Oct 27, 2025

ORDINANCE NO: 2025-07
Valley County Code: Revisions to Title 6, Title 9, Title 10 and Title 11

AN ORDINANCE AMENDING VALLEY COUNTY CODE TITLE 6 ADDING DRIVEWAY STANDARDS; TITLE 9 ADDING ADDITIONAL BMP REQUIREMENTS AND A RIPARIAN AREA OVERLAY ZONE, ALONG WITH ZONE CHANGE TO MULTIPLE USE FOR ALL UNINCORPORATED AREAS; TITLE 10-7 CHANGES TO WILDLAND URBAN INTERFACE CODES; AND, APPLICATION OF TITLE 11 FLOOD ORDINANCE TO ALL UNINCORPORATED AREAS OF VALLEY COUNTY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, REPEAL ALL PREVIOUSLY ADOPTED LAND USE CODES IN ORDER TO APPLY VALLEY COUNTY CODES TO UNINCORPORATED AREAS OF VALLEY COUNTY; REZONE ALL OF THE UNINCORPORATED AREAS IN VALLEY COUNTY TO MULTIPLE USE; AND, THAT VALLEY COUNTY CODE, TITLE 6, TITLE 9, TITLE 10, AND TITLE 11, BE AMENDED, AS FOLLOWS:

TITLE 6
BUILDING REGULATIONS

6-1-3: DEFINITIONS:

As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

Best Management Practices (BMPs) A collection of policies, practices, procedures, and structures designed to minimize adverse environmental impacts, such as those on surface water quality and groundwater sustainability. They are categorized as either structural, which involve physical installations like silt fences or retention ponds, or non-structural, which are often policy or practice-based, like proper waste management or education programs. BMPs are used across various fields, including construction, agriculture, and water resource management, to promote effective and sustainable environmental stewardship.

Fire-resistant roofs are made of materials like metal, slate, clay, and concrete tiles, which can be classified as Class A, the highest level of fire resistance

6-1-9: PERMIT REQUIREMENTS:

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. For other structures, an Accessory Use Permit from Central District Health may be required.

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. This includes compliance with VCC 9-4-3-4.F Best Management Practices and VCC 9-6-6 Riparian Area Overlay. A building permit will be required for placement of any structure over three (3') feet in height.

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. Drivewayss should not exceed ~~eight~~ ten percent (~~8~~10%) grade and have a minimum of a fifty foot (50') plus/minus four percent (±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.

3. Driveway plans or constructed driveways that are over 150 feet from an access road will need to be approved by the appropriate fire code official or assigns prior to issuance of a building permit to assure that firefighting apparatus can access the site.

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a. The driveway should shall be an all-weather surface and have a minimum of 12' of width.

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b. Clearance shall be an unobstructed height of 13 feet 6 inches.

c. Driveways over 150 feet long shall be provided with turnarounds.

i. Turnarounds shall meet the requirements in IFC appendix D 103.4.

ii. Turnarounds shall have an inside turning radius of not less than 30 feet and an outside turning radius of not less than 45 feet, as required by IDAPA 18.

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d. Driveway gradient shall not exceed 10 percent unless approved by the fire code official.

e. Driveways shall be designed and maintained to support the imposed loads of responding fire apparatus.

TITLE 9
LAND USE AND DEVELOPMENT

CHAPTER 1
AUTHORITY; DEFINITIONS; GENERAL PROVISIONS

9-1-2: AUTHORITY:

Authorization for these land use regulations is contained in the Idaho planning act of 1975, Idaho Code sections 67-6501 through 67-6538 40 with special emphasis on section 67-6503 providing that "every city and county shall exercise the power conferred by this chapter" with regard to the establishment of zoning districts, Idaho Code section 67-6511; the issuance of special or conditional use permits, Idaho Code section 67-6512; the regulation of land subdivision development, Idaho Code sections 67-6513 through 67-6514 and also Idaho Code sections 50-1301 through 50-1334; the regulations of planned unit developments, Idaho Code section 67-6515; the adoption of design standards and building criteria, Idaho Code section 67-6518; and the regulation of land use according to other provisions of Idaho Code chapter 65.

SECTION:

9-1-10: **Definitions**

~~BEST MANAGEMENT PRACTICES: A. The exercise of judgment and care under the circumstances then prevailing, which men of prudence and discretion exercise in the management of their own affairs.~~

~~B. Best management practices for water quality and the improvement thereof is the state of the art practices in engineering, planning, or administration to prevent or reduce runoff pollutants 1 .~~

BEST MANAGEMENT PRACTICES (BMPs): A collection of policies, practices, procedures, and structures designed to minimize adverse environmental impacts, such as those on surface water quality and groundwater sustainability. They are categorized as either structural, which involve physical installations like silt fences or retention ponds, or non-structural, which are often policy or practice-based, like

proper waste management or education programs. BMPs are used across various fields, including construction, agriculture, and water resource management, to promote effective and sustainable environmental stewardship.

