

Valley County Planning and Zoning
Cynda Herrick, Director

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STAFF REPORT: Amendment to the Valley County Code – Title 10 Subdivision Ordinance
Ordinance 2022-12 Removal of Exception to Subdivision Ordinance
HEARING DATE: December 6, 2021
TO: Valley County Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
REQUEST: Revisions to Valley County Code - Title 10

On September 7, 2021, the Valley County Board of Commissioners adopted Ordinance No. 2021-09 Emergency Ordinance to provide for amendment to Valley County Code Title 10 (attached) in order to modify the exceptions to the requirements for subdivision of land from a 20 acre parcel to a 160 acre parcel. The ordinance was adopted to protect the public health, safety, and welfare of the citizens of Valley County.

On October 14, 2021, the Valley County Planning and Zoning Commission held a public hearing and recommended the following changes to Title 10 of the Valley County Code:

This proposed ordinance would remove 10-1-3.C Exceptions 5. All parcels and or lots would be created through the subdivision process unless it was an original parcel.

10-1-3: SCOPE:

- A. The regulations of this title shall apply to the subdivision of all land within the unincorporated territory of Valley County, except for land within impact areas for which different ordinances have been adopted, as defined by the definition of a "subdivision".
- B. It shall be unlawful hereafter to make a subdivision of land, unless it is qualified as an exception in the scope, until plans and a subdivision plat thereof are submitted to and approved by the administrator or the county planning and zoning commission, and by the board of county commissioners.
- C. Exceptions: The following division of land shall not be deemed a subdivision for land use purposes, but must comply with Title 11 of the Valley County Code - Flood Control:
 - 1. A readjustment of lot lines as shown on a recorded plat or the assessor's plat which does not result in a violation of the setbacks or dimensional standards of the Valley County land use and development ordinance or any covenant pertaining to said plat, and does not increase the number of building sites.

2. An easement providing rights for ingress and egress, utilities, or drainage for one building site across any portion of a parcel of land, which does not transfer title to any portion of the parcel.
3. A division of land for financing or mortgage purposes only where the entire parcel remains in one ownership.
4. Allocation of land in the settlement of an estate of a decedent as provided in a will or a court decree for the distribution of property in the settlement of an estate of a decedent.
5. ~~A division of land into parcels (containing) one hundred sixty (160) acres or more.~~
[Exception #5 would be removed]

(new numbering)

5. Allocation of land for a pathway that can be used by the public.
6. Any acquisition or division of land by a public agency. (Ord. 10-07, 8-26-2010)
7. Separation of lots to their original configuration from a previously platted subdivision shall be allowed so long as it does not create a violation of setbacks. This includes lots that were combined by the assessor for taxing purposes only. (Ord. 13-5, 9-16-2013; amd. Ord. 21-08, 6-28-2021)

10-1-6: DEFINITIONS:

ORIGINAL PARCEL: A lot in a platted subdivision or a tract of land of record at the time of the adoption of the subdivision regulations on April 29, 1970, as evidenced by a parcel number having been assigned by the Valley County assessor, ~~or each one-fourth (1/4) of a section held in one ownership.~~ *[The last portion would be removed.]*

The Planning and Zoning Commission recommended approval on October 14, 2021.

(Ordinance 2022- 12 Attached)

FINDINGS:

1. On September 7, 2021, the Valley County Board of Commissioners adopted an Emergency Ordinance (2021-09) which changed minimum size of a split without a subdivision plat to 160 acres. The ordinance is effective for 182 days. Attached is the ordinance and minutes from the Board meeting.
2. The Planning and Zoning Commission held a legally noticed public hearing on October 14, 2021. The Commissioners approved a recommendation to the Board.
3. Legal notice was posted in the *Star News* on November 11, 2021, and November 18, 2021. Potentially affected agencies were notified on November 2, 2021. The notice sheet was also sent to the Mountain Central Realtors contact and surveyors who frequently record record-of-surveys in Valley County. The notice sheet was posted on bulletin boards at post offices and libraries in Cascade, Donnelly, McCall, and Yellow Pine. The notice was posted online at www.co.valley.id.us/public-hearing-information on November 2, 2021.

