

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

SUBJECT: CUP 26-012 Schneider Propane Storage

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on June 11, 2026. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Carrie Potter, Heidi Schneider, and Ken Roberts. Commissioner Schneider recused herself due to a conflict of interest.

Heidi Schneider, the applicant, was present and requested a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery. Access would be from Challis Lane, a private road, to Highway 55. The future parcel is a portion of RP12N04E172646 located in the NW ¼ Section 17, T.12N, R.4E, 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 June 11, 2026, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. 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.
2. 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.
 - A pre-application meeting was held with Staff on April 21, 2026.
 - The complete application was received from the applicant on April 27, 2026.
 - Legal notice was posted in the Star News on May 21, 2026, and May 28, 2026.
 - The applicant was notified by letter on May 11, 2026.
 - Potentially affected agencies were notified on May 12, 2026.
 - Property owners within 300 feet of the property line were notified by fact sheet sent by mail on May 12, 2026.
 - The notice was posted online at www.co.valley.id.us on May 12, 2026.
 - The site was posted on May 21, 2026.
 - A public hearing was held on June 11, 2026.
3. That the existing use of the property is equipment and material storage for Saddle Rock Subdivisions.
4. That the land use categorization in Valley County Code (Table 9-3-1) is as follows:
 - 5. Commercial Uses (d) Area Business

5. That the surrounding land uses are Single-Family Residential Lots (Saddle Rock Phase 3 and Herrick Hills, and approved but not yet recorded Saddle Rock Phase 4), Agricultural (Productive Forest), Challis LN, and Highway 55.
6. Written comments were received from agencies and the public. Five people testified as opponents during the public hearing. See the staff report and minutes of the meeting.
7. The Commissioners deliberated. Commissioner Mabe and Commissioner Potter voted to approve the conditional use permit and preliminary plat. Commissioner Roberts voted in opposition. The motion passed resulting in approval of the conditional use permit.

CONCLUSIONS

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

1. Valley County must follow the laws of the State of Idaho and those identified in the Valley County Code.
2. Valley County has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses.
3. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
4. 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.
5. The proposed use, with required conditions of approval, is compatible with surrounding land uses. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1.
6. The proposed use will not have an undue adverse impact on the environment.
7. The proposed use will not have an undue adverse impact on adjoining private property.
8. The proposed use will not have an undue adverse impact on government services.
9. That the proposed use is consistent with the Valley County Comprehensive Plan.
10. The proposed use has been thoroughly and adequately evaluated and that mitigation measures can effectively ameliorate impacts to adjacent land uses through the conditions of approval.
11. The site is not visible from either Highway 55 Scenic Byway or the internal private roads.
12. The cumulation of multiple tanks throughout the development exceeds what is located on this site.
13. Concerns of the public due to fire have been mitigated by the fire mitigation that has occurred, the recorded Wildland Urban Interface Protection Plan, and the moveable storage tank that will remain on a chassis. The site must meet the standards stated by the Cascade Fire Chief.
14. The applicant reserved the right in the subdivision documents to access other properties.

15. Density is 2 acres on 77 acres for the commercial use.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Heidi and Ryan Schneider for CUP 26-012 Schneider Propane Storage t, as described in the application, staff report, correspondence, and minutes of the meetings 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 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.
4. The use shall be established within one year or a permit extension will be required.
5. Must comply with requirements of the Cascade Fire District. Fire mitigation must meet or exceed fire department's requirements.
6. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
7. No parking allowed in the setback areas.
8. Shall post the site address at the driveway entrance.
9. The site must be kept in a neat and orderly manner.
10. Existing landscaping shall be maintained and replaced if necessary.
11. All noxious weeds on the property must be controlled.
12. Quiet hours are 10:00 p.m. to 7:00 a.m.
13. Hours of commercial operation shall be limited from 8:00 a.m. to 5:00 p.m.
14. Shall obtain a sign permit prior to installation of any signs, other than hazardous material warning signs, labels, and notices as required by the State of Idaho.
15. Must fence site.
16. Shall limit number of daily trips to a maximum of eight (8) trips per day.
17. Shall limit the use to a maximum of two (2) bobcat trucks.
18. Shall limit the use to one 30,000-gallon tank on a chassis.

