

Conditions of Approval included in motion to approve CUP 25-032

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.
11. Shall require a 3-ft rise in elevation topped with minimum 6-ft tall native evergreens staggered to conceal the array.
12. If a tree dies, it must be replaced.
13. Full concealment is required at time of planting trees.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

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

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on January 8, 2026. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Ben Oyarzo, Carrie Potter, Heidi Schneider, and Chairman Ken Roberts. A public hearing was held. The matter was tabled to allow the property owners to work with neighbors.

This matter came before the Valley County Planning and Zoning Commission on April 9, 2026. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Ben Oyarzo, Carrie Potter, Heidi Schneider, and Chairman Ken Roberts. A public hearing was held.

Magic Valley Electric LLC requested 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. 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. The applicant was represented by Joey Richardson and property owners Kristen McClellan and Bruce Smith.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meetings dated January 8, 2026, and April 9, 2026, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. The application and submittal information presented at the public hearing meets all the requirements of the Valley County Ordinances as codified in Title 9 of the Valley County Code.
2. That the existing use of the property is Single-family Residential Parcel with a residence.
3. That the land use categorization in Valley County Code (Table 9-3-1) is as follows:
 - 7. Alternative Energy Uses (b) Solar panels – detached from primary structure and > 8-feet in area
4. That the surrounding land uses are Single-Family Residential lots and parcels and Agricultural (Timber).
5. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
 - The application was received from the applicant on November 17, 2025.
 - Legal notice was posted in the *Star News* on December 18, 2025, and December 25, 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 and application were posted online at www.co.valley.id.us on December 9, 2025.
 - The site was posted on December 16, 2025.
 - A public hearing was held on January 8, 2026.
 - The matter was tabled to April 9, 2026, at 6:00 p.m., to allow the property owner time to work with neighbors.
 - 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.
 - A public hearing was held on April 9, 2026.
6. People commented during public testimony at both public hearings and submitted written testimony. See the staff report and minutes of the meetings.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. Valley County must follow the laws of the State of Idaho and those identified in the Valley County Code.
2. Valley County has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses.
3. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
4. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
5. The proposed use is compatible with surrounding land uses. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1.
6. The use will result in an increase of the applicant's private property value.
7. The proposed use will not have an undue adverse impact on the environment as long as building permit requirements are met. Reflection of panels could be an environmental impact. However, the applicant did state coating has been done to mitigate the reflection. When the solar arrays become damaged, replaced, or obsolete, all materials must be properly disposed of as required by federal and state laws and regulations
8. The proposed use will not have an undue adverse impact on adjoining private property as mitigation in the form of landscape screening will occur and must be maintained.

9. The proposed use will not have an undue adverse impact on government services.
10. That the proposed use is consistent with the Valley County Comprehensive Plan. The Comprehensive Plan promotes the use of alternative energy.
11. Conditional use permits are required for solar panel arrays to allow consideration of impacts to neighbors. The solar panel array fits as long as the applicant mitigates for the impacts to the neighbor's viewsheds.
12. The parcel is almost nine acres in size; this solar array would not fit on a 1-acre lot.
13. This is the best site for the array due to topography. Moving the array would elevate it so that it would be more visible.
14. Although the applicant and property owners did not obtain the proper County permits prior to installation, there has been adequate testimony and review. Obtaining the conditional use permit and building permit will remedy the violations.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Magic Valley Electric LLC for C.U.P. 25-032 McClellan/Smith Solar Panels: as described in the application, staff report, correspondence, and minutes of the meetings be approved.

Special conditions applied to the proposed use are:

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.

11. Shall require a 3-ft raise in elevation topped with minimum 6-ft tall native evergreens staggered to conceal the array.
12. If a tree dies, it must be replaced.
13. Full concealment is required at time of planting trees.

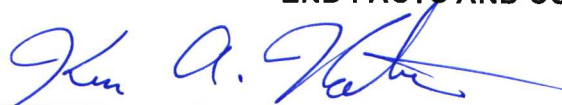
**NOTICE OF FINAL ACTION AND
RIGHT TO REGULATORY TAKING ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such requests must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

Please take notice that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code, after seeking reconsideration within 14 days in accordance with Valley County Code 9-5H-13 and Idaho Code §67-6535 .

