



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

Planning & Zoning Administrator  
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## STAFF REPORT

### Appeal of Administrative Decision Signage and Grandfathered Usage

**MEETING DATE:** February 11, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPELLANTS:** Lance and Marissa Heindel  
**Clear Creek Station**  
**10694 Highway 55**  
**Cascade, ID 83611**  
**LOCATION/SIZE:** CLEAR CREEK R.V. PARK AND "CLEAR CREEK INN"  
LOCATED AMENDED TAX NO. 13 IN GOV'T. LOT 4 S4  
T12N R4E, 7.62 ACRES

The appellants are appealing the staff decision that the OPEN flags and BANNERS advertising specials are not a grandfathered or non-conforming uses that predate June 27, 1994, with subsequent amendments. (attached)

Clear Creek Station is a restaurant, bar, convenience store and RV park (grandfathered uses). The Assessor's office has documented (1) manufactured home space, 24 RV sites with water, sewer, and electric hook-ups, and 19 RV sites with electric only.

Attached are pictures of the various signs taken on February 4, 2020.

### FINDINGS:

1. This matter was placed on the Valley County Planning and Zoning Commission agenda in a timely manner as requested by the appellant. It was advertised in the Star News on January 21, and January 28, 2021. Notice of meeting was sent to appellant on January 8, 2021.
2. On December 8, 2020, the Valley County Planning and Zoning Administrator stopped at the Clear Creek Station, in person, to introduce herself and drop off a business card with the intention of letting the new owner know that Clear Creek Station is a grandfathered use and that changes might trigger the need for a conditional use permit. Matters discussed were an expansion of RV sites, possible gas pumps, and signage.
3. Appeal of Staff Decision dated December 27, 2020 (attached), with the following issues:

- Purchased Clear Creek Station on October 1, 2020. They were specifically told by previous owners to not make any changes to the flags, they are part of the grandfathered signage.
  - A precedence was set when the previous owners were allowed to fly their flags, but had to take down pennants, fourteen years ago.
  - Valley County has no code enforcement officer so administrative decisions are subjective and arbitrary.
  - VCC 9-7-1 does not specifically prohibit flags, which are not pennants.
  - Staff coming to their business and make statements such as, "Before you make any changes to the park, you need to get permits and approval through our office".
4. Staff Letter dated December 9, 2020 with applicable ordinances and appeal procedures.
5. Correspondence that Ensued from the on-site meeting:
- (1/8&9/2020) E-mails between staff and Lance Heindel concerning verbiage from the ordinance.
6. Historical Sign Permits: Pictures and applications attached.
7. Historical Documentation: pictures, etc. of grandfathered structures and uses.

**ATTACHMENTS:**

- Pictures of Signs Taken on February 4, 2021
- Sign Standards with Highlighted Areas
- Appeal dated December 27 and received December 31, 2020
- Staff Letter dated December 9, 2020
- Correspondence that Ensued from the on-site meeting
- Historical Sign Permits: Pictures and applications attached
- Grandfathered Information

**END OF STAFF REPORT**

**A COMPLETE COPY OF THE RECORD IS AVAILABLE FOR REVIEW  
AT THE PLANNING AND ZONING COMMISSION OFFICE.**



OPEN Flag Not Allowed



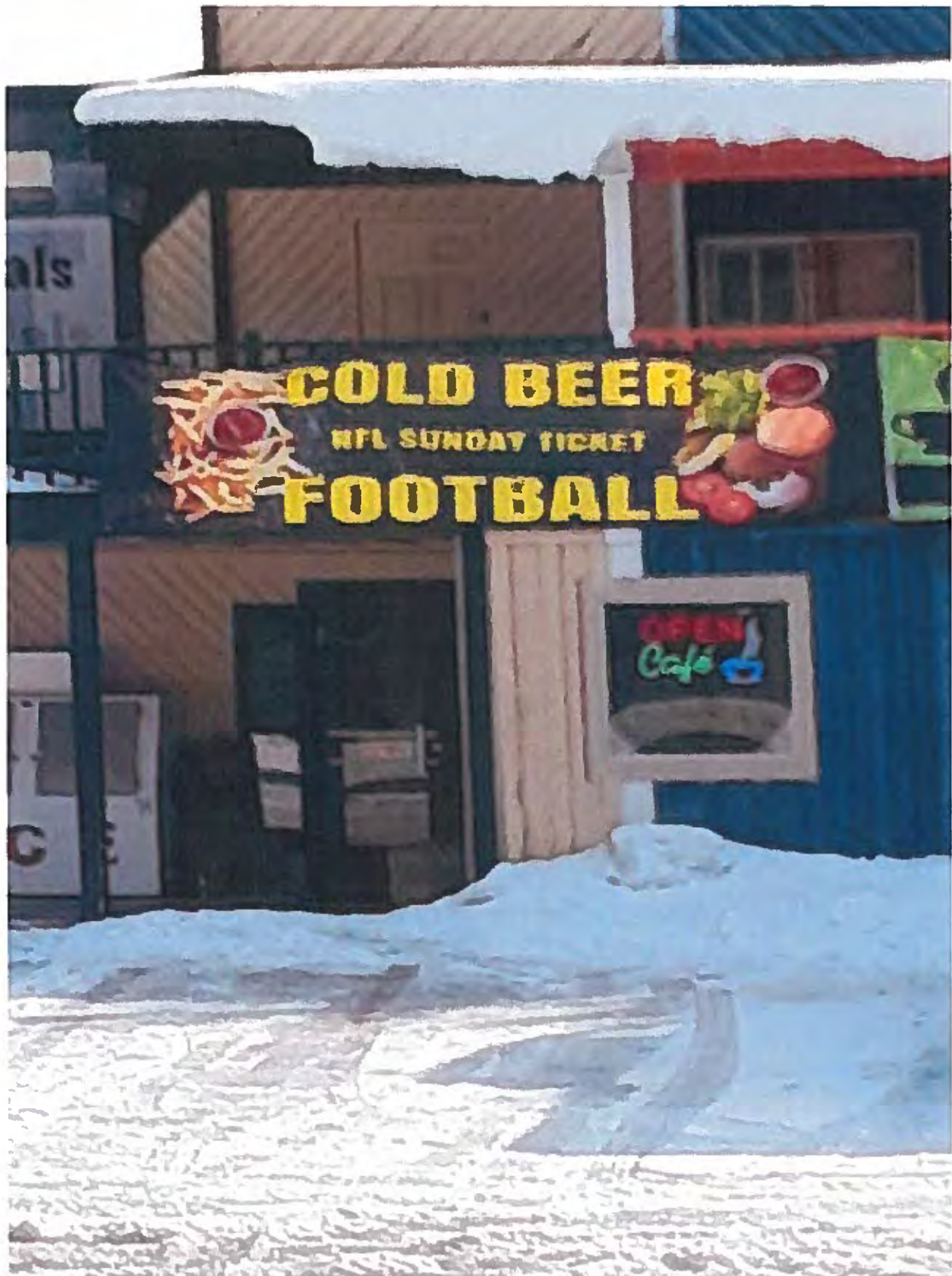


Banners Not Allowed



← Banner  
Not  
Allowed





*Banners Not Allowed*

## CHAPTER 7

### SIGN STANDARDS

#### SECTION:

- 9-7- 1: Purpose
- 9-7- 2: Scope
- 9-7- 3: Definitions
- 9-7- 4: Exemptions
- 9-7- 5: Procedure
- 9-7- 6: Standards
- 9-7- 7: Land Use Standard For Signage
- 9-7- 8: Existing Nonconforming Signs
- 9-7- 9: Enforcement
- 9-7-10: Fees

#### 9-7-1: PURPOSE:

- A. Purpose: The purpose of this chapter is to provide maximum visibility for safety purposes along roadways, maintain unobstructed views at intersections and prevent undue distractions to vehicle operators by preventing confusion at or near traffic signs and signals and along corridors.
- B. Intent: It is also the intent of this chapter to preserve the rural character by not allowing flashing, shiny plastics, reader boards or outsize billboards but to encourage artistic design and creativity through simple effective signage. Therefore, the intent of this chapter is to promote rural character and not a city center appearance in the open valleys and open corridor areas while allowing a village appearance in designated areas. Furthermore, the intent of this chapter is to require preplanning of select signage and promote artistic license within the same size limit and similar location for less confusion and clutter. Signs meeting this intent will act as a signature block for creative expression but not an advertising billboard. This chapter contains sign standards for uniform but creative signage. The pride of ownership and entrepreneurship is

encouraged by artistic signage in the community. Residents and tourists will notice the improvement this makes to the general appearance of the county. (Ord. 10-06, 8-23-2010)

**9-7-2: SCOPE:**

- A. The scope of this chapter is to adopt policies and procedures to review signs in the unincorporated portions of the county. This document will enable staff to review the erection, design and materials of signs and to promote quality and safety due to a lack of confusion on the roadway.
- B. Compliance with this chapter will ensure the safe construction of sign structures by regulating the design, quality, construction methods, locations, electrification and maintenance of signs and sign structures not located within a building. (Ord. 10-06, 8-23-2010)

**9-7-3: DEFINITIONS:**

**NONCONFORMING  
SIGN:**

Any sign, sign structure or use of sign existing before enactment of this title that does not conform to the standards cited by this title.