19. Must have truck available to move the tank June through October.

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 requests 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.

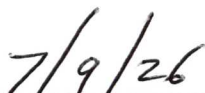
Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the 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, after seeking reconsideration within 14 days in accordance with Valley County Code 9-5H-13 and Idaho Code §67-6535 .

END FACTS AND CONCLUSIONS



Valley County Planning and Zoning Commission Chairman



Date

Valley County Planning and Zoning Commission

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
June 11, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 4:00 p.m.

A. OPEN: Meeting called to order at 4:00 p.m. by Vice Chairman Potter. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present via Teams
PZ Commissioner – Ben Oyarzo:	Excused
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present via Teams
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

1. MINUTES: Commissioner Schneider moved to approve the minutes of May 14, 2026, and May 21, 2026. Commissioner Mabe seconded the motion. Motion passed unanimously.

Vice Chairman Potter chaired the meeting.

C. OLD BUSINESS:

1. C.U.P. 24-08 White Meadow Subdivision – Final Plat Extension Happy Mountain Group LLC is requesting a two-year extension of the conditional use permit and final plat approval that expires on June 25, 2026. The 2.86-acre site is parcel RP17N03E330720 located in the NWNE Section 33, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item. Not a public hearing.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report.

Staff responded to questions from Commissioners.

Commissioner Roberts moved to approve the final plat extension of C.U.P. 24-08 White Meadow Subdivision for two years. Commissioner Mabe seconded. Motion carried unanimously.

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

11. VAR 26-004 Holden Setback Variance: Timothy Holden is requesting a variance to relax the front yard setback from 20 feet to 7.5 feet for placement of a shipping container. The 1.0-acre site is Gold Dust Ranch No. 2 Subdivision Lot 146, addressed at 90 W Prospectors DR, and located in the NESE Section 9 and the NWSW Section 10, T.13N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and referred to pictures in staff report showing topography. Setback distance is measured on a horizontal line. The site is well above the road. The site plan, including septic drainfield and well locations, was reviewed by Commissioners.

Vice Chairman Potter asked for the applicant's presentation.

Tim Holden, 90 Prospectors Drive, stated the container would provide storage for vehicle and patio equipment. Additional storage needed at the home. This is the only available site without significant excavation and/or setback variances from either the existing garage or eastern property line. He was agreeable to a condition requiring removal of the shipping container if the property is sold.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none.

Vice Chairman Potter asked for undecided. There were none.

Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated and had no concerns.

Commissioner Roberts moved to recommend approval of VAR 26-004 Holden Setback Variance to the Board of County Commissioners with the following condition of approval:

- Shipping container must be removed if property is sold.

Commissioner Schneider seconded the motion. Motion passed unanimously.

The matter will be forwarded to the Valley County Board of County Commissioners. This was a unanimous decision; therefore, the Board is not required to have a public hearing prior to making a decision.

8:00 p.m.

12. CUP 26-012 Schneider Propane Storage: Heidi and Ryan Schneider are requesting a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery. Access would be from Challis Lane, a private road, to Highway 55. The future parcel is a portion of RP12N04E172646 located in the NW ¼ Section 17, T.12N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest. Commissioner Schneider recused herself due to a conflict of interest. A quorum exists. The proposed hours of operation per the applicant is 8:00 a.m. to 5 p.m.

Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Slide Presentation by Applicant

Staff and Commissioners discussed the application and a commercial versus an industrial designation. There would be no retail sales at this site. Valley County Code Table 9-3-1 generally describes storage yards as commercial uses, light industrial is manufacturing, and heavy industry includes concrete plants. Therefore, the proposed use is best categorized as Commercial – Area Business.

Vice Chairman Potter asked for the applicant's presentation.

