

## Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

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**STAFF REPORT:** C.U.P. 22-15 James Solar Panels  
**HEARING DATE:** June 9, 2022  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Delta M James  
13643 Farm to Market RD  
McCall ID 83638  
**LOCATION:** 13643 Farm to Market Road  
RP17N03E149757  
SESE Section 14, T.17N, R.3E, Boise Meridian, Valley County, Idaho  
**SIZE:** 6-Acre Parcel  
**REQUEST:** Ground-Mounted Solar Panels  
**EXISTING LAND USE:** Single-family Residential

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Delta James is requesting a conditional use permit for ground-mounted solar panels in the rear yard of an existing house.

The bottom height from the ground will be 6-ft; the top height from the ground shall not exceed 14-ft. The array's dimensions will be 24-ft 10-in long x 7-ft 6-in high with a tilt of 45 degrees. The total area of the array is 255.44 sqft.

The 6-acre parcel is addressed at 13643 Farm to Market Road.

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.

### FINDINGS:

1. The application was submitted on April 21, 2022.
2. Legal notice was posted in the *Star News* on May 19, 2022, and May 26, 2022. Potentially affected agencies were notified on May 10, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent May 12, 2022. The site was posted on May 26, 2022. The notice was posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on May 10, 2022.
3. Agency comment received:

Central District Health has no objections to the proposal. (May 11, 2022)

Jess Ellis, Donnelly Fire Department Fire Marshal, replied with requirements. (May 17, 2022)

4. Public comment received: None
5. Physical characteristics of the site: Sloping topography, although proposed building site is flat; partially treed.
6. The surrounding land use and zoning includes:
  - North: Single Family Residential Rural Parcel
  - South: Single Family Residential Rural Parcel
  - East: Agricultural – Irrigated Crop Land
  - West: Single Family Residential Rural Parcel
7. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
  - 7. Alternative Energy Uses (b) Solar panels – detached from primary structure and > 8-feet in area

Review of Title 9, Chapter 5 Conditional Uses should be done.

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#### **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.

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#### **SUMMARY:**

Compatibility Rating: Staff's compatibility rating is a +18.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached).

#### **STAFF COMMENTS AND QUESTIONS:**

1. This site is within the Donnelly Fire District, Boulder Company Irrigation District, and within a herd district.

**ATTACHMENTS:**

- Conditions of Approval
- Blank Compatibility Evaluation
- Staff's Compatibility Evaluation
- Vicinity Map
- Aerial View
- Assessor's Plat T.17N R.3E Section 14
- Site Plan
- Pictures – May 26, 2022
- Responses

**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.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use shall be established within one year, or a permit extension will be required.
4. 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.
5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
6. Shall obtain a building permit for the structure.
7. All setback requirements must be met.
8. Must comply with requirements of the Donnelly Fire District. A letter of approval is required.
9. All noxious weeds on the property must be controlled.

**END OF STAFF REPORT**

## 9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.

### B. Purpose; Use:

1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.

### C. General Evaluation: Completing the compatibility questions and evaluation (form):

1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

Plus 2 - assigned for full compatibility (adjacency encouraged).

Plus 1 - assigned for partial compatibility (adjacency not necessarily encouraged).

0 - assigned if not applicable or neutral.

Minus 1 - assigned for minimal compatibility (adjacency not discouraged).

Minus 2 - assigned for no compatibility (adjacency not acceptable).

2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:

x4 - indicates major relative importance.

x3 - indicates above average relative importance.

x2 - indicates below average relative importance.

x1 - indicates minor relative importance.

D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.

### E. Terms:

**DOMINANT ADJACENT LAND USE:** Any use which is within three hundred feet (300') of the use boundary being proposed, and

1. Comprises at least one-half ( $\frac{1}{2}$ ) of the adjacent uses and one-fourth ( $\frac{1}{4}$ ) of the total adjacent area, or
2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.

