

LEMHI COUNTY DEVELOPMENT CODE

**Adopted
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To be updated at end of process

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CHAPTER 1

PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

1.1. What This Chapter Does. This chapter establishes the purpose of this ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, establishes certain vested rights, and clarifies the rights of nonconforming uses. It also establishes rules for the interpretation of this ordinance.

1.2. Purpose. The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of Lemhi County by fulfilling the purposes and requirements of the Local Planning Act of 1975 and implementing the comprehensive plan. Specific statements of purpose accompany selected provisions of this ordinance, but the plan provides the full statement of the county's purpose and intent in planning and zoning activities.

1.3. Authority. This ordinance is adopted pursuant to the authority granted by the Local Planning Act of 1975. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 6519, and the adoption of a hearing procedure required by I.C. 67-6534.

1.4. Conflicting Ordinances Repealed. All prior ordinances are repealed to the full extent of their inconsistency with this ordinance.

1.5. Vested Rights. A "vested right" is the right to proceed with development that is "in progress" or for which all required permits were recently obtained prior to the adoption of this ordinance.

1.5.1. Vested rights to proceed with development initiated prior to the adoption of this ordinance shall be established only by: a. having obtained a building permit in full compliance with the provisions of previous ordinances (such vested rights expire with the permit); or b. having recorded a final plat in full compliance with previous ordinances. Recording of a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any particular use or the development of any lot.

1.5.2. Vested rights to proceed with development under the provisions of this ordinance shall be established only by: a. recording a final plat in full compliance with the provisions of this ordinance; b. executing a development agreement in full compliance with this ordinance, or c. obtaining a building permit in full compliance with the provisions of this ordinance. Such vested rights expire with the permit. See 3.11 (page 15) for the duration of permit approvals.

1.5.3. Existing uses may expand, but only on the lot or parcel occupied by the use on the effective date of this ordinance. Requests for the expansion of existing uses beyond the original lot or parcel occupied by the use on the effective date of this ordinance shall be processed as applications for Large-Scale Development.

1.6. Nonconforming Uses and Buildings. A nonconforming use or building is any use or building that was in existence on the effective date of this ordinance that would not comply with its requirements if submitted for approval after that date. Nonconforming uses are often said to be “grand fathered”. Nonconforming uses and buildings may continue subject to the rules established here and I.C. 67-6538. The purpose of these rules is to eliminate conflicts with nonconforming uses.

1.6.1. Any nonconforming use abandoned for more than one (1) year may be terminated.

1.6.1.1. No rights or authority granted pursuant to this chapter shall be construed to empower the County to enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner’s property, the provisions of this section are not applicable.

1.6.1.2. If the nonuse continues for a period of one (1) year or longer, the County may, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the County in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property.

1.6.1.3. The property owner may voluntarily elect to withdraw the use by filing with the clerk of the County an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

1.6.1.4. For purposes of this section “designed purpose” means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

1.6.1.5. The provisions of this section shall not be construed to prohibit a County from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

1.6.2. There shall be no limit on repair or maintenance activities for nonconforming uses or buildings. No such activity shall increase the degree of nonconformity, except that a minor increase in nonconformity may be permitted to provide handicapped access to a structure, as required by law. Repair and maintenance of nonconforming buildings will be subject to the requirements of the Building Code.

1.6.3. Changes in occupancy may be permitted in nonconforming commercial or industrial buildings, provided that the new occupancy is no more intense (with intensity being measured by traffic and noise generation, parking requirements, and similar factors) than the existing. A special use permit shall be required for any such change in nonconforming occupancies.

1.6.4. Nonconforming buildings may be replaced, but only where the effect of the replacement is to lessen any adverse impact of the nonconformity, and where the degree of nonconformity is not increased. Requests for replacement of nonconforming buildings shall be processed as applications for special use permits, except that any nonconforming building destroyed by fire or other catastrophe may be replaced without a special use permit if the degree of nonconformity is not in any way increased, and if the replacement is completed within twelve (12) months of the building's destruction.

1.6.5. The right to a nonconforming use or building runs with the land, not with the owner.

1.7. Right to Farm. Farmlands are subject to pertinent regulations of Lemhi County and the state of Idaho, provided that the exemptions are complied with as applied to agricultural lands, as recited in section 67-6529 Idaho Code: “No power granted hereby shall be construed to empower the board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product”.

1.8. Private Property Rights. This title shall be interpreted in its various particulars to equally protect each citizen from the undue encroachment upon his private property to the end that within the plan established, each citizen shall have the maximum use of his property without placing undue burden upon that of his neighbor. Every citizen of the county shall at all times have the right to appear in person, or by his attorney or agent, before the commission or board of county commissioners as the case may be in the proper order of business and before such commission or board of county commissioners to freely petition for the relief of an alleged burden created by this title, and to appeal a decision of the commission pursuant to the procedures herein set out to the board of county commissioners and the courts of the state. In the enforcement of this title, it shall be deemed to apply similarly and equally to each person and property in similar circumstances and shall not be enforced to discriminate between one individual and another individual or group as compared to all others similarly situated. To ensure that private property rights are enforced the county will follow the guidelines set forth in the Attorney General’s checklist per Idaho Code.

1. Does the regulation or action result in the permanent or temporary physical occupation of the property?

2. Does the regulation or action require a property owner to dedicate a portion of property or grant easement?
3. Does the regulation deprive the owner of all economically viable uses of the property?
4. Does the regulation have a significant impact on the landowner's economic interest?
5. Does the regulation deny a fundamental attribute of ownership?
6. Does the regulation serve the same purpose that would be served by directly prohibiting the use or action; and does the condition imposed substantially advance the purpose?

1.9. Relationship to Other Laws. When future ordinances, or resolutions, or state or federal law, impose additional standards on the activities regulated by this ordinance, the most restrictive standard shall govern.

1.10. Impact on Private Agreements. This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those of this ordinance, the ordinance shall govern.

1.11. Burden of Proof. The burden of demonstrating compliance with this ordinance rests with the developer.

1.12. Interpretation. All ordinance provisions shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Local Planning Act and the comprehensive plan. This ordinance is designed to be consistent with the comprehensive plan and should be liberally construed to achieve the purposes stated in the plan.

1.13. Severability. If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force.

CHAPTER 2

PLANNING AND ZONING COMMISSION / ADMINISTRATOR

2.1. What This Chapter Does. This chapter establishes a planning and zoning commission and provides for the appointment of a zoning administrator.

2.2. Planning and Zoning Commission. A planning and zoning commission is established, as authorized by I.C. 67-6504.

2.2.1. The Commission shall consist of nine (9) members appointed by the BOCC.

2.2.2. Commission members shall serve terms of three (3) years, except those members initially appointed, who shall serve terms, as set by lottery, of one, two, and three years, in order to provide for annual appointment of at least one (1) member.

2.2.3. The BOCC shall have cause for removal of any commission member who misses two (2) consecutive meetings or who misses three (3) meetings within any twelve (12) month period.

2.3. Duties of Commission. The Commission shall, as required by I.C. 67-6508, “conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan” for the county. The Commission shall exercise all powers granted to it by the Local Planning Act and fulfill all duties required by this ordinance.

2.4. Administrator. The BOCC shall appoint an administrator, who shall have the following duties:

2.4.1. assist the public in understanding the requirements of this ordinance;

2.4.2. accept applications for permits required by this ordinance;

2.4.3. review applications for compliance with this ordinance;

2.4.4. arrange for professional review of subdivision, Large-Scale Development, and special use permit applications, as necessary;

2.4.5. prepare the Commission’s agenda, scheduling hearings and other matters so as to limit meetings to reasonable lengths, while still providing timely processing of applications;

2.4.6. issue certificates of compliance, based on on-site inspections;

2.4.7. investigate possible violations of this ordinance;

2.4.8. properly account for all fees collected in the administration of this ordinance and prepare monthly and annual reports of activity; and

2.4.9. perform all other duties assigned by this ordinance, including the additional duties assigned in Chapter 9 (page 47).

2.5. Liability. No person, including BOCC members, Commission members, the administrator, and other county employees, who acts in good faith and without malice in the performance of duties assigned by this ordinance, shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the county and any judgment resulting from such a suit shall be the liability of the county.

CHAPTER 3

ADMINISTRATIVE PROCEDURES

3.1. What This Chapter Does. This chapter requires a permit for all land development and establishes procedures for the administration of this ordinance, including the procedures for processing permit application required by I.C. 67-6519 and the hearing procedure required by I.C. 67-6534.

DIVISION 1 - PERMIT PROCEDURES

3.2. Permit Required. A permit shall be required for any division of land, or any land development or activity regulated by the Lemhi County Development Code, except as specifically exempted by Section 3.3, below. Applications for permits shall be processed as described in this chapter.

3.3. Exemptions. For Construction Activity. Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit.

3.3.1. No permit shall be required for the following activities:

3.3.1.1. repairs or remodeling that do not alter the exterior dimensions of the building involved (note that the Building Code may require a permit for such repairs or remodeling);

3.3.1.2. accessory buildings that are also exempted from review by the Building Code (note that this generally exempts detached, one-story, accessory buildings of less than 120 square feet in floor area and agricultural outbuildings, except where such accessory buildings or outbuildings are located within the special flood hazard area or airport safety overlay zoning districts;

3.3.1.3. fences of eight (8) feet or less in height (but note that all fences must comply with the requirements of this ordinance for a “clear vision triangle” at intersections and driveways) and shall comply with Appendix C (on Page 96).

3.3.1.4. minor utility installations, except where such installations are in the special flood hazard area or airport safety overlay zoning districts; or

3.3.1.5. certain signs, as provided in Appendix A (on page 90).

3.3.2. No permit shall be required for the following land division activities:

3.3.2.1. minor lot line adjustments inside an existing subdivision and lot line adjustments outside an existing subdivision in which property lines are adjusted, but no new lot is created and no lot so reduced in area or dimension that it is not, or does not or cannot, accommodate a use that is in full compliance with this ordinance. Lot line

adjustments shall not occur over section lines unless approved by the Planning and Zoning Commission;

3.3.2.2. The aggregation of lots in an existing subdivision to achieve compliance with the density limitations of this ordinance or public health requirements;

3.3.2.3. any land division that results from the settlement of an estate or a court decree for the distribution of specific parcels of property;

3.3.2.4. any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose;

3.3.2.5. a cemetery plat; or

3.3.2.6. any land division in which all resulting parcels are one hundred-sixty (160) or more acres in size and not intended for development purposes or for the purpose of further lot splits.

3.3.2.7. Federal, State and County projects or activities are exempt from zoning rules and regulations.

3.4. Applications. No incomplete application shall be accepted.

3.4.1. Applications shall be submitted on forms provided by the county. Multiple copies of applications and supporting materials may include a preliminary title search, site plan, aerial photo and preliminary plat, and any other items that may pertain to any proposal required by the administrator. All applications shall demonstrate code compliance in writing, by addressing each section applicable to their development. Public hearings will only be set after all supporting material has been submitted in writing. Written comments from the public must be submitted seven days prior to the hearing. No written material will be accepted from the public within the last seven days prior to the public hearing.

3.4.2. The administrator may delay consideration of any application when inclement weather or snow cover prevents a proper on-site inspection.

3.5. Application Fees. Application fees for each type of permit established by this ordinance shall be established by ordinance of the BOCC.

3.6. Lot Split Permits. The lot split permit procedure is designed to assure that the creation of new parcels of land does not result in violation of this ordinance or unnecessary applications for variances. Lot Splits within a subdivision shall be filed as an amended subdivision, and shall follow the requirements set forth in this Chapter, Chapter 5 Small-Scale Development (page 23), and Chapter 6 Large-scale Development (Page 30). All plats must use a meets and bounds description. County review of proposed lot splits also helps protect utility easements and street rights-of-way from encroachment and consumers from purchasing inaccurately described property. Applications for lot split permits shall follow the procedure described here.

3.6.1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. All newly created lots shall be platted, as defined in I.C. 50-1301, and recorded only after obtaining all the proper signatures. An “Agency Approval” sheet shall also be recorded after obtaining all the proper signatures. The “Agency Approval” sheet shall include a signature and comment line for the Administrator, Assessor, Lemhi Road and Bridge Department, Eastern Idaho Health, and any other agencies that may be deemed necessary at the time of application, and their signatures are required before recording. The plat shall have a Deed Instrument Number line and the agency approval instrument number line. One deed shall be created for each parcel. The Agency Approval sheet, all deeds, and the approved plat must be recorded together in sequence. If restrictive covenants exist, the deed must refer to the restrictive covenant’s Instrument Number. Legal descriptions of each parcel created and the remainder must be filed on the plat. When a split or a lot line adjustment occurs, all of the parcels involved shall be surveyed and new descriptions with deeds filed and platted. Lots with remaining splits shall be shown on the plat such as R1 for one (1) split remaining on that lot or R2 for two (2) splits remaining on that lot.

Exemption: E.3.6.1 If a parcel has a road in it, the road shall be surveyed and an easement or deed filed. This will not be considered a lot split if the easement or deed is given to the county and accepted as a public road. This acceptance is not for maintenance purposes but is for the use of the road.

E.3.6.2 All remainder parcels that are one hundred-sixty (160) acres in size or greater need not be surveyed,

E.3.6.3 Legal descriptions with more than four (4) “less than exceptions” (as defined by the County Assessor) shall be surveyed, and new deeds, platted and recorded.

3.6.2. The administrator shall determine whether the proposed lot split is in compliance with the comprehensive plan and this ordinance. If he/she finds that the proposed lot split complies, then copies of the plat and the agency approval sheet shall be submitted to the various agencies for review and approval. After the review and approvals are obtained, a drafting film as per I.C. 50-1304, can be made and signatures obtained for recording and the application for a permit shall be approved. If he/she finds that the proposed lot split does not comply, the application for a permit shall be disapproved. Conditions may be attached to approval of the permit, as provided in 3.10 (Page 14).

3.6.3. The administrator shall notify the developer of the decision within ten (10) days, except as provided in 3.6.4 below.

3.6.4. The administrator may refer any lot split application to the Commission for confirmation of its compliance or lack of compliance with the comprehensive plan and this ordinance. All such referrals shall be placed on the agenda of the next regular Commission meeting.

3.6.5. The Commissions’ decision may be appealed to the BOCC using the appeals procedure of 3.12. (page 15). Any person wishing to appeal a decision shall file a notice of

appeal with the administrator within ten (10) days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

3.6.6. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

3.6.7. Lot splits and related required improvements may be phased in under a development agreement per chapter 11 (page 58) of this code.

3.7. Subdivision Permits. The subdivision permit procedure is designed to assure that land development is accompanied by installation of the necessary on-site public facilities and that it is compatible with neighboring land uses, the landscape setting, and the capacity of off-site facilities and services. County review of subdivisions helps protect utility easements and road rights-of-way from encroachment and protects consumers from purchasing inaccurately described property. Applications for subdivision permits shall follow the procedure described here.

3.7.1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. All applications shall demonstrate code compliance in writing, by addressing each section applicable to their development. Public hearings will only be set after all supporting material has been submitted in writing.

3.7.2. The administrator shall place a hearing on the application on the agenda of the next regular Commission meeting for which the notice requirements of 3.7.6 (page 11) can be met and at which time will allow proper consideration of the proposed subdivision. Written comments from the public must be submitted seven days prior to the hearing. No written material will be accepted from the public within the last seven days prior to the public hearing. This is to give the applicant a chance to review the public concerns.

3.7.3. The administrator may contract for professional review of the application, with the cost of that review being in addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

3.7.4. Phased Developments. If a developer wishes to phase a subdivision development over a period of time this can be done through the use of a development agreement. However under no circumstances may a developer begin a subsequent phase without completing all required infrastructure improvements required in the previous phase. Each phase, while part of the same development, may be treated as an individual application, however the full development and its impact shall initially be considered when obtaining approval under a Special Use Permit application process.

3.7.5. Clustering. If allowed lot splits are clustered into a cluster of more than five (5) lots, a subdivision plat shall be filed following all requirements of this title included 7.5.

3.7.6. Neighborhood Meeting: Prior to submitting an application for a subdivision of 10 lots or more a neighborhood meeting must be held no more than 30 days prior to submitting the final application.

Notice of the neighborhood meeting shall be provided to all property owners of record within three hundred feet (300') of the exterior boundary of the proposed subdivision property. Notice of the meeting shall be either hand delivered or mailed to the property owners and shall set forth the time and place for the meeting.

Notice of the meeting shall be provided at least ten (10) days prior to the meeting. The meeting shall be held not more than thirty (30) days nor less than five (5) days prior to the submittal of an application.

The neighborhood meeting shall be conducted by the applicant at a public place where the applicant shall present the concept plan and allow for comment and questions by the above specified property owners. The meeting shall not be held on official holidays or on weekdays between the hours of seven thirty o'clock (7:30) A.M. and five thirty o'clock (5:30) P.M., unless a written consent agreeing to the day and time, signed by at least fifty one percent (51%) of the property owners within three hundred feet (300'), is filed with the department prior to the neighborhood meeting.

At the time of submitting an application, the applicant shall be required to demonstrate that a neighborhood meeting was conducted in accordance with this section by filing a copy of the meeting sign up sheet and a copy of the meeting notice.

3.7.7. The administrator shall provide notice of the hearing, as follows:

3.7.6.1. By mailed notice to all adjoining property owners, all owners of property within three hundred (300) feet of the outer boundaries of the site, and within a subdivision, all lot owners, at least fifteen (15) days before the hearing, except as provided in 3.7.6.4, below;

3.7.6.2. By newspaper publication: one legal notice in the official newspaper, appearing at least fifteen (15) days prior to the hearing; and

3.7.6.3. By mailed to other media, political subdivisions and interested agencies.

3.7.6.4. Where more than two hundred (200) mailed notices would be required, the administrator may limit certificate of mailing notices to the nearest two hundred (200) property owners, while still providing all other required forms of notice.

3.7.6.5. All notices shall comply with the requirements of 3.10 (page 14)

3.7.6.6. The actual costs of providing the required notice shall be added to the application fee required by 3.5 (on page 8)

3.7.7. The Commission shall conduct a hearing on the proposed subdivision following the procedure established in 3.14 (page 16). No application for a subdivision shall be reviewed if the developer or a representative is not present.

3.7.8. The Commission shall determine whether the proposed subdivision is in compliance with the comprehensive plan and all requirements of this ordinance. If it finds that the proposed subdivision complies, it shall approve the application. If it finds that the proposed subdivision is not in compliance, it shall disapprove the application. Conditions may be attached to approval of the permit, as provided in 3.10 (page 14)

3.7.9. The administrator shall notify the developer and interested parties of the Commission's decision within 10 days.

3.7.10. The Commissions' decision may be appealed to the BOCC using the appeals procedure of 3.12 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within ten (10) days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

3.7.11. The developer may file a final plat with the administrator at any time after the subdivision permit is approved. Phased final platting is permitted by 11.5 (page 58)

3.7.12. The administrator shall place the final plat on the agenda of the next regular Commission meeting at which time will allow for proper review of the proposed final plat.

3.7.13. No public notice or hearing is required for final plats, but no final plat shall be reviewed if the developer or a representative is not present.

3.7.14. The Commission shall review the final plat and determine whether it is in compliance with the subdivision permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat is not in compliance, it shall disapprove that plat. Conditions may be attached to approval of a final plat, as provided in 3.10 (page 14)

3.7.15. If the Commission approves the final plat, the administrator shall place it on the agenda of the next regular BOCC meeting. Commission disapproval of a final plat may be appealed to the BOCC using the appeals procedure of 3.12 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received.

3.7.16. The BOCC shall determine whether the final plat is in compliance with the subdivision permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat is not in compliance, it shall disapprove that plat. Conditions may be attached to BOCC approval of a final plat, as provided in 3.10 (page 14)

3.7.17. The administrator shall notify the developer and interested parties of the BOCC decision within 10 days.

3.7.18. Approval of a subdivision permit or plat does not constitute or imply approval of a permit for any prospective use of any lot created.

3.8. Special Use Permits. The purpose of the special use permit procedure is to implement the comprehensive plan by requiring intensive public review of certain developments, including all large scale developments (see definition of large scale development in Chapter 12.36 (page 67)), and by requiring that such developments comply with performance standards designed to assure their compatibility with neighboring uses, the landscape setting, and the capacity of public facilities and services. Special use permits are specifically authorized by I.C. 67-6512. All applications for a Special Use Permit shall be accompanied by a LESA Evaluation Form. Applications for a large scale or special use permits shall follow the procedure described here.

3.8.1 Neighborhood Meeting: Prior to submitting an application for a special use permit or more a neighborhood meeting must be held no more than 30 days prior to submitting the final application.

Notice of the neighborhood meeting shall be provided to all property owners of record within three hundred feet (300') of the exterior boundary of the proposed property. Notice of the meeting shall be either hand delivered or mailed to the property owners and shall set forth the time and place for the meeting.

Notice of the meeting shall be provided at least ten (10) days prior to the meeting. The meeting shall be held not more than thirty (30) days nor less than five (5) days prior to the submittal of an application.

The neighborhood meeting shall be conducted by the applicant at a public place where the applicant shall present the concept plan and allow for comment and questions by the above specified property owners. The meeting shall not be held on official holidays or on weekdays between the hours of seven thirty o'clock (7:30) A.M. and five thirty o'clock (5:30) P.M., unless a written consent agreeing to the day and time, signed by at least fifty one percent (51%) of the property owners within three hundred feet (300'), is filed with the department prior to the neighborhood meeting.

At the time of submitting an application, the applicant shall be required to demonstrate that a neighborhood meeting was conducted in accordance with this section by filing a copy of the meeting sign up sheet and a copy of the meeting notice.

3.8.2 The administrator shall provide notice of the hearing, as follows:

3.8.2.1 By mailed notice to all adjoining property owners and all owners of property within three hundred (300) feet of the site, at least fifteen (15) days before the hearing, except as provided in 3.8.2.4, below.

3.8.2.2 by newspaper publication, one legal notice in the official newspaper, appearing at least fifteen (15) days prior to the hearing; and

3.8.2.3 by mailed notice to other media and interested agencies on a list maintained by the administrator. The developer shall not be liable for non-receipt of these notices.

3.8.2.4 where more than two hundred (200) mailed notices would be required, the administrator may limit certificate of mailing notices to the adjoining property owners, while still providing all other required forms of notice.

3.8.2.5 at least seven (7) days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public street.

3.8.2.6 all notices shall comply with the requirements of 3.10 (page 14)

3.8.2.7 the actual costs of providing the required notice shall be added to the application fee required by 3.5 (page 8)

3.8.3 The Commission shall conduct a hearing on the proposal following the procedure established in 3.14 (page 16) No application for a special use shall be reviewed if the developer or a representative is not present.

3.9 The Commission shall determine whether the proposal is in compliance with the comprehensive plan and this ordinance. If it finds that the proposed special use complies, it may approve the application. If it finds that the proposed special use is not in compliance, it may disapprove the application. Conditions may be attached to the approval of the permit, as provided in 3.10 (page 14). The commission's decision is final if not appealed within ten (10) days of notice, as per section 3.12 (page 15).

3.9.2 The administrator shall notify the developer and interested parties of the commission's decision within ten (10) days.

3.9.3 The Commission's decision may be appealed to the BOCC using the appeals procedure of 3.12 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within ten (10) days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

3.10 **Conditions.** Conditions may be imposed on any lot split, subdivision, Large-scale development or special use permit approval, or variance, if:

3.9.1. the conditions are clearly designed to assure compliance with one or more specific requirements of this ordinance; and

3.9.2. a list of all conditions imposed is provided to the developer with notification of the commission's or BOCC decision. That list shall specifically identify the provision of this ordinance the condition is designed to implement.