Heidi Schneider, 291 Ashton Lane, referred to Exhibit 1. The site was originally planned to be part of Saddle Rock 4. It is now a remainder piece. The site receives a lot of highway noise. Previous and current use of the parcel is a storage and equipment area for the buildout of the Saddle Rock Subdivisions. Exhibit 1 includes a more detailed site plan that includes setbacks from property lines. The site is not visible from Challis Lane nor Highway 55. Approximately 120-ft of the private road would be used by the business. As declarant to Saddle Rock, the Schneiders did retain the right to maintain private ownership of the road right-of-way; it will eventually be turned over to the homeowner association after completion of development. All property owners within Saddle Rock pay proportional fees for road maintenance, including landowners who own unplatted, rural parcels and use the private roads. This reduces the maintenance costs for everyone. The lessee will also pay toward road maintenance. In 2025, the fee was \$500 per lot. The lessee would only use 0.04% of the entire private road system, but still pay full amount that each lot owner does. The site is not visible off-site due to steep topography along Highway 55 and existing screening by conifers. The site is currently used for equipment storage which is not visible from highway or Challis Lane. The use would not affect any lot owners and she does not believe this use would affect future sales of lots.

The site has been treated as required under the approved Saddle Rock Wildland Urban Interface Fire Protection Plan. Propane is heavily used throughout Valley County. Exhibit 1 Includes pictures of filled storage tanks near a local school, in downtown Donnelly, and in a residential area next to a park in McCall; propane facilities are located throughout the County in variety of sites that are very visible. The benefit of proposed location is the lack of visibility.

There would be no retail sales, no public traffic or access, and no outdoor lighting. There would be empty storage tanks, a larger tank stored on site, and a bobtail-truck that leaves the site during the day.

The Schneiders have invested significant time and capital resources into the area. They do not want to negatively impact the character they have created in the subdivision. Mrs. Schneider reviewed the standards of approval included in the staff report.

- She does not believe the use would change the appearance or character of the area; the site is hidden from view.
- The use would not have an undue adverse impact on environment. The use is subject to approval by Cascade Fire. Significant time and money has been spent on fire mitigation in the Saddle Rock development area.
- Adjoining properties will not see, hear, or interact with the proposed use.
- ITD has approved the access points. The Commission relies on the expertise of engineers and agencies.
- The lessee will contribute toward private road maintenance.
- The use is compatible. The limited scale and operation will be effectively hidden from community and highway.
- The use serves a community need.

The 1-acre area would be fenced. Not all existing propane sites are currently fenced, but they may predate the current requirements of the Cascade Fire Department.

Commissioner Mabe stated that many properties in Valley County have 500-gallon or 1000-gallon tanks near homes. He appreciates that the site is not visible from Highway 55. The daily trips are minimal, the lessee would pay towards road maintenance, and the site is not within a platted subdivision.

Commissioner Roberts asked about the size of the large storage tank. Mrs. Schneider stated the 30,000-gallon tank is located on a chassis and will be used for filling the bobcat truck the filling tank. If any emergency such as a fire was to occur, the tank is mobile and can be removed immediately. The application shows the number of propane tanks planned to be stored. Equipment storage must stay within the leased area. There was additional discussion on the pictures of other propane storage in Valley County. The site will comply with Cascade Rural Fire and State of Idaho requirements, including automatic shutoff valves.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents.

Dean Snyder, 10 Saddle Rock, Meridian, was one of the original owners of Saddle Rock lots. He does not dispute what Ms. Schneider has said. His property touches both entrances into Saddle Rock Subdivisions. His concerns are not about safety but the value of his property. His property has deed restrictions to protect the Saddle Rock development that include no commercial use or further subdivision. Randy Mead, a local realtor, told him the use would negatively impact his property value due to the perception of possible buyers.

Marvin Ward, Meridian, has mixed feelings. He is opposed to propane storage in residential areas. The perception is that this site was part of the Saddle Rock development. He is concerned that additional commercial uses would follow. He is concerned that use of the site would grow with additional tanks, trucks, and traffic. Currently the Saddle Rock area is not being used by full-time residents; therefore, this use would result in greater number of daily traffic compared to the individual lots. The use would impact future sales of property.

Gayle Ward, Meridian and owner of Lot 37 in Saddle Rock Subdivision, believes she has been deceived. She assumed that the site would eventually be residential lot. She is concerned about the addition of other commercial development in the area and the future growth of this company. They purchased this site to get away from commercial activities. Property insurance was difficulty to get already.

