



Photo Taken July 7th

Applicant claims to have been unaware of the presence of storage tank on June 11th.

As you can see from the previous photo-improvements have continued to be made after the hearing and after the appeal was filed and before final approval.



Photo Taken June 11th

As well as what appears to be business operations...



As one of the property owners stated during the initial hearing on June 11th-

What are we doing here?

This seems to have already been informally approved.

The activity on the property along with the minimal questions from the commissioner and eagerness to expand the applicants' requests all point to this being the case.

Let's look at the commissioner's own compatibility score sheet submitted in the staff report.

Staff Report Compatibility Rating

The County's own compatibility evaluation asks these questions. Our appeal simply asks whether the record contains substantial evidence supporting the answers that were ultimately assigned.

Compatibility Questions and Evaluation

Matrix Line # / Use: #19 Area Business

Prepared by: CH

YES/NO X Response Value

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

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

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

(+2/-2) +2 X 3 +6

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

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

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

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

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

Sub-Total (+) 22

Sub-Total (-) 8

Total Score +14

Use Matrix Values:

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

SF Subdivision

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

Same as 1

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

Agricultural Forest is the area

Site Specific Evaluation (Impacts and Proposed Mitigation)

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?

Yes it is large enough and has a lot of trees.

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

No Structure - residential tanks

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?

Area Business is residential, but will not impact lots

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?

There will be none

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?

No impact

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?

No Change

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

- Questions 1-3 = NEGATIVE 8
 - Acknowledges the proposed use is NOT fully compatible.

Highest Possible Points Given On Remaining questions (less #6)

Can the Board point to the evidence supporting the following conclusions?

Questions **5, 6, 7, and 8** all rely on fairly broad conclusions with little explanation.

- 5- Size & scale similar to adjacent lots?
 - Rating sheet compares the proposed 30,000 Gallon tank to residential tanks.
- 6- Traffic volume & character similar ?
 - Compares a bobtail truck making 8 trips a day to traffic from property owners who do not live in the area full time and use the road minimally as well as seasonally.
- 7- Impact due to consuming or emitting any resource?
 - States no impact. CUP will have impact on the following:
 - **Private Road Impacts-** noted above
 - **Fire Suppression Resources-** Applicant emphasized that the property is not part of the subdivision while also stating they would rely on the fire suppression system within Saddle Rock in case of emergency.
 - **Neighboring Properties-** Property owners submitted insurance documentation showing difficulty in obtaining insurance in already high-risk wildfire area.
- 8- Abilities of public agencies to provide service.
 - States no impact.
 - Demands on fire & traffic

Opinion vs Evidence

The record contains conflicting evidence. On one hand, the applicant expressed her belief that the project would not affect property values, compatibility, or insurance. On the other hand, neighboring property owners, a real estate professional, and other evidence submitted into the record expressed the opposite view.