3.10. Hearing Notices. All required notices shall provide the following information (for model notices see Appendix B (page 94)): 1. the name and mailing address of the developer; 2. a legal

description of the development site; 3. the address of the development site, or another general description by which the public can identify the site; 4. the present land use at the site; 5. the proposed use and, for subdivisions, the proposed number of lots and average proposed lot size; 6. the body (commission or council) that will conduct the hearing; 7. the date, time, and place of the hearing; 8. a statement of the availability of application materials for public review, and 9. a statement that “**PUBLIC COMMENT IS ENCOURAGED.**”

3.11. Approvals Valid for One Year. Permits shall be valid for one (1) year from the date of approval, unless extended by a development agreement, as provided in 11.5 (on page 58)

DIVISION 2 - APPEALS AND VARIANCES

3.12. Appeals. Any decision of the administrator may be appealed to the Commission and any decision of the Commission may be appealed to the BOCC the using the procedure described here.

3.12.1. The appellant shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator.

3.12.2. The administrator shall place a hearing on the appeal on the agenda of the next regular Commission/BOCC meeting for which the notice requirements can be met. Notice requirements for an appeal shall be the same as for the permit application. The cost of providing the required notice shall be borne by the appellants.

3.12.3. The Commission/BOCC procedure for hearings shall be as follows: No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the developer or a representative is not present.

3.12.4. The Commission/BOCC shall determine whether the decision being appealed is in compliance with the comprehensive plan and this ordinance, and affirm, modify, or overturn that decision accordingly.

3.12.5. The administrator shall notify the appellant and interested parties of the decision within 10 days.

3.13. Variances. Variances, as required by I.C. 67-6516, are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this ordinance is strictly enforced. Applications for variances shall follow the procedure described here.

3.13.1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. Public hearings will only be set after supporting material has been submitted in writing.

3.13.2. The administrator shall place a hearing on the variance on the agenda of the next regular Commission meeting for which the notice requirements can be met. Notice requirements for a variance shall be the same as for a subdivision permit. Written comments from the public must be submitted seven days prior to the hearing. No written material will

be accepted from the public within the last seven days prior to the public hearing. This is to give the applicant a chance to review the public concerns.

3.13.3. The Commission shall conduct a hearing on the proposed variance following the procedure established in 3.14 (on page 16) No application for a variance shall be reviewed if the developer or a representative is not present.

3.13.4. The Commission shall approve a variance only upon finding that:

3.13.4.1. the need for a variance results from physical limitations unique to the lot on which the variance is requested;

3.13.4.2. failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;

3.13.4.3. the alleged hardship has not been created by action of the lot's owner or occupants;

3.13.4.4. approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood;

3.13.4.5. approval of the variance will not have an adverse affect on the implementation of the comprehensive plan, and

3.13.4.6. the variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.

3.13.4.7. Additional findings are required for variances in the special flood hazard area and airport safety overlay zoning districts.

3.13.5. Conditions may be attached to the approval of a variance, as provided in 3.10 (page 14)

3.13.6. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.

3.13.7. The Commission's decision may be appealed to the BOCC using the appeals procedure of 3.12 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

DIVISION 3 - HEARING PROCEDURE

3.14. Hearing Procedure. This procedure shall be followed in all hearings required by this ordinance.

3.14.1. The presiding officer shall announce the purpose and subject of the hearing.

3.14.2. The presiding officer shall determine whether proper notice of the hearing has been provided. That determination shall be based on the submission of newspaper ads or affidavits of publication, posting and certificate of mailing receipts showing full compliance with the notice requirements of this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.

3.14.3. The presiding officer shall determine whether the application form required by this ordinance is complete and includes all required supporting materials. If the application is not complete, the hearing shall be rescheduled.

3.14.4. The presiding officer shall ask if any Commission/BOCC member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.

3.14.5. The presiding officer shall ask the administrator if he/she has a report on the proposal being considered.

3.14.6. The presiding officer shall direct questions from Commission/BOCC members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.

3.14.7. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and this ordinance.

3.14.8. The presiding officer shall ask for a statement from the developer or his or her representative. Commission/BOCC members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.

3.14.9. Following the developer's statement, the presiding officer shall ask for statements from the public. Persons giving statements shall begin by stating their name and mailing address. Commission/BOCC members may ask questions following any statement. Questions and replies shall be directed through the presiding officer.

3.14.10. When all statements have been given, the presiding officer shall ask if any person who gave a statement wishes to speak in rebuttal to other statements or to clarify their statement. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from Commission/BOCC members may follow each rebuttal or clarification.

3.14.11. The presiding officer shall close the public hearing and call for discussion and action by the Commission/BOCC.

3.14.12. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be retained by the county. Supporting materials shall be left with the administrator after each statement is made.

3.15. Additional Hearing Procedures. These procedures may be used without prior notice to assist in the conduct of large or controversial hearings.

3.15.1. Time limits may be imposed on the statements given in order to assure completion of the agenda.

3.15.2. Persons who wish to make a statement may be required to register their intention to do so with the administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.

3.16. Hearings To Be Taped. As required by I.C. 67-6536, the administrator shall keep a transcribable tape record of all hearings on file for at least six months after the final hearing on the development.

3.17. Decision Record. All decisions of the Commission/BOCC shall be based upon standards and criteria which shall be set forth in the comprehensive plan, this ordinance or other appropriate ordinance or regulation of the county, as required by I.C. 67-6535.

3.18. Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the Commission required by I.C. 67-6519. The Commission shall make a decision on any application for a permit within 35 days of the hearing, if a hearing is required by this ordinance, or within 35 days of the meeting at which the application first appeared on the Commission agenda, except that: the Commission may table any application for which a facilities study (see 6.33 page 37) is required for a period of more than 35 days while the required study is conducted. The maximum time permitted for a large scale development study shall be 125 days.

DIVISION 4 – ENFORCEMENT

3.19. Failure to Obtain a Permit. Whenever the administrator becomes aware of an activity for which a permit is required by this ordinance, but for which a permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) of the site to immediately cease all unpermitted activity. Notice shall be given by posting on the site and/or first class mail. If activity does not cease, the administrator shall ask the county attorney to take prompt action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this ordinance.

3.20. Certificate of Compliance. A certificate of compliance shall be issued before any building or use is occupied. A certificate of compliance indicates that an on-site inspection has shown that the building or use complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a building or use without a certificate of compliance shall be a violation of this ordinance. The issuance of a certificate of compliance shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

3.21. Temporary Certificate of Compliance. A temporary certificate of compliance may be issued to permit temporary use of a building in cases where weather prevents the prompt completion of such required improvements as landscaping. No temporary certificate of compliance shall be issued for more than 180 days.

3.22. Enforcement Actions. The process for enforcement of this ordinance shall be as described here.

3.22.1. The administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation, cite the sections of this ordinance being violated, and order the occupant to attain compliance within 10 days.

3.22.2. Any person who receives a notice of violation may request inspection by the administrator to show that compliance has been attained within the 10 days allowed, or:

3.22.2.1. file a written request with the administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of 60 days and culminated by an inspection to show that compliance has been attained; or

3.22.2.2. file an appeal of the administrator's notice, following the appeals procedure of 3.12 (on page 15)

3.22.3. The administrator shall notify any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred. This notice shall be posted on the site and sent by first class mail, repeat the description of the violation from the original notice, and state the penalties that may be imposed for violations of this ordinance.

3.22.4. The County may proceed with mitigation of the violation at the cost of the property owner. The county will submit an invoice for such mitigation and if unpaid may file a lien against the property until such invoice is paid. County may also restrict further development or other permits for the property until such invoice is paid.

3.22.5. The County reserves the right to deny any development permit on property that is not in compliance with this Code.

3.23. Penalties. Violations of this ordinance may be criminally prosecuted as a misdemeanor in accordance with the Local Land Use Planning Act, Idaho Section 67-6527, the institution of a civil action to enforce compliance with this ordinance, or both.

DIVISION 5 – AMENDMENTS

3.24. Amendments. Any person may petition for the amendment of the comprehensive plan or this ordinance. The amendment procedure shall be as described here and in the Local Planning Act.

3.24.1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. Public hearings will only be set after all supporting material has been submitted in writing. Written comments from the public must be submitted seven days prior to the hearing. No written material will be accepted from the public within the last seven days prior to the public hearing. This is to give the applicant a chance to review public concerns.

3.24.2. The administrator shall place a hearing on the application on the agenda of the next regular Commission meeting for which the notice requirements can be met and at which time will allow proper consideration of the proposed amendment. The administrator may contract for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

3.24.3. The administrator shall provide notice of the hearing, as follows:

3.24.3.1. for amendments to the official zoning map only: by mailed notice to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in 3.24.3.3, below;

3.24.3.2. by mailed notice to other media and interested parties on a list maintained by the administrator. The administrator shall not be liable for non receipt of these notices.

3.24.3.3. Where more than 200 mailed notices would be required, the administrator may limit certificate of mailing notice to the nearest 200 property owners only, while still providing all other required forms of notice.

3.24.3.4. for amendments to the official zoning map only: at least seven days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public road.

3.24.3.5. All notices shall comply with the requirements of 3.10. (on page 14)

3.24.3.6. The actual costs of providing the required notice shall be added to the application fee required by 3.5 (on page 8)

3.24.4. The Commission shall conduct a hearing on the proposed amendment following the procedure established in 3.14 (on page 16). No application for an amendment shall be reviewed if the developer or a representative is not present.

3.24.5. The Commission shall determine whether the proposed amendment is consistent with the comprehensive plan, and recommend that the BOCC approve or disapprove it accordingly.

3.24.6. The administrator shall convey the Commission's recommendation to the BOCC and, unless the application is withdrawn, place a hearing on the application on the agenda of

the next regular BOCC meeting for which the notice requirements can be met. Notice shall be provided in the same manner as for the hearing before the Commission.

3.24.7. The BOCC shall conduct a hearing on the proposed amendment following the procedure established in 3.14 (page 16). No application for an amendment shall be reviewed if the developer or a representative is not present.

3.24.8. The BOCC shall determine whether the proposed amendment is consistent with the comprehensive plan and approve or disapprove it accordingly.

3.24.9. The administrator shall notify the developer and interested parties of the BOCC decision within 10 days, but no amendment to this ordinance shall become effective until that amendment has been adopted as an ordinance and published or published by summary as required by law.

CHAPTER 4

ESTABLISHMENT OF ZONING DISTRICT

4.1. What This Chapter Does. This chapter creates zoning districts and overlay zoning districts based on the planning areas established in the comprehensive plan and adopts an official map of those districts. It also provides rules for the interpretation of zoning district boundaries.

4.2. Zoning Districts. The following zoning districts are established to implement the comprehensive plan: 1. Airport Safety Overlay Zoning District, 2. Airport Zoning District, 3. Area of City Impact Zoning District, 4. Lower Lemhi River Valley Zoning District, 5. North Fork-Gibbonsville Zoning District, 6. North Salmon Basin Zoning District, 7. Pahsimeroi Zoning District, 8. Salmon River Mountains Zoning District, 9. Special Flood Hazard Overlay Zoning District, 10. South Salmon Basin Zoning District, 11. South Salmon River Corridor Zoning District, and 12. Upper Lemhi River Valley Zoning District.

4.3. Official Zoning Map. The “Official Zoning Map of Lemhi County” is adopted, by reference, as part of this ordinance. A dated copy of that map shall be maintained for public inspection at the office of the administrator.

4.4. Zoning District Boundaries. Zoning district boundaries shall be as shown on the "Official Zoning Map of Lemhi County" and the flood insurance rate maps of Lemhi County prepared by the Federal Emergency Management Agency. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may request commission review of the administrator's decision using the appeals procedure of 3.12 (page 15).

Official Zoning Map of Lemhi County

CHAPTER 5

SMALL-SCALE RESIDENTIAL DEVELOPMENT

5.1 What This Chapter Does. This chapter establishes county-wide performance standards for small-scale residential development, including home occupations. A small scale development pertains to splitting lots (not involving a subdivision plat) for residential proposes. All applicable performance standards of the Lemhi County Development Code shall apply, depending on the zoning district in which the proposed small-scale residential development is located. Certain additional performance standards for lot splits are found in Chapter 10 (page 52). Small-scale residential developments always require a building permit and may require a lot split permit. This chapter does not apply to any land division in which all resulting parcels are one hundred-sixty (160) or more acres in size and not intended for development purposes or for the purpose of further lot splits. Compliance with these performance standards is required for the approval of any permit for a small-scale residential development

5.2 Small-Scale Development Defined. A small-scale residential development consists of the creation of four or fewer new residential lots by platting, and/or the construction of a single family dwelling on any such lot, or any nonconforming lot or parcel. This limited, low density residential development is accessible from existing public roads, and on a suitable site, permitted with only a simple administrative review. Small-scale residential development also includes the establishment of a home occupation in compliance with 5.17 (page 26) and a single lot split for family use as defined in 5.3.5 (page 24). It does not include any act that creates lots of 160 acres or larger that are not intended for development purposes nor are eligible for any further lot splits.

5.3 Extent of Development. The extent of small-scale residential development is limited in the four ways listed here. Any increase in the extent of development shall be by exception, as provided in 5.3.4 (page 24) or upon approval of a large-scale development via a subdivision or special use permit.

5.3.1 As per 5.2 (page 23), a small-scale residential development includes four or fewer lots.

5.3.2 In some zoning districts, the number of lots that may be established as a small-scale residential development is limited in proportion to the owner's total holdings. The number of lots permitted is called the "small-scale development factor" in Table 5.1. (page 28)

5.3.3 There is a minimum lot size for any small-scale residential development. The minimum lot size may vary by zoning district or with the characteristics of the site. See Table 5.1. (page 28). No land division shall result in any conforming lot or parcel falling below the minimum lot size required by that table.

5.3.4 If a proposed small-scale development is found to exceed the environmental capacity of the area as determined by Chapter 13 (page 73) additional conditions and standards may apply.

5.3.5 Exceptions. One single-family residence may be constructed on any separately owned, undeveloped, nonconforming lot or parcel, provided that it complies with the remainder of the performance standards of this chapter while assuring that they have no significant adverse impact on environmental quality in accordance with Chapter 13 (page 73), neighboring uses, or public facilities and services. The unused portion of a subdivision lot on which a dwelling already exists is not an undeveloped, nonconforming lot or parcel. Multiple undeveloped, nonconforming lots held by a single owner are not separately owned and shall be considered a single parcel for the purposes of this ordinance.

5.4 Location of Development. No small-scale residential development shall be located:

5.4.1. in the Airport Zoning District;

5.4.2. within the Special Flood Hazard Area Overlay Zoning District, except in compliance with the detailed performance standards of Chapter 9 (page 47);

5.4.3. in a wetlands, except in compliance with a permit issued by the Army Corps of Engineers;

5.4.4. on a slope of more than 30%, except where a geotechnical engineer certifies that development will not result in accelerated runoff or erosion with off-site impacts, or the possibility of a slope failure: OR

5.4.5. on soils identified by the NRCS as soil types that may require engineering for such development, except where a geotechnical engineer certifies that the development has been properly designed to prevent damage from soil expansion.

5.5. Wildfire Defensible Space. Any residence located in a wooded area, or an area of flammable brushy vegetation, shall provide a minimum of thirty (30) feet of wildfire defensible space. A defensible space is one in which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed. Maintenance of the defensible space is a requirement for continuing compliance with this ordinance.

5.6. Nuisances. The performance standards of 6.13 (page 33), also apply to small-scale residential development.

5.7. Livestock on Residential Lots. All areas in which livestock or domestic animals are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust.

5.8. Fence-Out/Stock Driveways.

5.8.1. All small-scale residential developments shall be fenced to prevent conflict with livestock on neighboring pasture or range lands. Providing lawful fencing shall be the responsibility of the developer. See Appendix C (page 96).

5.8.2. No small-scale residential development shall be sited or designed so as to interfere with the continuing use of any historically established livestock trail or driveway.

5.9. Setbacks.

5.9.1. All small-scale developments shall comply with the setback requirements of Table 5.2. (page 29) and no land division shall result in any conforming setback falling below the minimum established here.

5.10. Building Height. The maximum building height for small-scale residential developments shall be thirty-five (35) feet.

5.11. Safe Access. Each lot in a small-scale residential development shall have safe direct access to a maintained public or private road. Safe access shall be defined as:

5.11.1. Approaching the road at an angle of ninety (90) degrees (± 5 degrees) for at least fifty (50) feet before intersecting that road;

5.11.2. Approaching the road at a grade of three (3) percent or less for at least fifty (50) feet before intersecting that road;

5.11.3. Maintaining a clear vision triangle; and

5.11.4. Being at least one hundred (100) feet from any other point-of-access (measured centerline to centerline, on either side of the public road), except on state and federal highways, where the minimum distance between points-of-access shall be two hundred (200) feet.

5.11.5. Private roads created for small-scale residential developments shall meet the construction standards of Appendix D (page **Error! Bookmark not defined.**)

5.11.6. Where individual driveways access a state or federal highway, an access permit shall be obtained from the Idaho Transportation Department. Where individual driveways access a county road they shall be constructed in compliance with the standards of Appendices D & E (pages **Error! Bookmark not defined.**, 102).

5.11.7. These standards apply both to individual driveways and any private roads created by the developer.

5.12. Utilities. Where available, small-scale residential developments shall be required to connect to a central water or sewer system that complies with state design and construction standards.

5.13. Individual Water Supplies. Where reliance on individual water supplies is proposed, evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells at geologically similar, neighboring sites or records of on-site well tests.

5.14. On-Site Sewage Disposal. All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with state standards. All newly created lots or parcels shall be able to accommodate an on site sewage disposal system. **Exception:** Lots served by a central sewage system.

5.15. Easements. No building shall be placed in any utility easement, public or private, or in any access or irrigation easement. Fences may be constructed across access, irrigation, or utility easements, but only where a gate is provided for access along the easement. Note that some utilities and irrigation entities may prohibit the fences permitted by this ordinance.

5.16. Protecting Irrigation Systems. Small-scale residential developments including or adjoining irrigated lands, or including or adjoining any irrigation works (diversions, head gates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity.

5.16.1. No development shall be permitted to adversely impact the operation of any irrigation system. Minimum requirements for compliance shall include:

5.16.1.1. providing gates through all fences placed across any irrigation right-of-way or easement (as also required by 5.15, page 26); and

5.16.1.2. placing all ditches, drains, etc. in a pipe or culvert, the design and construction of which is subject to the approval of and inspection by the responsible irrigation entity. The administrator may waive this requirement upon a determination that the proposed development will not create the problems this requirement addresses, including liability, unlawful diversion, and the possibility of flooding or seepage.

5.16.2. No development shall channel storm water or snow melt runoff into any irrigation system without written consent of the responsible irrigation entity.

5.16.3. See Chapter 10 (page 52) for additional requirements affecting the subdivision of irrigated lands.

5.17. Home Occupations. These performance standards are designed to permit limited commercial activity associated with dwellings, while assuring that such activity does not diminish the residential character of the neighborhood in which it is located. Should such home occupation increase in size or operation beyond the conditions set forth in this ordinance it shall become a commercial use and shall be subject to the requirements and approval of a commercial operation under this ordinance. Approval of a home occupation does not change any specification or performance standard applicable to the dwelling to which it is accessory.

5.17.1. No home occupation located within a subdivision shall have more than three (3) on-premises, full-time equivalent employees who are not members of the resident family. No home occupation located outside a subdivision and on a lot five (5) acres in size or larger

shall have more than five (5) on-premises, full-time equivalent employees who are not members of the resident family.

5.17.2. Home occupations may include retail trade and financial, personal, and business services, but no such home occupation may occupy a floor area larger than that of the residence to which it is accessory unless located outside a subdivision and on a lot five (5) acres or more. Then there are no restrictions on the home occupation size.

5.17.3. Home occupations shall provide off-street parking for all employees and any vehicles associated with the occupation in compliance with the requirements of Appendix E (page 102).

5.17.4. The storage of any materials or solid waste associated with a home occupation shall be in an orderly manner.

5.17.5. Home occupations shall display only the following signs: (a) For home occupations located within a subdivision, one non-illuminated wall sign of no more than six square feet, and one non-illuminated on-site directional sign of no more than four square feet. (b) For home occupations located outside a subdivision and on a lot five (5) acres or more, one non-illuminated wall sign of no more than sixteen square feet, and one non-illuminated on-site directional sign of no more than four square feet.

5.17.6. Home occupations can be, but are not limited to: Accounting, Beauty Salon, Cabinetry, but no Home Occupation shall be a Junk Yard, Auto Salvage, Restaurant, Gravel Pit, Convenience Store or any type of business that accumulates outdoor storage. Transient lodgings, including hotels, motels, guest cabins, campgrounds, and recreational vehicle parks shall not be permitted as home occupations. They may be permitted only as large-scale developments. **EXCEPTION:** A bed and breakfast inn that occupies no more than 50% of the floor area of the residence may be permitted as a home occupation.

5.17.7. Home Occupations shall be limited to 20 A. D. T. (Average Daily Trips).

5.17.8. No equipment or process will be used in such home occupation that creates noise, vibration glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference's in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

5.17.9. In home occupations located within subdivisions there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than allowed signs.

**TABLE 5.1. - SMALL SCALE RESIDENTIAL DEVELOPMENT AND
MINIMUM LOT SIZES FOR ALL AREAS.**

Zoning Districts	Small-Scale Development Factor (Parcel: Acres)	Minimum Lot Size (Acres)
Airport	No New Residential Use is Permitted	
Area Of City Impact (Residential Zones)	Development Allowed Up To The Minimum Lot Size, Plat Required On All Splits	Basic Lot - 1 Acre Areas With Central Water Or Sewer – ½ Acre Areas With Central Water & Sewer – ¼ Acre Groundwater Vulnerability Areas – 2 ½ Acres Groundwater Vulnerability Areas With Central Sewer – 1 ½ Acres Groundwater Vulnerability Areas With Central Water &Sewer – 1 Acre
Lower Lemhi River Valley North Salmon Basin Salmon River Mountains South Salmon Basin South Salmon Corridor (Outside Elk Bend’s Central Water & Sewer Areas)	2-40 Acres – 1 Split 41-80 Acres – 2 Splits 81-120 Acres – 3 Splits Over 120 Acres -4 Splits	Basic Lot - 1 Acre Areas With Central Water Or Sewer – ½ Acre Areas With Central Water & Sewer – ¼ Acre Groundwater Vulnerability Areas – 2 ½ Acres Groundwater Vulnerability Areas With Central Sewer – 1 ½ Acres Groundwater Vulnerability Areas With Central Water &Sewer – 1 Acre
South Salmon Corridor (In Elk Bend Central Water & Sewer Area)	Entire Area Platted – No Further Division Permitted	
North Fork Gibbonsville	10-15 Acres – 1 Split 16-25 Acres – 2 Splits 26-35 Acres – 3 Splits Over 35 Acres -4 Splits	Basic Lot - 1 Acre Areas With Central Water Or Sewer – ½ Acre Areas With Central Water & Sewer – ¼ Acre Groundwater Vulnerability Areas – 2 ½ Acres Groundwater Vulnerability Areas With Central Sewer – 1 ½ Acres Groundwater Vulnerability Areas With Central Water &Sewer – 1 Acre
Upper Lemhi River Valley Pahsimeroi	Development Allowed Up To The Minimum Lot Size, Plat Required On All Splits	Basic Lot - 1 Acre Areas With Central Water Or Sewer – ½ Acre Areas With Central Water & Sewer – ¼ Acre Groundwater Vulnerability Areas – 2 ½ Acres Groundwater Vulnerability Areas With Central Sewer – 1 ½ Acres Groundwater Vulnerability Areas With Central Water &Sewer – 1 Acre

TABLE 5.2. SETBACK REQUIREMENTS FOR ALL AREAS.**

Setback From:	Setbacks (in feet)
front property line, arterial roads	50 feet
front property line, all other streets	25 feet
rear property line	10 feet for the first 10 feet of wall height. 1:1 for heights greater than 10 feet
side property line	10 feet for the first 10 feet of wall height. 1:1 for heights greater than 10 feet
stream corridor	see Table VI.1.**
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix F Buffering shall be between Development and Public Way
Landscaping	5% for all Developments
Buildings or Developments within 100 feet of any road 10%	Landscaping shall be between Development and Public Way

Notes: All setbacks are measured at right angles, from the property line to the nearest point on the foundation. Eaves and similar above grade projections (bay windows, etc.) of the structure may extend three feet beyond the foundation.