DETENTION BASIN: A designed landscape feature that temporarily holds and gradually releases stormwater runoff to control flooding, filter sediment, and reduce downstream erosion. (Unlike retention basins, which may maintain a permanent pool of water, detention basins are designed to drain providing a relatively dry area between storm events.)

FIRST-FLUSH STORMWATER: Runoff occurring at the onset of a storm or snowmelt, which typically contains the highest concentration of accumulated pollutants.

LOT COVERAGE: That portion of a lot that is occupied by the principal building and its accessory buildings, including overhangs, along with any structures requiring a building permit, and other impervious surfaces, such as driveways, patios, and accessory structures.

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RETENTION BASIN: A designed landscape feature that permanently stores stormwater runoff to prevent flooding and improve water quality. Retention basins prevent runoff from flowing downstream and may include surface ponds or underground seepage beds. Retention basins may be designed to remain wet or dry out through evaporation or infiltration.

RIPARIAN AREAS: Lands adjacent to a watercourse or water body that are influenced by water, have the presence of riparian vegetation, and diverse habitat; and, have an important function in mitigating flood damage and filtering stormwater.

RIPARIAN AREA OVERLAY: A special overlay created to protect the health and safety of the public, and to minimize damage to property and fragile ecologies. The overlay is 150' feet in width and is detailed in VCC 9-6-6.

RIPARIAN VEGETATION: The vegetation associated with streams that are subject to and sustained by seasonal surface water inputs, or high ground water elevations. Plant species commonly found in riparian areas are listed by the Idaho Conservation Data Center as wetlands and riparian plants in Idaho.

TURBBIDITY CONTROLS: Involves techniques to reduce cloudiness in water, primarily through managing sediment sources like runoff and erosion, and using physical barriers, filtration systems, and chemical treatments like coagulants to remove suspended particles. EX: floating turbidity curtain.

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STORMWATER HARVESTING: (Types)

- Roof-based harvesting: The most common type, using rooftops to capture and direct rainwater.
- Land-based harvesting: Shaping land contours and creating dikes or berms to direct runoff to specific areas, such as vegetation.

CHAPTER 4
PERMITTED USES

SECTION:

9-4-1: General Provisions

9-4-2: Policy

9-4-3: Standards

9-4-3-1: Lot Area

9-4-3-2: Setbacks

9-4-3-3: Buildings

9-4-3-4: Site Improvements

9-4-3-5: Impact Report

9-4-4: Procedures

9-4-5: Limitation To Certain Permitted Uses

9-4-6: Variances

9-4-7: Accessory Dwelling Units

9-4-8: Table 4-A, Standards For Permitted Uses

9-4-9: Recreational Vehicle Campground

9-4-10: Short-Term Rentals

9-4-1: GENERAL PROVISIONS:

A. Review Not Required: This chapter contains standards and procedures for those uses which are likely to be compatible with existing land uses in the multiple use district of the county and, therefore, review by the commission and public is not necessary.

B. Review Required: Permitted uses are listed in section 9-3-1, table 3-A of this title, and in section 9-4-8, table 4-A of this chapter. If land use is proposed which is not provided for within section 9-3-1, table 3-A of this title, its status as a permitted or conditional use shall be determined by the planning and zoning commission based upon its similarity and dissimilarity to uses that are listed, particularly with respect to its visual attributes, its demand for public services and facilities, and its external impacts or imposition upon adjacent properties (the latter determined with regard to the permitted uses on that adjacent property). (Ord. 10-06, 8-23-2010)

9-4-2: POLICY:

A. The comprehensive plan states that ~~"planning be instituted to preserve the open characteristics and scenic beauty of the county";~~ "the Plan is not to control land, but to prevent uses of land harmful to the community in general. The natural beauty and open characteristics of the county can, without reservation, be described as a major reason why land development is rapidly increasing in the county. The purpose of this plan and analysis is to guide development so as not to harm the characteristics which attracted it here in the beginning."" The Plan is to be used as a general guide for the provision of public facilities, the adoption of implementing ordinances, considering changes in land use, and decisions regarding future development." ~~and an objective stated therein is to "preserve agricultural land for farming and allow nonfarm development in rural areas only when it does not interfere with the productive and profitable level of agriculture".~~

B. This section is intended to fulfill those goals and objectives of the comprehensive plan by:

1. Defining those uses which are agricultural or residential in nature ~~or~~and are inherently compatible therewith.

2. Recognizing those uses as the standard by which other uses are compared for compatibility.

3. Protecting those areas from encroachment by noncompatible uses.

4. Allowing those uses to be pursued without unnecessary regulation.

5. Providing certain standards and procedures which are intended to upgrade or enhance the permitted use.

C. The interpretation of the standards and procedures herein shall be to encourage the expansion and improvement of permitted uses. (Ord. 10-06, 8-23-2010)

9-4-3: STANDARDS:

9-4-3-1: LOT AREA:

A. Minimum Lot Size And Configuration: The minimum lot size and configuration for all permitted uses shall be at least sufficient to accommodate water supply facilities, sewer disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, open areas, accessory structures, and setbacks as required by provisions of this chapter.

