

# Valley County Planning and Zoning

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**STAFF REPORT:** Valley County Code Amendments  
**HEARING DATE:** June 26, 2023  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director

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## **BACKGROUND:**

The Board of County Commissioners held a public hearing on Valley County Code Amendments on June 12, 2023. Revisions were made to proposed ordinances at the request of the Commissioners.

## **RESPONSES RECEIVED AFTER THE PUBLIC HEARING ON JUNE 12, 2023:**

Emily Hart, McCall Airport Manager, was unable to attend the previous public hearing and recommends approval of the FAA Notice Tool. (June 12, 2023)

## **ATTACHMENTS:**

- Draft Ordinance 2023-01 Miscellaneous Amendments
- Proposed changes to Valley County Code (Attachments to Ordinance)
- New Responses

**END OF STAFF REPORT**

**VALLEY COUNTY**  
**ORDINANCE NO: 2023-01**  
**Miscellaneous Amendments**

**AN ORDINANCE TO PROVIDE FOR AMENDMENT TO VALLEY COUNTY CODE TITLE 6 PROVIDING FOR REQUIREMENT OF THE FEDERAL AVIATION ADMINISTRATION (FAA) FORM 7460-1; TITLE 9 TO INCLUDE NEIGHBORHOOD MEETINGS, MOTION FOR RECONSIDERATION AND PLANNED UNIT DEVELOPMENT DENSITY INCREASE; PROVIDE FOR PAINTING OR SIDING OF CONTAINERS; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.**

WHEREAS, ordinances are adopted to promote the protection and consideration of the health, safety and general welfare of the people of Valley County;

WHEREAS, there are airports in Cascade, Donnelly, and McCall that receive FAA funding and should be protected from interference by structures that create safety concerns;

WHEREAS, neighborhood meetings will assist in the planning process through education of neighbors and identification of impacts that may lead to changes prior to public hearing;

WHEREAS, the Board of County Commissioners are the final decision makers and should have the opportunity to reconsider Planning and Zoning Commission decisions;

WHEREAS, more flexibility in density within planned unit developments will assist in providing needed housing;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, IN THE FOLLOWING FINAL VERSION TO BE PUBLISHED:

ATTACHMENT A – Include Valley County Code 9-5H-1.D Neighborhood Meetings

ATTACHMENT B – Include Valley County Code 9-5H-13 Motion for Reconsideration

ATTACHMENT C – Include Valley County Code 6-1-9 FAA Form 7460-1 AND  
Containers

ATTACHMENT D – Amendment to Valley County Code 9-9-7 Increase Density in PUDs

**NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this 12<sup>th</sup> day of June, 2023, with an effective date being the date of publication on June 27, 2023.**

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Elting G. Hasbrouck, Chairman  
Valley County Board of Commissioners

Attest:

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Douglas A. Miller, Valley County Clerk

## ATTACHMENT A

### Valley County Code 9-5H-1

D. Neighborhood Meetings: Applicants shall conduct a neighborhood meeting for any proposed subdivision that contains five (5) or more lots. The purpose of such meetings is to obtain input to improve plans and reduce negative comments from neighbors.

- (1) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within three hundred feet (300') of the exterior boundary of the property subject to the application. In lieu of a neighborhood meeting, evidence can be submitted that the applicant spoke with all property owners within 300'.
  - a) Notification of the neighborhood meeting shall be sent by US mail to all property owners within 300' of the site of the proposed application a minimum of 10 days prior to the neighborhood meeting.
  - b) Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the neighborhood meeting.
- (2) The meeting should not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend. The meeting shall not be on weekdays between the hours of seven thirty o'clock (7:30) A.M. and five thirty o'clock (5:30) P.M., unless a written consent agreeing to the day and time, signed by at least fifty one percent (51%) of the property owners within three hundred feet (300'), is filed with the department prior to the neighborhood meeting.
- (3) The meeting shall be on the property subject to the application; at a nearby available public meeting place including, but not limited to, a fire station, library, school, or community center; or at a location with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place. Meetings can also be on a virtual platform.
- (4) The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application.
- (5) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.
- (6) Each application should include a Summary of the Meeting that includes the location, date, time of the meeting; mailing list; a summary of the comments received at the meeting; and, a list of persons attending.

## ATTACHMENT B

9-5H-13 Motions for Reconsideration of Decisions: Any Planning and Zoning Commission (Commission) level or Board of County Commissioner (Board) decision may be brought before the Board of County Commissioners in the following manner:

1. Reconsideration of Planning and Zoning Commission decision by the Board of County Commissioners may be brought before the Board by motion of the Board as an Action Item made before five o'clock (5:00) P.M. of the tenth calendar day after the Commission' decision has been made. If the request falls on a weekend or holiday, the appeal period is automatically extended to the next workday.
  - a. The reconsideration must be set on the next available agenda.
  - b. A public hearing is not required.
2. Reconsideration of Board of County Commissioner decision within fourteen (14) calendar days by any applicant or affected person seeking judicial review can be made in accordance with IC 67-6535(2)b. Upon receipt of the request for reconsideration, the Board may process as follows:
  - a. Set on the next available agenda for decision.
  - b. Set on the next available agenda for oral arguments if requested by applicant or affected person.
  - c. Must make a decision within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied.

## ATTACHMENT C

### FAA Form 7460-1 and Painting of Shipping Containers

#### 6-1-9: PERMIT REQUIREMENTS:

A. Permit Required: It shall be unlawful for any person, firm, co-partnership, association or corporation to do, or cause, or allow to be done, after the effective date hereof, whether acting as principal, agent or employee, any construction, improvement, extension, alteration or demolition of any building, residence or structure, coming under the purview of this chapter, in Valley County, without first procuring a permit authorizing such work to be done. A violation fee may be required by the Building Official as set by resolution of the Board of County Commissioners.