END FACTS AND CONCLUSIONS



Valley County Planning and Zoning Commission Chairman



Date

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, 7¼-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)

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, 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. 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

Valley County Planning and Zoning Commission

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



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

Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
April 9, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. by Chairman Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

Chairman Roberts reviewed the agenda with the audience and announced that the following items have been postponed to the PZ Commission meeting on May 14, 2026:

- C.U.P. 26-004 Maxton Short-Term Rental
- SUB 26-004 Orange Sky Subdivision - Preliminary Plat
- SUB 26-005 Pine Creek Ranch South Subdivision - Preliminary Plat

In addition, the extension request for C.U.P. 21-05 Lake Fork Industrial Center has been withdrawn by the applicant.

B. MINUTES: Commissioner Schneider moved to approve the minutes of March 12, 2026. Commissioner Mabe seconded the motion. Motion passed unanimously.

The Commissioners congratulated Director Herrick on her 30-year career with Valley County.

C. OLD BUSINESS:

1. **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. **Tabled from January 8, 2026.** Action Item.

Chairman Roberts introduced the item. There were no ex parte contacts nor conflict of interest. Commissioner Mabe moved to move C.U.P. 25-032 McClellan/Smith Solar Panels from the table; Commissioner Schneider seconded. Motion passed unanimously.

Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Email from applicant regarding proposed screening, landscaping, and berm. (April 2, 2026)
- **Exhibit 2** – Central District Health approval. (March 26, 2026)
- **Exhibit 3** – Lori Ronay wants the solar panel array removed or relocated. (April 5, 2026)
- **Exhibit 4** – Julia Thrower, attorney for Dr. Thomas and Ms. Lori Ronay, submitted a letter in opposition. (April 8, 2026)
- **Exhibit 5** – Ms. Thrower submitted a five-page letter in opposition. Per email correspondence with Director Herrick, the PZ Commission may choose not to accept the letter into the record as it was received less than seven days in advance of the hearing (VCC 9-5H-11). (Received April 8, 2026)

The Commissioners had no objections to accepting **Exhibit 5** as part of the record; the action does not set a precedent.

Chairman Roberts asked for the applicant's presentation.

Joey Richardson, Jerome, Idaho, represented Magic Valley Electric LLC, the applicant and installer of the solar panel array. He clarified the project and permitting timeline. The solar array had to be installed by the end of 2025 to obtain residential tax credits. The State of Idaho electrical permit and the Idaho Power customer generation application was approved prior to installation. The building permit application was emailed to Valley County Building Department on November 6; in response the company learned a conditional use permit would be required. The application was submitted after the deadline for the January 2026 Commission meeting. The site is not within a homeowner association. The property owners have received both negative and positive feedback. The CCRs were established in 2002 for four parcels. The CCRs are a civil matter between the property owners of the four parcels. The CCRs do not specifically prohibit solar panels.

Kristen McClellan, property owner, reviewed communication efforts since the previous public hearing. On February 17th, she received a list of ten property owners within the vicinity plus the + president of Jughandle. She met onsite with two property owners who were willing to participate, another two were unable to meet due to work or health issues. Staff summarized the results well. The solar panels are coated to reduce glare and reflection and reflect less than a window. Thus glare should not be a significant issue. There was one positive comment; however, that neighbor requested not to be named. Ms. McClellan discussed the topography and the reason the site was chosen. The property slopes down to east and then back up. The properties to west and to the southwest are lower down the hill. Ms. McClellan referred to the pictures and revised site plan included in the staff report. She would like to screen the three closest, existing and potential home sites by creating a vegetative screen of native evergreen trees.

Bruce Smith, property owner, addressed the visibility and aesthetic concerns that have been raised. The property is at the end of a culdesac. The array is immediately north of the garage and directly in line with the garage with a view looking south. It is a lower density area. Reasons the site was chosen include erosion and drainage concerns. The three closest homes in Jughandle Estate subdivision vary from about 275-ft to just under 1,000-ft away from the solar panels. Of these homes, only one homeowner can see the solar panels directly from the end of their driveway but not from the house itself. It does not further hinder the viewshed to the south.