4. Responses received for previous public hearings. Note that they were for the emergency ordinance and proposed 160 acres and not for removal of the exception entirely:

Valley Soil and Water Conservation District, believes that a moratorium on subdivision of parcels of no less than 160 acres provides a more realistic approach to work out the complex issues surrounding the pressures due to rapid real estate development in Valley County. (September 3, 2021)

Central District Health has no objections to this proposal. (September 17, 2021)

Wesley Keller, 260 Moonridge Drive, supports the proposal. With Valley County growing, it is wise to ensure that groundwater, septic, power, road rights-of-ways are thought through proactively. (October 28, 2021)

Rem Fox supports the ordinance amendment. He states many wells have dried up this year in the State of Idaho. He has great concerns over supporting conservation practices and land management. He is concerned with overbuilding and balancing agriculture needs in Valley County. (September 15, 2021)

Dwight Jividen, 413 Cabarton Road, is opposed. This ordinance would make land more expensive, and it creates unnecessary technical limitations on the use of property. There is a demand in the marketplace for land that does not support a septic system. There is a demand in the marketplace for land that does not have year-round road access. There is a demand for land that does not have electricity. Why do the commissioners wish to deny these buyers the opportunity to buy land? If this ordinance is approved, developing land will cost more due to cost of building roads. This will result in the creation of smaller parcels. (October 5, 2021)

ATTACHMENTS:

- Proposed Ordinance
- Ordinance No. 2021-09 (approved September 7, 2021)
- BOCC Meeting Minutes – September 7, 2021
- PZ Commission Meeting Minutes – October 14, 2021
- Responses

END OF STAFF REPORT

VALLEY COUNTY
ORDINANCE NO: 2022-12
Removal of Exception to Subdivision Ordinance

AN ORDINANCE TO PROVIDE FOR AMENDMENT TO VALLEY COUNTY CODE TITLE 10 PROVIDING FOR A CHANGE TO REMOVE EXCEPTION 10-1-3 SCOPE: C. EXCEPTIONS (5) TO THE REQUIREMENTS FOR THE SUBDIVISION OF LAND REQUIRING ALL DIVISIONS OF LAND TO BE REVIEWED AND APPROVED; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.

WHEREAS: The Board of County Commissioners hereby finds that imminent peril to the public health, safety, or welfare exists due to the increasing trend of subdividing larger parcels of land into twenty (20) acre parcels without plan and subdivision plat review by Valley County;

WHEREAS: The Board of County Commissioners ADOPTED Ordinance No. 2021-09 an Emergency Ordinance on the 7th day of September of 2021;

WHEREAS: Ordinance 2022-12 Removal of Exception to Subdivision Ordinance will replace Ordinance 2021-09 Emergency Ordinance upon publication which is the effective date.

WHEREAS: Ordinance 2021-09 will be fully repealed upon publication of Ordinance 2022-12.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO:

10-1-3: SCOPE:

A. The regulations of this title shall apply to the subdivision of all land within the unincorporated territory of Valley County, except for land within impact areas for which different ordinances have been adopted, as defined by the definition of a "subdivision".

B. It shall be unlawful hereafter to make a subdivision of land, unless it is qualified as an exception in the scope, until plans and a subdivision plat thereof are submitted to and approved by the administrator or the county planning and zoning commission, and by the board of county commissioners.

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

5. ~~A division of land into parcels (containing) twenty (20) acres or more.~~

10-1-6: DEFINITIONS:

ORIGINAL PARCEL: A lot in a platted subdivision or a tract of land of record at the time of the adoption of the subdivision regulations on April 29, 1970, as evidenced by a parcel number

having been assigned by the Valley County assessor, ~~or each one-fourth (1/4) of a section held in one ownership.~~

NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this ____ day of _____ 2021, with an effective date being the DATE OF PUBLICATION.

