

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: C.U.P. 25-032 McClellan/Smith Solar Panels
MEETING DATE: April 9, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Katrina Spencer, Magic Valley Electric LLC
kwilcox@thesolarteam.com
PROPERTY OWNER: Kristen McClellan & Bruce Smith Family Trust
129 Alcove CT, Grand Junction CO 81507
LOCATION: 30 Flicker Road
Parcel RP17N04E076605 located in the SESW Section 7, T.17N, R.4E,
Boise Meridian, Valley County, Idaho
SIZE: 8.7-acre parcel
REQUEST: Ground-Mounted Solar Panel Array
EXISTING LAND USE: Single-family Residential Parcel

A public hearing was held January 8, 2026. The hearing was tabled for more information and to allow the applicant and neighbors to discuss the matter further. Please refer to the Staff Report for January 8, 2026.

Valley County Code 9-5G-1 states that conditional use permits are required for solar panels greater than eight (8) square-feet that are detached from the primary structure. This requirement was adopted in Ordinance 10-06 on August 23, 2010.

Magic Valley Electric LLC is requesting a conditional use permit for a 45-ft x 10-ft ground-mounted solar panel array for residential use. Maximum height would be 17-ft, 7³/₄-in. parcel

Access is from Flicker Road, a public road. The 8.7-acre parcel is addressed at 30 Flicker Road.

FINDINGS:

1. A properly noticed public hearing was held on January 8, 2026. The matter was tabled to April 9, 2026, at 6:00 p.m.
2. Since a specific date and time was included in the approved motion to table C.U.P. 25-032, additional notice was not required. However, the applicant was notified by letter sent March 9, 2026. Legal notice was posted in the *Star News* on March 19, 2026, and March 26, 2026.

3. Additional Submittal from Applicant and Property Owners:

A copy of the letter the applicants sent to neighbors dated January 23, 2026, regarding screening options. (Received February 2, 2026)

Email correspondence between the property owners and Clay Wright (260 Finn Church Lane) regarding the panel's orientation, tilt, and reflection. (January 30, 2026; February 13, 2026)

A letter sent to neighbors regarding CCRs, timeline of solar panel construction, and why the specific site was chosen. (Received February 26, 2026)

Timeline, pictures of the site, and pictures of screening options. (Received March 9, 2026)

An email with two attachments: 1) Site plan with aerial view and topography, and 2) vegetation and topography plan. New ponderosa pines and spruce trees proposed. (March 22, 2026)

Landscaping / Site Plan (Received April 1, 2026)

Slide Presentation for April 9, 2026 (Received April 1, 2026)

Landscaping / Site Plan and Photos of Existing Conditions and Proposed Rendering (Sent by Property Owner on April 1, 2026)

4. Additional Agency comment received since the public hearing on January 8, 2026:

Parametrix (Valley County Engineer) had no comments. (March 31, 2026)

5. Public comment received since the public hearing on January 8, 2026:

Tom and Lori Ronay, 40 Flicker RD, responded to the applicant's letter to neighbors dated January 23, 2026. The proposed remediation is unacceptable. The solar panel is a violation of the CCRs (attached). The structure should be removed. Acceptable options include a panel on the roof or relocation to the property's east side and where it would not be visible to other property owners. (February 8, 2026)

Tom and Lori Ronay responded to the applicant's letter dated February 17, 2026. A building permit was required and the panel and lack of notice is in violation of CCRs. Neighbors do have their views interrupted. Adding visual barriers will not fix this; the array should be relocated. (March 2, 2026)

Todd Silverman, 15 Flicker RD, stated the panels need to be removed or relocated. (March 3, 2026)

Ferne Krumm stated acceptable alternatives include:

- Relocation to a location that is not visible from the public road;
- Excavate and lower the panels; or
- Split up the panels to reduce overall height to a level low enough to allow shrubbery, trees, etc. to adequately hide the panels. (Received March 9, 2026)

6. Valley County Code:

TITLE 9 LAND USE AND DEVELOPMENT

9-5G-1: SITE OR DEVELOPMENT STANDARDS

Alternative energy uses requiring a conditional use permit shall meet the following site or development standards:

- A. Solar Panels Greater Than Eight Square Feet In Accumulated Area and Detached From Primary Structure:
 - 1. Must be a minimum of fifteen feet (15') from property lines.
 - 2. Glare shall not create a hazard to vehicular traffic.
 - 3. Cannot be over thirty feet (30') in height.
 - 4. Impact to neighbors will be a determining factor.

STAFF COMMENTS / QUESTIONS:

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
- Relevant Meeting Minutes from January 8, 2026, and Exhibits 1-6
- Additional Submittals from Applicant and Property Owners of Solar Panel Array
- Responses

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. Shall obtain a building permit for the solar panel structure prior to installation; if already installed, it must be obtained within 2 months.
5. Shall meet requirements of Donnelly Fire Department.
6. All noxious weeds on the property must be controlled.
7. All lighting on-site must be dark sky compliant.
8. When the solar array becomes damaged, replaced, or obsolete, all materials must be properly disposed of as required by federal and state laws and regulations.
9. A new conditional use permit will be required to enlarge or move the solar array location.
10. If there is any new site grading required, a site grading/stormwater management plan will have to be approved by the Valley County Engineer.

END OF STAFF REPORT

7:12 p.m.

2. **C.U.P. 25-032 McClellan/Smith Solar Panels:** Magic Valley Electric LLC is requesting a conditional use permit for a 45-ft x 10-ft ground-mounted solar panel array for residential use. Maximum height would be 17-ft, 7¾-in. Access is from Flicker Road, a public road. The 8.7-acre parcel is RP17N04E076605, addressed at 30 Flicker Road, and located in the SESW Section 7, T.17N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Record of Survey 7-104 referred to in submitted CCRs.
- **Exhibit 2** – James D. Boley is opposed. (January 5, 2026)

Solar panels have been placed; neither the applicant nor homeowners were aware that a conditional use permit or building permits were required. The site and pictures of the home and panels were discussed by Staff and Commissioners. CCRs were submitted by a neighbor and included in the Staff Report. Staff does not have contact info for this homeowner association. The applicant is a private contractor.

Chairman Roberts asked for the applicant's presentation.

Joey Richardson, Magic Valley Electric LLC, stated that solar panel is a small ground mount that is positioned appropriately to not impose on the view of the mountain nor the surrounding neighbors. An adjustable tilt allows the panels to move based on the season: steeper in winter and flatter during the summer. The array provides backup power for the home. The site was chosen to be the least intrusive. As shown in the site plan, the location is tucked behind the garage. The west edge of array will match up with the west edge of the garage to blend in. A better site for production would have been a location to the south of the home but would have been more intrusive to the view and neighbors. The array consists of matte black panels and a black frame, not shiny silver. The array faces south, not southwest. Only the tilt angle can be manually changed. The orientation is fixed and the array does not track the sun. He responded to questions in the staff report. He believes the system has value and will increase the property value. No adverse impact due to size and location. The array is located on a driven pile, not concrete, for base.

Christine McClellan, Grand Junction, Colorado, is the property owner. They are moving to the site for retirement and did not want conflicts with neighbors. This is not the way they wanted to start in a neighborhood. The location was chosen to not obscure the panoramic view from the end of the cul-de-sac for Flicker Road. The site is not out in the open and blends with new residence. They are willing to add additional plantings. Property to the north is upslope; shrubbery or trees can be planted as desired by the homeowner to the north. The solar array is viewable from the entrance of the neighbor's driveway, not from their home. To the southwest is a home that is downslope; she proposed adding trees closer to the panels to mitigate that neighbor's view. The driveway for the property to the immediate west is parallel to the applicants' driveway. This neighbor will be seeing the side of the panels when on their driveway. The planned location of the home is downslope from the applicant's home. The property owners are willing to work with individual owners to be a good neighbor. The homeowner association is not active to their knowledge.

There was discussion between the applicant, Commissioner Mabe and Director Herrick regarding CCRs. The CCRs do not specifically mention solar panels.

Chairman Roberts opened the public hearing and asked for proponents.

Mark McClellan, 685 Knights Road, McCall, stated his background included both 30,000+ hours of commercial aviation and 23 years of flying personal aircraft in Valley County. He responded to concerns regarding potential glare or reflection from the panels. Due to the rising terrain, aircraft have to transition in the area several thousand feet above the surface and the panels would not be a concern. It is not near the Airport Critical Area nor the traffic patterns of aircraft flying into McCall, Cascade, or Donnelly Airports. This solar panel array would be tied to the power grid. It would provide the homeowner with a backup system. It would also contribute to the energy grid and reduce energy costs for all consumers.

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents.

David Kennedy, 12 Jughandle Place, has a construction and development background. He submitted pictures of the solar panels as viewed from the cul-de-sac (**Exhibit 3**). He referenced the letter submitted by Thomas and Lori Ronay, the CCRs, and the homeowner association (HOA). The CCRs state that unsightly and storage is to be within an enclosed building. There is no one living full-time on those lots, thus there is no active HOA. However, that does not mean the deeds restrictions are not valid. The solar panels were constructed without the proper permits from Valley County. The electrical final has already been submitted. At minimum, the PZ Commission should make approval conditional upon a landscaping plan that minimizes the effects to the adjacent property owners. The back of this structure is a corrugated looking structure that is directly visible. The placement maintained the view for the homeowner, not the neighbors.

Ferne Krumm, 26 Flicker Road, stated she received negative feedback when she previously contacted the homeowner. She spoke to the people constructing the panel to inform them that permits were needed for solar panels before installation. She has direct view of the solar panel array from her property (**Exhibit 4**). She disagrees with the comments from the applicant regarding visibility.

Eric Pedersen, 16 Flicker RD, is also an ex-airline pilot. The massive solar panel has been permanently installed. It is an eyesore that could have been put on the other side of the house. He did notify the Federal Aviation Administration.

Kristi Pedersen, 16 Flicker Road, stated when the panel is flat, it is not a big deal. However, as shown in the picture, when completely erect, it is visible from her place. It was rude to install it where it is visible from Ferne's driveway. They broke rules by already installing the panels. The panels could have been put on the roof. Regarding adding landscaping for screening, trees do not grow fast in this area.

Todd Silverman, 15 Flicker Road, was shocked when the array was suddenly erected. There was no notifications for a building permit. He asked if the applicant had a timeline to meet to receive a rebate. The array could have been built behind the home and not visible from Flicker Road. He submitted a petition with 25 signatures in opposition (**Exhibit 5**). The imposing structure should be moved to a site not visible from Flicker Road. Who's rights are paramount?

Kathryn Lomeli, 15 Flicker RD, stated the industrial looking structure should be relocated. If proper permitting procedures had been followed and the opinions of the neighbors were taken as required before a permit is issued, the overwhelming negative responses should have changed how and where this structure was located. The unsightly structure is in plain view at

the end of Flicker Road and is not harmonious with the neighborhood. Vegetation should be used to mitigate and hide appearance of the structure.

Chairman Roberts asked for rebuttal from the applicant.

Joey Richardson submitted additional photos of the array and site (**Exhibit 6**). The solar array was fully tilted upright during construction; it will almost never be fully tilted upright during operation. The tilt is manually adjusted. The property owners want to work with neighbors and discuss mitigation. The solar array was installed without concrete foundation and could be relocated.

Chairman Roberts closed the public hearing. The Commission deliberated and reviewed the submitted pictures. Commissioner Mabe stated after the fact is always a difficult discussion. He referred to the CCRs and the lack of an active homeowner association. The CCRs do not specifically refer to solar panels. It is a large array. Could vegetative screening be added or could the array be moved to a less obtrusive location. Is the array visible from residences or just from the roadway? Commissioner Potter added that a landscape plan could be submitted as the property owner is agreeable to mitigation. Chairman Roberts concurs with Commission Mabe. Had this been public hearing occurred before construction, the array would have been placed in a location less visible to neighbors. Relocation is a possibility. This matter could be tabled to allow the homeowners to work with neighbors. Director Herrick and Commissioners discussed previous solar panel applications and mitigation such as landscaping and lowering the height of the panels by excavation. One panel array was removed as it did not meet setbacks. Solar panels are allowed on the roof of a home with a building permit. There was discussion on tabling the matter to allow the property owner to work with neighbors and to submit a landscaping plan or a revised site plan showing a new location for the solar panel array. Topography is important at this site.

Commissioner Schneider moved to table C.U.P. 25-032 McClellan/Smith Solar Panels to April 9, 2026, at 6:00 p.m. Commissioner Potter seconded the motion. 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.

Short recess to 8:20 p.m.

3. **C.U.P. 25-033 Brown Commercial Lease Space:** Colt and Kendra Brown are requesting a conditional use permit for an open commercial space for leasing by businesses needing outdoor storage, operational yard area, or temporary workspaces. No permanent buildings or utilities are proposed. Access would be from Loomis Lane, a public road. The 10-acre site is parcel RP16N03E260605 located in NWNE Section 7, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any ex parte contact or conflict of interest. Chairman Roberts recused himself and left the room.

Director Herrick presented the staff report, displayed the site on the GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Kerstin Dettrich, Valley County Road & Bridge Director, stated more information is required. (January 8, 2026)
- **Exhibit 2** – Correspondence between applicant and Kendra Conder, Idaho Transportation Department, regarding distance of driveways from Highway 55. (January 6, 2026)

3K 18 104

Instrument # 263176
 VALLEY COUNTY, CASCADE IDAHO
 Surveyed by: HERR SURVEY
 LELAND O. HERRICH
 Esquire, Professional Surveyor

I, Rod M. Skiftun, a Professional Land Surveyor, do hereby certify that this record was prepared from notes taken during an actual survey made under my direct supervision in November of 2001, and that it correctly represents the points, courses and distances as recorded in said field notes.