The property owner to the southwest is approximately 430-ft away and is mostly concerned by potential reflectance. They have agreed to mitigation through vegetative screening. The Ronay property to the west has not yet been built on; they are adamantly opposed to the solar array. The distance from the array to their proposed house footprint is about 500-ft with a 20-ft vertical drop. They would see the array when enter their driveway enroute to proposed homesite and perhaps from the second story. Overall, the solar panel array has a low impact on visibility due to the low density and topography. The site was chosen partially due to topography; the flatter site made for easier construction with minimal site grading. They would like time to express a response in writing to the letter from Julia Thrower.

Chairman Roberts opened the public hearing and asked for proponents.

Danielle Mockwitz, 12 Hams Lane, agrees with people who want their property to be protected.

Chairman Roberts asked for undecided.

David Kennedy, 12 Jughandle Place, resides north of site and met with the applicant as did the neighbor who lives closest. They walked the property. He originally wanted to move the solar array to a different location. However, moving the array to the east would make it significantly more visible to the neighbor immediately north of the site. Moving to the south would put the array on top of the hill. Thus, he concluded the best location is the current one. The proposed landscaping and berm plan is the best solution. Approval would be consistent with the adjoining subdivision.

Chairman Roberts asked for opponents.

Todd Silverman, 15 Flicker Road, stated the array is visible within his property, from the road, and from neighboring properties. The applicant did not get the required permit; installation occurred over a weekend. Rules were not followed. Magic Valley Electric should be responsible for cost of removal and relocation. Vegetation barriers or fencing would be unsightly and not a solution. This is an infraction of the CCRs which exist to protect property rights.

Kristi Pedersen, 16 Flicker Road, stated trees take a while to grow, die, and also blow down. A camouflage tarp is currently on top of the array. When upright, the array is very visible, including from her deck. No consideration of the neighbors was given prior to construction. They should be penalized and made to relocate the panels onto the roof.

Kathy Lomei [spelling unknown], 15 Flicker Road, stated the very large array is visible from her front yard and is an eye sore that does not belong in a residential area. The array is out of the owner's view but in view of many other property owners. She referred to the previously submitted petition in opposition. A berm would appear unnatural and would not hide it. How long would it take trees to grow to screen the site? The permitting process was bypassed. The solar panels should be relocated to the roof or east of the home. A conditional use permit is not needed for roof installation.

Thomas Ronay, Nampa and property owner of 40 Flicker Road, is currently building on his parcel. The properties were created in about 2000 with CCRs to make sure houses had building envelopes with no unsightly views or drainage issues. The CCRs increases the value of property and enjoyment of property. He does not want an industrial area corridor. Building permits were not obtained for the array. Although there is not a homeowner association, the CCRs are still valid. The property owner disregarded the CCRs. Berms would change the

topography and drainage of the property. The property owner has not explained why relocation is not viable. He referred to **Exhibit 6.**

Lori Ronay, owner of adjacent property, stated the array was illegally installed and does not fit surrounding area. It cannot be adequately screened. The applicant violated the CCRs and did not apply for all required permits. There are other location options out of view of neighbors.

Chairman Roberts asked for rebuttal from the applicant.

The applicant and property owners responded to testimony and addressed questions from Commissioners. The operational full height results in a 50° angle. The array is currently at a flatter spring / summer angle. The camouflage netting is a temporary solution to decrease contrast and visibility. She clarified that this was Magic Valley Electric's second solar panel installation in Valley County and first that required a conditional use permit. The other violations referred to by Commissioners and in testimony were by other companies. The array is connected to the public grid and supplies energy to the grid. The owner draws off both the grid and the solar array. If the array was moved to the east, it would be in complete 100% view of the panel. The owners to the west will likely see the array from their second-floor windows.

Chairman Roberts closed the public hearing. The Commission deliberated. The Commission does not administer CCRs; they are a civil matter between interested parties, including homeowner associations. The six "Standards of Approval" from VCC 9-5 were discussed.

