



BY: _____
**BEFORE THE VALLEY COUNTY BOARD
OF COUNTY COMMISSIONERS**

**IN THE MATTER OF THE APPEAL OF CONDITIONAL
USE PERMIT 26-012**

Ryan and Heidi Schneider ("Applicants") respectfully submit this response in support of Conditional Use Permit ("CUP") 26-012 and in response to the appeal of the Valley County Planning and Zoning Commission's approval of the application.

We appreciate our neighbors' participation throughout this process and understand that many of the concerns raised in the appeal are sincerely held. As the developers of Saddle Rock and continuing property owners in the area, we share the goal of protecting the safety, character, and long-term value of the community.

The proposal before the Board is **not** an unrestricted commercial or industrial operation. It is a **single propane storage facility** located on a parcel **adjacent to**, but **not within**, the Saddle Rock Subdivision.

Before discussing the applicable approval standards, we would first like to clarify several factual issues raised throughout the appeal. These comments are not intended to minimize the concerns expressed by neighboring property owners. Rather, they intend to ensure the Board has an accurate understanding of several facts before considering the legal issues presented.

Temporary Storage of Empty Propane Tanks

Several appeal letters reference the presence of propane tanks on the property prior to approval of the Conditional Use Permit.

During the June 11, 2026, Planning and Zoning hearing, I was not aware that Borealis Fuels and Logistics had temporarily placed an **empty** propane storage tank on the site while the Conditional Use Permit application was pending. Ryan who is at the property on a daily basis, unlike myself, had allowed Borealis Fuels & Logistics to temporarily store an empty storage tank on the proposed site. Since then, more **empty** tanks have been stored while the hearing process is completed.

The tank(s) are **empty**, are being temporarily stored, and their presence should not be interpreted as operation of the proposed propane storage facility before approval of the Conditional Use Permit. The temporary storage of equipment should not be confused with commencement of the proposed use.

Photographs Submitted with the Appeal

All of the photographs submitted in support of the appeal depict the proposed site from locations that are not accessible from Highway 55, the Saddle Rock private road system, or any other public vantage point. Those photographs were taken by entering our private property without permission.

We believe this is relevant for two reasons.

First, the photographs do not represent views available to the public or to residents traveling through Saddle Rock. Rather, they were obtained by entering our private property. As a result, they do not accurately represent the visual experience of the site from locations the public is entitled to access.

Second, the photographs reinforce one of the Planning and Zoning Commission's findings, that the proposed propane storage facility is not visible from Highway 55 or from the Saddle Rock private road system, or from any lot within Saddle Rock. If the site were visible there would have been no reason to trespass on private property to obtain photographs.

As landowners, hunters, outdoorsmen and developers we hold private property rights in the highest regard. Discovering that individuals entered our private property without permission; to support their appeal, was deeply disappointing and is a violation of our fundamental rights.

Growth of Saddle Rock

When Saddle Rock was first conceived, we had no way of knowing how successful the development would become. We certainly did not anticipate expanding through five phases. As demand continued, we acquired adjacent property that we did not originally own and pursued additional subdivision approvals through Valley County's public review process.

What has not changed is the vision for Saddle Rock. From the beginning, our goal has been to create a low-density residential community with large acreage homesites, privacy and access to surrounding public lands. That vision remains unchanged today. Continuing to provide the type of development that has been embraced by so many property owners is not a departure from our original concept, it is an extension of it.

Like any developer, we cannot predict future market conditions years in advance. What we can say is that every phase of Saddle Rock has gone through its own public review and approval process. We take our integrity seriously, and we believe our track record demonstrates a consistent commitment to well-built, well maintained, thoughtful development.

The Subject Property Is Not Within Saddle Rock

It is also important to clarify that the property subject to this Conditional Use Permit is adjacent to, but not within Saddle Rock Subdivision.

Accordingly, the property is not part of the Saddle Rock Homeowners Association and is not subject to its governing documents. The property itself is a separate parcel and should be evaluated under the applicable provisions of the Valley County Code, the Comprehensive Plan, and the Conditions of Approval governing this Conditional Use Permit.

The following sections summarize why the record supports the Planning & Zoning Commission's decision.

1. PUBLIC SAFETY, FIRE PROTECTION & TRANSPORTATION

Public safety is understandably one of the primary concerns raised throughout the appeal. We share that concern. The question before the Board is not whether propane requires careful regulation—it does. The question is whether **the proposed use**, operating under the proposed Conditions of Approval, can be operated safely.