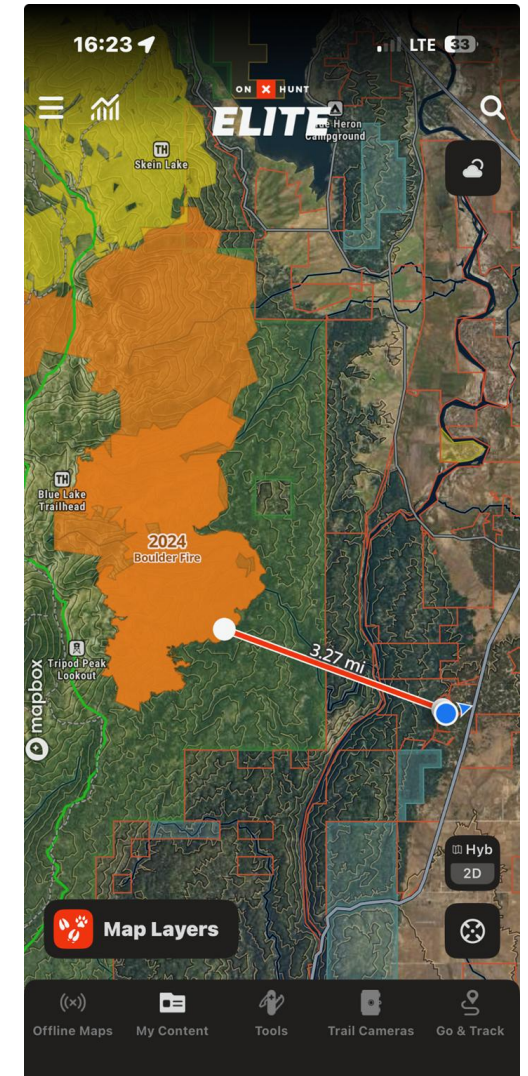
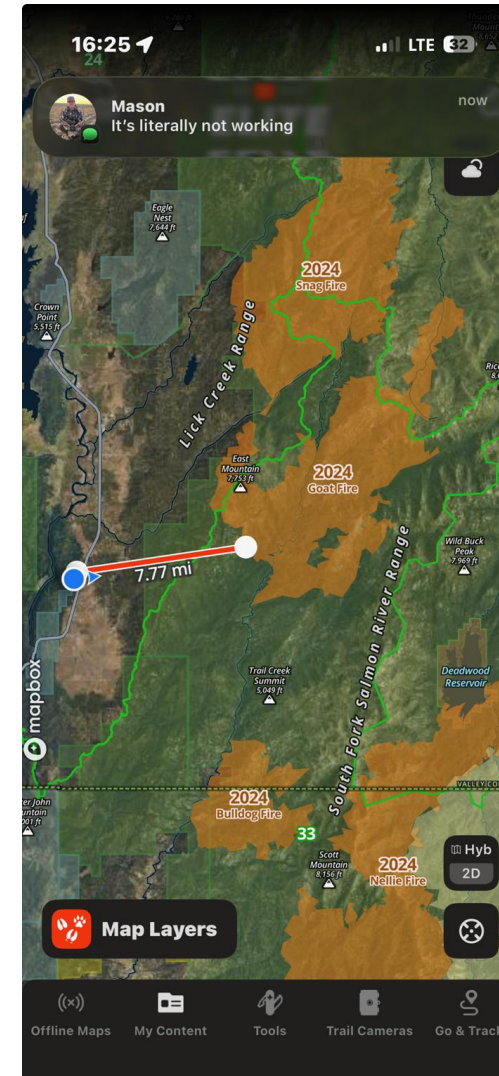
The Commission was required to weigh that conflicting evidence when making the required findings.

- Effect on Property Value
 - Biased Opinion from applicant
 - Professional opinion stating the opposite submitted to the Commissioners
- Compatibility
 - Reviewed Compatibility Rating speaks for itself
- Insurance costs & Availability
 - Applicant stated she received information that it would not affect rates
 - Insurance denial letters showing already difficult to insure this area submitted to the commissioners.

Saddle Rock in top 1% in the country of highest wildfire risk

- Valley County has a very high risk of wildfire - higher than 99% of counties in the entire U.S.
- Saddle Rock is coded in the deepest reds on Wildfire maps indicating one of the highest risk in Valley County.
- In 2024, the Boulder Fire was 3.27 miles and the Goat fire was 7.7 miles.
- A 30,000 gallon tank creates an unreasonable, non-mitigatable hazard in a wildland-urban interface zone
- Wildland-Urban Interface (WUI) fire mitigation policies, completely deny special use permits for hazardous bulk storage structures if the placement alters the natural fuel breaks or endangers adjacent public forestlands. Saddle Rock abuts Packer John State Forest which borders Boise National Forest.

Source: USDA Wildfire Risk



As stated by Chairman Roberts during the 1st hearing:

When we have to apply so many conditions to an application it is because it should not be approved.