

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:	January 8, 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

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, 7¾-in. parcel

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

FINDINGS:

1. The application was submitted on November 17, 2025.
2. Legal notice was posted in the *Star News* on December 18, 2025, and December 25, 2025. The applicant was notified by letter on December 9, 2025. Potentially affected agencies were notified on December 9, 2025. Property owners within 300 feet of the property line were notified by fact sheet sent December 9, 2025. The notice was posted online at www.co.valley.id.us on December 9, 2025. The site was posted on December 16, 2025.
3. Agency comment received:

Brent Copes, Central District Health, stated an accessory application and fee are required to verify the solar panels will not impact the septic tank, drainfield, or drainfield replacement area. (December 10, 2025)

Jerry Holenbeck, Donnelly Fire Marshal, has no comments, concerns, or requirements at this time. (December 16, 2025)

Brandon Flack, Idaho Fish and Game, had no comments. (December 29, 2025)

Emily Hart, McCall Airport Manager, had no comments. (December 31, 2025)

4. Public comment received:

Clay Wright, 260 Finn Church Lane, is strongly opposed. The scale of the proposed project will be a blight on the landscape and a perpetual visual insult to the surrounding neighbors. The Wright home is located directly to the southwest of the proposed location of the solar panels. During the winter, the panels would have to be aligned directly to the southwest to maximize solar exposure, resulting in glare and reflection off the panels directed at his residence. The location is behind the applicant's home and would not affect their view or expose them to solar reflection and glare. Excerpts from published studies and a map are attached. (December 14, 2025)

Thomas and Lori Ronay, owners of 40 Flicker RD, ask for a stay in the County's decision until the CCR violations have been addressed and adequately mitigated. The solar panels are large, unsightly, and would likely infringe on their view and use of the property. Solar reflection is a concern for the nearby properties and aircraft. (December 28, 2025)

5. Physical characteristics of the site: The parcel is sloped and partially tree covered.

7. The surrounding land use and zoning includes:

North: Single-Family Residential Lots
South: Agricultural (Timber)
East: Agricultural (Timber)
West: Single-Family Residential Parcels

8. 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.

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.

SUMMARY:

Staff's compatibility rating is a +26.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached). Be prepared to submit your compatibility rating or state which lines on staff's compatibility rating needs to be changed.

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District and Water District 65D – Boulder Creek Drainage Basin. It is not within an irrigation district nor a herd district.
2. All requirements of 9-5G-1.A appear to have been met.
3. The application states that the area for the residence and solar panels has been graded and cleared of vegetation. According to the contractor (from Jerome) the installation was started before they became aware that a conditional use permit was required. They understand they will need a building permit.
4. Is there an alternate site that is suitable for solar panels?

Standards of Approval:

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

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

ATTACHMENTS:

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Location Map
- Aerial Map
- Topographical Map
- Assessor Plat – T.17N R.4E Section 7
- Pictures Taken December 16, 2025
- Site Plan from Application
- 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

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO	X	Response Value	<u>Use Matrix Values:</u>
(+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?
<u><i>Site Specific Evaluation (Impacts and Proposed Mitigation)</i></u>			
(+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 <u>lots and/or</u> 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.

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 (1/2) of the adjacent uses and one-fourth (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.

APPENDIX A

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

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

RATE THE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use:

No Matrix Line
Appurtenant to Residence

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)? S.F. residential

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

3. Is the proposed use generally compatible with the overall land use in the local vicinity? S.F. residential + ag

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? Large w/ few trees

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

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

(+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? 0

(+2/-2) +1 X 2 +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? Will be minor impacts