**LOCAL VICINITY:** Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

### F. Questions 4 Through 9:

1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

## Compatibility Questions and Evaluation

Matrix Line # / Use: \_\_\_\_\_

Prepared by: \_\_\_\_\_

YES/NO      X      Response  
Value

Use Matrix Values:

(+2/-2)      \_\_\_\_\_ X      4      \_\_\_\_\_

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2)      \_\_\_\_\_ X      2      \_\_\_\_\_

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2)      \_\_\_\_\_ X      1      \_\_\_\_\_

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

### Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2)      \_\_\_\_\_ X      3      \_\_\_\_\_

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2)      \_\_\_\_\_ X      1      \_\_\_\_\_

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2)      \_\_\_\_\_ X      2      \_\_\_\_\_

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2)      \_\_\_\_\_ X      2      \_\_\_\_\_

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2)      \_\_\_\_\_ X      2      \_\_\_\_\_

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2)      \_\_\_\_\_ X      2      \_\_\_\_\_

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total      (+)      \_\_\_\_\_

Sub-Total      (--)      \_\_\_\_\_

Total Score      \_\_\_\_\_

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

# APPENDIX A

## MATRIX FOR RATING QUESTIONS 1, 2, and 3

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1. AGRICULTURAL		+2	-1	-2	-2	-2	-2	+1	+1			+2	+1	+1	-1	-1	+2	-1	-2	-1	+1	+2	+2
2. RESIDENCE, S.F.	+2		+2	+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
3. SUBDIVISION, S.F.	-1	+2		+1	+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+2	+1	-1	+2	+1	-2	-2
4. M.H. or R.V. PARK	-2	+1	+1		+1	+1	+1	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
5. RESIDENCE, M.F.	-2	+1	+1	+1		+2	+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
6. SUBDIVISION, M.F.	-2	+1	+1	+1	+2		+2	+1	+1	-1	+2	+1	-2	+1	-1	+1	+1	+1	-1	+1	+1	-2	-2
7. P.U.D., RES.																							
8. REL., EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1		+1	+1	-1	+2	-2	-1	-1	+2	+2	+1	+1	-1	+1	-2	-1
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1		+1	-1	+2	-2	-1	-1	+1	+1	+1	+1	-1	+1	-2	-2
10. PUBLIC UTIL (1A-3.1)	+1	-1	-1	-1	-1	-1	-1	+1	+1	-1	+1	+2	-1	+1	+1	+1	+1	+1	+1	+1	+1	-1	+1
11. PUBLIC REC	+1	+2	+2	+2	+2	+2	+2	-1	-1	+1		+2	+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
12. CEMETERY	+2	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2		+1	+1	+1	+1	+1	+1	+1	+1	+2	+1	+1
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-1	+1		-1	-1	-2	-2	-2	-2	-1	+2	+2	+2
14. PRIV. REC. (PER)	+1	+1	+1	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1		+1	+1	+1	+2	+1	+2	+2	-1	+1
15. PRIV. REC. (CON)	-1	-1	-1	-1	-1	-1	-1	-1	-1	+1	+1	+1	-1	+1		-2	-2	-1	-2	-2	+2	-1	+1
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+1	+1	+2	+1	+1	+1	+1	-2	+1	-2		+1	+2	+2	+1	+2	-1	-1
17. RESIDENCE BUS.	+2	+2	+2	+1	+1	+1	+1	+2	+1	-1	+2	+1	-2	+1	-2	+1		+1	+1	+1	+1	-2	-2
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2		+2	+2		+1	+1
19. AREA BUS.	-2	-1	-1	-1	-1	-1	-1	+1	+1	+1	+1	+1	-2	+1	-2	+2	+2	+2		+1	+2	-2	-2
20. REC. BUS.	-2	+2	+2	+1	+1	+1	+1	-1	-1	+1	+1	+1	-1	+2	-2	+1	+1	+2	+1		+2	-2	+1
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+2	+2	+2	+2	+2	+2	+2		+1	+1
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1	+2	-1	-1	-1	-1	-1	-1	-2	-2	+1	+1
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-1	-2	+2	+1	+1	+2	+1	+1	-1	-1	-1	-1	-2	+1	+1	+2

THE SOLID SQUARES AS +2

# Compatibility Questions and Evaluation

Matrix Line # / Use: 10

Prepared by: CH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -1 X 4 -4

1. Is the proposed use compatible with the dominant adjacent land use?

S.F. Residential

(+2/-2) +1 X 2 +2

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

Agricultural

(+2/-2) -1 X 1 -1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

See 1 & 2, with some subdivision

Site Specific Evaluation (Impacts and Proposed Mitigation)

(+2/-2) +1 X 3 +3

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

The property is large enough.

