

Valley County Planning and Zoning

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



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

STAFF REPORT:	Appeal of PZ Commission Approval of CUP 26-012 Schneider Propane Storage
MEETING DATE:	July 21, 2026
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPELLANT:	Marvin and Gayle Ward and 26 others
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

On June 11, 2026, the Valley County Planning and Zoning Commission approved CUP 26-012 Schneider Propane Storage on a 2-1 vote. This decision was appealed.

BACKGROUND

Heidi & Ryan Schneider requested a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel on a 45-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery. There would be one 30,000-gallon storage tank that will be used to fill a bobtail truck that will deliver to various locations throughout the county. There would also be storage of empty tanks that would be distributed to locations in the county.

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 were expected from the use.

The site is currently graveled and hard-packed. To minimize hazards, required tank safety features would 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.

On June 2, 2026, the applicant submitted a response to concerns of neighboring property owners (attached). The facility would not be a retail site or public filling station. The use would not generate customer traffic. Typical operational activity was 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.

THE APPEAL

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

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

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

- The appeal letter states the names and addresses of the appellants.
It does not state the phone number(s) of the appellants.

The appeal listed the following reasons for the appeal:

- 1) The application does not satisfy the Comprehensive Plan consistency requirement.
- 2) The application does not satisfy the property value standard.
- 3) The application does not satisfy the adjoining property standard.
- 4) Wildfire, public safety, insurance, and traffic impacts were not adequately evaluated.
- 5) The record contains unresolved questions regarding compatibility and impacts.
- 6) Commencement of the proposed use occurred prior to approval.

The appellants request that the Board:

- Reverse the approval, or
- Remand the application to the PZ Commission for additional review, findings, and consideration of issues identified in the appeal; and
- Grant such other relief as the Board deems appropriate.

The appeal included the following Exhibits:

- A. Comprehensive Plan Provisions relevant to CUP 26-012
- B. Property Owner Statements
- C. Idaho Transportation Department Correspondence
- D. PZ Commission Draft Meeting Minutes
- E. Applicant Presentation to the PZ Commission
- F. Application
- G. Staff Report
- H. Notice
- I. Private Road Declaration Information
- J. Photographs of Propane Storage Equipment on Site Prior to CUP Approval
- K. Portable LPG Tank Safety Documents
- L. Real Estate Professional Statement

APPLICANT'S RESPONSE TO APPEAL:

The applicant submitted a detailed response to the Appeal. The following documents are attached.

- Response Letter to Appeal Received July 15, 2026
 - Exhibit A – Borealis Fuels and Logistics LTD – Technical Engineering Opinion
 - Exhibit B - Email Exchange between applicant and Kendra Conder, Idaho Transportation Department
 - Exhibit C – Letter from Joshua Leonard, Clark Wardle, dated July 14, 2026

FINDINGS

1. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 5. Commercial Uses d. Area Business
2. Submittals by the applicant are as follows:
 - A pre-application meeting was held with Staff on April 21, 2026.
 - Application submitted April 27, 2026.
 - Letter received June 2, 2026
 - Exhibit 1 on June 11, 2026 – Slide Presentation
3. The Planning and Zoning Commission held a properly noticed public hearing on June 11, 2026.
4. People in attendance commented as opponents during public testimony on the proposal. Written comments were received from agencies and the public. See the PZ Commission staff reports and meeting minutes.
5. All Agency comments received are part of the record:

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; July 13, 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)

6. All Public comment received (items in yellow were received after the PZ meeting):

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 PI, 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.
- The 30,000-gallon tank will be on a chassis; will there be a semi hooked up to the chassis at all times?
- May negatively impact cost of homeowner insurance; the surrounding area is already considered an exceptionally high wildfire hazard area by multiple insurance carriers.
- 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.
- Applicant misrepresented multiple points without rebuttal and did not provide factual data.
- Commissioners strove to make the CUP tenable versus declining the request and used limited factual data.
- Commercial storage and distribution of LPG requires industrial zoning across most of the United States and is rarely approved in a residential zone.
- Can the Board make a factual finding that the homeowners will not experience adverse economic impacts, including insurance availability, higher premiums, or reduced marketability?