1. *Will the application result in an increase in value of private property? VCC 9-5-2(B)(3).*

The use will result in an increase of the applicant's private property value.

2. *Will the approval of the application result in an undue adverse impact on the environment? VCC 9-5-2(B)(3).*

As long as building permit requirements are met and site plan grading obtain approval, there is no adverse impact. Reflection of panels can be an environmental impact. However, the applicant did state coating has been done to mitigate the reflection.

3. *Will the approval of the application result in an undue adverse impact on adjoining properties? VCC 9-5-2(B)(3).*

Additional mitigation needed was discussed. Coating will reduce glare. The property owners are willing to add berm and vegetation for screening. The biggest concern raised is opposition has been the unsightliness of panels. Mitigation works if the vegetation actually blocks the panels. At peak height, the array is 17 feet high. There was review of the site plan, pictures of trees, and further discussion. The fake trees staged in the picture were 6-ft and 9-ft tall. A 3 ft berm or rise in elevation with staggered 6-ft height trees would be adequate to mitigate the visibility of the array. The property owners are working with a landscape architect.

4. *Will the approval of the application result in an undue adverse impact on governmental services? VCC 9-5-2(B)(3).*

No impact.

5. *Is the application consistent with the Valley County Comprehensive Plan? VCC 9-5-2(B)(3).*

The Comprehensive Plan promotes the use of alternative energy. The solar array fits as long as applicant mitigates for the neighbors' complaints. The parcel is almost nine acres in size; this solar array would not fit on a 1-acre lot.

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).*

Chairman Roberts stated the conditional use permit was not secured prior to construction and the applicant knowingly still continued construction. Tax credit timeliness is responsibility of applicant not the Commission. Commission Mabe concurred that this is a valid concern. There was further discussion on precedent setting. Obtaining a conditional use permit is the remedy. Commissioner Schneider stated that the applicant and Commission have gone through a similar process than if the conditional use permit was applied for correctly. Thus, the Commissioners would come to same conclusion. Commissioners concurred that there has been much discussion, deliberation, and public comments resulting in fair and due diligence.

Commissioner Schneider moved to approve C.U.P. 25-032 McClellan/Smith Solar Panels with the stated conditions.

COA: Shall require a 3-ft raise in elevation topped with minimum 6-ft tall native evergreens staggered to conceal the array.

COA: If a tree dies, it must be replaced.

COA: Full concealment is required at time of planting trees.

Commissioner Mabe seconded the motion. There was further discussion on tree height and timeline. Chairman Roberts stated he would not support the motion. He agreed that the Commission would likely end up with the same results; however, it is problematic that the applicant did not follow proper procedure for a conditional use permit.

The motion carried on a 3-2 vote. The motion was supported by Commissioner Mabe, Commissioner Schneider, and Commissioner Potter. Chairman Roberts and Commissioner Oyarzo voted in opposition.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

There was discussion between Staff and Commissioners regarding changing the Valley County Code to enable a penalty or fine for knowingly violating the requirement to obtain a conditional use permit.

7:34 p.m.

2. **SUB 25-021 Hummingbird Haven Subdivision – Preliminary and Final Plat:** Bennett and Alexandria Childs are requesting a conditional use permit for a two-lot single-family residential subdivision on 6 acres. Proposed lot sizes are 1.3 acres and 4.7 acres. Individual septic systems and individual wells are proposed. Access would be from a shared driveway onto Ilka Lane, a private road. The site, addressed at 62 Ilka Lane, is parcel RP18N03E274204 in the NW ¼ Section 27, T.18N, R.3E, Boise Meridian, Valley County, Idaho. ***Tabled from February 12, 2026.*** Action Item.

Chairman Roberts introduced the item Commissioner Schneider moved to move SUB 25-021 Hummingbird Haven Subdivision from the table; Commissioner Potter seconded. Motion passed unanimously. Chairman Roberts asked if there was any exparte contact or conflict of interest; there was none.

Director Herrick presented the staff report. Chairman Roberts asked for the applicant's presentation.

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, 7 $\frac{3}{4}$ -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