Elting Hasbrouck, Chairman

Dave Bingaman, Commissioner

Sherry Maupin, Commissioner

Attest:

Douglas A. Miller
Valley County Clerk

Instrument # 443984

VALLEY COUNTY, CASCADE, IDAHO

9-8-2021 09:03:31 AM No. of Pages: 1

Recorded for : P & Z

DOUGLAS A. MILLER

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCES

VALLEY COUNTY

ORDINANCE NO: 2021-09

Emergency Ordinance

AN EMERGENCY ORDINANCE TO PROVIDE FOR AMENDMENT TO VALLEY COUNTY CODE TITLE 10 PROVIDING FOR A CHANGE TO MODIFY EXCEPTIONS TO THE REQUIREMENTS FOR THE SUBDIVISION OF LAND FROM A 20 ACRE PARCEL TO A 40 ACRE PARCEL; PROVIDING THAT THE ORDINANCE IS ENACTED ON AN EMERGENCY BASIS; AND, PROVIDING THE EFFECTIVE AND SUNSET DATES THEREFORE.

WHEREAS, the Board of County Commissioners is empowered, pursuant to Idaho Code § 31-714, to pass all ordinances and rules and make regulations, not repugnant to law, necessary for the carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein; and

WHEREAS, the Board of County Commissioners is empowered, pursuant to Idaho Code § 67-6523, to enact an emergency ordinance if it finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances under the Local Land Use Planning Act; and

WHEREAS, the current Valley County Subdivision Ordinance, Valley County Code 10-1-1 *et seq.*, makes it unlawful to make a subdivision of land without the prior approval of plans and a subdivision plat by the Administrator or the county planning and zoning commission, and by the board of county commissioners; and

WHEREAS, one of the enumerated exceptions to the plan and subdivision plat approval is for the division of land into parcels of twenty (20) acres or more; and

WHEREAS, the plan and subdivision plat review required by the Valley County Subdivision Ordinance, determines, among other things, that the parcel[s] subject to the proposed subdivision has sufficient depth to groundwater to support septic systems, power is available to provide service to future dwellings, road rights of way exist and roads are constructed to sufficient standards to provide emergency vehicle access to subdivided parcels; and

WHEREAS, subdivisions of land into twenty (20) acre parcels without plan and subdivision plat review is increasing in Valley County; and

WHEREAS, twenty (20) acre parcels that do not have sufficient depth to groundwater to safely construct a septic system, power is not available to support future dwellings, or no road right of way exists or existing roads will not accommodate emergency vehicle access are not eligible for a building permit; and

WHEREAS, unbuildable parcels are more likely to contain illegally installed septic systems or other methods for disposal of human waste and black water and these unbuildable parcels are also more likely to accumulate construction debris, abandoned or non-running vehicles or other forms of solid waste posing an increased threat to the environment and a blight on surrounding properties; and

WHEREAS, it has been determined that the splitting of large parcels of land into twenty (20) acre parcels without adequate analysis concerning road circulation and roads that are not built to a standard that can be accessed by emergency vehicles such as fire and ambulance service presents and increased risk of safety to citizens of Valley County and its first responders; and

WHEREAS, it has been determined that there is an increased risk to public health due to the degradation of groundwater quality as a result of splitting large parcels of land into twenty (20) acre parcels without adequate ground water analyses or sanitary restrictions for the safe removal of human waste, black water and solid waste on parcels that are 20 acres; and

WHEREAS, the accumulation of construction debris, abandoned or non-running vehicles or other forms of solid waste has a negative effect on the welfare of Valley County citizens negatively impacting the aesthetic and economic value of neighboring properties; and

WHEREAS, the Board finds that these measures must be enacted on an emergency basis due to the imminent peril to the public health, safety and welfare of the citizens of Valley County.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO:

10-1-3: SCOPE:

A. The regulations of this title shall apply to the subdivision of all land within the unincorporated territory of Valley County, except for land within impact areas for which different ordinances have been adopted, as defined by the definition of a "subdivision".

B. It shall be unlawful hereafter to make a subdivision of land, unless it is qualified as an exception in the scope, until plans and a subdivision plat thereof are submitted to and approved by the administrator or the county planning and zoning commission, and by the board of county commissioners.

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

5. A division of land into parcels (containing) ~~twenty-(20)~~ one-hundred sixty (160) acres or more.

10-1-6: DEFINITIONS:

ORIGINAL PARCEL: A lot in a platted subdivision or a tract of land of record at the time of the adoption of the subdivision regulations on April 29, 1970, as evidenced by a parcel number

having been assigned by the Valley County assessor, or each one-fourth (1/4) of a section held in one ownership.