B. Single-Family Residence: However, in no case, shall a single- family residence be located on a lot split from a platted lot or on a parcel of land divided from an original parcel without platting that is less than one acre in area where individual sewage disposal and individual water supply system are proposed. Where either a central water supply system or a central sewage collection and disposal system, or both, is available, such lots or parcels shall be not less than twenty thousand (20,000) square feet in area. The minimum areas stated in this section do not apply to original parcels. (Ord. 10-06, 8-23-2010)

9-4-3-2: SETBACKS:

A. Buildings Exceeding Three Feet In Height: The setbacks for all buildings exceeding three feet (3') in height shall be in accordance with section 9-4-8, table 4-A of this chapter.

B. Setback From Highway 55: All buildings shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.

C. High Water Lines Andand Ditches: All residential buildings shall be set back at least ~~thirty~~ fifty feet (350') from high water lines and ditches. All other buildings shall be set back at least one hundred feet (100') from high water lines and ditches.

1. The setback shall be from the base flood elevation if there is a determined flood elevation or a high-water line where vegetation is denuded.
2. In order to provide for ecological function and ensure water quality benefits are preserved, Aa minimum 25-foot zone: area adjacent to the waterbody must be maintained to reduce erosion and enhance habitat protection. This zonearea may consist of a vegetative buffer, bank stabilization measures, or a combination thereof; ~~provided that ecological function and water quality~~

benefits are preserved. A 25' vegetative buffer must be maintained in order to reduce erosion and enhance habitat protection.

3. Vegetation shall be native.
4. No vegetation can be planted that requires fertilizers. Fertilizer shall not be used in the setback area.
5. A five-ft (5') permeable pathway will be allowed to access through the vegetative buffer. The pathway cannot cause water to flow directly into the waterbody without proper filtration.
6. See requirements in VCC 9-6-6 Riparian Area Overlay.

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D. Front Yard: Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.

E. Encroachment By Other Structures: No other structures may encroach on the yards determined for the structure establishing the principal use.

F. Measurement: Setbacks shall be measured horizontally, perpendicular to the property line, to the nearest corner or projections or overhang.

G. Adjustment Of Front Or Rear Yard Setbacks: The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block; however, no setback may be less than seven and one-half feet (7.5').

H. Lots Having Common Boundary Line With ~~BLM~~USBR ~~United States Bureau of Reclamation (USBR)~~ Property Surrounding Lake Cascade ~~Reservoir~~: Minimum rear yard setbacks for those lots having a common boundary line with ~~bureau of reclamation~~ USBR property surrounding Lake Cascade ~~Reservoir~~ are seven and one-half feet (7.5'), but may not be less than that provided for in subsection C of this section. (Ord. 10-06, 8-23-2010)

9-4-3-3: BUILDINGS:

A. Subject To County Building Code: All buildings or structures to be set on a permanent foundation and exceeding one hundred twenty (120) square feet in roof area are subject to the provisions of the building codes per title 6, chapter 1 of this code.

B. Building Permits Required: Building permits are required for all structures and may be obtained from the county building department. Placement permits can be obtained from the county planning and zoning department. Building heights, shapes, floor areas, and construction materials in permitted uses shall be unlimited by this title, except for the

provisions of the building codes per title 6, chapter 1 of this code, and section 9-4-8, table 4-A of this chapter. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

9-4-3-4: SITE IMPROVEMENTS:

A. Required Site Improvements: No site improvements beyond those required by the provisions of section 9-4-8, table 4-A of this chapter, title 6, chapter 1 of this code, or other regulations are required for a permitted use, except that all land surfaces not used for roads, buildings, and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping. The minimum street frontage requirement shown in section 9-4-8, table 4-A of this chapter, does not apply to original parcels. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

B. Wells: Construction of wells for individual water supply or irrigation is regulated by the department of water resources. The location of wells for individual water supply may be limited by ~~the~~ Central dDistrict hHealth ~~department~~.

C. Individual Sewer Systems: Construction and location of individual sewer systems is regulated by the ~~Idaho department of health and welfare~~ Department of Environmental Quality and enforced locally by ~~the~~ Central dDistrict hHealth ~~department~~. Lot areas greater than the minimum required herein may be required to assure proper installations. (Ord. 10-06, 8-23-2010)

D. Driveway Approaches: Driveway approaches to any access road shall be designed and constructed in accordance with title 6, chapter 1 of this code and the "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho". (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

E. Ranch Ponds Or Water Retention Areas: Construction of ranch ponds or water retention areas, that are over five feet (5') in depth and greater in area than one thousand (1,000) square feet, will require an excavation permit. Excavation permits can be issued by the administrator and will include the following information: start date, completion date within up to six (6) months, property description, size of pond, use of pond, plans for mitigating fugitive dust, revegetation plan to return the area surrounding the pond to natural conditions, intentions for stockpiling or removing excess material, and list of other permits obtained. The administrator may determine that a conditional use permit is required for an extractive industrial use. If neither a conditional use permit nor excavation permit is required, the dirt must, at a minimum, be spread or bermed and reseeded.