The application demonstrates that it can.

a. Fire Protection

The **Cascade Rural Fire District**, the agency with jurisdiction and expertise over fire protection and emergency response, reviewed the proposed application. Rather than recommending denial, the Fire District identified operational and construction requirements necessary to ensure the site could be safely operated. Those recommendations were incorporated directly into the proposed Conditions of Approval and are mandatory requirements of the Conditional Use Permit. When evaluating issues of fire protection, the County appropriately sought and incorporated the recommendations of the agency specifically charged with that responsibility. A Technical Memorandum prepared by a veteran engineer with Borealis Fuels and Logistics, is attached as **Exhibit A**, this memorandum further supports the design and safe operation of the proposed facility.

b. Transportation

Traffic and highway access fall squarely within the expertise and jurisdiction of the Idaho Transportation Department ("ITD"). Throughout the development and subdivision approval process for Saddle Rock, multiple traffic studies were required and completed, and all approaches to Highway 55 were designed, reviewed, and constructed pursuant to permits approved by ITD.

The original application estimated approximately four vehicle trips per day. During the Planning & Zoning Commission's review, the Commission adopted a Condition of Approval allowing up to eight vehicle trips per day. Following the Commission's decision, the Applicants confirmed with ITD that the proposed operational limit of six to eight vehicle trips per day would not alter ITD's review or raise any traffic or access concerns. ITD confirmed it had no objection to the revised trip estimate. The Conditions of Approval now limit the operation to a maximum of eight vehicle trips per day, providing the County with an enforceable operational standard. Communication with ITD confirming its review is attached as **Exhibit B**.

Accordingly, the agency with the statutory authority and technical expertise to evaluate traffic impacts on Highway 55 has reviewed the proposed level of use reflected in the Conditions of Approval and raised no objection.

2. CONSISTENCY WITH THE VALLEY COUNTY COMPREHENSIVE PLAN

The appeal argues that the proposed Conditional Use Permit is inconsistent with the Valley County Comprehensive Plan. That conclusion is reached by emphasizing certain goals and objectives while giving little consideration to others that are equally important to the Comprehensive Plan.

The Comprehensive Plan is intended to guide land use decisions by balancing numerous community objectives, including protection of private property rights, preservation of rural character, public safety, orderly growth, economic vitality, and the provision of essential services. **No land use proposal will perfectly advance every goal contained within the Comprehensive Plan.** Accordingly, the Comprehensive Plan should be considered as a whole rather than through selected goals or objectives viewed in isolation. The application before you reflects that balance.

It protects **private property rights** by allowing a reasonable use of privately owned property through the Conditional Use Permit process while incorporating enforceable Conditions of Approval and mitigation measures designed to protect and lessen impact to neighboring properties.

It preserves **rural character** by utilizing a parcel that is existing and currently serves as equipment and material storage. The site is not located within the Saddle Rock Subdivision and is not visible from the Scenic Byway, the Saddle Rock private road system, or the residential lots within the adjacent subdivision.

It incorporates **public safety measures** through review by the Cascade Rural Fire District, the Idaho Transportation Department, and other agencies with expertise over their respective areas of jurisdiction. Their recommendations have been incorporated into the proposed Conditions of Approval. Contrary to the Appellants' suggestion that this use is incompatible with the surrounding area, propane storage and distribution facilities already operate within Valley County, including facilities located directly adjacent to

established residential neighborhoods and multi-family developments, as well as in downtown areas with substantially greater public activity than the proposed site. By comparison, the proposed site is hidden from public view, with controlled access, no retail sales, and no public customer traffic, resulting in significantly less public exposure than comparable facilities already operating within the County.

It supports the promotion of **orderly growth** and efficient use of existing infrastructure by utilizing an existing approved Highway 55 access rather than requiring a new highway approach or additional public infrastructure. It also minimizes visual impacts along the Scenic Byway by utilizing an existing site rather than impacting and building out a new site.

It supports the Comprehensive Plan's goal of **ensuring adequate utility services** to meet the needs of existing and future development by expanding propane distribution services for Valley County residents, businesses, contractors, agricultural operations, and emergency response providers. As Valley County continues to grow, reliable propane distribution is essential to meeting the County's increasing energy needs.

Lastly, it achieves **compatible development** through enforceable operational limitations on traffic, hours of operation, storage capacity, fencing, lighting, and fire protection. Compatibility is measured by the impact of a use on surrounding properties—not simply whether neighboring uses are identical. The Conditions of Approval are specifically designed to minimize those impacts.

