

VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS

APPEAL OF PLANNING & ZONING COMMISSION APPROVAL

CUP 26-012
SCHNEIDER PROPANE STORAGE

APPELLANTS:

David & Deborah Billig

Branden & Aneta Fiscus

Kacie & Shawn Frederick

Vitaliy & Olga Gavrilyuk

Tony & Brie Ghinazzi

Robert & Christine Kovacs

Rebecca Peterson

Dean Snyder

Thane States & Cindy Pagan

Marvin & Gayle Ward

Date Submitted: June 22nd, 2026

Prepared for Filing with:
Valley County Development Services



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B – Pg 15-41	Property Owner Statements
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VALLEY COUNTY BOARD OF COMMISSIONERS

APPEAL OF CUP 26-012
PROPANE STORAGE AND DISTRIBUTION FACILITY

APPELLANTS: (in alphabetical order)

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Lot 10

Branden & Aneta Fiscus
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Lot 3 Saddle Rock

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Lot 28

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Peter Korneychuck
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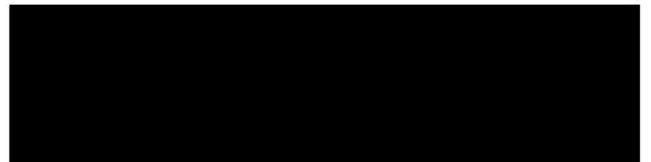
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PROPERTY: Portion of Tax Parcel 12N04E172646
Saddle Rock Area
Valley County, Idaho

INTRODUCTION

Pursuant to Valley County Code 9-5H-12, Appellants hereby appeal the Planning and Zoning Commission's approval of CUP 26-012.

Appellants are neighboring property owners and aggrieved persons whose properties, safety, property interests, and quality of life may be adversely impacted by the **proposed propane** storage and distribution facility.

Appellants respectfully request that the Board of County Commissioners reverse the approval of CUP 26-012 or, alternatively, remand the application for further review and additional findings.

Because written findings, conclusions, and conditions of approval have not yet been made available, Appellants reserve the right to supplement and amend this appeal upon receipt and review of the complete administrative record.

Valley County Code requires that a Conditional Use Permit satisfy all applicable approval criteria, including property values, environmental impacts, impacts to adjoining properties, impacts to governmental services and infrastructure, and consistency with the Valley County Comprehensive Plan. Appellants contend that the record does not support the required findings and that the application fails to satisfy multiple approval criteria.

GROUNDS FOR APPEAL

I. THE APPLICATION DOES NOT SATISFY THE COMPREHENSIVE PLAN CONSISTENCY REQUIREMENT

One of the required standards for approval is whether the application is consistent with the Valley County Comprehensive Plan.

The Comprehensive Plan contains numerous goals and policies intended to preserve Valley County's rural character, protect public health, safety, and welfare, maintain adequate levels of public services, address wildfire risks, and ensure compatibility between neighboring land uses. Relevant Comprehensive Plan provisions are identified in **Exhibit A – Valley County Comprehensive Plan Provisions Relevant to CUP 26-012**.

As shown in Exhibit A, the Comprehensive Plan includes policies directing the County to retain rural character, protect private property from incompatible uses, protect citizens from unsafe conditions, address wildfire hazards, and maintain adequate levels of service. Appellants contend that the record does not demonstrate that the proposed use satisfies these policies.

The proposed use is a commercial propane storage and distribution facility located within or immediately adjacent to an established residential subdivision.

Numerous neighboring property owners testified that they purchased property within Saddle Rock specifically because of its rural, residential character and expectation of a quiet mountain community free from commercial development. Property owners testified that they relied upon those characteristics when making significant financial investments, including the purchase of lots and commencement of home construction. The record contains evidence that the proposed propane storage and distribution facility is fundamentally different in character and intensity than the surrounding residential development and is inconsistent with those expectations.

Appellants contend that the record contains substantial evidence demonstrating inconsistency with the Valley County Comprehensive Plan and that the application therefore fails to satisfy the approval standard requiring consistency with the Comprehensive Plan.