(+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? 0

(+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? 0

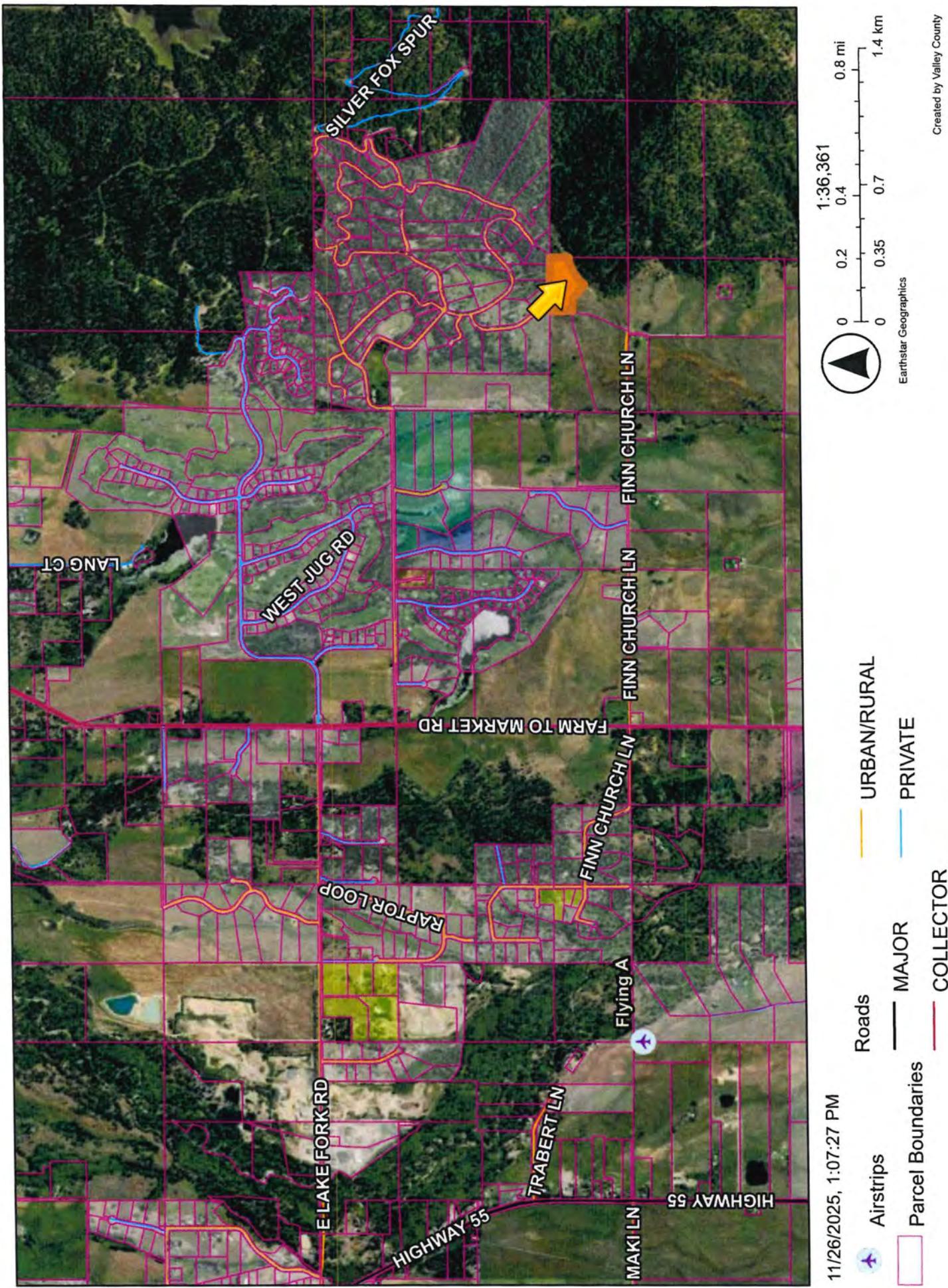
Sub-Total (+) 24

Sub-Total (-) 1

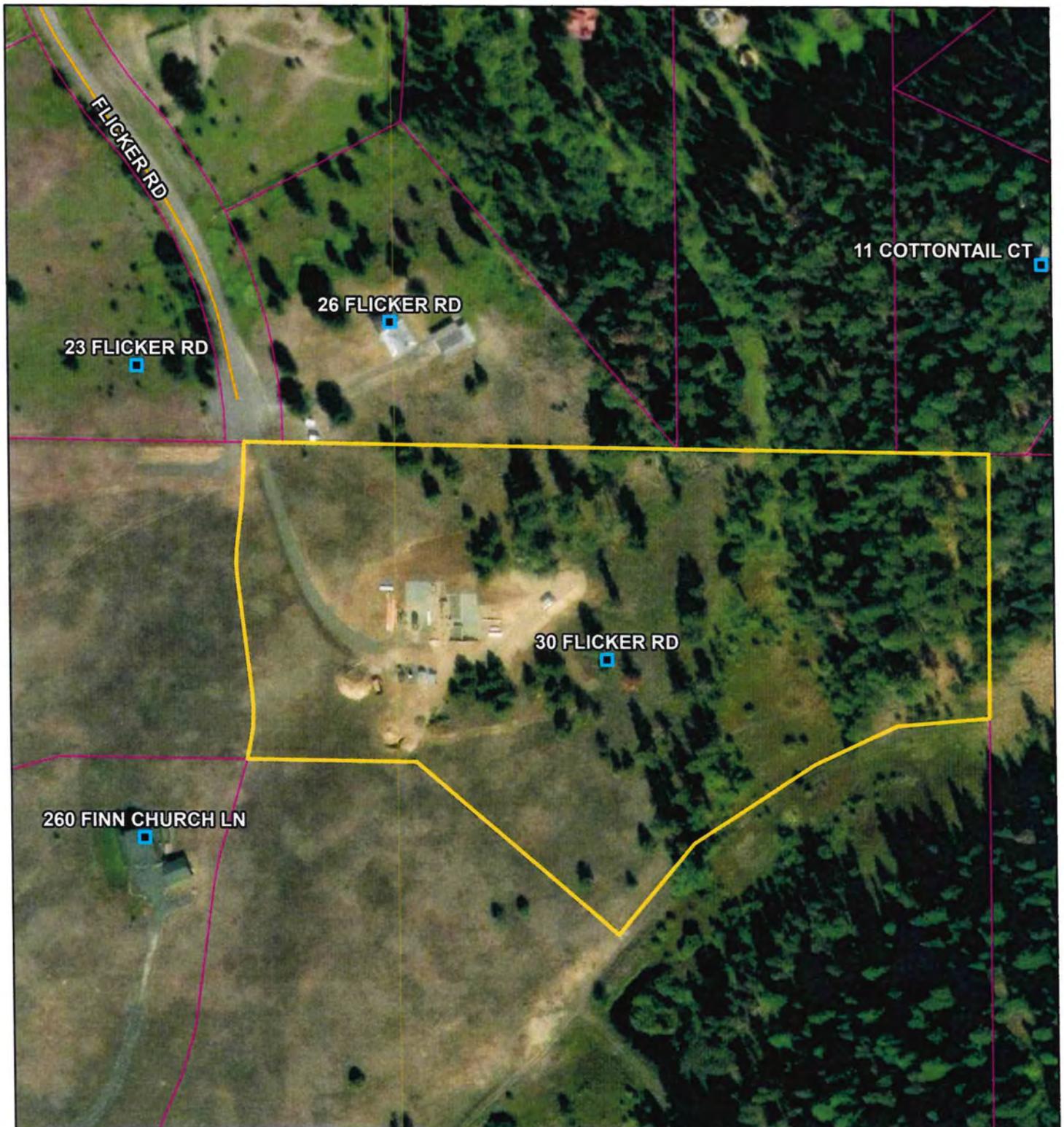
Total Score 126

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. 25-032 Location Map

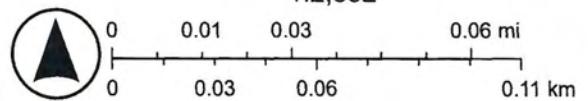


C.U.P. 25-032 Aerial Map



