF REPORT:	Appeal of PZ Commission Denial of an Extension Request for CUP 22-34 Shoemaker Donnelly Storage
MEETING DATE:	July 21, 2026
TO:	Board of County Commissioners
STAFF:	Cynda Herrick, AICP, CFM, Planning and Zoning Director
APPELLANT / APPLICANT:	Jeff Hatch, Hatch Design Architecture 200 W 36th ST, Boise, ID 83714
PROPERTY OWNER:	Shoemaker Properties LLC, PO Box 759, Eagle, ID 83616
LOCATION:	13051 Old State RD 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:	Extension of Approval of a Public Storage Facility
EXISTING LAND USE:	Bare Land

Background:

The conditional use permit was effective May 23, 2023, after approval by the P&Z Commission and Board of County Commissioners (due to an appeal by a neighbor). A two-year extension was approved on May 9, 2024. Jeff Hatch requested a three-year extension of the conditional use permit on March 13, 2026 .

The approval includes a public self-storage facility containing an office and five storage buildings on the southern portion of a 29.67 parcel. Access would be from Old State Road, a public road, with emergency access from Eagle LN. The request was due to on-going ground water monitoring.

Proposed timeline:

2026 – Phase 1 – All site improvements and the construction of Building C and Canopy D.
2028 – Phase 2 – Construction of Buildings A, B, and E.

On May 14, 2026, the Planning and Zoning Commission denied the extension request on a 3-1 vote. The applicant has appealed this decision. (Nay: Roberts, Potter, and Oyarzo, Yay: Schneider)

The Appeal

The appeal (attached) was received in a timely manner on May 22, 2026, with the appropriate \$1,000 fee.

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.

The appeal summarized the application and listed the following reasons for the appeal:

- 1) Significant activity has been made on the project.
 - The fact that the applicant has been diligently working with Valley County PZ Staff, Road Department Staff, Central District Health, Idaho Transportation Department (ITD), and Valley County Engineer was not accounted for in the PZ Commission's decision.
 - Valley County Engineer has recommended the grading and drainage plans for approval.
 - The applicant is waiting for the development agreement to be drafted.
 - The project was scheduled to break ground on Phase 1 once the development agreement was recorded.
- 2) ITD confirmed that a full traffic impact study is not required. See Applicant's Submittal Exhibit J, K, L, M, and N)
 - ITD preliminarily approved the design concept of the intersection realignment and confirmed the need for a right-hand turn lane.
 - Due to the concerns of the PZ Commission on May 14, 2026, a revision was done to account for 2027 traffic projections (Applicant's Submittal Exhibit L)
- 3) Grading and drainage plans and stormwater report have been approved by the Valley County Engineer.
- 4) The land use designation has remained the same for this parcel in the latest Comprehensive Plan and Valley County Code updates. The use is compatible. Valley County Ordinance 2025-07 did not change the conditional use standards set forth in Title 9 Chapter 5.

In addition, the applicant states that the need for extension is to ensure that ground water levels will work with the project. Additional data was needed to finalize the redesign of Highway 55 and Old State Road intersection.

The applicant requests that the Board grant the appeal and issue a final written decision approving the CUP extension.

Findings:

1. 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.
2. A conditional use permit was previously approved and recorded as Instrument # 457122. The effective date was May 23, 2023.
3. Submittals by the applicant for the extension request and appeal were as follows:
 - Extension Request and Revised Site Plan received March 13, 2026.
 - Appeal received May 22, 2026:
 - Appeal Letter
 - Exhibit A – Site Plan
 - Exhibit B – Letter from Parametrix, Valley County Engineer dated May 4, 2026
 - Exhibit C – Approved Grading and Drainage Plans
 - Exhibit D – Approved Stormwater Report
 - Exhibit E – ITD Email Chain
 - Exhibit F – Valley County Road Department Email Chain
 - Exhibit G – Draft Valley County Roads Agreement
 - Exhibit H – Septic Permit Application
 - Exhibit I – CDH Inspector's Email
 - Exhibit J – ITD letter dated June 6, 2024
 - Exhibit K – Traffic Impact Statement dated July 26, 2024
 - Exhibit L – Updated Traffic Impact Statement, May 21, 2026
 - Exhibit M – ITD Letter dated May 19, 2026
 - Exhibit N – Conceptual Realignment of the Old State Road x HWY 55 Intersection
 - Appendix A – Drainage Basin Map
 - Appendix B – Design Plans
 - Appendix C – Storm Drainage Calculations and Resources
 - Appendix D – References
 - Appendix E – Geotechnical Report
 - Appendix F – Structural Control Assessment Tables and BMPS
 - Appendix G – Inspection and Maintenance Form
 - Appendix – Traffic Count Information
 - Appendix – Traffic County Information
4. The Planning and Zoning Commission held a properly noticed public hearing on May 14, 2026.