The Board of County Commissioners hereby finds that imminent peril to the public health, safety, or welfare exists due to the increasing trend of subdividing larger parcels of land into twenty (20) acre parcels without plan and subdivision plat review by Valley County, resulting in an emergency necessitating the immediate implementation of this Ordinance upon its passage. This Ordinance shall remain in effect for one hundred and eighty-two (182) days or until it is repealed by the Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this 7th day of September, 2021, with an effective date being the 7th day of September, 2021, at 10:30 am.


Elting Hasbrouck, Chairman


Dave Bingaman, Commissioner


Sherry Maupin, Commissioner

Attest:


Douglas A. Miller
Valley County Clerk

The commissioners discussed signing a letter of support for Treasure Valley Transit Grant. Commissioner Bingaman moved to approve signing the letter of support for Treasure Valley Transit Grant. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve signing the letter of support for Treasure Valley Transit Grant.

Andy Salisbury discussed the 184 Silver Fox Trail parking. Mr. Salisbury requested to the commissioners that it be a no parking area. The commissioners didn't feel like they could make it a no parking area. Commissioner Bingaman agreed to put a sign at the bottom of the road showing where the access to public lands is. Mr. Salisbury believed that would greatly help his situation.

Chairman Hasbrouck opened the discussion on variance V-1-21 Kulack Setback. The commissioners advised that they did not have any conflict of interest or ex-parte communication. Cynda Herrick gave a staff report on variance V-1-21 Kulack Setback. Cynda recommended that they approve this. Commissioner Maupin moved to approve V-1-21 Kulack Setback Variance as per the Planning and Zoning Commission recommendation to allow a variance of 8' from the required 20' to 12'; and, adopt their Facts and Conclusions as our own. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to approve V-1-21 Kulack Setback Variance as per the Planning and Zoning Commission recommendation to allow a variance of 8' from the required 20' to 12'; and, adopt their Facts and Conclusions as our own.

Chairman Hasbrouck opened the public hearing for Ordinance No. 21-09 Title 10-1-3 Subdivision Regulations-C expectations. The Commissioners did not have any conflict of interest or ex-parte communication. Cynda Herrick did a staff report. Chairman Hasbrouck asked for proponents of the ordinance, and none were present to speak in support of the ordinance. Chairman Hasbrouck asked for anyone uncommitted of the ordinance, and none were present to speak as uncommitted to the ordinance. Chairman Hasbrouck asked for anyone in opposition to the ordinance, and none were present to speak in opposition to the ordinance. Chairman Hasbrouck closed public hearing at 10:16. Chairman Hasbrouck brought the commissioners into deliberation on the ordinance. Commissioner Bingaman made a motion to adopt ordinance no. 21-09 on 09/7/2021 at 10:30 am. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to adopt ordinance no. 21-09 on September 7, 2021, at 10:30 am.

Human Resource Director Pat Duncan requested the commissioners make the "Refresher Respectful Workplace Training" mandatory. Pat explained her plan for the training. Commissioner Maupin moved to make the refresher respectful workplace training mandatory. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to make the refresher respectful workplace training mandatory.

Chief Deputy Clerk Gabrielle Knapp presented a request from Edwards Mosquito Abatement District for an extension of the dollar certification form to September 14, 2021. Chairman Hasbrouck moved to give Edwards Mosquito Abatement District an extension for the dollar certification form to be submitted to the Clerk's office until September 14, 2021, with the understanding that this will be the last extension for them. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to give Edwards Mosquito Abatement District an extension for the dollar certification form to be submitted to the Clerk's

Valley County Planning and Zoning Commission

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Phone: 208-382-7115
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Ray Cooper, Chairman
Neal Thompson, Vice-Chair

Brian Benton, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
October 14, 2021
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