** See Table 7.1 (page 43) for Setbacks in Elk Bend and Gilmore for Existing Lots.

CHAPTER 6

LARGE-SCALE DEVELOPMENT

6.1. What This Chapter Does. This chapter establishes county-wide performance standards for large-scale development. Additional performance standards may apply, depending on the zoning district in which the proposed development is located. Certain additional performance standards for subdivisions are found in Chapter 10 (page 52). All large scale developments shall be considered a special use and require approval through the Special Use permitting process as defined in 3.8 (page 13).

6.2. Large-Scale Development Defined. A large-scale development is any development that is not exempted by 3.3 (page 7) or defined as a “small-scale residential development” by 5.2 (page 23). Large-scale developments include proposed residential subdivisions and industrial and commercial projects. They are subject to public review, as provided in this ordinance, for compliance with performance standards that protect the county’s natural assets, ensure compatibility with the neighboring land uses, and require the provision of any infrastructure necessitated by their development. The guiding principle for this review, which is expressed in the performance standards of this chapter and chapters 7 and 10, is simple: the developer bears full responsibility for the consequences, present and future, of his or her actions.

6.3. Large-Scale Developments Shall Fall Into Five Categories:

6.3.1. Agriculture – Defined as developments for agricultural purposes that involve a Confined Animal Feeding Operation; recreational uses on the property that require multiple living dwellings; processing plant involving agricultural products (not a home occupation); and service facilities such as a tourist ranch, or similar uses.

6.3.2. Residential – Defined as developments for residential use over four lots in size.

6.3.3. Commercial – Defined as developments for any commercial use (Lemhi County Development Code 12.19) including a junk or salvage yard.

6.3.4. Industrial – Defined as developments for any industrial use (Lemhi county Development Code 12.33).

6.3.5. Mixed Use – Defined as development in which a variety of residential, commercial, industrial and other land uses are provided for (similar to a Planned Unit Development under state law 67-6515)

DIVISION 1 – OVERALL PERFORMANCE STANDARDS FOR PROTECTING NATURAL ASSETS

6.4. Water Quality. All developments shall demonstrate continuing compliance with state and federal water quality regulations.

6.5. Runoff and Erosion Control. A professionally prepared runoff and erosion control plan shall be implemented by developments where a cumulative total of more than one acre of land with a slope of more than eight (8) percent will be disturbed, or where more than twenty-thousand (20,000) square feet of contiguous impervious surfaces will be created. That plan shall:

6.5.1. identify runoff and erosion hazard areas on the site;

6.5.2. identify areas and facilities, both on and downstream from the site, that are vulnerable to damage from accelerated runoff or erosion;

6.5.3. show how the retention of existing vegetation will be maximized and land disturbance minimized;

6.5.4. show how existing trees that are to be retained will be protected from damage during construction;

6.5.5. show how the area disturbed by construction at any one time will be minimized and how disturbed areas will be stabilized during the construction period;

6.5.6. show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques;

6.5.7. show how runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration in or increase of runoff;

6.5.8. show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release;

6.5.9. show how sediment resulting from accelerated soil erosion will be retained on site; and

6.5.10. show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means.

6.6. Wetlands. All developments shall demonstrate compliance with state and federal wetlands protection requirements.

6.7. Stream Corridors. Minimum development setbacks shall be required along all streams, as shown in Table 6.1 or 7.2 (pages 32, 43). The use of buffers created by this requirement shall be compatible with the protection of stream corridor values.

6.7.1. Roads and utility lines may cross stream or lakeshore corridors, but the number and width of such crossings shall be minimized. Irrigation works (dams, head gates, ditches, etc.) may be placed in stream corridors, as may hydroelectric power generation facilities, upon issuance of a special use permit and all required state and federal permits.

6.7.2. Boat ramps, docks, and piers may be installed within stream corridor buffers, but shall occupy no more than ten (10) percent of the stream frontage on any lot or site, with a minimum disturbance of twenty (20) feet being permitted for any site and must comply with all other regulations of local, state and federal agencies.

6.7.3. Stream corridor buffers may be left in, or restored to, native riparian or wetlands vegetation or planted as lawns or pasture. They may not be developed, except as permitted by 6.7.1 and 6.7.2 (pages 31 & 32).

6.7.4. The development setbacks required here shall be clearly shown on final site plans and final subdivision plats. In subdivisions, the setback line shall be located by a permanent monument on each lot line that runs more or less perpendicular to the stream or lake and at the center of each lot that borders the stream or lake.

6.8. Floodplains. Developments in the special flood hazard area overlay zoning district shall comply with the detailed performance standards of Chapter 9 (page 52).

6.9. Slopes. No development shall be permitted on slopes of 30% or more, or other slopes identified as unstable, unless a geotechnical engineer certifies that such development creates no significant hazard of slope failure or accelerated soil erosion.

TABLE 6.1. - MINIMUM STREAM CORRIDOR SETBACKS**

Stream/Stream Channel Type	Required Setback (on both sides of stream)
Salmon, Lemhi, Pahsimeroi and North Fork Rivers	50 feet from the average annual high water mark, definition of “stream corridor”
The stream corridor includes the entire special flood hazard area (where one is mapped) and all wetlands and riparian areas associated with the stream, other streams - well-defined channel	60 feet from the average annual high water mark,
other streams - poorly defined or braided channel	50 feet from average annual high water mark
other streams - incised channel, ravine (stream “bottom” less than 50 feet wide)	30 feet from the top of the bank

** See Table 7.2 (page 43) Stream Corridors for areas in Elk Bend and Gilmore for existing lots.

6.10. Expansive Soils. No development shall be permitted on soils identified by the NRCS as soil types that may require engineering for such development, except where a geotechnical engineer certifies that the development has been properly designed to prevent damage from soil expansion.

6.11. Wildfire Hazards. All developments that are in or adjacent to forested areas, or areas of flammable brushy vegetation shall be required to:

6.11.1. for individual homes and other structures: provide a fire defensible space of at least 30 feet around the home or structure. A defensible space is one in which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed. Maintenance of the defensible space is a requirement for continuing compliance with this ordinance.

6.11.2. for subdivisions or any other multiple unit development: thin timber on and remove dead fuel from the site, and provide appropriate perimeter and, in larger developments, internal fuel breaks. A fuel break is a strategically located strip of land in which the timber has been thinned and fuel removed to create an open “park-like” appearance. Fuel breaks either include roads or are accessible to fire fighting apparatus. Fuel breaks are generally at least twelve (12) feet in width, with the width increasing on slopes over ten (10) percent.

6.12. Air Quality. All developments shall demonstrate continuing compliance with state and federal air quality regulations.

DIVISION 2 - PERFORMANCE STANDARDS ENSURING LAND USE COMPATIBILITY

6.13. Nuisances. Potential nuisances and hazards shall be mitigated by appropriate means.

6.13.1. No development shall create excessive levels of noise or vibration beyond its property line. Excessive noise, measured at the property line, exceeds the standards of Table 6.2 (page 34)

6.13.2. No development shall direct light, glare, or heat beyond its property line in accordance with Appendix I, Lighting Standards (page 114) of this code. Yard and Security lights shall be hooded, and placed in such a manner as to not cause glare or directly shine onto other property or any public way. Welding equipment and other sources of intense light or heat shall be shielded from neighboring properties or public ways by enclosure in a building, location on the site, or the construction of a fence or wall.

6.13.3. No development shall create electrical interference that adversely affects other uses.

6.13.4. Except at designated landfills or waste management facilities, solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not:

6.13.4.1. attract bears, rodents, flies, or other animals;

6.13.4.2. generate odors perceptible beyond the property line or liquid runoff; or

6.13.4.3. permit the blowing of paper and other lightweight waste.

6.13.5. Industrial or commercial solid waste handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on the site, or the construction of a fence or wall.

6.13.6. No development shall channel storm water or snow melt runoff in a way that adversely impacts neighboring properties or public ways.

6.13.7. As required by I.C. 22-2407, it shall be the duty and responsibility of all persons and non-federal agencies to control noxious weeds on land and property that they “own”. Weed control is a requirement for continuing compliance with this ordinance.

6.14. Hazardous Substances. Any development that is, or that may reasonably be expected to be, subject to the reporting requirements of EPCRA (Emergency Planning and Community Right-To-Know Act of 1986) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances.

6.15. Livestock on Residential Lots. All areas in which livestock or domestic animals are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust.

TABLE 6.2. DETAILED PERFORMANCE STANDARDS FOR NOISE

Land use category	Exterior design noise level - ^{L10}
Residences, motels and hotels, public meeting rooms, schools, libraries, hospitals, parks, and similar uses.	70 d.b.a.
Other developed lands.	75 d.b.a.

Notes: ^{L10} means this noise level may be exceeded ten (10) percent of the time. d.b.a. = decibels.

6.16. Protecting Irrigation Systems. All developments including or adjoining irrigated lands, or including or adjoining any irrigation works (diversions, head gates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity.

6.16.1. No development shall be permitted to adversely impact operation of any irrigation system. Minimum requirements for compliance shall include:

6.16.1.1. providing gates through all fences placed across any irrigation right-of-way or easement.

6.16.1.2. placing all ditches, drains, etc. in a pipe or culvert, the design and construction of which is subject to the approval of and inspection by the responsible irrigation entity. The commission may waive this requirement where it determines that the proposed development will not create the problems this requirement addresses, including liability, unlawful diversion, and the possibility of flooding or seepage.

6.16.1.3. For multiple occupancy developments, provide for installation of an irrigation system maintained by the owner or a community association. Community associations shall appoint a single representative to attend and vote at business meetings of the responsible irrigation entity.

6.16.2. No development shall channel storm water or snow melt runoff into any irrigation system without written consent of the responsible irrigation entity.

6.16.3. See Chapter 10 (page 52) for additional requirements affecting the subdivision of irrigated lands.

6.17. Land Use Compatibility Factors. Compatibility with neighboring land uses shall be strongly encouraged. Compatibility shall be assessed using the following factors.

6.17.1. Is the proposed lot coverage and landscaping compatible with neighboring uses? For single family dwellings, subject to building permit review only, it shall be assumed that any lot coverage of less than fifty (50) percent is compatible, provided that the setbacks of Table 5.2 (page 29) are maintained from all property lines.

6.17.2. Is the proposed building height compatible with neighboring uses? For single family dwellings, subject to building permit review only, it shall be assumed that any building height of thirty-five (35) feet or less is compatible.

6.17.3. Is the proposed building bulk compatible with neighboring uses?

6.17.4. Is the proposed activity level compatible with neighboring uses? The level of activity shall be measured by the projected traffic generation and noise levels, proposed hours of operation, proposed size and number of signs, and similar factors.

6.17.5. Does the proposed development block scenic views from existing uses or public recreation areas?

6.17.6. Buffers and Landscaping shall be provided as outlined in Appendix F (page 105) of this Code.

6.17.7. Requirements of Chapter 13 (page 73) are met. The development must mitigate the cumulative effects upon the environment as required.

6.18. Connections. All developments shall be designed to optimize functional connections with adjoining developments, including shared access to arterial roads, shared parking and service access, shared buffers and open space, and shared pedestrian circulation.

6.19. Signs. All signs shall comply with the detailed performance standards of Appendix A (page 90).

6.20. Salvage and Junk Yards. All new salvage and junk yards shall meet the conditions below immediately upon approval. Existing salvage and junk yards shall be considered a nonconforming use and shall adhere to the guidelines found in section 1.6 (page 2). Such uses shall:

6.20.1. conform to time limits for daily operation as defined by the Board;

6.20.2. have a minimum six (6) foot high sight-obscuring fence along the property lines or other site obscuring properties such as an earth berm or landscaping.

6.20.3. divert the direction of night lighting from any residence or public road.

6.20.4. be effectively screened from public view and will not result in the storage of automobiles or other products that exceed the height of the fence;

6.20.5. have such landscaping that is appropriate with the surrounding area as determined by Commissioners;

6.20.6. meet the minimum health standards as set forth by the Eastern Idaho Health.

DIVISION 3 – OVERALL PERFORMANCE STANDARDS ENSURING ADEQUATE PROVISION OF FACILITIES

6.21. Safe Access. All developments and every lot in all developments shall have safe direct access to a maintained public or private road. Safe access shall be defined as:

6.21.1. approaching the road at an angle of ninety (90) degrees ($10\pm$ degrees) for at least fifty (50) feet before intersecting that road;

6.21.2. approaching the road at a grade of three (3) percent or less for at least fifty (50) feet before intersecting that road;

6.21.3. maintaining a clear vision triangle as defined in this ordinance; and

6.21.4. being at least one hundred (100) feet from any other point of access (measured centerline to centerline, on either side of the public road), except on state and federal highways, where the minimum distance between points of access shall be one-thousand feet (1,000) feet (See Appendix D, Page 97).

6.21.5. Where individual driveways access a state or federal highway, an access permit shall be obtained from the Idaho Transportation Department. Where individual driveways access a county road they shall be constructed in compliance with the standards of Appendixes D and E. (pages 97 and 102).

6.21.6. These standards apply both to individual driveways and to any roads (private or public) created by the developer.

6.21.7. Any of the safe access standards adopted here may be modified as a result of a facilities study required by 6.33 (page 37)

6.22. Access to Arterials. All developments shall minimize the number of points of access to arterial roads and highways, while still complying with 6.21 (page 36).

6.23. Alternate Points of Access. All developments containing ten (10) or more dwelling units, or are projected to generate a traffic flow of one hundred (100) ADT or more, or with a distance of more than six hundred (660) feet from a public road that is maintained on a year round basis, shall provide a minimum of two (2) points of ingress and egress from a public road or highway serving the development unless otherwise determined to be inadvisable due to land shape or conditions that may be hazardous. “Loop” systems that return to a single point of

access to the public road or highway may be acceptable for generating one thousand (1,000) or less projected ADT.

6.24. Roads. The design and construction of all roads (private or public) shall be in compliance with the detailed performance standards of Appendix D (page **Error! Bookmark not defined.**).

6.25. Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided as required by Appendix E (page 102). Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

6.26. Utilities. All developments, and all lots within any development, shall have direct access to power and telephone service, and, where available, a connection to a central water and/or sewer system that complies with state design and construction requirements.

6.27. Individual Water Supplies. Where reliance on individual water supplies is proposed, evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells at geologically similar, neighboring sites or records of on-site well tests.

6.28. On-Site Sewage Disposal. All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with state standards. Before any permit for a change in the use of a property (i.e. a house is converted to commercial use) is approved, the on-site sewage disposal system shall be inspected and, if necessary, brought into compliance with the current standards for the proposed use.

6.29. Private Utilities. Adequate rights-of-way or easements for service by proposed private utilities shall be provided. A written statement of compliance with this performance standard and certification that capacity to serve the proposed development is available shall be obtained from each utility.

6.30. Construction in Utility Easements. No building shall be placed in any utility or irrigation easement, public or private. Wire or rail fences, or solid wood fences with a gate or removable section across the easement may be constructed across utility easements. Note that some utilities and irrigation entities may prohibit the fences permitted by this ordinance.

6.31. Public Access. No development shall eliminate historically existing public access through private lands to trail heads on public lands.

6.32. Fire Protection. All developments not presently in a fire protection district shall petition for addition to the appropriate district, as provided by I.C. 31-1401, et. seq.

6.33. Additional Facilities Needs.

6.33.1. In addition to facilities required by 6.21 through 6.32, large-scale developments shall provide all additional on and off-site public facilities necessitated by their development. Provision of such facilities may be based on a facilities needs study and in compliance with all requirements of this ordinance. Facilities required may include: off-site

runoff and erosion control measures; central water and/or sewerage systems; off-site road improvements such as deceleration or acceleration lanes, left turn lanes, signs or signals, bridges or culverts, and road extensions or loops to provide adequate emergency access; fencing; solid waste transfer stations; emergency services buildings and apparatus, including fire engines or ambulances; a water supply adequate for fire-fighting purposes, as required by NFPA 1231; neighborhood parks (including space used for recreational trails) at a rate of two acres per thousand population; and schools.

6.33.2. The public facilities needs of the large scale development shall be determined through a fact-finding process conducted by the commission, at the expense of the developer. The commission may retain planners and/or engineers to conduct a facilities needs study, the purpose of which shall be to determine what new facilities needs may be attributed to the proposed development. The study process shall be conducted as follows:

6.33.2.1. The commission may require a Facilities Needs Study for all proposed developments that:

6.33.2.1.1. include ten (10) or more residential lots or units, or

6.33.2.1.2. are projected to generate a traffic flow of one hundred (100) ADT or more

6.33.2.1.3. is located within an Area of Concern as defined within Chapter 13 (page 73).

6.33.3. The Commission may require a facilities needs study for developments that do not meet these criteria, but are located in areas where a minimal current level of facilities provision means that smaller developments may create major facilities needs.

6.33.4. When a large scale development study is required, the developer shall place a deposit with the county in the amount provided in the ordinance establishing fees for administration of this ordinance. The commission shall retain appropriate professional assistance for the study, drawing against the required deposit as necessary. All unused funds shall be returned to the developer upon completion of the study.

6.33.5. The application shall be considered complete and a hearing scheduled only after completion of the facilities needs study.

DIVISION 4 – DEVELOPMENT REQUIREMENTS AND NEEDS INTENSITY OF DEVELOPMENT

6.33.6. Areas of Concern. If a proposed large-scale development is found to exceed the environmental capacity of the area as determined by Chapter 13 (page 73) additional conditions and standards may apply.

6.33.7. Phased Developments. If a developer wishes to phase a development over a period of time this can be done through the use of a development agreement. However under no circumstances may a developer begin a subsequent phase without completing all required

infrastructure improvements from the previous phase. Each phase, while part of the same development, may be treated as an individual application, however the full development and its impact shall initially be considered when obtaining approval under a Special Use Permit application process.

CHAPTER 7

PERFORMANCE STANDARDS FOR SPECIFIC ZONING DISTRICTS

7.1. What This Chapter Does. This chapter establishes performance standards that are applicable in specific zoning districts rather than on a county-wide basis.

7.2. Performance Standards Matrix. Some performance standards included in this chapter apply in several zoning districts, while others apply in just one. The applicability of the standards in Divisions 1 and 2 is shown in Table 7.3 (page 44)

DIVISION 1 - PERFORMANCE STANDARDS FOR MAINTAINING WORKING LANDSCAPES

7.3. Protecting Irrigation Systems. This is a concern in all zoning districts: see 5.16. (page 26), 5.14 (page 26), and 10.6 (page 53)

7.4. Fencing/Stock Driveways.

7.4.1. All developments shall be fenced to prevent conflict with livestock on neighboring pasture or range lands. Providing legally adequate fencing shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or, in the case of subdivisions and other multiple-occupancy developments, a community association created by the developer.

7.4.2. Where a development will generate or attract traffic on a road that passes through an open range area, the developer may be required to fence that road and provide cattle guards. This requirement shall be applied to all developments subject to the requirements of 6.33 (page 37), where it is relevant, and may be applied to other developments where the commission determines the conflict between livestock and traffic presents a serious safety hazard.

7.4.3. No development shall be sited or designed so as to interfere with the continuing use of any historically established livestock trail or driveway.

7.4.4. Fencing may be constructed on the front of the property line or on the easement line but in no instance may be built on the road right of way.

7.5. Protecting Productive Lands. Density assigned to irrigated croplands and pasture may be transferred to cluster developments on non-irrigated sites. **EXCEPTION:** Where an owner's entire holdings consist of irrigated cropland or pasture, and/or offer no site suitable for a cluster development that meets the requirements of this ordinance, the commission may permit development of a portion of the irrigated area.

7.6. Limiting Conflict with Mining Operations.

7.6.1. Development of other uses should not limit the viability of mining operations, including normal mining activities (blasting, heavy truck traffic, etc.) that may, at times, be perceived as a nuisance by inhabitants of nearby residences.

7.6.2. See also 10.7. (page 53)

7.7. Limiting Conflict with Logging Operations.

7.7.1. Development of other uses should not limit the viability of logging operations, including normal logging activities (heavy truck traffic, etc.) that may, at times, be perceived as a nuisance by inhabitants of nearby residences.

7.8. Farm Roads in Riparian Areas.

7.8.1. Farm exemption roads in a riparian area are limited in width to sixteen (16) feet. If the status of the road is later changed to residential or a private road or public right of way, the landowner must get upgrade approval from Army Corp of Engineers to improve the road to standard size. Failure to obtain such approval shall limit the road's use to farm use only.

DIVISION 2 - COMMERCIAL DEVELOPMENT.

7.9. Large Scale Development Locations. Large scale developments should be buffered and landscaped when located along local, state or federal highways, with the exception of home occupations that must comply with 5.17 (page 26). Large scale development storage areas shall be effectively screened from view.

DIVISION 3 - PERFORMANCE STANDARDS APPLICABLE IN INDIVIDUAL ZONING DISTRICTS.

7.10. Airport Zoning District.

7.10.1. Land Use. Land use in the Airport Zoning District shall be compatible with the continued operation of the Lemhi County Airport and the comprehensive plan designation of the airport area as an industrial park site.

7.10.2. Landscaped Buffers. Landscaped buffers shall be provided as required by Appendix F (page 105).

7.10.3. Signs. Signs shall be limited to those permitted in Appendix A (page 90).

7.11. Area of City Impact.

7.11.1. Land Use. Development (large or small scale) in the Salmon Area of City Impact shall follow the land use pattern established in the future land use map adopted in the comprehensive plan.