**OFF PREMISES OR  
OUTDOOR  
ADVERTISING SIGNS:**

Any sign that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than the sign location.

**ON PREMISES SIGNS:**

Any sign or advertising structure whose message identifies the property on which the sign is located, its owner or tenant, or directs attention to an offer for sale, lease or rent of said property, or warns the public as to danger, or trespassing thereon, or directs the public upon said property, or informs the public as to current or proposed use of the property, or recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property. (Ord. 10-06, 8-23-2010)



9-7-4: **EXEMPTIONS:** Signs exempted from county permit requirements are as follows:

- A. **Directional Or Informational Signs:** Directional or informational signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, etc.).
- B. **Memorial Signs Or Tablets:** Memorial signs or tablets displaying names of buildings and dates of erection, when cut into the surface or facade of the building.
- C. **Signs Required By Law Or Serve Public Interest:** Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warnings of temporary emergencies, construction zones, presence of underground cables, utility signs, and similar signs installed on public property and are owned and maintained by county, state, or federal agencies or a public utility company.
- D. **Signs Or Banners For Nonprofit Community Or Civic Events:** Signs or banners that bear no product advertising and announce nonprofit community or civic events. Such signs or banners shall be removed within seven (7) days following the event.
- E. **Signs Visible Only On Parcel Where Found:** A sign that is visible only from within the parcel on which it is found.
- F. **Signs Within Limits Of Municipality:** Signs to be built within the limits of a municipality.
- G. **Identification Signs:** Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (for instance: FHA, HUD, FMHA, low cost housing, senior citizen center, etc.) and other individuals or firms involved with the construction. This shall not include any advertisement of any product, or signs announcing the character of the building enterprise or the purpose for which the building is intended, or use of the project. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the beginning of the intended use of the project.

- H. Homeowner Locator Signs: Homeowner locator signs placed at intersections are traditional in the county and are allowed if each sign is not more than one square foot per face and the mounting device is located off public road rights of way. Such signs shall be kept in good repair.
- I. Signs Advertising Sale, Rental Or Lease Of Real Property: Signs advertising the sale, rental, or lease of real property or part of the real property on which the signs are displayed up to a total area of thirty two (32) square feet per face. The number of signs shall be limited to one sign per parcel up to and including forty (40) acres, or not more than one sign per frontage. All such signs shall be confined to the property to which they apply. Such signs shall be removed within fourteen (14) days after the sale, rental or lease. However, permanent signs advertising rental units are not permitted on a permanent basis unless the business has been issued a conditional use permit.
- J. Political Signs: Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of thirty two (32) square feet for each premises. Such signs shall be confined to private property and removed within fourteen (14) days after the election for which they were intended.
- K. Show Window Signs: Show window signs in a window display of merchandise when incorporated with such a display. (Ord. 10-06, 8-23-2010)

9-7-5: **PROCEDURE:**

- A. Permit Required: A permit is required before any sign regulated by these provisions is displayed or built on any premises in this jurisdiction.
- B. Application Form:
  - 1. Contents: Applications shall be made on forms provided by the county planning and zoning department. The content of the application shall be as required herein and shall include all of the information needed to complete the application form, supplementary drawings of the sign plan, and any other information needed to complete the application review.

2. Fee: The application shall be accompanied by the fee set forth in section 9-7-10 of this chapter.

C. Sign Plan: A sign plan shall be included with the application and shall contain at least the following information:

1. Information requirements:

a. Materials to be used in manufacturing and constructing the sign.

b. Sign size, message size or field of lettering, and proportions.

c. Lettering size or graphic style.

d. Design features other than lettering such as symbols, logos, etc.

e. Color scheme.

f. Lighting, if proposed.

g. Location of each sign on the building(s) and/or property.

2. Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scales may be used.

3. The sign plan shall be a simple layout reviewed for compliance with standards and artistic merit.

4. Artistic merit shall be seen in two (2) categories:

a. Display skill of handiwork, line work and mechanics.

b. Exhibit quality and design in signage layout and lettering.

D. Application Review: The sign permit application will be accepted when the completed forms, including a sign plan and fee are submitted to the planning and zoning office in person or by mail. The application will be reviewed by office personnel (staff) within seven (7) working days of acceptance of a complete application. The permit will be either approved or denied based upon compliance with provisions herein. If the application is denied, staff will include a written statement of the specific reasons for denial. The applicant



may correct the application and request another review by staff. The applicant may appeal any action of staff regarding the review of an application to the planning and zoning commission according to section 9-7-9 of this chapter.

- E. **Permit Issued:** When staff has completed the review of the application and has found that the proposal complies with the provisions herein, staff will promptly approve the permit. Staff will notify the applicant by phone or mail. The applicant may then construct, build and display the sign and shall notify staff that the work approved by the permit has been completed. (Ord. 10-06, 8-23-2010)

9-7-6: **STANDARDS:**

- A. **Regulation By County:** The county will regulate the size, amount and location of signage as provided by this title.
- B. **Discussed In Comprehensive Plan:** Signs are also discussed in the comprehensive plan under the community design section of the plan.
- C. **Requirements:** All signs within the unincorporated areas of the county shall conform to the following requirements:

*Moving Parts* { 1. **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 or portable signs or wheeled trailers.

2. **Responsibility To Remove When Use Discontinued:** It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety (90) days. If a onetime event, the removal of signs shall take place within seven (7) days after the event closure.

3. **Preview Sign:** If a preview sign has been erected for a future use, it shall be for a business that has received a conditional use permit to operate and meet the provisions of this chapter. If the use is permitted, the preview sign must also meet the requirements of this chapter.

4. Size: The size shall be not greater than a thirty two (32) square feet per face, for example: that of four feet by eight feet (4' x 8'). Cut out or molded letters, or advertising when applied to buildings, shall not be greater than a thirty two (32) square foot field on the building. In designated city areas, the size can be increased to forty eight (48) square feet per face if located a minimum of eighty feet (80') from the centerline of the highway; or, up to sixty four (64) square feet, if over one hundred thirty feet (130') from the centerline of the highway. The area of all signs shall not be greater than twenty percent (20%) of the area of the side of the building where the sign is attached.

5. Permanent Signs: Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent. Signs may be painted, sandblasted, carved or constructed by other technically feasible methods. Shiny metal or shiny plastic signs shall not be allowed. Unnatural colors such as neon, fluorescent, etc., shall not be allowed.

6. Design: The design shall incorporate a well thought out layout design with clean lines and an uncluttered appearance.

7. Construction: The sign construction shall be completed in a workmanlike manner.

8. Message: The message may include: service, business, owner name, address, telephone number, a logo, or graphic illustration of the product(s) or service(s) offered.

9. Ground Mounted Signs: On ground mounted signs, the top of the signs shall be mounted not more than ten feet (10') off the ground. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The total height of the mounting structure shall be no greater than twelve feet (12'). The sign shall be placed a minimum of ten feet (10') from the property line, unless characteristics of the site require less. The intent is to keep the sign within the vision triangle of the motor vehicles. Special attention must be given to the placement of signs near intersecting roads to assure there is no obstruction of vision from any vehicle. Special consideration can be given to the height and placement of the sign when the view of the driver will be blocked, i.e., buses or motor homes, or is subject to damage from snow removal or road maintenance.

open is  
none of these

10. Number Of Signs Limited: No more than three (3) permanent signs may be placed at a given land use. One sign is allowed on the building. One two-way sign, or two (2) one-way signs facing each direction, is allowed in the land use area.

11. Commercial Malls Or Planned Unit Developments: For commercial malls or planned unit developments (industrial or commercial or a combination of land use), not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as a land use and occupant identification sign. A projecting or a swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.


12. Placement Upon County Street Or Right Of Way: No sign or sign structure, for any purpose other than approved county, state and federal signs, shall be placed upon any county street or highway right of way. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.

13. Mixed Use District: In the county, a mixed use district, buffering impacts of signage will still be a conditional use permit process.

14. Flashing Signs Placed Inside Window: If placed inside a window, flashing signs must be not less than three hundred feet (300') from any residentially zoned lot. Distance shall refer to the linear measurement in any direction with relation to the street that the sign faces.

15. Projection Above Roofline: At no time shall a sign or portions of it be allowed to project above the roofline of the building on which the sign is mounted.

16. Off Premises Or Outdoor Advertising Signs: Off premises or outdoor advertising signs are prohibited in the unincorporated areas of the county.



17. Signs Not Regulated: An application for any sign or advertising display or structure for which no specific regulation appears in this chapter shall receive appropriate planning and zoning and building department staff review as outlined in this chapter and this title, if not exempt.



18. Illumination: Signs may be illuminated by shielded or directed light sources and shall comply with section 9-5B-2 of this title.

19. State Highway 55 Or Byway 55: Any signs placed along State Highway 55 or Byway 55, a scenic byway, must meet the standards of the department of transportation and the county.

