

Valley County Planning and Zoning

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



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STAFF REPORT: V-2-23 Clover Valley Properties Sign Variance
HEARING DATE: September 14, 2023
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT / OWNER: Clover Valley Properties LLC, c/o Ken Roberts
PO Box 1177, Donnelly ID 83615
LOCATION: 12765 Highway 55
Parcel RP16N03E350177 located in the NE ¼ Section 35, T.16N,
R.3E, Boise Meridian, Valley County, Idaho
REQUEST: Relax Sign Requirements
EXISTING LAND USE: Agricultural

BACKGROUND:

Clover Valley Properties LLC is requesting a variance from Valley County Code 9-7-6 Sign Standards to allow University of Idaho logos to be painted on grain bins visible from Highway 55. Pictures of similar designs are included in the application.

Valley County Code 9-7-6 states that signs shall not be greater than 32-sqft. The area of all signs shall not be greater than 20% of the area of the side of the building where the sign is attached. Permanent signs shall be rural in character and appearance. And, off-premise signs are not allowed.

FINDINGS:

1. The application was submitted on July 28, 2023.
2. Legal notice was posted in the *Star News* on August 24, 2023, and August 31, 2023. Potentially affected agencies were notified on August 15, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on August 16, 2023. The notice and application were posted online at www.co.valley.id.us on August 15, 2023. The site was posted on August 17, 2023.
3. Agency comment received:

Jess Ellis, Donnelly Fire Marshal, has no comments or concerns. (August 30, 2023)

Mike Reno, Central District Health, has no objections. (August 16, 2023)

4. Public comment received: *none*

5. Valley County Code:

TITLE 9 CHAPTER 7 SIGN STANDARDS

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.

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.

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.

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

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.

9-5H-10: VARIANCES:

- A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

B. Application:

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
2. A written application for a variance shall be submitted to the administrator or staff containing:
 - a. Description of the nature of the variance requested.
 - b. A narrative statement and graphic material demonstrating:

- (1) That special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.
 - (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
- c. A site plan showing the location of the variance and the special characteristics of the site.
 - d. A list of adjoining property owners within three hundred feet (300') of the site.
 - e. The fee set by resolution of the board shall accompany the application for a variance.
- C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.
- D. Granting Of Variance:
1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
 2. Within ten (10) days after a decision has been rendered, the administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
 3. The commission's decision shall be a recommendation to the board.
 4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
 5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
 6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
 7. The variance approval is valid for five (5) years, unless a more specific date is specified.

6-1-2: SCOPE; EXEMPTIONS:

- A. Scope: The provisions of this chapter shall apply to all buildings and construction within the unincorporated areas of Valley County, except as otherwise herein provided.

6-1-8.6 An application for a permit for construction of an agricultural structure shall be filed with a fixed fee per structure, but no structural review or inspection of construction will be required. Permits shall be approved by planning and zoning in accordance with section 9-1-10, "Definitions", of this code.

STAFF QUESTIONS AND COMMENTS:

