

# **LEMHI COUNTY DEVELOPMENT CODE**

**Adopted**

**June 12, 2017**

**Ordinance Number 2017-1**

**Repealing Ordinance No. 2012-1 and subsequent  
amendments in its entirety.**

**Amended January 14, 2019 Ordinance #2019-1**

**Amended March 23, 2020 Ordinance#2020-2**

**Amended April 26, 2021 Ordinance# 2021-2**

**Amended August 8, 2022 Ordinance# 2022-2**

## **County Commissioners**

**Leah Madsen, Rick Snyder & Brett Barsalou**

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## CHAPTER 1- PURPOSE & AUTHORITY

**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.

**1.1. 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.

**1.2. Authority.** This ordinance is enacted pursuant to authority granted by Chapter 65, Title 67, Idaho Code (Local Land Use Planning Act) as currently comprised or as subsequently amended.

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 Conflicting Ordinances Repealed.** All prior ordinances are repealed to the full extent of their inconsistency with this ordinance.

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

**1.4.1.** Vested rights to proceed with development initiated prior to the adoption of this ordinance shall be established only by:

**1.4.1.1.** having obtained a building permit in full compliance with the provisions of previous ordinances (such vested rights expire with the permit); or

**1.4.1.2.** 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.

**1.4.2.** Vested rights to proceed with development under the provisions of this ordinance shall be established only by:

**1.4.2.1.** recording a final plat in full compliance with the provisions of this ordinance;

**1.4.2.2.** executing a development agreement in full compliance with this ordinance, or

**1.4.2.3.** obtaining a building permit in full compliance with the provisions of this ordinance. Such vested rights expire with the permit. See 3.7.8 for the duration of permit approvals.

**1.4.3.** Existing uses may expand, but only in full compliance of this ordinance and 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 as required within this ordinance.

**1.5. Nonconforming.** Nonconforming is often said to be “grand fathered”.

**1.5.1. Nonconforming Buildings.** Nonconforming buildings are any building that does not comply with current codes and standards concerning placement, setbacks and lot coverage etc.

**1.5.2. Nonconforming Uses.** A nonconforming use is any use 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 and buildings may continue subject to the rules established here and I.C. 67-6538 as amended. The purpose of these rules is to eliminate conflicts with nonconforming uses.

**1.5.2.1.** Any nonconforming use abandoned for more than one (1) year may be terminated. Any non-conforming use abandoned for ten (10) years is terminated.

**1.5.2.2.** 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.

**1.5.2.3.** 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.

**1.5.2.4.** 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.

**1.5.2.5.** 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.

**1.5.2.6.** 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.

**1.5.3.** 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.

**1.5.4.** 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.

**1.5.5.** 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.

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

**1.6. 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”.

**1.7. 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?*

- 1.8. 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.
- 1.9. 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.
- 1.10. Burden of Proof.** The burden of demonstrating compliance with this ordinance rests with the developer.
- 1.11. 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.
- 1.12. 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 & ZONING COMMISSION/ADMINISTRATION

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

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

**2.1.1.** The Commission shall consist of not less than three nor more than twelve members all appointed by the BOCC.

**2.1.2.** The term of office for members shall not be less than three years, nor more than six years, and the length of term shall be prescribed by ordinance. No person shall serve more than two full consecutive terms without specific concurrence by two-thirds of the governing board adopted by motion and recorded in the minutes.

**2.1.3.** 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.

**2.2. Planning and Zoning Commission Jurisdiction and Authority.** The Lemhi County Planning and Zoning Commission as established by this ordinance shall be responsible for performing duties set forth in the Local Land Use Planning Act and for fulfilling the duties of the Commission as set forth in this ordinance. In addition to those activities where the Local Land Use Planning Act or this ordinance has assigned responsibility to make recommendations to the Governing Board, the Planning and Zoning shall have decision-making authority, subject to appeal to the Governing Board, concerning the following matters;

**2.2.1.** Special Use Permits

**2.2.2.** Variances

**2.2.3.** Appeals from decisions by the Administrator solely concerning associated conditions, approval or denial of permits authorized or required by this ordinance.

**2.2.4.** Applications expressly requiring Commission approval by this or other ordinances.

**2.3. Duties of Commission.** The Commission shall, as required by I.C. 67-6508 as amended, “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. The Commission shall carry out the following duties concerning matters of planning and community development.

**2.3.1.** Initiate or review proposed amendments to this ordinance and conduct periodic reviews of all land use and development ordinances.

**2.3.2.** Initiate or review proposed amendments to the Comprehensive Plan and to conduct a periodic review of the Comprehensive Plan.

- 2.3.3. Review all proposed amendments to this ordinance and provide recommendations to the Governing Board.
- 2.3.4. Review all planned unit developments and other actions authorized by this ordinance and, where applicable provide recommendations to the Governing Board.
- 2.3.5. Hear and decide appeals where there is an alleged error of law in any order, requirement, decision, interpretation or determination made by the Administrator as authorized by this ordinance.
- 2.4. **Conflict of Interest.** A member of the Governing Board or Commission or a Lemhi County employee shall not participate in any proceeding or action when the person, or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second (2<sup>nd</sup>) degree, has an economic interest in the procedure or action. Any actual or potential interest in any proceeding or legally significant ex parte contact should be disclosed at or before any meeting at which the action is being heard or considered. Any such disclosure shall be noted in the minutes.
- 2.5. **Administrator.** The BOCC shall appoint an administrator, who shall have the following duties:
  - 2.5.1. interpretation of the requirements of this ordinance
  - 2.5.2. assist the public in understanding the requirements of this ordinance;
  - 2.5.3. accept applications for permits required by this ordinance;
  - 2.5.4. review applications for compliance with this ordinance;
  - 2.5.5. arrange for professional review of subdivisions and special use permit applications, as necessary;
  - 2.5.6. 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;
  - 2.5.7. issue certificates of compliance, based on on-site inspections;
  - 2.5.8. investigate possible violations of this ordinance;
  - 2.5.9. properly account for all fees collected in the administration of this ordinance and prepare monthly and annual reports of activity; and
  - 2.5.10. Perform all other duties assigned by this ordinance, including the additional duties assigned in APPENDIX C- SPECIAL FLOOD HAZARD
  - 2.5.11. The administrator may at any time forward any application or question to the Planning & Zoning Commission for review and/or clarification regardless if a permit is required.



## CHAPTER 3 – GENERAL PROVISIONS

- 3. 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 applications required by I.C. 67-6519 as amended, and the hearing procedure required by I.C. 67-6534 as amended.

### DIVISION 1 – ADMINISTRATIVE PERMIT PROCEDURES

- 3.1. Administrative Permits Required.** An administrative permit shall be required for the division of land, or any land development or activity regulated by the Lemhi County Development Code as listed within this chapter, except as specifically exempted by 3.1.5. Applications for permits shall be processed as described in this chapter.

- 3.1.1. 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.

**3.1.1.1.** A statement of sanitary restriction shall not be required when the parcel created is five (5) acres in size or larger.

**3.1.1.2.** Lot Splits within a subdivision shall be filed as an amended subdivision, and shall follow the requirements set forth within this code.

**3.1.1.3.** Lot splits shall not be used as means to evade the requirements of this ordinance for subdivisions;

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

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

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

**3.1.1.7.** Allowable lot splits may be transferred provided all of the following conditions are met;

**3.1.1.7.1.** The original parcel to gain lot splits has not been divided more than four (4) times

**3.1.1.7.2.** The parcel to be assigned additional lot splits must be a conforming lot and must meet all other requirements of this ordinance.

**3.1.1.7.3.** A plat must be supplied for all affected parcels of land indicating where original lot splits came from and where they will be designated.

**3.1.1.7.4.** Transferring of lot splits shall only come from contiguous pieces of land.

**3.1.1.7.5.** No parcel of land shall ever have more than a total of four (4) lot splits (including entitled lot splits and received lot splits).

**3.1.2. Applications for Lot Split Permits.** Lot Split Permits shall follow the procedure described here:

**3.1.2.1.** The applicant shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

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

**3.1.3. Requirements for Lot Splits.** The lot split permit procedure is found in 3.1.2 All lot splits shall comply with the following requirements:

**3.1.3.1.** All newly created lots shall be platted, as defined in I.C. 50-1301- 1334 as amended, and CHAPTER 10- PLATTING STANDARDS, and recorded only after obtaining all the proper signatures.

**3.1.3.2.** An “Agency Approval” sheet shall also be recorded after obtaining all the proper signatures.

**3.1.3.2.1.** 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 or as required by law at the time of application their signatures are required before recording.

**3.1.3.3.** The plat shall have a Deed Instrument Number line and the agency approval instrument number line.

**3.1.3.4.** One deed shall be created for each parcel.

**3.1.3.5.** The Agency Approval sheet, all deeds, and the approved plat must be recorded together in sequence.

**3.1.3.6.** If restrictive covenants exist, the deed must refer to the restrictive covenants Instrument Number.

**3.1.3.7.** Legal descriptions of each parcel created and the remainder must be filed on the plat.

**3.1.3.8.** When a “*lot 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 “*lot 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.

**3.1.3.8.1.** If a parcel has a road in it, the road shall be surveyed and an easement or deed filed. All newly created parcels must meet the minimum lot size and the requirements of this ordinance. This will not be considered a lot split if the easement or deed is given to the county and accepted as a public road but no additional “*lot splits*” will be gained as a result of this. This acceptance is not for maintenance purposes but is for the use of the road.

- 3.1.3.9. All remainder parcels that are one hundred-sixty (160) acres in size or greater need not be surveyed,
- 3.1.3.10. 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.
- 3.1.3.11. Newly created lots will not gain additional allowable “*lot splits*”.
- 3.1.3.12. All plats must use a metes 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.
- 3.1.4. Lot Split Approval.** 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 as amended, 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.
  - 3.1.4.1. The administrator shall notify the applicant of the decision within twelve (12) days, except as provided below.
  - 3.1.4.2. The Administrator’s decision may be appealed to the Commission, the Commissions’ decision may be appealed to the BOCC all appeals must use the appeals procedure of section 3.4. (page 13). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within twelve (12) days of decision. Applicants may proceed at their own risk during the appeal period.
  - 3.1.4.3. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.
  - 3.1.4.4. Lot splits and related required improvements may be phased in under a development agreement per (page 67) of this code.
- 3.1.5. Permits Not Required.** Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. All activities involving land division or development must meet the recording and or platting requirements of this code.
  - 3.1.5.1. Fences (but note that all fences must comply with the requirements of this ordinance for a “clear vision triangle” at intersections and driveways)
  - 3.1.5.2. minor utility installations, except where such installations are in the special flood hazard area or airport safety overlay zoning districts; or
  - 3.1.5.3. Certain signs, as provided in 8.11
  - 3.1.5.4. 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.

**3.1.5.4.1.** Lot line adjustments shall not occur over section lines unless reviewed and approved by the Planning and Zoning Administrator, the Lemhi County Assessor's Office and any other regulatory agency that may be deemed appropriate.

**3.1.5.5.** The aggregation of lots.

**3.1.5.6.** Existing allocate parts of land located in the Upper Lemhi River Valley and Pashimeroi zoning district provided they can provide legal access to the parcels of lands to be created and are a minimum of 40 acres.

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

**3.1.5.7.1.** certified copy of settlement or court decree must be provided to the Planning & Zoning Administrator prior to recordation of land division.

**3.1.5.7.2.** The division of land resulting from a settlement of an estate or a court decree does not guarantee a conforming parcel or buildable parcel. All created parcels shall be made conforming prior to the issuance of a building permit.

**3.1.5.7.3.** Entitled "lot splits" will be used. Remaining entitled "lot splits" must be designated to a specific parcel of land.

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

**3.1.5.8.1.** If a parcel has a road in it, the road shall be surveyed and an easement or deed filed. All newly created parcels must meet the minimum lot size and the requirements of this ordinance. This will not be considered a lot split if the easement or deed is given to the county and accepted as a public road but no additional "*lot splits*" will be gained as a result of this. This acceptance is not for maintenance purposes but is for the use of the road.

**3.1.5.9.** a cemetery plat; or

**3.1.5.10.** 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. No further "*lot splits*" will be gained.

**3.1.5.11.** Federal, State and County projects or activities are exempt from zoning rules and regulations, unless said projects or activities involves privately owned property. The recording and/or platting requirements within this code must be followed.

**3.1.5.12.** Home Occupations do not require a permit but are required to meet certain performance standards found in 8.1 if your development does not fall within the standards of a home occupation a special use permit is required.

## **DIVISION 2- SUBDIVISION/SPECIAL USE PERMITS**

**3.2. Subdivision and Special Use Permits.** The Subdivision and Special Use permit process is designed to ensure that the creation of new parcels and proposed uses does not result in a violation of this ordinance.

**3.2.1. 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 below and in 3.7 of this ordinance.

**3.2.1.1. Lot Line Adjustments Within A Subdivision.** Any lot line adjustment within a platted subdivision that would change the external boundaries of a subdivision will be considered an amended subdivision and will follow the permit process of a subdivision or plat vacation as outlined in I.C 50-13 as amended

**3.2.2. 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 special use permits 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 as amended. Applications for special use permits shall follow the procedure described 3.7 of this ordinance.

**3.2.3. Applications.** The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

**3.2.3.1.** 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.

**3.2.3.2.** 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 can be met and at which time will allow proper consideration of the proposed subdivision or special use permit.

**3.2.3.3.** 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.

### **DIVISION 3- AMENDMENTS**

**3.3. Amendments.** Any person may petition for the amendment of the comprehensive plan or this ordinance.

**3.3.1.** The amendment procedure shall be as described here and in the Local Planning Act. I.C 67-6509 as amended.

**3.3.2. Recommendation, Amendment or Repeal of the Plan** The planning and zoning commission pursuant to I.C.67-6509 as amended, prior to recommending the plan, amendment, or repeal of the plan to the BOCC, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.

**3.3.3. Amendments to the official zoning map.** Requests for an amendment to the zoning ordinance shall be submitted to the Planning and zoning Commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by I.C 67-8003 as amended. After considering the comprehensive plan and other evidence gathered through the public hearing process, the Planning and Zoning Commission may recommend and the BOCC may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided within this ordinance and I.C. 67-6509 as amended, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided.

### **DIVISION 4- APPEALS**

**3.4. Appeals.** An application for appeal shall be based on a claim that the true intent of this code or rules legally adopted hereunder have been incorrectly interpreted, the provisions of the code do not apply. The Commission and/or Board shall have no authority to waive requirements of this code. Any decision of the administrator may be appealed to the Commission and any decision of the Commission may be appealed to the BOCC using the procedure described here.

**3.4.1.** The appellant shall have bona fide interest as stated in I.C. 67-6521 as amended and the appellant shall file a properly completed appeals form, the required supporting materials, identify specific deficiencies in the decision for which appeal/reconsideration is sought, and the required appeals fee with the administrator.

**3.4.2.** 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.

**3.4.3.** The Commission/BOCC procedure for hearings shall be as follows:

**3.4.3.1.** No appeal shall be heard if the appellant or a representative is not present.

**3.4.3.2.** 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.

**3.4.3.3.** The administrator shall notify the appellant and interested parties of the decision within 12 days of being signed and published in the newspaper of record.