The appeal emphasizes goals and objectives relating to rural character and scenic resources. Those goals deserve careful consideration. The application demonstrates, however, that the proposed use is also consistent with those objectives. The site benefits from direct access from Highway 55, it is not visible from the Scenic Byway, Saddle Rock Subdivision Private Roads or any lot's within the adjacent Saddle Rock Subdivision, thereby preserving the rural and scenic character of the area. Rural character is not determined solely by the type of use proposed, but also by its visual and physical impact on the surrounding landscape.

The Conditional Use Permit process exists because not every appropriate land use is identical to surrounding properties. Its purpose is to evaluate site-specific impacts and determine whether those impacts can be avoided or mitigated through enforceable conditions. This application demonstrates that process working exactly as intended. The proposal was reviewed by the agencies with expertise over traffic, fire protection, and other technical matters, and their recommendations were incorporated into the Conditions of Approval.

The question before the Board is not whether the proposed use advances a single goal of the Comprehensive Plan or whether one goal should control the analysis. Rather, the question is whether, when the Comprehensive Plan is considered as a whole, the proposal achieves an appropriate balance of its goals and objectives. The application demonstrates that it does. It preserves the County's rural and scenic character by remaining screened

from public view while simultaneously advancing the Comprehensive Plan's goals relating to public safety, private property rights, orderly growth, economic vitality, and the provision of essential utility services.

3. THE APPROVED USE IS COMPATIBLE WITH SURROUNDING LAND USES

Compatibility is one of the primary issues raised throughout the appeal. The question before the Board is not whether the approved use is identical to surrounding development. The question is whether, considering the nature of the proposed use and the conditions imposed upon it, is compatible with the surrounding area.

That is precisely the purpose of the Conditional Use Permit process. If compatibility required every use to be identical to neighboring properties, there would be little need for Conditional Use Permits. Instead, the Valley County Code recognizes that certain uses may be appropriate when site-specific impacts are evaluated and addressed through enforceable conditions.

The application demonstrates that standard has been satisfied.

First, the proposed use is not located within the Saddle Rock Subdivision. It is located on a separate parcel adjacent to the subdivision that has long served as an equipment and material storage yard. This is not a residential lot within Saddle Rock being converted into a commercial use.

Second, the approved Conditional Use Permit authorizes a substantially more limited operation than is portrayed throughout portions of the appeal. The facility is limited to one movable 30,000-gallon propane storage tank, two bobtail delivery trucks, weekday operating hours, no retail sales, no public customer traffic, no lighting, and a maximum of eight vehicle trips per day.

Third, the Planning & Zoning Commission imposed Conditions of Approval governing landscaping, fencing, lighting, fire protection, emergency access, operational limits, and continued compliance with applicable agency requirements. Those conditions were specifically crafted to address concerns raised during the public hearing and ensure the use remains compatible with surrounding properties.

After reviewing the application, the Staff Report, agency comments, and public testimony, both County staff and the Planning & Zoning Commission concluded the application satisfied the applicable Conditional Use Permit criteria. The appeal reaches a different conclusion but presents no new evidence demonstrating those findings were incorrect. Instead, it largely reiterates concerns that were fully considered during the public hearing and addressed through the Conditions of Approval.

4. AREA IMPACTS

The appeal expresses concerns regarding neighborhood character, visual impacts, and surrounding property values. Those concerns deserve careful consideration. The application demonstrates, however, that the actual impacts of the approved use are substantially less than suggested throughout the appeal.

Although the subject property is conveniently located with direct access to Highway 55, the proposed site is naturally screened from public view. It cannot be seen from Highway 55, the Saddle Rock private road system, or from residential lots within the adjacent Saddle Rock Subdivision. Had this application not been filed, the traveling public and most Saddle Rock property owners would likely never know this existed. A use that cannot be seen from the Scenic Byway, subdivision roads, or neighboring residential lots cannot reasonably be said to alter the visible character of the adjacent subdivision.

Operational impacts are equally limited. The application occupies only a small portion of the 5.88-acre parcel and includes significant operational restrictions, including weekday operating hours, no retail sales, no public customer traffic, only two delivery trucks, and a maximum of eight vehicle trips per day. These restrictions, together with the Conditions of Approval, substantially limit the intensity of the use and minimize impacts on surrounding properties.