20. Off Premises Directional Signs: Off premises directional signs for approved uses, not including subdivisions, can only be located at key intersections in the public right of way. The off premises directional signs can be a maximum of eighteen inches by thirty inches (18" x 30"). They must be placed on four inch by four inch (4" x 4") wood posts, the existing signpost, or breakaway steel posts as approved by the road department. The location of the post in the right of way and height of the sign will be reviewed on an individual basis. In the event that too many signs are located at an intersection, the county can require collocation of signs on any of the posts previously approved or may require consolidation of signs in a standardized kiosk. The road department shall approve all off premises directional signs with regard to public safety, snowplowing, and preservation of the sign. (Ord. 10-06, 8-23-2010)

**9-7-7: LAND USE STANDARD FOR SIGNAGE:**

- A. Agricultural use: One two-way or two (2) one-way identification signs, each not to exceed thirty two (32) square feet per face.
- B. Residential subdivision entry(ies): One identification sign at two (2) entries, not to exceed thirty two (32) square feet per face.
- C. **Commercial businesses:** One two-way or two (2) one-way identification signs, each not to exceed thirty two (32) square feet per face or other sign size limitations. When two (2) businesses are located at the same site, additional signage shall be approved as part of the conditional use permit.
- D. Recreation or forestry use: One identification sign, not to exceed thirty two (32) square feet per face.
- E. Residential use: One identification sign, not to exceed six (6) square feet per face, and shall be exempt from permit requirements. (Ord. 10-06, 8-23-2010)

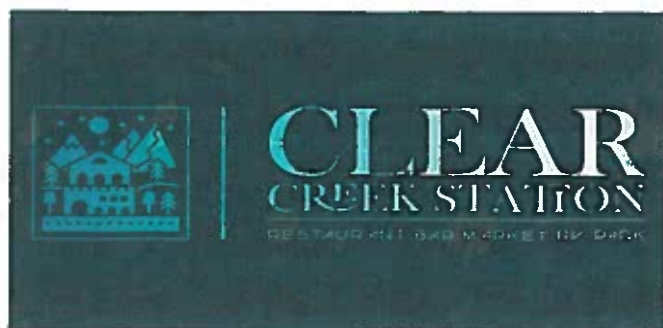
**9-7-8: EXISTING NONCONFORMING SIGNS:**

- A. Preexisting Nonexempt Signs: A permit will be required for any nonexempt sign existing in the county on June 27, 1994.
- B. Conforming Signs: If the sign is conforming, a permit shall be issued.
- C. Grandfathered Sign Permit: If the sign is nonconforming, a grandfathered sign permit shall be issued. This permit shall allow the sign, which was made nonconforming by the adoption hereof, to remain in place and be maintained. The nonconforming elements cannot be increased. A sign will no longer be grandfathered if a conditional use permit is required for a change in use. (Ord. 10-06, 8-23-2010)

**9-7-9: ENFORCEMENT:**

- A. Authority To Enforce: The planning and zoning administrator and the building official are hereby authorized and furthermore directed to enforce the provisions of this chapter. Enforcement provided for violations of this chapter shall be as provided for in chapter 2 of this title. The procedure for handling a violation of this chapter will be the same as any planning and zoning violation.
- B. Abandoned Use Signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premises. The owner shall be notified, by mail, to remove the sign within thirty (30) days or shall be subject to chapter 2 of this title. (Ord. 10-06, 8-23-2010)

**9-7-10: FEES:** Fees shall be set by resolution by the board of county commissioners. (Ord. 10-06, 8-23-2010)



RECEIVED

DEC 31 2020

December 27<sup>th</sup>, 2020

Valley County, Idaho  
Attn: Valley County Commissioners & Administrative Decision Makers  
219 North Main Street  
Cascade, Idaho 83611-1350

RE: Clear Creek RV Park  
Signage at 10694 Highway 55

Greetings,

I'd like the opportunity to appeal a decision regarding our "open" flags to the commission or the Administrative Official who made the decision. This decision was made on behalf of a Valley County Administrative Official, Cynda Herrick. Before I present the facts and elements of this case, let me start with some important, relevant information. We purchased Clear Creek Station on October 1<sup>st</sup>, 2020 from Bob and Denise Hall. During this transition, we were told by Bob and Denise, "Do not make any changes to the flags, they are part of the grandfathered signage."

The first part of my appeal is related to legal precedent. The Valley County official requesting me to take the flags down, allowed Denise Hall who will present a signed affidavit or come before the commission for a sworn statement, to fly these same flags. The previous owners were required to take down some pennants years ago, which they complied but were given the "go-ahead" to keep the open flags up. The previous owner claim they have flown some variation of the open flag since they owned the business, fourteen years ago. In fact, it was admitted to during conversation, she has seen them fly multiple times over the last couple years, but her response to not taking action was she was not on shift. This seems like negligence at best, discrimination at worst. I would also like the opportunity to present letters from local residents, who have seen these same flags fly for years and years.

Furthermore, Valley County has no real code enforcement officer. This would lead me to believe everything is subjective and arbitrary at best. The language is pretty loose. If possible before the appeal, I'd like to understand more of the Standard Operating Procedures for Code



Enforcement. I would like to officially request Valley County's Standard Operating Procedures related to enforcement in order to help with a proper appeal and the date the SOP went into effect. I believe Valley County allowed an employee to set a legal precedent, that now they must allow. Many other locations and businesses have flags that fly consistently and regularly throughout the year.

The second part of my appeal deals with the specific language in 9-7-1. A flag is not a pennant and outside of that mention, no language in that document applies to my situation. The sections highlighted in the code sent by the administrative assistant, don't apply based on the written language. I would like an opportunity to present this side of my case.

Furthermore, it is disappointing that Valley County would come and bully a brand-new business owner, rather than working with them to figure out a solution that is mutually beneficial for both parties - two months into ownership during a pandemic. When you come into a new business, introduce yourself and then say "Before you make any changes to the park, you need to get permits and approval through our office" – That's an authoritative statement that is aimed at intimidation and authority. Being retail professionals for over twenty years, we are appalled at this behavior. This was done in front of two customers, who were very upset at the actions of this Valley County employee and the manner in which this took place. They have written a letter for the PA who oversees day-to-day responsibilities. We need to be better than this, especially when acting in an "official capacity". At the very least, I'm owed an apology from this employee. I'll settle for being allowed to fly the "open flags" that I believe there is a strong legal precedent for.

Please, I'd like to ask for some time before this appeal is heard. I need to gather additional witness statements, with legal notarized signatures. I need to ensure enough time for the previous owner to come testify. I would like time to consult and build my case, while dealing with being a new business owner.

Thanks for your time,

Lance & Marissa Heindel  
Clear Creek Station  
10694 Highway 55  
Cascade, ID 83611



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Planning & Zoning Administrator  
Floodplain Coordinator

Phone: 208.382.7115  
FAX: 208.382.7119  
E-Mail: cherrick@co.valley.id.us

December 9, 2020

Lance and Marissa Heindel  
10694 Highway 55  
Cascade, ID 83611

RE: Clear Creek RV Park  
Signage at 10694 Highway 55

Dear Property Owner:

The non-permanent, flags and banners, located on your property are in violation of Valley County Code Title 9, Chapter 7. The signs I am referring to are the "Open" signs and any banners placed on the building. The signs are moving, are not made of wood or metal, and are not permanent signs that have been in place continuously since June 27, 1994. I have attached the applicable Valley County Code. Please remove the signs.

The large Clear Creek sign and the tall reader board are "grandfathered" non-conforming signs. If the use changes and a conditional use permit is required for the change in use, the "grandfathered" signs will need to be removed.

You can appeal this decision to the Valley County Planning and Zoning Commission in accordance with Valley County 9-5H-12 (attached). The appeal will need to be received within ten days of the date of decision. Given the time of year and potential for delay in the mail, I would expect to receive the appeal by 5:00 p.m. on December 31, 2020. There is no fee.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cynda Herrick".

Cynda Herrick, AICP, CFM  
Planning & Zoning Administrator  
Flood Plain Coordinator

Enclosure(s)

Cc: Building Official  
Prosecuting Attorney

**9-5H-12: APPEALS:** Any administrative level or commission level decision may be appealed in accordance with the procedures established herein. All such appeals must be written, accompanied by the fee as set by resolution of the board of commissioners and submitted to the administrator prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday, the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

**A. Appeals Of Administrative Decisions:** Any action of the administrator on a specific administrative level application or on the general interpretation of this title may be appealed as follows:

1. **Interpretation Of Title:** Decisions of the administrator or staff may be appealed to the planning and zoning commission within ten (10) days from the date of such decision by any person aggrieved by such decision. Upon receipt of the appeal, the administrator or staff shall schedule the appeal before the commission at the next public meeting following the appeal.

2. **Administrator Or Staff Design Review Decisions:** Decisions of the administrator on design review decisions may be appealed to the commission within ten (10) calendar days from the date of such decision by any person aggrieved by such decision. Upon receipt of such appeal, the administrator or staff shall schedule the appeal before the commission at the next public meeting following the appeal.

3. **Other Administrative Level Applications:** Actions of the administrator on administrative level applications, other than design review, may be appealed to the commission within ten (10) calendar days from the date of the action by the applicant or any aggrieved person. Upon acceptance of the appeal, the administrator shall establish completeness of the appeal and shall notify the appealing party, the applicant, all property owners within three hundred feet (300') of the property, and the public. The commission, in reviewing the administrator's decision, may impose additional or different conditions and limitations.