5. Two people commented in opposition during public testimony on the proposal. Written comments were received from agencies. See the PZ Commission staff report and meeting minutes (attached).
6. The public hearing was closed and Commissioners deliberated. See attached meeting minutes.
7. A motion to deny the extension request was made and seconded. The motion passed on a 3-1 vote. (Commissioner Mabe was excused and not present at the meeting.)
8. An appeal from the applicant's representative and the required \$1000 fee was received on May 22, 2026.
9. Legal notice for the Appeal was completed, as follows:
 - Posted in the *Star News* on July 2, 2026.
 - Potentially affected agencies were notified on June 22, 2026.
 - The applicant/appellant and property owner were notified by fact sheet sent June 22, 2026.
 - Property owners within 300 feet of the property line were notified by fact sheet sent June 22, 2026.
 - The fact sheet was also sent on June 30, 2026, to the two people who commented during the public hearing on May 14, 2026.
 - The appeal letter and public hearing notice were posted online at www.co.valley.id.us on June 22, 2026.
 - The site was posted on July 9, 2026.
10. The Minutes of the PZ Commission Hearing and the Facts and Conclusions are attached, along with information submitted by the applicant and public.

Conclusions

The Valley County Planning and Zoning Commission made the following conclusions:

- 1) The Valley County Comprehensive Plan was modified since the original application was approved.
- 2) Additional issues at the site include traffic studies, public safety at the intersection, water, wetlands, and surface water runoff.

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11. All Agency comments received regarding extension request:

Paul Ashton, Parametrix and Valley County Engineer:

- Recommended approval of the revised grading and drainage plans and stormwater drainage report. (May 4, 2026)
- Stated the original CUP conditions and review apply for the extension request. (May 7, 2026)

Brent Copes, Central District Health, stated CDH has no objection to the extension. The septic application will expire December 11, 2027. (April 15, 2026)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (May 4, 2026; June 29, 2026)

Kendra Conder, Idaho Transportation Department, stated ITD does not have any concerns with the extension request. Prior to permitting, the applicant may need to provide an updated traffic study as conditions will inherently change. (May 6, 2026)

Jerry Holenbeck, Donnelly Fire Marshal, stated all existing requirements will continue to apply. (April 29, 2026)

Brandon Flack, Idaho Dept of Fish and Game, had no comments. (May 6, 2026)

12. All Public comment received (written and verbal testimony):

In Favor of Appeal (i.e., in favor of approval of extension for CUP 22-34)

None received.

Opponents of Appeal (i.e., in opposition to approval of extension for CUP 22-34) – See written comments and meeting minutes. Reasons Given Include:

- Heather Beamon, 13017 Old State Road, is opposed and requests a new application based on the changed surrounding land uses and reevaluation to determine if appropriate. (Testimony, May 14, 2026)
- Brad Beamon, 13017 Old State Road, is opposed. Reasons include minor visible changes, previous extension, wetland impacts, Old State Road realignment, and Highway 55 traffic study.

13. 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.