The Applicants also have a significant personal and financial interest in protecting the long-term success of Saddle Rock. We continue to own and develop the subdivision, with additional phases coming to market. Our continued success depends upon Saddle Rock remaining a highly desirable place to live. If we believed this application would negatively impact future lot sales, diminish the desirability of Saddle Rock, or undermine the community we have spent years creating, we would be standing beside the Appellants—not before you in support of this application. Our interests are directly aligned with every current and future property owner in Saddle Rock.

Finally, the application provides an essential propane distribution service for Valley County residents, businesses, contractors, agricultural operations, and emergency response providers. In a rural mountain community without natural gas infrastructure, propane is a critical energy source. The application expands the County's ability to provide dependable propane service while minimizing impacts through its location, limited operations, and enforceable Conditions of Approval.

5. PRIVATE ROADS

The appeal asserts that the proposed use may not utilize the Saddle Rock private road system because doing so would violate the recorded Declaration of Private Roads. That argument is factually incorrect.

First, the roads within Saddle Rock are **private roads owned by the Applicants**. They are not public roads, nor are they owned or controlled by the Saddle Rock Homeowners Association or its residents.

Second, when the Applicants created the private road system, they intentionally reserved the right to annex additional property into that system. The **Declaration of Private Roads** and the **Declaration of Private Road Maintenance Duties and Obligations** expressly contemplate that additional property may be annexed over time. As a condition of annexation, any annexed property becomes subject to the same road maintenance fees that each lot owner within Saddle Rock is responsible for, ensuring that all properties benefiting from the private road system contribute their share toward its maintenance and upkeep.

It is also important to note that the proposed site is accessed directly from Highway 55, utilizing only a limited portion of the private road system rather than traveling through the adjacent subdivision.

The appeal argues that allowing this application to utilize the private road system violates the recorded declarations. Because this issue turns on the interpretation of recorded legal documents, we have attached a legal statement of facts from **Joshua J. Leonard of Clark Wardle**, the attorney who drafted the **Declaration of Private Roads**, the **Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision**, and each of the subsequent amendments. His opinion is attached as **Exhibit C** and incorporated herein by reference.

As Mr. Leonard explains, the recorded declarations expressly authorize the annexation of additional property into the private road system. Nothing in those declarations limits the use of annexed property or prohibits the access proposed by this application. Rather, the provisions relied upon by the Appellants simply confirm that the roads are private—not public—and do not restrict the use of annexed property once it has been properly annexed into the road system.

Accordingly, the recorded declarations expressly authorize the annexation of additional property into the private road system, and nothing within those declarations prohibits the proposed use or the access contemplated by this Conditional Use Permit.

CONCLUSION

We recognize that this proposal has generated strong opinions, and we sincerely appreciate the time and effort our neighbors have devoted to participating in this process. We also appreciate the thoughtful review provided by County staff, the Planning & Zoning Commission, the reviewing agencies, and now the Board of County Commissioners.

The question before the Board is not whether every person agrees with the proposed use. Rather, the question is whether the Planning & Zoning Commission correctly determined that the application satisfies the Conditional Use Permit criteria established by the Valley County Code. The application, the Staff Report, the agency reviews, and the Commission's findings demonstrate that it does. The concerns raised throughout the appeal were carefully considered during the public hearing and addressed through the Conditions of Approval, which substantially limit the operation and mitigate potential impacts related to traffic, fire protection, lighting, screening, compatibility, and ongoing operations. The appeal largely asks the Board to reach a different conclusion based on those same concerns.

As the owners and developers of Saddle Rock, our interests are directly aligned with the long-term success of this community. We have every incentive to preserve the character, desirability, and value of Saddle Rock while providing an essential propane distribution service needed to support Valley County's continued growth. If we believed this application would negatively impact future lot sales, diminish the desirability of Saddle Rock, or undermine the community we have spent years creating, we would be standing beside the Appellants—not before you in support of this application.

For these reasons, Applicants respectfully request that the Board deny the appeal and affirm the Planning & Zoning Commission's approval of Conditional Use Permit 26-012.

BOREALIS FUELS & LOGISTICS LTD.

Valley County Board of County Commissioners
c/o Cynda Herrick, Planning & Zoning Administrator
Valley County Development Services

Re: Technical Engineering Opinion Regarding the Approved Propane Storage Facility (Conditional Use Permit (CUP) 26-012)

Dear Chair, Commissioners, and Ms. Herrick:

Borealis Fuels & Logistics Ltd. appreciates the opportunity to provide this technical engineering opinion regarding the approved propane storage facility associated with Conditional Use Permit (CUP) 26-012, currently under consideration by the Valley County Board of County Commissioners.