(+2/-2) +2 X 1 +2

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

Yes

(+2/-2) +2 X 2 +4

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

No Change

(+2/-2) +2 X 2 +4

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

No Change

(+2/-2) +2 X 2 +4

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

No Change

(+2/-2) +2 X 2 +4

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

No Change

Sub-Total (+) 23

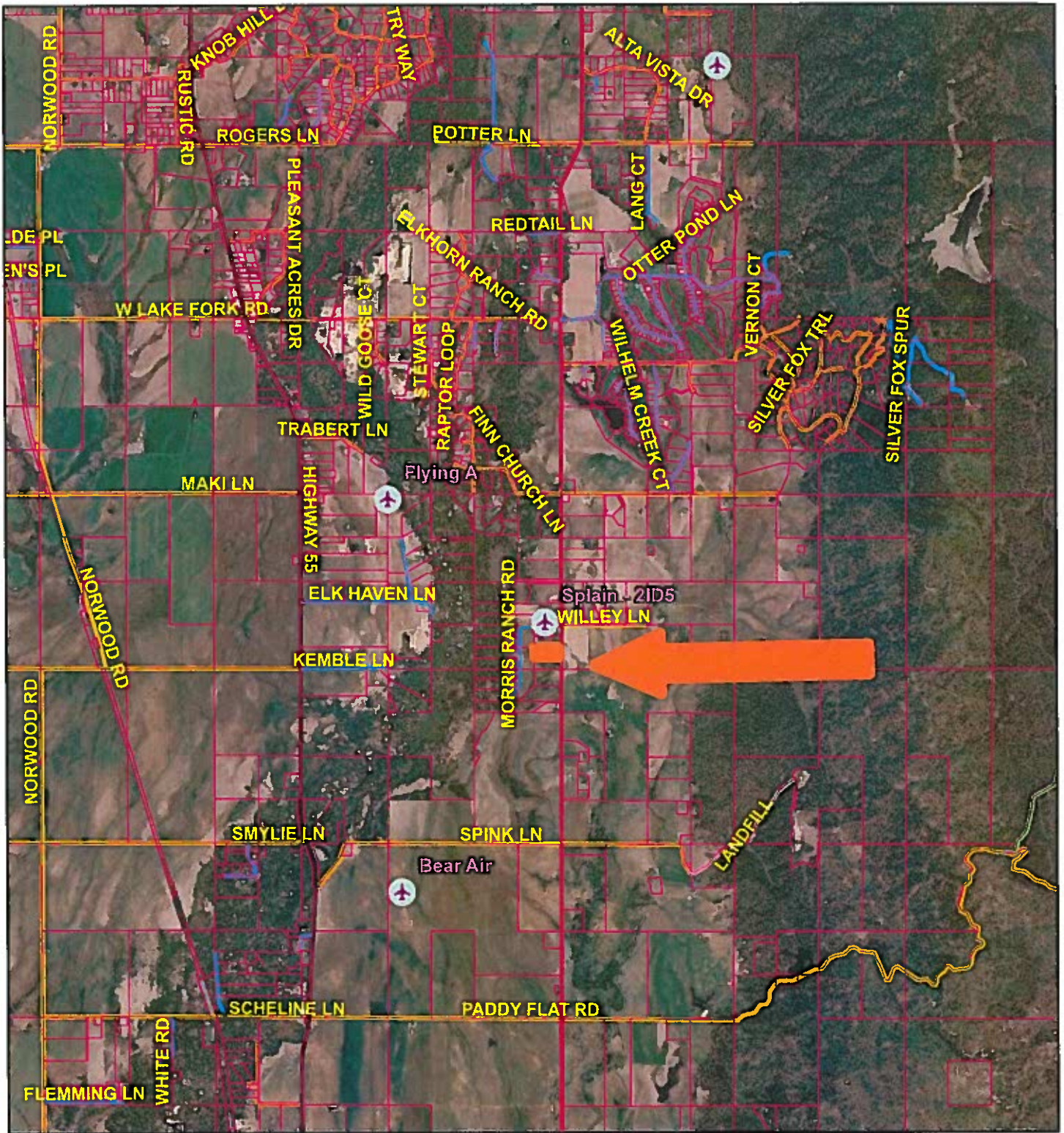
Sub-Total (-) 5

Total Score +18

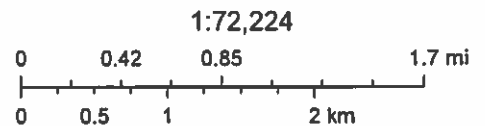
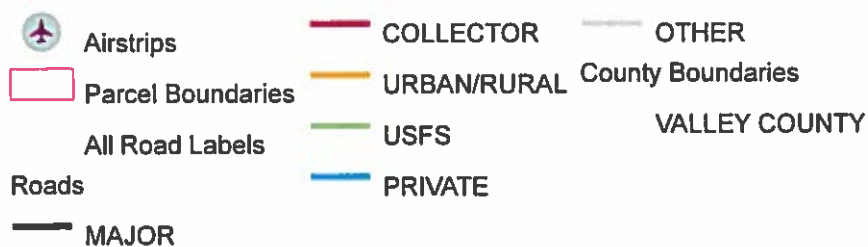
The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.