7.11.2. Large-Scale Development. Large-scale development shall be permitted by annexation only.

7.12. Lower Lemhi River Valley. RESERVED

7.13. North Fork-Gibbonsville. RESERVED

7.14. North Salmon Basin. RESERVED

7.15. Pahsimeroi. RESERVED

7.16. Salmon River Mountains. RESERVED

7.17. South Salmon Basin. RESERVED

7.18. South Salmon River Corridor. RESERVED

7.19. Upper Lemhi River Valley.

7.20. Elk Bend Existing Lots & Gilmore Existing Lots.

TABLE 7 .1. SETBACK REQUIREMENTS

FOR ELK BEND’S EXISTING LOTS & GILMORE’S EXISTING LOTS

Setback From:	Setback (In Feet)
Front Property Line, Arterial Roads	25 Feet
Front Property Line, All Other Streets	25 Feet
Rear Property Line	5 Feet for the First 10 Feet of Wall Height 1:2 Ratio for Everything Greater than 10 Feet
Side Property Line	5 Feet for the First 10 Feet of Wall Height 1:2 Ratio for Everything Greater than 10 Feet
Stream Corridor	See Table 7.2**
Buffering	All Buffering must Be Maintained and must Be Completely Visible from the Public Way & Shall Comply with Appendix F Buffering Shall Be Between Development and Public Way
Landscaping	5% for All Developments Buildings or Developments Within 100 Feet of Any Road 10% Landscaping Shall Be Between Development and Public Way

Notes: All setbacks are measured at right angles, from the property line to the nearest point on the foundation. Eaves and similar above grade projections (bay windows, etc.) of the structure may extend three feet beyond the foundation.

** See Table 7 .2 Stream Corridors for Elk Bend for existing lots & Gilmore Existing Lots.*

TABLE 7 .2. - MINIMUM STREAM CORRIDOR SETBACKS IN ELK BEND AND GILMORE, FOR EXISTING LOTS

Stream/stream Channel Type	Required Setback (On Both Sides of Stream)
Salmon & Lemhi	25 Feet from the Average Annual High Water Mark
Definition of “Stream Corridor”	The Stream Corridor Includes the Entire Special Flood Hazard Area (Where One Is Mapped) and All Wetlands and Riparian Areas Associated with the Stream.
Other Streams - Well-defined Channel	25 Feet from the Average Annual High Water Mark
Other Streams - Poorly Defined Or Braided Channel	25 Feet from Average Annual High Water Mark
Other Streams - Incised Channel, Ravine (Stream “Bottom” less than 50 Feet Wide)	30 Feet from the Top of the Bank

CHAPTER 8

AIRPORT SAFETY OVERLAY ZONING DISTRICT

8.1. What This Chapter Does. The purpose of the Airport Safety Overlay Zoning District (ASOD) is to provide for the safety of aircraft pilots and passengers and protect a substantial investment of public funds by assuring that land development and construction activities within the ASOD are compatible with the safe continued use of the Lemhi County Airport. Private aircraft landing fields, as defined under 12.8 (page 62), shall be considered a large scale development and requires a special use permit for approval anywhere within the county. In approving such a permit the county may use the standards set forth within this Airport Safety Overlay Zone as a guide.

8.2. Height Limitation Zones. This overlay zoning district is composed of several height limitation zones, which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces appurtenant to the Lemhi County Airport. These zones are shown on the Official Zoning Map of Lemhi County established by 4.3 (page 22). An area located in more than one of these zones is considered to be in the zone with the more restrictive height limitation.

8.2.1. Utility Runway Visual Approach Zone. The inner edge of the approach zone coincides with the width of the primary surface and is two hundred-fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred-fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

8.2.2. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

8.2.3. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

8.2.4. Conical Zone. The conical zone is the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet.

8.3. Height Limitations. Except as provided in 8.3.5 (page 45), or by variance (see 8.7 on page 45), no structure or tree shall be allowed to exceed the height limitations established here.

8.3.1. Utility Runway Visual Approach Zone. Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

8.3.2. Transitional Zones. Slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, there are transitional sloping seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

8.3.3. Horizontal Zone. One hundred-fifty (150) feet above the airport elevation.

8.3.4. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the edge of the horizontal zone and at one hundred-fifty (150) feet above the airport elevation, and extending to a height of three hundred-fifty (350) feet above the airport elevation.

8.3.5. Exception from Height Limitations. Nothing in this chapter shall prohibit the construction or maintenance of any structure of thirty-five (35) feet or less in height, or the growth of any tree to a height up to thirty-five (35) feet above the surface of the land, except in the approach zones.

8.4. Use Restrictions. No use shall create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or in any way endanger or interfere with the operation of aircraft.

8.5. Nonconforming Uses. Additional Regulations. Nonconforming uses and buildings are regulated by the provisions of 1.6 (page 2) and, within this overlay zoning district, these additional requirements.

8.5.1 Nonconforming uses, may include trees, and shall be required to permit the installation, operation, and maintenance of any markers and/or lights the county deems necessary to indicate their presence to the operators of aircraft. Such markers and lights shall be installed, operated, and maintained at the expense of the county.

8.5.2 The repair and, under specified circumstances, replacement of nonconforming uses and buildings is permitted by 1.6 (page 2), but no nonconforming use, building, or tree shall be permitted to become a greater hazard to air navigation than it was on the effective date of this ordinance.

8.6 **Permits.** Additional Requirements. Permit requirements for development activity are established in 3.2 (page 7). Within this overlay zoning district, permit requirements shall be expanded to include the planting of any tree with a growth habit of more than thirty-five (35) feet and the construction of any building or structure that is more than thirty-five (35) feet in height and is exempted from the requirement for a permit by 3.3 (page 7), (this includes agricultural outbuildings and similar accessory structures).

8.7 **Variances.** The variance procedure is described in 3.13 (page 15). Any application for a variance of the height limitations established in this chapter shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal

on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

- 8.8 **Obstruction Marking and Lighting.** The approval of any application for a permit or variance may be conditioned on the installation, operation, and maintenance, at the owner's expense, of the markings and/or lights necessary to indicate the presence of an obstruction to aircraft operators.

CHAPTER 9

SPECIAL FLOOD HAZARD AREA OVERLAY ZONING DISTRICT

9.1. Purpose. Minimizing potential flood hazards and maintaining wildlife habitat and open space values along stream corridors are important goals of the comprehensive plan. Limited development may be permitted in this zoning district, however, and this chapter adopts the administrative procedures and performance standards required for the county's participation in the National Flood Insurance Program.

9.2. Applicability. This overlay zoning district includes all special flood hazard areas identified by the Federal Emergency Management Agency on the Flood Insurance Rate Maps of Lemhi County.

DIVISION 1 - ADMINISTRATION OF FEDERAL FLOOD INSURANCE PROGRAM REQUIREMENTS

9.3. Broader Permit Requirements. For the purposes of this chapter, the term "development" shall be expanded to include any activity that may potentially affect flood flows. This includes all land disturbance (including grading and the construction of fills for any purpose) as well as all building construction.

9.4. Warning/Disclaimer of Liability. All applicants for special use permits in this overlay zoning district shall sign an acknowledgment stating:

9.4.1. I understand that, while the degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, larger floods can and will occur.

9.4.2. I understand that projected flood levels may be increased by man-made or natural causes.

9.4.3. I understand that this ordinance does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damage.

9.4.4. I understand that this ordinance does not create any liability on the part of the county or any officer or employee thereof, or on the part of the Federal Insurance Administration, for flood damages.

9.5. Additional Application Requirements. All applications for permits in this overlay zoning district shall be accompanied by the following information:

9.5.1. the elevation of the lowest floor of all proposed buildings;

9.5.2. the elevation to which any existing or proposed building has been or will be flood proofed;

9.5.3. for all buildings other than a single family dwelling: certification by an engineer or architect that the flood proofing methods used comply with these performance standards; and

9.5.4. where alteration of a watercourse is proposed: a description of the extent to which the watercourse will be altered or relocated as a result of the proposed development and proof that all state or federal permits required for that alteration have been approved.

9.5.5. the base flood elevation data for all subdivisions or special uses that include fifty (50) or more lots or dwelling units or five (5) or more acres.

9.6. Duties of the Administrator. The administrator shall serve as the local floodplain ordinance administrator and perform the duties listed below:

9.6.1. determine that all required state and/or federal permits have been obtained before reviewing any application for a permit in this overlay zoning district;

9.6.2. where base flood elevation data are not provided by FEMA: obtain and reasonably utilize any base flood elevation and floodway data available from state, federal, or other sources as a basis for the administration of these performance standards;

9.6.3. maintain a record of the actual elevation of the lowest floor of all new or substantially improved buildings, and whether or not the building contains a basement;

9.6.4. maintain a record of the flood proofing certifications required by this chapter;

9.6.5. notify potentially affected downstream cities or counties and the Idaho Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Insurance Administration; and

9.6.6. maintain records of appeal actions and report all variances allowed to the Federal Insurance Administration.

DIVISION 2 - PERFORMANCE STANDARDS FOR SPECIAL FLOOD HAZARD AREAS.

9.7. Anchoring.

9.7.1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement.

9.7.2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.

9.8. Construction Materials and Methods.

9.8.1. New construction and substantial improvements shall be constructed with materials and utility equipment that is resistant to flood damage, and using methods and practices that minimize flood damage.

9.8.1.1. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed, or elevated, or located, so as to prevent water from entering or accumulating within their components during flooding.

9.9. Utilities and Solid Waste.

9.9.1. New and replacement potable water systems shall be designed to eliminate infiltration of flood waters into the system.

9.9.2. New and replacement sewage disposal systems shall be designed to eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

9.9.3. Solid waste handling and storage facilities shall not be located in this overlay zoning district.

9.10. Hazardous Substances. Storage and handling of hazardous substances in this overlay zoning district is prohibited.

9.11. Site Planning. Design and construction of all subdivisions and uses for which a special use permit is required shall minimize flood damage. Utilities shall be located and designed to minimize flood damage, and the site shall be graded and drained to guide flood waters around and away from existing and/or proposed buildings.

9.12. Residential Development. 9.12.1 and 9.12.2 apply only where base flood elevations have been established.

9.12.1. Construction or substantial improvement of any dwelling shall result in the lowest floor being elevated to or above base flood elevation.

9.12.2. Fully enclosed areas below the lowest floor are prohibited, except where designed to automatically equalize hydrostatic forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement shall either be certified by an engineer or architect, or meet the following minimum standards:

9.12.2.1. a minimum of two (2) openings, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, shall be provided;

9.12.2.2. the bottom of such openings shall be no higher than one (1) foot above grade; and

9.12.2.3. such openings may be equipped with screens, louvers, or other coverings or devices, provided they permit automatic entry and exit of flood waters.

9.12.3. Where base flood elevation data are not available through the flood insurance study or from another authoritative source, applications must be reviewed to assure that the proposed construction will be reasonably safe from flooding. This determination of reasonable safety shall be based on evidence submitted with the application by the developer, including historical flood records, including photographs of past flood events and similar documentation. The minimum elevation above grade in such cases shall be two (2) feet.

9.13. Nonresidential Development. Construction or substantial improvement of any nonresidential building shall result in the lowest floor being elevated to or above base flood elevation or, together with the attendant utility and sanitary facilities, shall:

9.13.1. be flood proofed so that below base flood level, the building is watertight, with walls substantially impermeable to the passage of water;

9.13.2. be designed and constructed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy;

9.13.3. present a certification from an engineer or architect that the design and methods of construction comply with accepted standards of practice for meeting the performance standards of this ordinance; and

9.13.4. meet the requirement 9.12.2 (page 49) of for enclosed spaces below the lowest floor.

9.13.5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level.

9.14. Manufactured Homes. Manufactured homes that are placed, replaced, or substantially improved within this overlay zoning district shall be elevated on and securely anchored to a permanent foundation, so that the lowest floor is at or above base flood elevation. Manufactured home (mobile home) parks are not permitted in this overlay zoning district.

9.15. Floodways. The floodway is a hazardous area due to the velocity of flood waters which carry debris and potential projectiles, and due to the high erosion potential. Encroachments into the floodway, including fill, new construction, substantial improvements, and other development is prohibited, unless an engineer or architect certifies that the encroachment will not result in any increase in the flood level during the base flood discharge.

9.16. Maintenance of Flood Capacity. Continuing maintenance to prevent the reduction of flood carrying capacity in altered or relocated watercourses shall be required.

9.17. Areas of Shallow Flooding (AO Zones).

9.17.1. Construction and substantial improvement of dwellings in AO zones shall result in the lowest floor being elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or to at least two (2) feet, where no depth number is specified.

9.17.2. All new construction and substantial improvement of nonresidential buildings in AO zones shall:

9.17.2.1. be graded and drained to guide flood waters around and away from existing and/or proposed buildings; and

9.17.2.2. have the lowest floor elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or, where no depth number is specified, to at least two (2) feet above the highest adjacent grade; OR

9.17.2.3. together with its attendant utility and sanitary facilities, be flood proofed so that any space below that level is watertight, with substantially impermeable walls and structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Compliance shall be certified by an engineer or architect.

DIVISION 3 - VARIANCES IN THE SPECIAL FLOOD HAZARD AREA OVERLAY ZONING DISTRICT

9.18. Additional Finding for Variances. The approval of any variance in this overlay zoning district shall be based on all findings required by 3.13 (page 15), and the additional finding that approval of the variance will not result in increased flood levels, a threat to public safety, or extraordinary public expense.

9.19. Variance Notice. Where a variance of the requirements of this chapter is approved, the administrator's notice of the decision shall state that the county is not liable for any flood damages that result from the variance. Where a variance of the elevation requirements of this chapter is approved, the administrator shall also notify the developer that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

CHAPTER 10

ADDITIONAL PERFORMANCE STANDARDS FOR LOT SPLITS, SUBDIVISIONS, AND MANUFACTURED HOME PARKS

10.1. What This Chapter Does. This chapter regulates the division of land for sale and/or development, and provides additional performance standards for manufactured home parks.

10.2. Plat is Required for All Land Divisions. A plat shall be required for all lot splits and subdivisions, except as provided in 3.3 (page 7). Records of survey and plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (I.C. 50-1301-1329), as amended, and all applicable requirements of Appendix G (page 107).

10.3. Requirements for Lot Splits. The lot split permit procedure is found in 3.6 (page 8). All lot splits shall comply with the following requirements:

10.3.1. Lot splits shall not be used a means to evade the requirements of this ordinance for subdivisions;

10.3.2. Any lot created shall be capable of accommodating a permitted use allowed by this ordinance; and

10.3.3. Lot splits shall comply with all applicable performance standards of this ordinance.

10.3.4. The provision of access and utilities to the lot created, including any necessary extension of streets or utilities, shall be the responsibility of the developer.

10.4. Subdivision and Manufactured Home Park Design. The subdivision permit procedure is found in 3.7 (page 10). Subdivisions and manufactured home parks shall comply with all applicable performance standards of this ordinance, and the following additional requirements.

10.4.1. Every lot created shall be capable of accommodating a permitted use allowed by this ordinance.

10.4.2. Subdivisions and manufactured home parks that are in, or include a portion of, a special flood hazard area shall comply with the performance standards of Chapter 9 (page 47).

10.4.3. Subdivisions and manufactured home parks shall be designed to minimize:

10.4.3.1. the length of streets and utility lines required by their development;

10.4.3.2. exposure to natural hazards and damage to natural assets, including soil erosion and the acceleration of storm and melt water runoff; and

10.4.3.3. conflict with adjoining land uses.

10.5. Solar Access in Subdivisions. Subdivisions are encouraged to provide solar access to as many dwellings as feasible on the winter solstice. Solar building envelope or solar access setback requirements may supersede the specification standards of this ordinance and be enforced by the county, in any subdivision where:

10.5.1. a professionally prepared solar access plan clearly identifying all solar lots is submitted with the application for a subdivision permit;

10.5.2. the solar access plan shows the exact dimensions of the building envelopes or solar access setbacks required for its implementation; and

10.5.3. recorded covenants confine all building to the designated envelopes or setbacks and limit the planting of non-solar-friendly trees to areas where solar access will not be obstructed.

10.6. Subdivision of Irrigated Lands. All subdivisions and manufactured home parks shall demonstrate compliance with I.C. 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities (I.C. 31-3805 appears in Appendix H on page 111). Compliance shall be attained by:

10.6.1. the transfer of water rights, or

10.6.2. the installation of a piped central irrigation system maintained by a community association. The community association shall appoint a single representative to attend and vote at business meetings of the responsible irrigation entity.

10.6.3. irrigation systems installed in subdivisions to achieve compliance with I.C. 31-3805 are subject to the requirements imposed on other subdivision improvements.

10.7. Subdivision of Mineral Lands. No subdivision shall be platted or Manufactured Home Park established without the consent of the holders of any active minerals claims or leases on the site, or any portion of the site.

10.8. Subdivision Improvements. The following improvements shall be provided in all subdivisions:

10.8.1. electric power and telephone connections for each lot, including any extension of lines or cables required to serve the subdivision, in compliance with the standards established by the utility involved;

10.8.2. drained and graded gravel roads, as specified in Appendix D (page **Error! Bookmark not defined.**).

10.8.3. any other improvement required for compliance with this ordinance

10.9. Manufactured Home Park Operation.

10.9.1. Manufactured home parks that permit short-term (less than one (1) month) occupancy shall be classified as commercial rather than residential use.

10.10. Manufactured Home/Recreational Vehicle Park Improvements. The following improvements shall be provided in all manufactured home and recreational vehicle parks:

10.10. Site Selection:

10.11.1. Topography. The topography must be favorable to good site drainage, minimum grading, manufactured/mobile home/recreational vehicle placement, and ease of maintenance.

10.11.2. Availability of Utilities. The site must be readily accessible to public or private utility services, including water, sewerage, and electricity.

10.11.3. Necessary Land Area. The area of the manufactured home/recreational vehicle park must be sufficient in size to accommodate (1) the number of manufactured/mobile home/recreational vehicle spaces desired; (2) roads and parking areas for motor vehicles; (3) service areas, buildings and playgrounds; (4) on site utilities where public utilities are not available.

10.12. Site Improvements

10.12.1. The physical improvements of the site must be arranged to provide (1) a convenient means of pedestrian and vehicular access to each manufactured/mobile home/recreational vehicle space, parking areas, and accessory buildings; (2) an adequate supply of potable water; (3) a safe method of sewage disposal; (4) electrical service for lighting and power; and (5) diversion of surface water away from buildings, manufactured/mobile home/recreational vehicle spaces, service and recreational areas, and its disposal from the site.

10.13. Site Planning

10.13.1. Plan of the proposed manufactured home park must be developed for approval of the County indicating the layout of manufactured/mobile home/recreational vehicle spaces, roads, walks, service buildings, service areas, utilities, and necessary grading.

10.13.2. Determination must be made in the initial planning stage on the number of manufactured/mobile homes/recreational vehicles to be accommodated.

10.13.2.1. Manufactured/mobile home/recreational vehicle space sizes

10.13.2.1.1. Each manufactured/mobile home/recreational vehicle space must be not less than one thousand two hundred fifty (1,250) square feet in area and should be at least twenty-five (25) feet wide.

10.13.2.2. Spacing of manufactured/mobile home/recreational vehicle.

10.13.2.2.1. The minimum spacing between manufactured/mobile homes/recreational vehicles and between manufactured/mobile homes and buildings must be:

10.13.2.2.2. Side-to-side spacing: fifteen (15) feet

10.13.2.2.3. End-to-end spacing: ten (10) feet from the manufactured home park property line.

10.13.2.3. Roads, walks and parking areas.

10.13.2.3.1. General circulation. Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the manufactured home park. All roads must be continuous.

10.13.2.3.2. Servicing. Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.

10.13.2.3.3. Width of roads and parking areas.

10.13.2.3.3.1. Main access roads, excluding parking must be two (2) lane and at least twenty-four (24) feet wide.

10.13.2.3.4. Parking area. The same number of motor vehicle parking spaces must be provided as the number of manufactured/ recreational vehicle spaces. These must be provided in special parking areas.

10.13.2.3.5. Walks. The manufactured/ recreational vehicle park walk system must include a walk from the entrance of each manufactured/mobile home to service facilities.

10.13.2.3.6. Width of Walks

10.13.2.3.6.1. Public walks - minimum four (4) feet

10.13.2.3.6.2. Entrance walks (from public walk to manufactured/recreational vehicle door) - two (2) feet

10.13.2.4. Service Buildings

10.13.2.4.1. Each manufactured home/recreational vehicle park that is planning on serving recreational vehicles must be provided with one or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

10.13.2.5. Location.

10.13.2.5.1. The building should be located not more than two hundred (200) feet from any recreational vehicle space.

10.13.2.6. Construction.

10.13.2.6.1. The materials and methods used in the construction of service buildings must conform to local building codes for buildings of this nature. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.

10.13.2.7. Facilities (Recreational Vehicle Park Only). Separate men's and women's toilet rooms must be provided and distinctly marked. These rooms must be separated by a sound-resistant wall. A vestibule or screen wall must be provided to prevent direct view into the toilet rooms when exterior doors are open.

10.13.2.7.1. Plumbing fixtures: Every manufactured home/recreational vehicle park must provide adequate toilet and laundry facilities. In no instances should there be less than one (1) laundry unit (laundry or washing machine); one (1) water closet, one (1) lavatory and one (1) shower for women; and one (1) water closet, one (1) lavatory and one (1) shower for men. A slop water closet (water closet with seat removed) must be provided in each service building. The slop water closet should be in a separate room of the service building with a single direct opening to the outside.

10.13.2.7.2. The facilities listed above will accommodate the planned number of recreational vehicle spaces. One water closet must be provided for each sex for every ten (10) additional recreational vehicles. (Urinals for men may be substituted for one-third (1/3) of these water closets).

10.13.2.7.3. One (1) lavatory must be provided for each sex for every ten (10) additional recreational vehicles; and one (1) shower or bathtub for each sex for every twenty (20) additional recreational vehicles. A laundry unit must be provided for every twenty (20) additional spaces.

10.13.2.8. Fire Prevention:

10.13.2.8.1. The court area shall be subject to the rules and regulations of the fire-prevention authority.

10.13.2.9. Regulations:

10.13.2.9.1. No permanent additions of any kind shall be built onto, nor become a part of, any manufactured/mobile home/recreational vehicle. Skirting of coaches is permissible, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of a coach shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked and occupied. No owner or person in charge of a dog, cat,

or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any manufactured home park

CHAPTER 11

REQUIRED IMPROVEMENTS

11.1. What This Chapter Does. This chapter provides the tools needed to assure that the improvements required by this ordinance are in fact installed and maintained.

11.2. Required Improvements. A required improvement is any improvement that must be provided to comply with this ordinance, for example the subdivision improvements required by 10.8 (page 53) or the manufactured home park improvements required by 10.10 (on page 54)

11.3. Installation at Developer's Expense. The installation of all required improvements shall be at the developer's expense. The county may, at its discretion, participate in the costs of adding capacity to required improvements in order to provide for anticipated future developments.

11.4. Standards for Required Improvements. All required improvements shall be installed in compliance with the policies of these regulations and any design and engineering standards separately adopted by the county or other agencies responsible for providing service to the development.

11.5. Time of Installation/Development Agreements.

11.5.1. Developers shall install all required improvements before a final plat is recorded or the development is offered for lease or sale, leased, sold, or occupied.

11.5.2. Developers may elect to record final plats of the development in phases and/or offer phases of the development for lease, sale, or occupancy before all required improvements are installed. Phasing shall be permitted pursuant to a development agreement that:

11.5.2.1. incorporates a conceptual site plan of the entire development (the site plan used as a basis for permit approval) and a detailed site plan and construction drawings of the initial phases.