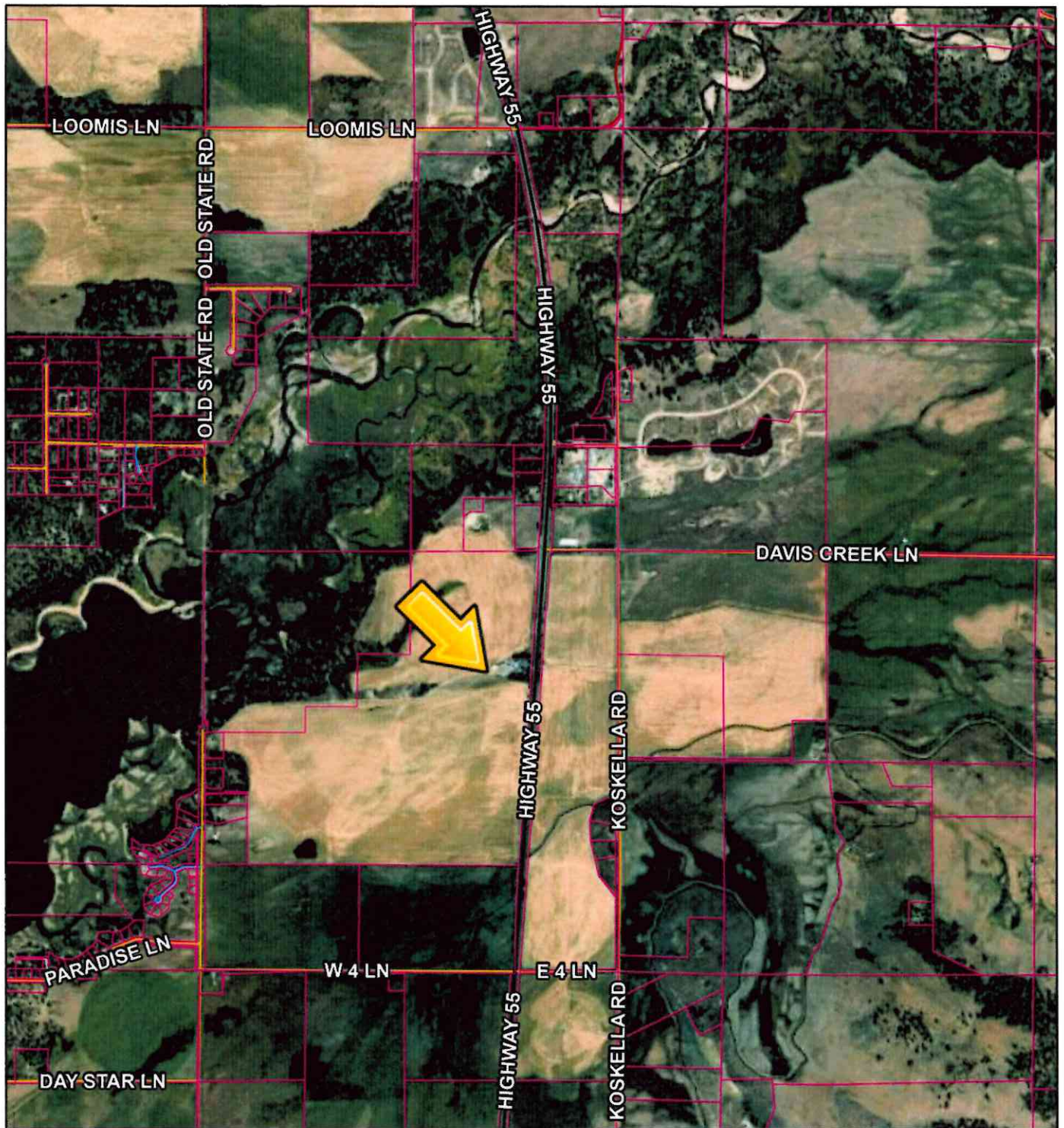
1. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
2. The location of the sign is along the designated Payette River National Scenic Byway.
3. What is the proposed design? How is it chosen and by whom? Pictures submitted were not in color.
4. There were no building permits issued for the grain bins or the *Conex* box.

ATTACHMENTS:

- Vicinity Map
- Assessor Plat – T16N R3E Section 35
- Site Plan
- Pictures of the Site – August 17, 2023
- Responses

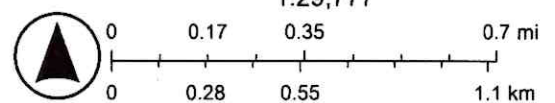
END OF STAFF REPORT

V-2-23 Vicinity Map



8/4/2023, 3:45:17 PM

- | | |
|-------------------|-------------|
| Parcel Boundaries | COLLECTOR |
| Roads | URBAN/RURAL |
| MAJOR | PRIVATE |
| MINOR COLLECTOR | |