Brandon Fiscus, Meridian and owner of Lot 3 in Saddle Rock Subdivision, stated residents bought lots within Saddle Rock at a premium price to be in a secluded, forest area free from business uses. The property has strict CCRs. The proposed use does not align with the subdivisions culture, does not add value, and would increase insurance costs and traffic. The use would impact the private road greater than the payment made by the lessee. He is concerned about safety.

David Billig, 33 Challis Lane and 15 Dakota Way, Florida, concurs with the points the majority of Saddle Rock lot owners have voiced in opposition. He asked the Commission why Valley County needs another LPG company in the midst of a residential area. The private road declaration for the subdivision states that the private road is not for the general public nor for the benefit of the general public. The purpose of the Commission is to protect the health, safety, and welfare of County residents. A new 30,000 gallon LPG tank is already on site. A bobtail truck from a new company to the Cascade area may already be using the site without the approval of a conditional use permit.

Vice Chairman Potter asked for rebuttal from the applicant.

Mrs. Schneider stated if she or Ryan felt that the proposed use would devalue the surrounding properties, they would not allow the use. Saddle Rock Phased 3, 4, and 5 are still coming on line. She does not believe this use would affect the value of these properties which the Schneiders will have for sale. When the Schneiders began the Saddle Rock development, they did not own this specific 77-acre parcel. Mrs. Schneider referred to the recorded private road declaration. There are a number of parcels outside of the platted subdivision lots that use the private Saddle Rock roads. Those other parcels also pay the same amount for road maintenance. The roads are currently in fantastic shape. The roads serve the entire community and they as developers have maintained the right to annex any parcel into the private road system. The lessee will have to meet requirements of the conditional use permit. A change in use would require approval by the PZ Commission. If this company wants to expand, they would come back to commission or they would need to find another site. Mrs. Schneider did reach out to insurance and was told the proposed use would not affect insurance rates. There are large propane storage tanks are throughout the community including next to residential uses on individual lots. In addition, there are seven underground water storage tanks for fire suppression within Saddle Rock Subdivision Phases. There is a diesel tank currently on the site that has been there for many years; the diesel is used by the equipment used for developing the area. There are no propane tanks currently on the site. This site is private property that is not visible from off-site locations.

Vice Chairman Potter closed the public hearing. The Commission deliberated.

Commissioner Mabe stated he understands the concerns of the public. However, he believes the applicant has done a good job and mitigated these issues. He did not find any examples of insurance companies canceling or not providing insurance due to propane tanks. The ability to move the tank is comforting and reduces concerns compared to permanent tanks. The mitigation that has occurred and the recorded WUI also reduces concerns. The area must be fenced and secured. The number of daily trips and a growing business are controlled with conditions of approval.

Commissioner Roberts referenced the compatibility rating and a commercial versus light industry use. He concurs with the staff calculation of a (-8) for Questions 1, 2, and 3. Questions 4 – 9 are to determine if the use is compatible or if not, what can be done to mitigate impacts. Commissioner Roberts does not believe the road capacity is a big issue, the applicant has reserved the road for other things. He referred to the Standards of Approval 1-5. From the applicant's perspective, there is no loss in value; however, public testimony disagrees. There is potential for undue environmental impacts. He referred to the pictures of other storage facilities and stated these are generally not in wooded areas. There is impact on the neighbors based on testimony and people's perceptions. There are not adverse impacts to governmental services. Commissioner Roberts stated that a commercial propane storage facility within or directly adjacent to residential area is not compatible. People bought those lots with the intent that the site was going to be a residential area. The use would conflict with the Comprehensive Plan and the health, safety, and welfare of the community.

Commissioner Potter believes there are lots of positive aspects to this application. The site is already being used for storage and construction equipment. The site is already graded and is a 1-acre lease on larger parcel. Fire requirements will be complied with. Neighbors do have valid concerns regarding future growth of the business. The application states one 30,000-gallon tank and four trips per day. According to Google.com, a bobcat truck can hold up to 4,000 gallons of propane. Servicing four homes per day would be two trucks per day, a total of eight trips per day.

Commissioner Roberts stated the storage tank should be connected to a semi-tractor to be removable at all times during June through October. These tanks are typically plumbed; therefore, he is not sure if company would be willing to accommodate this. He stated that adding conditions to make something work means that the use is incompatible. The use would reduce property values, particularly those more proximal to site.