As reflected in **Exhibit D- Planning & Zoning Meeting Minutes (June 11, 2026)**, Page 20, Commissioner Roberts specifically expressed concerns that the proposed use was incompatible with surrounding residential development, conflicted with the Comprehensive Plan, and implicated health, safety, and welfare concerns. While Appellants do not rely solely upon the views of any individual commissioner, these comments demonstrate that the record contained evidence supporting denial of the application.

II. THE APPLICATION DOES NOT SATISFY THE PROPERTY VALUE STANDARD

The approval criteria require consideration of whether the proposed use will adversely impact private property values.

Testimony presented during the public hearing raised concerns regarding diminished property values and reduced marketability of neighboring residential properties. Property owners expressed concerns that locating a propane storage and distribution facility within a residential subdivision could negatively impact future sales, buyer perceptions, and long-term property values.

The record contains evidence supporting these concerns. Appellants contend that the evidence does not support a conclusion that the proposed use will have no adverse impact on neighboring property values.

III. THE APPLICATION DOES NOT SATISFY THE ADJOINING PROPERTY STANDARD

The approval criteria require a determination that the proposed use will not result in an undue adverse impact on adjoining properties.

The record contains testimony and evidence regarding:

- Wildfire concerns.
- Public safety concerns.
- Property value impacts.
- Residential compatibility concerns.
- Traffic concerns.
- Visual impacts.
- Insurance and insurability concerns.
- Impacts on the character and enjoyment of neighboring residential properties.

The proposal introduces a commercial propane storage and distribution operation into an area developed and marketed as a residential community. Neighboring property owners have raised legitimate concerns regarding the compatibility of the proposed use with existing and planned residential development. The Commission's deliberations acknowledged ongoing concerns regarding compatibility, property values, and impacts to neighboring properties, as reflected in **Exhibit D- Planning & Zoning Meeting Minutes (June 11, 2026)**.

Appellants contend that the record contains substantial evidence demonstrating potential adverse impacts to neighboring properties.

The record also contains concerns regarding the use of Saddle Rock's private road system to serve a commercial propane storage and distribution operation. During the public hearing, discussion focused primarily on the Declarant's ability to add additional property to the private road system. Appellants do not dispute that the Declaration reserves the right to grant access to additional property. However, neighboring property owners raised a separate concern regarding whether commercial use of the private roads serving a propane distribution facility is consistent with the purpose and restrictions contained within the Private Road Declaration (Exhibit I).

The Declaration expressly provides that the private roads are not intended to be dedicated to or used for the benefit of the general public or for public purposes. While the Declaration permits the addition of property to the road system, it further provides that such property remains subject to the provisions and restrictions of the Declaration. The record does not demonstrate that the compatibility of the proposed commercial operation with the Private Road Declaration was adequately evaluated.

See **Exhibit I - Saddle Rock Private Road Declaration.**

In addition, the proposed operation would utilize Saddle Rock's privately maintained road system for recurring commercial traffic, including propane delivery vehicles and support vehicles. Neighboring property owners raised concerns regarding increased traffic, accelerated wear and deterioration of privately maintained roads, and the resulting maintenance and repair costs that may be borne by subdivision property owners. These concerns were not meaningfully addressed in the record and further support Appellants' concerns regarding compatibility, adjoining property impacts, traffic impacts, and preservation of the residential character of the surrounding area.

IV. WILDFIRE, PUBLIC SAFETY, INSURANCE, AND TRAFFIC IMPACTS WERE NOT ADEQUATELY EVALUATED

The subject property is located within a heavily forested area that is susceptible to wildfire. Wildfire risk is a significant concern throughout Valley County and is specifically recognized throughout the Valley County Comprehensive Plan.

The surrounding area consists of timbered residential lots and homes located within the Wildland Urban Interface. Property owners in the area have experienced increasing difficulty obtaining and maintaining homeowners insurance due to wildfire exposure. In some cases, insurance premiums have increased substantially and insurance carriers have become increasingly selective in providing coverage within wildfire-prone areas.