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■ Address Points

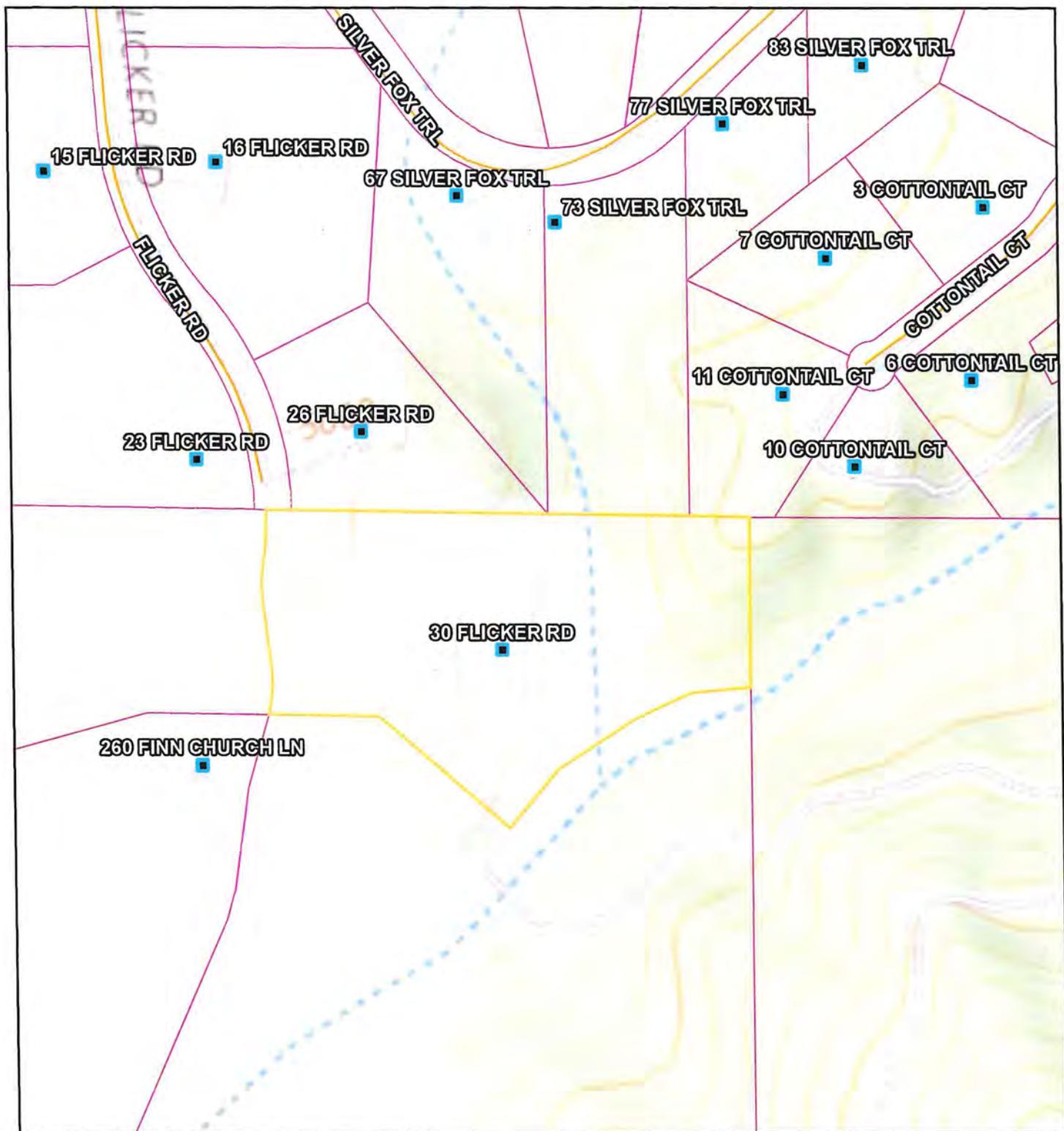
■ Parcel Boundaries

Roads

— URBAN/RURAL

Vantor

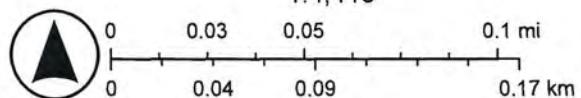
C.U.P. 25-032 - Topographical Map



12/16/2025, 4:08:54 PM

1:4,415

- Address Points USGSTopo
- Parcel Boundaries
- Roads
- URBAN/RURAL



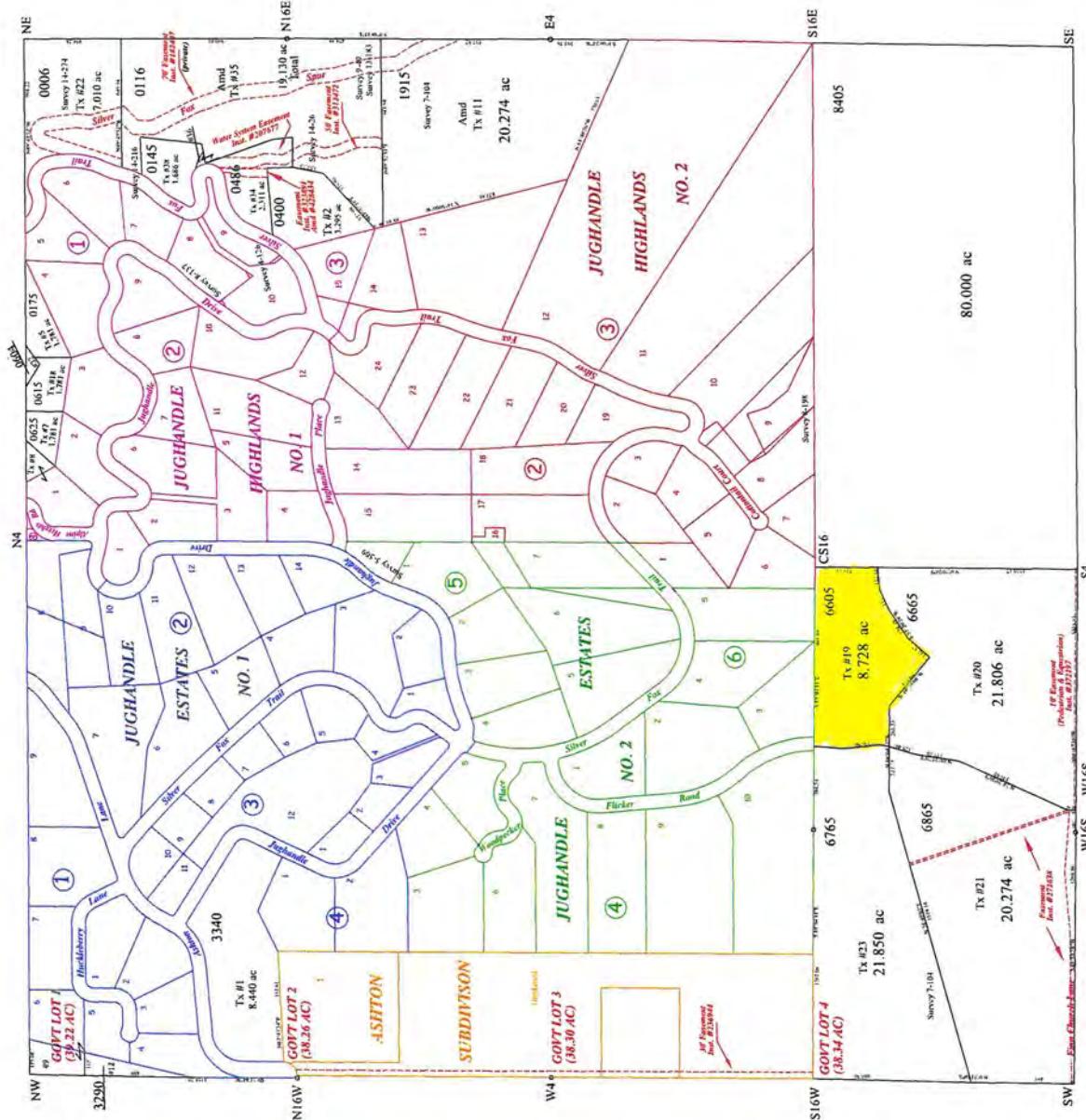
USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road data; Natural Earth Data; U.S.

PLAT TITLE

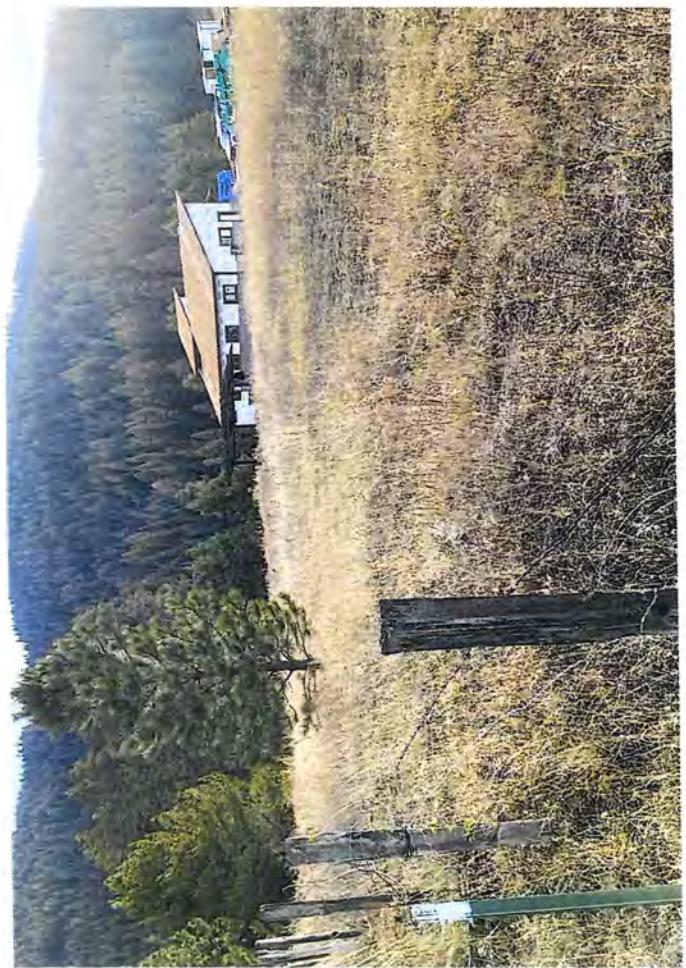
TWP. 17N R04E SEC. 07

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

Filename: Valley County Base Map
Scale: 1" = 400 ft.
Date: 3/19/2025
Drawn by: L. Frederick



This document is to be used for Reference Purposes ONLY. The Company is NOT responsible for any inaccuracies contained therein.