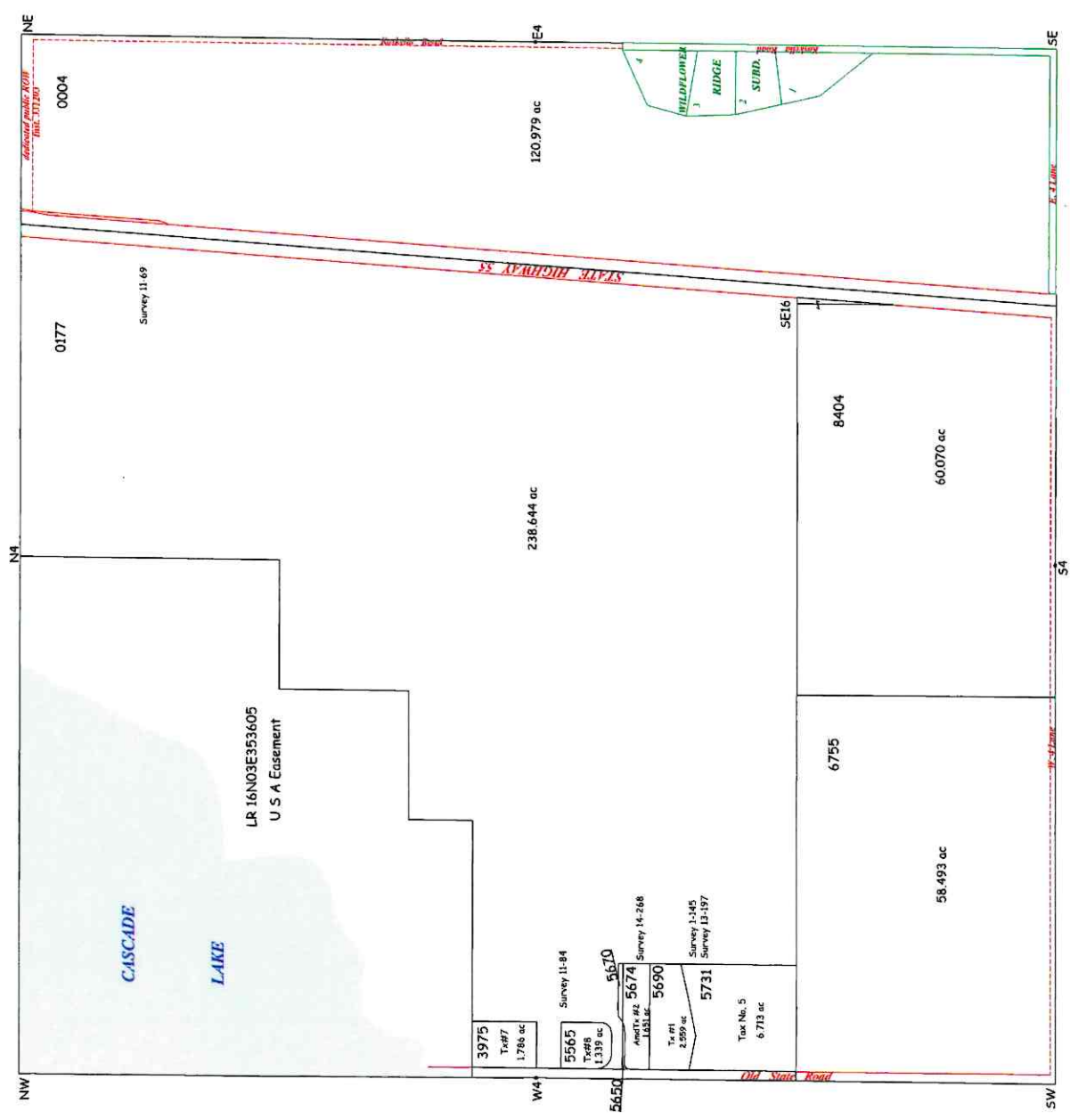
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PLAT TITLE

T W P . 1 6 N R O 3 E S E C . 3 5

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map
Scale: 1" = 400 ft.
Date: 5/18/2023
Drawn by: L. Frederick



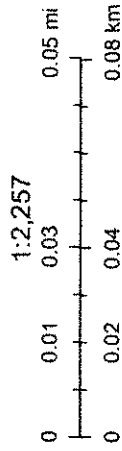
This Drawing is to be Used for Reference Purposes ONLY. The County is NOT Responsible for Any Information Contained Herein.

Assessor's Map & Parcel Viewer



6/21/2023, 1:54:44 PM

- Address Points



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Compiled by the Bureau of Land Management (BLM), National Operations Center (NOC), OC-530 | Valley County GIS





Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

August 30, 2023

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: V-2-23 Clover Valley Properties Sign Variance

After review, the Donnelly Rural Fire Protection District has no comments or concerns on this matter.

Please call 208-325-8619 with any questions.

Jess Ellis

A handwritten signature in blue ink, appearing to read "Jess Ellis".

Fire Marshal

Donnelly Fire Department



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # V-2-23

Preliminary / Final / Short Plat _____

Clowdale Properties Sign Variance

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
☐ high seasonal ground water ☐ waste flow characteristics
☐ bedrock from original grade ☐ other _____
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
☐ central sewage ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:
☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☐ 14. _____

Reviewed By: [Signature]

Date: 8-16-23