LEGEND

- found brass cap
- ⊙ set 5/8" rebar w/ plastic cap
- set 1/2" rebar w/ plastic cap
- calc. point, no monument set
- ⊗ found aluminum cap
- ⊙ found 5/8" rebar
- found 1/2" rebar
- ▲ set 3/8" rebar line marker
- ⊙ set 5/8" rebar w/ aluminum cap



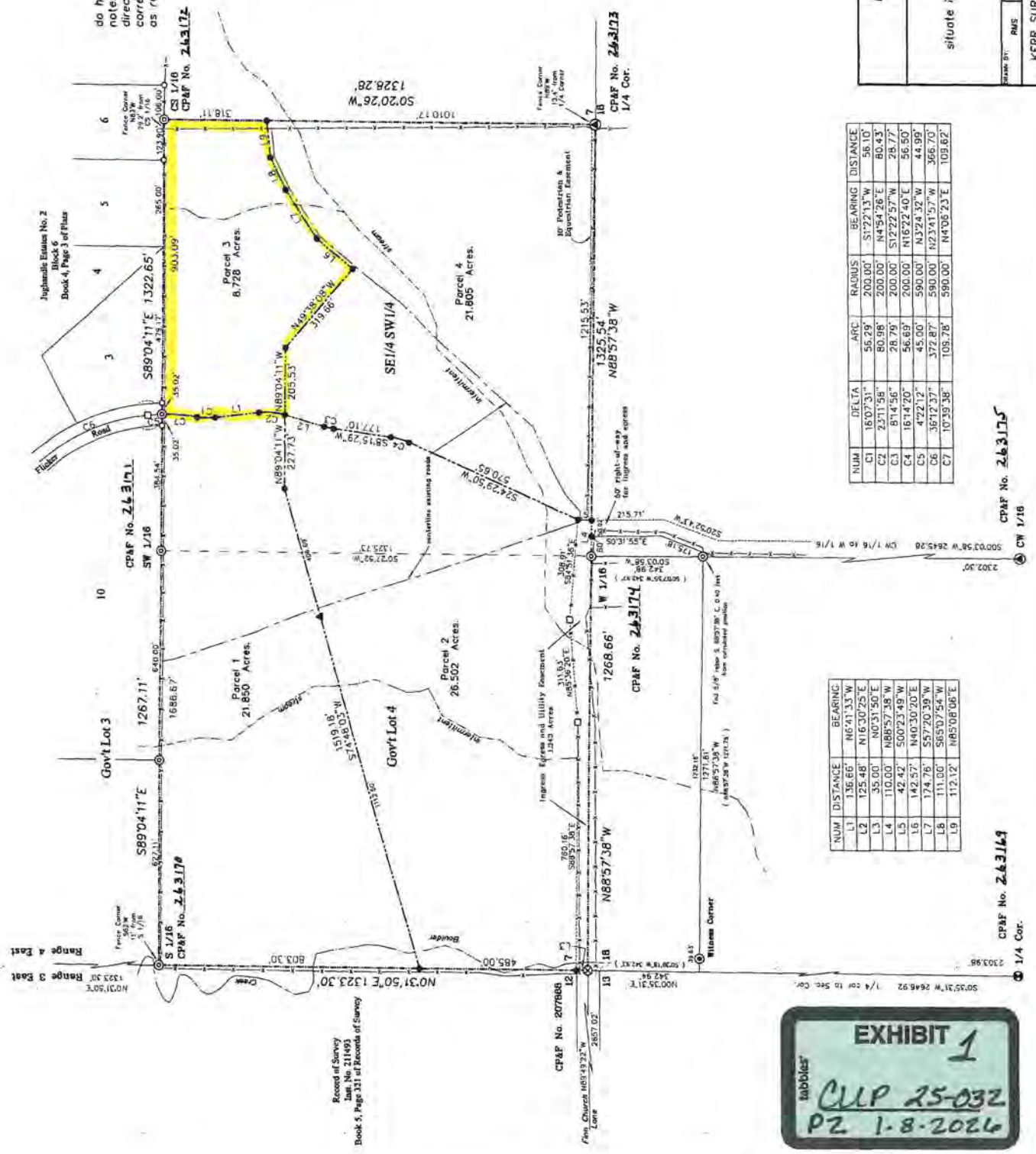
Scale 1" = 200'
 Bearings based on R.O.S.
 Inst. No. 211493

RECORD OF SURVEY
 Valley County, State of Idaho

JUG 78 L.L.C.

situate in Gov't Lot 4, and the SE 1/4 of the SW 1/4 Section 7, T. 17 N., R. 4 E., B.M. Valley County, Idaho

STATE OF IDAHO
 KERR SURVEYING
 McCALL, IDAHO
 May 2002



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	16.07.31"	56.29'	200.00'	S12°13'W	56.10'
C2	2.71.58"	80.98'	200.00'	N4°54'26"E	80.43'
C3	81.4.56"	28.79'	200.00'	S12°22'57"W	28.77'
C4	16.14.20"	56.69'	200.00'	N16°22'40"E	56.50'
C5	4.22.12"	45.00'	590.00'	N37°43'2"W	44.99'
C6	16.12.33"	372.87'	590.00'	N23°41'57"W	366.70'
C7	10.39.38"	108.28'	590.00'	N4°05'23"E	108.62'

NUM	DISTANCE	BEARING
L1	136.66'	N6°41'33"W
L2	125.48'	N16°30'25"E
L3	35.00'	N0°31'50"E
L4	110.00'	N88°57'38"W
L5	42.42'	S00°23'49"W
L6	142.57'	N40°30'20"E
L7	174.76'	S57°20'39"W
L8	111.00'	S65°07'54"W
L9	112.12'	N85°08'06"E

CPAF No. 263175
 CW 1/16

CPAF No. 263174
 1/4 Cor.

EXHIBIT 1

tabbles

CLP 25-032

PZ 1-8-2024

Record of Survey
 Book 5, Page 311 of Records of Survey

From: James D Boley [REDACTED]
Sent: Monday, January 5, 2026 2:43 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: C.U.P 25-032 Solar Panels, 30 Flicker Road



Cynda,

I hope you enjoyed your holidays and are looking forward to a great New Year. I am writing about the above captioned Conditional Use Permit request at 30 Flicker Road, set for public hearing on January 8, 2026. This letter is written as a Valley County resident, a Jughandle Estates homeowner and a Valley County Real Estate Broker. I am not writing as a lawyer (although I hold an active California law license) and I am not representing any of the aggrieved parties. The requested C.U.P., however, is concerning to me and a number of Jughandle Estates neighbors. Certainly, those most directly affected will be attending and speaking in opposition to the requested permit.

Valley County has long held a commitment to maintaining a "rural atmosphere" as stated in the Valley County Comprehensive Plan. As the county continues to grow, that commitment has never been so important as it is now. The long term success and vibrancy of our community depends on careful planning and zoning that supports the continuity of our roots. This was, in fact, the Planning & Zoning Commission's view back in November 2024, when a C.U.P. request was made for a solar farm on 16 acres at 12600 Goode Lane. The commissioners doubted the solar farm's compatibility with nearby homes, and noted the impact to neighbors. Three such neighbors spoke in opposition at the hearing labeling the project an "eyesore" that would tank surrounding property values. The C.U.P. request was denied, also in part because it lacked sufficient details.

While the scale of the subject solar project is much less, it is no less concerning to the surrounding neighbors who are within "eyeshot" of the array and can likewise argue that their property value will be harmed because of an adjacent homeowner who lacked the consideration to lawfully seek a permit prior to construction. Valley County Building Code section 6-1-9 (A) states that it is unlawful to construct anything coming under the purview of Chapter 6. Likewise, Section 6-1-9 (D)(1) states that is unlawful to connect or energize any electrical installation...to any building or structure coming under the provisions of the Chapter unless the necessary permit covering such installation has been issued. I do not know whether the solar array is actually connected or energized. At a minimum, I think we can acknowledge that the owners and/or Magic Valley Electric violated the law.

To the extent that the 30 Flicker Road homeowners argue that it would be unfair to disallow the permit given the cost of the solar installation and its subsequent removal, that argument should be flatly rejected. They moved forward with the project knowingly in violation of the Code, or at a minimum had presumptive knowledge of its contractor, Magic Valley Electric, who is in the business of knowing building codes. If the homeowners were not informed of the requirements by their contractor, perhaps their remedy lies therein. Nonetheless, the surrounding neighbors should not be harmed because it would be costly for the unlawful homeowners to remove the solar array. Nor should the commissioners be goaded into approving the C.U.P. request because it would be uncomfortable for the subject homeowners to take down the solar array. The surrounding neighbors believe the array is an eyesore and diminishes their property values and enjoyment of their properties. That really is the only issue before the P&Z Commission. Whose rights are paramount: that of homeowners who wish to construct a solar array deemed an "eyesore" or multiple adjacent and surrounding neighbors that seek to preserve their view on the foot of Jughandle Mountain, and maintain the rural atmosphere of their neighborhood?

Lastly, some of the adjacent neighbors who are pilots, will raise the additional concern that the array may have on pilots who use that overhead corridor to fly into the Idaho backcountry. I would think the issue of potential "flash blindness" should be addressed as well.

All of us Valley County residents count on the P&Z Commission to safeguard our homes, our property values and our community. If that responsibility is not zealously carried out, whose neighborhood is next? We live in the Central Mountains of Idaho for a reason. Let's not lose the very reason why we live here.

Best regards, Jim

James D. Boley, Esq.
Phone [REDACTED]

Associate Broker (License AB43100)
Realtor®

Keller Williams Realty Boise
1065 S Allante Place
Boise, ID 83709
Office (208) 672-9000



EXHIBIT 3
tabbles' CUP 25-032
PZ 1-8-2020

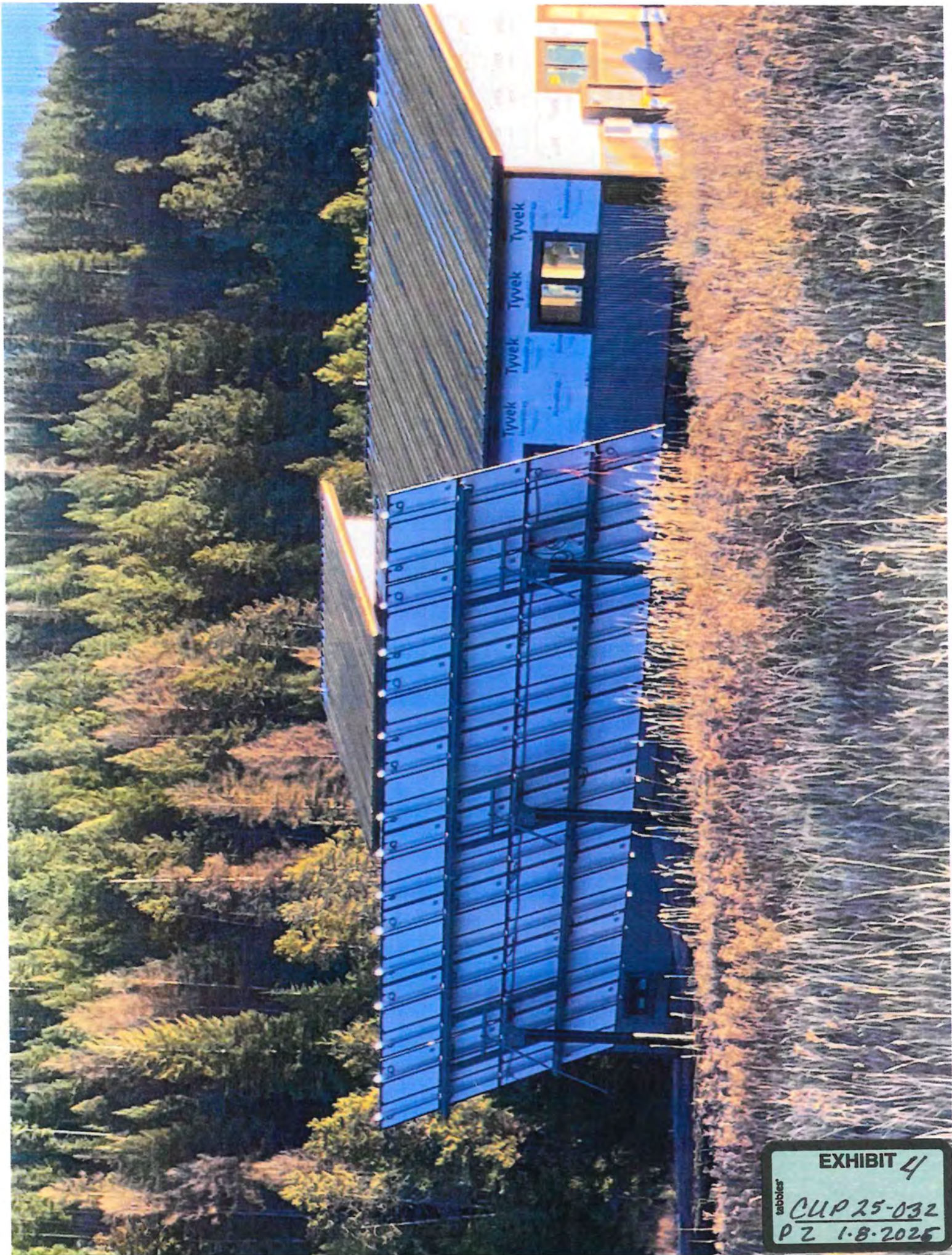


EXHIBIT 4

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CUP 25-032

PZ 1-8-2025

PETITION IN OBJECTION TO C.U.P. 24-032 SOLAR PANELS

We, the undersigned owning property near 30 Flicker Road, object to the plan for Title 9 LUDO was not followed as the Solar Panels are already installed and resolve that the board decide:

A) The Solar Panels be removed entirely for usurping LUDO

OR

B) The Solar Panels be relocated out of sight to the rear of the property

Name Address Phone # Signature

Kristi Pedersen 16 Flicker [Redacted] Kristi Pedersen

Erik Pedersen " [Redacted] X

Eric Pedersen " [Redacted]

Leif Pedersen [Redacted]

Lynne Schnupp [Redacted] Lynne Schnupp

Timothy C Duffner [Redacted] Timothy C Duffner 344 Silvertown

Empty table grid for additional signatures.



4301



4302

EXHIBIT 6
tabbles
CLP 25-032
PZ 1-8-2026



4304



4305



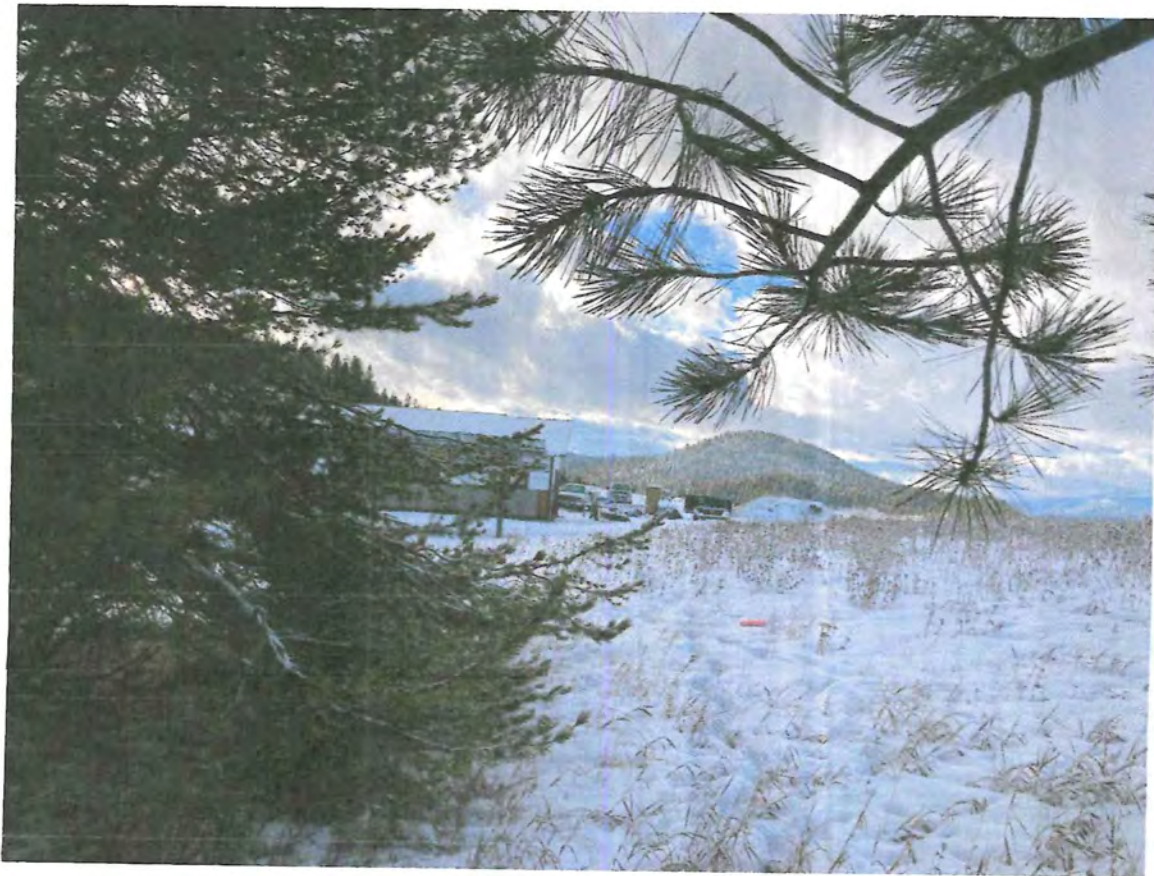
4289



4293



4281



4284

4299



4300







4306



4277



4290

January 23, 2026



RE: Valley County CUP 25-032 McClellan Smith Solar Application

Dear Neighbors,

Thank you for expressing your opinions and concerns regarding the ground-mount solar panels we have installed on our property at 30 Flicker Road at the Valley County Planning and Zoning meeting held on January 8th. The circumstances that resulted in the rapid installation of the panels are complicated, but we won't discuss them here.