11.5.2.2. identifies all required improvements in the initial phase/s and establishes their estimated cost;

11.5.2.3. sets a schedule for the completion of the required improvements in the initial phase/s and an anticipated schedule for future phases;

11.5.2.4. guarantees completion, repair, and one year's maintenance of all required improvements in the initial phase/s using one of the methods listed in 11.7 (page 59) and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases;

11.5.2.5. provides a process by which the county may, if necessary, complete required improvements using the guarantees provided;

11.5.2.6. provides a process by which either party may request re-negotiation of the development agreement,

11.5.2.7. provides a process by which the development agreement may be transferred, with county approval, to the developer's successors; and

11.5.2.8. provides that the development agreement and any vested rights it confers shall be void if the county is required to call a guarantee to complete required improvements or if the anticipated schedule required by 11.5.2.3, above, is not met or re-negotiated. The developer shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the developer, within ninety (90) days after his or her failure to initiate or complete a phase as scheduled.

11.5.2.9. an initial phase is any phase anticipated to begin within eighteen (18) months.

11.6. Effect of Development Agreement. The effect of a development agreement shall be to create vested rights in the conceptual site plan, as it was approved. Development agreements do not insulate developments from changes in state or federal regulations or changes in building and fire codes.

11.7. Guarantees. Completion of the improvements identified in a development agreement shall be guaranteed by one of the following methods:

11.7.1. The developer may place an amount equal to one hundred-ten (110) percent of the estimated cost in escrow, with that amount and accumulated interest being released only after the county has inspected and accepted the required improvements. A development agreement may provide for the phased release of a portion of the escrowed funds as work proceeds, but at least twenty-five (25) percent of the amount in escrow shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the development agreement, the county shall use as much as necessary of the escrow account to complete those improvements, before returning any remaining balance to the developer.

11.7.2. The developer may provide an irrevocable or standing letter of credit for an amount equal to one hundred-ten (110) percent of the estimated cost. The letter of credit shall be released only after the county has inspected and accepted the required improvements. If any required improvements are not completed as provided in the development agreement, the county shall use as much as necessary of the credit available to complete those improvements.

11.7.3. Large development may be completed in phases, with a separate final plat for each phase, but only where the development agreement provides for the timely installation of essential improvements, sets a schedule for each phase, provides for financial assurance by

one of the methods listed above for each phase, and specifies a process for renegotiation of the agreement if the schedule is not met.

11.8. Inspection Fees. Fees for the inspection of required improvements shall be set by ordinance. Inspection fees shall be paid before any work on required improvements is permitted.

11.9. Inspection and Acceptance of Improvements. Required improvements shall be inspected by the administrator before acceptance. Acceptance of required improvements shall be by action of the BOCC, following submission of the developer's written request for acceptance and receipt of the administrator's report that all improvements have been inspected and are in compliance with these regulations.

11.10. As-Built Drawings. Reproducible as-built drawings of all subdivision improvements shall be provided to the county at the developer's expense.

11.11. Warranty of Improvements. Required improvements shall be warranted by the developer for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all development agreements. Where all required improvements will be completed before a final plat is approved and the development is offered for lease, sale, or occupancy, a warranty agreement shall be submitted for approval. Enforcement of the warranty shall be assured by:

11.11.1. retention of ten (10) percent of an escrow account established to comply with 11.7 (page 59);

11.11.2. a continuing letter of credit, as provided in 11.7 (page 59), but for ten (10) percent of the cost of the required improvements; or

11.11.3. establishment of a new escrow account, in which an amount equal to ten (10) percent of the cost of all required improvements is deposited, and which shall be released only upon expiration of the warranty.

11.12. Continuing Maintenance Required. The continuing maintenance of any private improvement required for compliance with any performance standard of this ordinance shall be required. This provision applies to:

11.12.1. improvements required for the mitigation of potential nuisances;

11.12.2. off-street parking and loading areas;

11.12.3. improvements required for the control of storm or melt water runoff;

11.12.4. landscaped areas, including required buffers;

11.12.5. fences required for the control of livestock;

11.12.6. any other improvement required for compliance with this ordinance.

11.12.7. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

11.13. Maintenance Mechanism. Any development subject to continuing maintenance requirements that results, or may reasonably be expected to result, in the creation of multiple ownerships shall create a community association or other mechanism to assure continuing maintenance. The developer shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association with his or her application for a permit and shall provide evidence that these documents have been recorded before a certificate of occupancy is issued.

11.14. Failure to Maintain. Failure to maintain any required improvement shall be a violation of this ordinance.

CHAPTER 12

DEFINITIONS

12.1. What This Chapter Does. This chapter provides definitions for important terms used in this ordinance. Any dispute about the meaning of a term used in this ordinance shall be resolved using the appeals procedure of 3.12 (page 15)

12.2. Rules. Terms include both singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

12.3. Definitions:

12.4. Accessory. Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use. Customary accessory uses for commercial and industrial uses shall include one accessory dwelling, which is a single family dwelling located on a commercial or industrial site and occupied by the owner or by a caretaker or guard.

12.5. Adjacent. As used in this ordinance, adjacent includes all parcels that directly border a lot and all parcels separated from a lot by only a public or private easement or right-of-way, including roads and irrigation canals.

12.6. Administrator. The official whose office and duties are established by 2.4 (page 5)

12.7. Agriculture. All uses in SLUC categories 81 and 82 (Appendix L, page 127) and their accessory uses and buildings, including home occupations. Also includes the production of nursery stock, stockyards, stables, and dude ranches.

12.8. Airport. Refers to the Lemhi County Airport. The following definitions are used in the administration of the airport safety standards of Chapter 8 (page 44).

12.8.1. Airport Elevation. Four thousand thirty (4,030) feet above mean sea level.

12.8.2. Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope established in 8.3.1 (page 44). In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

12.8.3. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

12.8.4. Horizontal Surface. A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which, in plan view, coincides with the perimeter of the horizontal zone.

12.8.5. Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds any height limitation established in Chapter 8 (page 44).

12.8.6. Primary Surface. A surface longitudinally centered on a runway. The primary surface extends twenty (200) feet beyond each end of the runway. The width of the primary surface is two hundred-fifty (250) feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

12.8.7. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

12.8.8. Structure. Any object, including any mobile object, constructed or installed by man, including, without being limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

12.8.9. Transitional Surfaces. These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

12.8.10. Tree. For the purposes of Chapter 8 (page 44), any object of natural plant growth.

12.8.11. Utility Runway. A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

12.8.12. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

12.9. Aircraft Landing Field: A privately owned area of land that is used or intended for the landing and takeoff of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft. This use is considered a large scale development and only permitted through a special use process.

12.10. Area of City Impact. A zoning district established by this ordinance, which includes the proposed area of city impact adopted in the comprehensive plan. Negotiation of an area of city impact is required by I.C. 67-6526.

12.11. Area of Concern. Areas identified by Lemhi County where future planning and development must consider cumulative impacts and development thresholds to protect resource values. (see Chapter 13 page 73)

12.12. BOCC. Refers to the Lemhi County Board of Commissioners.

12.13. Building. Any structure except a fence. Includes liquid or gas storage tanks.

12.14. Building Bulk. Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size) or similar measures.

12.15. Building Height. The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents, and antennae.

12.16. Buffer. See Appendix F, page 105.

12.17. Central Water and/or Sewer. A system for providing water and/or sewer to two or more places. All systems shall be public and shall form a district. Public systems shall be approved by DEQ and/or Eastern Idaho Public Health. Central water and sewer districts shall be approved by the Lemhi County Commissioners. EXEMPTION: A single lot that will not be divided or reduced in size, while it's being shared by two dwellings, may share a water/sewer system, as long as it complies with DEQ and/or Eastern Idaho Health regulation.

12.18. Clear Vision Triangle. See Appendix D, page 97.

12.19. Commercial. Includes all land uses in SLUC 4923 and 4924, 52-59, 61-69, 71-79, and 8221, except that any use in SLUC 639, 64, 66, 72-79, or 8221 that includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard of more than ten thousand (10,000) square feet. All such uses shall be considered industrial.

12.20. Commission. The planning and zoning commission of Lemhi County, as established by 2.2 (page 5)

12.21. Compatibility. Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

12.22. Comprehensive Plan. The comprehensive plan of Lemhi County, which this ordinance is designed to implement.

12.23. Confined Animal Feeding Operation (CAFO) – See Chapter 14, page 89.

12.24. Contiguous. Parcels sharing an edge or boundary for at least twenty (20) feet. Two (2) parcels would not be considered contiguous if the only commonality is a section corner

12.25. Density. The number of dwelling units per gross acre. Gross acreage includes the entire development (adjoining roads to the centerline, internal roads, common open spaces, etc.). Density is not synonymous with lot size.

12.26. Development. Development is used as a generic term covering any and all activities regulated by this ordinance. The developer is, by definition, the owner of the parcel on which a development has been proposed, but owners may appoint a representative for proceedings required by this ordinance.

12.27. Driveway. Not dedicated nor intended for public use, privately maintained, serving one (1) or two (2) parcels containing inhabited buildings.

12.28. Fence. See Appendix C page 96. A lawful fence, except as hereinafter provided, provided must be not less than four and one half (4 ½) feet high, and the bottom board, rail, pole or wire must not be more than twenty (20) inches above the ground, and the space between the top and bottom board, rail, pole or wire must be well divided.

12.29. Floodplain The definitions required for the administration of Chapter 9 are given here.

12.28.1. Area of Shallow Flooding. An AO or AH Zone on a Flood Insurance Rate Map (FIRM). In these areas, base flood depth ranges from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

12.28.2. Area of Special Flood Hazard. Also, the "Floodplain". Land subject to a one (1) percent or greater chance of flooding in any given year. Designation on the Flood Insurance Rate Map (FIRM) always includes the letters A or V.

12.28.3. Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

12.28.4. Flood. Partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

12.28.5. Flood Insurance Rate Map. Abbreviated FIRM. The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and risk premium zones applicable to the city and its area of impact.

12.28.6. Flood Insurance Study. The official report of the Federal Insurance Administration, including flood profiles, flood boundary maps, and the water surface elevation of the base flood.

12.28.7. Floodway. The channel of a river or other watercourse and any adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

12.28.8. Lowest Floor. The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that it does not place the building in violation of the non-elevation design requirements of Chapter 9 (page 47).

12.28.9. Manufactured Home. Within the FOS Overlay Zoning District, for Floodplain management purposes, the definition of "manufactured home" shall be expanded to include recreational vehicles, travel trailers, and similar vehicles or trailers that are left in place for

one hundred eighty (180) or more consecutive days. Recreational vehicles, travel trailers, and similar vehicles or trailers are not manufactured homes for flood insurance purposes.

12.28.10. Manufactured Home Park. Within the FOS Overlay Zoning District, for Floodplain management purposes, a manufactured home park is any lot or parcel used for the purpose of renting or leasing two or more manufactured home spaces.

12.28.11. New Construction. Buildings for which the "start of construction" was on or after the effective date of this ordinance.

12.28.12. Start of Construction. Applies to substantial improvements and new construction and means: the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within one hundred eighty (180) days of the permit date. "Actual start" means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation OR the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation, or erection of temporary forms; nor does it include installation of accessory buildings.

12.28.13. Substantial Improvement. Repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty (50) percent of the building's market value either before the improvement or repair is started, or where the building has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects its external dimensions. The term does not include any project for the improvement of a building required to comply with state or local codes assuring safe living conditions.

12.29. Groundwater Vulnerability Area. Includes all wetlands and special flood hazard areas, and all lands where:

12.29.1. The normal water table comes to within sixty (60) inches of the land surface, and/or

12.29.2. The most permeable soil horizon within sixty (60) inches of the surface has rapid or very rapid permeability.

12.30. Hazardous Substances. Any material regulated by EPCRA. EPCRA stands for the Emergency Planning and Community Right-To-Know Act of 1986. Refers to 42 USC 1101-11050, as amended.

12.31. Higher Density Residential Use. Any residential use that is designed for occupancy by more than one (1) family. Includes, without distinctions, apartments, condominiums, duplexes, townhouses, and all other forms of attached housing.

12.32. Home Occupation. A commercial activity conducted in a dwelling or a building accessory to a dwelling. Home occupations, by definition, comply with the performance standards of 5.17 (page 26)

12.33. Industrial. Includes all land uses in SLUC 21-51, 637, and 82-89, plus any use defined as industrial by Appendix L, page 127 except: SLUC 4923 and 4924.

12.34. Irrigated. For the purposes of this ordinance, the term "irrigated land" includes all land that was irrigated or subject to irrigation on the effective date of this ordinance.

12.35. Irrigation and Drainage Canals and Ditches: Irrigation canals that receive water from natural streams and lakes, and divert water to streams and creeks, are connected as "tributaries" to those other waters and considered jurisdictional and under the authority of the U.S. Army Corps of Engineers (Walla Walla District, U.S. Army Corps of Engineers, 2008).

12.36. Large-Scale Development. Any development that is not a small-scale development. Procedures which include a Special Use Permit are found in Chapter 3.8 (page 13).

12.37. Local Planning Act. Also Local Planning Act of 1975. Refers to I.C. 67-6501 through I.C. 67-6537, and subsequent amendments.

12.38. Lot. For the purposes of this ordinance, lot is used as both a generic term for a development site, and to refer to any parcel of land described by plat.

12.39. Lot Coverage. Lot coverage is the percent of the lot covered by structures, including the main and all accessory buildings.

12.40. Lot Line Adjustment. A Lot Line Adjustment is the adjustment of lot lines between two or more parcels of land. No new lot can be created and no lot so reduced in area or dimension that it is not, or does not or cannot accommodate a use that is in full compliance with this ordinance.

12.41. Lot Line Adjustments Outside A Subdivision. Lot Line Adjustments outside a subdivision must keep at least one (1) original lot line in place

12.42. Lot Split. Creation of any parcel of land of less than one hundred –sixty (160) acres for the purpose of but not limited to sale, lease, rental, or development. A lot split is a small scale residential development and shall comply with all applicable performance standards of the Lemhi County Development Code.

12.43. Major Lot Line Adjustment Within A Subdivision. A Major Lot Line Adjustment within a subdivision may occur internally, and/or may affect more than four (4) lots within the subdivision. A Major Lot Line Adjustment may change the size of the parcel more than then (10) percent. All Major Lot Line Adjustments shall go through the subdivision procedure. See Chapter 3.7 for the procedures (page 10).

12.44. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length

or, when erected on site, is three hundred-twenty (320) or more square feet, and which is designed to be placed on a permanent foundation, permanently connected to required utilities, and used as a permanent dwelling unit. A manufactured home park is any lot or parcel used for occupancy by manufactured homes that will not be placed on a permanent foundation.

12.45. Minimize. For the purposes of this ordinance, “to minimize” the number of access points means to show that no alternative site plan for a proposed development will result in a smaller number of access points.

12.46. Minor Lot Line Adjustments within a subdivision. A Minor Lot Line Adjustment within a subdivision may only occur internally, it must not affect more than four (4) lots within the subdivision. A Minor Lot Line Adjustment within a subdivision shall not change the size of the parcel by more than ten (10) percent. A Minor Lot Line Adjustment shall occur only once per parcel. Minor Lot Line Adjustments occurring more than once shall be considered a Major Lot Line Adjustment.

12.47. Minor Utility Installations. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

12.48. Normal Water Table. The normal high ground water level is the highest elevation of ground water that is maintained or exceeded for a continuous period of six (6) weeks a year.

12.49. Occupancy. The use of a building or lot. Occupancies are classified using the Standard Land Use Coding System. The Standard Land Use Code, abbreviated SLUC, is a method of classifying land uses adapted from the Standard Land Use Coding Manual, U.S. Department of Transportation, and Federal Highway Administration, as reprinted in March 1977. The Standard Land Use Code is a hierarchical system that includes all possible uses, whether specifically listed in the manual or not (see Appendix L, page 127).

12.50. Outdoor Material Handling or Storage. Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street.

12.51. Permeable Soil Horizon. A characteristic subsurface layer of material which will severely limit the capability of the soil to treat or absorb wastewater, including but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material.

12.52. Plat. The legal map of a newly created parcel or subdivision.

12.53. Prime Farmland. As defined by the U.S. Department of Agriculture, National Resources Conservation Service (NRCS), is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, without intolerable soil erosion.

12.54. Record of Survey. A “Record of Survey” is a map based on the legal description of an entire parcel. “Record of Survey” shall not be used to alter, change or rearrange the original parcel or definition of the original parcel. Any amendments or changes to the original parcel must be filed as a plat, and will be accepted only where the legal description of an entire parcel is reflected. All plats must show disclaimers for all easements (See Exemption E.3.6.1.2 page 9)

12.55. Recreational Vehicle. As per I.C. 49-2801, "recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, primarily designed as temporary living quarters, designed for recreational, camping, or traveling use, for temporary (less than three (3) months) or emergency occupancy.

12.56. Recreational Vehicle Lot. A parcel of ground in a recreational vehicle park intended to be rented as a place to park a recreational vehicle for temporary dwelling purposes.

12.57. Recreational Vehicle Park. A tract of ground under unified ownership developed for the purpose of providing rental space for temporary parking of recreational vehicles not to exceed six (6) months on individual spaces within its confines and may include cabins as accessory uses.

12.58. Road. Any right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "road" also includes the terms highway, thoroughfare, parkway, street, avenue, boulevard, lane, place and other such terms.

Arterial: A street that is designated for the purpose of carrying fast and/or heavy traffic.

Collector: A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

Frontage: A minor street parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

Minor: A street which has the primary purpose of providing access to abutting properties.

Private: A roadway that is not dedicated to the public, but intended for public use, privately maintained, serving more than one (1) parcel containing inhabited buildings, and that is approved pursuant to this title.

12.59 Salvage Yards. A parcel of land used for commercial activities regarding the outdoor storage, dismantling or wrecking of used and unlicensed motor vehicles (number dependent upon acreage size and found in Appendix J), or any mobile homes, manufactured homes or trailers; or the storage, sale, or dumping or dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts or where junk, waste, discarded or salvaged materials are stored or handled and yards for used building materials and pieces and places or yards for storage of salvaged buildings and structural steel materials and equipment. Vehicles and/or equipment stored on agricultural land are exempt from this definition unless it is being dismantled, stored or wrecked for sale or profit.

12.60 Setback. The distance between the property line and the outer wall, at grade, of the building on the same lot.

12.58.1. The front setback is measured from the lot line paralleling a public street to the building. Corner lots have two front yards.

12.58.2. The rear setback is measured from the rear lot line to the building. The rear lot line is parallel, or more or less parallel, to the street. Corner lots have two rear yards, but may treat either as a side yard for the purposes of this ordinance.

12.58.3. The side setback is measured from the side lot line to the building.

12.59. Single Family Dwelling. A detached building designed for occupancy by one (1) family. Also includes, as required by I.C. 67-6530-6532, "any home in which eight or fewer unrelated mentally and/or physically handicapped persons reside; and which is supervised". Limitations of this definition include persons who are under the supervision of the state board of correction pursuant to section 20-219, Idaho Code, or who are required to register pursuant to chapter 83 or 84, title 18, Idaho Code, or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Includes both conventional dwellings and manufactured homes and mobile homes (rehabilitated under state requirements) that:

12.59.1. Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Uniform Building Code;

12.59.2. Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and

12.59.3. Are permanently connected to central or on-site utilities.

12.59.4. A manufactured home that does not qualify as a single family dwelling may be used as temporary quarters during the construction of a single family dwelling, provided that a permit has been issued for the single family dwelling, that construction requires no more than one (1) year, and that the temporary quarters are removed from the site before a certificate of compliance is issued.

12.59.5. Recreational vehicles shall not be used as single family dwellings, except that a recreational vehicle may be used as a temporary dwelling to replace a home destroyed by fire or other catastrophe for a period of up to one (1) year.

12.60. Site Plan. A site plan is a scale drawing, or a series of such drawings, that illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets, sidewalks, landscaping, buffers, and other features of the site. Where an erosion and runoff control plan is required, the site plan must be prepared on a detailed (contour intervals of two (2) feet) topographic base.

12.61. Small-Scale Development. A small scale development pertains to splitting lots (not involving a subdivision plat) for residential proposes. Procedures are found in 3.6 (page 8).

12.62. Solar Access Plan. A solar access plan is presented in the form of an overlay on a preliminary plat and accompanying drawings. The solar access plan identifies all solar lots in the subdivision and illustrates building envelope or setback standards required to assure solar access to dwellings on the solar lots between the hours of 10:00 A.M. and 2:00 P.M. on the winter solstice.

12.63. Solid Waste. Material being stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this ordinance, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste.

12.64. Special Use Permit. A Special Use Permit is a permit for any development outside a Small Scale Development and includes a Large-Scale Development. Procedures for a Special Use Permit and be found in Chapter 3.8 (page 13).

12.65. SLUC/Standard Land Use Code. Is a method of classifying land uses adapted from the Standard Land Use Coding Manual, U.S. Department of Transportation, and Federal Highway Administration, as reprinted in March 1977. The Standard Land Use Code is a hierarchical system that includes all possible uses, whether specifically listed in the manual or not (See page 127).

12.66. Streams: Those areas where surface water produces a defined channel or bed which demonstrate evidence of the passage of water. Dry washes, irrigation ditches, canals, surface water runoff devices or other entirely man-made water bodies/watercourses (unless specifically referred to herein) are not included. "Streams" are further defined as follows:

Class 1 Streams: Streams and/or reaches of streams with the potential to have extensive flooding, erosion and attendant hazards. Class 1 Streams include the Main Salmon, North Fork of the Salmon and Lemhi rivers.

Class 2 Streams: Streams and/or reaches of streams that flow year round during years of normal precipitation and have the potential for significant flooding and erosion. Class 2 Streams include Carmen Creek.

Class 3 Streams: Smaller perennial or intermittent streams and/or reaches of streams that are prone to periodic flooding and erosion. All spring fed creeks and their tributaries, which are not subject to erosive flooding. All irrigation channels and ditches that are currently in use and considered jurisdictional by the U.S. Army Corps of Engineers.

12.67. Subdivision. Division of a parcel into more than two (2) lots or parcels of less than twenty (20) acres for the purpose of sale, lease, rental, or development, or the creation of more than four (4) parcels for development purposes. Any creation of lots over 160 acres in size and not for the purpose of creating more lot splits shall not be considered a subdivision.

12.68. Tourist Ranch. A ranch or agricultural setting, which may or may not have a viable agricultural operation, upon which guests are invited to participate in the agricultural way of life (commonly known as a “dude” ranch).

12.69. Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

12.70. Yard. The area between the lot lines and the principal building created by the required setbacks.

CHAPTER 13

AREAS OF CONCERN

13.1. Purpose. Areas of Concern are areas identified by Lemhi County where future planning and development must consider cumulative impacts and development thresholds to protect resource values. Special management attention is needed in these areas to protect public health and safety, quality of life and property, and prevent irreparable damage to natural systems. These areas include: Agricultural Preservation, Natural Environment, Wildlife Habitat, Public Health and Safety, Access and Cultural/Historic Preservation.

The Land Evaluation and Site Assessment Tool (LESA) found below is meant to provide for a “one-stop” application, whose purpose is to provide a landowner/developer the tools to accomplish the development their land in the manner they desire while still being cognizant of environmental, property rights and surrounding property owners concerns. This tool will guide the landowner towards the means and methods to mitigate such impacts to be successful in their development.

The intent is to shift the burden of proof from the County and public, and place this obligation on the developer. If a proposed development is found to have an adverse impact, mitigation conditions or standards may be imposed to prevent cumulative impacts to Areas of Concern.

Finally, while the County intends to use this tool to guide landowners to other local, state and federal agencies for both advise and necessary permits, the County cannot guarantee approval by these agencies.