Commissioner Mabe stated that additional conditions are in response to public comments. Retail sales and trips numbers have been limited due to concerns. There are conflicting comments on whether or not the use would impact property values. The applicants have the largest stake in value of the property, far greater than income from leasing the site. The applicant is also a realtor. This would be more an issue if the site was visible. Commissioner Mabe asked Commissioner Roberts to elaborate on the lack of alignment with the Comprehensive Plan.

Chairman Roberts stated the concern for health, safety, and welfare is founded in the Idaho Statute from which land use ordinances are written from. The value of adjacent property affects welfare. If the Commission allows a use on property that has a negative effect on another, that becomes an unmitigated takings from impacted individual(s). The Comprehensive Plan includes a chapter on land use, where uses should be located, and the impacts to adjacent landowners. Those types of businesses should be grouped together in areas where businesses are already located, not in the middle of rural Valley County where no other commercial use exists. If the site had been near one of the existing commercial hubs such as Clear Creek or Lake Fork, he would not have objections.

Commissioner Mabe believes the basis of the operation is understood. The debate remains concerns the impact to surrounding property values, if the use is compatible, and if the use would create a fire risk. Cascade Fire Chief has stated what standards must be met. The use will be hidden and there will be conditions to limit equipment and daily traffic.

Vice Chairman Potter stated that a number of things contribute to property values, including traffic, noise, privacy, and density. She believes the proposed use would have limited or no impact.

Commissioner Mabe moved to approve CUP 26-012 Schneider Propane Storage with the stated conditions.

COA: Must fence site.

COA: Shall limit number of daily trips to a maximum of eight (8) trips per day.

COA: Shall limit the use to a maximum of two (2) bobcat trucks.

COA: Shall limit the use to one 30,000-gallon tank on a chassis.

COA: Must have truck available to move the tank June through October.

Revised COA # 5: Must comply with requirements of the Cascade Fire District. Fire mitigation must meet or exceed fire department's requirements.

Vice Chairman Potter seconded the motion. Commissioner Mabe and Vice Chairman Potter voted in favor; Commissioner Roberts voted in opposition. Motion carried.

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

Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
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STAFF REPORT: CUP 26-012 Schneider Propane Storage
MEETING DATE: June 11, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Ryan & Heidi Schneider
291 Ashton Lane, McCall ID 83638
PROPERTY OWNER: Saddle Rock LLC
291 Ashton Lane, McCall ID 83638
LOCATION: To Be Determined Challis Lane
Part of parcel RP12N04E172646 located in SWNE Section 17,
T.12N, R.4E, Boise Meridian, Valley County, Idaho
SIZE Approximately 2 acres
REQUEST: Commercial business – Propane Storage and Tank Filling
EXISTING LAND USE: Equipment and material Storage for Saddle Rock Subdivisions

Heidi and Ryan Schneider are requesting a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery.

The site would be used for propane tank storage, tank filling, and operation of a bobtail delivery truck for local services. Proposed hours of operations are Monday through Friday, 8:00 a.m. to 5:00 p.m. Refilling of the on-site tank is anticipated approximately once every 8 to 10 weeks.

The impact report states that four trips per day are expected from the use.

The site is currently graveled and hard-packed. To minimize hazards, required tank safety features will include an internal emergency shut-off valve, hydrostatic relief valve, and pressure relief valve.

The site is not visible from Highway 55. Existing landscaping includes conifers that have been thinned to meet the Saddle Rock Subdivisions Wildland Urban Interface Fire Mitigation Plan. The remaining portion of the parcel would be for personal purposes.

Access would be from Challis Lane, a private road, to Highway 55.

The site has been used as equipment storage and material storage for the build-out and maintenance of Saddle Rock Subdivision.

On June 2, 2026, the applicant submitted a response to concerns of neighboring property owners (attached). The facility will not be a retail site or public filling station. The use will not generate customer traffic. Typical operational activity is expected to be limited with four vehicle trips per day. The parcel is not part of the Saddle Rock Subdivision and is not subject to the CCRs. The site has been used for equipment and material storage associated with the development, construction, and maintenance of Saddle Rock. The site is graded, graveled, and is not visible from off-site locations.

