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STAFF REPORT
Amendment to the Valley County Code
Ordinance Amendments

HEARING DATE: June 28, 2021
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
REQUEST: Revisions to Valley County Code

BACKGROUND:

Modifications to the Valley County Code to clarify ordinance language concerning:

- addressing
- building codes appeals for the McCall Impact Area
- dwelling unit definition
- residential business definition
- sign standards
- lot splits within the designated floodplain
- short plat definition
- shared drive variance
- fiber optic conduit requirements
- public road requirements and maintenance levels
- definition of subdivision in Title 11-1-2.

FINDINGS:

1. The Planning and Zoning Commission recommended approval of the proposed amendments at a legally noticed public hearing on May 13, 2021.
2. Legal notice was posted in the Star News on June 3, 2021 and June 10, 2021. Potentially affected agencies were notified on May 27, 2021. The notice sheet was posted on bulletin boards at post offices and libraries in Cascade, Donnelly, McCall, and Yellow Pine. The

notice and proposed changes were posted on the Valley County website “Public Hearing Information” on May 27, 2021.

3. Responses received:

Idaho Transportation Department (ITD) does not object to the proposed zoning amendment as it pertains to local roadways. Roadways under the jurisdiction of ITD will still be required to meet ITD standards and requirements. (June 2, 2021)

Central District Health has no objections. (May 28, 2021)

ATTACHMENTS:

- Proposed changes to Valley County Code.
- Planning and Zoning Meeting Minutes – May 13, 2021

END OF STAFF REPORT

Purpose: The purpose of this amendment is to clarify that the address is assigned from where the driveway is located on a road.

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Title 5 Chapter 4

5-4-8 B 2.c All addresses shall be assigned on the road upon which the structure fronts ~~driveway enters~~. When vehicular access is used from a point other than the road frontage, the number shall be placed so as to be visible from the fronting side of the building. Typically, the entrance to the property determines frontage.

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~~Purpose: The purpose of this amendment is to require a building permit for fences over 6' in height.~~

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Purpose: The purpose of this amendment is to allow the City of McCall Appeals Board to act as the appeals board in the area of city impact for the City of McCall.

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Title 7 Chapter 1 McCall Area of City Impact

7-1-3: McCALL PLANNING AND ZONING, SUBDIVISION AND DEVELOPMENT AND BUILDING ORDINANCES:

B. Ordinances listed in subsection A of this section have subsequently been amended by county ordinances as listed in section [7-1-5](#) of this code.

C. All final decisions, including legislative matters and quasi-judicial matters, made in the McCall area of city impact are appealable to the Valley County board of commissioners as the governing board, ~~except building code/inspection appeals will be heard by the City of McCall Board of Appeals~~. This portion of the ordinance codified herein shall take precedence over any other section of the adopted Valley County codes that may be in conflict with this jurisdictional matter. Moreover, any specific power which is constitutionally reserved to the county or city and which may be in contradiction with the McCall city code or Valley County code shall remain reserved with the county or city and shall be severable from the McCall or Valley County codes without invalidating the same. (Ord. 16-03, 3-21-2016)

Purpose: The purpose of this amendment is to better define Dwelling Unit, Recreational Vehicle, and Residential Business.

Title 9 Chapter 1 Definitions:

DWELLING UNIT: The descriptive unit of measure for determining residential use and density. It may be a single building or part thereof which provides for the full living facilities of one or more persons. Includes:

- A. Single-family detached dwelling.
- B. Single-family attached or clustered multi-unit component such as a duplex or condominium.

C. Mobile home on any sort of foundation, travel trailer, recreational vehicle or preconstructed modular unit on any temporary sort of foundation, which meets the above criteria.

D. Recreational Vehicle that is placed on any sort of foundation, if the wheels have been removed, and is not licensed for over the road travel, and, which meets the above criteria. If on a foundation or wheels have been removed, a license for over the road travel does not relieve the RV from meeting the definition of Dwelling Unit.

E. Three Recreation Vehicles equate to one dwelling unit for density calculations.

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RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. See Idaho Code 39-4201(2).

RESIDENTIAL BUSINESS: A business owned and operated by the occupant of a residence, located on the same lot or parcel as the residence, which retains the residential character. Restrictions will be applied to ensure the residential character is retained. Restrictions may include:

- A. Limit ~~on~~ the number of employees working on the premises to a maximum of two;
- B. Limit ~~on~~ working hours from 8:00 am to 7:00 pm, Monday through Saturday;
- C. Operational requirements to lessen impacts on nearby properties, such as requiring doors and windows to be closed to lessen noise is required;
- D. Limit ~~on~~ heavy truck traffic to one visit per day;
- E. Limit on traffic volume to two vehicles per day;
- F. Limit on the total square feet or on the percentage of the total property that can be devoted to business use is less than 50%;
- G. Limit or prohibition of outdoor storage or display unless screened; and
- H. Limit on size or bulk of buildings to be the same as a single family residential type of use.