**NEW PHOTOVOLTAIC GROUND MOUNT MOUNTED SYSTEM - 14.720 KW DC/12.000 KW AC
& ENERGY STORAGE SYSTEM - 28.6 KWH
30 FLICKER RD, MCCALL, ID 83638**

CONTRACTOR



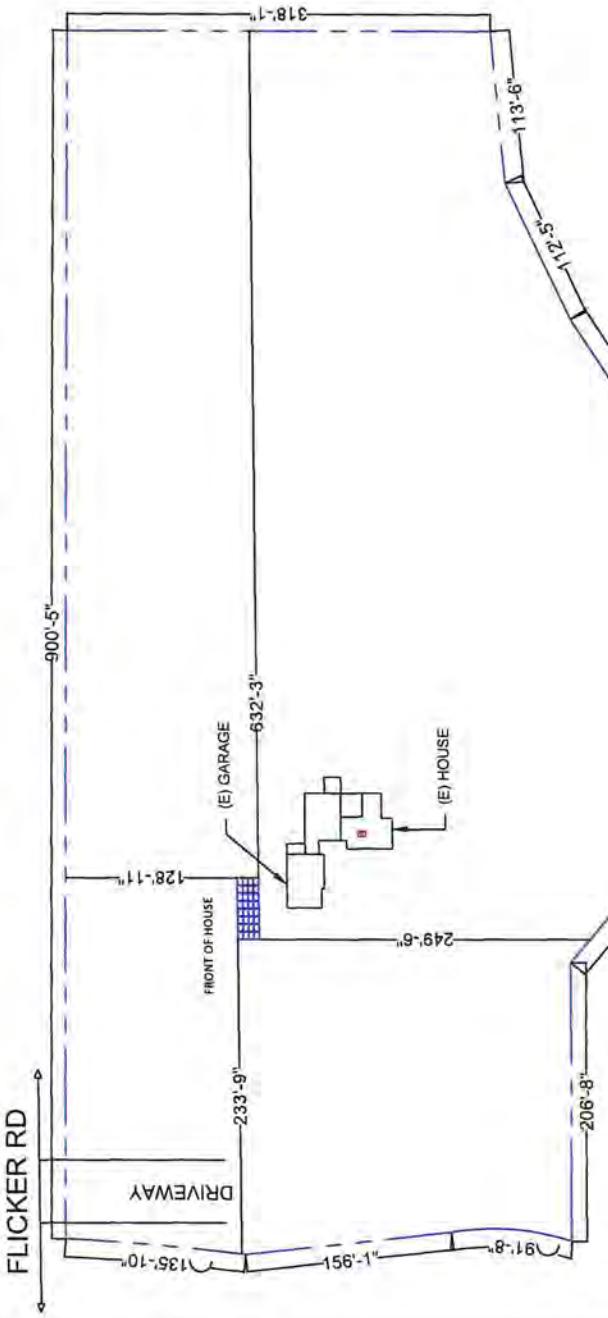
MAGIC VALLEY ELECTRIC, LLC
385 RAILWAY ST
JEROME, IDAHO 83338
PHONE: (208) 735-8980
LIC. NO. - ELE-C-33843
(ELECTRICAL - IDAHO), RCE-45670
(GENERAL CONTRACTOR - IDAHO)

SHEET INDEX

PV-01	COVER PAGE
PV-02	SITE PLAN
PV-03	ATTACHMENT PLAN & DETAILS
PV-04	ELECTRICAL DIAGRAM
PV-05	NOTES
PV-06	WARNING LABELS
PV-07	INSTALLATION RESOURCE
	EQUIPMENT DATASHEET'S ATTACHED

LEGEND

- PROPERTY LINE
- FENCE LINE



NEW PV SYSTEM SPECIFICATIONS

SYSTEM SIZE: DC SIZE: 14.720 KW DC- (STC)
AC SIZE: 12,000 KW AC
MODULE: (32) REC SOLAR REC400-AA PURE RX (460W)
INVERTER: (1) EGA SOLAR'S FLEXBOSS 21 HYBRID INVERTER
BATTERY: (2) EGA 14.3KWH POWERPRO WALLMOUNT
ALL WEATHER BATTERY
CONTROLLER: (1) EGA GRID BOSS 2004, NEMA 3R, 120/240V
BATTERY: 28.6 KWH

SCOPE OF WORK

1.2.1 CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND SPECIFICATIONS OF THE GRID-TIED PHOTOVOLTAIC & ENERGY STORAGE SYSTEM. THE CONTRACTOR WILL BE RESPONSIBLE FOR COLLECTION OF EXISTING ON SITE CONDITIONS TO DESIGN, SPECIFY, AND INSTALL THE GROUND MOUNT-MOUNTED PV SYSTEM AND ENERGY STORAGE SYSTEM DETAILED IN THIS DOCUMENT

DESIGN CRITERIA
GROUND SNOW LOAD: 120 PSF
WIND SPEED: 115 MPH
RISK CATEGORY: II

APPLICABLE CODES

ALL WORK SHALL CONFORM TO THE FOLLOWING CODES:
2018 INTERNATIONAL BUILDING CODE
2020 IDAHO RESIDENTIAL CODE
2018 INTERNATIONAL FIRE CODE
2020 NATIONAL ELECTRICAL CODE
AS ADOPTED BY VALLEY COUNTY

PROPERTY PLAN

SCALE: 1" = 90'-0"

PROJECT NAME & ADDRESS

BRUCE SMITH

30 FLICKER RD

MC CALL, ID 83638

APN # 1704076605

AHJ: VALLEY COUNTY
UTILITY: IDAHO POWER

SYSTEM DETAILS

14.720 KW DC- (STC) / 12,000 KW AC
(32) REC SOLAR REC400-AA PURE RX (460W)
EG400V240V/240VFLXBOSS 21 HYBRID INVERTER
(2) EGA 14.3KWH POWERPRO WALLMOUNT ALL
WEATHER BATTERY
BATTERY: 28.6 KWH

REVISIONS

REV	DESCRIPTION	DATE

SHEET TITLE

COVER PAGE

DRAWN DATE 10/14/2025
DRAWN BY ONS

SHEET NUMBER

PV-01



VICINITY MAP



SATELLITE MAP



REVISIONS

REV	DESCRIPTION	DATE

COVER PAGE

DRAWN DATE 10/14/2025
DRAWN BY ONS

SHEET NUMBER

PV-01

PROJECT NOTES

1.1.1 THIS PHOTOVOLTAIC (PV) & ENERGY STORAGE SYSTEM SHALL COMPLY WITH THE RELEVANT YEAR OF THE NATIONAL ELECTRICAL CODE (NEC), ALL MANUFACTURER'S LISTING AND INSTALLATION INSTRUCTIONS, AND THE RELEVANT CODES AS SPECIFIED BY THE AUTHORITY HAVING JURISDICTION'S (AHJ) APPLICABLE CODES.