**3.4.4.** Any person wishing to appeal a final decision shall file a notice of appeal with the administrator within 12 days after the final decision is signed and published in the local newspaper. Applicants may proceed at their own risk during the appeal period.

## **DIVISION 5- VARIANCES**

**3.5. Variances.** A variance is a modification of the bulk and placement 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 a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in I.C. 21-501 as amended. Denial of a variance permit or approval of a variance permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section [67-8003](#), Idaho Code.

**3.5.1.** Applications for variances shall follow the procedure described here:

**3.5.1.1.** The applicant 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.

**3.5.1.2.** 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.

**3.5.2.** The Commission shall conduct a hearing on the proposed variance following the procedure established in 3.7 No application for a variance shall be reviewed if the applicant or a representative is not present.

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

- 3.5.3.1. the need for a variance results from physical limitations unique to the lot on which the variance is requested;
- 3.5.3.2. failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;
- 3.5.3.3. the alleged hardship has not been created by action of the lot's owner or occupants;
- 3.5.3.4. approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood;
- 3.5.3.5. approval of the variance will not have an adverse affect on the implementation of the comprehensive plan, and
- 3.5.3.6. the variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.
- 3.5.3.7. Additional findings are required for variances in the special flood hazard area and airport safety overlay zoning districts.
- 3.5.4. Conditions may be attached to the approval of a variance
  - 3.5.4.1. The conditions are clearly designed to assure compliance with one or more specific requirement of this ordinance; and
  - 3.5.4.2. a list of all conditions imposed is provided to the applicant 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.
- 3.5.5. The administrator shall notify the appellant and interested parties of the decision within 12 days once the final decision has been signed and published in the newspaper of record.
- 3.5.6. The Commission's decision may be appealed to the BOCC using the appeals procedure of 3.4 Any person wishing to appeal a final decision shall file a notice of appeal with the administrator within 12 days after notice of the final decision is published in the local newspaper newspaper of record. Applicants may proceed at their own risk during the appeal period.

## **DIVISION 6- ENFORCEMENT**

- 3.6. **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 or as amended, 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.



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

**3.6.1.1.** 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.

**3.6.1.2.** 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:

**3.6.1.2.1.** 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

**3.6.1.2.2.** file an appeal of the administrator's notice, following the appeals procedure of 3.4

**3.6.1.3.** 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.

**3.6.1.4.** 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.

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

**3.6.2. Penalties.** Violations of this ordinance are a misdemeanor in accordance with the Local Land Use Planning Act, Idaho Code Section 67-6527, the institution of a civil action to enforce compliance with this ordinance, or both and Idaho Code Section 18-113, punishment for misdemeanor.

## **DIVISION 7- PUBLIC NOTICE & HEARING REQUIREMENTS**

**3.7. Purpose.** The purpose of this division is to outline the requirements for all public hearings and/or public notice requirements.

**3.7.1. Notice of Public Hearing Requirements.** The administrator shall provide notice of the public hearing as follows:

**3.7.1.1.** 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 below;

**3.7.1.1.1.** Where a special use permit is requested by reason of height allowance that notice shall be provided individually by mail to property owners or purchasers of record within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred (100) feet and within no less than one (1) mile when the peak height of a structure in an unincorporated area is four hundred (400) feet or more and, when four hundred (400) feet or more, the structure's proposed location and height shall be stated in the notice.

**3.7.1.1.2.** 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.

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

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

**3.7.1.4.** Notice shall be posted on the premises not less than one (1) week prior to the hearing.

**3.7.1.5.** The actual costs of providing the required notice shall be added to the application fee.

**3.7.1.6.** All notices shall comply with the 3.7.2

**3.7.2. Hearing Notices.** All required notices shall provide the following information 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.”**

**3.7.3. Hearing Procedure.** This procedure shall be followed in all hearings required by this ordinance unless otherwise required by this code.

**3.7.3.1.** The Commission shall conduct a hearing on the proposed project. No application for a subdivision shall be reviewed if the developer or a representative is not present.

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

**3.7.3.3.** 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.

- 3.7.3.4. 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.
- 3.7.3.5. The presiding officer shall ask if any Commission/BOCC member wishes to declare a conflict of interest, as defined by I.C. 67-6506 as amended, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.
- 3.7.3.6. The presiding officer shall ask the administrator if he/she has a report on the proposal being considered.
- 3.7.3.7. 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.
- 3.7.3.8. 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.
- 3.7.3.9. 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.
- 3.7.3.10. 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.
- 3.7.3.11. 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.
- 3.7.3.12. The presiding officer shall close the public hearing and call for discussion and action by the Commission/BOCC.
- 3.7.3.13. 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
- 3.7.4. Additional Hearing Procedures.** These procedures may be used without prior notice to assist in the conduct of large or controversial hearings.
  - 3.7.4.1. Time limits may be imposed on the statements given in order to assure completion of the agenda.

- 3.7.4.2.** 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.
- 3.7.5. Hearings To Be Recorded.** As required by I.C. 67-6536 as amended, 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.
- 3.7.6. Decision of 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 as amended.
- 3.7.6.1.** The Commission shall determine whether the proposed project is in compliance with the comprehensive plan and all requirements of this ordinance. If it finds that the proposed project complies, it shall approve the application. If it finds that the proposed project is not in compliance, it shall disapprove the application.
- 3.7.6.2.** Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in I.C 21-501 (2) as amended, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.
- 3.7.6.3.** Conditions may be attached to approval of the permit if;
- 3.7.6.3.1.** The conditions are clearly designed to assure compliance with one or more specific requirement of this ordinance; and
- 3.7.6.3.2.** 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
- 3.7.6.3.3.** conditions may be attached to a special use permit including, but not limited to, those:
- 3.7.6.3.3.1.** Minimizing adverse impact on other development;
- 3.7.6.3.3.2.** Controlling the sequence and timing of development;
- 3.7.6.3.3.3.** Controlling the duration of development;
- 3.7.6.3.3.4.** Assuring that development is maintained properly;
- 3.7.6.3.3.5.** Designating the exact location and nature of development;
- 3.7.6.3.3.6.** Requiring the provision for on-site or off-site public facilities or services;
- 3.7.6.3.3.7.** Requiring more restrictive standards than those generally required in an ordinance;

**3.7.6.3.3.7.1.** Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

**3.7.6.4.** The administrator shall notify the developer and interested parties of the Commission's decision within 12 days.

**3.7.6.5.** The Commissions' decision may be appealed to the BOCC using the appeals procedure 3.4 Any person wishing to appeal a decision shall file a notice of appeal with the administrator within twelve (12) days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

**3.7.6.6.** The developer may file a final plat with the administrator at any time after the subdivision permit is approved and the decision of record has been signed. Phased final platting is permitted by 6.4 & 9.4.

**3.7.7. Decision Deadline.** This section establishes the "reasonable time" for deliberation on applications by the Commission required by I.C. 67-6519 as amended. 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 6.4.5 is required for a period of more than 35 days while the required study is conducted. The maximum time permitted for a development study shall be 125 days.

**3.7.8. Approvals Valid for One Year.** Every permit issued shall become invalid unless the work authorized is commenced within one (1) year after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced. Extensions shall be submitted in writing to the commission for recommendations to be forwarded to the BOCC.

**3.7.8.1.** Approval of a subdivision permit, special use permit or plat does not constitute or imply approval of a permit for any prospective use of any lot created.

## CHAPTER 4- ESTABLISHMENT OF ZONING DISTRICTS

**4. 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. Additional performance standards may apply for specific zoning districts.

**4.1. Zoning Districts.** The following zoning districts are established to implement the comprehensive plan:

**4.1.1.** Airport Safety Overlay Zoning District

**4.1.2.** Airport Zoning District

**4.1.3.** Area of City Impact Zoning District

**4.1.4.** Lower Lemhi River Valley Zoning District

**4.1.5.** North Fork-Gibbonsville Zoning District

**4.1.6.** North Salmon Basin Zoning District

**4.1.7.** Pahsimeroi Zoning District

**4.1.8.** Salmon River Mountains Zoning District

**4.1.9.** Special Flood Hazard Overlay Zoning District

**4.1.10.** South Salmon Basin Zoning District

**4.1.11.** South Salmon River Corridor Zoning District

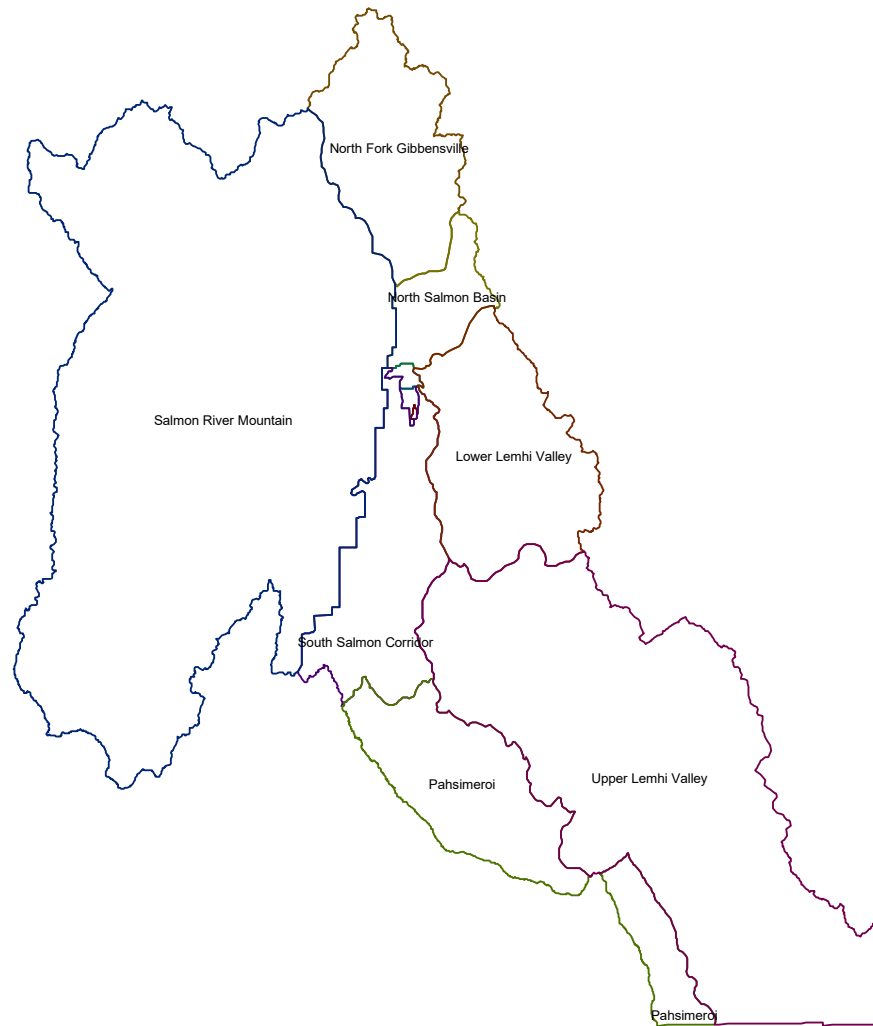
**4.1.12.** Upper Lemhi River Valley Zoning District.

**4.2. Allowed Uses in Zoning Districts.** Agricultural and Residential uses are allowed in all zoning districts. Some Agricultural uses are only to be allowed with an approved special use permit as outlined in 5.1.1. All other uses may be allowed with an approved special use permit.

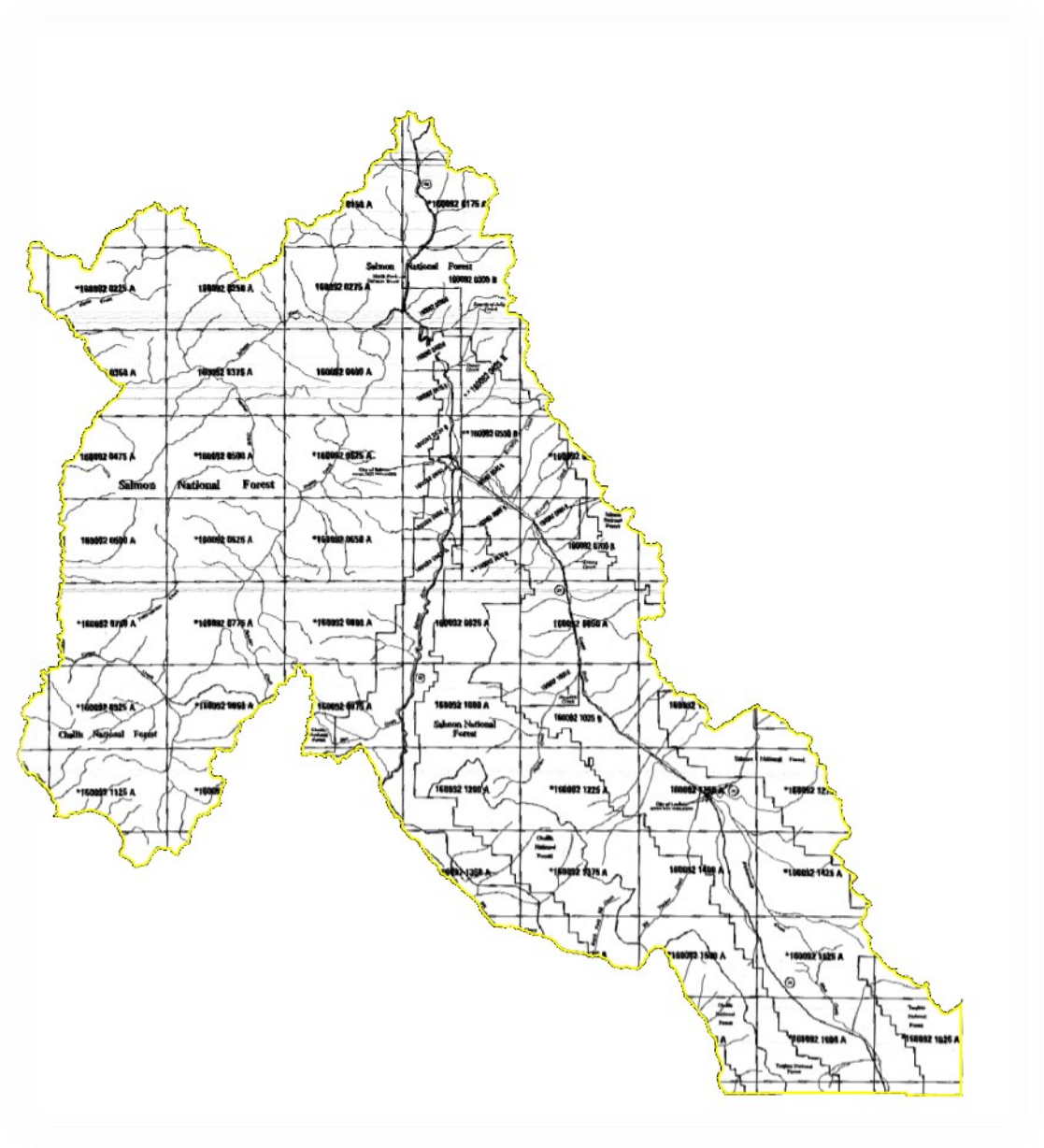
**4.3. Official Zoning Map.** The “Official Zoning Map of Lemhi County” is adopted, by reference, as part of this ordinance. A dated copy of that map shall be maintained for public inspection at the office of the administrator.