F. Best Management Practices (BMPs): BMPs ~~Best management practices should~~ ~~mustshall~~ be used for surface water management for permanent management and during

construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. Water should be retained on site or directed to drainage easements, natural drainages, or rights of way so long as they do not damage uses downstream. Water should not be directed onto adjoining properties. BMPs shall be in place prior to excavation of the site to control drainage and erosion during and after construction. In the Riparian Area Overlay, BMPs ~~will~~shall be inspected prior to ~~construction~~ any earthwork or construction. Where certain BMPs are scheduled after earthwork, ~~interim~~ temporary measures shall be used to maintain compliance, ~~see (9-4-3-4.G)~~and:

1. ~~Must~~BMPs shall meet the requirements as adopted by Valley County from the most current Idaho Dept. of Environmental Quality's "Catalog of Stormwater BMPs".
2. BMPs shall be in place prior to excavation of the site.
3. If in the Riparian Area Overlay, BMPs ~~must~~shall be designed, approved, installed, and inspected prior to any earthwork or construction. (see VCC 9-6-6 Riparian Area Overlay)

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9-4-3-5: IMPACT REPORT:

No impact report is required for a permitted use. (Ord. 10-06, 8-23-2010)

9-4-4: PROCEDURES:

Permitted uses not requiring a building permit may be pursued and enjoyed at the pleasure of the property owner. Building permits may be obtained upon application and compliance with title 6, chapter 1 of this code. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

9-4-5: LIMITATION TO CERTAIN PERMITTED USES:

A. Commercial kennels and poultry production for nonfamily and non-household are conditional uses 1 .

B. Feeding, salting, or watering cattle within a public road right of way is prohibited. A feedlot for the purpose of preparing consigned animals for market is a conditional use 2 . (Ord. 10-06, 8-23-2010)

Notes

1 1. See section 9-5-4 of this title under commercial uses, area business.

2 2. See section 9-5-4 of this title under commercial uses, area business.

9-4-6: VARIANCES:

Variances 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 or the placement of the structure upon lots, and other land use requirements may be granted by the commission and board. Procedures and conditions for obtaining a variance are contained in section 9-5H-10 of this title. (Ord. 10-06, 8-23-2010)

9-4-7: ACCESSORY DWELLING UNITS:

Accessory dwelling units (ADUs), as defined in section 9-1-10 of this title, shall be a permitted use in all zones within the county subject to the following conditions:

A. Water And Sewer: The ADU must meet all requirements of Idaho Central District Health with respect to the provision of individual potable water and sewage disposal facilities, or have a permit from an approved central sewage treatment facility. Issuance of a permit for the ADU must not adversely impact others within the neighborhood from obtaining a permit for septic, sewer, or well if the neighbor has not constructed their first residence on their neighboring lot.

B. Square Footage: The square footage of the ADU may not exceed the lesser of one thousand (1,000) square feet or fifty percent (50%) of the square footage of the primary structure, excluding open storage areas, garages, and carports.

C. Setback Requirements: The ADU may be attached to the primary structure, the garage, or be freestanding, and shall be subject to the same setback requirements as the primary structure.

D. Parking Space: The ADU must be provided with at least one parking space. Parking will not be allowed in a public right-of-way or in the required setbacks.

E. Design Elements: The ADU must utilize design elements of the primary structure in order to maintain consistency and clearly signify its subordinate relationship to the primary structure. These elements may include roof pitch, siding, structure shape and placement, etc. The exterior appearance of the structure must be compatible with the primary structure. The administrator shall determine whether this condition has been satisfied. The property owner shall be responsible to provide adequate information with the building permit submittal to determine if design elements satisfy requirements.

F. Use As Bed And Breakfast: The ADU cannot be used as a commercial or bed and breakfast use without a conditional use permit. Sleeping quarters only are not considered ADUs.

G. Use As Long-term Rental Property: If used as a permitted residential rental property, an ADU must be rented for a minimum of more than thirty (30) days (not as a weekly or daily rental).

H. Use as a Short-term Rental Property: If the ADU changes from a long term rental to a short term rental or constructed with the intent of being a short-term rental property of thirty (30) days or less then a conditional use permit will be required and must be in compliance with the rules of the state tax commission under Chapter 36, Title 63, Idaho Code.

I. Occupation By Owner Required: ADUs are permitted only when one of the primary structures on the property is owner-occupied. Owner-occupied structure does not need to be the primary residence. Ownership cannot be fractional or timeshare ownerships.