**B. Appeals Of Commission Decisions:**

1. Any decision of the commission may be appealed to the board by the applicant, any aggrieved person or the administrator. The appeal



## CHAPTER 7

### SIGN STANDARDS

#### SECTION:

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- 9-7- 8: Existing Nonconforming Signs
- 9-7- 9: Enforcement
- 9-7-10: Fees

#### 9-7-1: PURPOSE:

- A. Purpose: The purpose of this chapter is to provide maximum visibility for safety purposes along roadways, maintain unobstructed views at intersections and prevent undue distractions to vehicle operators by preventing confusion at or near traffic signs and signals and along corridors.
- B. Intent: It is also the intent of this chapter to preserve the rural character by not allowing flashing, shiny plastics, reader boards or outsize billboards but to encourage artistic design and creativity through simple effective signage. Therefore, the intent of this chapter is to promote rural character and not a city center appearance in the open valleys and open corridor areas while allowing a village appearance in designated areas. Furthermore, the intent of this chapter is to require preplanning of select signage and promote artistic license within the same size limit and similar location for less confusion and clutter. Signs meeting this intent will act as a signature block for creative expression but not an advertising billboard. This chapter contains sign standards for uniform but creative signage. The pride of ownership and entrepreneurship is

encouraged by artistic signage in the community. Residents and tourists will notice the improvement this makes to the general appearance of the county. (Ord. 10-06, 8-23-2010)

**9-7-2: SCOPE:**

- A. The scope of this chapter is to adopt policies and procedures to review signs in the unincorporated portions of the county. This document will enable staff to review the erection, design and materials of signs and to promote quality and safety due to a lack of confusion on the roadway.
- B. Compliance with this chapter will ensure the safe construction of sign structures by regulating the design, quality, construction methods, locations, electrification and maintenance of signs and sign structures not located within a building. (Ord. 10-06, 8-23-2010)

**9-7-3: DEFINITIONS:**

**NONCONFORMING  
SIGN:**

Any sign, sign structure or use of sign existing before enactment of this title that does not conform to the standards cited by this title.

**OFF PREMISES OR  
OUTDOOR  
ADVERTISING SIGNS:**

Any sign that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than the sign location.

**ON PREMISES SIGNS:**

Any sign or advertising structure whose message identifies the property on which the sign is located, its owner or tenant, or directs attention to an offer for sale, lease or rent of said property, or warns the public as to danger, or trespassing thereon, or directs the public upon said property, or informs the public as to current or proposed use of the property, or recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property. (Ord. 10-06, 8-23-2010)

9-7-4: **EXEMPTIONS:** Signs exempted from county permit requirements are as follows:

- A. **Directional Or Informational Signs:** Directional or informational signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, etc.).
- B. **Memorial Signs Or Tablets:** Memorial signs or tablets displaying names of buildings and dates of erection, when cut into the surface or facade of the building.
- C. **Signs Required By Law Or Serve Public Interest:** Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warnings of temporary emergencies, construction zones, presence of underground cables, utility signs, and similar signs installed on public property and are owned and maintained by county, state, or federal agencies or a public utility company.
- D. **Signs Or Banners For Nonprofit Community Or Civic Events:** Signs or banners that bear no product advertising and announce nonprofit community or civic events. Such signs or banners shall be removed within seven (7) days following the event.
- E. **Signs Visible Only On Parcel Where Found:** A sign that is visible only from within the parcel on which it is found.
- F. **Signs Within Limits Of Municipality:** Signs to be built within the limits of a municipality.
- G. **Identification Signs:** Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (for instance: FHA, HUD, FMHA, low cost housing, senior citizen center, etc.) and other individuals or firms involved with the construction. This shall not include any advertisement of any product, or signs announcing the character of the building enterprise or the purpose for which the building is intended, or use of the project. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the beginning of the intended use of the project.

- H. Homeowner Locator Signs: Homeowner locator signs placed at intersections are traditional in the county and are allowed if each sign is not more than one square foot per face and the mounting device is located off public road rights of way. Such signs shall be kept in good repair.
- I. Signs Advertising Sale, Rental Or Lease Of Real Property: Signs advertising the sale, rental, or lease of real property or part of the real property on which the signs are displayed up to a total area of thirty two (32) square feet per face. The number of signs shall be limited to one sign per parcel up to and including forty (40) acres, or not more than one sign per frontage. All such signs shall be confined to the property to which they apply. Such signs shall be removed within fourteen (14) days after the sale, rental or lease. However, permanent signs advertising rental units are not permitted on a permanent basis unless the business has been issued a conditional use permit.
- J. Political Signs: Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of thirty two (32) square feet for each premises. Such signs shall be confined to private property and removed within fourteen (14) days after the election for which they were intended.
- K. Show Window Signs: Show window signs in a window display of merchandise when incorporated with such a display. (Ord. 10-06, 8-23-2010)

9-7-5: **PROCEDURE:**

- A. Permit Required: A permit is required before any sign regulated by these provisions is displayed or built on any premises in this jurisdiction.
- B. Application Form:
1. Contents: Applications shall be made on forms provided by the county planning and zoning department. The content of the application shall be as required herein and shall include all of the information needed to complete the application form, supplementary drawings of the sign plan, and any other information needed to complete the application review.

2. Fee: The application shall be accompanied by the fee set forth in section 9-7-10 of this chapter.

C. Sign Plan: A sign plan shall be included with the application and shall contain at least the following information:

1. Information requirements:

a. Materials to be used in manufacturing and constructing the sign.

b. Sign size, message size or field of lettering, and proportions.

c. Lettering size or graphic style.

d. Design features other than lettering such as symbols, logos, etc.

e. Color scheme.

f. Lighting, if proposed.

g. Location of each sign on the building(s) and/or property.

2. Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scales may be used.

3. The sign plan shall be a simple layout reviewed for compliance with standards and artistic merit.

4. Artistic merit shall be seen in two (2) categories:

a. Display skill of handiwork, line work and mechanics.

b. Exhibit quality and design in signage layout and lettering.

D. Application Review: The sign permit application will be accepted when the completed forms, including a sign plan and fee are submitted to the planning and zoning office in person or by mail. The application will be reviewed by office personnel (staff) within seven (7) working days of acceptance of a complete application. The permit will be either approved or denied based upon compliance with provisions herein. If the application is denied, staff will include a written statement of the specific reasons for denial. The applicant



may correct the application and request another review by staff. The applicant may appeal any action of staff regarding the review of an application to the planning and zoning commission according to section 9-7-9 of this chapter.

- E. **Permit Issued:** When staff has completed the review of the application and has found that the proposal complies with the provisions herein, staff will promptly approve the permit. Staff will notify the applicant by phone or mail. The applicant may then construct, build and display the sign and shall notify staff that the work approved by the permit has been completed. (Ord. 10-06, 8-23-2010)

**9-7-6: STANDARDS:**

- A. **Regulation By County:** The county will regulate the size, amount and location of signage as provided by this title.
- B. **Discussed In Comprehensive Plan:** Signs are also discussed in the comprehensive plan under the community design section of the plan.
- C. **Requirements:** All signs within the unincorporated areas of the county shall conform to the following requirements:
1. **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 or portable signs or wheeled trailers.
  2. **Responsibility To Remove When Use Discontinued:** It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety (90) days. If a onetime event, the removal of signs shall take place within seven (7) days after the event closure.
  3. **Preview Sign:** If a preview sign has been erected for a future use, it shall be for a business that has received a conditional use permit to operate and meet the provisions of this chapter. If the use is permitted, the preview sign must also meet the requirements of this chapter.

4. Size: The size shall be not greater than a thirty two (32) square feet per face, for example: that of four feet by eight feet (4' x 8'). Cut out or molded letters, or advertising when applied to buildings, shall not be greater than a thirty two (32) square foot field on the building. In designated city areas, the size can be increased to forty eight (48) square feet per face if located a minimum of eighty feet (80') from the centerline of the highway; or, up to sixty four (64) square feet, if over one hundred thirty feet (130') from the centerline of the highway. The area of all signs shall not be greater than twenty percent (20%) of the area of the side of the building where the sign is attached.

5. Permanent Signs: Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent. Signs may be painted, sandblasted, carved or constructed by other technically feasible methods. Shiny metal or shiny plastic signs shall not be allowed. Unnatural colors such as neon, fluorescent, etc., shall not be allowed.

6. Design: The design shall incorporate a well thought out layout design with clean lines and an uncluttered appearance.

7. Construction: The sign construction shall be completed in a workmanlike manner.

8. Message: The message may include: service, business, owner name, address, telephone number, a logo, or graphic illustration of the product(s) or service(s) offered.

9. Ground Mounted Signs: On ground mounted signs, the top of the signs shall be mounted not more than ten feet (10') off the ground. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The total height of the mounting structure shall be no greater than twelve feet (12'). The sign shall be placed a minimum of ten feet (10') from the property line, unless characteristics of the site require less. The intent is to keep the sign within the vision triangle of the motor vehicles. Special attention must be given to the placement of signs near intersecting roads to assure there is no obstruction of vision from any vehicle. Special consideration can be given to the height and placement of the sign when the view of the driver will be blocked, i.e., buses or motor homes, or is subject to damage from snow removal or road maintenance.