1.1.2 THE UTILITY INTERCONNECTION APPLICATION MUST BE APPROVED AND THE PV & ENERGY STORAGE SYSTEM MUST BE INSPECTED PRIOR TO OPERATION

1.1.3 ALL PV & ENERGY STORAGE SYSTEM COMPONENTS, MODULES, UTILITY-INTERACTIVE INVERTERS, BATTERIES, AND SOURCE CIRCUIT COMBINER BOXES ARE IDENTIFIED AND LISTED FOR USE IN PHOTOVOLTAIC SYSTEMS AS REQUIRED BY NEC AND OTHER GOVERNING CODES

1.1.4 ALL SIGNAGE TO BE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE, IF EXPOSED TO SUNLIGHT, IT SHALL BE UV RESISTANT, ALL PLAQUES AND SIGNAGE WILL BE INSTALLED AS REQUIRED BY THE NEC AND AHJ.





Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
 Donnelly
 McCall
 McCall Impact
 Valley County

Rezone # _____

Conditional Use # 75-032 Solar Panels - Magic Valley Electric

Preliminary / Final / Short Plat _____

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 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. CDH requires an accessory application and fee to verify the Solar panels will not impact the septic tank, drainfield, or drainfield replacement area. Reviewed By: Brett Copes
Date: 12/10/25



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615
208-325-8619 Fax 208-325-5081

December 16, 2025

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: C.U.P. 25-032 Magic Valley Electric LLC Solar Panels

After review, the Donnelly Rural Fire Protection District has no comments, concerns or requirements at this time.

Please call with any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read "J. Holenbeck".

Jerry Holenbeck
Fire Marshal
Donnelly Fire Department
firemarshal@donnellyfire.net
Cell: (208) 849-2438

From: Flack, Brandon <brandon.flack@idfg.idaho.gov>
Sent: Monday, December 29, 2025 2:24 PM
To: Lori Hunter <lhunter@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Re: Valley County PZ - Public Hearings - Jan 8 2026

Hi Cynda and Lori,

No comments from IDFG on these applications.

Thanks,

Brandon Flack

Regional Technical Assistance Manager
Idaho Dept. of Fish and Game
Southwest Region
15950 N. Gate Blvd.
Nampa, ID 83687
Ph: (208) 854-8947



From: Emily Hart <ehart@mccall.id.us>
Sent: Wednesday, December 31, 2025 10:48 AM
To: Lori Hunter <lhunter@valleycountyid.gov>
Cc: Steffen Verdin <steffen.verdin@itd.idaho.gov>; Favors Schildgen, Jennifer L (FAA) <jennifer.l.favors.schildgen@faa.gov>; Trotta, Roxanne (FAA) <roxanne.trotta@faa.gov>; Michelle Groeneveld <mgroeneveld@mccall.id.us>; Meredith Todd <mtodd@mccall.id.us>; Forest Atkinson <FAtkinson@mccall.id.us>; ncuvala@ardurra.com <ncuvala@ardurra.com>; mhagedorn@ardurra.com <mhagedorn@ardurra.com>; kbissell@to-engineers.com <kbissell@to-engineers.com>; Airport Advisory Committee <AirportAdvisoryCommission@mccall.id.us>
Subject: RE: Valley County PZ - Public Hearings - Jan 8 2026

Lori,

Regarding the Agenda for the Jan. 8, 2026, Valley County PZ Public Hearing, McCall Airport has No Comment on:

P.U.D. 23-01 and C.U.P. 23-01 Garnet Valley
C.U.P. 25-032 McClellan/Smith Solar Panels
C.U.P. 25-033 Brown Commercial Lease Space

C.U.P. 25-035 Albright Camping Sites:

This proposed camping area is 2.34 miles from Runway 34 in the Horizontal Surface. If no buildings are constructed, no additional Airport comments.

C.U.P. 25-034 Bambic Campground:

McCall Airport recommends denial of C.U.P. 25-034.

The proposed campground is in the Approach Surface of Runway 34 as well as the Departure for Runway 16. The campsites are between 2,700' and 3,100' feet from Runway 34 centerline. Campgrounds congregate people and would be considered a residential type of land use, which is not a compatible land use in the Inner Critical Zone. A campground should not be allowed in this location due to the higher potential for accidents and annoyance issues.

As an Airport Sponsor that accepts FAA AIP (Airport Improvement Program) funds for airport capital improvement projects, the City of McCall is obligated to adhere to FAA Grant Assurances; in this case, FAA Grant Assurance 21: *Compatible Land Use. It (the Airport Sponsor) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility*

Cynda Herrick
Planning & Zoning Director

Dec. 14, 2025

Dear Ms. Herrick

RE: C.U.P. 25-032 Solar Panels

My Name is Clay Wright and my residence is on the 26.5 acre parcel adjoining and directly to the Southwest of the proposed 45 ft x 10 ft solar panel installation on my neighbor's property. I wish to go on record as strongly opposing this project. An obvious objection is to the scale of this project. We (myself and neighbors) chose to live in this rural area to enjoy the peace and quiet as well as the natural beauty of the surrounding landscape. The size of this proposed project (450 sq ft and over 17 ft tall) will be a blight on the landscape and an "in your face" perpetual visual insult to the surrounding neighbors.

Furthermore, and more importantly, is the location of the proposed array in relationship to my house. I have enclosed the aerial map of the solar panel(s) location which shows that I would be directly to the Southwest of the panels. That would mean that in winter, with the sun closer to the horizon, the panels would have to be aligned directly to the Southwest to maximize solar exposure. The result would be that the glare and reflection off the panels would be aimed directly at my residence. Note that the proposed solar panels array location is BEHIND the owner's house/garage and will therefore not affect their view and will not expose their residence to solar reflection and glare.