J. ~~Notice To Adjacent Property Owners; Objections: The administrator shall notify property owners within three hundred feet (300') of the property boundaries.~~

~~1. Objections to the application must be written and received by the Planning and Zoning Administrator within ten (10) working days. Objections must give specific grounds and facts upon which the objection is based. If the Planning and Zoning Administrator determines that objections are sufficient to warrant a conditional use permit, the applicant shall be notified promptly that a conditional use permit is required.~~

~~2. If there are no objections within ten (10) working days, the accessory dwelling unit will be issued an administrative permit and be a permitted use.~~ Fees for ADU permits ~~may~~will be adopted by Resolution of the Board of County Commissioners.

K. The ADU permit will be a condition of the building permit. (Ord. 10-06, 8-23-2010; amd. Ord. 20-05, - -2020)

9-4-8: TABLE 4-A, STANDARDS FOR PERMITTED USES:

TABLE 4-A
STANDARDS FOR PERMITTED USES

9-4-9: RECREATIONAL VEHICLE CAMPGROUND:

Purpose: This ordinance is being adopted to promote compatible uses in neighborhoods by limiting the number of RV's while still acknowledging private property rights.

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Recreational Vehicle Campgrounds (RVC), as defined in section 9-1-10 of this title, shall be a permitted use in all zones within the county subject to the following conditions:

A. Standards for Recreation Vehicle Campground:

1. Number of Units: One RV unit is allowed without a permit. Two or three units that are kept on-site for more than an occasional weekend will require an administrative permit with a fee as adopted by resolution. More than three units will require a conditional use permit.

2. Water, Sewer, and Garbage:

a. The RVC must meet all requirements of the Idaho Central District Health (CDH) with respect to the provision of individual potable water and sewage disposal facilities, portable holding tanks, or have a permit from an approved central sewage treatment facility.

b. The RVC must meet all requirements of CDH for the disposal of gray water.

c. The RVC must meet all requirements of CDH for porta potties. They will not be allowed if a sewer system is available and the porta potty should be visually screened and cannot be located in an area that will adversely affect neighbors.

d. The RVC must contract for garbage pickup with the local provider and submit proof of service with the application or agree to haul the garbage to the Valley County Materials Recovery Facility or to their primary residence outside Valley County.

3. Setback Requirements: The RV and any other structures over three (3) feet in height shall be subject to single family residential setback requirements, including porta potties.

4. Parking Space: Parking of vehicles shall not be in a road right-of-way or in a setback area.

5. Use As a Rental Property: If any of the property is used as a rental unit or rental property, a conditional use permit shall be required and will be considered an RV Park.

6. Occupation By Owner Required: RVCs are permitted only when one of the RV units on the property is owner-occupied, which includes immediate family members. Ownership cannot be fractional or timeshare ownerships.

7. Lighting: Must comply with Valley County Lighting Ordinance (VCC 6-2)

8. Camp Fire Management: All campfires must be in a safe and well-maintained fire pit. All fire must be attended at all times and fully extinguished when not. A fire extinguisher and/or water hose along with a shovel must be accessible.

9. Lot Coverage: All structures, parking lots, fire pits, and impervious areas cannot cover more than 35% of the lot.

B. RVC Administrative Permit Process:

1. Application package shall be submitted to the Valley County Planning and Zoning Administrator with the appropriate fee as adopted by resolution.

2. Application package shall include the following:

a. Completed Valley County application form.

b. Site plan showing location of RV, structures, parking, lighting, fire pits, etc.

c. Central District Health approval for a septic system, will serve from sewer district, or agreement that only self-contained units will be used and dumped at approved sites.

d. Fire protection plan.

e. Garbage pick-up agreement.

f. Contact number.

~~C. Notice To Adjacent Property Owners; Objections: The administrator shall notify property owners within three hundred feet (300') of the property boundaries and active Home Owner Associations.~~

~~1. Objections to the application must be written and received by the Planning and Zoning Administrator within ten (10) working days. Objections must give specific grounds and facts upon which the objection is based. If the Planning and Zoning Administrator determines that objections are sufficient to warrant a conditional use permit, the applicant shall be notified promptly that a conditional use permit is required.~~

~~2. If there are no objections within ten (10) working days, the RVC will be issued an administrative permit and be a permitted use. Fees for RVC permits may be adopted by Resolution of the Board of County Commissioners.~~

~~B~~C. Fees for RVC permits will be adopted by Resolution of the Board of County Commissioners.

D. Shall be enforced in accordance with VCC 9-2. (Ord. 20-06, - -2020)

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9-4-10: SHORT-TERM RENTALS:

Purpose: This ordinance shall be called the "Short-term Rental Ordinance". The purpose of the Short-term Rental Ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in Valley County, Idaho, as allowed by IC 67-6539.

Short-term Rental (STR), as defined in section 9-1-10 of this title, shall obtain an administrative permit and shall be a permitted use in all zones within the county subject to the following conditions and standards listed in this section (VCC 9-4-10). At no time shall an existing STR be considered a "grandfathered" use.

A. STR Conditions and Standards:

1. Number of Units: One STR unit is allowed on a parcel with an administrative permit, along with a fee as adopted by resolution that meets the requirements described in this section. More than one STR or more than one residential use on a parcel will require a conditional use permit in accordance with chapter 5 of this title (VCC 9-5).