**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 3.4

## Official Zoning Map of Lemhi County

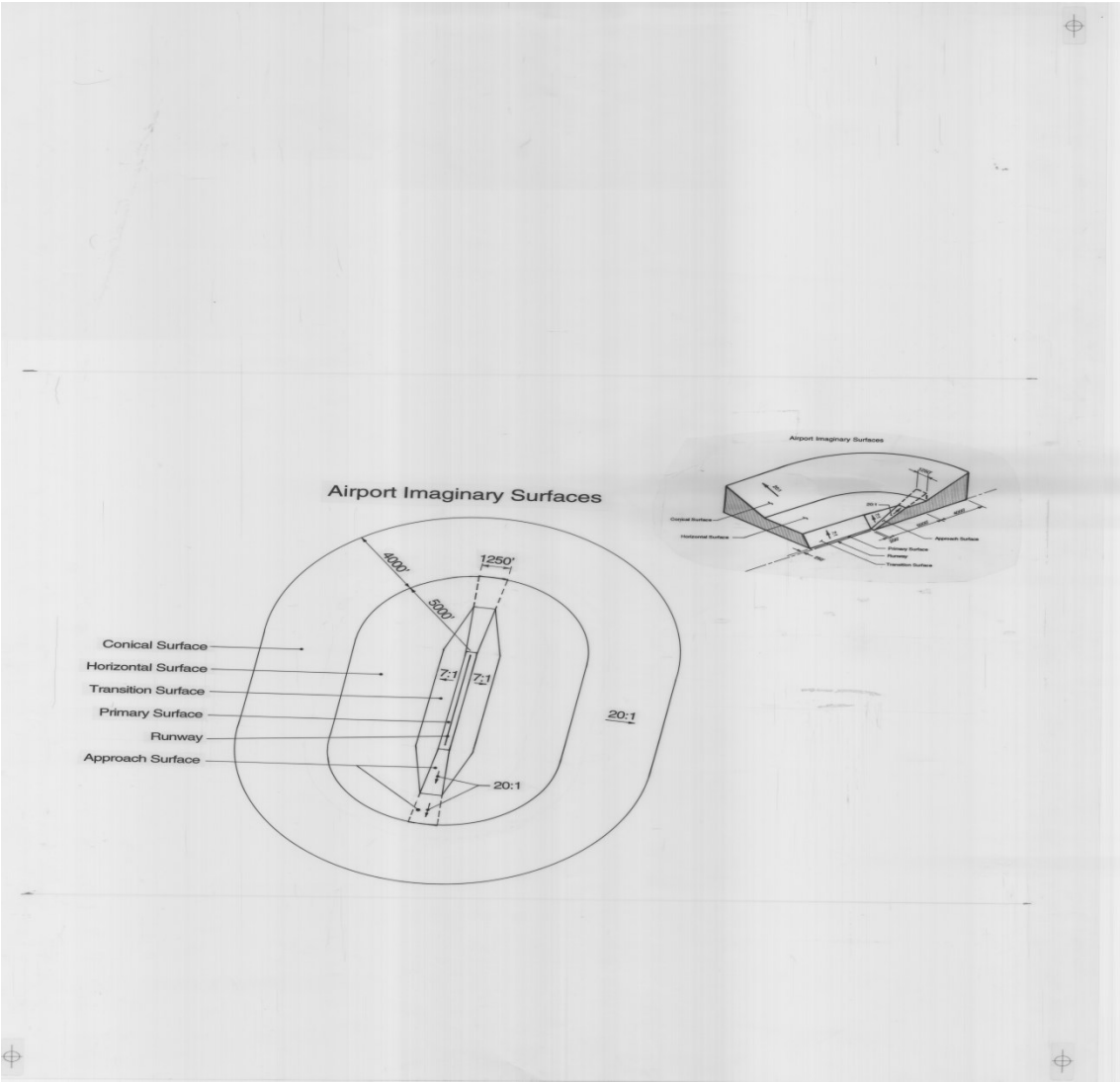


Special Flood Hazard Overlay Zoning District

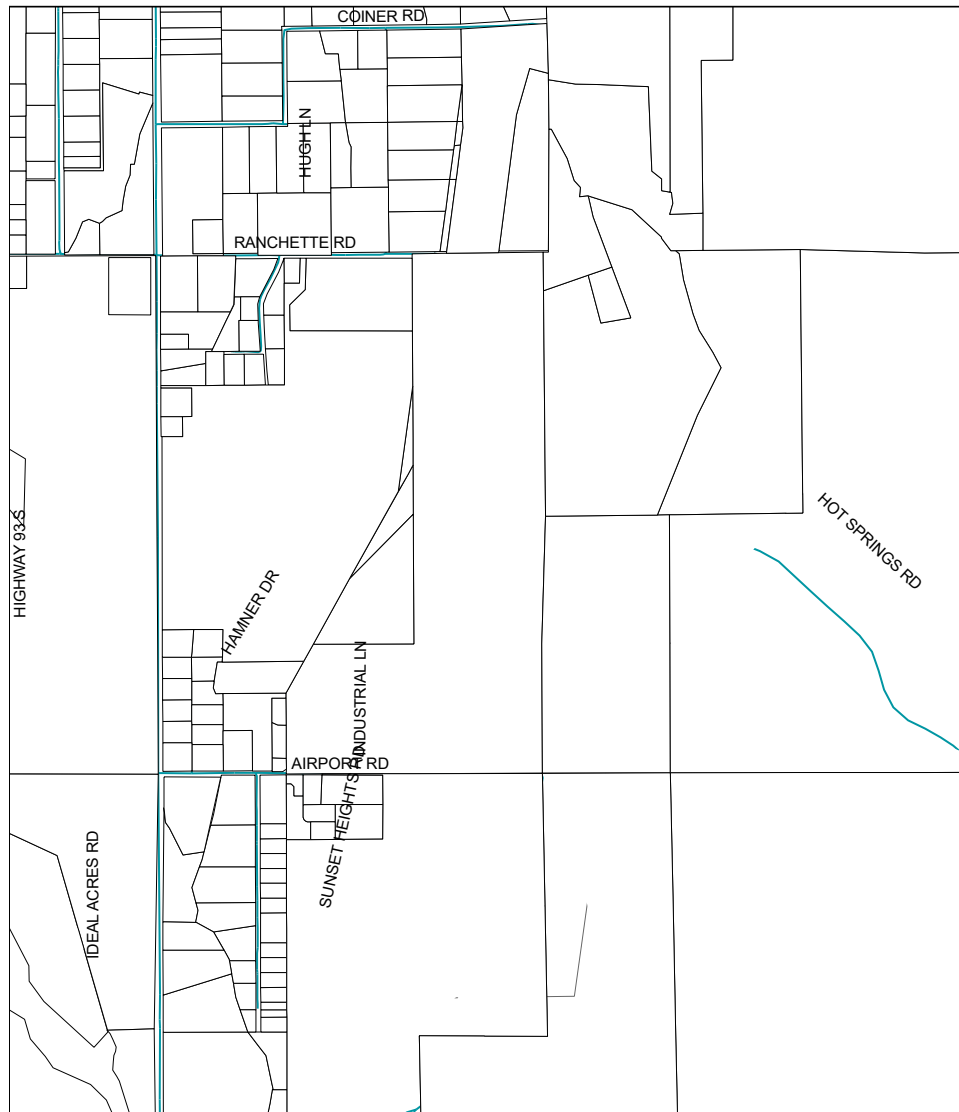




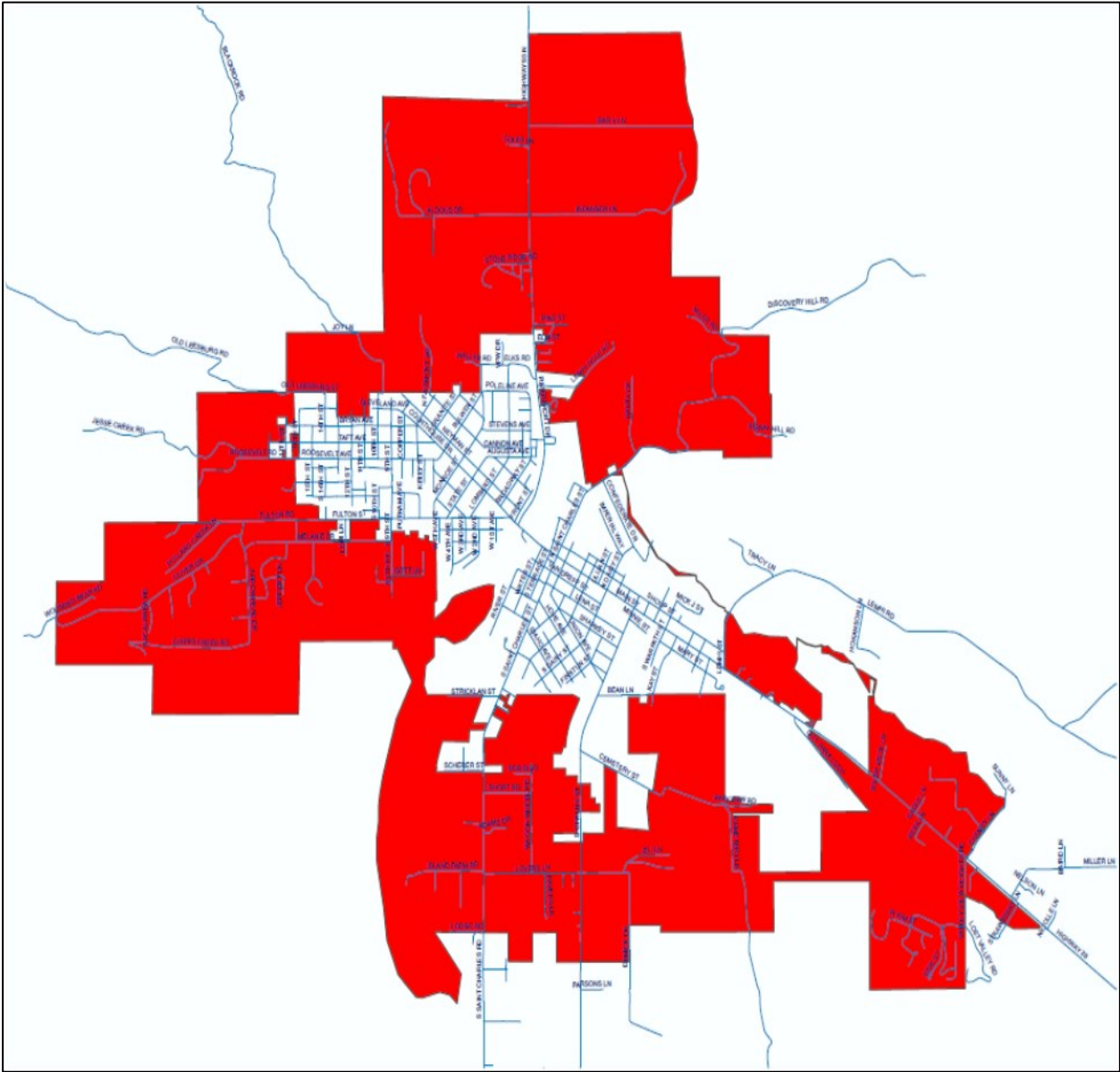
Airport Safety Overlay Zoning District



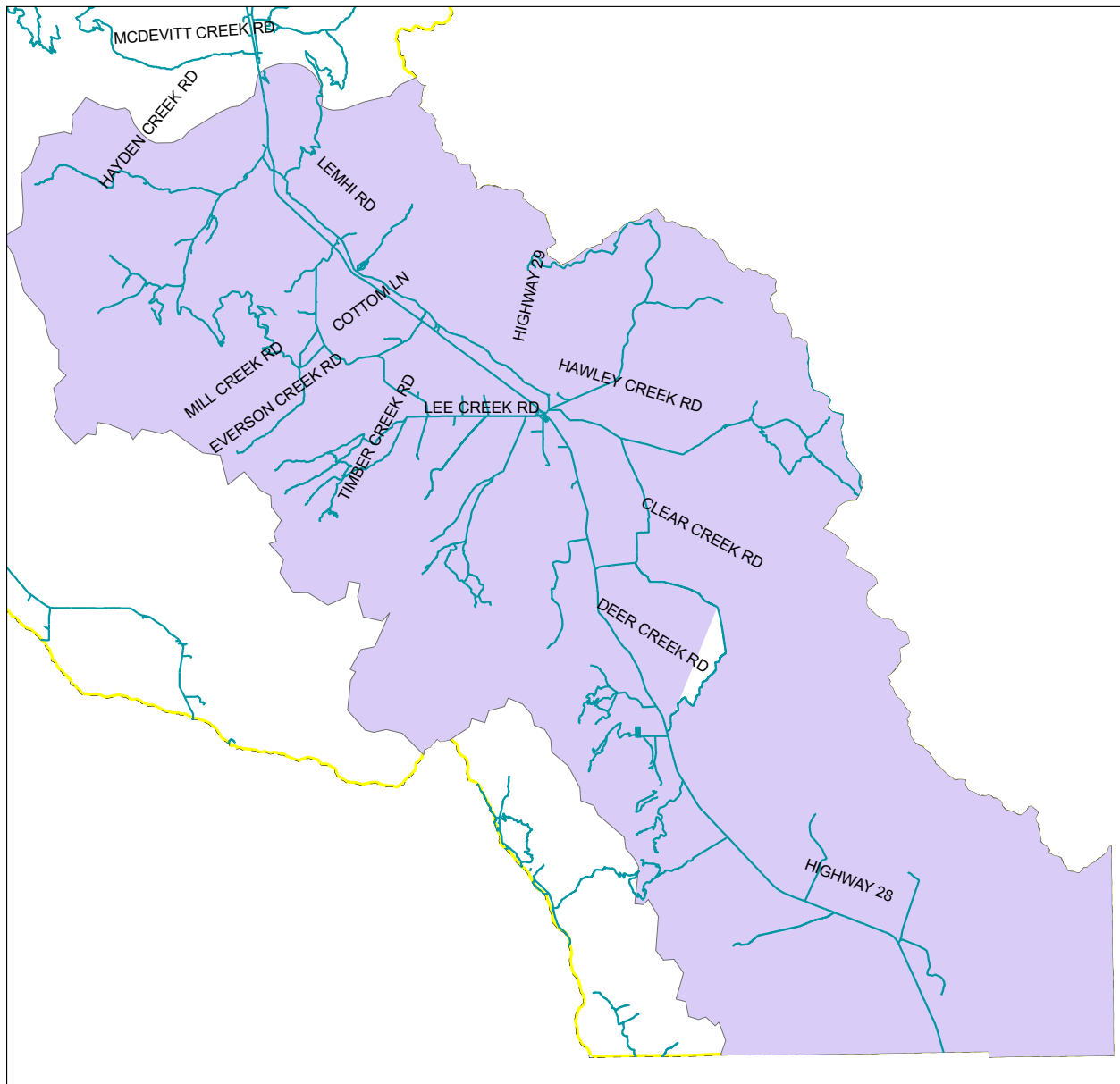
## Airport Zoning District



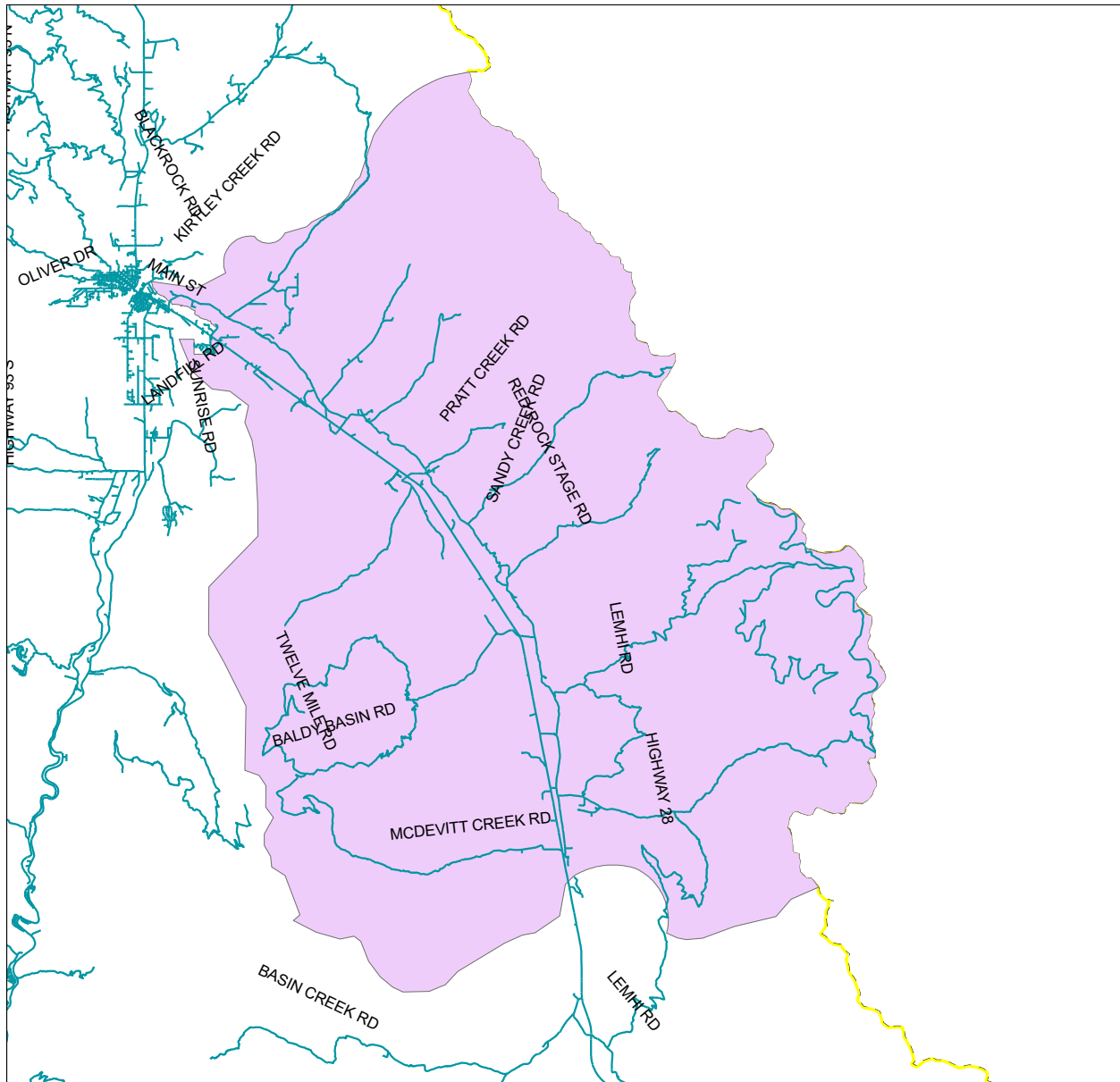
Area of City Impact



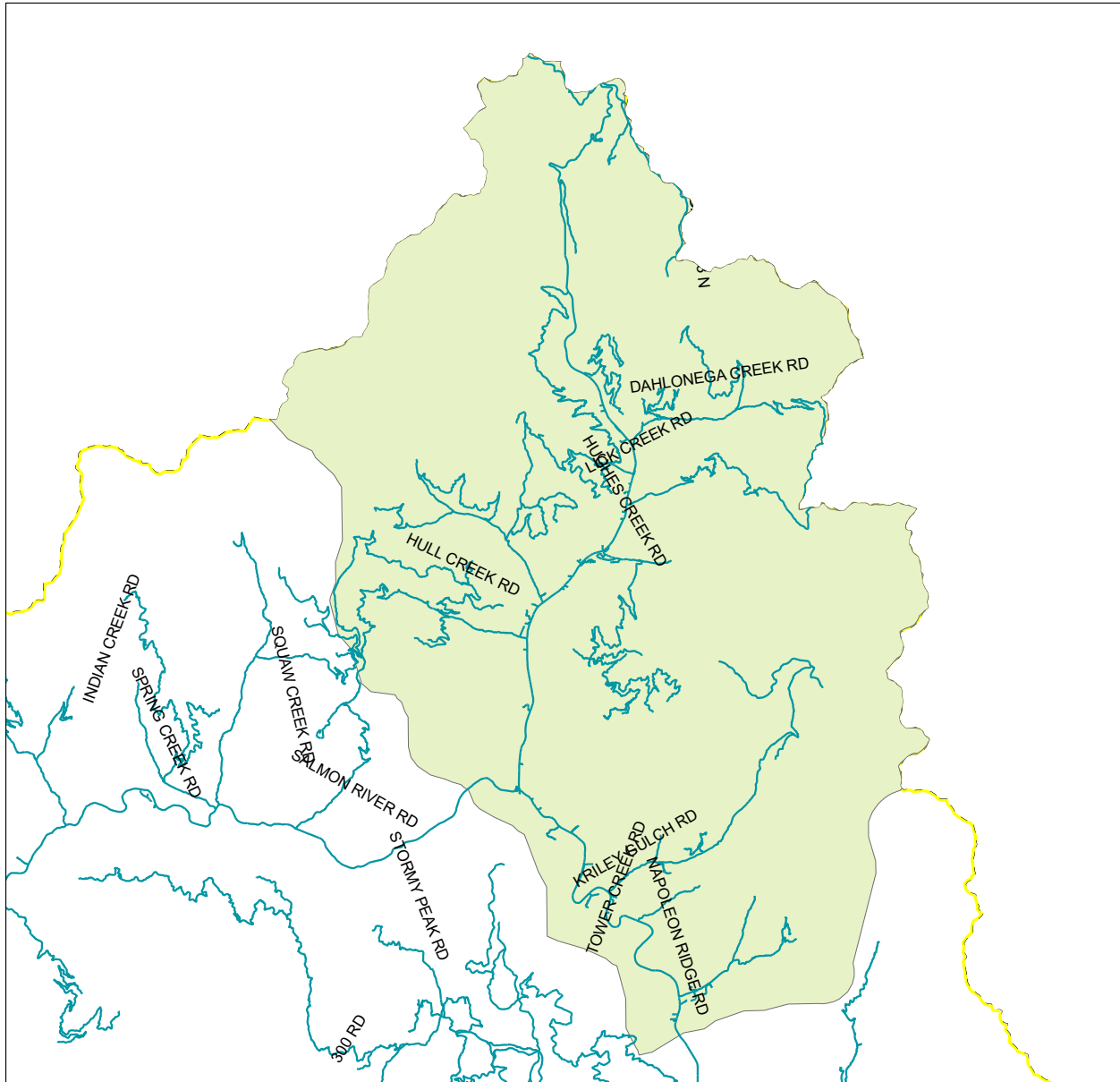
## Upper Lemhi River Valley



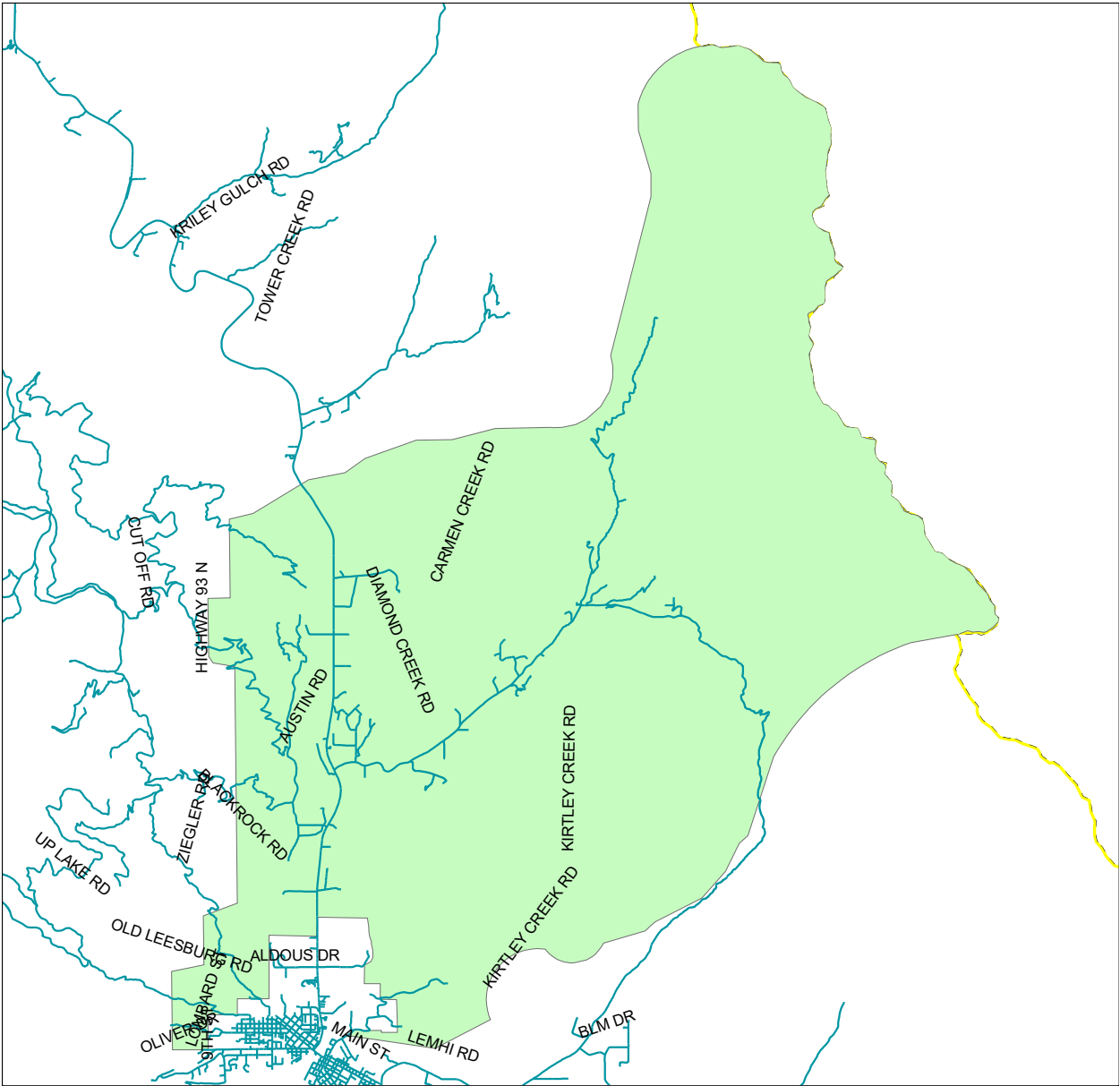
## Lower Lemhi River Valley



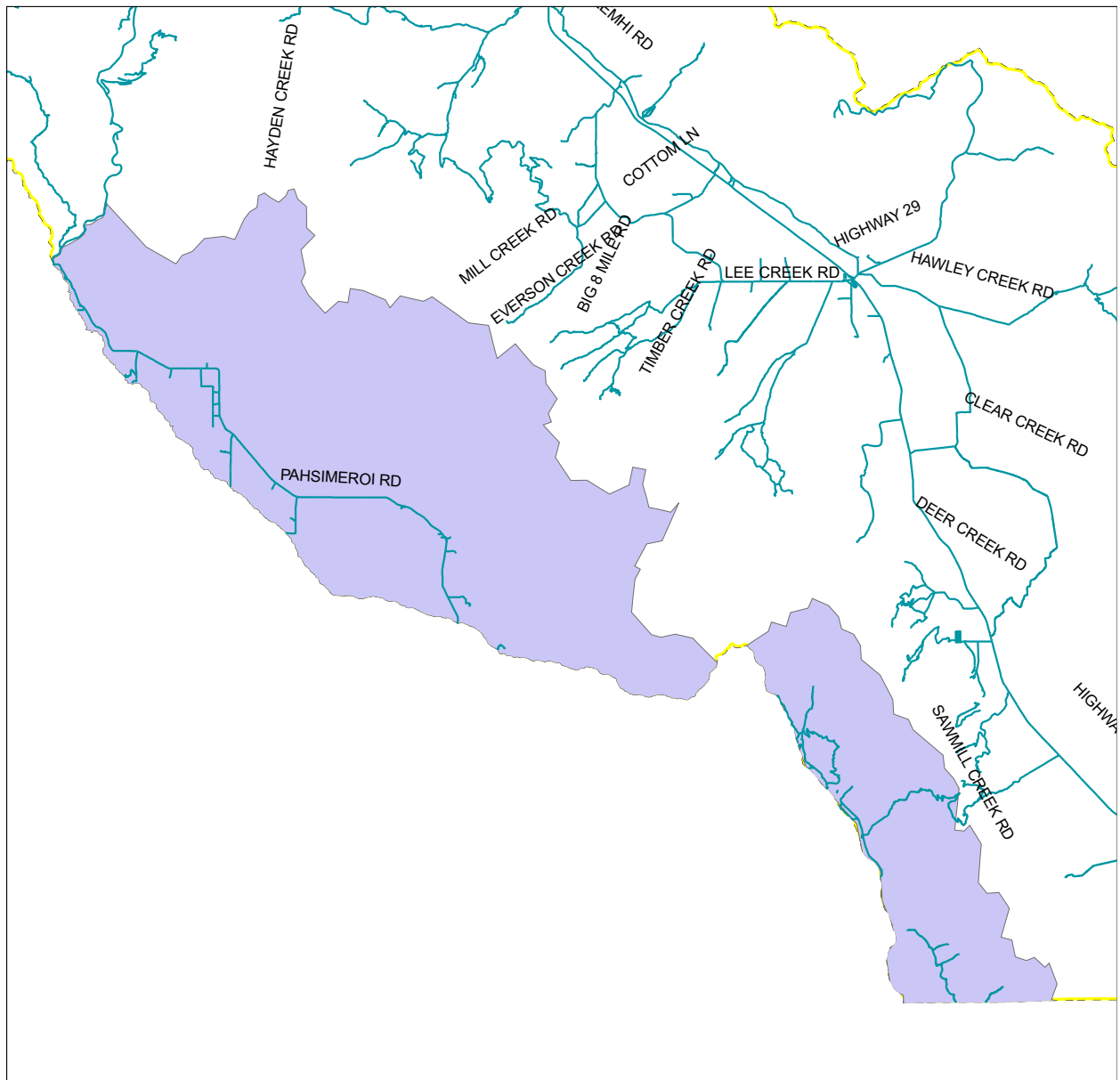
## North Fork Gibbonsville



North Salmon Basin

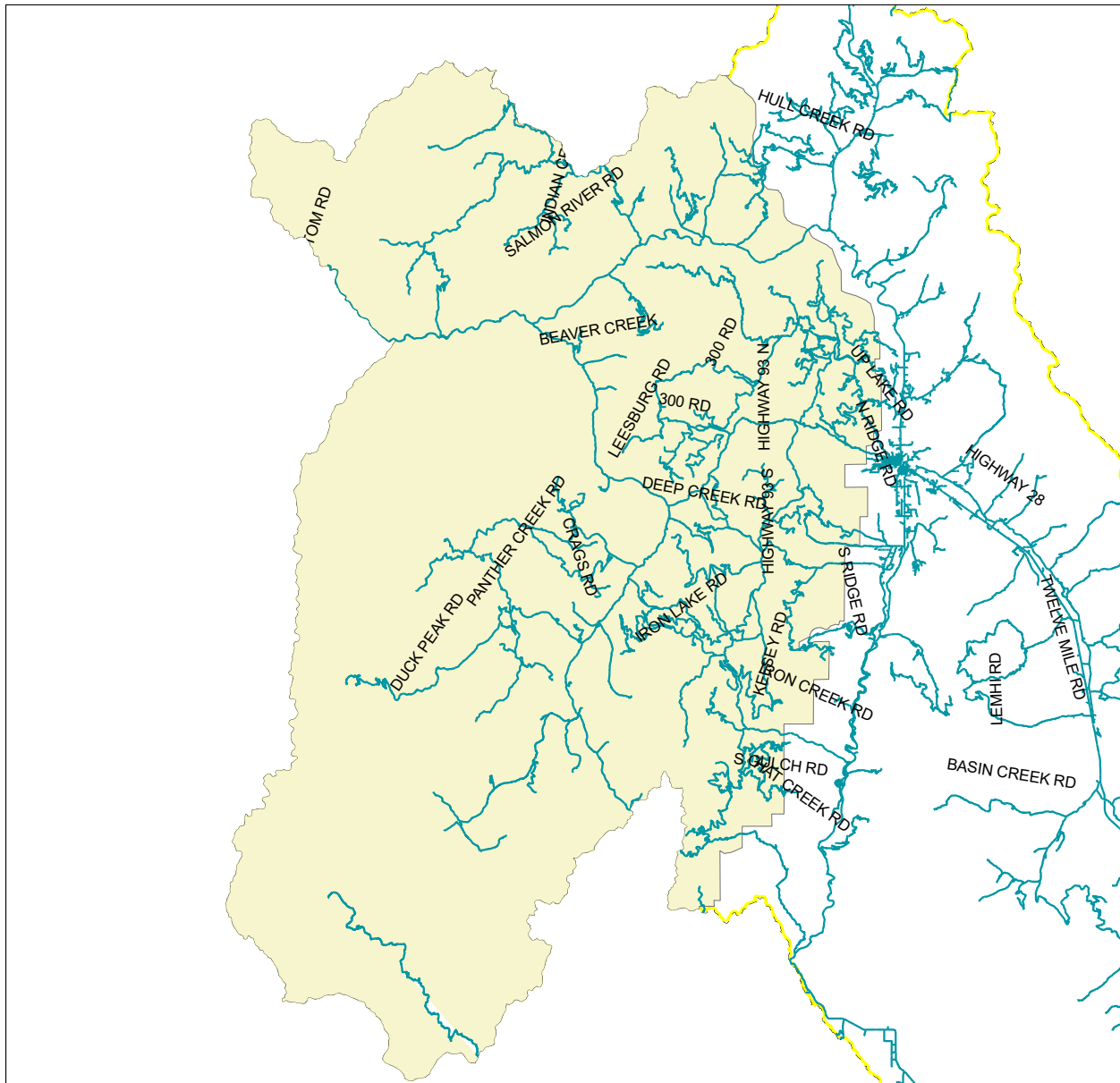


## Pahsimeroi

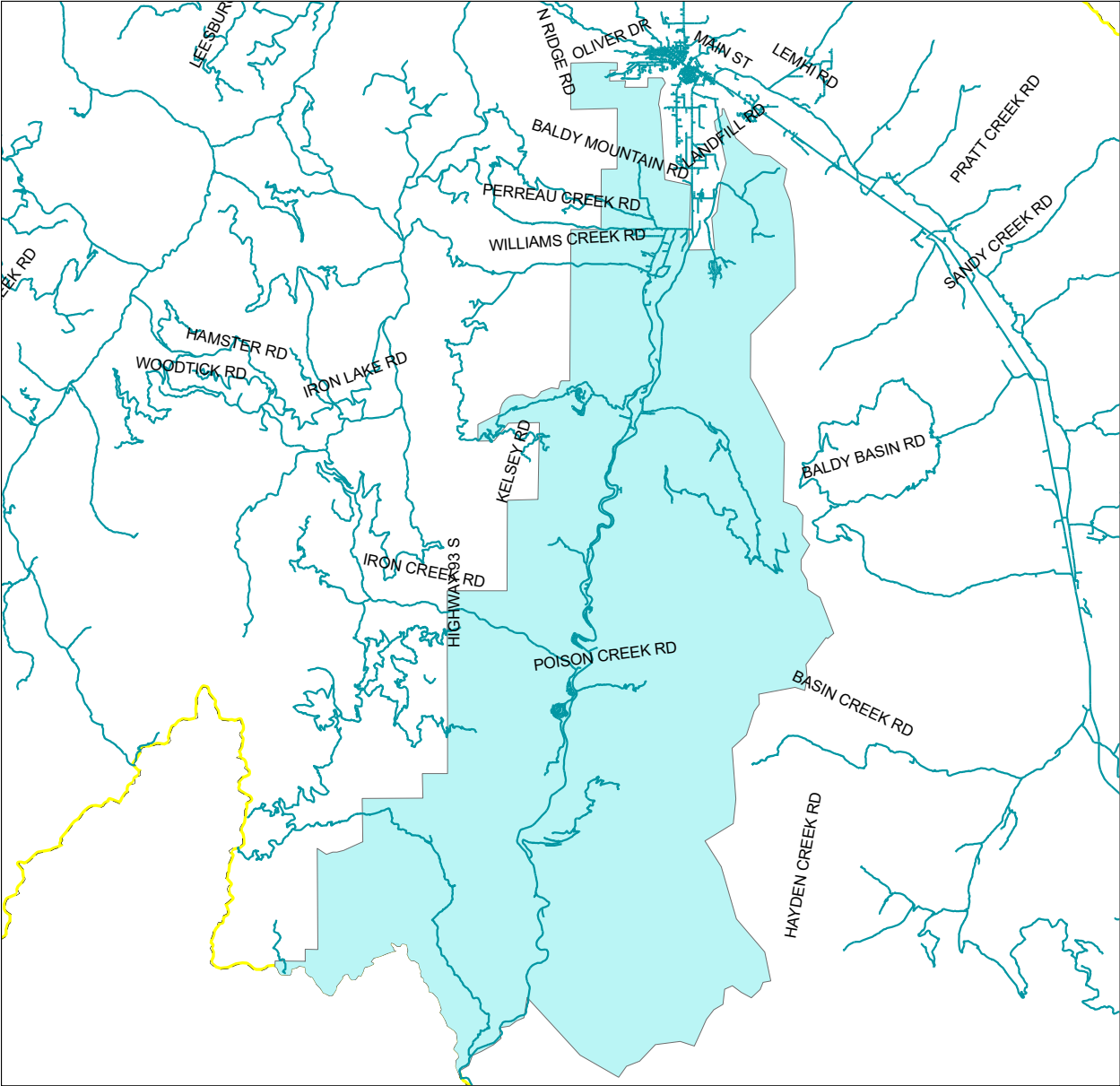




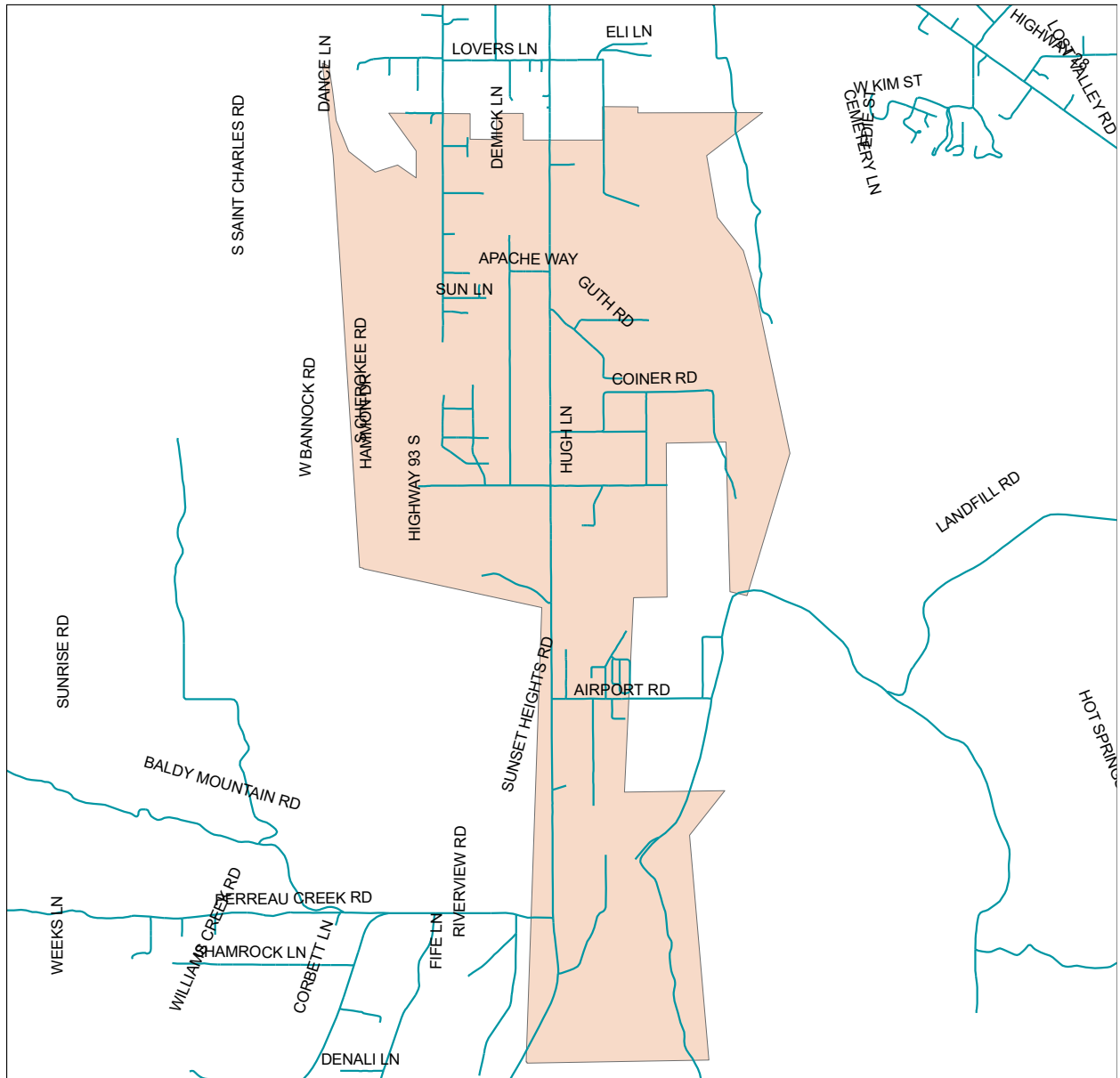
## Salmon River Mountains



**South Salmon Basin**



## South Salmon Corridor



## CHAPTER 5- TYPES OF DEVELOPMENT

**5. What This Chapter Does.** This chapter defines types of developments including small scale developments, special use permits and home occupations.

### DIVISION 1- DEVELOPMENTS DEFINED

**5.1. Types of Developments.** All applicable performance standards of the Lemhi County Development Code shall apply, depending on the zoning district in which the proposed development is located and the type of development proposed.

**5.1.1. Small-Scale Development Defined.** A small-scale development consists of the creation of four or fewer new residential lots by platting, and/or the construction of a single family dwelling and/or non commercial structure on any such lot, or any nonconforming lot or parcel. This limited, low density development is accessible