- 1) Branden Fiscus, 20 Saddle Rock Drive, May 26, 2026
- 2) Brie Ghinazzi, May 27, 2026
- 3) Sarah Foutz, May 27, 2026
- 4) Andrew Gerard, 60 Sawtooth Loop, May 27, 2026
- 5) Brittany Gerard, May 28, 2026
- 6) Vitaliy and Olga Gavrilyuk, Saddle Rock Lot 11 Owners, May 31, 2026;
- 7) David Billig, owner of 33 Challis and 15 Dakota Way, June 1, 2026; Testimony on June 11, 2026
- 8) Dina Clemons, Saddle Rock Lot 10, June 1, 2026
- 9) Shawn and Kacie Frederick, Lot 21, Sawtooth Loop, June 1, 2026
- 10) Jake & Jaime Chenoweth, June 2, 2026
- 11) J and Marlene Clouss, 23 Vaughn Drive, June 2, 2026
- 12) Russell Ward, 37 Challis Lane, June 2, 2026
- 13) Cindy Pagán and Thane States, 41 Saddle Rock DR, June 2, 2026
- 14) Gayle and Marvin Ward, 37 Challis Lane, June 3, 2026
- 15) Robert and Christine Kovacs, Saddle Rock Lot 27, June 3, 2026
- 16) Dean Snyder, 10 Saddle Rock and Meridian, Testimony on June 11, 2026
- 17) Marvin Ward, Meridian, Testimony on June 11, 2026
- 18) Gayle Ward, Meridian and owner of Saddle Rock Lot 37, Testimony on June 11, 2026
- 19) Brandon Fiscus, Meridian and owner of Saddle Rock Lot 3, Testimony on June 11, 2026
- 20) Brie and Tony Ghinazzi, July 7, 2026
- 21) Dave and Deborah Billig, 33 Challis Lane and 15 Dakota Way, July 14, 2026
- 22) Vitaliy and Olga Gavrilyuk and Larisa and Pieter Korneychuck, Saddle Rock Lot 11 Owners – 34 Dakota Way, July 14, 2026

Correspondence with Staff After the PZ Commission Public Hearing:

There was email correspondence between Dave Billig, Deborah Billig, Ryan Schneider, Director Herrick, and Commissioner Caldwell on June 12, 2026; June 15, 2026; and June 16, 2026, regarding applicant testimony, an onsite tank, and direct access to the PZ Chairman.

7. The Commissioners deliberated. A motion to approve the conditional use permit for CUP 26-012 Schneider Propane Storage, with additional conditions of approval, was made and seconded. Commissioner Mabe and Commissioner Potter voted in favor of the motion; Commissioner Roberts voted in opposition. Commissioner Oyarzo was excused from the meeting. Commissioner Schneider recused herself due to a conflict of interest. The motion was approved (2-1).
 8. An appeal and the required \$1000 fee was received on June 22, 2026.
 9. Legal notice for the Appeal was completed, as follows:
 - Posted in the *Star News* on July 2, 2026.
 - Potentially affected agencies were notified on June 26, 2026.
 - The applicants, property owners, and appellants were notified by fact sheet sent June 26, 2026.
 - Property owners within 300 feet of the property line were notified by fact sheet sent June 26, 2026.
 - The fact sheet was also sent on June 26, 2026, to people who previously comment on this matter.
 - The appeal letter and public hearing notice were posted online at www.co.valley.id.us on June 26, 2026.
 - The site was posted on July 9, 2026.
 10. The Minutes of the P&Z Commission Hearings and the Facts and Conclusions are attached, along with information submitted by the applicant and public.
-

Planning and Zoning CONCLUSIONS

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

- 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.

RECOMMENDATIONS / COMMENTS BY STAFF

Board of County Commissioner's Decision

- 1) Part of the Valley County Board of Commissioners deliberation and decision should be a **"reasoned statement"** that explains the criteria and standards considered relevant; state the relevant **facts relied upon**, and **explain the rationale for the decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record**, 'all of which' should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting." (VCC 9-5H-11.8)
- 2) **Formulate the reasoned decision and rationale for the finding as follows...**
 - I. List Issues
 - II. Develop Reasoned Statements on the issues.
 - III. Base decisions on evidence in the record.
 - IV. Base decisions on applicable ordinances, etc.
- 3) **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
 - (5) **Whenever a governing board or zoning or planning and zoning commission grants or denies an application**, it shall specify:
 - (a) The ordinance and standards used in evaluating the application;
 - (b) The reasons for approval or denial; and
 - (c) **The actions, if any, that the applicant could take to obtain approval.**

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

ATTACHMENTS

- 1) Appeal Received June 22, 2026
- 2) Applicant's Submittals, Including Exhibits
 - Application submitted April 27, 2026.
 - Letter received June 2, 2026
 - Exhibit 1 – Slide Presentation
 - Response to Appeal Received July 15, 2026
- 3) PZ Commission
 - PZ Commission Facts and Conclusions Approved July 9, 2026
 - PZ Commission Minutes and Staff Report – June 11, 2026
- 4) Maps / Pictures
 - Location Map
 - Aerial Map
 - Google Maps – Aerial & Street Views
 - Pictures Taken May 21, 2026, and July 9, 2026
 - Assessor Plat – T.12 R.4E Section 17
 - Site Plan from Application
 - Site Plan from Exhibit 1
- 5) Idaho Code
 - Idaho Code 67-6519 Application Granting Process
- 6) All Agency Responses, Including Exhibits
- 7) All Public Comments, Including Exhibits
- 8) Compatibility Rating
 - Blank Compatibility Rating with Instructions
 - Staff's Compatibility Rating
- 9) Conditions of Approval included in motion to approve CUP 26-012

END OF STAFF REPORT