Borealis Fuels & Logistics Ltd. is the intended lessee of the approved propane storage facility. As the company that intends to lease and utilize the facility, Borealis has a direct interest in ensuring the facility is constructed, commissioned, operated, and maintained in full compliance with all applicable engineering standards, regulatory requirements, the Conditions of Approval established through CUP 26-012, and the requirements of the Cascade Rural Fire District.

The opinions expressed in this letter are based specifically upon the approved propane storage facility associated with Conditional Use Permit (CUP) 26-012, including the Conditions of Approval adopted by the Valley County Planning & Zoning Commission and currently under consideration by the Valley County Board of County Commissioners. This opinion relates solely to the engineering, operational, and public safety aspects of the approved project and is not intended to provide legal opinions regarding land use matters or interpretation of the Valley County Code.

Author Qualifications

I am Scott Ross, CET, Project Manager with Borealis Fuels & Logistics Ltd., with more than 30 years of experience delivering engineering, procurement, construction, commissioning, and operational support for commercial and industrial propane storage facilities, fuel systems, and related energy infrastructure throughout Canada, the United States, and internationally.

Throughout my career, I have been responsible for the planning, engineering coordination, construction, commissioning, and operational support of propane storage facilities and fuel systems serving residential, commercial, industrial, and institutional clients. My experience includes engineering oversight, fuel system design, NFPA 58 compliance, regulatory coordination, hazard identification and risk assessment, construction management, commissioning, operational readiness, emergency planning, and the implementation of safe operating procedures consistent with recognized engineering standards.

I hold the designation of Certified Engineering Technologist through the Engineering Technology Professionals of Alberta (ASET), and my opinions are based upon accepted engineering principles, recognized industry standards, and practical experience delivering industrial fuel infrastructure throughout North America.

Engineering Standards and Regulatory Compliance

Commercial propane storage facilities, including associated propane transfer operations, are among the most comprehensively regulated energy infrastructure systems in North America. Their design, construction, operation, inspection, maintenance, and emergency planning are governed by nationally recognized engineering standards intended to protect employees, emergency responders, neighboring properties, and the public.

The approved propane storage facility will be designed, constructed, commissioned, operated, and maintained in accordance with, including but not limited to:

- NFPA 58 – Liquefied Petroleum Gas Code;
- Applicable federal, state, and local regulations governing liquefied petroleum gas;
- Conditions of Approval established through Conditional Use Permit (CUP) 26-012;
- Requirements established by the Cascade Rural Fire District and other Authorities Having Jurisdiction;
- Borealis Health, Safety and Environmental Management System;
- Hazard Identification and Risk Assessment procedures;
- Employee competency and training programs;
- Preventative maintenance and inspection programs;
- Standard Operating Procedures and Safe Work Practices;
- Emergency Response Planning and Incident Management procedures;
- Routine inspection and testing of propane vessels, pressure relief devices, piping systems, valves, emergency shutoff systems, and associated equipment; and
- Continuous operational improvement and safety management practices.

Compliance with these requirements is fundamental to the safe design, construction, commissioning, operation, inspection, and maintenance of commercial propane storage facilities. Collectively, these requirements establish multiple independent safeguards that significantly reduce operational risk and provide a comprehensive framework for the safe storage and handling of liquefied petroleum gas.

Layered Engineering Safety Systems

Industrial propane facilities are not designed to rely upon any single safety feature. Instead, they are engineered using the internationally accepted principle of multiple independent layers of protection, whereby engineered safeguards, operating procedures, employee competency, inspection programs, emergency planning, and regulatory oversight collectively reduce both the probability and potential consequences of an incident.

This engineering philosophy has been successfully implemented throughout the propane industry for decades and represents the accepted engineering approach for the safe storage and handling of liquefied petroleum gas.

The approved propane storage facility incorporates numerous independent engineered safeguards including:

- ASME-certified propane storage vessel specifically designed for LPG service;
- Code-compliant separation distances established in accordance with NFPA 58;
- Pressure relief devices designed to safely relieve internal vessel pressure during abnormal conditions;
- Emergency shutoff systems capable of rapidly isolating propane flow;
- Steel piping and equipment specifically designed for propane service;
- Vehicle impact protection;
- Controlled site access;
- Routine inspection and preventative maintenance;

- Site-specific emergency response procedures coordinated with emergency responders; and
- Employee training and documented operating procedures.