- A. OPEN:** Meeting called to order at 6:05 p.m. by Acting Chairman Freeman. Quorum exists.
- | | | |
|----------------------|------------------|---------|
| PZ Director | – Cynda Herrick: | Present |
| PZ Commissioner | – Brian Benton: | Present |
| PZ Commissioner | – Ray Cooper: | Excused |
| PZ Commissioner | – Scott Freeman: | Present |
| PZ Commissioner | – Neal Thompson: | Present |
| PZ Assistant Planner | – Lori Hunter: | Present |
- B. MINUTES:** Commissioner Benton moved to approve the minutes of September 9, 2021. Commissioner Thompson seconded the motion. Motion carried unanimously.
- C. NEW BUSINESS:**
- 1. C.U.P. 20-14 RMC / Pinetop Office – Extension:** Rocky Mountain Crane and Equipment Rental LLC is requesting a two-year extension of the conditional use permit. The new office space, shop, parking lot, and covered parking structure were to be established by December 31, 2021. The 3.6-acre site is addressed as 14032 Highway 55 and is Lot 1 of Karsyn Business Park located in the NENE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Acting Chairman Freeman introduced the item and opened the public hearing. Acting Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Acting Chairman Freeman asked for the Staff Report. Staff presented the report.

Director Herrick asked the applicant to respond to the questions in the staff report.

Dusty Bitton, representing Rocky Mountain Crane and Equipment Rental LLC, presented telephonically. The chain link fence is 6-ft tall and has been constructed at the 100-ft setback from Highway 55. Landscaping trees were previously planted by Knife River and were not removed. The additional landscaping will be completed when the buildings are constructed. There are about 15 mature trees between the highway and the slatted fence which will screen the equipment. Trees are within the 100' setback area.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for proponents.

Don Reiswig, 13333 Nisula Road, is an adjacent neighbor to the south. More homes mean more taxes which hopefully would increase maintenance on Nisula Rd.

Mathew Blakley, 13381 Nisula Road, is in favor of the proposal.

John Russell, McCall, is a surveyor who has been working with the applicant. The proposed conditions of approval are acceptable.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated.

Commissioner Benton moved to approve C.U.P. 21-29 with the stated conditions. Commissioner Thompson seconded the motion. Motion carried unanimously

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

8:58 p.m.

8. **Ordinance Amendment: Revision to Valley County Subdivision Ordinance:** The proposed modification of Valley County Code 10-1-3.C.5 Exceptions would allow land division into parcels containing 160 acres or more. Action Item

Acting Chairman Freeman introduced the item and opened the public hearing. Acting Chairman Freeman asked if there was any conflict of interest. There was none.

Acting Chairman Freeman asked for the Staff Report. Staff presented the report.

Director Herrick explained the emergency ordinance that was approved by the Board of County Commissioners on September 7, 2021. A permanent ordinance must be adopted within 182 days of that approval.

Previously the minimum size of a rural parcel was 20 acres; the emergency order changed the minimum size to 160 acres. The Board of County Commissioners were concerned about the recent creation of several 20-acre parcels without any review of surrounding uses, access, septic ability, utilities, etc. Specific areas in Valley County include the 20-acre splits in Round Valley area that resulted in land that has no access to power, with high ground water complicating septic ability, and unable to get a building permit. Another area of concern is the 20-acre splits south of McCall Airport that occurred without any review or consideration of the airport or ground water. Another area is the Smylie Lane / West Mountain Road area as some of these new parcels are partially or wholly within the floodplain and thus unable to get a building permit.

The Commissioners discussed the minimum parcel size that should be allowed without review; 160 acres was proposed by the Valley County Soil and Water Conservation District. Protecting future buyers, existing property owners, new zoning overlays, and impacts to Valley County infrastructure were discussed by Staff and Commissioners. Staff clarified that the Commissioners would make a recommendation to the Board of County Commissioners who

would then have another public hearing.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents.

Josh Leonard, Clark-Wardle Law in Boise, deals with land use cases for clients. He recognizes the need for a minimum parcel size; however, the 20-acre size is sufficient. The concerns previously mentioned could happen regardless of parcel size. It is already illegal to install a septic system without a permit or have more than more than two RVs without a permit. The existing rules need enforced. Urban-style subdivisions, with high density and paved roads, are often undesirable by property owners of Valley County. This ordinance would drive up the price of lots. A minimum requirement of 160 acres would lead to a greater number of small lots (5 or smaller). He recommends an alternative approach. Boundary County has a "primitive subdivision ordinance"; any deficiencies on the property are included on the recorded plat. This results in [legal] parcels where a building permit is not allowed.