10. Number Of Signs Limited: No more than three (3) permanent signs may be placed at a given land use. One sign is allowed on the building. One two-way sign, or two (2) one-way signs facing each direction, is allowed in the land use area.

11. Commercial Malls Or Planned Unit Developments: For commercial malls or planned unit developments (industrial or commercial or a combination of land use), not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as a land use and occupant identification sign. A projecting or a swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.

12. Placement Upon County Street Or Right Of Way: No sign or sign structure, for any purpose other than approved county, state and federal signs, shall be placed upon any county street or highway right of way. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.

13. Mixed Use District: In the county, a mixed use district, buffering impacts of signage will still be a conditional use permit process.

14. Flashing Signs Placed Inside Window: If placed inside a window, flashing signs must be not less than three hundred feet (300') from any residentially zoned lot. Distance shall refer to the linear measurement in any direction with relation to the street that the sign faces.

15. Projection Above Roofline: At no time shall a sign or portions of it be allowed to project above the roofline of the building on which the sign is mounted.

16. Off Premises Or Outdoor Advertising Signs: Off premises or outdoor advertising signs are prohibited in the unincorporated areas of the county.

17. Signs Not Regulated: An application for any sign or advertising display or structure for which no specific regulation appears in this chapter shall receive appropriate planning and zoning and building department staff review as outlined in this chapter and this title, if not exempt.

18. Illumination: Signs may be illuminated by shielded or directed light sources and shall comply with section 9-5B-2 of this title.

19. State Highway 55 Or Byway 55: Any signs placed along State Highway 55 or Byway 55, a scenic byway, must meet the standards of the department of transportation and the county.

20. Off Premises Directional Signs: Off premises directional signs for approved uses, not including subdivisions, can only be located at key intersections in the public right of way. The off premises directional signs can be a maximum of eighteen inches by thirty inches (18" x 30"). They must be placed on four inch by four inch (4" x 4") wood posts, the existing signpost, or breakaway steel posts as approved by the road department. The location of the post in the right of way and height of the sign will be reviewed on an individual basis. In the event that too many signs are located at an intersection, the county can require collocation of signs on any of the posts previously approved or may require consolidation of signs in a standardized kiosk. The road department shall approve all off premises directional signs with regard to public safety, snowplowing, and preservation of the sign. (Ord. 10-06, 8-23-2010)

**9-7-7: LAND USE STANDARD FOR SIGNAGE:**

- A. Agricultural use: One two-way or two (2) one-way identification signs, each not to exceed thirty two (32) square feet per face.
- B. Residential subdivision entry(ies): One identification sign at two (2) entries, not to exceed thirty two (32) square feet per face.
- C. Commercial businesses: One two-way or two (2) one-way identification signs, each not to exceed thirty two (32) square feet per face or other sign size limitations. When two (2) businesses are located at the same site, additional signage shall be approved as part of the conditional use permit.
- D. Recreation or forestry use: One identification sign, not to exceed thirty two (32) square feet per face.
- E. Residential use: One identification sign, not to exceed six (6) square feet per face, and shall be exempt from permit requirements. (Ord. 10-06, 8-23-2010)

**9-7-8: EXISTING NONCONFORMING SIGNS:**

- A. **Preexisting Nonexempt Signs:** A permit will be required for any nonexempt sign existing in the county on June 27, 1994.
- B. **Conforming Signs:** If the sign is conforming, a permit shall be issued.
- C. **Grandfathered Sign Permit:** If the sign is nonconforming, a grandfathered sign permit shall be issued. This permit shall allow the sign, which was made nonconforming by the adoption hereof, to remain in place and be maintained. The nonconforming elements cannot be increased. A sign will no longer be grandfathered if a conditional use permit is required for a change in use. (Ord. 10-06, 8-23-2010)

**9-7-9: ENFORCEMENT:**

- A. **Authority To Enforce:** The planning and zoning administrator and the building official are hereby authorized and furthermore directed to enforce the provisions of this chapter. Enforcement provided for violations of this chapter shall be as provided for in chapter 2 of this title. The procedure for handling a violation of this chapter will be the same as any planning and zoning violation.
- B. **Abandoned Use Signs:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premises. The owner shall be notified, by mail, to remove the sign within thirty (30) days or shall be subject to chapter 2 of this title. (Ord. 10-06, 8-23-2010)

**9-7-10: FEES:** Fees shall be set by resolution by the board of county commissioners. (Ord. 10-06, 8-23-2010)



Re: Greetings

Lance Heindel <lance.heindel@gmail.com>

Wed 12/9/2020 12:50 PM

To: Cynda Herrick <cherrick@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.

Thank you. Can you point me to the specific verbiage in that code that is in violation?

L & M Heindel LLC  
10694 Highway 55  
Cascade ID, 83611

Thanks, Cynda.

On Wed, Dec 9, 2020, 12:42 PM Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)> wrote:  
Here is the link to the Valley County Code: [Valley County, ID Laws \(amlegal.com\)](http://amlegal.com)

Who is the current owner and mailing address? The most current information I have is D&B Hall Inc.

Thank you, Cynda

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service  
T Transparent  
A Accountable  
R Responsive

---

**From:** Lance Heindel <[lance.heindel@gmail.com](mailto:lance.heindel@gmail.com)>  
**Sent:** Wednesday, December 9, 2020 12:35 PM  
**To:** Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)>  
**Subject:** Re: Greetings

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.

Thank you,

Do you have a link to the Title 9, Chapter 7 or tell me how to get a copy of the statute?

I cant seem to find it anywhere.

On Wed, Dec 9, 2020, 11:32 AM Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)> wrote:

Hello,

In reference to the signage, I am referring to Valley County Code, Title 9, Chapter 7. The original sign ordinance was adopted on June 27, 1994.

I did not see those "open" signs or "special" banners up when the place was closed. They are not permanent grandfathered signs. The large sign and the reader board sign are grandfathered; they pre-date June 27, 1994. And to clarify, I have seen your flags and banners over the last few months, but did not stop at that time; however, since the violation continues it needs to be addressed.

You can appeal this decision to the Valley County Planning and Zoning Commission in accordance with Valley County Code 9-5H-12. There is no fee for the appeal. The appeal should be received within ten days from the date of this decision.

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

“Live simply, love generously, care deeply, speak kindly, and leave the rest....”

S Service  
T Transparent  
A Accountable  
R Responsive

---

**From:** Lance Heindel <[lance.heindel@gmail.com](mailto:lance.heindel@gmail.com)>

**Sent:** Tuesday, December 8, 2020 8:50 PM

**To:** Cynda Herrick <[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)>

**Subject:** Greetings

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.
---

Can you point me to the Idaho Code you are referring to, related to the open flags?

Also, spoke with Bob and Dee tonight. They said "YOU" made them take down some much larger flags a year or two ago, but Bob pointed out to you the fact they have flown the "open flags" the

entire 14 years they owned the place and they were allowed to keep them up. They were very clear it was you whom they spoke with.

I also spoke with several long term customers. All of whom agreed those flags have been up for over ten years. With the old owner saying 14 years ago, seems like they are grandfathered in. I don't think a reasonable person would think for ten plus years, you didn't see them. You guys did nothing about those flags and now it's a big deal? I'm going to start asking all my regulars who have witnessed these flags, to start signing an affidavit to be used later as supporting evidence for my appeal.

I kindly ask that you reconsider and grandfather these flags. They have flown longer than current grandfathered flags that Valley County is allowing to fly. All I ask, is for fairness and to not discriminate against my business, when you have historically allowed them.

You also admitted today in front of those customers sitting down, that you have seen them fly a few times over the past couple years but "you were not on shift". I did ask for their numbers so they can support what you told me, but YOU confirmed with witnesses around that you know they've been here.

Thanks for your consideration, Cynda. All I ask is for the same fairness other businesses have gotten. This is important to my business and has a huge financial impact that will cause harm to my business and family.

Happy Holidays!



#6

Permit #  
S-99-1



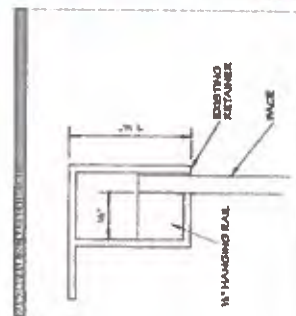
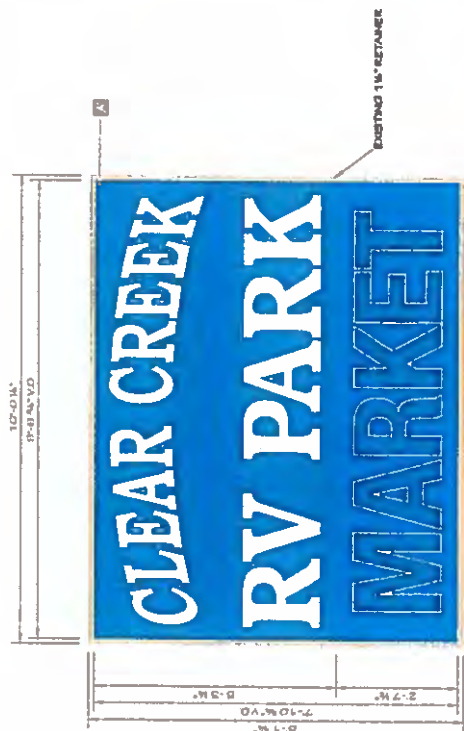
#91