2. Water, Sewer, and Garbage:

a. The STR must meet all requirements of Idaho Central District Health (CDH) with respect to the provision of individual potable water (approved water system) and sewage disposal facilities or have a permit from an approved central sewage treatment facility.

(1) The number of occupants cannot exceed the allowable limits of the septic system as approved by Central District Health.

(2) An Accessory Use Authorization or septic permit from Central District Health identifying the maximum occupancy of the STR based on the size of the septic system shall be required. Maximum occupancy shall not be exceeded.

b. The STR cannot be serviced by porta potties for any portion of the approval including overflow in the number of occupants.

c. The STR must contract for garbage pickup with the local provider, unless in a multi-family complex or have provided for other arrangements as stated in the application package in (2-f).

3. Parking: Parking of vehicles shall not be in a road right-of-way or in a setback area. The parking areas must be clearly defined so that there is not haphazard parking over landscaped areas.

4. The STR may be used for residential purposes only. It cannot be used as a wedding venue, corporate retreat, seminars, team-building events, or other use that requires a conditional use permit in Table 1A.

5. On-site Lighting: Must comply with Valley County Lighting Ordinance (VCC 6-2)

6. Camp Fire Management: All campfires must be in an approved fire pit as determined by the Fire Department. A fire extinguisher and/or water hose must be accessible. Fire pits shall comply with all setbacks. Consideration should be given to smoke impacting neighbors.

7. Safety Monitors and Information: Each STR shall have smoke detectors, carbon monoxide detectors, liquified petroleum detector, etc. for the occupancy type on the property.

8. Outdoor amplified sound, other than household speakers, shall not be allowed at any time.

9. Occupancy: There shall be no associated RV's or tents used to supplement the maximum occupancy. It will be limited to legal bedrooms with proper egress windows or Central District Health limitations. At no time shall occupancy exceed 4 people/bedroom up to a maximum of 12 people unless a conditional use permit is obtained.

10. Lot Coverage: All structures, parking lots, fire pits, parking areas, and impervious areas cannot cover more than 35% of the lot, unless in a multi-family complex.

11. Outbuildings are allowed, but shall not be used for sleeping or any human habitation.

12. Posting of Rules On-site: Rules covering regulations within this section and emergency contact numbers shall be posted on-site, including an emergency exit plan.

B. STR Administrative Permit Process:

1. Application package shall be submitted to the Valley County Planning and Zoning Administrator with the appropriate fee as adopted by resolution.

2. Application package shall include the following:

a. Completed Valley County application form.

b. Site plan showing structures, parking, lighting, fire pits, etc.

c. Operation Plan that includes Compliance with Tax Requirements: Shall submit with the application proof of compliance with payment of sales tax through the STR

marketplace or provide the Employee Identification Number for the self-managed STR. Sales tax paid will need to be in accordance with Idaho State Code, Chapter 36, Title 63.

d. Central District Health approval showing maximum occupancy.

e. Local Contact Phone Number and E-mail Address (if possible).

f. Rules that will be posted on-site including fire exist plan.

g. Garbage pick-up agreement.

h. Declaration as to whether this is a part-time STR or a full-time STR. If part-time, number of months it will be used as a rental.

3. Notice To Adjacent Property Owners: The administrator shall notify property owners within three hundred feet (300') and/or active home owner's association upon issuance of the administrative permit.

4. Property manager or owner shall file an annual report with the fee as adopted by resolution, as follows:

a. Due date (renewal date) is the date of the issuance of the permit each year.

b. Shall show compliance with all requirements of original permit.

c. State intent for the current upcoming year.

d. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new permit will be required with the updated information.

e. Shall be revoked if not submitted within 30 days of the renewal date.

5. Staff can inspect the interior and exterior of the STR if neighbor complaints are received or there is reason to believe the structure has been modified to accommodate a greater occupancy than allowed.

C. Fees for STR permits will be adopted by Resolution of the Board of County Commissioners.

D. Failure to obtain an Administrative Permit for an STR or violation of the Administrative Permit shall be cause for revocation of the permit and shall be subject to the following:

1. Infraction citation that will be issued by the Valley County Sheriff.

2. If after 3 infraction citations violations continue to occur then enforcement and penalties in accordance with VCC 9-2-5 through VCC 9-2-8.

3. Costs of enforcement may be applied. (Ord. 20-10, - -2020)

CE

9-5A-1: GRADING:

A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.

B. Exemptions: Grading for bona fide agricultural activities, timber harvest, and similar permitted uses herein are exempt from this section.

C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.