FINDINGS:

1. A pre-application meeting was held with Staff on April 21, 2026.
2. The application was submitted on April 27, 2026.
3. Legal notice was posted in the *Star News* on May 21, 2026, and May 28, 2026. The applicant was notified by letter on May 11, 2026. Potentially affected agencies were notified on May 12, 2026. Property owners within 300 feet of the property line were notified by fact sheet sent by mail on May 12, 2026. The notice was posted online at www.co.valley.id.us on May 12, 2026. The site was posted on May 21, 2026.

4. Agency comment received:

Brent Copes, Central District Health, stated CDH has no objection. Any building generating wastewater will need a septic permit. (May 17, 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 26, 2026)

Kendra Conder, Idaho Transportation Department, included emails between the applicant and herself and stated four trips per day is not a concern. (June 1, 2026)

Steven Hull, Cascade Fire Chief, recommended conditions for approval based on the 2018 International Fire Code and NFPA 58. (June 2, 2026)

Paul Ashton, Parametrix and Valley County Engineer, did not review the application. (June 3, 2026)

5. Public comment received:

Dan Foutz originally sent comments in opposition. Based on clarification from the applicant, he changed his position to "unopposed". (May 27, 2026; May 29, 2026)

Comments in Favor

- The proposed use is appropriate and low-impact.
- Consistent with the character of the area.
- Does not adversely affect surrounding properties or public infrastructure.
- Meets intent of conditional use allowances within Valley County.
- Site is already established as location for equipment and material storage.
- Property owners should be able make reasonable, code-compliant use of their land.

- 1) Matthew and Terri Burke, 25 43 Acre Road, June 2, 2026
- 2) Brett Dodds, June 3, 2026
- 3) Charlie Kouba, Boise and Sawtooth Pl, June 4, 2026

Comments in Opposition:

- Does not align with the Valley County Comprehensive Plan and future land use designations.
- Wrong location. Approval would make it easier to justify other industrial or commercial uses in a rural residential area.
- Degradation of neighborhood character
- Additional traffic.
 - Who would pay for the additional wear and maintenance to Challis Lane, a private road?
 - Limited visibility at Highway 55 intersection.
- Noise concerns
- Exterior lighting concerns.
- Signage and visual impacts
- Fire risk, fire mitigation, and emergency response concerns due to pressurized and flammable propane tanks.
 - Would the Saddle Rock HOA be obligated for additional infrastructure or upgrades?
 - If approved, require evidence that the facility can withstand direct wildfire exposure without catastrophic failure.
- May negatively impact cost of homeowner insurance.
- Negative impacts to property values
- No demonstrated public benefit
- Environmental impact
- Future expansion concerns
- Contrary to Idaho Code 67-6508 and 67-6511
- Unknown size and type of truck used to refill the on-site tank.

- 4) Branden Fiscus, 20 Saddle Rock Drive, May 26, 2026
- 5) Brie Ghinazzi, May 27, 2026
- 6) Sarah Foutz, May 27, 2026
- 7) Andrew Gerard, 60 Sawtooth Loop, May 27, 2026
- 8) Brittany Gerard, May 28, 2026
- 9) Vitaliy and Olga Gavriluk, Saddle Rock Lot 11 Owners, May 31, 2026
- 10) David Billig, owner of 33 Challis and 15 Dakota Way, June 1, 2026
- 11) Dina Clemons, Saddle Rock Lot 10, June 1, 2026
- 12) Shawn and Kacie Frederick, Lot 21, Sawtooth Loop, June 1, 2026
- 13) Jake & Jaime Chenoweth, June 2, 2026
- 14) J and Marlene Clouss, 23 Vaughn Drive, June 2, 2026
- 15) Russell Ward, 37 Challis Lane, June 2, 2026
- 16) Cindy Pagán and Thane States, 41 Saddle Rock DR, June 2, 2026
- 17) Gayle and Marvin Ward, 37 Challis Lane, June 3, 2026
- 18) Robert and Christine Kovacs, Saddle Rock Lot 27, June 3, 2026

6. Physical characteristics of the site: Graveled, conifers; site is already graded.

6. The surrounding land use and zoning includes:

North: Single-Family Residential Lots (Saddle Rock Phase 3)
 South: Challis LN; Agricultural (Productive Forest)

East: Highway 55; Single-Family Residential Lots (Herrick Hills)
West: Approved but not yet recorded Saddle Rock Phase 4

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

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

9-1-10 DEFINITIONS

Lot Coverage: That portion of a lot that is occupied by the principal building and its accessory buildings, including overhangs, along with any structures requiring a building permit, and other impervious surfaces, such as driveways, patios, and accessory structures.