Truthfully, from the moment we marked the pad location we said to ourselves that we would plant trees or other vegetation to help mask the view of the panels. We regret that we did not approach you prior to the installation.

Enclosed, please find a few ideas for screen options for the solar panel installation. Vegetation is preferred, but we would like to hear back from you on your opinions. We look forward to arriving at an agreeable solution. Please feel free to contact us at:

Email: [REDACTED]

Phone: [REDACTED]

We would appreciate you willing to share an email address, as this would greatly facilitate communication.

Sincerely,

A handwritten signature in cursive script that reads 'Kristen and Bruce'.

Kristen McClellan and Bruce Smith

cc: Valley County Planning and Zoning Commission

enclosure

Hello All,

I'm throwing out some ideas on how to create a screen to mitigate the views that you have from the end of the cul-de-sac. My thoughts are that during the late spring and summer the panels will be at very low angle so that the structure will look more like a roof of a post shed. During the winter, the back side of the panels will be more visible, but they will not be vertical as they were during construction. Because of the slope of the land to the south southwest, the panels would be approximately 12 above ground surface at the cul-de-sac. Here are some ideas I have for elements that could be combined to create a multi-layered screen.

- Plant a row of trees and or shrubs – conifers, cypress, Syringa (thanks Ferne!)



- Build an arbor or trellis and plant with climbing plants such as Blue Moon Kentucky Wisteria, ivy, grapes, honeysuckle, clematis





7



- Construct a berm to increase the height of vegetation





- Construct planters of Corten steel



- Build short runs of fence or slatted panels





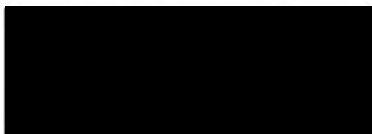
- Outdoor curtains or "fence" of shade cloth



These are just some initial ideas. Please feel free to comment and suggest alternatives.

Thanks,

Kristen McClellen and Bruce Smith



From: Bruce Smith [REDACTED]
Sent: Friday, February 13, 2026 3:38 PM
To: Clay Wright [REDACTED]
Cc: [REDACTED]; Todd Silverman [REDACTED]
Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Re: Solar Array

Hi Clay,

Me again. I accidentally hit send.

Anyway, I'm trying to get to McCall within the next two weeks and meet with as many neighbors as will talk to me. Do you and Maggie have any plans to be in McCall? If not, I drive through Boise on my way up from Grand Junction so perhaps we could meet for coffee.

Bruce and I fully want to work with you to alleviate and mitigate any problems you have with the panels.

Kristen McClellan

On Fri, Feb 13, 2026 at 3:30 PM Bruce Smith [REDACTED] wrote:
Hi Clay,

You are absolutely correct and I was wrong. I went back to the picture which I took from the southwest corner of ur property. I did not try to capture views you have from different parts of your house and property. If it would be okay with you I'd like to meet you on your property to discuss what views you want blocked,

The panels are fixed in their N-S and E-W direction. We can not orient them so they would be more directed toward your house than they are now. What I didn't do a good job explaining when I said they "can be rotated on a horizontal axis to change its tilt with the seasons" is that they can only be tilted more or less due south. In the summer they will be at an angle of about 25 to 30 degrees. When I was in town in January we adjusted (manually cranked) their tilt to their winter angle shown in your picture. Are you having trouble with reflection as they currently are?

As you can see in my picture below, there is a mound of material we saved from digging the foundation of our house. We plan on using this material to create a natural looking berm between your home and ours and then planting on that berm. I spoke with David Kennedy today to discuss a time to come to McC



On Fri, Feb 13, 2026 at 1:48 PM Clay Wright [REDACTED] wrote:

Attached is a view of your solar panels from my house. It would be incorrect to say that your solar panels would be mostly behind your garage from the perspective of my house. Your statement that the panels can rotate both vertically and horizontally add credence to my argument of glare and reflection towards my property, particularly in the winter months.

Clay Wright
260 Finn Church Lane

On Fri, Jan 30, 2026 at 8:30 PM Bruce Smith [REDACTED] wrote:

Hi Clay and Maggie,

Thank you very much for getting in touch with us and reiterating your concern about potential glare and solar reflection. Joey Richardson, the project manager for Magic Solar, tried to address these issues with the zoning board. Our solar array's orientation is fixed due south and cannot be changed. However, the array can be rotated on a horizontal axis to change its tilt with the seasons. We anticipate an angle of about 25 to 30 degrees in the summer and about 55 to 60 degrees in the winter. The figure attached to the notice showing the placement of the panels on the lot was incorrect in that the panels are due north of the garage and do not extend further west than the western garage roofline, so your view of the panels will be less than shown.

We selected REC 460W Apha Pure solar panels. These panels are full black (cells and frames) which are designed to reduce reflection compared to older panels. They have low specular reflectance so they should produce less glare than a standard window and they are treated with an anti-reflective material per IEC regulations.

We don't anticipate there to be any significant reflection towards your home, but if there is, I'm sure we can come up with a way to mitigate it. Bruce and I are also environmentally minded - he is a hydrogeologist and I am a retired chemistry and environmental science teacher. We also look forward to meeting you. Next time we are in McCall we will stop by to see if you are home.

Regards,

Kristen

On Fri, Jan 30, 2026 at 1:44 PM Clay Wright <[REDACTED]> wrote:

Kristen and Bruce

This is Clay Wright, your neighbor on the 26.5 acres to the Southwest of your property.

We received your letter concerning the 45x10 foot solar array erected on your property. As the back of our house faces your property we were not so much concerned with the view of the array, and your possible screening ideas, but more concerned with the possible solar reflection (as stated in our letter to the zoning board). If the array is able to orient to the position of the sun in the sky, then a Southwest alignment (particularly during the winter months when the sun is low in the southern sky) would likely result in an intense reflection towards our property. We are both environmentalists and support the installation and use of both solar and wind electric generation.

If the array is fixed and not automatically oriented towards the sun then there is probably not a problem

We look forward to meeting you folks when your house is completed.

Clay and Maggie Wright

Re: C.U.P. 25-032 McClellan/Smith Solar Panels

The attached letter has been sent to

Ferne Krumm

Kristi and Eric Pedersen

Michael Jauregui

Todd Silverman and Kathryn Lomeli

Tom and Lori Ronay

Clay and Margaret Wright

Robert and Kitty Looper

Amy Sue Biondich

Thomas and Carol Moore

David and Mary Heflin

Stella Rae Stahl

David Kennedy



Hello Ferne Krumm, Tom and Lori Ronay, Clay and Maggie Wright, Robert and Kitty Looper, Kristi and Eric Pederson, Todd, Kathryn Lomeli, and David Kennedy

I'd like to update you on the progress we've made on mitigating the impact of views of the solar panels, but first I feel that I need to introduce who we are and apologize for the actions we didn't take prior to the solar panel installation.

Bruce and I met in Tucson at graduate school getting our master's degrees in hydrology in 1986. We were married in 1989 and moved to Grand Junction in 1990 to work for the Department of Energy's contractor. Bruce and a partner started their own hydrogeology firm in 2001. I went on to get a teaching credential and taught science at a public high school until I retired in 2022. I now work part time for his company.

We moved to Grand Junction for several reasons. The area offers different types of recreation, is located between where our families lived to facilitate visiting them, and when we moved here, Grand Junction had a small town feel where we felt comfortable raising a family. We have two boys who are soon to be 32 and 34. The younger one is a welder and black iron worker and the older one got his master's from University of Idaho and is a wildlife biologist. He was fortunate to experience McCall while working for Idaho Fish and Game on a wolverine project.

We are looking forward to being able to retire in a year or so as Bruce is currently 68 and I am 66. As we started looking towards retirement we thought hard about where we might want to live. Idaho was a natural draw because of its climate, abundant recreation in mountains, valleys, and rivers, and stunning night skies. McCall was an obvious choice for us. Family is important to us, and I have a brother and sister-in-law who have live there. McCall also has a good hospital and Boise is not that far away so as we age, and inevitably develop health problems, we can get good medical care.

As we both still work, it has been difficult to get time off to visit McCall. From Grand Junction it takes about 12 hours to drive there. This has contributed to us being horrible communicators. Since this still makes communication difficult, **we wanted to send you this letter to formally apologize for not being proactive about informing you of our plans to build the solar array. We deeply regret not doing so. We know that by not doing so we have caused a great deal of heartache, frustration, anger, and other emotions on your part. We are very sorry!**

We did carefully read the CC&Rs attached to the 4 properties prior to purchasing the land to see if there was any verbiage about solar. There was/is not. We bought the land because it had good solar potential. Had there been restrictions against solar we would not have chosen to build here. When we started to build, we thought that we would install the panels in a couple of years to avoid that expenditure during the costly build. But when the federal government passed the One Big Beautiful Bill which ended tax credits on December 31, 2025, we had to fast track to get them installed.

We had always planned on putting the panels on the roof, but later realized that the angle of our roof was not optimum, snowpack would be an issue, and keeping the panels snow free on the roof would be difficult for people in their 70s.

Bruce and I walked the property and discussed other locations for the panels. We considered the east side of the house. The property on that side of the house slopes east until, after crossing a boggy area, it begins to rise steeply. In this area, because of mountains to the east, there is less morning sun and because the house is two story on the east side, there will be shade and less sun in the afternoon. East of the house is also furthest from the meter so that location will have the most inefficiency in energy transmission.

Moving clockwise there is southeast of the house. This is where our septic system is so that wouldn't work.

South and west of the house. These areas would be in full view of the other three property owners in our CC&R. In addition, because we do care about the beautiful vistas in the area, solar panels out in the fields would interrupt that view and we couldn't imagine that anyone would prefer those locations.

North of the garage. This location is closest to the property boundary to the north (approximately 128 ft from the property boundary) but well within the setback and building envelope. Our reasoning behind selecting this site was that being directly north of the garage, the panels are not blocking anyone's view of the valley from the cul-de-sac because the garage is already there. Also, because the ground slopes up from the house towards the cul-de-sac, some portions of the structure are blocked by ground. Views from the west would be of the side profile of the panels so would have less visual impact. We decided on this location knowing that we would provide screening on the north and west sides of the array.

By this time, it was fall and the December 31st deadline was approaching. Our contractor did not know about the C.U.P requirement until after he applied for the building permit. Since solar panels are not prohibited in the CC&R, and since we did and do not believe that we are in violation, we went ahead with the installation. Having not proceeded we would have missed a valuable tax credit. We realize and have always fully intended to create scenery so that this part of our yard is aesthetically pleasing.

Since this note has gotten longer than I anticipated, we will write a separate letter to go into detail about some potential plans. Being a master gardener for over 30 years, I feel confident analyzing soil nutrient levels and soil structure and working with local experts to select appropriate vegetation. I've been in contact with Kirstin at Franz Witte and Melissa Hamilton with University of Idaho Extension service in Cascade and they have both started providing me with information. We have also engaged a landscape architect to help come up with harmonious landscaping plan. We want to work with you all to move past this very rocky start to our relationship with you in the neighborhood. Our hope is that someday you consider us friends.

With respect, Kristen and Bruce

Hello All,

Here is a quick rundown of what happened while I was in McCall March 3 through March 5.

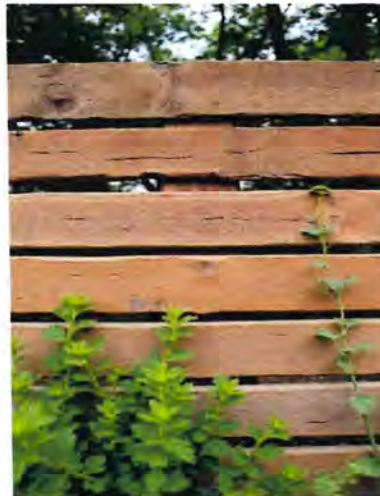
March 3 – Dave Kennedy met with me in the afternoon to walk the property. As we were close to finishing Ferne Krumm came over and we rewalked the property. If he chooses, I'll let Dave fill you in on his observations.

March 3 and 4 - I installed camo netting on the underside of most of the solar array. This netting is not meant to be a permanent solution. It was put up to decrease the contrast between the undersides of the panels with the surrounding environment. The first photo was taken from about halfway from the array to the cul-de-sac. The second photo was taken from our driveway at the cul-de-sac. In the second photo there are two fake Christmas trees. The one on the left is a 9 foot tree. The one on the right is 7 ft. These were put there temporarily so that I could get a good feeling as to what size trees will provide screen. They will not be part of our landscaping. There are also two panels of "fencing" made of rusted corten steel. These were temporarily put in the field to get a feeling of how panels or raised beds might block the structure.



March 5 – I met with Kirstin Muench to talk about trees that would be available this spring from their nursery. Her input is summarized below. I also met with Ferne again to better understand her desires for screening. Ferne, please correct me if I'm not accurate, but I believe there are basically 3 ideas that we are proposing.

1. Creating natural looking, low angle berms to increase the height of initial plantings. Plant the north, northwest, and west areas of the panels in a somewhat random fashion. The idea is not to create a constructed landscape.
2. Same as number 1, but also incorporate some slatted fence panels to create more initial coverage. These panels would be at angles to each other so the don't appear to be a fence.



Below are some suggested plants the would be incorporated into ideas 1 and 2. Input was provided by Kirstin Muench at Franz Witte (highlighted in yellow), Ferne Krumm (highlighted blue) and some additional ideas of mine (no highlight).

**Ginnala
Maple**
height 20 ft;
spread 20 ft

moderate
growth rate



**Colorado
Blue Spruce**
Height 50 ft;
spread 20 ft.

Slow to
medium



**Fat Albert
Spruce**
Height 40 ft
Spread 20 ft

Typically
reaches 10-
15 ft tall and
10 ft wide
within 10
years



**Vanderwolf
Pyramid Pine**
Height 50 ft;
spread 20 ft

Moderate to
fast growing



Silver
Splendor
pine

Height 30-50
ft
Spread 20 -
40 ft

Fast growing
Disease
resistant



Ponderosa
Pine

Height 60-
130 ft
Spread 25 to
40 ft

Moderate to
fast growth
rate



Spartan
Juniper

Height 15-20
ft
Spread 4 to 6
ft

Fast growing



Wichita blue juniper

Height 10 -18 ft
Spread 4 - 6 ft

Moderate growing



Syringa (lilac)

Height 8-15 ft
Spread 6 to 12 ft

Moderate growth rate (1-2 ft per year)



Hollyhock

Height to 8 ft



Burning Bush

Height to 15 ft
Spread 8-12 ft



Purple Smoke
Bush
Height 10-15 ft
Spread 10-12 ft



Trumpet vine






Western Larch
Height to 90 ft



Red twig
dogwood
Height to 10 ft



<p>Western Sand Cherry Height 6 ft</p>		
<p>Smooth sumac</p>		
<p>White Fir Height 50 ft Spread 15-30 ft</p>		

3. Enclose the north and west sides of the array. Ferne suggested that if this ends up being the selected choice she would prefer that the siding does not have a finished look. Perhaps the walls of the structure would have wood similar to that shown in the second picture below. Both walls, or at least the west wall could also be made of corten steel to blend with the wainscoting of the house. If this were the case, the array would give the appearance of being in an enclosed structure.



I should be receiving an initial drawing from the landscape architect we hired by mid-month.

Best to all,

Kristen and Bruce

From: Bruce Smith [REDACTED]

Sent: Sunday, March 22, 2026 6:54 PM

To: [REDACTED]

[REDACTED] Todd Silverman [REDACTED]

[REDACTED] Clay Wright [REDACTED]; David

Kennedy [REDACTED]; David Heflin [REDACTED]; Cynda

Herrick <cherrick@valleycountyid.gov>

Subject: C.U.P. 25-032 Vegetation Plan

Hello All,

Attached are two files. The first (McClellen-Smith Residence) shows the site plan for our property overlaid with the site topography per Valley County GIS. The second file is my cartoon drawing of a vegetation plan. I am still waiting on the landscape planner I hired to get me a formal drawing.