Dwight Jividen, Cascade, also submitted a letter. He sees no reason to change the long-standing agreement of allowing splits into 20-acre parcels. People can't afford to buy 160 acres. He has been a real estate agent for 35 years. He has sold many parcels that will never have electricity or year-round access; some of these are small parcels. Many people want land off-the-grid. Buyers and sellers want cheap isolated land and not necessarily all the amenities that the County seems to want. He has spent a lot of time and money getting ready to split an area into 20-acre parcels. This proposal affects him personally. This will increase the price of the land and force the little guy out. Stay with the 20-acre split.

Jim Neill, Garden City, owns 280 acres on Paddy Flat Road and has begun the splitting process with a surveyor. He does not want a house with full-year car access. He does not need electricity. Perhaps an administrative review for splits is acceptable. This proposal increases cost of low-density parcels and land conservation.

Scott Carlton, McCall, represented DF Development which owns approximately 70,000 acres in Valley County. If required to submit subdivision plats, DF Development will simply propose urban style subdivisions due to the increase cost of development, roads, utilities, etc. There is a demand for unimproved land without maintained roads or utilities. The proposed amendment will have unintended consequences. The amendment is also likely to prevent DF Development from opening roads to public access; there would be no incentive for DF Development to do so.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. The Board of County Commissioners wanted to change the 20-acre minimum parcel size because of the splits that have been occurring with no-long range planning or consideration of roads, access, septic, floodplain, etc. The emergency ordinance allows a pause in development and thus time for further review and discussion. A property owner could still split into 20-acres lots using the subdivision platting process. Many older subdivisions have lots that are unable to obtain building permits due to the size of lots or topography or inability to get septic approval. Prior to September 7, 2021, Valley County Code 10-1-3.C.5 Exceptions allowed 20-acre parcels to be created by merely recording deeds. The Commissioners and Staff discussed if a review of a proposed split possible without the full subdivision process. Tonight's agenda included two small property splits that did require a Planning and Zoning review and subdivision plat. Prior to the emergency ordinance, no review was required to split land into 20-acre parcels. A settlement of estate is currently an allowed exception to the subdivision process. Peer review includes acceptance by an engineer; staff

specified that the PZ Director should not be the sole decider. A “primitive subdivision” or other subdivision types are possible with a change in Valley County Code. Zoning overlays were discussed. Minimum parcel size was discussed.

The Commissioners discussed removing the minimum parcel size exception altogether thus requiring a review process for any kind of split. This would remove VCC 10-1-3.C.5.

VCC 10-3-1 describes the type of plats that Valley County allows: administrative plat, short plat, and full plat. This section could be re-worked, and additional plat types added to allow for plats with different requirements.

The emergency ordinance put a pause on the splits less than 160 acres. The emergency ordinance expires 182 days from September 7, 2021.

The Commissioners further discussed splits, minimum parcel size, and subdivision requirements. This includes access, utilities, frontage, building site, sanitary restrictions, and pasture-only lots. Subdivision fees were discussed; our fees are not excessive. The Commissioners believe there should be a different checklist of requirements for some subdivisions. This would require rewriting Valley County Code. If an ordinance is not adopted by the Board of County Commissioners, the minimum parcel size will revert to 20 acres after the 182-day period expires. The Commissioners discussed tabling deliberations, specifying a specific minimum parcel size, recommending the elimination of the VCC 10-1-3.C.5 exception, and revising the types of plats

Staff will revise the types of plats allowed by Title 10-3-1 for review at a future public hearing and ordinance amendment.

Commissioner Thompson moved to recommend to the Board of County Commissioners approval of an ordinance to eliminate VCC 10-1-3.C.5 and remove the portion in the definition of an original parcel that reads “or each one-half of a section held in one ownership”. Commissioner Benton seconded the motion. Motion carried unanimously

Future work sessions will be planned to discuss subdivision types and requirements.

