



Cynda Herrick, AICP, CFM
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IDAHO

Planning & Zoning Administrator
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STAFF REPORT
Amendment to the Valley County Code
Minimum 1-Acre Lots

HEARING DATE: November 23, 2020
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
REQUEST: Modify Minimum Lot Size

The amendment would change Valley County Code 9-5C-2 back to the way it was prior to 2006. It will allow the minimum lot size of one acre for single-family subdivision lots that are serviced by individual sewage disposal systems (aka septic systems) and individual wells.

The Valley County Planning and Zoning Commission recommended approval on May 14, 2020. Minutes are attached.

The current Valley County Code 9-5C-2 states:

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:

a. An average lot size of two (2) acres where individual sewage disposal and individual water supply systems are proposed. This will allow clustering of one acre lots with dedicated open space. If an applicant can show that smaller average lot sizes are compatible with surrounding land uses then lot sizes can be decreased by the Planning and Zoning Commission.

The proposed modification will read as follows:

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:

a. One acre where individual sewage disposal systems and individual wells are proposed.

FINDINGS:

1. The Planning and Zoning Commission held a properly noticed public hearings on October 8, 2020.
2. Legal notice for the current public hearing was posted in the Star News on November 5, 2020. Potentially affected agencies, the Mountain Central Association of Realtors, and known local land surveyors were notified on October 21, 2020. The notice sheet was posted on bulletin boards at post offices and libraries in Cascade, Donnelly, McCall, and Yellow Pine and at the Board of County Commission meeting room door. The notice sheet was posted on the Valley County website under “Public Hearing Information” on October 21, 2020.
3. Response:

Central District Health has no objections to the proposal. (Sept. 15, 2020)

Sarah Arjona, Idaho Transportation Department, has no objection to the proposal. (Sept. 8, 2020)

ATTACHMENTS:

- Proposed Ordinance
- P&Z Meeting Minutes – October 28, 2020
- Responses

END OF STAFF REPORT

**VALLEY COUNTY
ORDINANCE NO: 20-____
Minimum One Acre Lots**

AN ORDINANCE TO PROVIDE FOR AMENDMENT TO VALLEY COUNTY CODE TITLE 9 ARTICLE C. RESIDENTIAL USES IN ORDER TO PROVIDE FOR A MINIMUM ONE ACRE LOT SIZE WHEN THERE IS INDIVIDUAL SEPTIC AND INDIVIDUAL WELLS AND REMOVE REQUIREMENT FOR AN AVERAGE OF 2 ACRES PER LOT; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, AS SHOWN IN A LEGISLATIVE FORMAT AS FOLLOWS:

ARTICLE C. RESIDENTIAL USES

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
 - a. One acre where individual sewage disposal systems and individual wells are proposed.
 - b. Twenty thousand (20,000) square feet where a central water supply system and individual sewage disposal systems are proposed.
 - c. Twelve thousand (12,000) square feet where a central sewage collection and disposal system and individual wells are proposed.
 - d. Eight thousand (8,000) square feet where both central systems are proposed.

NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this — day of _____, 2020, with an effective date being the date of publication.

Elting Hasbrouck, Chairman

Attest:

Douglas A. Miller
Valley County Clerk

Valley County Planning & Zoning Commission

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



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Johanna Defoort, Chairman
Scott Freeman, Vice-Chair

Brian Benton, Commissioner
Ray Cooper, Commissioner
Neal Thompson, Commissioner

MINUTES

Valley County Planning and Zoning Commission
October 8, 2020
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

P&Z Commissioner – Brian Benton:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort:	Excused
P&Z Commissioner – Scott Freeman:	Present
P&Z Commissioner – Neal Thompson:	Excused
P&Z Administrator – Cynda Herrick:	Present
P&Z Technician – Lori Hunter:	Present

B. MINUTES: Commissioner Cooper moved to approve the minutes of September 10, 2020. Commissioner Benton seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 19-19 Powell Mechanic Shop – Compliance Review:** Michael Powell received a conditional use permit to establish a mechanic shop in 2019. The approval stated that a public hearing would occur in October 2020 to determine if the applicant is in compliance with the conditional use permit. The 2.6-acre site is addressed as 37 Goslin Loop and is Ben Goslin 3 Tax # 46 In Lot 49 located in the SW Section 16, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Vice-Chairman Freeman introduced the item and opened the public hearing. Vice-Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Vice-Chairman Freeman explained the ten-day appeal period to the Valley County Board of Commissioners.