D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. eCorps of eEngineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

E. Site Grading Plan:

1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. The Valley County Engineer or assigns shall approve all site grading and

stormwater management plans prior to earthwork being done on-site. (Ord. 10-06, 8-23-2010)

2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer or assigns. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

'3. For purposes of sizing stormwater basin permanent management facilities (excluding first flush water quality treatment facilities), Drainage Peak Flow Calculations shall use the Soil Conservation Service (SCS) method as preferred, but the Rational Method is acceptable for smaller areas (generally 100 acres or less). See VCC 9-6-6C for requirements that apply to detention basins within the Riparian Area Overlays.

a. Public Roads Require: 100-yr storm event for major roads, bridges, etc. and 50-year for all other facilities.
b. Private Roads Require: 100-yr storm event for major roads, bridges, etc. and 25-year event for all other facilities.
c. Site Development not directly specified shall use the 25-year storm event.

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F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.

G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans.

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EH. Riparian ZoneArea Overlay: Grading within the Riparian ZoneArea Overlay is regulated by provisions of section 9-46-36 of this title. A permit, if requiresd, shall be part of the conditional use permit.

CHAPTER 6
SPECIAL AREAS

SECTION:

Oct 27, 2025

9-6-6: Riparian Area Overlay

A. Purpose: The purpose of this special overlay is to protect the health and safety of the public, and to minimize damage to property and fragile ecologies by preventing surface and ground water pollution along with protection of waterbodies. It will also serve to protect water quality.

B. Areas of Application: The standards and procedures for riparian areas shall apply to those lands which are within 150 feet of any lake, pond, river, or year-round flowing creek or stream.

C. Standards:

1. Setback shall be 50' from high water line for residential buildings and appurtenant structures and 100' for all other buildings and appurtenant structures. If a lot was platted prior to adoption of this standard and there is no area to construct, a variance may be granted by administrators if runoff control measures as prepared by the applicant are recommended for approval by the Valley County Engineer based on stormwater standards.

2. Prior to any excavation or construction, the property owner, general contractor or the responsible party shall provide proof of stormwater certification training or responsible person training. Training and certification must be on an approved training provider list that can be obtained at the Valley County Building Department.

3. Stormwater detention basins, retention basins, swales or other techniques shall be used when recommended or required by the Valley County Engineer.
    a. Basins must be designed and sized to filter or infiltrate runoff from the construction site and permanent drainage.
    b. Basins must be designed to accommodate the "first-flush" volume sized to capture the runoff from the initial rainfall depth most responsible for pollutant loading. The "first-flush" volume design storm depth is defined herein as 0.77-inch of rainfall (24-hour 95th-percentile storm).
    c. For purposes of sizing stormwater basin permanent management facilities (excluding first flush water quality treatment facilities), Drainage Peak Flow Calculations shall use the Soil Conservation Service (SCS) method as preferred, but the Rational Method is acceptable for smaller areas (generally 100 acres or less)

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d. The storm duration is a 1-hour event when using the Rational Method, or a 24-hour event when using the SCS method.
e. Basin design shall be approved by the Valley County Engineer and inspected by the Valley County building department or other qualified inspectors assigned to such duties. Special inspections may be needed in some instances. The applicant's engineer shall also submit a certification that the approved plan was implemented prior to final occupancy.
f. Basin design shall comply with Idaho Department of Water Resources (IDWR) water rights requirements.

4. There shall be no filling or dredging of lake bottoms, rivers, or wetlands without proper jurisdictional permits, i.e. IDWR, USACE, Valley County, etc.

5. There shall be no excessive clearing of vegetation.

6. Stormwater harvest and infiltration techniques are encouraged.

7. Riprap for shoreline protection is allowed with the proper turbidity controls and permits from appropriate jurisdictions (IDWR, USACE, USBR, IDL, etc), including a Floodplain Development Permit from Valley County when required.

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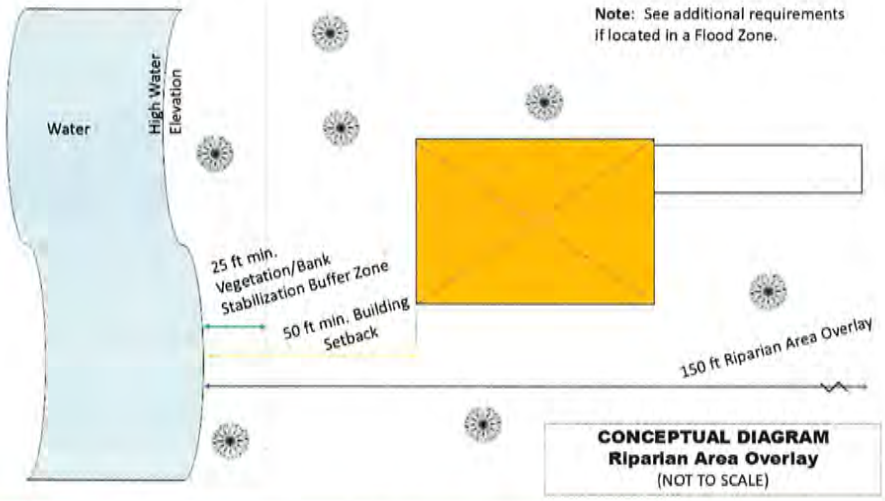

- 100' ft min. Building Setback setback for all other buildings.

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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.