Purpose: The purpose of this amendment is to better describe prohibited signs and increase the type or prohibited signs in the standards.

Title 9 Chapter 7 Sign Standards

9-7-6.C Requirements: All signs within the unincorporated areas of the county shall conform to the following requirements:

1. Flags, Rotating Beam, Beacon Or Flashing Illumination: No rotating beam, beacon or flashing illumination that may resemble an emergency light shall be used with any sign display. There shall be no blinking, rotating or moving parts or components on temporary or permanent signs. Signs shall not have pennants, balloons, flags, or portable signs or wheeled trailers. Moving parts is defined as flags, feathers, or other devices that are meant to attract attention or acts as a signal or waves. However, one open flag is allowed per business so long as it is not larger than 3' x 5'.

Purpose: The purpose of this amendment is to clearly align the Valley County Code with the National Flood Insurance Program and their requirements; state public road maintenance levels are set by the Board of County Commissioners; there is an adequate road system for access, adjust limits of a Short Plat; provide shared driveway requirements; and, require conduit placement for fiber optics in all subdivisions with new roads.

Title 10

10-1-3.C Exceptions: The following division of land shall not be deemed a subdivision for land use purposes, but must comply with Title 11 of the Valley County Code – Flood Control:

1. A readjustment of lot lines as shown on a recorded plat or the assessor's plat which does not result in a violation of the setbacks or dimensional standards of the Valley County land use and development ordinance or any covenant pertaining to said plat, and does not increase the number of building sites.
2. An easement providing rights for ingress and egress, utilities, or drainage for one building site across any portion of a parcel of land, which does not transfer title to any portion of the parcel.
3. A division of land for financing or mortgage purposes only where the entire parcel remains in one ownership.
4. Allocation of land in the settlement of an estate of a decedent as provided in a will or a court decree for the distribution of property in the settlement of an estate of a decedent.
5. A division of land into parcels (containing) twenty (20) acres or more.
6. Allocation of land for a pathway that can be used by the public.
7. Any acquisition or division of land by a public agency. (Ord. 10-07, 8-26-2010)
8. Separation of lots to their original configuration from a previously platted subdivision shall be allowed so long as it does not create a violation of setbacks. This includes lots that were combined by the assessor for taxing purposes only. (Ord. 13-5, 9-16-2013)

10-3-1.C Short Plat: A short plat can be approved for up a parcel of land containing four (4) to ten (10) lots. A full plat will be required for ten (10) or more lots. A conditional use permit is required.

10-4-4 Streets:

Any parcel of land that is intended to be used, or is actually used, to provide vehicular access to more than one building site, whether said street is public or private and whether the parcel is set aside by deed, easement, or other means, unless an administrative variance is allowed for a shared driveway to adjacent properties, both all having the required frontage on an existing street if in a platted subdivision or a legal parcel, is in the best interest of all parties involved due to unusual circumstances or topographic reasons, as determined by the administrator.

Administrative variances cannot be given for more than three (3) building sites and shall at a minimum require the shared driveway to be built to the satisfaction of the fire department and have a shared driveway agreement.

10-5-1.A Installation Required: Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).

10-5-1.B Acceptance By County: The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the maintenance level for any public road; the maintenance level can be changed. Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

10-5-1.E. Connection To Public Road Required: The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with a minimum standard of Category C road as determined by the Valley County Road Superintendent, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard of a Category C road as determined by the Valley County Road Superintendent.

When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

Purpose: The purpose of this amendment is to clearly align the Valley County Code with the National Flood Insurance Program and their requirements Title 11 Flood Control

11-1-2 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted according to the meaning they have in common usage and to give this chapter its most reasonable application.

Subdivision: any division of land.

C. Standards For Floodplains Without Established Base Flood Elevations: Within the special flood hazard areas designated as Zone A (also known as unnumbered A Zones) and established in subsection 11-1-3B of this chapter, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of subsection A of this section, shall apply.

The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

3. Any division of land including Aall subdivisions, manufactured home parks, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with subsection 11-1-3B of this chapter and utilized in implementing this chapter. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to preliminary plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued.