3. C.U.P. 20-25 Ahlquist Shooting Range: Tommy Ahlquist of AB West Mountain Holdings LLC is requesting approval for an outdoor private shooting range. The range would be used by AB West Mountain Holdings and their guests, 10 days per month maximum. The firing field would be towards the east. A 336 sqft structure would be added to the site. Access is from existing driveway off West Mountain Road, a public road. The 630-acre site is addressed as 3324 West Mountain Road. It contains parcels RP17N02E120762 and RP17N02E0784 in Sections 1 and 12, T.17N, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

Withdrawn by Applicant

4. Ordinance Amendment – Minimum 1-Acre Lots: The proposed amendment would modify Valley County Code 9-5C-2 lot size requirement for single-family subdivisions that use individual sewage disposal systems (aka septic systems) and individual wells to a minimum of one acre. *Action Item.*

Vice-Chairman Freeman introduced the item and opened the public hearing.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report. This ordinance amended was started at the request of the Board of County Commissioners.

The Commissioners asked Staff questions. Lot sizes would still need to be compatible with surrounding areas and meet septic requirements. The Valley County Code currently requires an average of two-acre lots. Commission Cooper is concerned about increase density and wildfires. Administrator Herrick said that developers have not been taking advantage of the ability to cluster density and have open space within subdivisions. The compatibility evaluation was discussed. Question # 5 asks, "is the size or scale of proposed lots and/or structures similar to adjacent ones?"

There was no one in the audience to comment.

There was no one who wished to testify telephonically.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated. There was discussion about development in the wildland urban interface with the small lots and potential for more fires. Also discussed weeds on larger lots.

Commissioner Cooper moved to recommend Ordinance Amendment – Minimum 1-Acre Lots to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # _____

Conditional Use # Ordinance Amendment 40

Preliminary / Final / Short Plat Valley Co. Code 9-5C-2
Minimum 1 acre lots



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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
14. _____

Reviewed By: [Signature]
Date: 9/15/20

Ordinance Amendment - Minimum 1 Acre Lot

D3 Development Services <D3Development.Services@itd.idaho.gov>

Tue 9/8/2020 10:45 AM

To: Cynda Herrick <cherrick@co.valley.id.us>; Lori Hunter <lhunter@co.valley.id.us>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
ITD has no objection to the proposed ordinance amendment.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Lori Hunter <lhunter@co.valley.id.us>

Sent: Wednesday, September 2, 2020 8:24 AM

Cc: treinhardt@cmchd.org; Suzanne @ CDH <smack@cdh.idaho.gov>; Heather Soelberg <clerk@cascadeid.us>; Lori Clemens <lclemens@cityofdonnelly.org>; BessieJo Wagner <bwagner@mccall.id.us>; DEQ Alicia Martin <alicia.martin@deq.idaho.gov>; IDFG - Bill Bosworth <bill.bosworth@idfg.idaho.gov>; IDL - Scott Corkill <scorkill@idl.idaho.gov>; idl_jurisdictional@idl.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Erika Bowen <Erika.Bowen@itd.idaho.gov>; Durena Farr <durena.farr@id.nacdn.net>; Patti Bolen <pbolen@co.valley.id.us>; mckenzie@micaelmckenzieinc.com

Subject: [EXTERNAL] Agency Notice for PZ meeting - October 2020

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Please read, distribute, and comment on the attached public hearing notices. Relevant maps, site plans, etc., will also be attached. More information will be available at www.co.valley.id.us/public-hearing-information/

Send comments to: cherrick@co.valley.id.us

Lori Hunter, P&Z Technician
Valley County Planning & Zoning Dept.
Phone: 208-382-7115
Fax: 208-382-7119
lhunter@co.valley.id.us

The smallest good deed is greater than the grandest intention.

Visit the P&Z GIS map at www.co.valley.id.us/departments/information-technology/gis-maps/