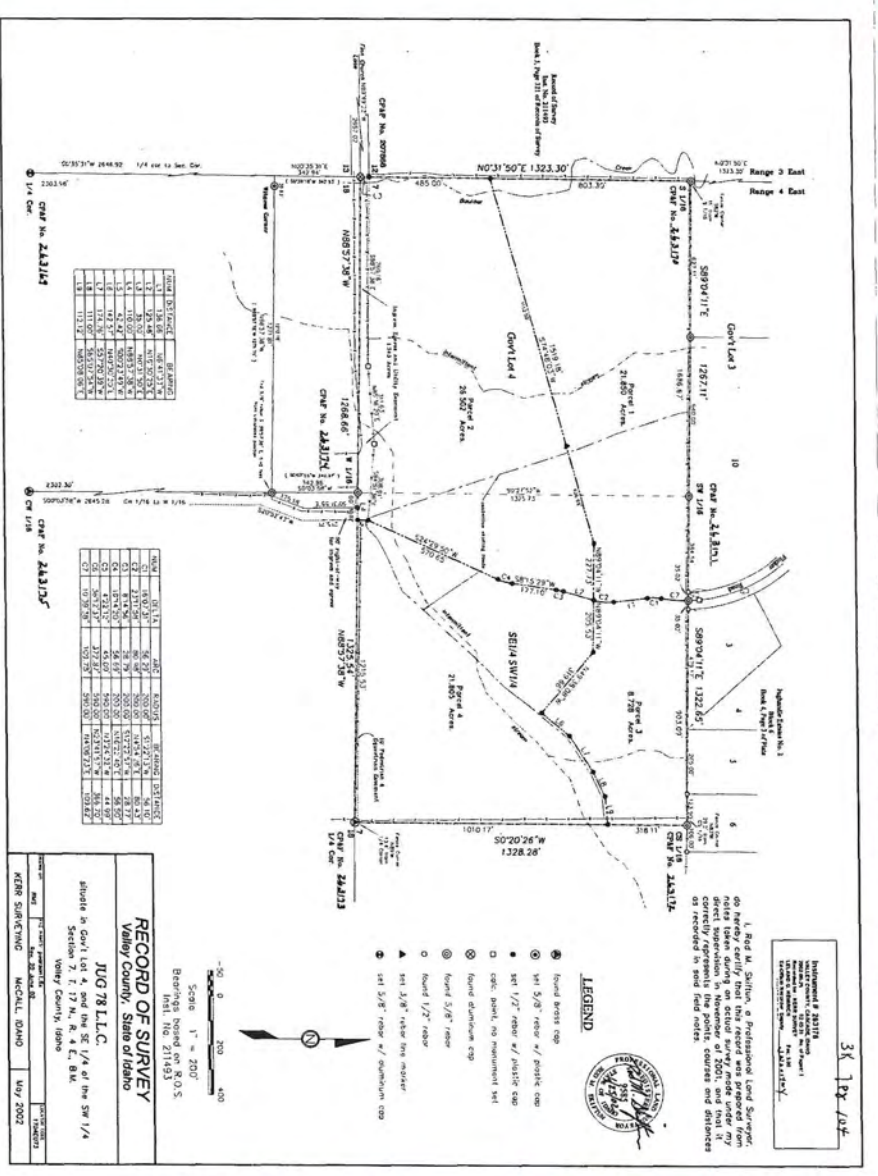
If you compare the topography on the two files you will notice that I have recontoured the ground northwest of the garage. The purpose of this was to create a gradual slope rising as you approach the solar panels. This gradual slope ends near the panels at a wall approximately 3 ft. tall.

For those who I do not have an email (Warren Drake, Amy Sue Biondich, Michael Jauregui, Thomas Moore, Robert Looper, and Stella Rae Stahl), I am mailing these files.

Please email me comments.

Best regards,

Kristen McClellen



RECORD OF SURVEY
 Valley County, State of Idaho
 JUD 78 L.L.C.
 Book 10, Page 11, 1/4 of the SW 1/4
 Section 7, T. 17 N., R. 4 E., S. 8 M.
 Valley County, Idaho
 Surveyed by: MICHAEL SHAND
 Date: May 2002



SITE PLAN
 1"=50.0'
 0 25' 50'



SP2 SITE PLAN - ARCHITECTURAL ORIGINAL SHEET SIZE: 42" x 30"	KRISTEN McCLELLEN and BRUCE SMITH RESIDENCE w/ ATTACHED GARAGE 30 FLICKER ROAD VALLEY COUNTY, IDAHO	DATE: 3-21-2026	BENNETT ARCHITECT INC. benettarchitect.com LeGrand Bennett P.O. Box 1777 McCall, ID 83638 (208) 315-3913	TAX NO. 19 IN SE4 SW4 S7 T17N R4E TAX PARCEL # RP17N04E076605 30 FLICKER ROAD 8.73 Acre(s)
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Vegetation Plan

Goal:

- Screen view of the panels from the driveway to the north, the cul-de-sac, and from the west
- Create a pleasing natural looking vegetative diversion so that a person's eye is not drawn to the panels.

Create a berm that is framed on the east side by a 3 ft wall that is 20 feet from the panels

- Placing the berm near the panels will allow fewer larger trees to be planted to achieve more screen
- The berm will provide initial extra height to the trees on it
- This provides enough room around the panels if they ever need to be worked on

Plant three 6 ft Blue Spruce trees along the berm

Plant a dozen Ponderosa saplings (or other native evergreen) near the north property boundary and along the east side of the driveway

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 APR 01 2026
 BY:

PROJECT: MC
 SHEET: L1
 DATE: 03/24/24
 DRAWN BY: JAC
 CHECKED BY: JAC

REVISIONS:
 NO. DATE DESCRIPTION
 1 03/24/24 1.0
 2 03/24/24 2.0
 3 03/24/24 3.0
 4 03/24/24 4.0

MCCELLEN & SMITH RESIDENCE
 30 FLICKER ROAD
 MCCALL, IDAHO

MG Design, LLC
 1000 S. 1000 E. #100
 P.O. BOX 1000
 MCCALL, IDAHO 83401
 (208) 833-1000
 mgdesign.com

Screening & Buffering
 Plan-Solar Panels

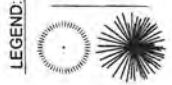
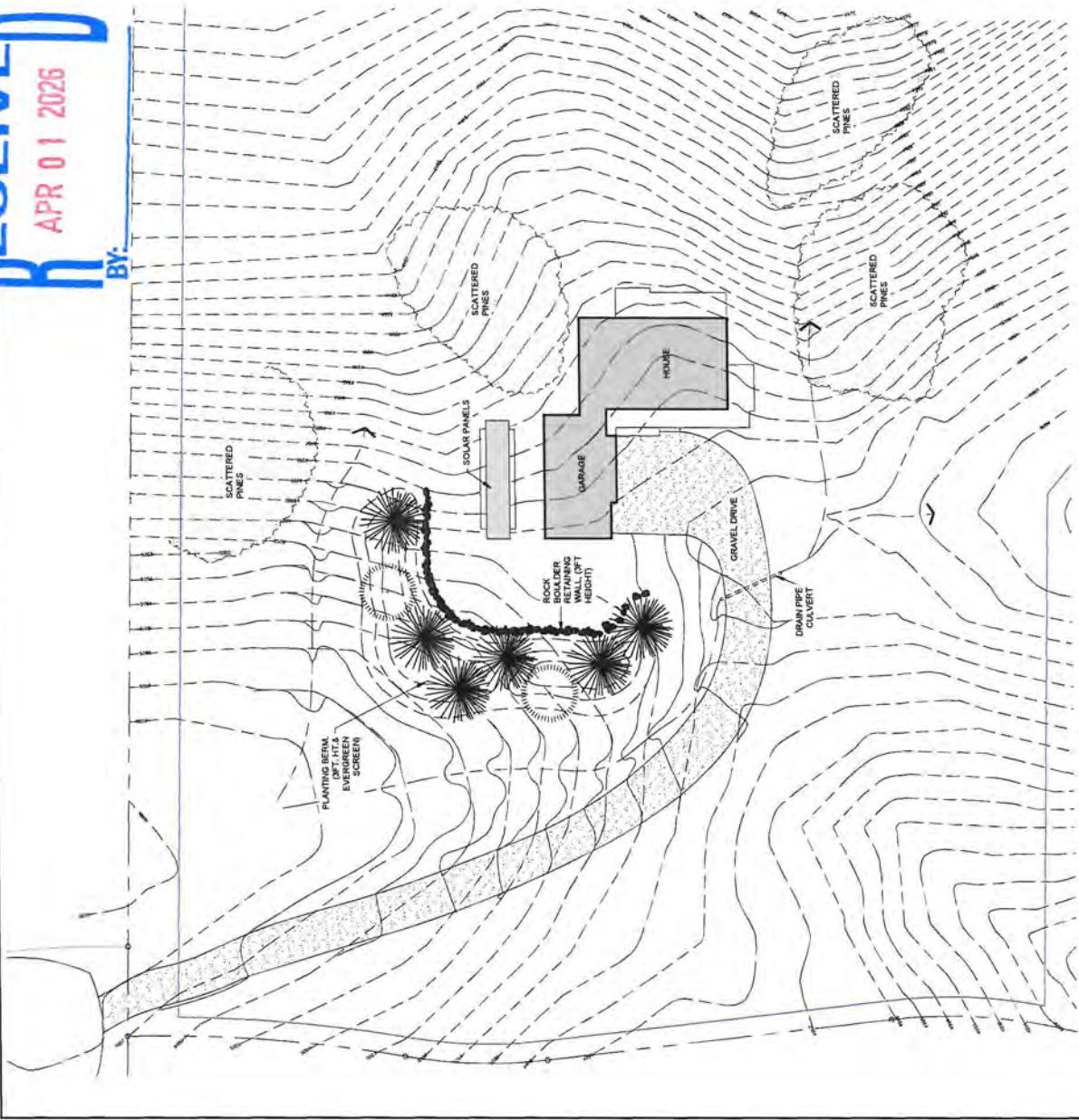
SHEET
L1



Before



After



LEGEND:

- 1. PROPOSED ASSORTED EVERGREEN PLANTINGS
- 2. WESTERN WHITE PINE
- 3. LODGE POLE PINE
- 4. SPRUCE



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CUP – 25-032 – McClellan Smith Solar

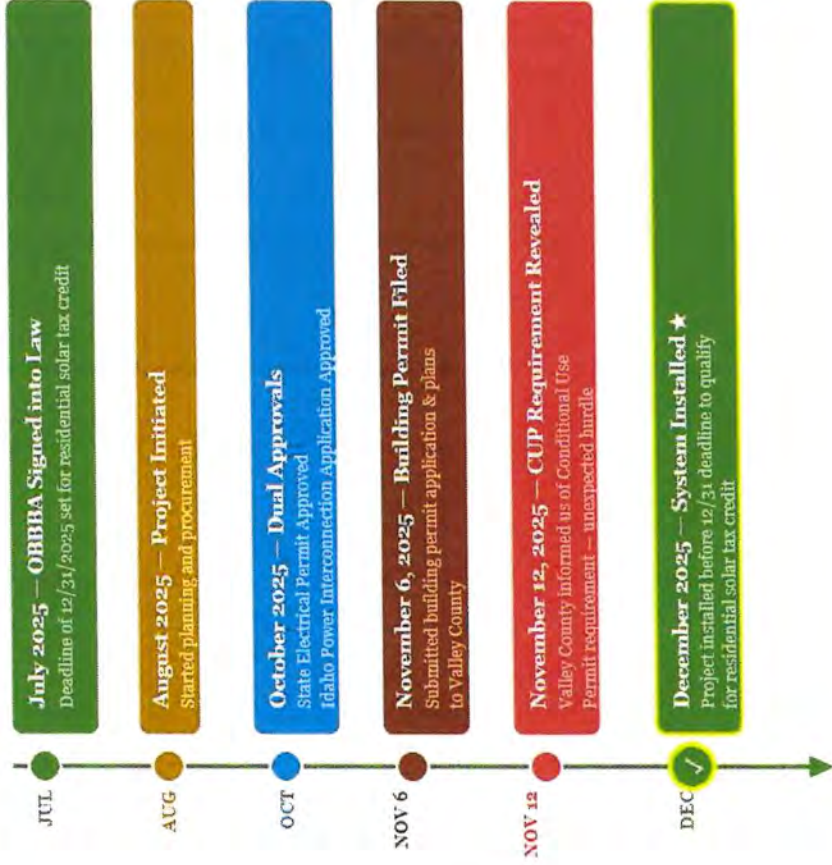
- Agenda
 - Overview & Project Timeline
 - Jug Handle HOA & Property CC&R Review
 - Communication Efforts with Neighbors
 - Proposal for Vegetation Plan

- Why we are Here:
 - Title 9: 9-5G1 Alternative Energy Standards
 - Must be minimum of fifteen feet (15') from property lines
 - Glare shall not create a hazard to vehicular traffic.
 - Cannot be over thirty feet (30') in height
 - **Impact to neighbors will be a determining factor**
 - We have an aesthetic dispute with neighbors

- Direction from Commission
 - Meeting Minutes from January 8th 2026:
 - “There was discussion on tabling the matter to allow the property owner to work with neighbors and to submit a landscaping plan or revised site plan showing new location for the solar panel array”

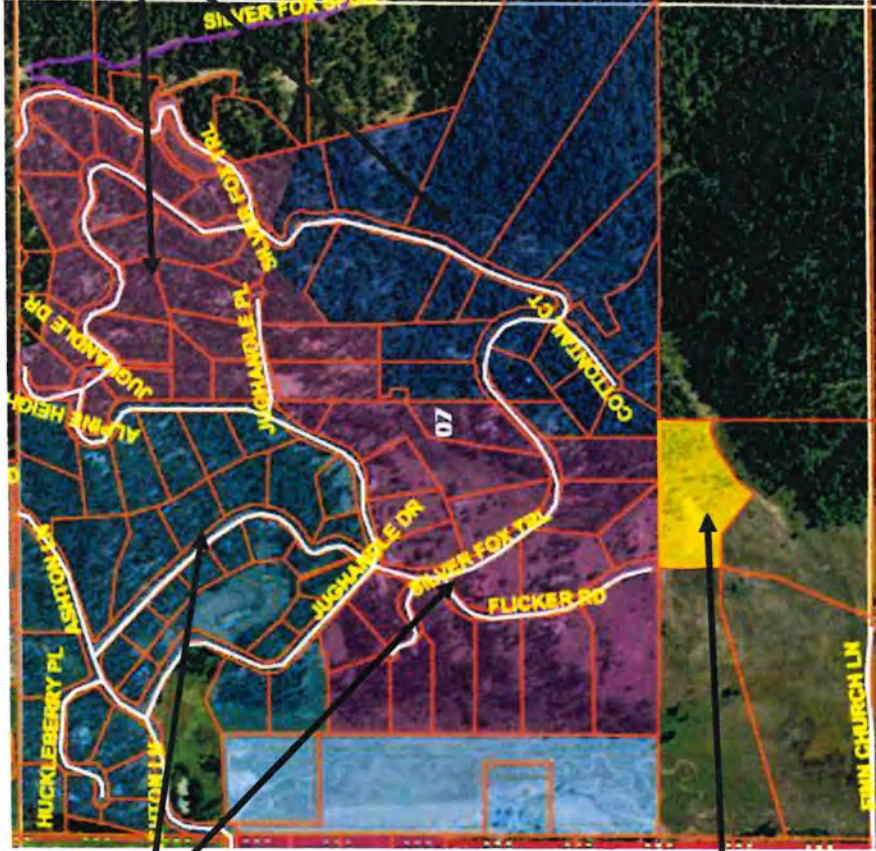


CUP – 25-032 – McClellan Smith Solar – Overview & Project Timeline



- State Electrical Permit #: 1915218
 - Final Inspection Completed December 2026
- Idaho Power Application: 22897
 - Final Inspection Completed January 2026