I view the scope, size and location of this solar array to be an insult to the current county planning/zoning restrictions of solar panel size restrictions. I hope that the Planning and Zoning Department will deny this conditional permit and halt the continuing degradation of the rural environment of Valley County.

Following are excerpts from various published studies highlighting the problems of glare and reflection from solar panel arrays.

Thank you for your time and attention.

Clay Wright
260 Finn Church Lane
P.O. Box 3328
McCall, ID 83638

Solar panels reflect sunlight, but the amount of glare depends on **panel angle, surface coating, and sun position**. When sunlight hits panels at a **low angle (below 20 degrees)**, reflections become more noticeable. For example,

at 10° incidence angle, panels can reflect 10-20% of incoming light, which may create bright spots visible from neighboring properties.

The worst glare typically occurs **early morning or late afternoon**, when the sun is near the horizon. In winter, glare risks increase because the sun stays **lower in the sky for longer periods**. A study by the National Renewable Energy Lab (NREL) found that **glare complaints peak between 7-9 AM and 4-6 PM**, matching low sun angles. Flat-mounted panels (0° tilt) reflect light **straight upward**, while tilted panels ($20-40^\circ$) direct **reflections sideways**, potentially toward nearby homes.

The FAA has announced that it will disallow any new solar installations near airports without a **quantitative glare analysis, including an assessment of visual impacts**.

With growing numbers of solar energy installations around the world, solar glare is becoming an increasing concern. Impacts of glare, whether from photovoltaic (PV) or concentrating solar power installations, can range from **discomfort to disability**.

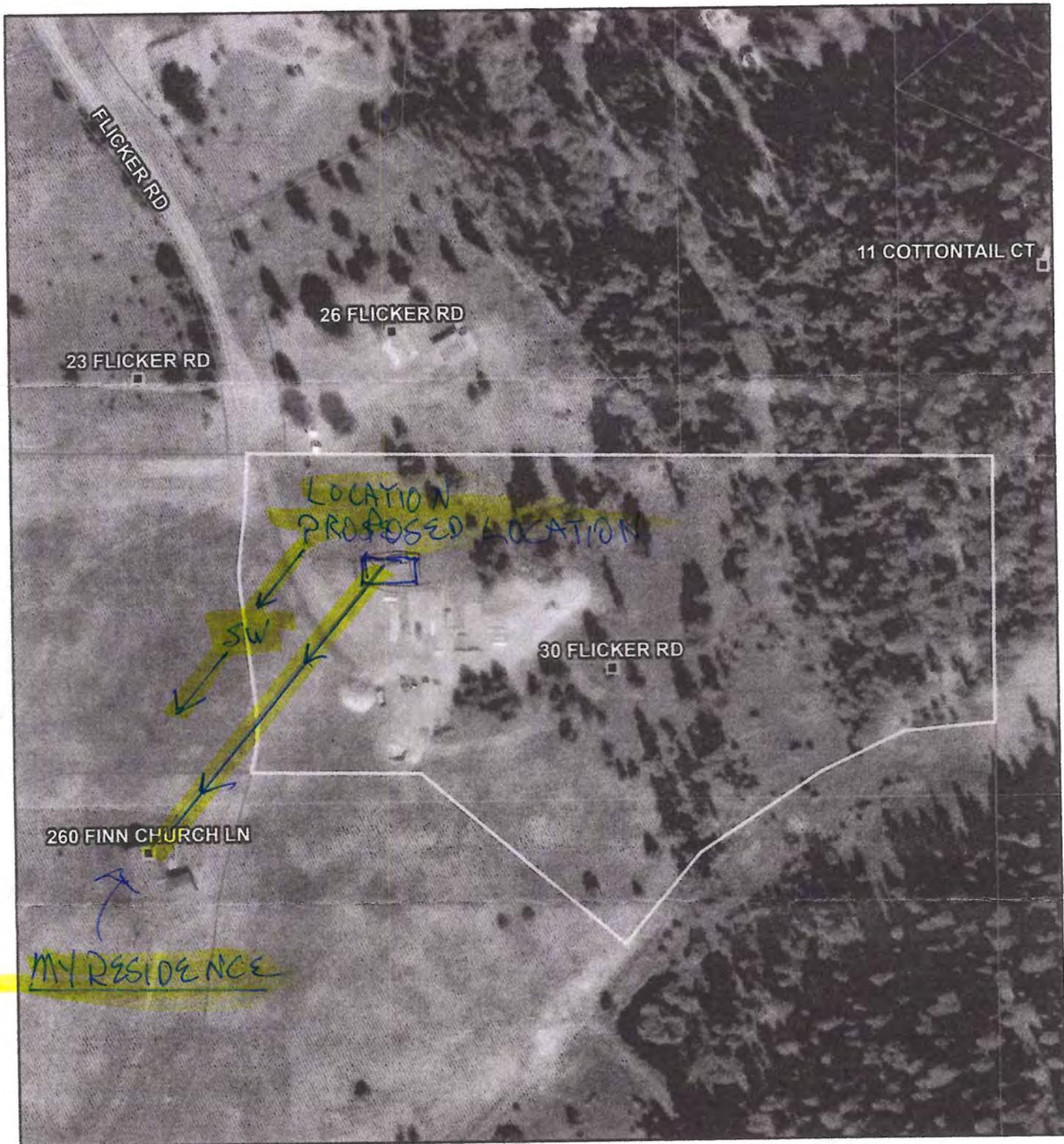
Glare from direct sunlight has been recognized for many years as a potential hazard for motorists and pilots [5-7]. Reports citing National Highway Traffic Safety Administration data estimate that solar glare causes nearly 200 fatalities and thousands of accidents involving motor vehicles each year, and the Federal Aviation Administration (FAA) reported that glare from direct sunlight contributed to nearly a dozen aviation accidents on average each year during an 11-year study [7].