from existing public roads, and on a suitable site, permitted with only a simple administrative review. Small-scale development also includes the establishment of a home occupation in compliance with 8.1 and a lot split as defined in 11.2.44 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.

**5.1.1.1. Extent of Development.** The extent of small-scale development is limited in the four ways listed here.

**5.1.1.1.1.** A small-scale development includes four or fewer lots.

**5.1.1.1.2.** In some zoning districts, the number of lots that may be established as a small-scale 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 6.5

**5.1.1.1.3.** There is a minimum lot size for any small-scale development. The minimum lot size may vary by zoning district or with the characteristics of the site, see table 6.5. No land division shall result in any conforming lot or parcel falling below the minimum lot size required by that table.

**5.1.1.1.3.1. 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, 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.

**5.1.2. Subdivision Defined.** A tract of land divided into five (5) or more lots, parcels or sites.

**5.1.2.1. Subdivisions shall fall under this category:**

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

**5.1.3. Special Use Defined.** A special use is any development that is not exempted by 3.1 or defined as a “small-scale development” by 5.1.1. Special Uses include proposed 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 developer bears full responsibility for the consequences, present and future, of his or her actions.

**5.1.3.1. Special Uses Shall Fall Into One of Four Categories:**

**5.1.3.1.1. 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.

**5.1.3.1.2. Commercial** – Defined as developments for any commercial use CHAPTER 11- DEFINITIONS including a junk or salvage yard.

**5.1.3.1.3. Industrial** – Defined as developments for any industrial use (Lemhi county Development CHAPTER 11- DEFINITIONS.

**5.1.3.1.4. 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).

**5.1.4. Home Occupations.** These performance standards are designed to permit uses 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 be subject to the requirements and approval of a special use 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, see 8.1.1 for additional standards.

**DIVISION 2- DEVELOPMENT LOCATIONS**

**5.2. Location of Development.**

**5.2.1.** No development shall be located:

**5.2.1.1.** in the Airport approach surface

**5.2.1.2.** within the Special Flood Hazard Area Overlay Zoning District, except in compliance with the detailed performance standards APPENDIX C- SPECIAL FLOOD HAZARD

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

**5.2.1.4.** 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

**5.2.1.5.** Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or otherwise questionable soil characteristics are likely to be present, the Planning and Zoning Administrator or the Planning & Zoning Commission may require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method

## CHAPTER 6- PERFORMANCE STANDARDS FOR ALL DEVELOPMENTS

- 6. What This Chapter Does.** This chapter establishes performance standards that are applicable to all developments within Lemhi County. Additional performance standards may also apply for specific uses and specific zoning areas.