13.2. Land Evaluation and Site Assessment Required. Each development application shall be accompanied by a LESA evaluation sheet to determine the need for mitigating conditions. A Development Engineering Report (DER) may be used to justify mitigation if evidence is not sufficient concerning the suggested mitigations set forth in the application. In addition, the administrator, Commission or Board may also request a DER as a condition of approval if suggested mitigations are not sufficient or pertinent environmental information is incomplete.

All development applications shall be scored on all areas listed in this Code.

13.3. Areas of concern.

13.3.1. Agricultural Preservation. All proposed developments in Lemhi County must be designed so they do not adversely impact agriculture, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.1.1. Proposed developments that are within Area of City Impact are considered to have a minimal effect on agriculture. Score (0 points)

13.3.1.2. Proposed developments or associated improvements that predominately border land defined as agricultural are considered to have an adverse impact on agriculture. Score (10 points)

13.3.1.3. Proposed developments or associated improvements that are located on prime agricultural land or farmland of statewide importance as defined by the NRCS are considered to have an adverse impact on agriculture. Score (20 points)

13.3.2. Agricultural Water Systems/Irrigation. Agricultural water user facilities are defined as those facilities which provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These include, but are not limited to ditches, headgates, pipes, and other water conveying devices.

All developments must be designed so that they do not adversely impact agricultural water user facilities, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.2.1. Proposed developments located on land without agricultural water user facilities or adjoining an agricultural water use facility are considered to have minimal impact on agricultural water user facilities. Score (0 points).

13.3.2.2. Proposed developments located on land with agricultural water user facilities or adjoining an agricultural water use facility or have the potential to be irrigated are considered to have an adverse impact on agricultural water user facilities and fish screens. Score (10 points).

13.3.2.3. Proposed developments that involve the abandonment or transfer of water rights from the property being subdivided, or that involve the abandonment or removal of agricultural water user facilities are considered to have an adverse impact on agricultural water user facilities. Score (20 points).

13.3.2.4. Proposed developments or associated improvements that will alter access or maintenance of agricultural water user facilities are considered to have an adverse impact on agricultural water user facilities. Score (10 points).

13.3.2.5. Proposed developments or associated improvements that will diminish the movement or availability of water are considered to have an adverse impact on agricultural water user facilities. Score (30 points)

13.3.3. Natural Environment. The natural environment is defined as the physical conditions which exist within a given area, including water, native plants and animals, and other items of aesthetic significance.

All developments must be designed so that they do not adversely impact the natural environment, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.3.1. Proposed developments that are within the Area of City Impact and will use existing water and/or sewer utilities are considered to have a minimal impact on the natural environment except as otherwise provided in subsections (**Error! Reference source not found.**) below. Score (0 points).

13.3.3.2. Proposed developments or associated improvements that are located on land having evidence of soils with building or site development limitations or are proposed on slopes greater than thirty (30) percent, are considered to have an adverse impact on the natural environment. Score (20 points).

13.3.3.3. Proposed developments or associated improvements that are in locations with riparian areas, rivers, streams, lakes, wetlands, floodplains or floodways, or other natural surface waters are considered to have an adverse impact on the natural environment. Score (20 points).

13.3.4. Ground Water Quality. Depth to groundwater varies greatly and is influenced by irrigation practices as well as seasonal water cycles in Lemhi County. Information on the depth of soil and the ability of the soil to accept and transmit water (permeability) provides the basis for assessment of suitability of a soil for wastewater treatment.

Groundwater Vulnerable Areas: As defined by the Idaho Department of Water Resources, indicate the ability for contaminants to leach from the surface into the water table. Areas at high risk for incursion of contaminants into the ground water supply should be discouraged for development or should have special restrictions with regard to septic systems. Areas of Concern when considering ground water quality include recharge areas, private water sources, private and public sanitary facilities and nutrient pathogen levels.

All developments must be designed so that they do not adversely impact ground water quality, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.4.1. Proposed developments that are within the Area of City Impact and are connected to existing water and sewer utilities are considered to have a minimal impact on ground water quality. Score (0 points).

13.3.4.2. Proposed developments within of the Area of City Impact and are not connected to existing utilities are considered to have an adverse impact on ground water quality Score (30 points).

13.3.4.3. Proposed developments outside of the Area of City Impact and are not connected to existing water and sewer utilities are considered to have a adverse impact on ground water quality. Score (10 points).

13.3.4.4. Proposed developments located within a floodplain are considered to have an adverse impact on ground water quality. Score (10 points).

13.3.4.5. Proposed developments that are associated with high risk soils are considered to have an adverse impact on ground water quality. Score (20 points).

The following high risk soils are identified by NRCS as limiting factors for development:

13.3.4.5.1. Soils with existing nutrient and/or pathogen contamination and the potential to create a public health risk.

13.3.4.5.2. Shallow soils of less than 10 inches.

13.3.4.5.3. Soils with a predominance of gravel or other coarse grained sediment considered highly permeable (readily accept and transmit water without significant filtration).

13.3.4.5.4. Shallow depth to ground water (10 feet or less).

13.3.4.5.5. Fractured bedrock (10 feet or less below land surface).

13.3.5. Public Health and Safety. Public health and safety is defined as the prevailing healthful, sanitary condition and well being of the community at large. Areas of concern that relate to public health and safety include, but are not limited to availability of emergency services, wildland fire hazards, flooding and vehicular traffic safety hazards.

All proposed developments must be designed so that they do not adversely impact public health and safety, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.5.1. Proposed developments that are within the Area of City Impact, and/or where existing police, fire and emergency services can respond within 10 minutes for 90% of all emergencies are likely to have a minimal impact on public health and safety. Score (0 points).

13.3.5.2. Proposed developments located outside of areas where police, fire and emergency services are not able to respond within 10 minutes for 90% of all emergencies are considered to have an adverse impact on public health and safety. Score (5 points).

13.3.5.3. Proposed developments or associated improvements that are attributed with land conditions that may be detrimental to public health such as landslides, mine tailings, subsidence or other features with severe development limitations, are considered to have an adverse impact on public health and safety. Score (10 points).

13.3.5.4. Proposed developments or associated improvements that are located within the floodplain as defined by Federal Emergency Management Agency (FEMA) are considered to have an adverse impact on public health and safety. Score (10 points).

13.3.5.5. Proposed developments or associated improvements that are located within the Wildland Urban Interface (WUI) boundary are considered to have an adverse impact on public health and safety. Score (10 points)

13.3.5.6. Proposed developments that do not show evidence of adequate water supply are considered to have an adverse impact on public health and safety. Score (30 points).

13.3.5.7. Proposed development of the water supply systems has an adverse impact on any existing senior water rights. Score (20 points)

13.3.6. Fish, Wildlife and Habitat. Resident species of fish and wildlife are considered the property of all citizens within the state (Idaho Code 36-103(a)). New development has the potential to negatively impact wildlife by displacement and reduction in habitat.

All proposed developments must be designed so that they do not adversely impact wildlife and wildlife habitat, or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.6.1. Proposed developments that are within the Area of City Impact are considered to have a minimal impact on fish, wildlife and habitat except as otherwise provided in the next two listings below. Score (0 points).

13.3.6.2. Proposed developments or associated improvements that are proposed in locations that would interfere with known important or critical fish and wildlife corridors are considered to have an adverse impact on fish, wildlife and habitat. Score (15 points).

13.3.6.3. Proposed developments or associated improvements that are located on lands with rare, threatened, or endangered species, as identified by state or federal agencies, are considered to have an adverse impact on fish, wildlife and habitat. Score (20 points).

13.3.6.4. Proposed developments or associated improvements that are proposed on or adjacent to land identified by state or federal agencies as critical habitat are considered to have an adverse impact on fish, wildlife and habitat. Score (10 points).

13.3.7. Transportation System/Access Management. Access management includes the standards and procedures necessary to regulate and control access to and encroachments within the local transportation system.

All proposed developments must be designed so that they do not adversely impact the overall county transportation system or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.7.1. Proposed developments that are contiguous to or within the Area of City Impact and provide safe and adequate access to existing road networks are considered to have minimal impact on the overall transportation system except as otherwise provided in subsection (4) and (5) below. Score (0 points).

13.3.7.2. Proposed development or associated improvements that would require adoption or maintenance by the county are considered to have an adverse impact on the overall transportation system. Score (20 points).

13.3.7.3. Proposed developments or associated improvements that require new access to State Highways 93 or 28 are considered to have an adverse impact on the overall transportation system. Score (20 points).

13.3.7.4. Proposed developments or associated improvements that maintain private, unpaved road systems are considered to have an adverse impact on the overall transportation system. Score (10 points).

13.3.7.5. Proposed developments or associated improvements on ground that abuts public land that would prohibit or restrict current or existing access to public lands are considered to have an adverse impact on the overall transportation system. Score (25 points).

13.3.8. Cultural and Historic Preservation. Lemhi County’s cultural and historical heritage is reflected in architecture, sites of significant historic events, and the archaeological record of early peoples.

All proposed developments must be designed so that they do not adversely impact the cultural or historic resources or that such adverse impacts have been avoided or mitigated to the maximum extent possible.

13.3.8.1. Proposed developments that are located in an area without known or documented historical significance are considered to have minimal impact on cultural/historic preservation. Score (0 points).

13.3.8.2. Proposed developments or associated improvements that are on land with historical, cultural, archeological, or paleontological features are considered to have an adverse impact on cultural/historic preservation. Score (10 points).

13.4. Mitigation Conditions. The following mitigation conditions may be selected by the application to reduce any adverse impacts upon the development being proposed. Such conditions may also be required by the County as conditions of development in the approval process. More restrictive conditions may be imposed through the development review and conditional use process if site conditions or protection of natural resources so warrant.

Each section is divided into two areas – those mitigation conditions that are required and those that can be implemented to further reduce adverse impact of the development on the land.

13.4.1. Impacts on Agriculture. Open Space: An area of land set aside to protect and enhance historic agricultural lands. Open space preservation is based on the rural character of Lemhi County, and is designated to balance historic land (agriculture) with land development activities.

13.4.1.1. Requirements: Proposed developments shall mitigate adverse impacts on agriculture by meeting or exceeding the following conditions:

13.4.1.1.1. None

13.4.1.2. Options: Proposed developments may mitigate adverse impacts on agriculture by meeting or exceeding the following conditions:

13.4.1.2.1. Prime agricultural lands on adjacent properties may be protected by establishing a 50 foot open space buffer between any structures and adjacent prime agricultural lands. Score – (-10 points).

13.4.1.2.2. Prime agricultural lands located on the site shall be protected from adverse impacts if at least 60% of the entire property, not including any undeveloped portions of individual development lots, is maintained as open space. Score – (-20 points) if 30% open space – Score – (-10 points)

13.4.1.2.3. Open space shall consist primarily of lands designated as prime agricultural lands – Score (- 3 points).

13.4.1.2.4. Open space areas shall be clustered so that they abut neighboring open lands, wherever possible. Score (- 3 points.)

13.4.1.2.5. Open space is protected through a conservation easement. Score (-15 points).

13.4.1.2.6. Open space contains dedicated parkland, wildlife, river, and stream buffers, and up to 1/3 of open space areas may be used for community water and community wastewater systems (Hillsides with slopes greater than 30% must be subtracted from the total amount of required open space). Score (- 10 points).

13.4.1.2.7. Clustering development on non-prime agricultural land. Score (- 10 points)

13.4.1.2.8. Proposed developments provide own mitigation plan (must be approved by County) for adverse impacts to agriculture including specified design features and utilizing resource specific best management practices. Score – Up to (-30 points).

13.4.1.2.9. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-30 points)

13.4.2. Impacts on Agricultural Water User Facilities.

13.4.2.1. Requirements: Proposed developments shall mitigate adverse impacts on agriculture water user facilities by meeting or exceeding the following conditions:

13.4.2.1.1. None

13.4.2.2. Options: Proposed developments may mitigate adverse impacts on agriculture water user facilities by meeting or exceeding the following conditions:

13.4.2.2.1. Ditch easements may be established in locations of appropriate topographic characteristics and sufficient width, to allow the physical placement and unobstructed maintenance of open ditches or underground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right. Score (-10 points)

13.4.2.2.2. Where the average lot size is 1 acre or less, the developer may provide for disclosure that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable. Score (- 5 points).

13.4.2.2.3. If the water rights are removed or the process has been initiated to remove the water rights from the development through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. (If removal of water rights is not complete upon filing of the final plat, the developer shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions) Score (- 5 points).

13.4.2.2.4. The developer may, unless otherwise provided for under separate written agreement or filed easement, file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the development that are necessary to convey water through the subdivision to lands adjacent to or beyond the development boundaries in quantities and in a manner that are consistent with historic and legal rights. Score (- 10 points).

13.4.2.2.5. Proposed developments may mitigate for adverse impacts to agricultural water facilities through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score - Up to (-70 points).

13.4.2.2.6. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-70 points)

13.4.3. Mitigation of Impacts on the Natural Environment.

13.4.3.1. Ordinary High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

13.4.3.2. Riparian Areas: Lands adjacent to a watercourse or water body that are influenced by water, have the presence of riparian vegetation and have an important function in mitigating flood damage.

13.4.3.3. Streams: Those areas where surface water produces a defined channel or bed which demonstrate evidence of the passage of water. Dry washes, irrigation ditches, canals, surface water runoff devices or other entirely man-made water bodies/watercourses (unless specifically referred to herein) are not included. "Streams" are further defined as follows:

13.4.3.3.1. Class 1 Streams: Streams and/or reaches of streams with the potential to have extensive flooding, erosion and attendant hazards. Class 1 Streams include the Main Salmon, North Fork of the Salmon and Lemhi rivers.

13.4.3.3.2. Class 2 Streams: Streams and/or reaches of streams that flow year round during years of normal precipitation and have the potential for significant flooding and erosion. Class 2 Streams include Carmen Creek.

13.4.3.3.3. Class 3 Streams: Smaller perennial or intermittent streams and/or reaches of streams that are prone to periodic flooding and erosion. All spring fed creeks and their tributaries, which are not subject to erosive flooding. All irrigation channels and ditches that are currently in use and considered jurisdictional by the U.S. Army Corps of Engineers.

13.4.3.3.4. Irrigation and Drainage Canals and Ditches: Irrigation canals that receive water from natural streams and lakes, and divert water to streams and creeks, are connected as "tributaries" to those other waters and considered jurisdictional and under the authority of the U.S. Army Corps of Engineers (Walla Walla District, U.S. Army Corps of Engineers, 2008).

13.4.4.3. Requirements: Proposed developments shall mitigate adverse impacts on the natural environment by meeting or exceeding the following conditions:

13.4.4.3.1. Except as provided below, no disturbance of land shall be allowed in the stream setbacks including, but not limited to, dredging, filling, new construction, substantial improvements or modifications, installation of septic systems, scraping by motorized equipment, and removal of vegetation or root systems.

13.4.4.3.2. If the development application indicates potential wetlands, an approved wetland delineation and jurisdictional determination from the U.S. Army Corps of Engineers shall be required. Setback distances of thirty feet (30') shall be measured from the outside edge of the wetland boundary and no structure shall be allowed within the minimum setback area.

13.4.4.3.3. All jurisdictional waters of the US, as defined by the Clean Water Act, shall be identified on development proposals and plats. Any proposed work within the high water mark of jurisdictional waters will require evidence of

approval by the Idaho Department of Water Resources, the Army Corps of Engineers and the Idaho Department of Environmental Quality.

13.4.4.4. Options: Proposed developments may mitigate adverse impacts on the natural environment by meeting or exceeding the following conditions:

13.4.4.4.4. All structures and roads meet the applicable setback standard (i.e., distance from the ordinary high water mark of the water body and any structures) and vegetated buffer standard, in which existing native species may not be removed. Setback distances shall be measured from the ordinary high water mark of the water body and no structure shall be allowed within the minimum setback area:

13.4.4.4.4.1. Class 1 stream: Seventy five foot (75') setback.

13.4.4.4.4.2. Class 2 stream: Fifty foot (50') setback.

13.4.4.4.4.3. Class 3 stream: Thirty foot (30') setback.

13.4.4.4.4.4. More restrictive setbacks may be imposed through the development review and conditional use process if site conditions or protection of natural resources so warrant). Score (- 10 points).

13.4.4.4.5. Developments may consider natural drainage patterns for surface waters, including stormwater runoff. Minimum stormwater standards should consider:

13.4.4.4.5.1. Peak post-development stormwater flows.

13.4.4.4.5.2. Mitigation of the impacts of increased runoff due to development.

13.4.4.4.5.3. Maximization of infiltration and minimize runoff from developed properties.

13.4.4.4.5.4. Facilitation of groundwater recharge.

13.4.4.4.5.5. Protection of groundwater quality.

13.4.4.4.5.6. A plan for handling the stormwater runoff may be submitted. Score(- 5 points).

13.4.4.4.6. Developments located in areas of soils with building or site development limitations, or slopes greater than 30%, may provide engineering reports submitted by an Idaho licensed professional engineer showing mitigation measures for each limiting factor. Score (- 5 points).

13.4.4.4.7. Proposed developments may mitigate for adverse impacts the natural environment through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-40 points).

13.4.4.4.8. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-40 points)

13.4.5. Impacts on Ground Water Quality.

13.4.5.1. Requirements: Proposed developments shall mitigate adverse impacts on the ground water quality by meeting or exceeding the following conditions:

13.4.5.1.1. No residential structure or structure that is accessory to a residence shall be located within the external boundaries of a floodplain area, as determined by adopted floodplain studies, unless each lot has an adequate buildable site, septic drain field area, alternate drain field area and no reasonable building site is available outside of that floodplain boundary.

13.4.5.2. Options: Proposed developments may mitigate adverse impacts on ground water quality by meeting or exceeding the following conditions:

13.4.5.2.1. Proposed developments with soil limitations (nutrient and/or pathogen contamination, shallow soils, high permeability, shallow ground water or fractured bedrock) may provide an approved Nutrient Pathogen Evaluation as required by the Idaho Department of Environmental Quality (DEQ) demonstrating that the proposed on-site wastewater treatment system(s) will not degrade ground water or surface water quality beyond existing background levels. Score (- 20 points).

13.4.5.2.2. Proposed developments may mitigate for adverse impacts to ground water quality through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score -Up to (- 70 points).

13.4.5.3. Proposed developments may mitigate adverse impacts on 13.3.4.5.5 Impacts on Public Health and Safety (page 76).

13.4.5.3.1. Requirements: Proposed developments shall mitigate adverse impacts on the public health and safety quality by meeting or exceeding the following conditions:

13.4.5.3.1.1. Domestic water shall be available in sufficient quantity to meet foreseeable demands. Where insufficient data is available to verify water quantity, an on-site test well and a pump test in the area of the proposed use shall be required.

13.4.5.7. Options: public health and safety by meeting or exceeding the following conditions:

13.4.5.7.1. On proposed developments that are not located within 10 minutes of emergency services, for 90% of all emergencies that might take place, the developer discloses on the plat to potential buyers regarding these limitations. Score (- 5 points).

13.4.5.7.2. Any residence located within the WUI boundary, follows guidelines provided by wildland fire management agencies for defensible space and safe building practices. Score (- 10 points).

13.4.5.7.3. Proposed development provides substantial and credible evidence to support that the cumulative impact of all water supply systems will not harm any existing senior water rights. Score (- 20 points).

13.4.5.7.3.1. For developments that will be served by community water supply systems, the County may require that the developer receive all appropriate water rights prior to final plat approval.

13.4.5.7.3.2. For developments that will be served by single family wells that produce less than 35 gallons per minute, the developer must provide substantial and credible evidence that the cumulative impact of all the wells together, as a connected system, will not harm any existing senior water rights.

13.4.5.7.3.3. Developments that will be served by public water supply systems do not need to show any additional evidence other than DEQ approval before final plat approval.

13.4.5.7.4. Land with conditions that may be detrimental to the health, safety or general welfare of existing or future residents because of potential hazards such as landslides, mine tailings, subsidence, or other features with severe development limitations may not be developed for building or residential purposes unless the hazards or other features are eliminated by lawful permit or overcome by approved design and construction plans. Score (- 20 points).

13.4.5.7.5. Proposed developments may mitigate for adverse impacts to public health and safety through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (- 85 points).

13.4.5.7.6. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-85 points)

13.4.6. Impact on Fish, Wildlife and Habitat.

13.4.6.1. Requirements: Proposed developments shall mitigate adverse impacts on wildlife and wildlife habitat quality by meeting or exceeding the following conditions:

13.4.6.1.1. Development within the WUI increases the potential for habitat loss due to wildland fire. Trash and field burning shall be controlled at all times. Burn permits shall be obtained wherever appropriate. In timbered areas, hazardous fuel reduction projects shall be encouraged.

13.4.6.2. Options: Proposed developments may mitigate adverse impacts wildlife and wildlife habitat by meeting or exceeding the following conditions:

13.4.6.2.1. Critical wildlife habitat and corridors may be protected with the establishment of a 50 foot open space buffer or a buffer recommended by a wildlife or fish agency between any habitable structures and any critical wildlife habitat and corridors. Score (- 10 points).

13.4.6.2.2. Proposed developments located within established wildlife travel corridors mitigate for migration of wildlife. Score (- 5 points).

13.4.6.2.3. Submission of a plan that accommodates wildlife “friendly” fencing, clustering of homes, and minimizing road obstacles Score (- 5 points).

13.4.6.2.4. Loss of riparian habitat can lead to increased water temperatures, bank instability, increased winter icing, noxious weeds and increased soil erosion. Developer agrees, to the greatest extent possible, to leave riparian areas intact and allowed to function naturally. Score (- 10 points).

13.4.6.2.5. Proposed developments may further mitigate for adverse impacts to wildlife and wildlife habitat through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-45 points).

13.4.6.2.6. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-45 points)

13.4.7. Impacts on Transportation System/Access Management.

13.4.7.1. Requirements: Proposed developments shall mitigate adverse impacts on the local transportation system by meeting or exceeding the following conditions:

13.4.7.1.1. None

13.4.7.2. Options: Proposed developments shall mitigate adverse impacts on the local transportation system by meeting or exceeding the following conditions:

13.4.7.2.1. Developer submits a transportation plan that, whenever feasible, connects all streets and alleys to other streets within the neighborhood/development and connect to existing or projected through streets, as part of an interconnected street network, outside of the development. Score (-15 points).

13.4.7.2.2. If safe and adequate access cannot be provided or maintained within the traffic impact area, the developer proposes to either construct the necessary improvements to ensure safe and adequate access or provide payment in lieu to the applicable department to cover the costs of the constructing the improvements. Score (-15 points).

13.4.7.2.3. Proposed developments adjacent to public lands provides access through easement to existing and established public trails and road systems in coordination with the public land management agency. Score (-15 points).

13.4.7.2.4. Development proposals may include consideration for reducing dependence on motorized transportation. Pedestrian walkways, and trail systems should be implemented with consideration for connectivity to the overall non-motorized transportation system within Lemhi County. Score (-15 points).

13.4.7.2.5. Willingness of developer to establish access to public lands where no access currently exists with approval of affected agency. Score (-15 points).

13.4.7.2.6. Proposed developments may mitigate for adverse impacts to the local transportation system through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-75 points).

13.4.7.2.7. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-75 points)

13.4.8. Cultural and Historic Preservation.

13.4.8.1. Requirements: Proposed developments shall mitigate adverse impacts on cultural and historic sites by meeting or exceeding the following conditions:

13.4.8.1.1. No development will be allowed in areas of cultural and historic significance without consultation and clearance from the appropriate local, state and federal agencies.