TABLE 5-A STANDARDS FOR CONDITIONAL USES

Use Description	Building Setbacks (feet)				Minimum Lot Area	Max. % Lot Cover	Minimum Street Frontage	Max. Building Height	Minimum Parking Spaces
	Front	Side	Side Street	Rear					
Commercial Use Area Business	30	10	30	30		40	75	35	1 + 1/250 sqft

9-5-3: STANDARDS:

The provisions of this chapter shall apply to the various buildings and uses designated herein as conditional uses.

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.
4. Front Yards: Front yards shall be determined by the structure establishing the principal use on the property and the location of the access street or road.
5. Encroachment On Yards: No other structure may encroach on the yards determined for the structure establishing principal use.
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:

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.

9-5A-4: LANDSCAPING:

A. Purpose And General Regulations:

3. General Regulations

- d. Strip, Excavate, Remove Topsoil Or Berm Up Soil On Site: No person, firm or corporation shall strip, excavate or remove topsoil nor shall they berm up soil on a site, except to accommodate an approved building, building addition or facilitate necessary and approved site improvements. These changes must be part of the approved site grading and stormwater management plan. This subsection does not apply to sites where permitted uses exist or are proposed.
- f. Use Of Landscaped Areas: Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.

4. Maintenance:

- a. Responsibility For Maintenance: The landscape areas on site, as well as in the right of way, shall be maintained by the owner or owner's association (should the property be subdivided) or the lessee of the site. Any areas designated and intended for the purposes of on site water retention shall be maintained and reserved for that specific purpose. Any alteration or deterioration of those areas shall be considered a violation of this title and any applicable ordinance.
- b. Replacement Of Plant Material: Any plant material that does not survive shall be replaced within thirty (30) days of its demise.
- c. Removal Or Destruction Of Landscape Material: The removal or destruction of landscape material previously approved by the county shall constitute a violation of this title. Replacement of landscape material shall be of like size as that which was removed or destroyed.
- d. Maintained In Accordance With Site And/Or Landscape Plan: Landscaping, irrigation systems, walls, screening devices, curbing and lighting shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered.
- e. Modification And/Or Removal Of Existing Landscaping: Modifications and/or removal of existing landscaping shall require prior approval.
- f. Lack Of Maintenance: The lack of maintenance shall constitute a violation of this title.

B. Landscaping; Standards Of Design:

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:
- a. Multi-Family Use: Each site for a proposed multi-family use shall have a minimum of thirty percent (30%) of the net site/lot area in landscaping.
- 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.
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.

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.
- 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-1: NOISE:

- A. Commercial Or Industrial Activity: The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

9-5B-2: LIGHTING:

9-5B-4: EMISSIONS:

- A. Obnoxious Odors; Toxic Or Corrosive Fumes Or Gases: The emission of obnoxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases.
- B. Dust: Dust created by an industrial, commercial, or recreational operation shall not be exhausted or wasted into the air. All operations shall be subject to the standards in appendix C, fugitive dust¹. State air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the conditional use permit at the discretion of the commission.
- C. Wood Burning Devices: Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.

9-5B-5: DUST:

- A. Minimization Required: Dust and other types of air pollution borne by the wind from such sources as storage areas and roads, shall be minimized by appropriate landscaping, paving, oiling, watering on a scheduled basis, or other acceptable means.
- B. Created By Approved Operation: Dust created by any approved operation shall not be exhausted or wasted into the air. The standards in appendix C, fugitive dust 1 along with state air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the conditional use permit at the discretion of the commission.

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.

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.