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 shall be filed with the administrator before five o'clock (5:00) P.M. of the tenth calendar day after the determination of the commission has been made.

2. The administrator shall ascertain that the procedural requirements have been met and notify the board of the appeal.

3. The clerk, upon notice of an appeal of a decision by the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.

4. Notice of the public hearing shall be posted in accordance with subsection ~~A3 of this section~~ 9-5H-13.C.

5. An appeal may not be withdrawn without the approval of the board.

6. All pertinent information in the planning and zoning file shall be forwarded to the board for review.

7. The board shall hold a public hearing to review the commission's proceedings and decisions and may obtain additional information from the administrator or staff, the applicant, the appellant, or the public.

8. The board may sustain, deny, amend or modify the decision of the commission. The decision of the board is de novo, is final, and need not be referred back to the commission; except, the board may elect to refer the matter back to the commission with specific instructions.

TITLE 10
SUBDIVISION REGULATIONS

CHAPTER 7
WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

SECTION:

10-7-1: **Purpose**

10-7-2: **Definitions**

10-7-3: **Basis For Recommendation**

10-7-4: **Submission Requirements**

10-7-1: PURPOSE:

Valley County's community wildfire protection plan acknowledges that wildfire hazard areas exist throughout the county. Therefore, wildfire mitigation actions are prudent to enable safe habitation in these fire environments. The Valley County fire working group recommends that a requirement for the development and approval of a wildland urban interface fire protection plan be added as an addendum to the Valley County subdivision regulations ordinance. The existence of said plan will assist the Valley County planning and

zoning commission and the structural fire districts in satisfying the current subdivision regulation, subsection 10-3-2-6D7 of this title. (Ord. 10-07, 8-26-2010)

10-7-2: DEFINITIONS:

FIRE-RESISTANT ROOF: There are four commercial roof fire ratings: Class A, B, C, and Unrated. Class A ratings are obtained when material survives a severe fire test. Class B Ratings are awarded after successfully withstanding moderate fire exposure and Class C demonstrations survivability of only the lightest fire test.

~~FUEL BREAK: An area, strategically located for fighting anticipated wildfires, where the vegetation has been modified or removed so that fires burning into it can be more easily controlled. Fuel breaks may divide fire prone areas into smaller areas for easier fire control and to provide access for firefighting.~~

A natural or man-made barrier strategically located utilizing topography to provide optimum fire control, typically devoid of vegetation or composed of vegetation arranged in such a way as to prevent fire spread.

VALLEY COUNTY FIRE WORKING GROUP: This group is given charter by the Valley County board of commissioners and is tasked with oversight of the community wildfire protection plan. This group is represented by local fire departments, SITPA, public land managers (USFS, IDL, BOR), bureau of homeland security, ~~West Central Highlands RC&D, Valley County Natural Resource Consultants;~~ etc.

WILDFIRE: ~~An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.~~ A wildland fire originating from an unplanned ignition, such as lightning, volcano, unauthorized and accidental human caused fire; and, prescribed fires that are declared wildfires.

WILDLAND URBAN INTERFACE AREA: ~~That geographical area~~ The line, area, or zone where structures and other human development meet or intermingles with undeveloped wildland or vegetative fuels.

10-7-3: BASIS FOR RECOMMENDATION:

Valley County adopted the International Fire Code, 2015, published by the Building Officials and Code Administrators International, Inc., adopted by the Idaho Fire Marshal. The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board and the State of Idaho. (See VCC 6-1-4.B)

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Valley County adopted the 2006 international fire code, which references the international wildland urban interface when dealing with wildlands. The following addendum's structure set out in section 10-7-4 of this chapter is based on the 2006 wildland urban interface area requirements section 405. (Ord. 10-07, 8-26-2010)

10-7-4: SUBMISSION REQUIREMENTS:

A. General: All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal. The plan shall be submitted to the Wildfire Mitigation Director by Planning and Zoning Staff for review and comments to the Planning and Zoning Commission.

B. Content: The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.

3. Submittal, Implementation And Verification:

c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative. Each authority will act in conjunction with the Wildfire Mitigation Director.

4. Exceptions: Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer ~~may~~shall complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the Valley County Wildfire Mitigation director in conjunction with the applicable fire district.

TITLE 11
FLOOD CONTROL

11-1-3: GENERAL PROVISIONS:

A. Lands To Which This Chapter Applies: This chapter shall apply to all special flood hazard areas within the jurisdiction of Valley County, Idaho~~, except for the City of McCall Impact Area~~.

Oct 27, 2025

NOW, THEREFORE, ORDINANCE 2025-07 BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this ___ day of ____, 2025, with an effective date being January 1, 2026, after approval of the written Finding of Fact and Conclusions of Law and after the date of publication.

_____
Sherry Maupin, Chairman
Valley County Board of Commissioners

_____
Katlin Caldwell
Valley County Board of Commissioners

_____
Neal Thompson
Valley County Board of Commissioners

Attest:

_____
Douglas A. Miller, Valley County Clerk