13.4.8.2. Options:

13.4.8.2.1. Developments within known areas of cultural significance may mitigate for impacts to this resource by meeting with the local historic

committee and/or by conducting an approved cultural inventory and buffering any resources identified by this inventory. Score (- 10 points).

13.4.8.2.2. Proposed developments may mitigate for adverse impacts cultural and historic preservation through pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-10 points).

13.4.8.2.3. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-10 points)

13.5. Application Process.

13.5.1. A LESA application form, as designated by the County, shall accompany any special use application for development. The administrator, Commission or BOCC reserves the right to ask for or seek out additional information as needed. They also reserve the right to re-evaluate the scores and place a different score on the application if additional information warrants it

13.5.2. The administrator, Commission or Board may also request a DER as a condition of approval if suggested mitigations are not sufficient or pertinent environmental information is incomplete.

13.5.2. The administrator, Commission or Board may use the results of the LESA and DER to place mitigating conditions upon any special use permit.

13.6. Scoring Scale.

13.6.1. Final Score – The development application will be scored and development potential will be:

13.6.1.1. Scores from 0 to 35 – Best suited for development.

13.6.1.2. Scores from 35 – 60 – Moderately suited for development.

13.6.1.3. Scores from 60 -85 – Least suited for development.

13.6.1.4. Scores under 85 – Very limited development potential.

13.6.1.5. Note: If any single category receives a mitigated score above 30 the land will also be deemed as having very limited development potential.

13.7. Appeals.

13.7.2. Any decision on scoring of the administrator may be appealed to the Commission and any decision of the Commission may be appealed to the BOCC the using the procedure described here.

13.7.1.1. The appellant shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator.

13.7.1.2. The administrator shall place a hearing on the appeal on the agenda of the next regular Commission/BOCC meeting for which the notice requirements can be met. Notice requirements for an appeal shall be the same as for the permit application. The cost of providing the required notice shall be borne by the appellants.

13.7.1.3. The Commission/BOCC procedure for hearings shall be as follows: No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the developer or a representative is not present.

13.7.1.4. The Commission/BOCC shall determine whether the decision being appealed is in compliance with the comprehensive plan and this ordinance, and affirm, modify, or overturn that decision accordingly.

13.7.1.5. The administrator shall notify the appellant and interested parties of the decision within 10 days.

CHAPTER 14

CONFINED ANIMAL FEEDING OPERATIONS

14.1. CAFO's. CAFO's within the County are regulated under Idaho Statute Title 67 chapter 65

APPENDIX A - DETAILED PERFORMANCE STANDARDS FOR SIGNS

A-1.1 What This Chapter Does. This chapter requires a permit for the placement of signs not otherwise exempted by this ordinance and establishes regulations for the location, type, and size of signs permitted.

A-1.2 Permit Required. A building permit shall be required for the placement or installation of any sign not otherwise exempted by this ordinance. The location, type, and size of proposed signs shall be included in the materials required for special use permit applications. Note that “placement or installation” does include the temporary removal of an existing sign for repair.

A-1.3 Exceptions to Permit Requirement. The signs listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for: 1. residential nameplates; 2. temporary signs, including real estate, construction, and political signs, 3. window signs; or 4. traffic control signs or public notices placed by the city or other public agencies.

A-1.4 Prohibited Signs. All signs not expressly permitted by this ordinance shall be prohibited.

A-1.5 Placement of Signs. No sign shall be placed: 1. in or over a public right-of-way, except as provided in A-1.6.2 (page 90) on a rock outcrop, tree or utility pole; 3. on a vehicle or trailer that is parked in a visible location for the primary purpose of displaying the sign; or 4. where it creates a traffic safety hazard by obstructing vision at intersections or driveways or obscuring traffic control signs.

A-1.6 Signs and Public Rights-of-Way.

A-1.6.1. No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.

A-1.6.2. No sign shall extend over a public right-of-way, except that awnings and projecting signs may extend up to four feet over a public sidewalk, and suspended signs may be hung over a public sidewalk that is covered by an arcade or canopy. Any sign extending over a public sidewalk shall have a minimum clearance of eight (8) feet.

A-1.7 Permitted Signs: On-Site. The signs permitted in Lemhi County are:

A-1.7.1. traffic control signs and public notices placed by the county, state, or other public agencies;

A-1.7.2. one (1) nameplate of no more than six (6) square feet for each dwelling, and the home occupation signs permitted by 5.17 (page 26) for approved home occupations;

A-1.7.3. one entrance/directory sign, of no more than 32 (32) square feet, for each subdivision or manufactured/mobile home park;

A-1.7.4. one (1) temporary sign, of no more than eight (8) square feet, for each lot, parcel, or principal building, except that two (2) temporary signs may be permitted during temporary (i.e. lasting no more than three (3) days) sales events, including garage or yard sales conducted on residential premises, farm auctions, etc. OR during political campaigns; and

A-1.7.5. accessory to permitted retail and service commercial uses,

A-1.7.5.1. on-site directional and traffic control signs required to provide for safe access to the site and safe circulation in parking or loading areas;

A-1.7.5.2. window signs; and

A-1.7.5.3. any combination of the following signs, provided that their total area does not exceed ten (10) percent of the building's visible facade where the building has a single road frontage, or sixteen (16) percent of the visible facades where the building has multiple road frontages:

A-1.7.5.3.1. wall signs of no more than thirty-two (32) square feet each,

A-1.7.5.3.2. projecting signs with no more than twelve (12) square feet per side;

A-1.7.5.3.3. ground signs of no more than eight (8) feet in height and with no more than thirty-two (32) square feet per side;

A-1.7.5.3.4. pole signs of no more than twenty-five (25) feet in height and with no more than sixteen (16) square feet per side, or

A-1.7.5.3.5. a single sandwich sign with no more than twelve (12) square feet per side, provided that no sandwich sign shall be placed so as to interfere with emergency access to or from a building.

A-1.7.5.4. Awnings may also display the logo or name of the establishment or its owner or operator.

A-1.8 Off-Site Signs. Off-site signs along U.S. Highway 93 shall be permitted in compliance with the rules and regulations of the Idaho Department of Transportation, and those rules and regulations shall be adopted, by reference, and extended by the county to signs along state highways. No off-site signs shall be permitted in other locations.

A-1.9 Illumination of Signs. Illuminated signs shall be permitted, provided that the illumination is constant. No flashing or blinking signs shall be permitted. Spotlights or other fixtures used for the indirect illumination of a sign shall be placed in compliance with 6.13 (page 33) and shall not constitute a traffic hazard.

A-1.10 Area of Signs. The area of a sign shall be measured as the area of a geometric figure defined by and including the extreme limits of the copy or message on the sign. Contrasting frames or borders shall be measured as part of the copy.

A-1.11 Identification of Signs. All off-site signs shall bear a weatherproof label identifying their owner, including the owner's name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.

A-1.12 Maintenance of Signs. Signs and their supporting structures shall be maintained so as not to create a health or safety hazard. The 1997 Uniform Sign Code is hereby adopted, by reference, to provide standards for safe sign construction.

A-1.13 Abandoned Signs. All existing abandoned signs shall be removed within sixty (60) days of the adoption of this ordinance or within sixty (60) days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use ceases operation for more than one (1) year. Any sign that, due to lack of maintenance, is not structurally sound or no longer serves to inform and attract the public shall be considered abandoned and its removal required.

A-1.14 Definitions. A sign is any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. The following kinds of signs are defined for use in the administration of this ordinance.

A-1.14.1. Awnings. Fabric shelters supported by a rigid framework attached to a building.

A-1.14.2. Construction Signs. Identify a building under construction. They include no advertising or promotional copy, but may identify the building's planned use, owners or operators, designers, construction contractors, and financiers.

A-1.14.3. Directional Signs.

A-1.14.3.1. On-site directional signs are used to identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include the name of the establishment or a logo.

A-1.14.3.2. Off-site directional signs identify and provide directions to an off-highway use. They include no advertising or promotional copy, but may include the name of the establishment or a logo.

A-1.14.4. Home Occupation Signs. See 5.17 (page 26)

A-1.14.5. Ground Signs. Freestanding signs that do not exceed eight (8) feet in height above grade.

A-1.14.6. Logo. A logo is a simple graphic symbol used to identify an establishment.

A-1.14.7. Nameplates. Wall signs that identify the occupants and address of a residence.

A-1.14.8. Projecting Signs. Are attached to the wall of a building and project away from that wall. Projecting signs extend no more than six feet from the building wall, but shall be

limited to a projection of no more than four feet over a public sidewalk. Projecting signs do not extend above the roof line of the building to which they are attached.

A-1.14.9. Pole Signs. Freestanding signs that exceed eight (8) feet in height above grade.

A-1.14.10. Real Estate Signs. Wall or ground signs which indicate that the property on which they are placed is for sale, lease, or rent.

A-1.14.11. Sandwich Signs. Small freestanding signs placed on a sidewalk.

A-1.14.12. Suspended Signs. Are attached to the underside of an arcade or canopy and hang over a sidewalk with a vertical clearance of at least eight (8) feet.

A-1.14.13. Traffic Control Signs. Standard regulatory signs, including stop and yield signs, speed limit signs, etc.

A-1.14.14. Temporary Signs. Include, but are not limited to, construction, political, and real estate signs, and signs advertising temporary sales events.

A-1.14.15. Wall Signs. Are either painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which they are attached. Attached wall signs extend no more than one foot from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.

A-1.14.16. Window Signs. Appear within the frame of and are affixed directly to a window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

APPENDIX B - MODEL HEARING NOTICES

B-1.1 Purpose. This appendix provides models for the hearing notices required by this ordinance.

B-1.2 Notice for Subdivision Permit Application Hearing.

PUBLIC HEARING NOTICE - SUBDIVISION

John and Jane Doe of P.O. Box 22, Salmon, Id. 83467 propose to subdivide the E ½ of the SE ¼, SW ¼ of Section 8, T. ?? N., R ?? E.B.M. into 5 residential lots. The density of this development will be one dwelling unit for every 4 acres. The property is located on the east side of U.S. Highway 93, south of Elk Bend. The present land use is range.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

B-1.3 Notice for Special Use Permit Application Hearing.

PUBLIC HEARING NOTICE -SPECIAL USE PERMIT

The Wave Resort Corporation of P.O. Box 22, Salmon, Id. 82001 proposes to construct a fly shop and storage warehouse on Lot 9, Block 9 of the South Subdivision. The proposed development will be on a parcel of 1.4 acres and include 10,000 square feet of floor area. The present land use is vacant.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

B-1.4 Notice of Variance Hearing.

PUBLIC HEARING NOTICE - VARIANCE

Mr. and Mrs. J. Smith of P.O. Box 999, Salmon, Id. 83467 have applied for a variance of Section ????. of the Lemhi County Development Ordinance. This proposed variance would permit a 2 foot encroachment for the construction of an addition in the required front yard setback along Lynx Road. The property is located at 899 West Lynx, Lots 5 and 6, Block 1 of the Next Subdivision.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning

Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

APPENDIX C - FENCING STATUTE

C-1.1 Purpose. The purpose of this appendix is to present Idaho's statutory requirements for lawful fences for reference purposes.

C-1.2 I.C. 35-101. Lawful fences in general. A lawful fence, except as hereinafter provided, must be not less than four and one half (4 ½) feet high, and the bottom board, rail, pole or wire must not be more than twenty (20) inches above the ground, and the space between the top and bottom board, rail, pole or wire must be well divided.

C-1.3 I.C. 35-102. Lawful fences described. Lawful fences are described as follows:

C-1.3.1. If made of stone, four (4) feet high, two (2) feet base, and one (1) foot thick on top.

C-1.3.2. If it be a worm fence, the rails must be well laid and at least four (4) feet high.

C-1.3.3. If made of posts, with boards, rails or poles, the posts must be well set in the ground and not more than eight (8) feet apart, with not less than three (3) six-inch (6) boards, or rails, or poles not less than two and one half (2 ½) inches in diameter at the small end; if four (4) poles are used, they must not be less than two (2) inches in diameter at the small end. The top board, rail or pole must not be less than four (4) feet from the ground, the space well divided, and the boards, rails or poles securely fastened to the posts; if poles not less than three (3) inches in diameter at the small end are used, the posts may set twelve (12) feet apart.

C-1.3.4. If wire be used in the construction of fences, the posts must not be more than twenty-four (24) feet apart, set substantially in the ground, and three (3) substantial stays must be placed at equal distances between the posts, and all wires must be securely fastened to each post and stay with not less than three (3) barbed wires, or four (4) coiled spring wires of not less than number nine (9) gauge. The bottom wire shall not be more than twenty-one (21) inches from the ground, and the other wires a proper distance apart. The wires must be well stretched and the fence not less than forty-seven (47) inches high. If all woven wire fencing is used the top and bottom wire must not be less than number nine (9) gauge, or two (2) number thirteen (13) gauge wires twisted together, with intermediate bars not less than twelve (12) inches apart and of not less than number fourteen (14) gauge wire, and the stay wires not more than twelve (12) inches apart, and the top wire not less than forty-seven (47) from the ground. If woven wire less in height is used, it must be brought to the height of forty-seven (47) inches by additional barbed wires, or coiled spring wire of not less than number nine (9) gauge, and not more than twelve (12) inches between the wires: provided that if barbed wire only is used, and the posts are not more than sixteen (16) feet apart, no stays need be used. Provided further that the minimum forty-seven (47) inch fence height specified above may be reduced to forty-two (42) inches for right-of-way fences on the state highway system when mutually agreed by the Idaho director of department of transportation and the director of the Idaho fish and game department as necessary to accommodate big game animals at major migration crossings.

C-1.3.5. If made in whole or part of brush, ditch, pickets, hedge or any other materials, the fence, to be lawful, must be equal in strength and capacity to turn stock, to the fence above described.

C-1.3.6. All fences in good repair, of suitable material and of every description, and all creeks, brooks, rivers, sloughs, ponds, bluffs, hills or mountains that present a suitable obstruction to stock are deemed lawful fences.

**APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR
THE DESIGN AND CONSTRUCTION OF ROADS**

A. Purpose. The purpose of this appendix is to provide standards for the construction or reconstruction of roads. These standards are for roads in low density residential and light commercial areas. A facilities (see VI.D.D. on page 38) study will be required for any development that generates sufficient traffic to necessitate additional construction requirements.

B. Large Scale Development. Any requirement of this appendix may be altered as a result of a facilities study required by this ordinance.

C. Runoff and Erosion Control. Road construction is subject to the requirements of VI.D. (on page 31)

Division 1 - Road Design

D. Right-of-Way and Surface Width. Road right-of-way and surface widths shall be Fifty Feet (50') and surface width shall be twenty-four feet (24').

TABLE D.1 -- LOCAL ROAD STANDARDS

slope	units served	minimum right-of-way width	minimum surface width	maximum cul-de-sac length
0-8%	>16	50 feet	24 feet	660 feet
0-8%	<16	50 feet	24 feet	880 feet
8-15%	>16	50 feet	24 feet	660 feet
8-15%	<16	50 feet	24 feet	880 feet

> 15%	construction discouraged	50 feet	24 feet	660 feet
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Notes: "Slope" refers to the slope on which the road is proposed, not to the grade of the road itself. Where one-way circulation systems are used, the developer shall install "one-way" and "do not enter" signs in the appropriate locations at all intersections.

E. Right-of-Way Treatment. The entire required right-of-way should not be cleared. Grading should be confined to the minimum area necessary for construction of a properly drained road surface. Where a road passes through timber or brushy vegetation that creates a wildfire hazard, the entire right-of-way shall be treated as a fuel reduction area in which trees/brush are thinned to a density where crowns do not overlap or touch and ladder fuels are removed. Construction slash shall be removed from the right-of-way along with other fuels.

F. Surface Construction. Road surfaces shall be laid over a properly compacted sub-grade and consist of: a. a sub-base of a minimum four inches of coarse aggregate; and b. a base of a minimum three inches of crushed gravel, prime coat with a chip seal, twenty-four feet minimum. Road beds shall consist of an amount of good rocky fill materials to raise the road grade above the surrounding adjacent properties by no less than ten inches to allow for good drainage and maintenance. Road beds shall be a minimum of 28 feet.

G. Drainage. Road surfaces shall be crowned so as to slope away from the centerline at a grade of two percent. Shallow, parabolic drainage and snow storage areas shall be provided along all roads. These drainage ways shall be re-seeded after construction.

H. Maximum Grade. The maximum grade of any road shall be eight percent, except at intersections. See D.L.

I. Cul-De-Sac Turning Radius. The minimum cul-de-sac radius shall be 50 feet and shall be not more than Six Hundred and Sixty Feet (660') apart (meaning a turn around spot).

J. Dead-End Streets. Dead-end streets shall be prohibited, except where temporarily permitted by a subdivision phasing plan, or to provide for future connections between developments. A temporary cul-de-sac shall be provided wherever a temporary dead-end street serves five or more lots.

Division 2 - Intersection Design

K. Clear Vision Distance. Clear vision triangles shall be provided as follows:

1. at intersections: the clear vision triangle includes the area defined by extending a line between two points, one on each lot line paralleling the road, each of which is 30 feet from the lot corner at the intersection; and

2. at other points of access: the clear vision triangle includes the area defined by extending a line between two points, one on the lot line paralleling the road, and one on the outer edge of the driveway, each of which is 15 feet from the point where the driveway crosses the lot line.
3. No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above the grade of the adjoining roads shall be permitted within a clear vision triangle.
4. No parking shall be permitted in a clear vision triangle.
5. Trees shall be permitted in clear vision triangles, but only if all branches are removed to a height of at least seven feet above grade.

L. Grade at Intersection. The maximum grade at, and within 50 feet along both approaches to, any intersection shall be three percent.

M. Alignment of Intersection. All intersections shall be at a 90E angle, with both approaches running at 90 (∇5E) degrees for at least 50 feet before the intersection.

N. Minimum Centerline Offset of Intersections. The minimum centerline offset of intersections shall be 125 feet, except for intersections with arterials, where it shall be 200 feet.

O. Signs. The developer shall install stop signs at all intersections with arterial streets. The developer shall also install all other signs required for safe traffic and pedestrian movement in the subdivision, including street name signs.

Division 3 - Additional Standards

P. Culverts and Bridges. All culverts and bridges shall be designed by a professional engineer. Bridges and culverts are subject to the stream corridor and Floodplain requirements of this ordinance.

1. All bridges and culverts on natural watercourses shall be designed to pass a 100 year flood without damage to the bridge or its approaches, without diverting flood waters onto neighboring properties, and without increasing the level of the base flood downstream.
2. The developer may be required to install a bridge rather than a culvert on any natural watercourse where such action is required, on the advice of the Idaho Fish and Game Department, to protect the fishery.
3. Culverts not included in D.P.1. shall be designed to pass the runoff from the 10 year, 6 hour storm.
4. All culverts and bridges shall be designed to support a minimum gross vehicle load of 54,000 pounds.
5. There shall be a minimum 50 foot, 90E approach to all bridges.

6. A sufficient number of culverts will be required for efficient irrigation and drainage purposes.

APPENDIX E - DETAILED PERFORMANCE STANDARDS

FOR OFF-STREET PARKING AND LOADING

E-1.1 Purpose. These performance standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

E-1.2 Off-Street Parking Required. All buildings and uses shall provide the minimum number of off-street parking spaces required by Table E.1. Parking spaces shall have graded and drained gravel or paved surfaces.

E-1.3 Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table D.1 (on page 76) shall be determined by the administrator. Any person who disputes a decision of the administrator may request a review of that decision using the appeals procedure of 3.12 (on page 14).

E-1.4 Location of Off-Street Parking. Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two (2) or more uses may share a parking area where: a. the total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served, and b. a contract providing for shared parking for a period of ten (10) or more years is executed before approval of a permit and recorded before the issuance of certificate of compliance. Required off-street parking spaces shall be within six hundred (600) feet of a main entrance of the building or use being served, except for spaces serving a dwelling, which shall be within one hundred (100) feet of the dwelling unit served.

E-1.5 Passenger Loading Areas. Day care centers, pre-schools, public schools, and places for public assembly located on arterial roads shall provide at least one safe off-street passenger loading area. Such areas shall be located where there is adequate visibility for their safe use and shall: a. be divided from the street by a curbed barrier of at least four (4) feet in width; b. be at least sixty (60) feet in length and twelve (12) feet wide; c. accommodate one way traffic only; d. include a depressed curb section for handicapped access; and e. be marked by pedestrian crossing signs facing both traffic lanes.

E-1.6 Off-Street Loading Areas. All commercial and industrial buildings and uses shall provide one safe, properly signed off-street loading area for each ten thousand (10,000) square feet of gross floor area. Off-street loading areas shall be on the same lot and under the same ownership as the building or use they serve, shall be designed to accommodate the largest vehicle that may reasonably be anticipated for use on the site, and have the following minimum dimensions: a. vertical clearance: fourteen (14) feet; b. width: twelve (12) feet; and c. depth (length): thirty-five (35) feet. No vehicle parked in a required off-street loading space shall extend into a public right-of-way.

E-1.7 Access to Off-Street Parking and Loading Areas. Graded and drained gravel or paved access driveways shall be provided for safe access to all off-street parking and loading areas.

E-1.7.1. No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public street.

E-1.7.2. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads. Continuous curb cuts are not permitted.

E-1.7.3. No access driveway to a local road shall be within twenty (20) feet of any intersection or alley or ten (10) feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

E-1.7.4. No access driveway to an arterial road shall be within 40 feet of its intersection with any local street, or sixty (60) feet of its intersection with another arterial.

E-1.7.5. Clear vision triangles shall be provided for all access driveways.

E-1.7.6. Access driveways for single family dwellings shall be a minimum of ten (10) feet wide, with a curb radius of five (5) feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

E-1.7.7. Where required for drainage, access driveways shall be constructed over a minimum twelve (12) inch culvert capable of supporting a load of forty thousand (40,000) pounds.

E-1.8 Circulation Within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

E-1.8.1. Minimum aisle widths shall be: i. for two-way circulation and/or ninety (90) degree parking: twenty-four (24) feet; ii. for one-way circulation and sixty (60) degree angle parking: eighteen (18) feet; iii. for one-way circulation and forty-five (45) degree angle parking: fifteen (15) feet; and iv. for one-way circulation and thirty (30) degree angle parking: thirteen (13) feet.

E-1.8.2. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

E-1.8.3. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

E-1.9 Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.

E-1.10 Handicapped Access. All off-street parking areas shall provide handicapped parking, as required by state and federal law.

TABLE E.1 MINIMUM OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL, RETAIL, AND SERVICE USES

<i>LAND USE</i>	<i>PARKING SPACES</i>	<i>LAND USE</i>	<i>PARKING SPACES PER 1000 FEET OF GROSS FLOOR AREA</i>
dwelling (SLUC 11,14)	2 per unit	retail automotive, marine (SLUC 55)	5
lodging places (SLUC 15)	1 per unit plus 1	eating and drinking places (SLUC 58)	15
theaters and similar places of assembly (including SLUC 72)	.33 per seat	financial, real estate, and insurance services (SLUC 61)	3
elementary and junior high schools	1 per classroom plus 1, (auditoriums used for public events are places of assembly)	beauty and barber services (SLUC 623)	6
hospitals, rest homes, and similar uses (SLUC 6513, 6516)	2 per bed	other personal services, misc. services (SLUC 62, 69)	3
<i>LAND USE</i>	<i>PARKING SPACES PER 1000 FEET OF GROSS FLOOR AREA</i>	health services, except hospitals (SLUC 65)	5
building materials, farm equipment, and furniture (SLUC 5211-5240, 5252, 57)	1	professional services (SLUC 65)	3
hardware, apparel, and misc. retail uses (SLUC 5251, 56, 59)	3	shopping centers	4
general merchandise, groceries, bakeries (SLUC 53,54)	4	mixed office uses	3

Notes: Other uses (transportation, communications, and utilities; wholesale: and industrial) shall provide one parking space for each anticipated employee plus one (1) and one (1) parking space for each anticipated company vehicle, plus one (1). Where a place of assembly does not have fixed seating, one (1) space shall be provided for each twenty-five (25) square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR BUFFERING

F-1.1 Purpose. Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the county. The purpose of this appendix is to assure that the landscaped buffers required by these regulations effectively accomplish those goals.