CUP – 25-032 – McClellan Smith Solar – Jug Handle HOA



Jug Handle Estates

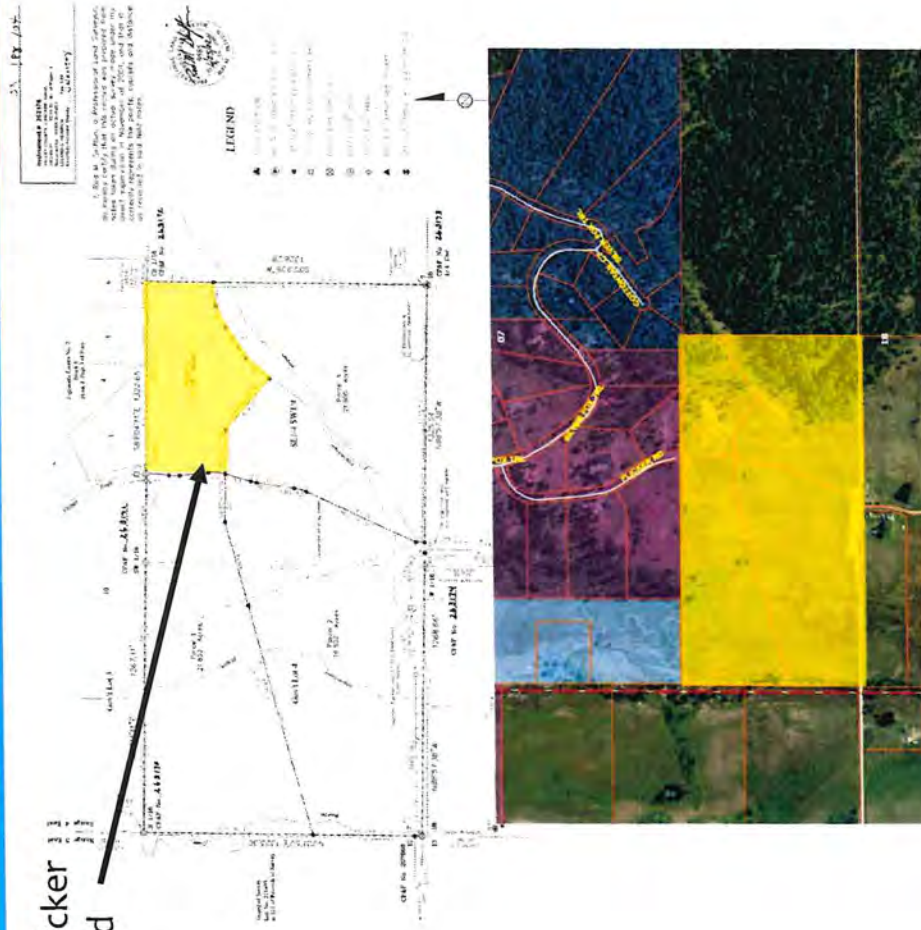
Jug Handle Highlands

30 Flicker Rd

- Property sits outside of any Jug Handle HOA
- Nevertheless, communicated with HOA president and other members of the neighborhood
- Received both negative and positive feedback

CUP – 25-032 – McClellan Smith Solar – Jug-78 LLC CC&R

30 Flicker Rd



- Jug-78, LLC established the CC&Rs recorded in October 2002 for the four parcels established in instrument 236176
- Not an official subdivision within Valley County
- Jug-78, LLC is now dissolved, disputes can only be brought by one of the property owners
- CC&Rs do not explicitly prohibit a solar installation system, especially one that provides backup emergency power
- CC&Rs discussion of unsightliness refers to vehicles, ag equipment, campers, utility/offroad vehicles, misc. construction debris, etc.
- 1 property owner strongly opposed, other two neighbors are neutral or no comment

CUP – 25-032 – McClellan Smith Solar – Communication Efforts with Neighbors

January

- Met in person with key neighbors Krumm, Pedersen, and Silverman to discuss screening ideas and exchange contact information
- Reached out to Franz Witte and University of Idaho Extension for expert guidance on shrub and tree selection, beginning ongoing correspondence with Kirstin Muench and Melissa Hamilton respectively
- Mailed initial screening ideas to six neighbors: Krumm, Ronay, Wright, Pedersen, Silverman, and Kennedy
- Began receiving responses from Wright and Kennedy by month's end

February

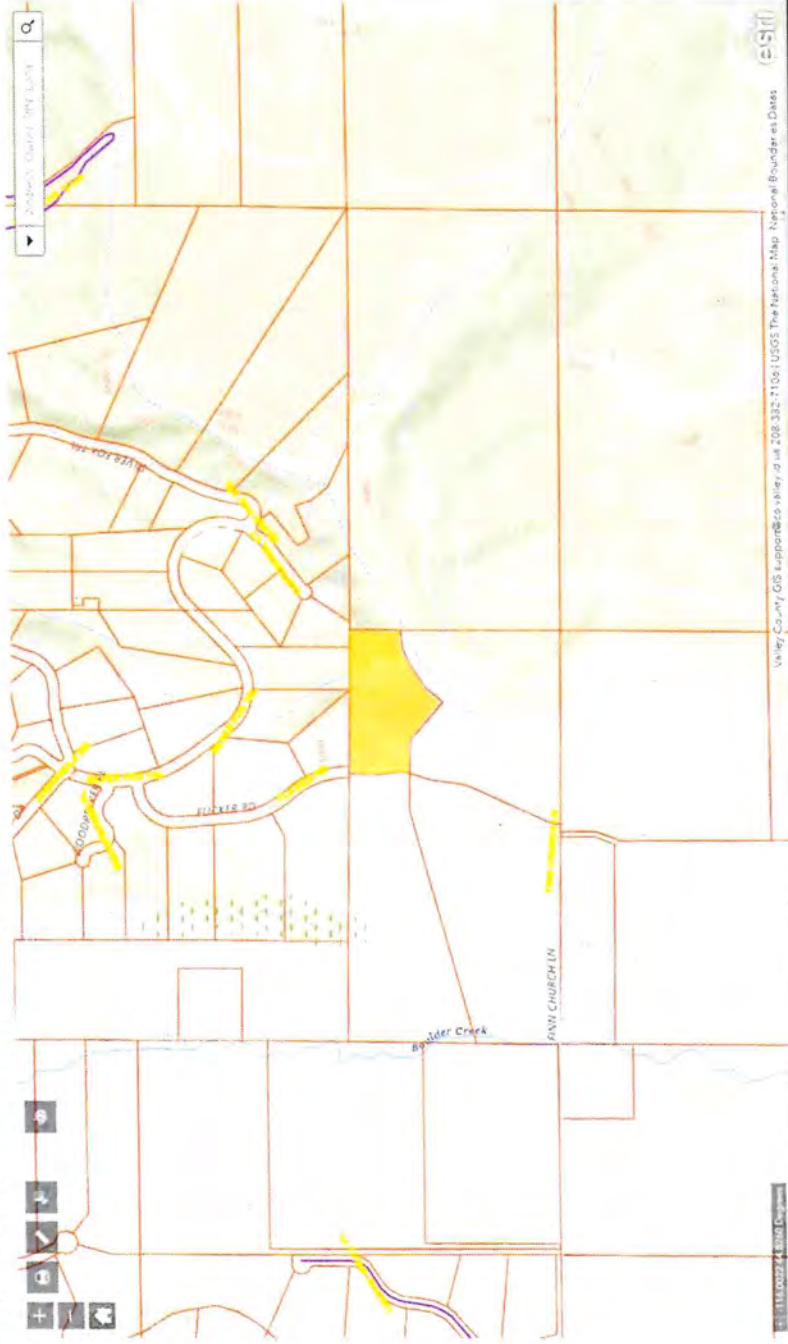
- Received remaining neighbor responses to the screening letter, including a formal letter from Ferne Krumm designating herself as neighborhood spokesperson regarding CUP 25-032
- Contacted three landscape professionals — NS Consulting, Plantscape Inc., and MG Designs — ultimately beginning active work with MG Designs on a landscape plan
- Communicated with the full neighbor group about other on-property locations being considered for solar

March

- Coordinated a site visit (March 3–6), meeting with Kennedy and Krumm onsite and separately with Ferne Krumm to discuss screening in more detail
- Visited Franz Witte to review available and incoming tree inventory for the season
- Sent a formal proposal outlining three screening ideas to the full neighbor group via email and mail
- Followed up with Melissa Hamilton at UI Extension regarding sources for purchasing bulk native plants
- Sent final plan to neighbors via email after landscaping plan established

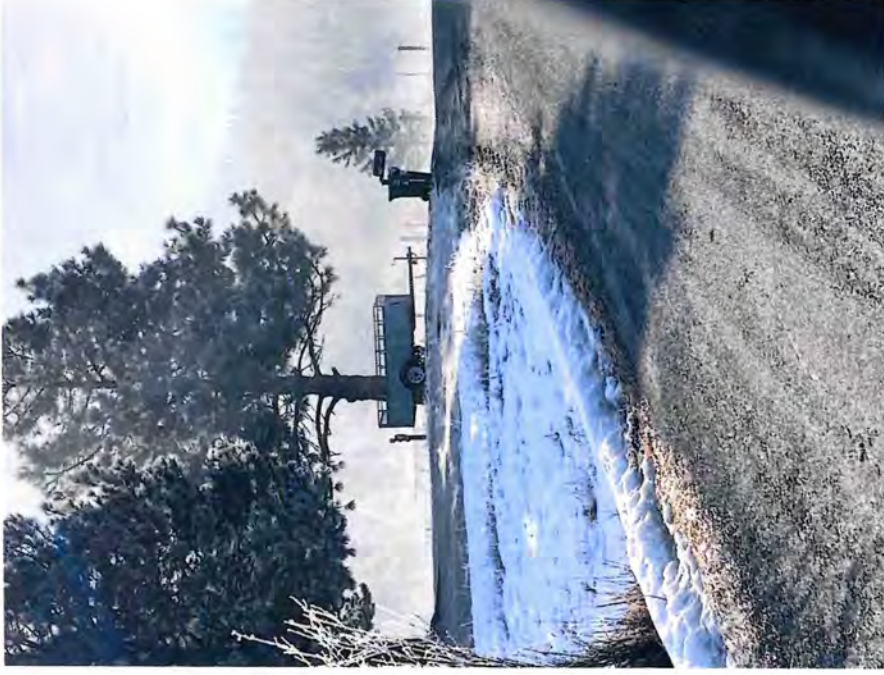
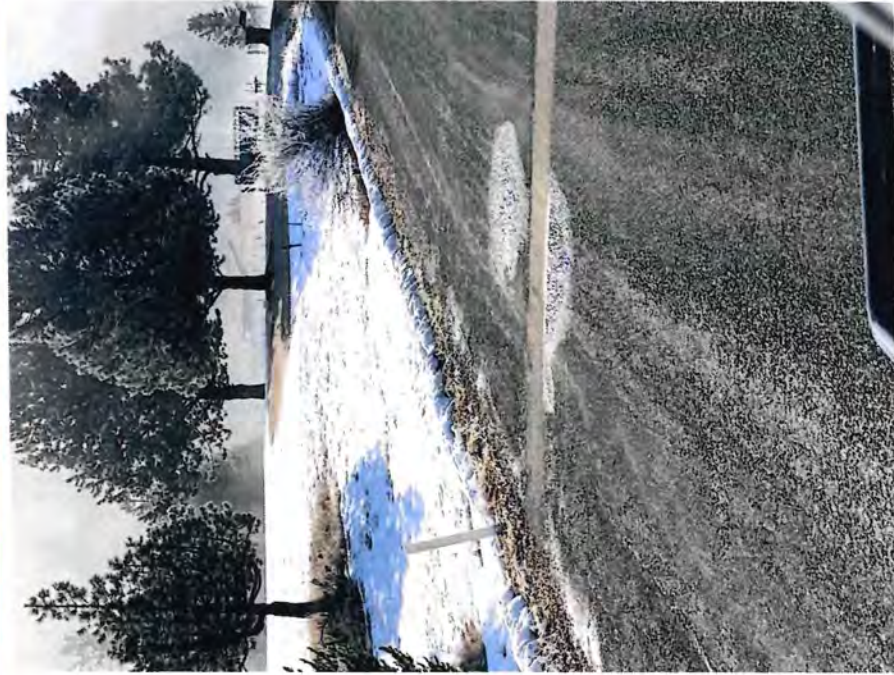
CUP – 25-032 – McClellen Smith Solar – Vegetation Plan

Valley County Assessor's Map with USGS National Map Basemap – 20 ft contour interval



- As you head south on Flicker Rd, the road slopes downward until rising again as you enter the cul-de-sac.

CUP – 25-032 – McClellen Smith Solar – Vegetation Plan



CUP – 25-032 – McClellan Smith Solar – Vegetation Plan



- Solar panels are positioned in this photo at their summer solstice angle.
- Camouflage netting is being installed to shield the “industrial” “erector set” look of the undersides of the panels.
- Two artificial trees have been placed in the foreground to provide an idea of how vegetation might screen the panels.
- The one on the left is 9 ft. The one on the right is 6 and 1/2 ft.
- Two temporarily placed, 48 inch tall temporary fence panels are also shown.

CUP – 25-032 – McClellan Smith Solar – Vegetation Plan



CUP – 25-032 – McClellan Smith Solar – Vegetation Plan

- Goal: Screen views of the panels from our four vantage points:
 - The South end of the cul-de-sac
 - From the driveway of the property located directly North of 30 Flicker Rd
 - From the roughed in driveway of the property to the West of 30 Flicker Rd
 - From the back of the house that is located Southwest of 30 Flicker Rd
- Create a berm that is framed on the east side by a 3 ft wall that is 20 feet from the panels
 - Placing the berm near the panels will allow fewer larger trees to be planted to achieve more screen
 - The berm will provide initial extra height to the trees on it
 - 20 feet of space between the berm and the wall provides enough room around the panels if they ever need to be worked on
- Create a pleasing vegetative diversion so that a person's eye is not drawn to the panels
 - Plant the berm with native evergreens. Proposed tree types are Ponderosa Pine, Western White Pine and Spruce
 - Plant several Ponderosa saplings near the North property boundary and along the east side of the driveway
 - Broadcast native wildflower seed in these same areas.

CUP – 25-032 – McClellen Smith Solar – Vegetation Plan



Before



After – 3D Render

From: Bruce Smith [REDACTED]
Sent: Wednesday, April 1, 2026 8:37 PM
To: [REDACTED]; Clay Wright [REDACTED]; Todd Silverman [REDACTED]; David Kennedy [REDACTED]
Cc: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: CUP 25-032 vegetation plan

Hello All,

Attached are two files. The first is the site plan I received from the landscape planner. The second is a shot of the panels as they are now (Before) and a 3-D rendering (After) of what that area will look like after the berm is constructed and planting completed.