Permit #  
S-GF-12

#104

Permit #  
S-GF-13



Permit #  
S-18-07

 <b>VESCO</b> 600 WEST HIGHT DENVER, CO 80202	<b>TEAR SHEET # 222222</b> ORDER # 12345678 ORDER DATE 05/15/88 ORDER TIME 10:00 AM ORDER BY J. SMITH ORDER FOR 1000 LBS ORDER TYPE 1000 LBS ORDER STATUS 1000 LBS ORDER COMMENTS 1000 LBS		ORDER # 12345678 ORDER DATE 05/15/88 ORDER TIME 10:00 AM ORDER BY J. SMITH ORDER FOR 1000 LBS ORDER TYPE 1000 LBS ORDER STATUS 1000 LBS ORDER COMMENTS 1000 LBS
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# Valley County Planning and Zoning Commission

P.O. Box 1350  
Courthouse Building Annex



Cascade, Idaho 83611  
Phone (208) 382-7114

January 12, 2001

Mike Riley  
Clear Creek Station  
4595 Savannah Lane  
Boise, ID 83703

RE: Grandfathered Sign Permit No.: **S-GF-12 and S-GF-13**  
Conditional Use Permit No.: None  
Sign located at: 10694 State Highway 55  
Sign Inventory No.: 91 (Reader Board) *and* 104 (Pepsi Sign)

The above referenced sign is a Grandfathered Sign according to Section 5.09 Existing Nonconforming Signs (as amended 1/8/01) in Section 5.01 Sign Standards of the Valley County Land Use and Development Ordinance. The sign can remain in place and be maintained. The nonconforming elements can not be increased. A sign will no longer be grandfathered if a conditional use permit is required for a change in use.

Also, if the business or use that the sign identifies is no longer conducted on the premise the sign shall be removed.

If you have any questions please call.

A handwritten signature in cursive script, appearing to read "Cynda Herrick", written over a horizontal line.

Cynda Herrick, AICP  
Asst. P&Z Administrator

## **OTHER ITEMS**

1. **Facts and Conclusions:** Commissioner Bertram moved to approve the Findings of Fact and Conclusions of Law for C.U.P. 00-15 Hinson Power Sports and Vac. 00-02 Duft - Vacation of Utility Easement in Gold Dust Ranch No. 2. Commissioner Campbell seconded the motion. Motion carried.
2. **Sign Ordinance in Lake Fork:** Staff asked when the Commission would like to discuss the proposed Sign Ordinance in Lake Fork. The Commission agreed a work session would be set for February 8, 2000, at 4:00 p.m. at the Valley County Courthouse.
3. **Amendment to Section 5.09 - Adopted 1/8/01:** Staff presented the Commission with a copy of the adopted amendment to Section 5.09 of the sign ordinance and advised the Commission to place the document in the appropriate section of their ordinances.
4. **Grandfathered Signs:** Staff presented a list of grandfathered signs and stated a reader board has been used at the Clear Creek Station in the past and asked the Commission if it would be considered a grandfathered sign. The Commission agreed if the reader board had been used in the past and were to be placed on a stationary pole it would be considered grandfathered.
5. **Election of Officers:** Commissioner Bertram moved to nominate DeMar Burnett as Chairman, Jerry Winkle as Vice-Chairman, and Cynda Herrick as Secretary. Commissioner Somerton seconded the motion. Motion carried.
6. Commissioner Burnett stated he would be proposing a project in the Gold Fork area which would be going before the Board. The project would clean up Lake Cascade and would enable him to set up a trust to provide scholarships for the local schools.

Staff stated she had received a phone call from Susan Morrow, Emmett Ranger District, she asked what the Forest Service would need to do to place a number of vaulted privies in the Boise National Forest near the Silver Creek Plunge area. Staff asked the Commission if a C.U.P. would be required. The Commission agreed a C.U.P. should be required, but Staff should contact the Prosecuting Attorney for a legal opinion.

**ADJOURNED:** 9:10 p.m.

# Valley County Planning and Zoning Commission

P.O. Box 737  
Courthouse Building Annex



Cascade, Idaho 83611  
Phone (208) 382-4251

December 20, 1999

CCIR, LLC  
10694 State Highway 55  
Cascade, ID 83611

Non-conforming  
Δ is 2.25%  
per applicant

RE: Permanent Sign Permit No.: S-99-1  
Conditional Use Permit No.: Clear Creek Station - Grandfathered Use  
Sign located at: 10694 State Highway 55

Dear Applicant:

Valley County Planning and Zoning Staff has approved permanent sign permit application No. S-99-1.

If you have any questions please call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cynda Herrick", is written over a light-colored background.

Cynda Herrick  
Asst. P&Z Administrator

RED

GREEN

Prep

existing section



# Restaurant & Country Store

Sports Bar • R.V. Park • Bunkhouse

GREEN

BLACK

2' 20"

2' 12"



# Valley County Planning and Zoning Department

110 West Pine Street  
Post Office Box 737

(208)382-4251

Cascade, ID 83611  
Courthouse Annex

## PERMANENT & NON-CONFORMING SIGN PERMIT APPLICATION

**To Be Completed by Staff:**

[Conforming ☐ or Non-Conforming ☒

Permit No. S-99-1

Owner / Proprietor: CCIR LLC

Business / Entity: CLEAR CREEK STATION

Fee Amount Paid: \_\_\_\_\_

Date Paid: \_\_\_\_\_

Sign Plan Submitted: \_\_\_\_\_

Application Accepted By: \_\_\_\_\_

Date Received: \_\_\_\_\_

Application Approved By: \_\_\_\_\_

Date Approved: \_\_\_\_\_

\* This application is not a complete copy of Sign Ordinance No. 3-94, adopted June 24, 1994. Staff recommends that the applicant review the ordinance in its entirety. Signs cannot be placed at the land use site until the sign permit application has been reviewed, approved, and the sign permit has been issued.

### → To Be Completed by the Applicant:

Name of Applicant: CCIR LLC <sup>(MICHAEL & DIANNE RILEY)</sup> Phone #: 382-7268 Size of Property: 7 AC

Mailing Address: 10694 STATE HIGHWAY 55 Land Use [See Sec. 5.08]: COMMERCIAL BUSINESS

Physical Address of Sign Placement: 10694 STATE HWY 55 Name of Development: N/A

Subdivision: N/A Lot: N/A Block: N/A

Tax Parcel No. 1 Section 4 Township 12N Range 4E

P00920000000AA AMENDED TAX #13 IN GOVT. LOT 4

### → A sign plan shall be included with the application and contain the following information:

- ✓ Materials to be used in manufacturing and constructing the sign.
- ✓ Sign size, message size or field of lettering, and proportions.
- ✓ Lettering size or graphic style.
- ✓ Design features other than lettering such as symbols, logos, etc.
- ✓ Colors scheme.
- ✓ Lighting, if proposed.
- ✓ Location of each sign on the building (s) and/or property.

Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. The sign plan will be reviewed for compliance with standards and artistic merit.

#### Artistic Merit Categories:

- 1) Display skill of handiwork, line work and mechanics.
- 2) Exhibit quality and design in signage layout and lettering.
- 3) Display technique compatible to other rural signage in color and material.

#### Section 5.07 Standards:

- No rotating beam, beacon or flashing illumination that may resemble an emergency light shall be used with any sign display.
- No blinking, rotating or moving parts or components on temporary or permanent signs.
- Signs shall not have pennants, balloons or portable signs or wheeled trailers.



## Valley County, Sign Permit Application

### Section 5.07 Standards, cont:

- The size shall be not greater than thirty-two square feet per face (example: 4' x 8').
  - Cut-out or molded letters, or advertising when applied to buildings, shall be not greater than 32 sq. ft. field on the building.
- Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent.
  - Signs may be painted, sandblasted, carved or constructed by other technically feasible methods.
  - Shiny metal or plastic signs shall not be allowed.
  - Unnatural colors such as neon, fluorescent, etc. shall not be allowed.
- The design shall incorporate a well-thought out, layout design with clean lines and an uncluttered appearance. The sign construction shall be completed in a workmanlike manner.
- The message may include: service, business, owner name, address, telephone number, a log, or graphic illustration of the product(s) or service(s) offered.
- Ground mounted signs shall not be more than ten (10) feet off the ground.
  - If the street/road elevation exceeds the elevation of the site, the street/road elevation may be used to determine the heights.
  - The total height of the mounting structure shall be no greater than twelve (12) feet.
- No more than three (3) permanent signs may be placed at a given land use.
  - One sign is allowed on the building.
  - (1) two-way sign or (2) one-way signs facing each direction are allowed.
- For Commercial Malls or Planned Unit Developments (industrial or commercial or a combination of land uses) not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as land use and occupant identification signs.
  - Projecting or a swinging signs are not allowed.
  - (1) sign shall be allowed to be mounted flat to the building front of each shop, store or land use.
- No signs shall be placed upon any County street or highway right-of-way.
- No signs can be affixed to any utility pole or structure other than may be required by the utility owner or law.
- Flashing signs in windows must be at least 300 feet from any residentially zoned lot.
- At no time shall a sign or portion of it be allowed to project above the roof line of the building on which the sign is mounted.
- Off-premise or Outdoor Advertising signs are prohibited in unincorporated areas of Valley County.
- Signs may be illuminated by shielded or directed light sources and shall comply with Chapter 3, Section 3.03.06 Performance Standards - General, b. Lighting, of the Valley County Land Use and Development Ordinance.
- Signs along State Highway 55 must meet the standards of the Department of Transportation and Valley County.