# C.U.P. 22-15 at 13643 Farm to Market Road



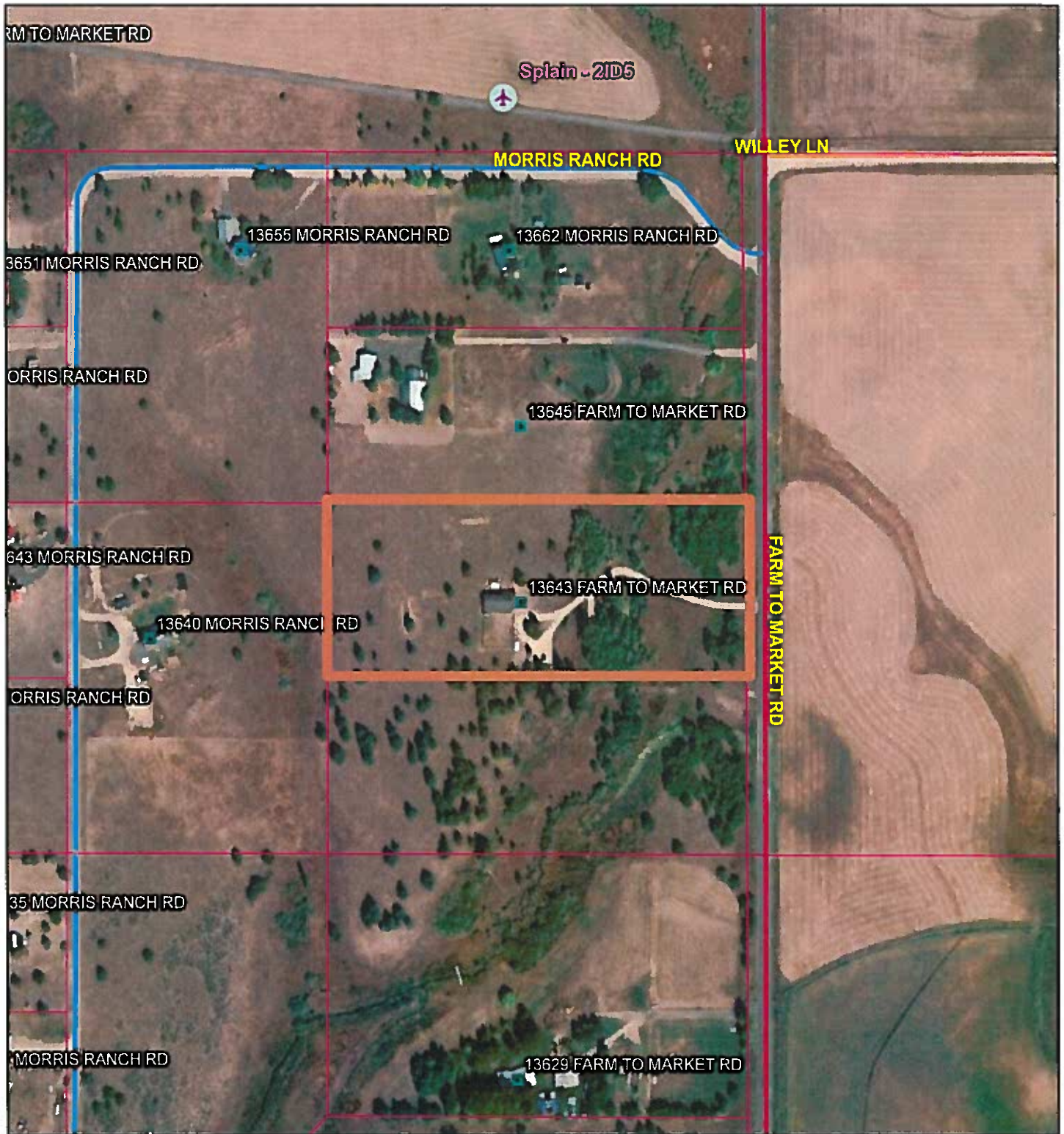
4/27/2022, 5:01:21 PM










Source: Esri, Maxar GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

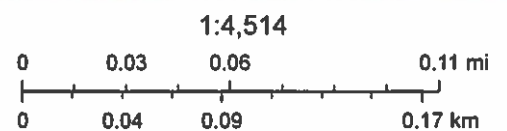


# C.U.P. 22-15 at 13643 Farm to Market Road



4/27/2022, 4:52:41 PM