F-1.2 Minimum Buffer Requirements. The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer. Table F.1. shows the width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four (4) major trees per on hundred (100) lineal feet of buffer. That table also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.

F-1.3 Height Adjustment. The basic buffer width shall be increased by the height adjustment factor, where one is established. The height adjustment factor is a ratio expressing the number of feet that must be added to the basic buffer width for each foot in height over twenty-five (25) feet of the building being buffered.

F-1.4 Buffer Width Reduction. Berms. The basic buffer width requirements of may be reduced where a berm is included in the buffer. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be ten (10) feet. No berm shall have a slope of more than 3:1, except where a retaining wall is incorporated into the berm on the side opposite the use or public way being buffered.

F-1.5 Buffer Width Reduction. Additional Plantings. The basic width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted this section are cumulative and may result in a total reduction of up to thirty (30) percent. The buffer width reductions permitted by F-1.3 (page 105) are also cumulative with those permitted here.

F-1.5.1. Major Trees. The required buffer width shall be reduced by ten (10) percent where five or more major trees per hundred lineal feet are planted or retained.

F-1.5.2. Under Story Trees. The required buffer width shall be reduced by ten (10) percent where five (5) or more Under Story trees per hundred (100) lineal feet are planted or retained.

F-1.5.3. Shrubs. The required buffer width shall be reduced by ten (10) percent where twenty (20) or more shrubs per hundred (100) lineal feet are planted or retained.

F-1.6 Minimum Buffer Width. No required buffer shall be less than half the basic buffer width or less than ten (10) feet in width, regardless of any reductions permitted by F-1.7 & F-1.8 (pages 106)

F-1.7 Buffer Crossings/Inclusions. Buffers may be crossed by access driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may run along the length of a buffer, with its width, up to a maximum five (5) feet, being included in the required buffer width. Buffers may also include permitted signs.

F-1.8 Plant Materials Specifications. Plant materials installed in required buffers shall be warranted for one (1) year. Plant materials shall meet the following specifications: a. all trees, major and Under Story, shall be containerized or bagged and burlapped stock in good condition with a caliper of at least 1.5 inch (measured one (1) foot above grade) for deciduous trees and a height of at least six (6) feet for coniferous trees; and b. all shrubs shall be minimum one (1) gallon containerized stock in good condition.

F-1.9 Maintenance. Perpetual maintenance of required buffers is required by 11.12 (page 60)

TABLE F.1. — BUFFERING AND SCREENING REQUIREMENTS

Uses Providing Buffering	Use	Basic Buffer Width (feet)	Height Adjustment
Industrial, AZD	All Public Roads	20	None
	Industrial, AZD	12	

APPENDIX G - PLATTING STANDARDS

G-1.1 Purpose. This appendix establishes technical standards for the form and content of subdivision plats. The requirements it imposes are in addition to the requirements of state law.

DIVISION 1 - PRELIMINARY PLATS

G-1.2 Preliminary Plat Part of Application. A preliminary plat is one part of the application for permit to subdivide (see 3.7 on page 10) and shall be accompanied by the official application form and all other materials required for a complete application.

G-1.3 Preliminary Plats to Be Comprehensive. Preliminary plats shall cover the entire area to be developed by one owner or a group of related or associated owners, even when it is anticipated that development will be phased or occur in the form of multiple subdivisions over several years. An application for a subdivision permit may be rejected solely because it covers insufficient area.

G-1.4 Contents of Preliminary Plats. Preliminary plats shall provide all information necessary to function as a “site plan”, as defined by this ordinance, including:

G-1.4.1. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

G-1.4.2. the name, address, and registration number of the engineer or land surveyor who prepared the preliminary plat;

G-1.4.3. a north point, both graphic and written scales, and a legend explaining all symbols and abbreviations used;

G-1.4.4. a vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision, the boundaries of and recorded names or numbers of all adjacent or nearby subdivisions and certificates of survey, and the county tax number of all adjoining parcels;

G-1.4.5. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

G-1.4.6. the location and size of all existing utility lines in or adjacent to the proposed subdivision;

G-1.4.7. the exterior boundaries of the proposed subdivision;

G-1.4.8. the location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;

G-1.4.9. the acreage of each proposed lot, and a table showing the total acreage of the area proposed for subdivision, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;

G-1.4.10. the names of all proposed streets and widths and boundaries of all proposed street rights-of-way and utility easements;

G-1.4.11. the location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed subdivision;

G-1.4.12. the location of any Floodplain and floodway boundaries, as established by the Federal Emergency Management Agency, and any stream corridor setback lines established by this ordinance;

G-1.4.13. elevation contours, at an interval of twenty (20) feet; and

G-1.4.14. any other information required to demonstrate compliance with this ordinance.

G-1.5 Scale and Dimensions. Preliminary plats shall be prepared at a legible scale. All dimensions shown shall be in feet and decimals. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the required vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

G-1.6 Aerial Photograph. All preliminary plats shall be based on or accompanied by an aerial photograph of the site. Aerial photographs need not be flown specifically for the project, and may be obtained from the U.S. Department of Agriculture or similar sources. The scale of the aerial photograph shall be one (1) inch equals six hundred-sixty (660) feet or smaller.

DIVISION 2 - FINAL PLATS

G-1.7 Contents of Final Plats. All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

G-1.7.1. a title block showing the name of the subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

G-1.7.2. the name, address, and registration number or seal of the engineer or land surveyor who prepared the plat and that person's certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;

G-1.7.3. a north point, both graphic and written scales, and a legend explaining all symbols and abbreviations used;

G-1.7.4. a vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision, the boundaries of and recorded names or numbers of all adjacent or nearby subdivisions and certificates of survey, and the county tax number of all adjoining parcels;

G-1.7.5. the basis of bearings and point of beginning for the subdivision survey, which shall be tied to two monumented section or quarter section corners;

G-1.7.6. the location and a description of all existing monuments found during the course of the survey;

G-1.7.7. the location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;

G-1.7.8. the exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;

G-1.7.9. the location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;

G-1.7.10. the location and a description of all monuments established during the course of the survey;

G-1.7.11. any stream corridor setback lines established by this ordinance and, where required by 9.5.5 (page 48), the location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency;

G-1.7.12. the acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;

G-1.7.13. the names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

G-1.7.14. a signed and dated owner's certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;

G-1.7.15. a public notary's acknowledgment of the owner's certificate;

G-1.7.16. a signed and dated certificate of consent in which all mortgagors, lien holders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

G-1.7.17. a public notary's acknowledgment of the certificate of consent;

G-1.7.18. certificates for plat approval by the commission and board;

G-1.7.19. a statement of "sanitary restriction", as required by I.C. 50-1326;

G-1.7.20. a certificate for use by the county recorder in recording the plat after its approval (as shown below); and

G-1.7.21. any other information required for compliance with this ordinance.

G-1.8 Scale and Dimensions. Final plats shall be prepared at a legible scale. All dimensions shown shall be in feet and decimals. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines, and a sheet index map, which may be combined with the required vicinity map. All required certificates and the vicinity and index maps shall appear on the first of the serially numbered sheets.

G-1.9 Curve Data. Required curve data include the radius, delta (Δ), tangent, chord, length, and chord bearing.

G-1.10 Copy. The developer shall also provide the county with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

Recorder's Certificate.

Time: _____ Date: _____ Month: _____, 199_

Book: _____ Page: _____ Instrument No. _____

Recorder: _____

By: _____

APPENDIX H - IRRIGATION STATUTE

H-1.1 Purpose. The purpose of this appendix is to provide ordinance users with a copy of a section of the Idaho Code for reference purposes.

H-1.2 I.C. 31-3805. Delivery of water. (1) When either a subdivision within the meaning of Chapter 13, Title 50, Idaho Code, or a subdivision subject to a more restrictive county or city zoning ordinance is proposed within the state of Idaho, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called "irrigation entity" for the purposes of this section, no subdivision plat will be accepted, approved, and recorded unless:

H-1.2.1. The water rights appurtenant and the assessment obligation of the lands in said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation district by the owner thereof; or by the person, firm, or corporation filing the subdivision plat; or

H-1.2.2. The owner or person, firm or corporation filing the subdivision plat has provided for underground tile or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

H-1.2.2.1. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority and the city council with the advice of the irrigation entity charged with the delivery of water to said lands.

H-1.2.2.2. For proposed subdivisions located outside incorporated cities but within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

H-1.2.2.3. For proposed subdivisions located in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

H-1.2.2.4. For proposed subdivisions located in counties without a zoning ordinance, such irrigation system must be approved by the irrigation entity charged with the delivery of water to said lands.

H-1.3 In the event that the provisions of either subsections H-1.2.2.1 & H-1.2.2.2 (page 111) of have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be

affected. However, any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

H-1.3.1. that water deliveries have not been provided; and

H-1.3.2. that the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and

H-1.3.3. that the individual purchaser shall be responsible to pay such legal assessments; and

H-1.3.4. that the assessments are a lien on the land within the irrigation entity; and

H-1.3.5. that the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

H-1.4 A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subsection of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

H-1.5 I.C. 31-3806. Civil Action to enforce. (1) If the owner of the property, or the person, firm or corporation filing the subdivision plat fails to comply with either subsection (1)(a) or (1)(b) of Section 31-3805, Idaho Code, prior to sale of lots in the subdivision to purchasers, the owner of the property, or the person, firm or corporation filing the subdivision plat shall be liable to any purchaser for the costs of the lot's exclusion plus all assessments due and owing of the actual cost of installation of an irrigation delivery system not to exceed one thousand five hundred dollars (\$1,500) per lot. The purchaser shall have a right to enforce this obligation in a civil action and the purchaser shall have the right elect exclusion or installation of the system in such action.

H-1.5.1. Any person, firm or corporation who shall omit, neglect, or refuse to provide the purchaser or the irrigation district within whose boundaries the land is located, a copy of the disclosure statement required by subsections (2)(a) and (2)(b) of section 31-3805, Idaho Code:

H-1.5.1.1. Shall be liable to the purchaser as provided in subsection (1) of this section.

H-1.5.1.2. Shall be liable to the irrigation district for its reasonable expense, including employee time, of locating the purchaser and providing the information required in the form and for advising affected purchasers of the lack of a water delivery system and for any assessments on the property that are past due at the time of discovery of the violation. The irrigation district affected shall have a right to claim such expenses in a civil action.

H-1.5.2. In any civil action filed under subsection (1) or (2) of this section, the prevailing party shall be awarded its reasonable costs and attorney's fees and the purchaser and

irrigation district shall have two (2) years from the date of discovery of the violation to initiate any action.

APPENDIX I – LIGHTING STANDARDS

I-1.1 Purposes. The general purpose of this Chapter is to protect and promote the public health, safety and welfare, the quality of life, by establishing regulations and a process of review for exterior lighting. This Chapter establishes standards for exterior lighting in order to accomplish the following:

- I-1.1.1.** To protect against direct glare of excessive lighting;
- I-1.1.2.** To provide safe roadways for motorists, cyclists and pedestrians;
- I-1.1.3.** To prevent light trespass in all areas of the County;
- I-1.1.4.** To promote efficient and cost effective lighting;
- I-1.1.5.** To ensure that sufficient lighting can be provided where needed to promote safety and security;
- I-1.1.6.** To allow for flexibility in the style of lighting fixtures;
- I-1.1.7.** To provide lighting guidelines;

I-1.2 Scope. All exterior lighting installed after the effective date of the ordinance codified in this Code in any and all zoning districts in the County shall be in conformance with the requirements established by this Title and any other applicable ordinances. All existing lighting installed prior to the effective date of this Chapter shall not be required to change until such time the entire lighting unit is being replaced.

I-1.3 Definitions. Unless specifically defined below, words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

I-1.3.1. Area light - Area light includes, but is not limited to, street lights, parking lot lights and yard lights.

I-1.3.2. Eighty-five (85) degree full cut-off type fixtures means fixtures that do not allow light to escape above an eighty-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.

I-1.3.3. Existing lighting means any and all lighting installed prior to the effective date of the ordinance codified in the code.

I-1.3.4. Exterior lighting means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Code.

I-1.3.5. Flood light means light that and is designed to flood a well-defined area with light.

I-1.3.6. Full cut-off fixtures means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

I-1.3.7. Glare means intense light that result in discomfort and/or a reduction of visual performance and visibility.

I-1.3.8. Holiday lighting means festoon type lights, limited to small individual bulbs on a string.

I-1.3.9. Light means the form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a lamp, as defined above.

I-1.3.10. Light pollution means any adverse effect of manmade light including, but no limited to, light trespass, up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

I-1.3.11. Light trespass means light falling where it is not wanted or needed, generally caused by a light on a property of others.

I-1.3.12. Luminarie means the complete lighting unit, including the lamp, the fixture, and other parts.

I-1.3.13. Recessed means that a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

I-1.3.14. Shielded means that the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

I-1.3.15. Temporary lighting means lighting that is intended to be used for a special event for seven days or less.

I-1.4 Criteria.

I-1.4.1. All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

I-1.4.2. Flood lights with external shielding may be angled provided that no light escapes above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and on if the light does not cause glare or light to shine on adjacent property or public rights-of-way. Flood lights with directional shielding are

encouraged. Photocells with timers that allow a flood light to go on at dusk and off by eleven (11) p.m. are encouraged.

I-1.4.3. Holiday lights.

I-1.4.4. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.

I-1.4.5. Vehicular lights and all temporary emergency lighting needed by emergency services shall be exempt from the requirements of this Chapter.

I-1.4.6. Flag Poles. Upward flagpole lighting.

I-1.5 Area Lights. All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures.

I-1.5.1. Luminaire Mounting Height. Freestanding luminaires shall be no higher than twenty-five (25) feet above the stand/pole base, except that luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Code are met and the light is used only while the field is in use, and except that street lights used on major roads may exceed this standard if necessary as determined by the county, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

I-1.5.1.1. Up lighting. Up lighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Code.

I-1.5.1.2. Canopy Lights. All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

I-1.5.1.3. Landscape Lighting. Lighting of vegetation is discouraged and shall be in conformance with this Code. Up lighting is prohibited.

I-1.5.1.4. Towers. All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

I-1.5.1.5. Temporary Lighting. Temporary lighting that conforms to the requirements of this Code shall be allowed. Non-conforming temporary exterior lighting may be permitted by the administrator only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety

problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-conforming lighting. The applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the administrator.

I-1.6 Violations and Legal Actions. If after investigation, the administrator finds that any provision of this Code is being violated, the administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of mailing the notice. If the violation is not abated within the thirty (30) day period, the administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Code and to collect the penalties for such violations.

APPENDIX J – UNLICENSED VEHICLES CHART

J-1.1 Purpose. To regulate vehicles stored outside of enclosures in the county.

Number of Unlicensed Vehicles*	Number of Acres
1-2	1 acre or less
3-4	1 to 5 acres
5-6	5-10 acres
Over 6	Not allowed

* Includes any unlicensed vehicles that are not covered under a Special Use Permit.

Vehicles and/or equipment stored on agricultural land are exempt from this definition unless it is being dismantled, stored or wrecked for sale or profit.

APPENDIX K - AREA OF CITY AND COUNTY IMPACT

K-1.1 Purpose. These performance standards are designed to control the development within the area of City impact. These rules shall be controlled by a joint city and county planning and zoning commission. The Planning and Zoning board shall be comprised of three (3) members from the City Planning and Zoning Commission and three (3) members from the County Planning and Zoning Commission. They shall elect offices such as Chairman, Vice Chairman, and Secretary to a one (1) year term. One member shall be acquired from the jurisdiction the chairman is from, to make the board a total of seven (7) members. Meetings will be held on an as need be basis on the fourth Wednesday of the month, at 7:00 p.m. Within the area of City impact both the Salmon Development Code and the Lemhi County Development Code shall apply. If a conflict occurs, the more restrictive code applies.

TABLE APX. K.1 -- AGRICULTURAL -- (A)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	public outdoor recreation facilities
agriculture	
home occupations	
expansion or replacement of existing dwellings	
accessory uses and buildings for existing dwellings	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	No new development will be permitted without a zoning change. Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	<p align="center">Basic Lots - 1 Acre</p> <p align="center">Areas With Central Water Or Sewer - ½ Acre</p> <p align="center">Areas With Central Water & Sewer -¼ Acre</p> <p align="center">Groundwater Vulnerability Areas - 2 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre</p>
maximum density of higher density residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	100 feet
minimum front yard setback	25 feet
minimum rear yard setback	5 feet for each 10 feet of building height, 5 feet minimum
minimum side yard setback	
maximum building height	35 feet
maximum lot coverage	35%
Buffering	<p align="center">All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G</p> <p align="center">Buffering shall be between Development and Public Way</p>

Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way
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TABLE APX. K.2 -- RESIDENTIAL --(R)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings at least 18 feet in width	higher density residential uses, up to four units on larger parcels
home occupations	churches and public facilities, including elementary schools
accessory uses and buildings, including one accessory apartment for each single family dwelling	public outdoor recreation facilities
keeping of livestock	single family dwellings of less than 18 feet in width
minor utility installations	
two family dwellings	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.

<p>minimum lot size</p>	<p>Basic Lots - 1 Acre</p> <p>Areas With Central Water Or Sewer - ½ Acre</p> <p>Areas With Central Water & Sewer -¼ Acre</p> <p>Groundwater Vulnerability Areas - 2 ½ Acre</p> <p>Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre</p> <p>Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre</p>
<p>maximum density of higher density residential uses</p>	<p>1 Dwelling Unit Per Lot</p>
<p>minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)</p>	<p>100 feet</p>
<p>minimum front yard setback</p>	<p>25 feet</p>
<p>minimum rear yard setback minimum side yard setback</p>	<p>5 feet for each 10 feet of building height, 5 feet minimum</p>
<p>maximum building height</p>	<p>35 feet</p>
<p>Landscaping & Buffering</p>	<p>5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way</p>
<p>maximum lot coverage</p>	<p>35%</p>
<p>Buffering</p>	<p>All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G</p> <p>Buffering shall be between Development and Public Way</p>

Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way
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TABLE APX. K.3 -- FLOODPLAIN / OPEN SPACE -- (F/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
home occupations	churches and public facilities, including schools
duplexes	public recreation facilities
accessory uses and buildings, including one accessory apartment for each single family dwelling	retail and service commercial uses
minor utility installations	minor changes of occupancy in existing uses
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	<p align="center">Basic Lots - 1 Acre</p> <p align="center">Areas With Central Water Or Sewer - ½ Acre</p> <p align="center">Areas With Central Water & Sewer -¼ Acre</p> <p align="center">Groundwater Vulnerability Areas - 2 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre</p>
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line	100 feet
minimum front yard setback	25 feet
minimum rear yard setback	5 feet for each 10 feet of building height, 5 feet minimum
minimum side yard setback	
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	35%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.4 -- INDUSTRIAL / OPEN SPACE -- (I/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
any commercial or industrial use	churches and public facilities, including schools
accessory uses and buildings	public recreation facilities
minor utility installations	
minor changes of occupancy in existing uses	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	<p align="center">Basic Lots - 1 Acre</p> <p align="center">Areas With Central Water Or Sewer - ½ Acre</p> <p align="center">Areas With Central Water & Sewer -¼ Acre</p> <p align="center">Groundwater Vulnerability Areas - 2 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre</p>
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	25 feet
minimum setback along boundary of TO zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.5 -- HIGHWAY COMMERCIAL (HC)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	new industrial uses
all commercial uses	churches and schools
minor changes of occupancy in existing industrial uses	public recreation facilities
accessory uses or buildings, including one residence on each commercial lot or parcel	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	The special uses are subject to these standards only where the special use performance standards are not more restrictive. These standards apply primarily to the permitted expansion of existing commercial uses.
minimum lot size	<p align="center">Basic Lots - 1 Acre</p> <p align="center">Areas With Central Water Or Sewer - ½ Acre</p> <p align="center">Areas With Central Water & Sewer -¼ Acre</p> <p align="center">Groundwater Vulnerability Areas - 2 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre</p> <p align="center">Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre</p>
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	20 feet without a front parking lot 50 feet with a front parking lot
minimum setback along boundary of HC zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way

Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way
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APPENDIX L

THE CATEGORIES AND CODE NUMBERS

A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES

1 Residential	11 Household Units 12 Group Quarters 13 Residential Hotels 14 Mobile Home Parks or Courts 15 Transient Lodgings 19 Other residential, NEC 1	5 Trade	51 Wholesale trade 52 Retail trade-building materials, hardware, and farm equipment 53 Retail trade-general merchandise 54 Retail trade-food 55 Retail trade-automotive, marine craft, aircraft, and accessories 56 Retail trade-apparel and accessories 57 Retail trade-furniture, home furnishings, and equipment 58 Retail trade-eating and drinking 59 Other retail trade, NEC ¹
2 Manufacturing	21 Food and kindred products-manufacturing 22 Textile mill products-manufacturing 23 Apparel and other finished products made from fabrics, leather, and similar materials-manufacturing 24 Lumber and wood products (except furniture)-manufacturing 25 Furniture and fixtures-manufacturing	6 Services	61 Finance, insurance, and real estate services 62 Personal services 63 Business services 64 Repair services 65 Professional services 66 Contract construction services 67 Government services 68 Educational services 69 Miscellaneous services
3 Manufacturing	26 Paper and allied products-manufacturing 27 Printing, publishing, and allied industries 28 Chemicals and allied products-manufacturing 29 Petroleum refining and related industries	7 Cultural, entertainment, and recreational	71 Cultural activities and nature exhibitions 72 Public assembly 73 Amusements 74 Recreational activities 75 Resorts and group camps 76 Parks 79 Other cultural, entertainment, recreational, NEC
3 Manufacturing (continued)	31 Rubber and miscellaneous plastic products-manufacturing 32 Stone, clay, and glass products-manufacturing 33 Primary metal industries 34 Fabricated metal products-manufacturing 35 Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks-manufacturing 39 Miscellaneous manufacturing, NEC	8 Resource production and extraction	81 Agriculture 82 Agricultural related activities 83 Forestry activities and related services 84 Fishing activities and related services 85 Mining activities and related services 89 Other resource production and extraction, NEC
4 Transportation, communication, and utilities	41 Railroad, rapid rail transit, and street railway transportation 42 Motor vehicle transportation 43 Aircraft transportation 44 Marine craft transportation 45 Highway and street right-of-way 46 Automobile parking 47 Communication 48 Utilities 49 Other transportation, communication, and utilities, NEC	9 Undeveloped land and water areas	91 Undeveloped and unused land area (excluding noncommercial forest development) 92 Noncommercial forest development 93 Water areas 94 Vacant floor area 95 Under construction 99 Other undeveloped land and water areas, NEC

¹NEC - Not elsewhere coded