### DIVISION 1- GENERAL STANDARDS

- 6.1. General Standards.** All developments must comply with the following general standards.

- 6.1.1. Setbacks.** All developments shall comply with the setback requirements of Table 6.6, 6.7, 7.3.1, 7.3.2
- 6.1.2. Lot Size.** No land division shall result in any conforming setback falling below the minimum established lot size requirements of table 6.5
- 6.1.3. Building Height.** The maximum building height for small-scale developments shall be thirty-five (35) feet.
- 6.1.4. Soils.** Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or otherwise questionable soil characteristics are likely to be present, the Planning and Zoning Administrator or the Planning & Zoning Commission may require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method.
- 6.1.5. 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.
- 6.1.6. Air Quality.** All developments shall demonstrate continuing compliance with state and federal air quality regulations.
- 6.1.7. Water Quality.** All developments shall demonstrate continuing compliance with state and federal water quality regulations.

### DIVISION 2- ENSURING ADEQUATE PROVISION OF FACILITIES

- ***Ground Water Quality.*** *How will the proposed development be designed so that it does not adversely impact ground water quality, or that such impacts have been avoided to the maximum extent possible?*
- ***Public Health and Safety.*** *How will the proposed development be designed as to not adversely impact public health and safety including but not limited to availability of emergency services, wild land fire hazards, flooding and vehicular traffic safety hazards?*
- ***Transportation System/Access Management.*** *How will the development be designed so that it does not adversely impact the overall county transportation*

*system while acknowledging the need to regulate and control access to from encroachments within the location transportation system?*

**6.2. Adequate Facilities.** All developments must ensure adequate provisions of facilities.

**6.2.1. 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.

**6.2.1.1.** Developments in remote and/or primitive locations may be exempt from the provisions of 6.2.1. These developments shall provide all necessary easements in the event utilities could be provided in the future. Reasons for a development to be determined as remote and/or primitive shall be based on but not limited to; location of existing services, probability of future services in the area, access. The administrator is responsible for making this determination, or the administrator may refer to the planning & Zoning Commission for determination of such locations.

**6.2.2. Private Utilities.** Adequate rights-of-way or easements for service by proposed private utilities shall be provided.

**6.2.3. 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.

**6.2.4. 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 onsite sewage disposal system.

**6.2.4.1. Exception:** Lots served by a central sewage system.

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

**6.2.6. 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.

**6.2.7. Roads.** The design and construction of all roads (private or public) shall be in compliance with the detailed performance standards of APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS

**6.2.8. Safe Access.** All developments and every lot in all developments shall have safe direct access to a maintained public or private road. Safe access as outlined in APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS of this code.

**6.2.9. Access to Arterials.** All developments shall minimize the number of points of access to arterial roads and highways, while still complying with APPENDIX B-



DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION  
OF ROADS

**6.2.10. 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.

**6.2.11. Off-Street Parking and Loading Areas.** Off-street parking and loading areas shall be provided as required by CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES .Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

**DIVISION 3- PROTECTING NATURAL ASSETS**

- ***Agricultural Preservation.*** *How will the proposed development be designed so that it doesn't adversely impact agriculture or that such impacts have been avoided to the maximum extent possible?*
- ***Agricultural Water Systems/Irrigation.*** *How will the proposed development be designed so that it doesn't adversely impact water facilities which provide for irrigation or stock watering to agricultural lands for production of agricultural products? These include, but not limited to ditches, head gates, pipes and other water conveying devices?*
- ***Natural Environment.*** *How will the proposed development be designed so that it doesn't adversely impact the natural environment in regards to physical conditions that exist including water, native plants and animals, as well as other items of aesthetic significance?*
- ***Fish, Wildlife and Habitat.*** *How will the proposed development be designed so that it does not negatively impact wildlife by displacement and reduction in habitat?*

**6.3. Natural Assets.** All developments shall protect natural assets.

**6.3.1. 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 or as determined through a fact-finding process as outline in 6.4.5. That plan shall:

**6.3.1.1.** identify runoff and erosion hazard areas on the site;

- 6.3.1.2. identify areas and facilities, both on and downstream from the site, that are vulnerable to damage from accelerated runoff or erosion;
  - 6.3.1.3. show how the retention of existing vegetation will be maximized and land disturbance minimized;
  - 6.3.1.4. show how existing trees that are to be retained will be protected from damage during construction;
  - 6.3.1.5. 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;
  - 6.3.1.6. show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques;
  - 6.3.1.7. show how runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration in or increase of runoff;
  - 6.3.1.8. 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;
  - 6.3.1.9. show how sediment resulting from accelerated soil erosion will be retained on site; and
  - 6.3.1.10. 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.
- 6.3.2. 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 and shall comply with I.C 31-3805-I.C 31-3806 as well as I.C Title 42 as amended.
- 6.3.3. 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 as amended, et. seq.
- 6.3.4. Easements.** No building shall be placed in any utility easement, public or private, or in any access or irrigation easement.
- 6.3.5. Wetlands.** All developments shall demonstrate compliance with state and federal wetlands protection requirements.
- 6.3.6. Floodplains.** Developments in the special flood hazard area overlay zoning district shall comply with the detailed performance standards APPENDIX C- SPECIAL FLOOD HAZARD
- 6.3.7. Stream Corridors.** Minimum development setbacks shall be required along all streams. The use of buffers created by this requirement shall be compatible with the protection of stream corridor values.

**6.3.8. Wildfire Hazards.** All developments that are in or adjacent to forested areas or areas of flammable brushy vegetation should provide fire defensible space in accordance with the International Wildland-Urban Interface Code.

**6.3.9. Fencing/Stock Driveways.** 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.

**6.3.9.1.** Fencing shall also comply with I.C. Title 35 as amended.

**6.3.10. 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.

#### **DIVISION 4- LAND USE COMPATIBILITY**

- ***Cultural and Historic Preservation.*** *How will the proposed development be designed so that it doesn't negatively impact the cultural or historical resources or that such adverse impacts have been avoided to the maximum extent possible?*

**6.4. Land Use Compatibility.** All developments shall demonstrate how their development is compatible with neighboring uses

**6.4.1. Limiting Conflict with Mining and Logging Operations.** Development of other uses should not limit the viability of mining and logging operations, including normal mining and logging activities (blasting, heavy truck traffic, etc.) that may, at times, be perceived as a nuisance by inhabitants of nearby residences.

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

**6.4.2.1.** 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.

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

**6.4.2.3.** As required by I.C. 22-2407 as amended, 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.

**6.4.3. Signs.** All signs shall comply with the detailed performance standards of CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES

**6.4.4. 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 and/or Subdivision application process.

**6.4.5. Additional Facilities Needs.**

**6.4.5.1.** In addition to facilities required by this code, special use permits and/or subdivisions 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.

**6.4.5.2.** The public facilities needs 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:

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

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

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

**6.4.5.2.2.** 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.

**6.4.5.2.3.** When a 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.

**Table 6.5 Small Scale Development and Minimum Lot Sizes For All Areas.**

\*All newly created lots must have a minimum frontage of 110 feet measure lot line to lot line

<b>Zoning Districts</b>	<b>Small-Scale Development Factor (Parcel: Acres)</b>	<b>Minimum Lot Size (Acres)</b>
Airport	No New Residential Use is Permitted	
Area Of City Impact	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
North Fork Gibbonsville	10-15 Acres – 1 Split 16-25 Acres – 2 Splits 26-35 Acres – 3 Splits Over 35 Acres -4 Splits	
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

\*\*Upper Lemhi River Valley is allowed up to 4 splits per parcel, provided the parcel is not subdivided split(s) will return to the original parcel after a period of not less than 10 years. Transferring of splits is not allowed without permanently losing the allowable splits. All other rules and regulations within this ordinance will remain in effect.

**Table 6.6 SETBACK REQUIREMENTS FOR ALL AREAS.\*\***

<b>Setback From:</b>	<b>Setbacks (in feet)</b>
property line, arterial roads (measured from the edge of road right of way)	25 feet
property line, front yard (measured from the edge of road right of way)	25 feet
corner lot side yard, intersecting streets (measured from the edge of road right of way)	15 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	Table 6.7
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Chapter 8 Buffering 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 7.3.1 for Setbacks in Elk Bend and Gilmore for Existing Lots

**Table 6.7- MINIMUM STREAM CORRIDOR SETBACKS\*\***

<b>Stream/Stream Channel Type</b>	<b>Required Setback (on both sides of stream)</b>
Salmon, Lemhi, Pahsimeroi and North Fork Rivers	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* other streams - poorly defined or braided channel* other streams - incised channel, ravine (stream “bottom” less than 50 feet wide) *	25 feet from the average annual high water mark,
Irrigation ditches	No required county setbacks (please see Idaho State Statue 42-1102 and any plats or legal descriptions that may pertain to your property)

\*\*Table 7.3.2 Stream Corridors for areas in Elk Bend and Gilmore for existing lots.

## CHAPTER 7- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC ZONING DISTRICTS

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

### DIVISION 1- AIRPORT ZONING DISTRICT

**7.1. Airport Zoning District.** 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.

**7.1.1. Private Aircraft Landing Fields.** As defined under 11.2.4.20 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.

**7.1.2. 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.

**7.1.3. Landscaped Buffers.** Landscaped buffers shall be provided as required by CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES.

**7.1.4. Signs.** Signs shall be limited to those permitted in CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES

**7.1.5. 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 CHAPTER 4- ESTABLISHMENT OF ZONING DISTRICTS. An area located in more than one of these zones is considered to be in the zone with the more restrictive height limitation.

**7.1.5.1. Non-Precision Instrument Runway Approach Zone (Larger than Utility).**

The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500) wide. The approach zone expands outward uniformly to a width of the 3,500 feet in horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**7.1.5.2. Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.

**7.1.5.3. Horizontal Zone.** The horizontal zone is established by swinging arcs of 10 thousand (10,000) feet radi from the center of each end of the primary surface of

each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**7.1.5.4. 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.

**7.1.6. Height Limitations.** Except as provided 7.1.6.5 no structure or tree shall be allowed to exceed the height limitations established here.

**7.1.6.1. Non-Precision Instrument Runway Approach Zone (Larger than Utility).**

Slopes thirty-four feet (34') outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.

**7.1.6.2. 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.

**7.1.6.3. Horizontal Zone.** One hundred-fifty (150) feet above the airport elevation or at a height of four thousand one hundred and ninety three (4,293') above mean sea level.

**7.1.6.4. Conical Zone.** Slopes twenty (20) feet outward for each foot upward for four thousand feet (4,000') beginning at the periphery 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.

**7.1.6.5. 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.

**7.1.7. 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

**7.1.8. Nonconforming Uses.** Additional Regulations. Nonconforming uses and buildings are regulated by the provisions of 1.5.2 and, within this overlay zoning district, these additional requirements.

**7.1.8.1.** 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.

**7.1.8.2.** The repair and, under specified circumstances, replacement of nonconforming uses and buildings is permitted by 1.5.3 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.

**7.1.9. Permits.** Permit requirements for development activity are established CHAPTER 3 – GENERAL PROVISIONS 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 **Error! Reference source not found.** (this includes agricultural outbuildings and similar accessory structures).

**7.1.10. Variances.** The variance procedure is described in 3.5 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.

**7.1.11. 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.

## **DIVISION 2- AREA OF IMPACT**

**7.2. 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 officers 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.

**7.2.1. Land Use.** special use or small scale development 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.

## DIVISION 3- ELK BEND & GILMORE EXISTING LOTS

### 7.3. Elk Bend Existing Lots & Gilmore Existing Lots

#### 7.3.1 SETBACK REQUIREMENTS FOR ELK BEND’S EXISTING LOTS & GILMORE’S EXISTING LOTS

Setback From:	Setback (In Feet)
Property Line, Arterial Roads (measured from the edge road right of way)	25 Feet
Property Line front yard (measured from the edge of road right of way)	15 Feet
corner lot side yard, intersecting streets (measured from the edge of road right of way)	15 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 7.3.2

**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 7.3.2 Stream Corridors for Elk Bend for existing lots & Gilmore Existing Lots.\*

**Table 7.3.2 - 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)	25 Feet from the Top of the Bank
Irrigation Ditches	No required county setbacks (please see Idaho State Statue 42-1102 and any plats or legal descriptions that may pertain to your property)

## CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES

**8. What this chapter does.** This chapter establishes additional performance standards that are applicable for specific uses.

### DIVISION 1- HOME OCCUPATIONS

**8.1. Purpose.** The purpose of this section is to ensure land use compatibility while allowing commercial activity in residential areas.

**8.1.1. Home Occupations.** These performance standards are designed to permit limited commercial use 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.

**8.1.1.1.** Home occupations are only allowed on the lot or parcel or contiguous property to which the dwelling is located.

**8.1.1.2.** No home occupation on a lot less than (5) acres in size or smaller shall have more than three (3) on-premises, full-time equivalent employees who are not members of the resident family

**8.1.1.3.** No home occupation 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.

**8.1.1.4.** 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.

**8.1.1.5.** Home occupations shall provide off-street parking for all employees and any vehicles associated with the occupation in compliance with the requirements of this chapter

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

**8.1.1.7.** Home occupations shall display only the following signs:

**8.1.1.7.1.** For home occupations located within a subdivision:

**8.1.1.7.2.** one non-illuminated wall sign of no more than six square feet and;

**8.1.1.7.3.** one non-illuminated on-site directional sign of no more than four square feet.

**8.1.1.7.4.** For home occupations located outside a subdivision and on a lot five (5) acres or more;

**8.1.1.7.4.1.** one non-illuminated wall sign of no more than sixteen square feet and;

**8.1.1.7.4.2.** one non-illuminated on-site directional sign of no more than four square feet.

**8.1.1.7.5.** Home occupations can be, but are not limited to:

**8.1.1.7.5.1.** Accounting, Beauty Salon and Cabinetry

**8.1.1.7.5.2.** Bed and breakfast inn that occupies no more than 50% of the floor area of the residence may be permitted as a home occupation.

**8.1.1.7.6.** No Home Occupation shall be:

**8.1.1.7.6.1.** Junk Yard, Auto Salvage, Restaurant, Gravel Pit, Convenience Store

**8.1.1.7.6.2.** Any type of business that accumulates outdoor storage.

**8.1.1.7.6.3.** Transient lodgings, including hotels, motels, guest cabins, campgrounds, and recreational vehicle parks shall not be permitted as home occupations.

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

**8.1.1.9.** 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.

**8.1.1.10.** 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.

## **DIVISION 2- SHORT TERM/VACATION RENTALS**

**8.2. Short Term/Vacation Rentals.** Pursuant to Idaho Code 67-6539, the performance standards are designed to allow short term/vacation rentals associated with a dwelling, while protecting the integrity of residential neighborhoods in which short term rentals or vacation rentals operate. All short term/vacation rentals shall comply with all applicable standards of this code.