-  Airstrips
-  Parcel Boundaries
-  Addresses
- All Road Labels
-  Roads
-  COLLECTOR
-  URBAN/RURAL
-  PRIVATE
- County Boundaries
- VALLEY COUNTY



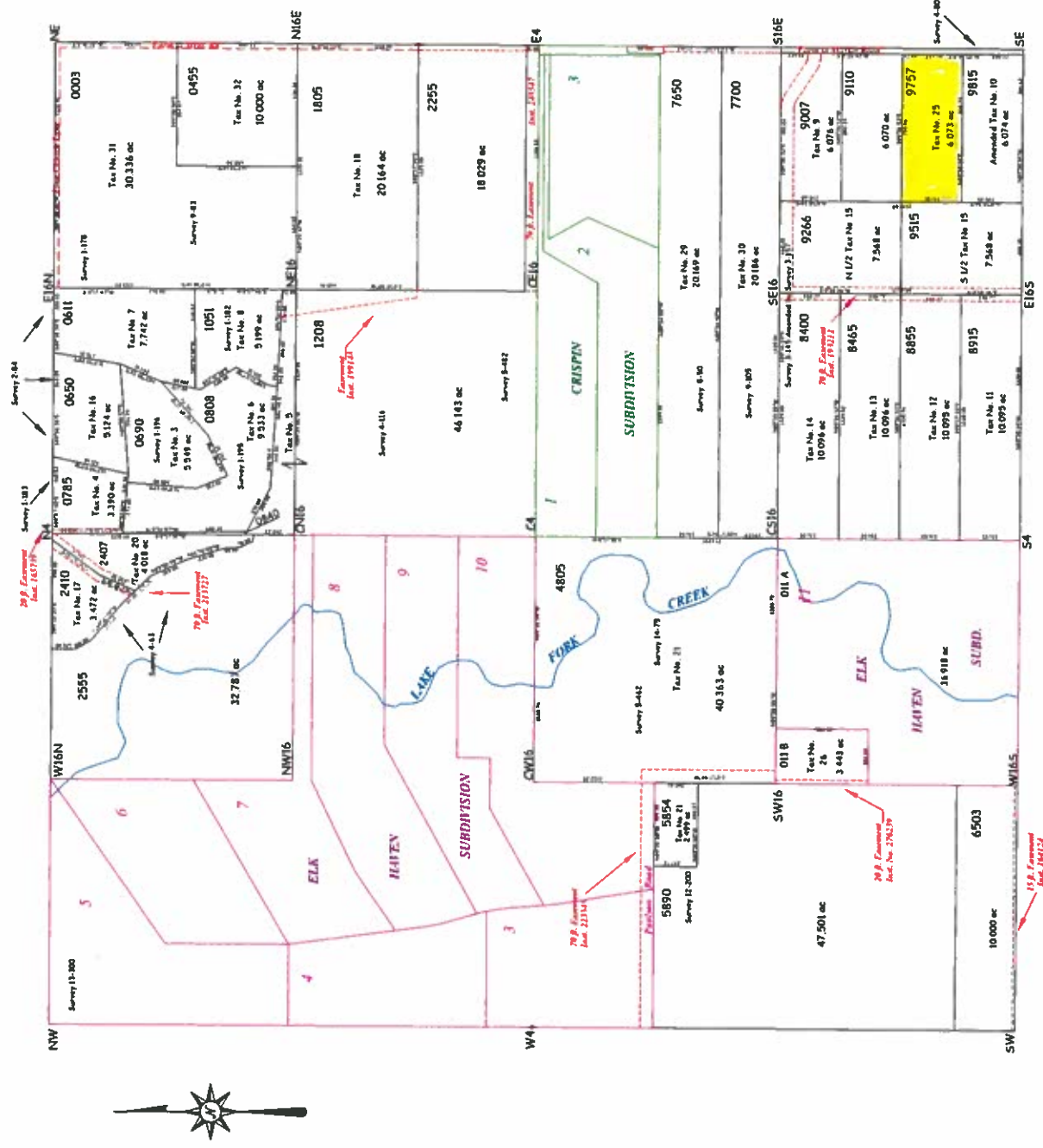
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