The record does not appear to contain a meaningful evaluation of:

- The effects of locating a propane storage and distribution facility within a heavily timbered residential area.

- Potential impacts on neighboring properties during a wildfire event.
- Potential impacts on insurance availability or affordability.
- Emergency response considerations.

Appellants further note that one of the conditions of approval requires that a vehicle capable of relocating the propane tank be available during wildfire season. However, safety and operating documents associated with the proposed tank system contain relocation restrictions that appear inconsistent with this condition of approval. Specifically, the documents state that the tank should not be moved while containing product and may not be legally transported on public roads when loaded beyond specified limits.

See Exhibit K – Portable LPG Tank Operating Procedures and Safety Documents.

The record does not demonstrate that the Commission evaluated the feasibility, timing, operational requirements, or safety considerations associated with relocating the tank during a wildfire emergency, particularly if the tank contains propane at the time relocation becomes necessary. Appellants contend that the effectiveness of this condition as a wildfire mitigation measure was not adequately evaluated prior to approval.

- The extent to which the proposed facility relies upon privately funded fire suppression infrastructure associated with Saddle Rock and whether such reliance could affect resources available to surrounding property owners during an emergency.
- Evacuation concerns.
- Long-term compatibility with surrounding residential development.
- The traffic impacts associated with increased truck trips beyond those reviewed by the Idaho Transportation Department (ITD).

As reflected in **Exhibit C- Idaho Transportation Department Correspondence**, ITD advised Valley County that it had no concerns with the proposal as presented and specifically noted that "4 trips/day is not a concern." ITD further requested notification if trip generation was expected to change from that assumption. However, the approval ultimately authorized a higher level of activity, effectively doubling the number of acceptable trips. The record does not demonstrate that ITD reviewed, approved, or was notified of the increased traffic volume authorized through the approval process, nor does it contain evidence that the impacts of the increased traffic volume were adequately evaluated.

While the application references certain propane safety equipment and operational safeguards, those measures do not fully address the broader wildfire, traffic, and public safety concerns raised by neighboring property owners.

The applicant presented examples of propane facilities in various locations throughout Valley County. However, the record does not demonstrate that those facilities are similarly situated to the proposed location with respect to adjacency to residential lots, wildfire exposure, private road access, subdivision character, or surrounding development patterns.

Appellants contend that the evidence presented was insufficient to support a finding that the proposal will not create undue adverse impacts on neighboring properties, public safety, transportation facilities, or the surrounding environment.

V. THE RECORD CONTAINS UNRESOLVED QUESTIONS REGARDING COMPATIBILITY AND IMPACTS

The application materials and public notice provided limited information regarding the full scope and operation of the proposed facility.

The site plan submitted as part of the application lacked sufficient detail regarding operational areas, equipment placement, circulation patterns, screening, buffering, fire protection measures, and the relationship of the proposed facility to nearby residential properties.

As a result, neighboring property owners were not provided with sufficient information to fully assess issues related to compatibility, public safety, wildfire risk, traffic impacts, visual impacts, and impacts to surrounding residential properties.

Additionally, the record contains questions regarding site layout, operational details, mitigation measures, and long-term impacts that were not fully addressed prior to approval.

Additional questions remain regarding the extent to which the proposed facility relies upon infrastructure, resources, or emergency systems associated with Saddle Rock. During the approval process, the applicant emphasized that the property is separate from the subdivision. However, references were also made to fire suppression resources located within or associated with Saddle Rock. The record does not clearly identify the ownership, capacity, intended use, or availability of those resources for the proposed commercial operation, nor does it evaluate whether such reliance could affect neighboring property owners during an emergency event.

Several conclusions presented in support of the application—including assertions regarding visibility, screening, compatibility, road impacts, and operational impacts—were presented as statements without supporting studies, measurements, independent analysis, or other objective evidence. For example, the applicant's presentation asserted that the site is fully screened from public view and not visible from Highway 55, any roadway within Saddle Rock Subdivision, or any residential lot. Neighboring property owners dispute these assertions and have submitted photographs and testimony indicating otherwise. **See Exhibit J – Photographs of Propane Equipment Prior to Approval** The record does not demonstrate that these conclusions were independently verified prior to approval.