I welcome your comments,

Kristen

DESIGNED BY: RBA
 CHECKED BY: RBA
 DATE: 03/20/24
 SCALE: 1/8" = 1'-0"
 PROJECT: MCGALL, IDAHO
 DRAWING: SCREENING & BUFFERING
 PLAN-SOLAR PANELS

REVISIONS
 NO. DATE DESCRIPTION
 1 03/20/24 INITIAL DESIGN
 2 03/20/24 REVISIONS
 3 03/20/24 REVISIONS
 4 03/20/24 REVISIONS

MCCLELLAN & SMITH RESIDENCE
 30 FLICKER ROAD
 MCGALL, IDAHO

MG **Designs, LLC**
 MARY CHERRIE, P.E.
 2007 Liberty Avenue
 Coeur d'Alene, IDAHO 83814
 phone: 208.765.4400
 mdesigns@mgdesigns.com

Screening & Buffering
 Plan-Solar Panels

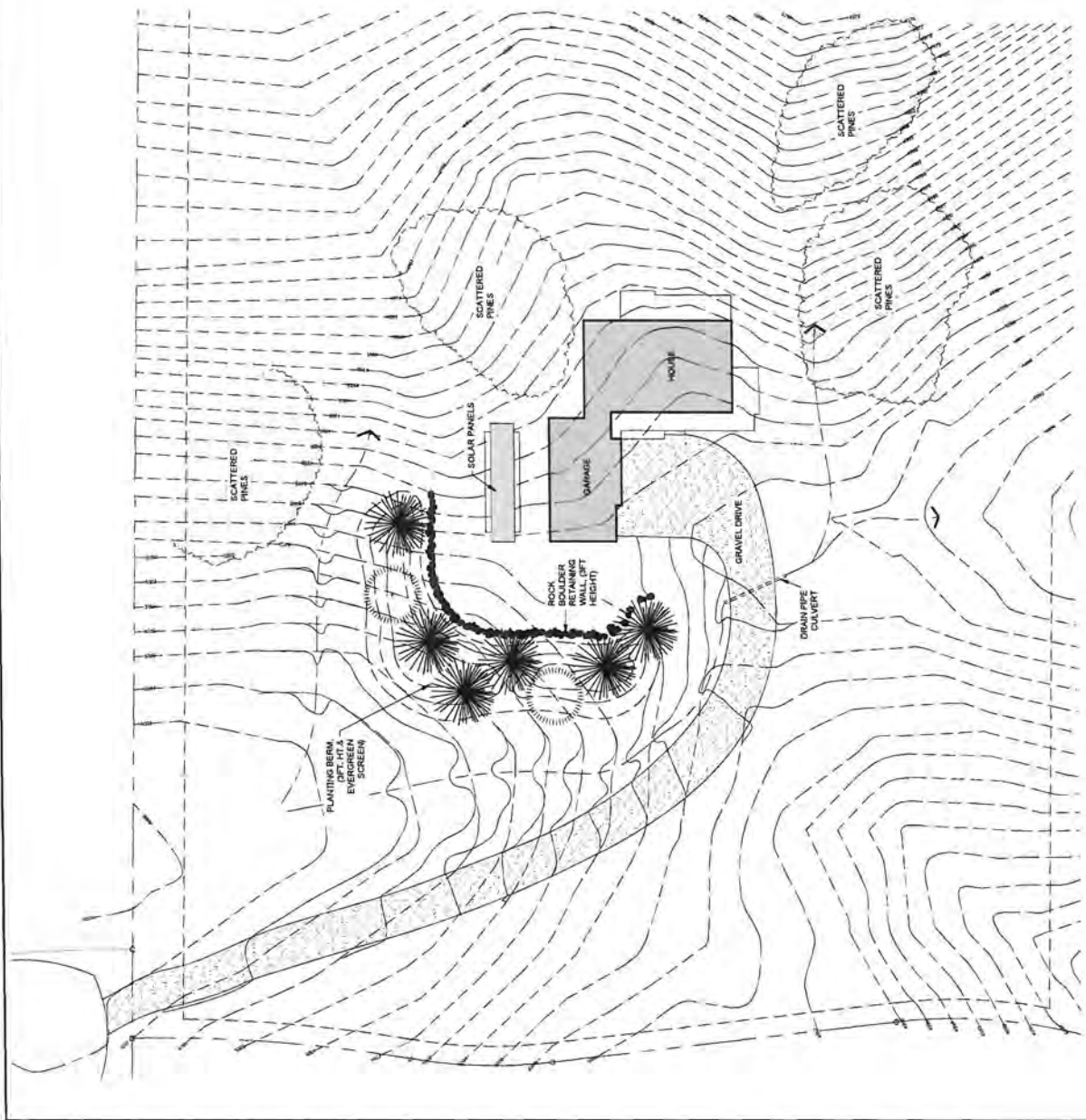
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 APR 01 2026
 BY: _____



LEGEND:

- PROPOSED ASSORTED PLANTINGS
- 1. PONDEROSA PINE
- 2. WESTERN WHITE PINE
- 3. DOUGLASS PINE
- 4. SPRUCE



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Before

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BY: _____



After



Parametrix No. 314-4875-001

Kerstin Dettrich
Valley County Road and Bridge Director
520 South Front Street
P.O. Box 672
Cascade, ID 83611

Re: April 9, 2026, Planning and Zoning Commission Agenda Items

Dear Kerstin:

We have reviewed the items listed in the April 9, 2026, Valley County (VC) Planning and Zoning Commission agenda and have the following comments for your consideration:

Old Business:

1. **C.U.P. 25-032 McClellan/Smith Solar Panels**
Not reviewed (No information attached).
2. **SUB 25-021 Hummingbird Haven Subdivision – Preliminary and Final Plat**
Not reviewed (No information attached).

New Business:

1. **SUB 26-003 Green Acres Subdivision – Preliminary Plat**

Detailed site grading and drainage plans and drainage design documentation signed by a licensed PE for the site improvements to Vickery Court and Green Acres Drive (both private roads) are required for review and approval by the Valley County engineer. Additional stormwater resulting from site improvements will need to be retained on site and addressed in the design and calculations. Improvements to offsite drainage features may be required. Appropriate temporary and permanent best management practices (BMPs) and erosion control measures are required to protect adjacent properties, waterways, and roadway ditches.

All proposed roadways within the development shall meet the criteria outlined in the Valley County Minimum Standards for Private/Public Road Design and Construction. The proposed 26-foot width for Green Acres Drive does not meet the 28-foot minimum required by the Valley County Road Standards; therefore, a variance will be required.

A traffic impact study is not required for this 4-lot subdivision; however, a development agreement identifying public road impacts may be required.

2. **C.U.P. 26-003 Lamon Solar Panels**

The solar panels have already been installed so there are no new changes to site topography and no impacts to roads. Not reviewed.

3. **C.U.P. 26-004 Maxton Short-Term Rental**

Not reviewed (Postponed to May 14, 2026)



4. **C.U.P. 21-07 Jug Mountain Ranch Storage Units - Extension Request**
Extension request. Original CUP conditions and review apply.
5. **SUB 26-004 Orange Sky Subdivision - Preliminary Plat**
Not reviewed (Postponed to May 14, 2026)
6. **SUB 26-005 Pine Creek Ranck South Subdivision - Preliminary Plat**
Not reviewed (Postponed to May 14, 2026)
7. **C.U.P. 21-05 Lake Fork Industrial Center - Extension Request**
Extension request. Original CUP conditions and review apply.
8. **C.U.P. 26-005 Amendment to C.U.P. 25-025 Intermountain Sports Rentals and Repair**
Placement of the containers does not require site grading and drainage plans. No further review required.

Final Plats:

1. **C.U.P. 24-13 Saddle Rock Subdivision Phase 4 - Final Plat**
Further review not required.
2. **C.U.P. 24-02 River Fork Ranch - Final Plat**
Further review not required.
3. **SUB 25-04 Herrick North - Final Plat**
Further review not required.

Please contact me if you have any questions.

Sincerely,

Parametrix



Paul Ashton, PE



February 8, 2026

RE: Valley County CUP 25-032 McClellan Smith Solar Panels

Dear Bruce and Kristen,

We are in receipt of your letter regarding your illegally constructed and non-permitted solar array.

The proposed remediation is **completely unacceptable** to us and your adjacent parcel owners and neighbors. There is no reasonable physical barrier to effectively hide the visual industrial blight you have erected at the front of your property. It degrades the our current beautiful aesthetic and property value of everyone on the street and neighborhood.

It is in violation of multiple elements of our CCR document, as well as destroying the peaceful enjoyment of our respective properties. You are again reminded that the filed and acknowledged CC&R is a legal instrument that has primacy and is binding on all owners within this parcel.

Your actions are contrary to the intent of the CC&R's and jeopardize harmonious relations with your surrounding neighbors who value their properties and continued peaceful enjoyment. Had you made the effort to read and abide by the CCR's and discuss your ideas preemptively with your neighbors, you could have obviated this entire issue.

The only acceptable action is removal of this illegal structure from its current location. That could be the starting point to find an alternate location for a solar panel that is not illegal, subversive, and disruptive to all of your neighbors.

Options we may consider would be in alignment with our current CC&R's include:

- An appropriately sized fixed panel on your own south facing roof, so long as it not cause reflection, glint or glare on neighbors or transiting aircraft.

- Relocation of an appropriate panel to your own property's east side, and within your own well shielded view-plane, and where it would not be visible or infringe on other property owners and neighbors.

Tom and Lori Ronay
40 Flicker Rd.

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR GOVERNMENT LOT 4 AND THE SE1/4 OF SW1/4 OF
SECTION 7, T17N, R4E, B.M., VALLEY COUNTY, IDAHO**

THIS DECLARATION is made by Jug-78, LLC, an Idaho Limited Liability Company, hereinafter called "Declarant."

WHEREAS Declarant is the record owner of the real property described in Article III of this Declaration, and it desires to create thereon a number of residential parcels, and,

WHEREAS Declarant desires to provide for the preservation of the values and amenities in said Property, and, to this end, desires to subject the real property described in Article III to the covenants, conditions, restrictions, and easements hereinafter set forth, each and all of which is and are intended for the mutual benefit of said Property and of each owner of a portion thereof,

NOW, THEREFORE, the Declarant declares that the real property described in Article III is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions and easements hereinafter set forth.

**ARTICLE I
DECLARATION**

Declarant hereby declares that each Lot, parcel or portion of the Property described in Article III is and shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, improvement and sale of the Property, and to enhance the value, desirability and attractiveness of the Property. The terms, covenants, conditions, easements and restrictions set forth herein: (i) shall run with the land constituting the Property, and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any lot, parcel or portion thereof; (ii) shall inure to the benefit of every lot, parcel or portion of the Property and interest therein; (iii) shall inure to the benefit of and be binding upon Declarant, Declarant's successors in interest, and each grantee or Owner and such grantee's or Owner's respective successors in interest; and, (iv) may be enforced by Declarant and/or by any Owner or such Owner's successors in interest.

**ARTICLE II
DEFINITIONS**

Declaration: The term "Declaration" shall mean this Declaration of Protective Covenants, Conditions and Restrictions contained herein.

Declarant or Developer: The term "Declarant" or "Developer" shall refer to Jug-78, LLC, and its successors and assigns, who are the Declarants hereunder.

COVENANTS, CONDITIONS AND RESTRICTIONS - 1

Instrument # 265969
VALLEY COUNTY, CASCADE, IDAHO
2002-10-16 03:13:52 No. of Pages: 10
Recorded for: FIRST AMERICAN TITLE
LELAND G. HENRICH Fee: 30.00
Ex-Officio Recorder Deputy *J. Henry*
Index to: RESTRICTIVE COVENANT

Dwelling, Dwelling Units: The terms "Dwelling" and "Dwelling Units" are interchangeable and shall mean any building or portion thereof located on a parcel and designed and intended for use and occupancy as a single family residence.

Fractional Ownership: The term "fractional ownership" shall include any and all forms of ownership of a Lot other than the ownership of a Lot by a single person, or by a husband and wife, or by a trust whose beneficiaries are either a single person or a husband and wife. Subjecting a Lot to a mortgage, deed of trust, or similar financing arrangement shall not constitute fractional ownership.

Improvements: The term "Improvements" shall include buildings, outbuildings, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, poles, signs and all other structures of every type and kind.

Lot: The term "Lot" shall mean any of the four parcels of real property shown on the Record of Survey of the Property which was recorded on June 25, 2002, in Valley County, Idaho, as Instrument No. 263176.

Outbuildings: The term "Outbuildings" shall include all buildings detached and separate from a Residence.

Owner: The term "Owner" shall refer to that person or entity or those persons/entities who hold the ownership interest in any Lot as shown on the records of the County Recorder, Valley County, Idaho; such term shall also include any person, persons, entity or entities who succeed to such recorded interest by any means, including buyers under executory contracts of sale and excluding those holding an interest merely as security for the performance of an obligation.

Property: The term "Property" shall mean that real property described in Article III.

Record, Recorded: The term "Record" or "Recorded" shall mean, with respect to any documents, the recordation of said document in the Office of the County Recorder, Valley County, Idaho.

Residence: The term "Residence" shall mean a building or buildings, including any attached garage or similar building, used for residential purposes.

Single Family Residential Use: The term "Single Family Residential" use and/or purposes shall mean the occupation and use of a single family dwelling in conformity with this Declaration and any requirements imposed by applicable zoning laws or other state or municipal agency's rules or regulations. Guest or caretaker quarters shall be included with the term "single family residential" for purposes of these CC&Rs, which is not to say such a structure is permitted under the Valley County Land Use and Development Ordinance. Owners must follow all applicable regulations of any governmental entity having jurisdiction thereof prior to construction of such structures. Fractional ownership interests and use shall not be considered as "single family residential use".

Structure: The term "Structure" shall include items such as buildings, outbuildings, fences, walls, stairs, decks, poles, retaining walls, and above-ground storage tanks (e.g., for storage of gasoline, diesel, propane, etc.).

ARTICLE III PROPERTY SUBJECT TO THIS DECLARATION

3.01 Property: The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this declaration is located in Valley County, Idaho, and is more particularly described as Government Lot 4, and the SE1/4 of the SW1/4 of Section 7, T17N, R4E, Boise Meridian, Valley County, Idaho. All of such shall be referred to as the "Property" in this instrument.

ARTICLE IV PROTECTIVE COVENANTS

4.01 Land Use: All of the subject Lots in the Property shall be used and occupied solely for single family residential purposes. Time-sharing and/or fractional ownership, use and occupation of any Lot shall not be allowed. Neither shall commercial/business use be allowed, except the grazing of livestock and/or pasture lease. None of the subject Lots or parcels shall be split, divided or subdivided into smaller lots or parcels.

4.02 Buildings:

A. No buildings other than the following shall be erected or maintained on any Lot: one residence, one guest house or caretaker's quarters, a detached garage, a barn, a pump house, and such other usual and appropriate outbuildings strictly incidental and appurtenant to a private residence or agricultural use as permitted in this Declaration. No use whatsoever shall be made of any parcel herein other than as the site and grounds of a private residence, and for agricultural purposes as allowed herein. The term "private residence" as used herein is intended to exclude every form of multi-family dwelling, boarding or lodging house, and the like; and, any separate rental of any separate dwelling unit shall be specifically determined to be multi-family dwelling. This is not, however, intended to exclude a guest house, or caretakers' quarters for persons employed upon the premises, if such guest or caretaker's housing is allowed by applicable laws, regulations and ordinances. Only one additional residence other than the primary home (i.e., either a guest house or a caretaker's house) will be allowed on any Lot.

B. No structure of a temporary character (specifically including but not limited to, mobile homes, pre-manufactured homes, modular homes, basements, shacks, garages, barns or other outbuildings) shall be used on any Lot at any time as a residence, either temporarily or permanently, except during the period of construction, but in no event to exceed a period of six (6) months; nor shall any residential structure be moved on to any Lot from any other location, unless the prior written approval of the Declarant is first obtained.

C. All construction and materials must be of good quality and done in a good workmanlike manner. All buildings must be located on each Lot within the building envelope identified on each Lot. The building envelope is that area within a 75-foot radius of the green stake(s) located on each Lot. In case of removal or loss of said green stake(s), the locations of the building envelopes are on file with Kerr Surveying, McCall, Idaho.