TITLE 9 LAND USE AND DEVELOPMENT

9-5H-8: ISSUANCE OF CONDITIONAL USE PERMIT:

- A. Minutes Of Proceedings: The administrator or staff shall prepare minutes of the proceedings for each hearing, including the action taken by the commission, and forward copies to the members of the commission, the clerk of the board, and the applicant within ten (10) days after the meeting.
- B. Issuance Of Permit; Form: Upon recommendation of the commission, the administrator or staff shall issue a conditional use permit on forms prescribed by the commission.
1. The approval shall be for a period of one year from the date of the hearing, after which time, the approval will expire and be null and void unless the applicant has substantially complied with the provisions thereof or has applied for an extension of time, or the commission has approved a phasing plan for a longer period. Longer approvals may be given for community service uses, so long as they phase improvements, such as landscaping. This will allow better long range planning for utility companies and adjacent property owners.
 2. The commission may approve extensions for increments of one year or specified time period with definite benchmarks upon proper application prior to the expiration of the previous approval. Expiration of the previous approval will be the date specified on the conditional use permit.

3. Applications for extensions shall be reevaluated by the commission and the fee for a new application charged as set by the board of commissioners. The application shall summarize the original plan; describe the significant progress made in accordance with the approved application; explain what has yet to be completed; and specify an updated completion date. Financial guarantees will be reevaluated and extended to meet the updated completion date. The application shall contain an updated list of adjoining property owners and be noticed in the same manner as a new application. With the extension, impacts can be reevaluated and mitigated with the addition of new conditions of approval. A progress report schedule shall be set, with milestones identified. The commission may choose not to approve an extension based upon their reevaluation of the proposed use and lack of activity to complete the project. The extension request is a public hearing. Extensions will not be approved unless all fees are paid and/or reimbursed to the county.
 4. Conditional use permits will not be issued until ten (10) days after the hearing and, in the event an appeal to the board is filed within the ten (10) days' limitation, the permit will not be issued until after a decision by the board.
 5. When the commission's decision is subject to board approval, as for planned unit developments, the conditional use permit will not be issued until after the board's decision.
 6. The permit shall accurately describe the approved use and any conditions placed on the approval by the commission, including the time for completion of the work. Occupancy of any part or portion of the approved use shall not be allowed until all the improvements required to meet the conditions of approval and related laws and regulations have been satisfactorily completed. Occupancy may be allowed for a completed portion of the project upon the posting of a surety for completing the improvements required in the conditions of approval. The procedure and form of surety shall be in accordance with section [10-5-3](#) of this code.
 7. Record the conditional use permit when issued.
- C. Appeals: Appeals may be filed, in writing, by any interested party with the administrator. An appeal of a commission decision on a conditional use permit will clearly state the decision being appealed, the nature of the appeal, and how the decision of the commission was not consistent with the preponderance of the evidence presented. Appeals shall also comply with and be heard in accordance with section [9-5H-12](#) of this article.
- D. Resubmittal: If an applicant fails to appeal a denial within ten (10) days of the date of the hearing, then a resubmittal may not be made for a period of one year from the hearing date unless substantial modifications are made so that the administrator or staff may consider the resubmittal of a new application.
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14. RECOMMENDATIONS / COMMENTS BY STAFF:

A DRAFT development has been prepared and is attached.

Board of County Commissioner's Decision

- 1) 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)

2) Formulate the reasoned decision and rationale for the finding as follows...

- I. List Issues
- II. Develop Reasoned Statements on the issues.
- III. Base decisions on evidence in the record.
- IV. Base decisions on applicable ordinances, etc.

3) Idaho Code 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.**

4) **Facts and Conclusions** will be prepared for Board of County Commissioner's decision final decision for approval at a later date.

List of Attachments:

- 1) Extension Request and Revised Site Plan
- 2) Appeal Letter and Attachments Received May 22, 2026
- 3) Conditional Use Permit 22-34, Instrument #457122
- 4) PZ Commission – May 14, 2026
 - o Facts and Conclusions
 - o Meeting Minutes
 - o Staff Report
- 5) Maps
 - o Vicinity Map
 - o Aerial Map
 - o Google Maps – Aerial View
 - o Google Maps – Street Views, 2024
 - o Assessor's Plat T16N R3E Section 15
- 6) Photos taken April 21, 2026, April 22, 2026, and July 9, 2026
- 7) All Responses, Including Exhibits
- 8) Draft Development Agreement

END OF STAFF REPORT