While glare from direct sunlight is predictable — most problems occur during the mornings and evenings when the sun is close to the horizon, solar glare caused by reflections from solar energy installations can occur at varying times in unexpected locations. Glint (a momentary flash of light) and glare (a more continuous source of excessive brightness relative to the ambient lighting) can occur from various solar energy components such as PV modules, concentrating solar collectors/ mirrors and receivers.

Potential ocular impacts of retinal irradiance as a function of subtended source angle (from Ho, Ghanbari, Diver [2]). Note: 1 watt yields approximately 100 lumens of visible light in the solar spectrum. Because of these risks, codes and regulations seek to prevent unwanted glare from solar energy installations [8]. In addition, the FAA recently announced that it will disallow any new solar installations near airports without a quantitative glare analysis, including an assessment of visual impacts.

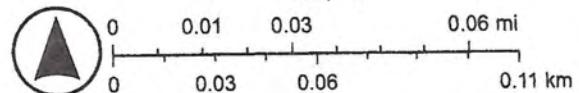
Impacts of glint and glare on eyesight can include **discomfort, disability, veiling effects, after-image and retinal burn** [2, 5, 9-13]. Prolonged exposure to “discomfort glare” may lead to headaches and other physiological impacts, whereas “disability glare” immediately reduces visual performance. Disability glare can include after-image effects, flash blindness and veiling, such as that caused by solar glare on a windshield that might mask pedestrians or vehicles.

C.U.P. 25-032 Aerial Map



11/26/2025, 12:59:03 PM

1:2,852



- Address Points
- Parcel Boundaries
- Roads
- URBAN/RURAL

VanTor

From: Thomas Ronay [REDACTED]
Sent: Sunday, December 28, 2025 9:25 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Lori Ronay [REDACTED]
Subject: C.U.P. 25-032 Solar Panels 30 Flicker Rd., McCall Public Hearing 01/08/2026

Dear Cynda,

Please find attached our response and CCR's for this neighboring project on 30 Flicker Rd., McCall. Unfortunately, we are not able to attend the hearing in person.

Given that we, nor other neighborhood owners, were not notified of this solar panel project in accordance of our respective CCR process, we request there be a stay in the County decision making until it is adequately addressed.

We appreciate your consideration in this matter. Please email or call should you have any questions.

Sincerely,

Thomas and Lori Ronay
[REDACTED]

December 28, 2025

Cynda Herrick, AICP, CFM
Planning & Zoning Director
P.O. Box 1350
Cascade, ID 83611

RE: C.U.P. 25-032 Solar Panels
30 Flicker Rd.

Dear Cynda,

This letter is submitted by email in reference to the Public Hearing on January 8, 2026 for 30 Flicker Rd., McCall, solar panel installation and variance request.

As an adjacent property owner at 40 Flicker Rd. in McCall, we have an interest in this request as we believe it is not currently allowed or addressed in accordance to the CCR's for Jug-78, LLC, dated 10/16/2002.

Pursuant to the CCR's as interested parties, were not notified, communicated with, or consulted on this project by the property owners of this proposed project prior to the Valley County notification of the upcoming public hearing. According to the CCR's, this is required by all landowners.

The solar panels are large, unsightly, and would likely infringe on our view, and enjoyable use of our property if not properly designed and agreed upon. Specifically, their high elevation and potential for solar reflection onto our and other properties is of paramount concern.

Additionally, any blinding reflection would be a dangerous hazard for aircraft that are transiting in and out of the Frank Church Wilderness as well as in the vicinity of the McCall Airport operating area. Optical reflectivity and glint would need to be studied and mitigated per FAA regulation and guidance; please refer to FAA 7460 and similar documents on the FAA website.

Subsections of the CCR's include the following:

Page 4, Section D discusses the "selection of building and roof materials shall take into account the harmony thereof with the surroundings the effect if 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." In addition, "No reflective roofing or exterior siding material may be exposed on any structure."

Page 4, Section E notes 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 out be within the building envelope." Given that oversized and solar tracking and motorized solar panels are not explicitly included, we would like there to be discussion on this potential installation and its potential detrimental effect on the surrounding residents and airspace.

Page 5, Section 4.04 **Lighting** references that light “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.” Light reflection, glint, and glare from this large solar panel should not infringe at any time on adjacent properties or interested parties.

Page 6, Section 4.07 **Unsightly Exposure and Storage references** “...otherwise unsightly property located on any Lot, shall be stored in a fully-enclosed permanent building.”

Page 6, Section 4.09 **Utilities** references “All electrical power lines, telephone, lines and other utility service lines shall be underground within the Property.

Subsection A. **Electrical** states, “Private electrical generating systems shall not be permitted, except as a backup system in case of primary electrical service failure.”

Please refer to pages 8-9, **Enforcement of Declarations**, specifically Sections 5.02 **Methods of Enforcement** and Section 6.07 **Variances** with regards to notification and process for entities as outlined.

Given that the Jug-78 CCR elements have not been addressed adequately prior to this public hearing, and construction of the solar panels has already begun, we respectfully request there be a stay of this matter until the CCR violations have been addressed and adequately mitigated to the satisfaction of the interested parties.

Respectfully submitted,

Thomas and Lori Ronay
Owners 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

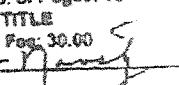
* forth herein: (i) shall run with the land constituting the Property, and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any lot, parcel or portion thereof; (ii) shall inure to the benefit of every lot, parcel or portion of the Property and interest 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
Ex-Officio Recorder Deputy
Rec'd by: RESTRICTIVE COVENANT
Fee: 30.00


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 wainscoating, 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, Sherry 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.

Sherry Pedersen
NOTARY PUBLIC FOR IDAHO
Residing at: McCall
My Commission Expires: 7/18/07