D. FACTS AND CONCLUSIONS - *Action Items:*

- VAC 21-06 Vacation of a Portion of San Ignacio Way and Associated Utility, Drainage, and Snow Storage Easements
- C.U.P. 21-18 Hidden Pines Event Venue
- C.U.P. 21-22 Binnion Short-Term Rental
- C.U.P. 21-23 Coughlin Multiple Residence
- C.U.P. 21-24 Needs RV Park

Commissioner Benton moved to approve the Facts and Conclusions as presented and authorize the Acting Chairman to sign. Commissioner Thompson seconded the motion. Motion carried unanimously.

E. ELECT PZ COMMISSION OFFICERS – *Action Item*

Commissioner Benton moved to elect Ray Cooper as Chairman and Neal Thompson as Vice Chairman. Commission Thompson seconded. Motion passed unanimously.

Acting Chairman Freeman adjourned the meeting at 10:10 p.m.

Fw: VSWCD Comment

Cynda Herrick <cherrick@co.valley.id.us>

Mon 10/18/2021 1:18 PM

To: Lori Hunter <lhunter@co.valley.id.us>

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

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

Service **T**ransparent **A**ccountable **R**esponsive

From: Farr, Durena - NRCS-CD, Cascade, ID <Durena.Farr@id.nacdnet.net>

Sent: Friday, September 3, 2021 7:22 PM

To: Cynda Herrick <cherrick@co.valley.id.us>; Dave Bingaman <dbingaman@co.valley.id.us>; Sherry Maupin <smaupin@idahofirstbank.com>; Elt Hasbrouck <ehasbrouck@co.valley.id.us>; Douglas Miller <dmiller@co.valley.id.us>

Subject: VSWCD Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept attached comment from Valley Soil & Water Conservation District Board.
Thank you

Durena L. Farr



Valley Soil & Water Conservation District
209 N Idaho Street
PO Box 580
Cascade, Idaho 83611
(208) 315-3530
Durena.Farr@id.nacdnet.net



Valley Soil & Water Conservation District
209 N Idaho Street
Cascade, ID 83611

September 3, 2021

Valley County Commissioners
PO Box 1350
219 North Main Street
Cascade, ID 83611-1350

Honorable Commissioners,

The Valley Soil and Water Conservation District supports the proposed moratorium on subdivisions of agricultural lands in Valley County. The District Board has unanimously voted to submit this letter stating the District's recommendation that only parcels of more than 160 acres be allowed to be split, without County review and input, from larger parcels for the proposed 182-day moratorium. We feel there are strong indications and District experience to support our position.

Lake Irrigation District has encountered many difficulties when dealing with landowners in large, subdivided farms that have been cut off from their water allotment when the developer didn't include irrigation infrastructure in the development phase. Even though lot owners are no longer able to access their water they are still required to pay for their allotment. This has created ongoing friction between water managers and lot owners for many years. State Water Law allows Irrigation Districts to take back water allotments. However, in some Districts, this is only allowed if the individuals wishing to divest themselves from their allotment find a willing taker within the Irrigation District. This is a complex and burdensome process which may take years to complete (Idaho Statute; Title 31; Chapter 38 discusses this very issue. A close reading of this Statute covers many issues surrounding subdivisions of irrigated land).

We believe that a moratorium on subdivision of parcels of no less than 160 acres provides a more realistic approach to work out some of the complex issues surrounding the pressures brought on by rapid real estate development in our County.

Thank you for your consideration,
Valley Soil and Water Conservation District Board
Art Troutner, Paul Kleint, John Lillehaug, Bill Leaf and Colt Brown

VSWCD/dlf



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # Ordinance Amendment

Conditional Use # Revision to Title 10 Valley County Code

Preliminary / Final / Short Plat _____

- ☒ 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: AWR

Date: 2/17/21

October 28th, 2021

Wesley Keller wkwesleykeller@gmail.com
260 Moonridge Drive
McCall, ID 83638

Dear Valley County Planning & Zoning Commission,
Thank you for the opportunity to provide comments on the **Ordinance Amendment Revision to Title 10 Valley County Code**. I support your decision to modify the minimum size of a rural parcel from 20 acres to 160 acres. With Valley County growing and being developed at its current rate, it is wise to ensure that groundwater, septic, power, road rights of way are thought through proactively rather than reactively. With outside developers moving in I have witnessed 20 acre lots being developed, without much planning, that will likely bring about issues in the future. I think the County is doing the right thing with this Ordinance Amendment so thoughtful development and protection of open space continues to exist in Valley County.
Thanks for your consideration.