No single safeguard is relied upon independently. Rather, these systems function collectively to provide a robust and redundant approach to operational safety.

Emergency Preparedness and Environmental Risk Mitigation

The approved propane storage facility is located within an area where wildfire preparedness is a recognized environmental consideration. Borealis fully supports the review conducted by the Cascade Rural Fire District and recognizes the critical role of the Authority Having Jurisdiction (AHJ) in evaluating emergency preparedness, environmental risk mitigation, and appropriate response measures.

While the approved facility has been engineered and will be operated in accordance with NFPA 58 and all applicable regulatory requirements, Borealis recognizes that responsible risk management extends beyond engineering design alone. Effective emergency preparedness requires continuous situational awareness, documented response procedures, trained personnel, and close coordination with emergency management authorities.

Accordingly, Borealis maintains documented Emergency Preparedness and Response Plans as part of its Health, Safety and Environmental (HSE) Management System. These procedures are intended to supplement the engineered safeguards incorporated into the approved propane storage facility and establish a structured framework for responding to extraordinary environmental events, including wildfire, severe weather, and other emergency situations.

The emergency preparedness strategy is founded upon three principal components:

1. Continuous Monitoring

Borealis continuously monitors weather forecasts, wildfire activity, emergency management notifications, and other information issued by local, state, and federal authorities during periods of elevated environmental risk. This ongoing situational awareness allows potential hazards to be identified at the earliest practical opportunity so that appropriate protective measures may be implemented before conditions could reasonably affect the facility.

2. Defined Response Criteria

Documented emergency procedures establish predefined response criteria based upon credible environmental information and operational conditions. These criteria include forecasted wildfire activity within the surrounding area, evacuation orders, emergency directives issued by the Authority Having Jurisdiction, or any circumstance where qualified Borealis personnel determine that additional protective measures are appropriate to maintain the continued safe operation of the facility.

3. Coordinated Emergency Response

Emergency response activities are undertaken in coordination with the Cascade Rural Fire District and other Authorities Having Jurisdiction in accordance with established emergency response procedures. These

procedures define communication protocols, personnel responsibilities, operational controls, and mitigation measures appropriate to the circumstances of the event, ensuring that decisions are implemented in a timely, structured, and coordinated manner.

Borealis' emergency preparedness procedures are developed to support compliance with the Conditions of Approval established through Conditional Use Permit (CUP) 26-012 and are intended to complement the engineered safeguards incorporated into the approved propane storage facility. These procedures are routinely reviewed and updated as part of Borealis' Health, Safety and Environmental Management System to ensure continued alignment with recognized engineering practices, applicable regulatory requirements, and evolving emergency management protocols.

From an engineering perspective, effective emergency preparedness is founded upon advance planning rather than reactive decision-making. The integration of engineered safeguards, documented operating procedures, preventative maintenance, continuous environmental monitoring, predefined response criteria, employee training, and coordinated emergency management provides additional operational resilience and further enhances the safe operation of the approved propane storage facility during extraordinary environmental events.

Operational Flexibility and Emergency Preparedness

One of the Conditions of Approval established through Conditional Use Permit (CUP) 26-012 requires that transportation capability be available during the wildfire season (June through October) should relocation of the approved propane storage vessel become necessary. Borealis fully supports this requirement and considers it an additional administrative control that complements the engineered safeguards incorporated into the approved propane storage facility.

The approved ASME-certified propane storage vessel will be installed and operated as a fixed propane storage facility in accordance with all applicable engineering standards, regulatory requirements, and the Conditions of Approval established through CUP 26-012. **While the facility will operate as a fixed installation, its engineering design permits the storage vessel to be returned to a transport-ready configuration, where warranted, as part of an emergency response strategy.**

Unlike conventional permanently installed propane storage systems that are permanently affixed to foundations and require significant construction activities for removal, the approved storage vessel has been engineered to facilitate relocation using conventional commercial transportation equipment with minimal site modifications. This capability provides an additional level of operational flexibility that is generally not available with traditional fixed propane storage installations.

Any decision to relocate the storage vessel would be made only following an assessment of prevailing conditions and in coordination with the Authority Having Jurisdiction, including the Cascade Rural Fire District and other emergency management agencies. Public safety, responder safety, and the protection of surrounding properties would remain the overriding considerations in determining whether relocation is appropriate.