**8.2.1.** Short term/vacation rentals shall be limited to 1 (one) residential dwelling rental unit per parcel of ground

- 8.2.1.1.** More than 1 (one) residential dwelling rental unit per parcel of ground shall be considered commercial and shall meet the applicable requirements of this code for commercial uses not considered a home occupation.
- 8.2.2.** Landlords are encouraged to have regulations that would protect the residential characteristic of the neighborhood.

### **DIVISION 3 – RECREATIONAL VEHICLE LIVING QUARTERS**

- 8.3.** All recreational vehicles used for habitation, for any length of time, shall have an approved sewage management system or sewage management plan.
- 8.3.1.** Sewage management system must comply with Eastern Idaho Public Health requirements
- 8.3.2.** If occupied for more than six (6) months, recreational vehicle habitation will be considered full time occupancy and is subject to the additional requirements set forth below:
- 8.3.3.** Must have an approved sewage management system
- 8.3.4.** A physical address assigned by the Lemhi County E-911 coordinator for emergency purposes only. Address must be reassigned every six (6) months.
- 8.3.5.** A plot plan demonstrating adherence to county setbacks from roads, rivers, streams, and property lines.
- 8.3.6.** If required, an approved access permit issued by Lemhi County Road & Bridge Dept or Idaho Transportation Department.
- 8.3.7.** Solid waste tax
- 8.3.8.** If set in a floodplain, requirements for new construction must be met per C.5.2.1.5.3.
- 8.3.9.** May not be set up in the Area of City Impact Zone

### **DIVISION 4- SALVAGE AND JUNKYARDS**

- 8.4. Purpose.** This section regulates the development of Salvage and Junkyards and provides additional performance standards to ensure compatibility with neighboring uses. Salvage and Junkyards must meet all applicable performance standards of this ordinance.
- 8.4.1. 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 1.5.2 Such uses shall:
- 8.4.1.1.** conform to time limits for daily operation as defined by the Board;

- 8.4.1.2. 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.
- 8.4.1.3. divert the direction of night lighting from any residence or public road.
- 8.4.1.4. 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;
- 8.4.1.5. have such landscaping that is appropriate with the surrounding area as determined by Commissioners;
- 8.4.1.6. meet the minimum health standards as set forth by the Eastern Idaho Health.

**8.4.2. Unlicensed Vehicles.** This table is 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.

- 8.4.2.1. 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.

## **DIVISION 5- CONFINED ANIMAL FEEDING OPERATIONS**

**8.5. CAFO'S.** CAFO's within the county are regulated under Idaho Statue Title 67 Chapter 65 as amended.

## **DIVISION 6- MANUFACTURED AND/OR MOBILE HOME PARKS**

**8.6. Purpose.** This section regulates and provides additional performance standards for manufactured home parks.

**8.6.1. Manufactured Home Park Design.** Manufactured home parks shall comply with all applicable performance standards of this ordinance, and the following additional requirements;

- 8.6.1.1. Every lot created shall be capable of accommodating a permitted use allowed by this ordinance.
- 8.6.1.2. manufactured home parks that are in, or include a portion of, a special flood hazard area shall comply with the performance standards of APPENDIX C- SPECIAL FLOOD HAZARD
- 8.6.1.3. manufactured home parks shall be designed to minimize:
  - 8.6.1.3.1. the length of streets and utility lines required by their development;
  - 8.6.1.3.2. exposure to natural hazards and damage to natural assets, including soil erosion and the acceleration of storm and melt water runoff; and
  - 8.6.1.3.3. conflict with adjoining land uses.

**8.6.2. Irrigated Lands.** 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).

**8.6.3. Manufactured Home Park Improvements.** The following improvements shall be provided in all manufactured home parks;

**8.6.3.1.** 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;

**8.6.3.1.1.** Manufactured Home Parks in remote and/or primitive locations may be exempt from the provisions of 8.6.3.1 parks shall provide all necessary easements in the event utilities could be provided in the future. Reasons for a development to be determined as remote and/or primitive shall be based on but not limited to; location of existing services, probability of future services in the area, access. The administrator is responsible for making this determination, or the administrator may refer to the planning & Zoning Commission for determination of such locations.

**8.6.3.2.** drained and graded gravel roads, as specified in APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS

**8.6.3.3.** any other improvement required for compliance with this ordinance.

**8.6.4. Manufactured Home Park Operation.**

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

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

**8.6.5.1. Site Selection:**

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

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

**8.6.5.1.3.** 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.

**8.6.5.2. Site Improvements:**

**8.6.5.2.1.** 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.

#### **8.6.5.3. Site Planning:**

**8.6.5.3.1.** 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.

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

#### **8.6.6. Manufactured/mobile home/recreational vehicle space sizes;**

**8.6.6.1.** 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.

#### **8.6.7. Spacing of manufactured/mobile home/recreational vehicle.**

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

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

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

#### **8.6.8. Roads, walks and parking areas.**

**8.6.8.1.** 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.

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

#### **8.6.9. Width of roads and parking areas.**

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

**8.6.10. 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.

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

##### **8.6.11.1. Width of Walks**

**8.6.11.1.1.** Public walks - minimum four (4) feet



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

## **8.6.12. Service Buildings**

**8.6.12.1.** 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:

### **8.6.12.1.1. Location**

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

### **8.6.12.1.2. Construction**

**8.6.12.1.3.** 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.

## **8.6.13. Facilities (Recreational Vehicle Park Only).**

**8.6.13.1.** 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.

### **8.6.13.1.1. Plumbing fixtures:**

**8.6.13.1.1.1.** Every manufactured home/recreational vehicle park must provide adequate toilet and laundry facilities. In no instances should there be less than:

**8.6.13.1.1.1.1.** one (1) laundry unit (laundry or washing machine);

**8.6.13.1.1.1.2.** one (1) water closet, one (1) lavatory and one (1) shower for women

**8.6.13.1.1.1.3.** one (1) water closet one (1) lavatory and one (1) shower for men

**8.6.13.1.1.1.4.** 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.

**8.6.13.1.1.1.5.** 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).

**8.6.13.1.1.6.** 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.

**8.6.14. Recreational Vehicle Parks;** The Planning & Zoning Board shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, arrangement, method, system is at least the equivalent in performance in quality, strength, effectiveness and adequate for the protection of the health, safety and general welfare of the people and complies with the standards of this code.

**8.6.15. Fire Prevention:**

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

**8.6.16 Regulations:**

**8.6.16.1** 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.

## **DIVISION 7- SUBDIVISION STANDARDS**

**8.7 Purpose.** This section regulates the division of land for sale and/or development, and provides additional performance standards subdivisions.

**8.7.1. Subdivision Design.** The subdivision permit procedure is found in CHAPTER 3 – GENERAL PROVISIONS Subdivisions shall comply with all applicable performance standards of this ordinance, and the following additional requirements.

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

**8.7.1.2.** Subdivisions that are in, or include a portion of, a special flood hazard area shall comply with the performance standards of Chapter 9.

**8.7.1.3.** Subdivisions shall be designed to minimize:

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

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

**8.7.1.3.3.** conflict with adjoining land uses

**8.7.2. Subdivision of Irrigated Lands.** All subdivisions shall demonstrate compliance with I.C. 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities (I.C. 31-3805). Compliance shall be attained by:

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

**8.7.3.1.**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;

**8.7.3.1.1.** Subdivisions in remote and/or primitive locations may be exempt from the provisions of 8.7.3.1 These subdivisions shall provide all necessary easements in the event utilities could be provided in the future. Reasons for a development to be determined as remote and/or primitive shall be based on but not limited to; location of existing services, probability of future services in the area, access. The administrator is responsible for making this determination, or the administrator may refer to the planning & Zoning Commission for determination of such locations.

**8.7.3.2.**drained and graded gravel roads, as specified in APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS

**8.7.3.3.**any other improvement required for compliance with this ordinance.

## **DIVISION 8- BUFFERING, SCREENING & LANDSCAPING FOR SPECIAL USES**

**8.8. Buffering, Screening & Landscaping.** Buffering, Screening, and 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.

**8.8.1. Screening, Landscaping, and Buffering.** Will vary according to the characteristics of the site and the compatibility of the land use with surrounding uses. Therefore, the applicant is permitted a range of optimal landscaping materials and fences at a variety of heights. The officials reviewing the site plan will be flexible (within limits) in determining the type and size of screens or buffers which is most compatible with surrounding land uses. The review body has the authority to waive screening or buffering requirements where they serve no useful purpose, or to delay installation under limited circumstances. All landscaping requirements shall remain in effect, even if the buffering and screening is waived.

**8.8.2. Special Use Locations.** Special Uses should be buffered and landscaped when located along local, state or federal highways, with the exception of home occupations that must comply with 5.1.4 & 8.1.1 Special Use storage areas shall be effectively screened from view.

## **DIVISION 9- LIGHTING STANDARDS**

**8.9. 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 section shall not be required to change until such time the entire lighting unit is being replaced.

**8.9.1. Lighting Standards.** No development shall direct light, glare or heat beyond its property line. 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.

## **DIVISION 10- OFF-STREET PARKING & LOADING**

**8.10. Purpose.** These performance standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

**8.10.1. Off-Street Parking Required.** All buildings and uses shall provide the minimum number of off-street parking spaces. Parking spaces shall have graded and drained gravel or paved surfaces.

**8.10.2. Off-Street Parking Requirements for Uses Not Listed.** The classification of uses and the off-street parking requirements for uses not listed 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 3.4

**8.10.3. 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.

**8.10.4. 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.

**8.10.5. 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

**8.10.6. 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.

**8.10.6.1.** 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.

**8.10.6.2.** 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.

**8.10.6.3.** 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.

**8.10.6.4.** 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.

**8.10.6.5.** Clear vision triangles shall be provided for all access driveways.

**8.10.6.6.** 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.

**8.10.6.7.** 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.

**8.10.7. 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.

**8.10.7.1.** Minimum aisle widths shall be:

**8.10.7.1.1.** for two-way circulation and/or ninety (90) degree parking: twenty-four (24) feet;

**8.10.7.1.2.** for one-way circulation and sixty (60) degree angle parking: eighteen (18) feet;

**8.10.7.1.3.** for one-way circulation and forty-five (45) degree angle parking: fifteen (15) feet; and

**8.10.7.1.4.** for one-way circulation and thirty (30) degree angle parking: thirteen (13) feet.

**8.10.7.1.5.** Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

**8.10.7.1.6.** No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

**8.10.8. Protecting Pedestrians in Off-Street Parking and Loading Areas.** There shall be safe pedestrian access around or through all parking and loading areas.

**8.10.9. Handicapped Access.** All off-street parking areas shall provide handicapped parking, as required by state and federal law.

**Table 8.10.1.1 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>
dwellings (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.

## **DIVISION 11- SIGNS**

**8.11. Purpose.** This section 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.

**8.11.1. Permit Required.** A development 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.

**8.11.1.1. 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:

**8.11.1.1.1.** residential nameplates;

**8.11.1.1.2.** temporary signs, including real estate, construction, and political signs,

**8.11.1.1.3.** window signs; or

**8.11.1.1.4.** traffic control signs or public notices placed by the city or other public agencies.

**8.11.2. Prohibited Signs.** All signs not expressly permitted by this ordinance shall be prohibited.

**8.11.3. Placement of Signs.** No sign shall be placed: 1. in or over a public right-of-way, except as provided in 8.11.1.1 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.

**8.11.4. Signs and Public Rights-of-Way.**

**8.11.4.1.** No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.

**8.11.4.2.** 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.

**8.11.5. Permitted Signs: On-Site.** The signs permitted in Lemhi County are:

**8.11.5.1.** traffic control signs and public notices placed by the county, state, or other public agencies;

**8.11.5.2.** one (1) nameplate of no more than six (6) square feet for each dwelling, and the home occupation signs permitted 8.1.1 for approved home occupations;



- 8.11.5.3.** one entrance/directory sign, of no more than 32 (32) square feet, for each subdivision or manufactured/mobile home park;
- 8.11.5.4.** 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
- 8.11.5.5.** accessory to permitted retail and service commercial uses,
  - 8.11.5.5.1.** on-site directional and traffic control signs required to provide for safe access to the site and safe circulation in parking or loading areas;
  - 8.11.5.5.2.** window signs; and
  - 8.11.5.5.3.** any combination of the following signs, provided that their total area does 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:
    - 8.11.5.5.3.1.** wall signs of no more than thirty-two (32) square feet each,
    - 8.11.5.5.3.2.** projecting signs with no more than twelve (12) square feet per side;
    - 8.11.5.5.3.3.** ground signs of no more than eight (8) feet in height and with no more than thirty-two (32) square feet per side;
    - 8.11.5.5.3.4.** pole signs of no more than twenty-five (25) feet in height and with no more than sixteen (16) square feet per side, or
    - 8.11.5.5.3.5.** 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.
    - 8.11.5.5.3.6.** Awnings may also display the logo or name of the establishment or its owner or operator.
- 8.11.6. 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.
- 8.11.7. 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 this chapter and shall not constitute a traffic hazard.

- 8.11.8. 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.
- 8.11.9. 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.
- 8.11.10. 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.
- 8.11.11. 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.
- 8.11.12 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.
- 8.11.12.1 Awnings.** Fabric shelters supported by a rigid framework attached to a building.
- 8.11.12.2 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.
- 8.11.12.3 Directional Signs.** 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. 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.
- 8.11.12.4 Home Occupation Signs.** See 8.1.1.7
- 8.11.12.5 Ground Signs.** Freestanding signs that do not exceed eight (8) feet in height above grade.
- 8.11.12.6 Logo.** A logo is a simple graphic symbol used to identify an establishment.

- 8.11.12.7 Nameplates.** Wall signs that identify the occupants and address of a residence.
- 8.11.12.8 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.
- 8.11.12.9 Pole Signs.** Freestanding signs that exceed eight (8) feet in height above grade.
- 8.11.12.10 Real Estate Signs.** Wall or ground signs which indicate that the property on which they are placed is for sale, lease, or rent.
- 8.11.12.11 Sandwich Signs.** Small freestanding signs placed on a sidewalk.
- 8.11.12.12 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.
- 8.11.12.13 Traffic Control Signs.** Standard regulatory signs, including stop and yield signs, speed limit signs, etc.
- 8.11.12.14 Temporary Signs.** Include, but are not limited to, construction, political, and real estate signs, and signs advertising temporary sales events.
- 8.11.12.15 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.
- 8.11.12.16 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.

## CHAPTER 9- REQUIRED IMPROVEMENTS

**9. 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.

**9.1. Required Improvements.** A required improvement is any improvement that must be provided to comply with this ordinance, for example the subdivision improvements required by 8.7.3 or the manufactured home park improvements required.

**9.2. 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.

**9.3. 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.

**9.4. Purpose.** This chapter defines the tools to require that an owner or developer make a written commitment concerning the use or development of a subject parcel and may include provisions governing the creation, form, recording, modification, enforcement and termination of conditional commitments.

**9.5. Required Improvements.** A required improvement is any public or private improvement that must be provided to comply with this code.

**9.6. Standards for Required Improvements.** All required improvements shall be installed in compliance with this code including any design and engineering standards separately adopted by the County or other agencies responsible for providing service to the development.