The record also contains unresolved questions regarding use of Saddle Rock's private road system by a commercial propane storage and distribution operation. Appellants do not dispute that the Private Road Declaration allows additional property to be granted access to the road system. However, neighboring property owners raised a separate concern regarding whether

commercial use of the private roads for a propane distribution facility is consistent with the Declaration's purpose and restrictions.

The Declaration states that the private roads are not intended for public use or public purposes. The record does not show that the compatibility of the proposed commercial operation with the Declaration was adequately evaluated. This issue further supports Appellants' concerns regarding compatibility, traffic impacts, and preservation of Saddle Rock's residential character.

The record does not clearly identify how several conditions of approval will be monitored, enforced, or verified over time, including traffic limitations, wildfire-related conditions, and emergency relocation requirements.

Appellants contend that the Commission approved the application despite unresolved questions and incomplete information regarding the impacts of the proposed use.

VI. COMMENCEMENT OF THE PROPOSED USE PRIOR TO APPROVAL

Appellants have obtained photographs showing propane storage equipment located on the property prior to approval of CUP 26-012. These photographs are attached as **Exhibit J – Photographs of Propane Equipment Prior to Approval**.

The application seeks authorization for propane storage and operation of a propane distribution facility. The presence of propane storage equipment on the property prior to approval raises questions regarding whether portions of the proposed use had commenced before all required approvals and added conditions adopted during the hearing were obtained.

The photographs contained in **Exhibit J** document the presence of propane storage equipment on the property prior to the Commission's approval and support Appellants' request for further review of the timing and nature of activities occurring on the site before the approval process was complete.

Appellants respectfully request that the Board determine:

- Whether propane storage equipment was placed on the property prior to approval.
- Whether propane was being stored on-site prior to approval.
- Whether commercial propane-related activities were occurring prior to approval.
- Whether all required approvals had been obtained before the proposed use was initiated.

Appellants do not assert conclusions regarding these questions at this time. However, the photographs attached as **Exhibit J** raise legitimate questions regarding whether elements of the proposed use were established prior to completion of the land use approval process. These questions warrant review as part of the Board's consideration of this appeal and the overall evaluation of the application.

REQUEST FOR RELIEF

For the reasons stated above, Appellants respectfully request that the Valley County Board of Commissioners:

1. Reverse the approval of CUP 26-012; or
2. Remand the application to the Planning and Zoning Commission for additional review, findings, and consideration of the issues identified in this appeal; and
3. Grant such other relief as the Board deems appropriate.

Appellants further reserve the right to supplement this appeal upon receipt of the Commission's findings, conditions of approval, meeting minutes, and complete administrative record.

DATED this 22 day of June, 2026.

APPELLANTS:

Exhibit Index

Exhibit A – Valley County Comprehensive Plan Provisions Relevant to CUP 26-012

Exhibit B – Property Owner Statements

- B-1 David & Deborah Billig
- B-2 Branden & Aneta Fiscus
- B-3 Kacie and Shawn Frederick
- B-4 Vitaliy & Olga Gavrilyuk
- B-5 Tony & Brie Ghinazzi
- B-6 Robert & Christine Kovacs
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Exhibit C – Idaho Transportation Department Correspondence

Exhibit D – Planning & Zoning Meeting Minutes (June 11, 2026)- DRAFT

Exhibit E – Applicant Presentation to Planning & Zoning Commission

Exhibit F – CUP 26-012 Application Materials

Exhibit G – Staff Report

Exhibit H – Public Notice and Site Plan

Exhibit I – Saddle Rock Private Road Declaration

Exhibit J – Photographs of Propane Equipment Prior to Approval

Exhibit K – Portable LPG Tank Operating Procedures and Safety Documents

Exhibit L – Real Estate Professional Statements