

Valley County Planning and Zoning  
Cynda Herrick, Director

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



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

---

**STAFF REPORT:** Amendment to the Valley County Code – Title 6 Building Regulations  
Agricultural Category Change and  
Prohibition of Tree Forts for Human Habitation  
**HEARING DATE:** January 3, 2022  
**TO:** Valley County Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
**REQUEST:** Revisions to Valley County Code - Title 6

---

The purpose of this ordinance amendment is to:

- Limit agricultural building permits to parcels larger than 5 acres and classed in land use categories 1-5 by the Valley County Assessor.
- Prohibit tree houses for human habitation.

**6-1-2: SCOPE; EXEMPTIONS**

**B. Exemptions:**

**4. Farm Outbuildings:**

- a. Farm outbuildings on a "farm" as defined herein shall be exempt from this chapter, except as provided in subsection 6-1-8A of this chapter. Buildings for the purpose of human habitation, which are located on said farm are not exempt from this chapter.
- b. "Farm" shall mean a tract of land in excess of five (5) acres wholly or in part classed in any of the land use categories 1 through 5 for appraisal and taxing purposes by the Valley County assessor. *[Categories 6 and 7 would be removed.]*

6. Tree Houses and Other Natural Structures: Tree houses, tree forts or tree sheds for use by children that will not be slept in and are under 30-sqft shall be exempt from this code. No building permit will be issued for structures for human habitation or storage that incorporate natural vegetation such as trees, boulders, streams, straw, mud etc. This does not include masonry that is part of the engineered structure.

**6-1-3 DEFINITIONS:**

Tree house, tree fort or tree shed is a platform or building constructed around, next to or among the trunk or branches of one or more mature trees while above ground.

---

**Assessor Land Use Classifications:**

Category No.	
1	Irrigated Agricultural Land
2	Irrigated Grazing Land
3	Non-irrigated Agricultural Land
4	Meadow Land
5	Dry Grazing Land
6	Productivity Forestland
7	Bare Forestland

**FINDINGS:**

1. Legal notice was posted in the *Star News* on December 16, 2021, and December 23, 2021. Potentially affected agencies were notified on December 3, 2021. 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](http://www.co.valley.id.us) on December 3, 2021
2. Responses: None

**ATTACHMENTS:**

- Proposed Ordinance
- Responses

**END OF STAFF REPORT**

## Attachment A

The purpose of this ordinance amendment is to limit agricultural building permits and to prohibit tree houses for human habitation.

### 6-1-2: SCOPE; EXEMPTIONS:

#### B. Exemptions:

##### 4. Farm Outbuildings:

- a. Farm outbuildings on a "farm" as defined herein shall be exempt from this chapter, except as provided in subsection 6-1-8A of this chapter. Buildings for the purpose of human habitation, which are located on said farm are not exempt from this chapter. The following pertains specifically to farm outbuilding definitions and limitations:
  - i. Designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This does not include storage building for personal items not used for production on the farm.
  - ii. Cannot be converted into structures for other uses without first obtaining a building permit that has gone through plan review for the new type of occupancy and has gone through the same review criteria.
  - iii. Must obtain a siting permit so as to assure setbacks are met and not being erected in violation of the floodplain overlay in Title 9 and/or Title 11. Must pay a fee in accordance with subsection 6-1-8A of this chapter.

b. "Farm" shall mean a tract of land in excess of five (5) acres wholly or in part classed in any of the land use categories 1 through 7 5 for appraisal and taxing purposes by the Valley County assessor.

6. Tree Houses and Other Natural Structures: Tree houses, tree forts or treesheds for use by children that will not be slept in and are under 30 sq. ft. shall be exempt from this code. No building permit will be issued for structures for human habitation or storage that incorporate natural vegetation such as trees, boulders, streams, straw, mud etc. This does not include masonry that is part of the engineered structure.

### 6-1-3 DEFINITIONS:

Tree house, tree fort or treeshed is a platform or building constructed around, next to or among the trunk or branches of one or more mature trees while above ground.

**VALLEY COUNTY**  
**ORDINANCE NO: 2022-01**  
**Agricultural Category Change and**  
**Prohibition of Treeforts for Human Habitation**

AN ORDINANCE TO PROVIDE FOR AMENDMENT TO VALLEY COUNTY CODE TITLE 6 PROVIDING FOR REMOVAL OF CATEGORY 6 AND 7 FROM EXEMPTION TO BE PERMITTED FOR AGRICULTURAL BUILDINGS AND PROHIBITION OF TREEFORTS FOR HUMAN HABITATION; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.

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

ATTACHMENT A – Legislative Version

**NOW, THEREFORE, BE IT ORDAINED AND APPROVED by the Valley County Board of Commissioners, Idaho this 3rd day of January, 2022, with an effective date being the date of publication on January 13, 2022.**

\_\_\_\_\_  
Elting G. Hasbrouck, Chairman

Attest:

\_\_\_\_\_  
Douglas A. Miller  
Valley County Clerk