Valley County Planning & Zoning Commission

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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

May 13, 2021

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 Director	– Cynda Herrick:	Present
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:	Arrived at 6:12 p.m.
P&Z Technician	– Lori Hunter:	Present

A quorum was present.

B. MINUTES: Commissioner Benton moved to approve the minutes of April 8, 2021. Commissioner Freeman seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

The public hearing for VAC 21-02 was moved to later in the evening as the applicant was delayed.

- 1. C.U.P. 21-08 Dunn Camp Site:** Kenneth Dunn is requesting approval of a conditional use permit for a Recreational Vehicle Campground to allow multiple RVs and tents to be used for recreational purposes. The campsite will be for personal use and will not have any commercial use. The applicant anticipates church groups approximately twice per year. In addition, family and friends would be onsite approximately two times per year. An individual well, RV holding tanks, and porta-potties would be used. The 8.13-acre site is addressed at 9734 Neeps Mill Road and is Smiths Ferry 3 Subdivision Lot 61, Block 7, in the NE ¼ Sec. 10, T.11N R.3E, Boise Meridian, Valley County, Idaho. Action item.

He does not want to build a fence along the entire property border. The buried pipe easement is no longer in use.

The 1-acre lot size was chosen as they want to build homes that are in high demand and more affordable to residents.

Commissioner Cooper is concerned about the groundwater aquifer for the area.

Vice Chairman Cooper asked for proponents. There were none.

Vice Chairman Cooper asked for undecided. There were none.

Vice Chairman Cooper asked for opponents. There were none.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated. This is a much-needed development. Affordable property is needed in the area.

Commissioner Freeman moved to approve C.U.P. 21-10 Pearson Landing with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

Vice Chairman Cooper stated there is a ten-day appeal period to the Valley County Board of Commissioners.

7:18 p.m.

4. Ordinance Amendment – Revisions to Valley County Code: Modifications to the Valley County Code would clarify ordinance language concerning addressing, building codes appeals for the McCall Impact Area, dwelling unit definition, residential business definition, sign standards, lot splits within the designated floodplain, short plat definition, shared drive variance, fiber optic conduit requirements, public road requirements and maintenance levels, and the definition of subdivision in Title 11-1-2. Action Item.

Vice Chairman Cooper introduced the item and opened the public hearing. Vice Chairman Cooper asked if there were any conflicts of interest. There was none.

Vice Chairman Cooper asked for the Staff Report. Staff presented the staff report. These are the same changes discussed last month during the work session.

- Addressing
- McCall Impact Area appeals for building codes
- Dwelling Unit definition
- Residential business definition
- Sign Standards – Flags. One “OPEN” flag allowed per business; maximum size of 3-ft x 5-ft. No “feathers” or rotating beacons or moving parts allowed.
- Lot splits must comply with Title 11 of the Valley County Code – Flood Control. Base-flood elevations must be determined if any of the property is within a floodplain.

- Short Plat can be approved for up to 10 ten lots. A full plat will be required for 10 or more lots.
- Shared Drive Variance – An administrative variance is allowed for a shared driveway serving three or less residences with fire department approval and a recorded shared driveway agreement.
- Fiber optic conduit requirements within platted subdivisions
- Public road requirements and maintenance level to be specified by Valley County Board of County Commissioners. This is to address future developments and require Category C road to access future subdivisions.
- Definition of Subdivision in Title 11-1-2. Any division of land, including all subdivisions, manufactured home parks, and other development proposals, requires a base flood elevation for division of 5 acres or 50 lots. Federal Emergency Management Agency. (FEMA) defines “subdivision” as any division of land. This change is required to maintain compliance with FEMA and flood insurance.

Vice Chairman Cooper asked for proponents. There were none.

Vice Chairman Cooper asked for undecided. There were none.

Vice Chairman Cooper asked for opponents. There were none.

There were no comments from the audience or telephonically.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated.

Commissioner Benton moved to recommend approval of the ordinance amendments to the Board of County Commissioners. Commissioner Freeman seconded the motion. Motion carried unanimously.

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

D. OTHER ITEMS:

- 1) **Ken Purdom wants to replace two old mobile homes with two new houses on one parcel (RP16N03E050605). Does he need a conditional use permit or is this an existing use? Action Item.**

Pictures were submitted. These two old homes are used by workers; Mr. Purdom wants to replace them with new structures. There will be two new septic systems. These predated the ordinance requiring a conditional use permit for multiple residences on one parcel.

Commissioner Benton moved to allow the property owner to demolish the existing mobile homes and replace them with new homes without a conditional use permit. Commissioner Thompson seconded the motion. Motion carried unanimously.