D. To the extent reasonably possible, each Owner's selection of building and roof materials shall take into account the harmony thereof with the surroundings, the effect of the building materials and the structures on the outlook of the adjacent or neighboring Lots, the effect said structure and materials will have on the view of surrounding building sites, and any and all other facts which affect the desirability of such materials and structures. No exterior surfaces of any structure other than trim shall be painted or colored except as hereinafter set forth. No reflective roofing or exterior siding material may be exposed on any structure. All exterior walls of any structure shall be of natural materials (such as wood, stained wood, rock or brick), or of good quality simulated woodgrain siding (e.g., metal or masonite) with pre-painted or pre-colored surface, or a combination thereof. Provided, further, that wainscoting, made from the above-referenced siding, is allowed regardless of whether it is wood-grained or not, but only to a maximum of four feet above ground level.

E. No Satellite dish larger than two feet (2') in diameter will be allowed on the Property. All satellite dishes must be installed no higher than the roof line if attached to a building, and no higher than six feet if not attached to a building. Additionally, the location of any free-standing satellite dish must be approved by the other Lot Owners prior to installation, and must be within the building envelope.

F. This Declaration is not intended to serve as authority for any person to control the interior layout or design of structures, except to the extent incidentally necessitated by use, size and other restrictions contained in this instrument.

G. A residence shall contain no less than 1,600 square feet (as measured by the building footprint on the ground) of heated floor area devoted to living purposes (i.e. exclusive of roofed or unroofed porches, terraces, patios, decks, basements or garages).

H. No Outbuildings or other Structures shall be allowed on those parts of Lots 1 and 2 that are west of the old railroad bed which runs in a general north/south direction through said Lots 1 and 2; provided, however, that Outbuildings or other Structures are allowed within the areas on the high spots that are marked by wooden posts. In case of removal or loss of said wooden posts, the locations of said areas on the high spots are on file with Kerr Surveying, McCall, Idaho. The location of said old railroad bed is shown as an "existing road" on the Record of Survey of the Property referenced in the definition of "Lot", above.

4.03 Landscaping: All Lots shall be properly cared for at all times so as to maintain a good appearance to the public view, to provide a vegetation cover, and to avoid erosion and dust.

The owner of each Lot, upon erecting a single family residence or other approved structure thereon, shall provide and maintain native and natural landscaping. All disturbed areas shall be re-established with native vegetation and/or other usual and customary yard grass and landscaping. Reasonable fire-wise landscaping practices shall be followed.

4.04 Lighting: All outdoor lighting shall be placed in such a manner and be of such a kind that it will not project light horizontally, so that no bright or glaring light shall be obvious within the Property. No lights shall be placed in excess of twenty feet (20') above the ground, and all lighting must be shielded from shining upward.

4.05 Animals:

A. Except as specifically provided in this Declaration, no animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot; provided, further, that dogs, cats or other domestic pets are allowed, provided that the same are not kept, bred or maintained for commercial purposes.

B. All animals kept outside must be restrained so that they do not leave the Owner's parcel.

C. Large animals, including horses, cattle, llamas, sheep, and comparable-sized animals, may be kept and maintained on any Lot so long as prudent agricultural practices are followed in order to avoid over-grazing. Such animals must be maintained inside a fence properly constructed to hold large animals.

D. Parcels 1 and 2, as shown on the aforesaid Record of Survey of the Property, shall be subject to a livestock exclusion zone for the protection of Boulder Creek. A livestock exclusion zone is currently fenced and established along Boulder Creek, thus creating a corridor for wildlife habitat and continued stream restoration and preservation. This zone shall continue to be maintained by the respective Owners of Parcels 1 and 2. The exclusion zone generally parallels the Boulder Creek streambed, and is evidenced by an existing fence. Said exclusion zone is subject to limited controlled grazing. If adequate stock water is not available otherwise, it can be made available in accordance with Idaho Department of Water Resources requirements via a ditch or pipe system on the respective parcels. The Owners of the respective parcels shall have the right to fence one (1) stockwater access corridor to Boulder Creek, not to exceed thirty (30) feet in width, in the event stockwater is not reasonably available via the aforesaid ditch/pipe system.

4.06 Garbage, Refuse Disposal: No Lot or any part thereof shall be used or maintained as a dumping ground for rubbish, trash, junk or other waste materials. All such waste of this nature must be kept in sanitary containers out of sight and secure from access by domestic or wild animals, and must be removed from the Lot as reasonably necessary. All containers for the storage or disposal of such waste material shall be maintained in a clean and sanitary condition at all times. No burning of any household garbage, trash or other noxious refuse shall be permitted. No lumber, grass, shrub or tree clippings, compost piles or plant waste, metals, bulk materials,

unused building materials, or refuse or trash or other materials shall be kept, stored or allowed to accumulate on any Lot. Firewood shall be stored inside a fully-enclosed permanent building.

4.07 Unsightly Exposure and Storage: Except as provided at Section 4.02.B., all automobiles, vehicles, ATVs, motorcycles, yard and agricultural equipment, snowmobiles, boats, boat trailers, travel trailers, camper trailers, motor homes, automotive campers, and all other similar or otherwise unsightly property located on any Lot, shall be stored in a fully-enclosed permanent building. Except as provided at Section 4.02.B., none of the aforementioned items shall ever be parked outside of said enclosed building for more than three (3) consecutive days. Visitors and guests may park a camper, motor home or trailer for a reasonable term, not to exceed two weeks duration nor more than a total of thirty (30) days each calendar year. No building materials of any kind shall be placed or stored upon any Lot until the owner thereof is ready and able to commence construction, and then such materials shall be placed and kept neatly within the property lines of such Lot, and shall not be stored for longer than ninety (90) days.

4.08 Hazardous/Offensive Activity; Nuisances: Discharge of firearms on or across the Property is strictly prohibited. No person shall perform or allow on any Lot any activity or improvement which is hazardous, noxious or offensive, or an unreasonable annoyance or nuisance to the owner of any other Lot, or involves the pollution of the earth or water of, or the air over, any part of the Property, or creates noxious, offensive, annoying, or dangerous odors or noises or visual or tactile conditions, or creates or leaves a residue of non-degradable substances. No open fires shall be lighted or permitted on any portion of any Lot, except those controlled and attended fires required for clearing or maintenance of land, and previously approved in writing by three of the four Lot Owners and applicable regulatory agencies, or those within a contained and safe area for cooking and recreational purposes.

4.09 Utilities: All electrical power lines, telephone lines and other utility service lines shall be underground within the Property, including but not limited to that area from each individual parcel line to the point of use on each parcel. Overhead lines and utility poles shall not be permitted.

A. Electrical: The purchaser and Owner of each Lot shall be responsible for all required hook-up fees and for bringing the electrical line to the building site. Private electrical generating systems shall not be permitted, except as a backup system in case of primary electrical service failure.

B. Water: Water for each Lot shall be supplied by means of individual wells, installation and maintenance of which shall be the sole and exclusive responsibility of Lot Owners; and, each well shall comply with the requirements of the Idaho Central District Health Department and shall otherwise comply in all respects with the regulations and health standards of any governmental entity having jurisdiction thereof.

C. Septic: Sewage disposal for each Lot shall be supplied by means of individual septic systems, in accordance with applicable Idaho Central District Health Department requirements, Valley County Ordinances and other applicable restrictions. Installation and maintenance of such systems shall be the sole and exclusive responsibility of Lot Owners.

D. Storage/Propane Tanks: All above-ground storage and/or propane tanks shall be fully enclosed, fenced, screened and/or landscaped to eliminate reflection and unsightly exposure.

4.10 Signs: The only signs permitted on any Lot or improvement shall be:

A. One sign of customary size for identification of the occupant and the address of any dwelling;

B. Signs for sale and administration purposes installed by the Declarant during development and sale of the Lots;

C. Standard real estate signs advertising a Lot for sale, not to exceed 9 square feet in surface size;

D. Signs as may be necessary to advise of rules and regulations or to caution or warn of danger, and,

E. Such signs as may be required by law.

4.11 Fences: No fence, wall or hedge higher than four (4) feet, six (6) inches shall be erected or maintained on said Lots or any portion thereof, except as provided herein. With the prior consent in writing of all adjoining Lot Owners, a fence, wall or hedge not to exceed six (6) feet in height may be erected and maintained on any Lot. Fences shall not interfere with snow removal. Interior screening fences (i.e. constructed for the purpose of screening an area) shall not exceed six (6) feet in height. Fences shall be constructed of wood, wire or stone.

4.12 Snow Removal and Driveway Maintenance: Snow removal and maintenance of private roads and driveways will be the responsibility of each Lot Owner, and not the responsibility of the Declarant.

4.13 Noxious Weeds: Each Owner shall follow the guidelines provided in the Valley County Comprehensive Noxious Weed Management Plan.

4.14 No Mining/Drilling: No part of the Property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth, except that the drilling of wells for the extraction of water for domestic use and gardening and landscape irrigation shall be allowed, if such is in accordance with applicable governmental authorities.

ARTICLE V ENFORCEMENT

5.01 Persons Entitled to Enforce: The provisions of this Declaration may be enforced by any of the following persons or entities in accordance with the procedures outlined herein:

- (a) The Declarant, its successors and assigns; and/or
- (b) The Owner or Owners of any Lot adversely affected.

5.02 Methods of Enforcement: Any Owner or other persons found or alleged to be in violation of any of the provisions of this Declaration shall be given fifteen (15) days written notice of the nature of the violation and opportunity to correct same. Upon failure of such Owner to correct the violation within said fifteen (15) day period, or such further time as may be granted by the entity/person giving such notice of violation, this Declaration may be enforced by any or all of the following non-exclusive means:

- (a) Arbitration, if agreed upon by the parties, as provided for under Idaho Law;
- (b) Legal or equitable action for damages, injunction, abatement, and/or specific performance; and
- (c) Legal action to restore the portion of the affected property to the condition in which it is required to be kept by this Declaration.

5.03 Fees and Costs: Any person or entity entitled to enforce any of the terms hereof, by any of the means contained herein, who obtains a decree from any court or arbitrator enforcing any of the provisions hereof, or who otherwise prevails in pursuit of its claim, shall be entitled to reasonable attorney's fees and costs incurred in remedying or abating the violation hereof, including fees incurred prior to litigation or arbitration and on appeal.

5.04 Non-Liability for Enforcement or Non-Enforcement: Neither the Declarant nor Lot Owners shall be liable to any person under any of these covenants for failure to enforce any of them, for personal injury, loss of life, damage to property, economic detriment, or for any other loss caused either by their enforcement or non-enforcement. Failure to enforce any of the covenants contained herein shall in no event be deemed a waiver of the right to do so thereafter.

ARTICLE VI GENERAL PROVISIONS

6.01 Binding Effect: The various restrictive measures and provisions of this Declaration constitute mutual equitable servitudes for the protection and benefit of each parcel in the Property and of the owners thereof, and for the benefit of the Property as a whole. Each grantee of a conveyance or purchaser under a contract of sale, by accepting a deed or contract of sale, accepts such subject to all of the covenants, conditions and restrictions set forth in this Declaration and specifically agrees to be bound by each and all of them. Furthermore, each such person

acknowledges that the area surrounding the Property is rural in character and that its present and future uses do and may include farming, ranching, logging, hunting, fishing, and generally all kinds of outdoor activity, including use of trail or ATV vehicles.

6.02 Term and Amendment of Declaration: The covenants, conditions and restrictions of this Declaration shall run with and bind the land for a term of forty (40) years from the date this Declaration is recorded, after which time, they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by a written recorded instrument approved by all Lot Owners.

6.03 Effect of Security Interest: None of the provisions of this Declaration shall in any way reduce the security or defeat or render invalid the lien of any mortgage or the title held under any deed of trust now or hereafter placed on any part of the Property. If, however, any portion of the said Property is sold under foreclosure of any mortgage or deed of trust or the power of sale therein, the party acquiring title at such foreclosure or sale and his successors shall hold all property so acquired subject to all of the terms and conditions hereof.

6.04 Severability: Invalidation of any one or more of the covenants, conditions and restrictions contained herein by judgment or otherwise shall in no way affect the validity of any of the other provisions, which shall remain in full force and effect.

6.05 Application of Declaration: The provisions of this Declaration shall apply to all parts of the Property, and shall further apply to all persons (not just the Owner) having an interest in any part of the Property. It shall be the responsibility of the Owners of the subject parcels within the Property to make sure that their tenants, if any, are fully aware of and abide by all of the conditions set forth in this Declaration at all times.

6.06 Non-Discrimination: No Owner, or his broker or any other agent advertising his property for rent or sale, shall make any reference to, or discriminate on the basis of color, race or religion; in renting or selling he shall not inquire into, nor discriminate or refuse to negotiate, nor offer different terms, on the basis of color, race or religion of the prospective tenant or buyer.

6.07 Variances: The Declarant may authorize variances from compliance with any of the architectural provisions of this Declaration, including restrictions upon size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing, and shall become effective upon recordation in the office of the County Recorder of Valley County. If such variances are granted, no violation of the covenants, conditions or restrictions contained in this Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular Lot and particular provision hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting such Owner's use of the Lot, including but not limited to zoning ordinances or requirements imposed by any governmental or municipal authority.

IN WITNESS WHEREOF, said Declarant has executed this Declaration on this 16th
day of OCTOBER, 2002.

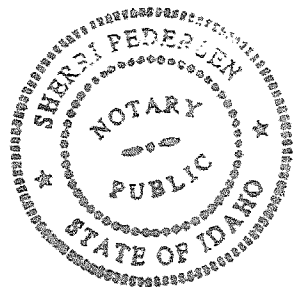
JUG-78, LLC

By: *Alan F. Pearson*
ALAN F. PEARSON
Its: Member/Manager

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 16th day of October, 2002, before me, *Sherril Pedersen*
a Notary Public in and for said State, personally appeared ALAN F. PEARSON, known or
identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same in his capacity as member/manager of Jug-78,
LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the
day and year in this certificate first above written.



Sherril Pedersen
NOTARY PUBLIC FOR IDAHO
Residing at: *McCall, ID*
My Commission Expires: *7/18/07*

From: Lori Ronay [REDACTED]

Sent: Monday, March 2, 2026 4:16 PM

To: [REDACTED]

Cc: [REDACTED]

Todd Silverman [REDACTED]

Clay Wright [REDACTED]

Cynda

Herrick <cherrick@valleycountyid.gov>

Subject: Response to letter from Kristen and Bruce

Kristen and Bruce,

Thank you for your recent letter. You have not provided any proposal that makes your argument acceptable for a solar array in its current location. I have attached a copy of your letter, along with some highlighted areas that I will address. Also attached is a copy of a Valley County Building Permit Application which I will address first.

Your statement in paragraph 12 of your letter regarding your contractor not knowing about the C.U.P. is not accurate. During the January 8, 2026 P&Z Commission Meeting, the Chair of the P&Z Commissioners publicly admonished your contractor for installing the solar panels without a permit, saying that it was the third time Magic Valley Electric had done this in Valley County.

Additionally, the CCRs filed and recorded with the County is binding on all parcel holders, and it is disingenuous to rationalize your actions or to claim ignorance to it. Your solar array was installed illegally. That is on you and your contractor to remedy by removal or relocation. The P&Z Commission is complicit if the array is allowed to stay as it is. Furthermore, in Box 17 of the attached Valley County Building Permit Application, it clearly states that "**Separate permits are required for electrical, heating ventilation or air conditioning.**"

You illegally disregarded the intent of the CCRs to blend any home or out-structure with the environment as specified/designed to ensure all parcel holders peaceful enjoyment of their properties (by design from Day 1). That is what is expected from all parcels owners and neighbors.

In reference to paragraph 6 of your letter, you are correct that there is no verbiage regarding solar panels/arrays. However, it does state on Page 4 of the CCRs, Section E, that:

"No Satellite dish larger than two feet (2') in diameter will be allowed on the Property. All satellite dishes must be installed no higher than the roof line if attached to a building, and not higher than six feet if not attached to a building. Additionally, the location of any

free-standing satellite dish must be approved by the other Lot Owners prior to installation and must be within the building envelope."