B. Evidence Of Approved Sewer System: Prior to issuance of a building permit for a building proposed to be used for human habitation, the building official shall require evidence of approval of the sanitary sewer system by the Central District Health or sewer district.

C. Compliance With Zoning And Site Development Regulations: No building permit shall be issued or authorized unless the work or project is in compliance with zoning and/or site development ordinances of the county, provided such zoning and/or site development is not in conflict with the codes herein enumerated. A building permit will be required for placement of any structure over three (3') feet in height.

#### D. Energizing Electrical And Other Utility Services; Gas Check:

1. It shall be unlawful for any person, firm or corporation to connect or energize any electrical installation or any other utility service to any building or structure coming under the provisions of this chapter unless the necessary permit covering such installation has been issued.

2. The building official will not approve a final inspection or issue a certificate of occupancy for any building containing a liquefied petroleum gas fixture or appliance without first receiving evidence that a gas check has been completed and approved by a qualified inspector. The gas check will include observation of a pressure test and an inspection of all gas piping, valves, controls, and appurtenances required by applicable codes for a safe, complete and workable installation. Qualified inspectors are those who are licensed plumbers with the state of Idaho or are certified installers by a certification program recognized in the industry and by the building official.

3. The gas check certification is the sole responsibility of the property owner or his agent including providing evidence of the approval to the building official.

#### E. Approach Permit:

1. An approach permit shall be required from the road department prior to the issuance of building permits for any structures on lots that have not previously had buildings constructed and require access onto a public right of way.

2. Driveways should not exceed eight percent (8%) grade and have a minimum of a fifty foot (50') plus/minus four percent ( $\pm 4\%$ ) runout. If this is not achievable on lots platted prior to August 28, 2013, then the road superintendent will work with the applicant on a safe approach. If a safe approach cannot be constructed, the applicant may need to obtain an easement to a public or private road across other property. On lots platted after August 28, 2013, the developer

shall assure that all lots can achieve this standard or apply for a variance as part of the conditional use permit/preliminary platting process.

F. Expiration, Suspension Or Revocation Of Permit:

1. Each permit issued under this chapter shall expire if the work or building authorized by the permit is not commenced within one hundred eighty (180) days from the permit date, or if the work or building authorized by the permit once commenced is thereafter suspended or abandoned for a period of three hundred sixty five (365) days. Suspended or abandoned work, for which the original permit has expired, shall be recommenced only after the issuance of a new permit therefor.

2. A building permit, issued by mistake, issued on the basis of incorrect information supplied, or issued in violation of any statute, regulation, or provision of this code may be suspended or revoked by written notice to the permittee.

3. The building official is authorized to grant, in writing, one extension of time for one year. After that one year extension another extension can only be granted by the Board of County Commissioners. The extensions shall be requested in writing and justifiable cause demonstrated. (Ord. 13-5, 9-16-2013; amd. Ord. 21-06, 5-17-2021)

G. FAA Form 7460-1 Notice of Proposed Construction or Alteration Within Vicinity of Airports:

1. All building permits within approximately three (3) miles of the Cascade, Donnelly, and McCall airport runways will complete the Notice Criteria Tool – Federal Aviation Administration.

2. If the Notice Criteria Tool identifies that an FAA Form 7460-1 Notice of Proposed Construction or Alteration is not required, print the form and submit the copy with the building permit.

3. If the Notice Criteria Tool identifies that an FAA Form 7460-1 Notice of Proposed Construction or Alteration is required, you must file with the FAA. However, any structure that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, or will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation need not apply, as determined by the Valley County Building Official or their designee.

4. Valley County Building Department can assist with determinations and contact information. Valley County has developed a tool to determine latitude, longitude, and elevation, which can be found on the Valley County Website, and is named FAA Criteria Data Finder in the Building Department section.

H. Shipping Containers are allowed with a placement permit and must meet setbacks. However, they shall be painted or have siding that is a color that blends with the natural terrain or other structures on the property. The structure shall be ready for inspection within two months of placement. Shipping Containers are also referred to as a CONEX box and defined as a large, reusable steel box designed to protect goods. There shall be no commercial advertising or signage on the side of a container.

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## ATTACHMENT D

### Title 9, Chapter 9 Planned Unit Development

#### **9-9-7: STANDARDS:**

D. Averaging And Transferring Densities: Averaging and transferring densities within the PUD shall be allowed: 1) upon a showing that it fits the definition of a PUD; 2) as long as the overall average residential density is no greater than six (6) dwelling units per gross acre; and 3) only if residential units are to be connected to central water and sewer systems. The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundaries of the PUD, except public lands. It is recognized that the increased residential density of a PUD shall be in relationship to the site and structure location, application of technology, design, construction techniques, landscaping and topography. Dwelling units per gross acre can be increased to provide community and workforce housing at negotiated percentages that are memorialized in a development agreement with the Board of County Commissioners; consideration will be based upon distance from incorporated cities, impact areas, and available infrastructure such as sewer and water.

## **Code Amendments June 12, 2023**

**From:** Emily Hart <ehart@mccall.id.us>

**Sent:** Monday, June 12, 2023 3:43 PM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** Code Amendments June 12, 2023

Hi Cynda,

I planned to be there today, but there was an airplane crash just north of McCall Airport this morning, and my hands are full.

I did correspond with the Paul Holmquist with FAA, and we agree that the Notice Tool is a safe bet. Thanks to you and your team for working on the Code Amendments to include FAA considerations around McCall, Donnelly, and Cascade airport.

Regards,  
Emily

Emily Hart | McCall Airport Manager  
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