### Section 5.08 Land Use Standard for Signage

- Agricultural Use: (1) two-way or (2) one-way identification signs each not to exceed 32 sq. feet per face.
- Residential Subdivision Entry(s): (1) identification sign at (2) entries not to exceed 32 sq. feet per face.
- Commercial Business: (1) two-way or (2) one-way identification signs each not to exceed 32 sq. feet per face.
- Recreation or Forestry Use: (1) identification sign, not to exceed 32 sq. feet per face.
- Residential Use: (1) identification sign, not to exceed (6) sq. feet per face -- exempt from permit requirements.

### Section 5.09 Existing Non-Conforming Signs

- A non-conforming sign permit is required for non-conforming signs.
- Non-conforming signs will remain in place and be maintained for a period ending October 1, 1999.
  - Maintenance shall not include a change in the information on the face of an existing non-conforming sign or a repair that is an expense of more than 25 percent of the original value of the sign.

### Section 5.10 Enforcement (b) Abandoned Use Signs

- A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premise.

Submit the completed application form, the sign plan, and any other information needed to complete the application review with the \$15.00 application fee to: Valley County Planning & Zoning, P.O. Box 737, Cascade, ID 83611 or drop off at 110 W. Pine, Cascade, IID. If you have questions call (208) 382-4251.



Cynda Herrick  
VALLEY COUNTY  
IDAHO

P.O. Box 1350/219 North Main Street/Cascade, Idaho 83611-1350

Planning & Zoning Administrator  
Flood Plain Coordinator

Phone: 208.382.7115  
FAX: 208.382.7119  
E-Mail: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

May 1, 2018

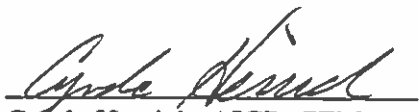
Dee Hall  
Clear Creek Station  
PO Box 117  
Kuna, ID 83634

RE: **Permanent Sign Permit No.: S-18-07 Clear Creek Station**  
**Conditional Use Permit No: Grandfathered Use**  
**Sign located at: 10694 Highway 55**

The above referenced sign is permitted and will be a conforming sign according to Title 9, Chapter 7 Sign Standards of the Valley County Code. The sign must be located 10' from the property line, not in the right-of-way, and cannot be over 10' in height. However, your sign is a grandfathered structure and can remain until a conditional use permit for a change in use is required.

If changes other than routine maintenance are made to the sign, a new permit may be required. Please contact the Valley County Planning and Zoning office prior to changes.

Also, if the business or use that the sign identifies is no longer conducted on the premise the sign shall be removed.

  
Cynda Herrick, AICP, CFM  
Planning & Zoning Administrator

# Valley County Planning & Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
Phone 208-382-7115  
Fax 208-382-7119



## Sign Permit Application

<b>To Be Completed by Staff:</b>		Permit No. <u>5-18-07</u>
Owner / Proprietor: <u>Dee Hall</u>		Fee Amount Paid: <u>\$15</u>
Business / Entity: <u>Clear Creek Station</u>		
Application Accepted By: <u>Cynda Herrick</u>		Date Received: <u>4/30/2018</u>
Application Approved By: <u>Cynda Herrick</u>		Date Approved: <u>5/1/2018</u>

❖ This application is not a complete copy of Title 9-7 of the Valley County Code. Staff recommends that the applicant review the Code in its entirety. Signs cannot be placed at the land use site until the sign permit has been issued.

Dee Hall 208-866-9736

### ➔ To Be Completed by the Applicant:

Name of Applicant: Clear Creek Station Phone #: 208 382-7268 Size of Property: 7.62 acres  
Mailing Address: PO Box 117, Kuna, ID 83634 Land Use [See Sec. 9-7-7] Grandfathered RV  
Physical Address of Sign Placement: 10694 Hwy 55 Name of Development: Park  
Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
Tax Parcel No. RP00920000000A Section 4 Township 12N Range 4E

### ➔ A sign plan shall be included with the application and contain the following information:

- Materials to be used in manufacturing and constructing the sign.
- Sign size, message size or field of lettering, and proportions.
- Lettering size or graphic style.
- Design features other than lettering such as symbols, logos, etc.
- Colors scheme.
- Lighting, if proposed.
- Location of each sign on the building (s) and/or property.

Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. The sign plan will be reviewed for compliance with standards and artistic merit.

### Artistic Merit Categories:

1. Display skill of handiwork, line work, and mechanics.
2. Exhibit quality and design in signage layout and lettering.
3. Display technique compatible to other rural signage in color and material.

Submit the completed application form, the sign plan, and any other information needed to complete the application review with the \$15.00 application fee to: Valley County Planning & Zoning, P.O. Box 1350, Cascade, ID 83611 or 219 N. Main Street, Cascade, ID. If you have questions call 208-382-7115.

Subject to Idaho Statute 55-22 Underground Facilities Damage Prevention

(Continued on reverse side)

6-12-2017

#### Section 9-7-6 Standards:

- There are special standards for signs in Lake Fork.
- No rotating beam, beacon, or flashing illumination that may resemble an emergency light shall be used with any sign display.
  - No blinking, rotating, or moving parts or components on temporary or permanent signs.
  - Signs shall not have pennants, balloons, or portable signs or wheeled trailers.
- The size shall be not greater than thirty-two square feet per face (example: 4' x 8').
  - Cut-out or molded letters, or advertising when applied to buildings, shall be not greater than 32 sq. ft. field on the building.
- Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent.
  - Signs may be painted, sandblasted, carved or constructed by other technically feasible methods.
  - Shiny metal or plastic signs shall not be allowed.
  - Unnatural colors such as neon, fluorescent, etc. shall not be allowed.
- The design shall incorporate a well thought-out layout design with clean lines and an uncluttered appearance. The sign construction shall be completed in a workmanlike manner.
- The message may include: service, business, owner name, address, telephone number, a log, or graphic illustration of the product(s) or service(s) offered.
- Ground mounted signs shall not be more than ten (10) feet off the ground.
  - If the road elevation exceeds the elevation of the site, the road elevation may be used to determine the sign height.
  - The total height of the mounting structure shall be no greater than twelve (12) feet.
- No more than three (3) permanent signs may be placed at a given land use.
  - One sign is allowed on the building.
  - 1 two-way sign or 2 one-way signs facing each direction.
- For Commercial Malls or Planned Unit Developments (industrial or commercial or a combination of land uses) not more than one ground-mounted sign structure shall be allowed on each road frontage. The sign may be used as land use and occupant identification signs.
  - Projecting or swinging signs are not allowed.
  - 1 sign may be mounted flat to the building front of each shop, store, or land use.
- No signs shall be placed upon any County street or highway right-of-way, unless specifically approved by this Ordinance.
- No signs can be affixed to any utility pole or structure other than may be required by the utility owner or law.
- Flashing signs in windows must be at least 300 feet from any residentially zoned lot.
- At no time shall a sign or portion of it be allowed to project above the roofline of the building on which the sign is mounted.
- Off-premise or Outdoor Advertising signs are prohibited in unincorporated areas of Valley County.
- Signs may be illuminated by shielded or directed light sources and shall comply with Chapter 3, Section 3.03.06 Performance Standards - General, b. Lighting, of the Valley County Land Use and Development Ordinance.
- Signs along State Highway 55 must meet the standards of the Idaho Department of Transportation and Valley County.

#### Section 9-7-7 Land Use Standard for Signage

- Agricultural Use: (1) two-way or (2) one-way identification signs each not to exceed 32 sq. feet per face.
- Residential Subdivision Entry(s): (1) identification sign at (2) entries not to exceed 32 sq. feet per face.
- Commercial Business: (1) two-way or (2) one-way identification signs each not to exceed 32 sq. feet per face.
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#### Section 9-7-8 Existing Non-Conforming Signs

- A non-conforming sign permit is required for non-conforming signs.
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#### Section 9-7-9 Enforcement (b) Abandoned Use Signs

- A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premise.

## Clear Creek Station Sign upgrade proposal

Clear Creek Station would like to change out the panels on our existing sign for reasons listed below:

The current panels are beginning to show wear & chipping from age, and they do not correctly reflect the true nature of our business.

The current panels advertise a bed & bunk, which has been non-existent for at least the past 11 years.

It advertises "Sports Bar", which is misleading since the place only serves beer & wine and no hard alcohol.

The RV Park which happens to be the most important part of our business is barely recognized on the current sign.

And our mini mart, which we plan on expanding to better serve our RV Park customers, is not listed at all.

We will continue to run our restaurant, but are downsizing that part of the business and simplifying the menu, mainly due to lack of qualified personnel for the past 11 years.

Enclosed is a picture of the requested sign panel change provided by YESCO , who is aware of Valley County's new sign and light regulations, and will make sure the new panels fit within those parameters.