I would argue that since there are limitations on the size of a satellite dish, it would also apply to solar arrays/panels. **Very importantly, and in addition to not getting the necessary permit, you failed to notify and get approval from the other lot owners before installation.** This is clearly stated in the CCRs, and blaming the December 31, 2025 deadline for your tax credit, along with you "being horrible communicators" due to the 12 hour drive to McCall from Grand Junction, are not a valid excuses for ignoring that step.

Further, in Subsection A. **Electrical**, it states:

"Private electrical generating systems shall not be permitted, except as a backup system in case of primary electrical service failure."

Is your solar array serving only as a backup system? Judging by the size of the panels, it would seem the solar array is more than just a backup system. If this is the case, it is also a violation of the CCRs.

Continuing on to paragraph 7 of your letter, you mention that the angle of your roof is not optimum for solar panels. This is very interesting in that you state, "We had always planned on putting the panels on the roof..."

If this was your initial plan, why did you design a house with a roof that would not be "optimum for solar panels?" You are probably well aware there are multiple manufacturers of solar rooftop tiles/heated arrays for snow removal, but you have not mentioned those options. Perhaps this is a design flaw that should have been addressed with your architect and solar installer before finalizing your house design plans. When did you discover the roof angle would not work well for the solar panels?

We have no objection to solar panels on your roof or east of your house. In paragraph 8 you give several reasons why the solar array cannot be located on the east side (the property "begins to rise steeply;" "less morning sun;" "because the house is two story...shade and less sun in the afternoon;" and that location "is also furthest from the meter so that location will have the most inefficiency in energy transmission"). Your claim of inadequate morning sun at your east property is not accurate and actually has more sun access per aerial photos (your garage blocks your own array early in the morning). It is fallacious to make that claim. Your purported terrain issue from rerouting cables from your east property is technically feasible and negligible compared to what you are proposing with some equally unsightly barrier. Your contractor who illegally installed the current array should bear any and all costs to relocate your illegal array to either your roof/and or your east property.

In the current location north of the garage, the array and any attempt at a view barrier would still very visible to all neighbors on Flicker Road because of its immense size. Additionally, our neighbors, and especially Ferne, **do** have views interrupted. The solar array is **very** visible from Ferne's house and yard as well as ours. You illegally placed an industrial sized eyesore at the front entrance to your home and in the direct view of everyone else's, but out of your direct sight, and never took the effort to discuss with others.

Your efforts to attempt to shield this industrial array with some sort of visual barrier are also disingenuous and contrary to the CCRs. It is the location of the array in the front of your house that is the problem. A 40 foot wall, fence, berm, lattice, treeline, etc. running 270 degrees around the array to effectively block your oversized array is equally disruptive as the array itself being in its current location. What assurances/performance bond could you possibly propose to guarantee that your industrial array is totally invisible, at all times and seasons to all using the street or in visual range from their property? The size of any proposed view barrier from our front yard and second story window would be prodigious and be an even further eyesore and disruption that is not reasonably possible or acceptable.

Have you considered the acceptable maintenance of water runoff, snow removal/storage, snow drifting impacting other adjacent properties from its placements in your front yard, disruption of animal movement across adjacent property and the forest, ensuring any next replacement panel/view barrier is acceptable in an ongoing manner to all of the neighbors? How would you assure that the location of your array and any view barrier will not cause your dirty snow, gravel, or runoff to contaminate our property or the downstream meadow/flood plain? The original build envelop and existing contour of the land ensures this never happens.

Kristen, I too was a teacher for many years. In my classroom, as I'm sure in yours, there were rules. These rules were expected to be followed, and if they weren't, there were consequences. You and Bruce believe you have not broken any rules with your solar array installation. Many of your neighbors, Tom and I included, feel differently. The P&Z Commissioners should, too. In any case, it doesn't change the fact that you did not notify your neighbors for input and agreement per the CCRs and get the necessary permit prior to the solar array installation.

We chose McCall for many of the same reasons you did. Please understand we are not against your solar panels, but we are not in favor of them being part of our or our neighbors' viewshed.

Respectfully,

Lori and Tom Ronay



2/17/2026

Hello Ferne Krumm, Tom and Lori Ronay, Clay and Maggie Wright, Robert and Kitty Looper, Kristi and Eric Pederson, Todd, Kathryn Lomeli, and David Kennedy

I'd like to update you on the progress we've made on mitigating the impact of views of the solar panels, but first I feel that I need to introduce who we are and apologize for the actions we didn't take prior to the solar panel installation.

Bruce and I met in Tucson at graduate school getting our master's degrees in hydrology in 1986. We were married in 1989 and moved to Grand Junction in 1990 to work for the Department of Energy's contractor. Bruce and a partner started their own hydrogeology firm in 2001. I went on to get a teaching credential and taught science at a public high school until I retired in 2022. I now work part time for his company.

We moved to Grand Junction for several reasons. The area offers different types of recreation, is located between where our families lived to facilitate visiting them, and when we moved here, Grand Junction had a small town feel where we felt comfortable raising a family. We have two boys who are soon to be 32 and 34. The younger one is a welder and black iron worker and the older one got his master's from University of Idaho and is a wildlife biologist. He was fortunate to experience McCall while working for Idaho Fish and Game on a wolverine project.

We are looking forward to being able to retire in a year or so as Bruce is currently 68 and I am 66. As we started looking towards retirement we thought hard about where we might want to live. Idaho was a natural draw because of its climate, abundant recreation in mountains, valleys, and rivers, and stunning night skies. McCall was an obvious choice for us. Family is important to us, and I have a brother and sister-in-law who have live there. McCall also has a good hospital and Boise is not that far away so as we age, and inevitably develop health problems, we can get good medical care.

As we both still work, it has been difficult to get time off to visit McCall. From Grand Junction it takes about 12 hours to drive there. This has contributed to us being horrible communicators. Since this still makes communication difficult, **we wanted to send you this letter to formally apologize for not being proactive about informing you of our plans to build the solar array. We deeply regret not doing so. We know that by not doing so we have caused a great deal of heartache, frustration, anger, and other emotions on your part. We are very sorry!**

We did carefully read the CC&Rs attached to the 4 properties prior to purchasing the land to see if there was any verbiage about solar. There was/is not. We bought the land because it had good solar potential. Had there been restrictions against solar we would not have chosen to build here. When we started to build, we thought that we would install the panels in a couple of years to avoid that expenditure during the costly build. But when the federal government passed the One Big Beautiful Bill which ended tax credits on December 31, 2025, we had to fast track to get them installed.

We had always planned on putting the panels on the roof, but later realized that the angle of our roof was not optimum, snowpack would be an issue, and keeping the panels snow free on the roof would be difficult for people in their 70s.

Bruce and I walked the property and discussed other locations for the panels. We considered the east side of the house. The property on that side of the house slopes east until, after crossing a boggy area, it begins to rise steeply. In this area, because of mountains to the east, there is less morning sun and because the house is two story on the east side, there will be shade and less sun in the afternoon. East of the house is also furthest from the meter so that location will have the most inefficiency in energy transmission.

Moving clockwise there is southeast of the house. This is where our septic system is so that wouldn't work.

South and west of the house. These areas would be in full view of the other three property owners in our CC&R. In addition, because we do care about the beautiful vistas in the area, solar panels out in the fields would interrupt that view and we couldn't imagine that anyone would prefer those locations.

North of the garage. This location is closest to the property boundary to the north (approximately 128 ft from the property boundary) but well within the setback and building envelope. Our reasoning behind selecting this site was that being directly north of the garage, the panels are not blocking anyone's view of the valley from the cul-de-sac because the garage is already there. Also, because the ground slopes up from the house towards the cul-de-sac, some portions of the structure are blocked by ground. Views from the west would be of the side profile of the panels so would have less visual impact. We decided on this location knowing that we would provide screening on the north and west sides of the array.

By this time, it was fall and the December 31st deadline was approaching. Our contractor did not know about the C.U.P requirement until after he applied for the building permit. Since solar panels are not prohibited in the CC&R, and since we did and do not believe that we are in violation, we went ahead with the installation. Having not proceeded we would have missed a valuable tax credit. We realize and have always fully intended to create scenery so that this part of our yard is aesthetically pleasing.

Since this note has gotten longer than I anticipated, we will write a separate letter to go into detail about some potential plans. Being a master gardener for over 30 years, I feel confident analyzing soil nutrient levels and soil structure and working with local experts to select appropriate vegetation. I've been in contact with Kirstin at Franz Witte and Melissa Hamilton with University of Idaho Extension service in Cascade and they have both started providing me with information. We have also engaged a landscape architect to help come up with harmonious landscaping plan. We want to work with you all to move past this very rocky start to our relationship with you in the neighborhood. Our hope is that someday you consider us friends.

With respect, Kristen and Bruce

Valley County, Idaho
BUILDING PERMIT APPLICATION

<i>Applicant to complete numbered spaces only.</i>		1. PARCEL NUMBER	R. ADDRESS PG.	JOB ADDRESS	OWNER		
2. PHYSICAL JOB ADDRESS						BUILDING PERMIT NO.	
LEGAL DESCR.	3. LOT NO.	4. BLK	5. SUBDIVISION OR TOWNSHIP, SECTION AND RANGE				
6. OWNER		MAIL ADDRESS	CITY, ZIP				PHONE, EMAIL
7. CONTRACTOR NAME, REGISTR #		MAIL ADDRESS	CITY, ZIP				PHONE, EMAIL
8. ARCHITECT		MAIL ADDRESS	CITY, ZIP				PHONE, EMAIL
9. DESIGNER							
10. ENGINEER							
11. FOR MANUFACTURED HOUSING: INSTALLER AND LICENSE NUMBER							
12. CLASS OF WORK: <input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> RELOCATE <input type="checkbox"/> REMOVE							
13. DESCRIBE WORK AND USE							
14. CHANGE OF USE FROM:		CHANGE OF USE TO:					
15. LATITUDE: ___ deg ___ m ___ s N LONGITUDE: ___ deg ___ m ___ s W SITE ELEVATION: _____ STRUCTURE HEIGHT _____							
16. VALUATION OF WORK: \$		\$	\$				\$
SPECIAL CONDITIONS:		PLAN CHECK	PERMIT FEE				TOTAL FEE
		Type of Const.	Occupancy Group	Division			
		Size of Bldg. (Total) Sq. Ft.	No. of Stories	Max. Occ. Load			
APPLICATION ACCEPTED BY	PLANS CHECKED BY	APPROVED FOR ISSUANCE BY	Fire Zone	Use Zone	Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p style="text-align: center;">NOTICE</p> <p>17. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING VENTILATION OR AIR CONDITIONING.</p> <p>THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 365 DAYS AT ANY TIME AFTER WORK IS COMMENCED.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.</p>			No. of Dwelling Units				
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT _____ (DATE) _____		FLOOD ORD					
		APPROACH					
SIGNATURE OF OWNER OR OWNER BUILDER _____ (DATE) _____		RESTR. COVNTS					
WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT							
PERMIT VALIDATION CK. C.C.							

From: Todd Silverman <[REDACTED]>
Sent: Tuesday, March 3, 2026 11:10 AM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED] Clay Wright [REDACTED] Cynda Herrick
<cherrick@valleycountyid.gov>; Lori Ronay <[REDACTED]>
Subject: Re: Response to letter from Kristen and Bruce

Dear Kristen & Bruce,

I have to second Lori and Tom's response to your inadequate appeal to our empathies. In short, you need to get your head around the fact that those panels need to be removed in its entirety or relocated to a proper location. I would also second the fact that Magic Valley should bear the cost if they had goaded you into installing them disregarding CCR's and permitting to attain an expiring rebate, which by the way, was approved in the big, beautiful bill on July 4th of 2025. More than adequate time to process all required paperwork, approvals and construction.

The reason why you need to get your head around moving the panels is simple. No Certificate of Occupancy can be issued if there are any outstanding violations. Those are the rules. You have put the Commissioners in an awkward position which they will need to follow through on whether they do so outright or through litigation. We in the neighborhood are dead set on not allowing your solar array to stand as is. It would be smart for both of you to commence negotiating with Magic Valley now and come up with a relocation plan. As it is, Magic Valley is not in good standing with the Commissioners.

As a result of the above I will also not be available to discuss anything further upon your coming to McCall March 6th unless it is to discuss where they panels are to be relocated.

Todd A Silverman
15 Flicker Rd.

*Distributed
to P&Z
Commissioners*



Flicker Rd. Neighborhood Response to P&Z's request to "work out" a solution to C.U.P. 25-032 objection

To: Kristen McClellan & Bruce Smith

Cc: Katrina Spencer, P&Z Valley County Commissioners and Director Cynda Herrick

Summarization of Public Hearing January 8, 2026:

Chairman Roberts, with P&Z Board's approval, tabled the conditional use permit for C.U.P. 25-032 Solar Panels until April 9, 2026 to allow the parties, concurred and opposed, to work out an amenable solution regarding appearance and location.

Chairman Roberts did take note that Magic Valley's lack of following permitting procedures would not be tolerated and that message was to be given to ownership.

Application Review Notables:

Submission Date – November 17, 2025

Construction start date was designated to be in 2026 & will take about 2-3 weeks

Solar Array will only supplement power to the residence and will not be the primary source of power

Impact Report (needed for conditional uses)

Impact Report Item # 12 Visibility from public roads, adjoining properties & buildings

Response: The ground mount will be minimally visible to not visible from all public highways. The ground mount will be visible to the neighbors in the North, which are at a higher elevation than the proposed location which will decrease visibility to that neighbor.

Impact Report Item # 13 Reasons for selecting the particular location in order to illustrate compatibility with and opportunities presented by existing land uses or character.

Response: The area was selected due to the proximity to the home as well minimal excavation/trenching that would be required by selecting this location.

Dear Mr. Smith and Ms. McClellan

We have examined your application that was submitted on November 17, 2025 for the conditional use permit approval and the subsequent unapproved construction that was finished on December 6, 2025. The way this project was done is totally unacceptable to all in the neighborhood. Procedures were not followed. Application construction dates were ignored. Actual use of the Solar Panels is more primary than backup. There was no opportunity for public comment prior to construction. Statements made on the Impact Statement are disingenuous with a total disregard on how the appearance of the panels would have an effect on the landscape of the neighborhood. All in all we would have preferred the P&Z Board reject your approval out of hand, given the total disregard for procedure, and have ordered the panels removed.

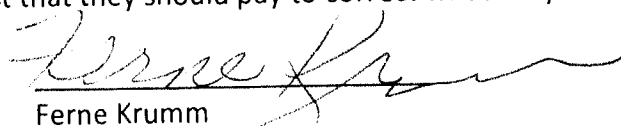
Perhaps the above paragraph given on its merits will result in that outcome which is correctly warranted. However, given the intent of the board to find an amenable solution to the problem that was created, we have come up with a several alternatives that we, in the neighborhood, would find acceptable:

Relocate Panels: Move the panels to a location that is truly "tucked" away from visibility from the public road. Mr. David Kennedy, with his vast experience in home construction, is willing to walk the property with you personally or your contractors to find a more suitable location, out of public sight.

Excavate and Lower the Panels: Since the panels are over 17 feet high, and resemble the back side erector set workings of a drive in movie screen, shrubbery, trees, etc. won't hide their undesirable appearance. Chairperson Potter suggested, from another situation similar to yours, to excavate down in the current location to a reduced acceptable height whereas shrubbery, trees, etc. would be able to hide the panels.

Split up the Panels: If the panels were in a different "split" or multiple split configurations their height could be reduced to a level that would be at a low enough to allow shrubbery, trees, etc. to adequately hide the panels.

The above alternatives are what we in the neighborhood would find acceptable. Any other alternative, short of total removal, will not be acceptable and the neighborhood would not rule out future courses of action to maintain its previous harmonious character. When deciding on how you will be proceeding given the lack of procedural and disingenuousness on the part of your Solar Panel contractor we suggest that they should pay to correct what they have created.



Ferne Krumm

Designated Flicker Rd. Neighborhood Spokesperson