From an engineering and risk management perspective, this capability represents an additional independent layer of protection incorporated into the approved propane storage facility. While the facility is designed to operate safely in accordance with NFPA 58 and all applicable regulatory requirements, the ability to return the storage vessel to a transport configuration, where conditions warrant and under the direction of the Authority Having Jurisdiction, provides emergency responders with an additional risk mitigation option that further enhances the resiliency of the approved propane storage facility during extraordinary emergency events.

Professional Engineering Opinion

In forming this opinion, I have considered the engineering design philosophy applicable to commercial propane storage facilities, the requirements of NFPA 58, the Conditions of Approval established through Conditional Use Permit (CUP) 26-012, and the layered engineering and operational safeguards incorporated into the approved project.

Together with my professional experience in propane storage facilities, fuel systems, engineering coordination, regulatory compliance, construction, commissioning, and operational safety, it is my professional engineering opinion that the approved propane storage facility can be safely constructed, commissioned, operated, inspected, and maintained in accordance with:

- NFPA 58;
- All applicable federal, state, and local regulations;
- The Conditions of Approval established through Conditional Use Permit (CUP) 26-012; and
- The requirements of the Cascade Rural Fire District.

Closing

Borealis remains committed to working collaboratively with Valley County, the Cascade Rural Fire District, and all applicable regulatory authorities throughout the development, commissioning, and operation of the approved propane storage facility to ensure it is constructed, operated, inspected, and maintained safely, responsibly, professionally, and in full compliance with all applicable engineering standards, regulatory requirements, and the Conditions of Approval established through Conditional Use Permit (CUP) 26-012.

Beyond regulatory compliance, Borealis is committed to working cooperatively with Valley County and the Authority Having Jurisdiction to evaluate and implement reasonable enhancements to administrative controls, operational procedures, physical safeguards, and emergency preparedness measures where such enhancements are technically justified, practical, and contribute to the continued protection of the public, emergency responders, neighboring properties, and the environment. Borealis believes that effective risk management is founded on continuous improvement and remains committed to maintaining a facility that not only meets applicable engineering and regulatory requirements but reflects industry best practices in safety, operational excellence, and environmental stewardship.

Thank you for your consideration.

Respectfully submitted,



Scott Ross, CET

Project Manager

Borealis Fuels & Logistics Ltd.

Mobile: (403) 815-1006

Exhibit B



Heidi Schneider <heidischneider@gmail.com>

RE: Turn lane Construction

1 message

Kendra Conder <Kendra.Conder@itd.idaho.gov>
To: Heidi Schneider <[REDACTED]ail>
Cc: Ryan Schneider <[REDACTED]>

Thu, Jul 9, 2026 at 8:45 AM

Heidi,

Thanks for keeping me in the loop! 6-8 trips does not pose any concerns for us.

Kendra Conder

District 3 | Development Services Coordinator

Idaho Transportation Department

Office: 208-334-8377

Cell: 208-972-3190



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Upcoming OOO: July 17-July 24

From: Heidi Schneider <[REDACTED]ail>
Sent: Thursday, July 9, 2026 8:29 AM
To: Kendra Conder <Kendra.Conder@itd.idaho.gov>
Cc: Ryan Schneider <[REDACTED]ail>
Subject: Re: Turn lane Construction

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments **BEFORE** you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hey Kendra,

I wanted to follow up with you. It is looking like 6-8 trips could be possible. I assume that does not pose any concerns but want to confirm.

Let me know, thank you!

Heidi Schneider

Cell: [REDACTED]

On Mon, Apr 27, 2026 at 10:16 AM Kendra Conder <Kendra.Conder@itd.idaho.gov> wrote:

Hi Heidi,

Thank you for checking in! 4 trips/day does not pose any concerns for us. Please keep me updated if you feel that anticipated trips will change.

Kendra Conder

District 3 | Development Services Coordinator

Idaho Transportation Department

Office: 208-334-8377

Cell: 208-972-3190



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From: Heidi Schneider <[REDACTED]ail.[REDACTED]>

Sent: Wednesday, April 22, 2026 4:05 PM

To: Kendra Conder <Kendra.Conder@itd.idaho.gov>

Cc: Ryan Schneider <[REDACTED]>

Subject: Re: Turn lane Construction

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Kendra,

We have a small company interested in leasing approximately 2 acres from us, with access off Challis Lane (the entrance to Saddle Rock Subdivision).