PLAT TITLE

T W P . 1 7 N R O 3 E S E C . 1 4

VALLEY COUNTY  
Cartography Dept.  
Assessor's Office  
Cascade, ID 83611

Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 10/28/2020  
Drawn by: L.Frederick





**CONTRACTOR**

REVOLUSUN MOUNTAIN STATES, LLC

PHONE: 208-315-4002

ADDRESS: 457 STEELHEAD WAY,  
BOISE, ID 83704

LIC. NO.: ECL000183

INC. NO.:

ELE. NO.:

UNLAWFUL PRACTICE OF THE  
LANDSCAPE ARCHITECTURE  
DURING THE LAST 12 MONTHS  
HAS BEEN THE SUBJECT OF A  
VIOLATION OF THE COPYRIGHT LAWS  
AND WILL BE SUBJECT TO CIVIL  
DAMAGES AND PENALTIES.

NEW PV SYSTEM: 4,800 kWp

**JAMES**

**RESIDENCE**

13643 FARM TO MARKET RD

MCCALL, ID 83638

APN: RP17N03E149757

**ENGINEER OF RECORD**

PAPER SIZE: 11" x 17" (ANSI B)

**LANDSCAPING PLAN**

DATE: 03.30.2022

DESIGN BY: E.J.

CHECKED BY: M.M.

REVISIONS

**A-101.00**

Sheet 1 of 1

**GENERAL NOTES**

1. FIELD VERIFY ALL MEASUREMENTS
2. ITEMS BELOW MAY NOT BE ON THIS PAGE

PROPERTY LINE

CONDUIT

SETBACK LINE

NOTE: GROUND MOUNT INSTALLATION OF 255.44 FT<sup>2</sup> LOCATED TO THE WEST SIDE OF THE HOME, TO BE VISUALLY OBSTRUCTED FOR NEIGHBORING PROPERTIES BY THE EXISTING VEGETATION. ARRAY TO BE OBSTRUCTED FROM THE ROAD BY THE EXISTING HOME. SEE ARRAY LOCATION. ARRAY TO SIT ON FLAT GROUND TO THE SOUTH OF THE SEPTIC SYSTEM WITH SUFFICIENT CLEARANCE FROM THIS EXISTING INFRASTRUCTURE. ARRAY TO SIT 50 FT DIRECTLY TO THE WEST OF THE HOME.



**LANDSCAPING PLAN**  
1" = 10'

01







Valley County Transmittal  
Division of Community and Environmental Health

Return to:

- ☐ Cascade  
☐ Donnelly  
☐ McCall  
☐ McCall Impact  
☒ Valley County

Rezone # \_\_\_\_\_

Conditional Use # CUP 22-15

Preliminary / Final / Short Plat James Solmer Rowels

Sec 14  
13643 Farm To Market

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☐ high seasonal ground water ☐ waste flow characteristics  
☐ bedrock from original grade ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☐ 14. \_\_\_\_\_

Reviewed By: [Signature]

Date: 5/11/22





## Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

May 17, 2022

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: C.U.P. 22-15 James Solar Panels

After review, the Donnelly Rural Fire Protection District will require the following.

- **Section 1204.1 IFC 2018** Solar photovoltaic systems shall be installed in accordance with International Building Code or the International Residential Code. The electrical portion shall be installed in accordance with NFPA 70
- **Section 1204.4 IFC 2018** Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free standing photovoltaic arrays. A clear brush-free area of 10 feet shall be required for ground mounted photovoltaic arrays
- **Section 1204.5 IFC 2018** Buildings with rapid shut down solar photovoltaic systems shall have permanent labels in accordance with Section 1204.5.1 through 1204.5.3

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in blue ink, appearing to read "Jess Ellis".

Fire Marshal  
Donnelly Fire Department