SCALE 40 = T-J\*

[illegible]

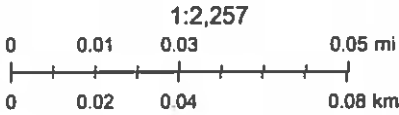


RP00920000000A



1/8/2021, 3:16:04 PM

- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
  - MAJOR
  - COLLECTOR
  - USFS



GeoEye, Maxar, Microsoft

perceived it would be remedied.

Chairman Hart asked if there were further questions for the applicant. There were none.

Chairman Hart asked if there were any proponents or opponents. There were none.

Chairma Hart closed the public hearing and opened the floor for discussion by the Commission.

Chairman Hart asked if there were any problems with the Variance. Staff commented that the application is an easement, which is not really property lines but are recognized as land use boundaries. Staff stated the setbacks were to the land use lines. Staff also commented that with the approval of the Conditional Use Permit the recommendation regarding variances would automatically be made to the Board due to Condition of Approval #7.

Commissioner Willey moved to approve C.U.P. 96-14 with the seven Conditions of Approval. Commissioner Dewey seconded the motion. Motion carried.

Chairman Hart explained to the applicant that the permit was subject to the ten day appeal period and granting of the variance by the Board of County Commiissioners.

#### E. OTHER ITEMS:

##### 1. Appeals of Staff Decision:

**Clear Creek Inn:** Discussion concerning the appeal of the Staff's decision requiring a conditional use permit ensued. Staff stated that an addition was built onto the building and a porch was built on the front deck. Staff read Mr. Moore's appeal to the Commission. Paul Moore attended and argued that the addition only increased safety for his employees. It was determined by the Commission that a Conditional Use Permit was not required because the scope and nature of the business did not change. Commissioner Dewey motioned to agree with the appellant. Commissioner Adams seconded the motion. Motion carried.

**Michael and Faye Krueger:** Staff presented the Krueger's appeal and explained the definitions of a multiple family residence and dwelling unit. Staff argued that the second kitchen constituted the need for a Conditional Use Permit. Mike and Faye Krueger identified themselves and listed their address as 1644A Davis, McCall. They argued that the bathroom was shared. Discussion ensued concerning definitions and the floor plans submitted. Commissioner Adams excused herself due to a possible conflict of interest. Staff clarified that the Commission was not approving or denying a conditional use permit but determining whether one was needed. It was determined tha without the range it would not require a coditional use permit. Commissioner Willey moved to uphold Staff's decision that a conditional use permit was required. Commsisoner Dewey seconded the motion. Motion carried.

Valley County, Idaho  
**BUILDING PERMIT APPLICATION**

Applicant to complete numbered spaces only.

1. PARCEL NUMBER RP 0092000000 BA		R. ADDRESS PG.	
2. PHYSICAL JOB ADDRESS 10694 Hwy 55, Cascade, ID 83611			
3. LEGAL DESCR.	LOT NO.	BLK	SUBDIVISION OR TOWNSHIP, SECTION AND RANGE
4. OWNER Bob/Dee Hall		MAIL ADDRESS Same ↑	ZIP 204-382-7264
5. CONTRACTOR		MAIL ADDRESS	PHONE
6. ARCHITECT		MAIL ADDRESS	PHONE
7. DESIGNER			
8. ENGINEER			
9. FOR MANUFACTURED HOUSING: INSTALLER AND LICENSE NUMBER			
10. CLASS OF WORK: <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE			
11. Describe work and use portable shed for storage			
12. Change of use from			
Change of use to			
13. Valuation of work: \$		\$	\$ 5.00
SPECIAL CONDITIONS:		PLAN CHECK	PERMIT FEE
		Type of Const.	Occupancy Group
		Size of Bldg. (Total) Sq. Ft.	No. of Stories
		Fire Zone	Use Zone
		No. of Dwelling Units	Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No
APPLICATION ACCEPTED BY 5/29/09		PLANS CHECKED BY	APPROVED FOR ISSUANCE BY
<b>NOTICE</b> 14. SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING VENTILATION OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION			
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT		(DATE)	
SIGNATURE OF OWNER OR OWNER BUILDER		(DATE)	
<b>WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT</b>			
PLAN CHECK VALIDATION CK M.O. CASH PERMIT VALIDATION CK M.O. CASH			



NORTH ↑

RESTAURANT

WALK WAY

BUILDING

STORAGE

SHED

NEW

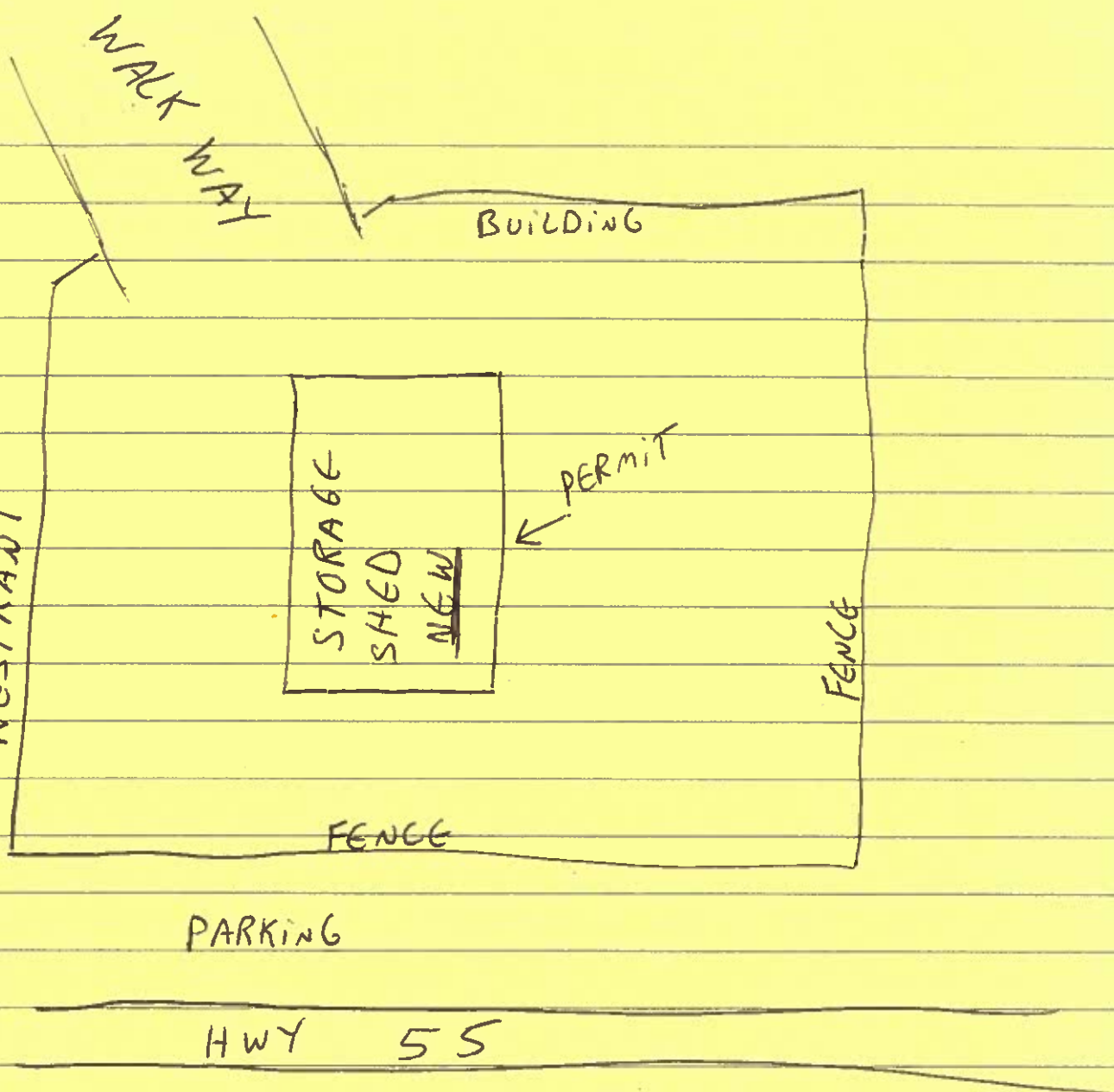
PERMIT

FENCE

FENCE

PARKING

HWY 55



## Cynda Herrick

---

**From:** Cynda Herrick <cherrick@co.valley.id.us>  
**Sent:** Tuesday, March 10, 2020 12:15 PM  
**To:** shawnidre@gmail.com  
**Subject:** Clear Creek Station

To whom it may concern:

Clear Creek Station located at 10694 State Highway 55 is a grandfathered use for the existing land uses. The uses include the restaurant, store, second floor rooms, and RV park.

Changing ownership does not change the use which is allowed.

If in the future, changes in use are desired, a conditional use permit will be required. I would also like to comment that a lot of the use is limited by the septic system which is permitted by Central District Health (208)634-7142.

Valley County has a dark sky ordinance which limits outdoor lighting and a sign ordinance which requires a sign permit.

If you have question please call.

Cynda Herrick, AICP, CFM  
Valley County  
Planning and Zoning Administrator  
Floodplain Coordinator  
PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service  
T Transparent  
A Accountable  
R Responsive

Clear Creek Station

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White House

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Wood Sled

Shop

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