*Exhibit C*JOSHUA J. LEONARD
JLEONARD@CLARKWARDLE.COM

July 14, 2026

Board of Valley County Commissioners
219 N. Main Street
P.O. Box 1350
Cascade, Idaho 83611

Re: CUP 26-012 -- Schneider Propane Storage

Dear Commissioners Caldwell, Maupin, and Thompson,

The purpose of this letter is to directly rebut one of the arguments made by the appellants in the above-captioned matter. Specifically, the appellants have argued that "Allowing the LPG company to use the Private Roads is a violation of the Saddle Rock Private Road Declaration."¹ THE APPELLANTS' ARGUMENT IS INCORRECT.

By way of background, I am the attorney that drafted the Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision, which was recorded as Instrument No. 454118 in the official records of Valley County, Idaho, on November 9, 2022 ("Saddle Rock Road Maintenance Declaration"). I also drafted all of the following related instruments:

- the First Amendment to Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision, which was recorded as Instrument No. 2024-463660 in the official records of Valley County, Idaho on June 25, 2025;
- the Second Amendment to Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision, which was recorded as Instrument No. 2024-467125 in the official records of Valley County, Idaho on December 31, 2024;

¹ Although the appellants have called the instrument they refer to the "Saddle Rock Private Road Declaration," the instrument they actually provided and highlighted is the *Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision*, which is a different instrument altogether. Regardless of which instrument they reference, though, the appellants' argument is incorrect, both as a matter of fact and as a matter of law. Both the Declaration of Private Roads and the Saddle Rock Road Maintenance Declaration authorize the annexation of additional property, and neither instrument restricts the use of such annexed property.

- the Third Amendment to Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision, which was recorded as Instrument No. 2025-004193 in the official records of Valley County, Idaho on August 27, 2025; and
- the Fourth Amendment to Declaration of Private Road Maintenance Duties and Obligations for Saddle Rock Subdivision, which was recorded as Instrument No. 2025-005776 in the official records of Valley County, Idaho on October 23, 2025.

The provision of the Saddle Rock Road Maintenance Declaration² highlighted and cited by the appellants as the basis of their argument reads:

Declarant expressly reserves and retains unto itself, and to its designated successors and/or assigns, the right to add any property to the Subject Property benefitted by the ingress and egress over the Private Roads, and to annex and incorporate other real property and make such other real property subject to the rights and obligations contained in this Declaration, regardless of whether such other real property is within Saddle Rock Subdivision. Accordingly, Declarant may, in its sole and unfettered discretion, at any time, add any real property to the Subject Property, thereby making such additional other real property subject to the terms and conditions of this Declaration.

(Section 1.f, Saddle Rock Road Maintenance Declaration, in pertinent part.) Citing that provision, the appellants argue that “all properties must adhere to the terms and conditions of the Private Road Declaration regardless of they are or are not part of Saddle Rock” The appellants then highlight and cite the following provision from the Saddle Rock Road Maintenance Declaration:

Nothing in this Declaration is intended, and it shall not be interpreted or deemed, to constitute a gift or dedication of any portion of the Private Roads to the general public or for the benefit of the general public or for any public purpose whatsoever, other than those expressly contained herein, it being the intention that this Declaration shall be strictly limited to and for the purposes expressed herein; notwithstanding the foregoing, any and all additional lots and/or property to/from/for which Declarant authorizes access via the Private Roads shall have the rights ascribed in whatsoever instrument used to grant, reserve, or convey such rights of ingress/egress via the Private Roads.

² Again, the appellants have incorrectly called the Saddle Rock Road Maintenance Declaration the “Private Road Declaration.” Although both the Saddle Rock Road Maintenance Declaration and the Private Road Declaration exist and have been recorded, they serve very different purposes. Misidentifying one as the other only creates confusion.

(Section 7, Saddle Rock Road Maintenance Declaration.) The appellants incorrectly argue that this provision somehow restricts the use of properties annexed into and added to the property covered by the Saddle Rock Road Maintenance Declaration—nothing could be further from the truth. This provision simply states that the roads that are subject to the Saddle Rock Road Maintenance Declaration are private roads, not public roads. This provision does not limit the use of the private roads in any way. The appellants' argument is wrong, both factually and legally.

The Schneiders have the express right, as stated in both the Saddle Rock Road Maintenance Declaration and the Private Road Declaration, to annex additional real property into the land covered by those declarations. Further, neither the Saddle Rock Road Maintenance Declaration nor the Private Road Declaration prohibits the type of use proposed by the Schneiders. The appellants' argument is wrong. The use proposed by the Schneiders will have every right to use the private roads of the Saddle Rock subdivision.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Leonard', with a stylized, cursive script.

Joshua J. Leonard, Partner