9-5C-4: MAXIMUM BUILDING HEIGHT AND FLOOR AREA:

- A. Maximum Height: Building heights, except as may be modified by a PUD, shall not exceed thirty five feet (35') above the lower of existing or finished grade.
- B. Building Size Or Floor Area: The building size or floor area, except as may be modified by a PUD, shall not exceed the limitations of subsections 9-5-3A and C of this chapter.

- C. Lot Coverage: No structure or combination of structures, except as may be modified by a PUD, may cover more than forty percent (40%) of the lot or parcel.

9-5C-5: SITE IMPROVEMENT:

- A. Off Street Parking Spaces: Two (2) off street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.
- B. Utility Lines: All utility lines, including service lines, that are to be located within the limits of the improved roadway in new residential developments must be installed prior to placing the leveling coarse material.

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

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

- 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.
 3. No frontage is required for recreation business.
- B. Minimum Setbacks:
1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.
 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.
 2. Parking spaces for neighborhood and area businesses shall be provided at the rate of one, plus one per each two hundred fifty (250) square feet of floor area.

9-6-6: Riparian Area Overlay

SUMMARY:

Staff's compatibility rating is +14.

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 Cascade Fire District and Water District 65. It is not within a herd nor an irrigation district.
2. The Commission should determine if additional landscaping is required.
3. A more detailed site plan is needed with:
 - Boundary of the 2-acre leased site and
 - Setbacks from property lines.
4. Is this a new propane company coming to the valley?
5. How many bobtail trucks will be operated from this site?
6. Please describe the use...storage of small tanks that will be taken to private property, one large tank on a chassis that the bobtail will fill from each day...?

Question to P&Z Commission:

1. Does this use meet the minimum standards in Title 9, Chapter 5, of the Valley County Code, etc.? If not, which ones does it not comply with?
2. Would impacts be properly mitigated? If not, which impacts would not be mitigated?
3. What could the applicant do to gain approval?

Standards of Approval:

1. Will the application result in an increase in value of private property? VCC 9-5-2(B)(3).
2. Will the approval of the application result in an undue adverse impact on the environment? VCC 9-5-2(B)(3).
3. Will the approval of the application result in an undue adverse impact on adjoining properties? VCC 9-5-2(B)(3).
4. Will the approval of the application result in an undue adverse impact on governmental services? VCC 9-5-2(B)(3).
5. Is the application consistent with the Valley County Comprehensive Plan? VCC 9-5-2(B)(3).
6. Conditional uses may be approved only after a C.U.P. has been evaluated to determine that the impacts can be mitigated through conformance with conditions of approval. VCC 9-5-2(A).

These six standards should be a significant focus of attention during the public hearing and deliberations because they need to be resolved in order to justify approval. VCC 9-5-1(C) directs the decision-making body to encourage conditional uses where noncompatible aspects of the application can be satisfactorily mitigated through development agreements for the costs to service providers and impacts to surrounding land uses. Because mitigation measures are a requirement of approval the applicant needs to understand that he/she will be required to perform some off-site improvements. They are not mandatory but without them the application cannot satisfy the mitigation of impacts requirement and would be denied under the ordinance.

ATTACHMENTS:

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Location Map
- Aerial Map
- Google Maps – Aerial & Street Views
- Pictures Taken May 21, 2026
- Assessor Plat – T.12 R.4E Section 17
- Site Plan
- Responses
- Applicant's Submittal Dated June 2, 2026

Proposed 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 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.
4. The use shall be established within one year or a permit extension will be required.
5. Must comply with requirements of the Cascade Fire District.
6. All lighting must comply with the Valley County Lighting Ordinance. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
7. No parking allowed in the setback areas.
8. Shall post the site address at the driveway entrance.
9. The site must be kept in a neat and orderly manner.
10. Existing landscaping shall be maintained and replaced if necessary.
11. All noxious weeds on the property must be controlled.
12. Quiet hours are 10:00 p.m. to 7:00 a.m.
13. Hours of commercial operation shall be limited from 8:00 a.m. to 5:00 p.m.
14. Shall obtain a sign permit prior to installation of any signs, other than hazardous material warning signs, labels, and notices as required by the State of Idaho.

END OF STAFF REPORT