Sincerely,

Wesley Keller

From: Rem Fox <rem@madfoxfarms.com>
Sent: Wednesday, September 15, 2021 10:37 AM
To: Valley County Commissioners <commissioners@co.valley.id.us>
Subject: Thank you

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I read in the Star news that you supported the 20 acre subdividing moratorium. I want to thank you for considering the over building in Valley County without the substantial process of services, septic and water table studies. We have reached a time period where water resource mgmt. is not an option but rather a factual outcome in the decision of permitting builds. I can only assume you are aware of how many wells have dried up this year in the State of Idaho and I have great concerns over this supporting conservation practices and land mgmt.. I just wanted to say thank you for effort here. I have great concerns for overbuilding and balancing agriculture needs in valley county.

Thank you,

Rem Fox
Mad Fox Farms
Cascade, Id 83611
425-315-2617



October 5, 2021

Valley County Commissioners

Regarding the 160 acre "emergency" ordinance

Our Valley County Commissioners have discovered an emergency where there is no emergency at all. You have enacted an ill-thought out ordinance that in the end, does not really help anybody.

Idaho Code section 67-6508(a) says you must Implement your development plan, in order: "...to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property...

This 160 acre ordinance will clearly make land more expensive, and it clearly creates unnecessary technical limitations on the use of property.

The ordinance wants 20 acre parcels to qualify for septic systems.....

There is definitely a demand in the marketplace for land that does not support a septic system. The demand exists because land is expensive, and if no septic is possible, it means that particular piece of land is cheaper. As a real estate agent I have sold many lots that would not support a septic system. None of the buyers have complained. Why do the commissioners wish to deny these buyers the opportunity to buy land here?

The ordinance wants 20 acre parcels to have year round access.....

There is definitely a demand in the marketplace for land that does not have year round road access. The demand exists because land is expensive, and no winter access means that particular piece of land is cheaper. Again, I have sold many lots that do not have year round access. None of the buyers have complained. Why do the commissioners wish to deny these buyers the opportunity to buy land here?

The ordinance wants 20 acre parcels to have electricity.....

There is also definitely a demand in the marketplace for land that does not have electricity. The demand exists for a couple of reasons. Yes, one is because land is expensive and no electricity means that particular piece of land is cheaper. Again, as a real estate agent I have sold many lots that do not have electricity. None of the buyers have complained. There is currently a pretty big movement to build off the grid. There is even a TV show. People want that place with no electricity, that place that is typically 'way out' and difficult to get to, in order to build their really secluded off the grid cabin. Why do the commissioners wish to deny these buyers the opportunity to buy land here?

These potential buyers are the people who are denied opportunities to buy in Valley County because the Commissioners think these potential buyers should be protected..... from themselves.

But what about us landowners / sellers?

You and I had a deal that said we could easily make 20 acre parcels. Toward that end, companies that I am part of have spent over \$100K getting ready to make some of those 20 acre parcels. This 160 acre non-emergency ordinance does not make me happy.

One project will merely be delayed and cost more money. Because it costs more, we will go to smaller parcels. The other project will require the building of a multi-hundred thousand dollar road and that will in essence ruin the potential 20 acre parcels. Building that expensive road means that we would absolutely need to make smaller parcels to cost justify the project.

So the commissioners have enacted an ordinance that denies many buyers the possibility of buying land in Valley County, which would in turn increase the tax base. WHY?

Moreover, the commissioners have enacted an ordinance that in some cases ruins the possibility of making 20 acre parcels, and definitely forces the creation of smaller parcels. WHY?

This is a bad ordinance, please rescind it. And do not try to compromise at 40 acre parcels, that did not fly before and it should not fly now.

Dwight Jividen
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