**9.7. Responsibility.** Required improvements to all new development shall be designed and installed to County standards at the expense of the owner(s) or developer(s) of the property being developed. The County may, at its discretion, participate in the costs of adding capacity to required improvements in order to provide for anticipated future developments.

**9.8. Cost Share.** Costs for required improvements installed at the expense of the owner or developer may be reimbursed to the owner or developer by the owners or developers of properties benefiting from said public improvements at the rate set by the County per lineal foot of each property frontage.

**9.9. Inspection and Acceptance of Improvements.**

**9.9.15.** All required public improvements shall be installed by the owner or developer to the County's satisfaction before a final plat is recorded or the development is offered for lease or sale, leased, sold, or occupied. All required improvements shall be inspected by the County before acceptance.

**9.9.16.** Required improvements shall be inspected by the County before acceptance. Acceptance of required improvements shall be by action of the County Commissioners following submission of the developer's written request for acceptance and receipt report that all improvements have been inspected and are in compliance with all regulations.

**9.10. Inspection Fees.** Inspection fees for all required improvements shall be paid before any work on required improvements is permitted.

**9.11. Development Agreement.**

**9.11.15. Effect of Development Agreement.** The County Commissioners may require or permit as a condition of approval that an owner or developer makes a written commitment concerning the approved use or development of the subject parcel. Development Agreements do not insulate developments from changes in state, local or federal regulations or changes in building and/or fire codes.

**9.11.16. Commitment.** Such commitments shall be recorded in the office of the county recorder and shall take effect upon the adoption of the amendment to the zoning ordinance. Unless modified or terminated by the governing board after a public hearing, a commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

**9.11.17. Modifications.** A commitment may be modified only by the permission of the governing board after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code.

**9.11.18. Termination.** A commitment may be terminated, and the zoning designation upon which the use is based reversed, upon the failure of the requirements in the commitment after a reasonable time as determined by the governing board or upon the failure of the owner; each subsequent owner or each other person acquiring an interest in the parcel to comply with the conditions in the commitment and after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code.

## CHAPTER 10- PLATTING STANDARDS

**10. Plat is Required** A plat shall be required for any alteration of land size. Plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (I.C. 50-1301-1329), as amended

### DIVISION 1- PLATS

**10.1. Platting Requirements.** Both a preliminary and final plat for a lot split or subdivision shall accompany a completed application form and all other supporting materials with the exception of the creation of parcels of allocate parts of land. Both stages of the plat (preliminary and final) shall contain the following information:

**10.1.1.** Preliminary and final plats shall be professionally prepared by an Idaho licensed surveyor or engineer, to scale with all dimensions shown in feet and decimals thereof. 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 vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

**10.1.2.** The developer shall provide the County with at least one (1) copy of the plat suitable for reproduction.

**10.1.3.** Preliminary and final plats shall include:

**10.1.3.1.** the roads and alleys, with widths and courses clearly shown; each street named;

**10.1.3.2.** all lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;

**10.1.3.3.** each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;

**10.1.3.4.** the exterior boundaries shown by distance and bearing; descriptions of survey monuments; point of beginning with ties to at least two (2) public land survey corner monuments in one (1) or more of the sections containing the subdivision, or in lieu of public land survey corner monuments, to two (2) monuments recognized by the surveyor; and also, if required by the city or county governing bodies, give coordinates based on the Idaho coordinate system;

**10.1.3.5.** the easements; basis of bearings, bearing and length of lines, graphic scale of plat and north arrow; subdivision name.

**10.1.3.6.** The location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency;

**10.1.3.7.** all final plats submitted shall be prepared in compliance with *Chapter 13, Title 50* of the Idaho Code, as amended, and shall include, in addition to all information listed below:

**10.1.3.7.1.** A signed and dated owner's certificate which includes a complete legal description of the resultant properties, and in which the owners of record dedicate all public ways and other public spaces to public purpose use; and

**10.1.3.7.2.** A public notary's acknowledgment of the owner's certificate; and

**10.1.3.7.3.** A public notary's acknowledgment of the certificate of consent; and Central Certificates for final plat approval by the County Commissioners; and

**10.1.3.7.4.** Lines and titles for official signatures; and

**10.1.3.7.5.** A statement of "sanitary restriction", as required by I.C. 50-1326 as amended; and

**10.1.3.7.5.1.** A statement of sanitary restrictions shall only be required when a lot split creates a parcel that is 5 (five) acres in size or smaller

**10.1.3.7.6.** A certificate for use by the County Recorder in recording the plat after its approval; and

**10.1.3.7.7.** Any other information required for compliance with this code.

**10.1.4. Public Rights-of-Way Dedication.** The creation of all public rights-of-way, including streets and alleys, shall be dedicated to the public in accordance with *Title 50 Chapter 50-1313* as amended of the Idaho Code.

## **DIVISION 2- ADDITIONAL PLATTING REQUIREMENTS**

**10.2. Additional Platting Requirements.** Records of survey and all other plats shall follow the additional recording requirements as follows, unless otherwise allowed by this code;

**10.2.1.** Legal descriptions and deeds must be recorded for each parcel. These legal descriptions and deeds must be recorded together in sequence with the plat.

**10.2.2.** If restrictive covenants exist, the deed must refer to the restrictive covenants instrument number.

**10.2.3.** Legal descriptions of each parcel created and the remainder must be filed on the plat.

**10.2.4.** When a lot split or lot line adjustment occurs, all of the parcels involved shall be surveyed and new descriptions with deeds filed and platted.

**10.2.5.** Lots with remaining splits shall be shown on the plat.

**10.2.6.** Lot splits are assigned by "original" parcel number and run with the land not the owner. Parcels that are subdivided are not entitled "*lot splits*" regardless if the "original" parcel was entitled to any "*lot splits*".

## CHAPTER 11- DEFINITIONS

**11. 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 3.5

**11.1. 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.

### **11.2. Definitions:**

**11.2.1. Accessory.** Accessory buildings and uses are those associated with and clearly subordinate to a principal building or use.

**11.2.2. 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.

**11.2.3. Administrator.** The official whose office and duties are established by 2.5

**11.2.4. Agriculture.** All uses in SLUC categories 81 and 82 and their accessory uses and buildings, including home occupations. Also includes the production of nursery stock, stockyards, stables, and dude ranches.

**11.2.4.1. Airport.** Any runway, any area, or other facility designed or used either publicly or privately for the landing and taking-off of aircraft, including all accessory taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings.

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

**11.2.4.3. Airport Influence Area.** An area that establishes the boundary used to define the airport environs for land use planning purposes. Factors to be considered in defining the boundary of the Airport Influence Area include airport noise contours (when applicable), airport traffic patterns, departure, arrival and instrument approach corridors, safety zones and height restriction areas.

**11.2.4.4. 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 CHAPTER 7- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC ZONING DISTRICTS. In plain view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

**11.2.4.5. Aviation Hazard.** An obstruction or hazard to air navigation that includes any new or existing structure, object of natural growth, use of land, or modification thereto, which endangers the lives and property of users of an airport, or of occupants of land in its vicinity, and that reduces the size of the area available for landing, taking off and maneuvering of aircraft, or penetrates and



imaginary surface, and has an adverse effect on the safe and efficient utilization of the navigable airspace.

**11.2.4.6. 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.

**11.2.4.7. Critical Zones.** An extended area off the runway end used to enhance the protection of people and property on the ground

**11.2.4.7.1. Inner Critical Zone.** Rectangular shape and centered about the extended runway centerline. The width of the Inner Critical Zone is 2000 feet and extends a horizontal distance of 5000 from each end of the primary surface.

**11.2.4.7.2. Outer Critical Zone.** Rectangular in shape and centered about the extended runway centerline. The width of the Outer Critical Zone is 750 feet and extends a horizontal distance of up to 5000 but no less than 2500 feet, from each end of the Inner Critical Zone.

**11.2.4.8. Horizontal Surface.** A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone. This is four thousand one hundred and ninety three (4,193') above mean sea level for the Lemhi County Airport.

**11.2.4.9. Larger Than Utility Runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**11.2.4.10. Lateral Safety Zone.** An area extending 1000 feet either side of runway centerline and including the area between the ends of the primary surface(s) used to enhance the protection of people and property on the ground.

**11.2.4.11. Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds any height limitation established in 7.1.6

**11.2.4.12. Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the Lemhi County Airport Primary Surface is 500 feet.

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

**11.2.4.14. Runway Protection Zone.** The area off the runway end used to enhance the protection of people and property on the round. The Runway Protection Zone is a trapezoidal in shape and centered about the extended runway centerline. The inner width of the Runway Protection Zone is the same as the width of the primary surface. The outer width of the Runway Protection Zone is a function of

the type of aircraft and specified approach visibility minimum associated with the end of the runway.

**11.2.4.15. 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.

**11.2.4.16. 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.

**11.2.4.17. Tree.** Any object of natural plant growth.

**11.2.4.18. 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.

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

**11.2.4.20. 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 only permitted through a special use process.

**11.2.5. 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 as amended.

**11.2.6. Area of Concern.** Areas identified by Lemhi County where future planning and development must consider cumulative impacts and development thresholds to protect resource values.

**11.2.7. Accessory.** A building that is located on the same lot or parcel or contiguous to that of a dwelling.

**11.2.8. Average Daily Traffic – (ADT)** The average 24-hour volume, being the total volume of vehicles during a stated period divided by the number of days in that period.

**11.2.9. BOCC.** Refers to the Lemhi County Board of Commissioners.

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

**11.2.11. 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.

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

**11.2.13. Buffer.** See CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES

**11.2.14. 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.

**11.2.15. Clear Vision Triangle.** Also know as

**11.2.15.1. Sight Triangles:** Minimum clear sight distance at all minor road intersections shall permit vehicles to be visible to the driver of another vehicle in accordance with Standard Drawing 8 and 9 APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS

**11.2.16. Commercial.** Any use other than agricultural which involves the sale of products or services for profit or compensation. Such as but not limited to;

**11.2.16.1.** Travel arranging services, transportation ticket services, retail trade of building materials, hardware, farm equipment, food, general merchandise, automotive, marine craft, aircraft and accessories, apparel and accessories, furniture, home furnishing and equipment, eating and drinking, other retail trade, finance, insurances and real estate services, personal services, warehousing and storage services or other business services. Repair services, professional services and contract construction services. Governmental services, educational services, miscellaneous services, cultural activities and nature exhibitions. Public assembly, amusements, recreational activities, resorts, group camps, parks and other cultural entertainment and recreational activities. Transient lodging not meeting the criteria for a short term/vacation rental. Animal hospital services. Any other use not listed shall be classified by the administrator.

**11.2.16.2. Except:** Warehousing, other business services, repair services, contract construction services, public assembly, amusements, recreational activities, resorts & group camps, parks other cultural entertainment & recreational activities or animal hospitals that includes the handling or storage of hazardous material. These uses shall be considered industrial.

**11.2.17. Commission.** The planning and zoning commission of Lemhi County, as established by 6

**11.2.18. 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.

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

**11.2.20. Confined Animal Feeding Operation (CAFO) – CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES**

- 11.2.21. 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
- 11.2.22. County Road.** Roads within the County that are maintained by LCRB
- 11.2.23. County Road System.** All roads within the County as identified in Section D
- 11.2.24. 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.
- 11.2.25. 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.
- 11.2.26. Driveway.** A private owned and maintained vehicle access serving a single lot, properties under single ownership, a single residence, or agricultural, commercial, or industrial use area.
- 11.2.27. Dwelling Unit.** A single unit providing complete independent living facilities for one or more person, including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit means a single family dwelling, home, manufactured home, mobile home that has been rehabilitated, duplexes etc.
- 11.2.28. Fence.** 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 as defined in I.C Title 35 as amended
- 11.2.29. Functional Classification Map.** A map adopted by Lemhi County and the Idaho Transportation Department classifying roads and highways according to the character of service they are intended to provide.
- 11.2.30. Gravel Pit.** A gravel pit shall mean any activity that is associated with a gravel operation such as but not limited to: batch plant(s), crushing, extraction, loading & unloading, processing, screening, and sorting. A Gravel pit(s) can only be operated though the approval of a “Special Use Permit” and shall not be operated as a home occupation. Gravel pit(s) shall not violate section 6.4.2
- 11.2.31. Groundwater Vulnerability Area.** Includes all wetlands and special flood hazard areas, and all lands where:
- 11.2.31.1.** The normal water table comes to within sixty (60) inches of the land surface, and/or
- 11.2.31.2.** The most permeable soil horizon within sixty (60) inches of the surface has rapid or very rapid permeability.
- 11.2.32. 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.

- 11.2.33. 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.
- 11.2.34. 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 8.1.1
- 11.2.35. Industrial.** Any manufacturing processing, testing, energy production, storing, assembling, testing and similar uses which generally generate by products of noise, smoke, odor, glare, gas, vibration, dust or light. It does not refer to the growing of agricultural crops, or the raising of livestock. Such as but not limited to;
- 11.2.35.1.** Manufacturing of food & kindred products, textile mill products, apparel & other finished products made from fabric, leather and similar materials. Lumber & wood products (except furniture), furniture & fixtures, paper & allied products. Printing, publishing and allied products. Chemical & allied products, petroleum refining & related industries. Rubber and miscellaneous plastic products, stone, clay & glass products. Primary metal industries, fabricated metal products. Professional, scientific & controlling instruments. Photographic and optical goods, watches and clocks, miscellaneous manufacturing. Railroad, rapid rail transit and street railway transportation, motor vehicle transportation, airport transportation, marine craft transportation. Highway & street right of way, automobile parking, communication, utilities and other transportation communication and utilities. Wholesale trade, business services, warehousing and storage services. Agricultural related activities, forestry activities, fishing activities and related services. Mining activities and related services. Other resource production and extraction. Any other use not listed shall be classified by the administrator.
- 11.2.36. 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.
- 11.2.37. 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).
- 11.2.38. Land Development.** Any changes to improved or unimproved real estate, including, but not limited to, lot splits, lot line adjustments, subdivisions, special use permits, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations.
- 11.2.39. Landscaping.** Landscaping refers to any activity that modifies the visible features of an area of land.
- 11.2.40. Local Planning Act.** Also Local Planning Act of 1975. Refers to I.C. 67-6501 through I.C. 67-6538, and subsequent amendments.

- 11.2.41. 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.
- 11.2.42. Lot Coverage.** Lot coverage is the percent of the lot covered by structures, including the main and all accessory buildings.
- 11.2.43. 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.
- 11.2.43.1. Lot Line Adjustments outside a Subdivision.** Lot Line Adjustments outside a subdivision must keep at least one (1) original lot line in place
- 11.2.43.2. Lot Line Adjustment within a Subdivision.** A Lot Line Adjustment consists of any change to the external boundaries of a subdivision or plat vacation. All Lot Line Adjustments in a subdivision changing the external boundaries of a subdivision shall go through the subdivision procedure. See CHAPTER 3 – GENERAL PROVISIONS For the procedures
- 11.2.44. Lot Split.** Creation of any parcel of land acres for the purpose of but not limited to sale, lease, rental, or development. A lot split is a small scale development and shall comply with all applicable performance standards of the Lemhi County Development Code.
- 11.2.45. 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.
- 11.2.46.** A manufactured home park is any lot or parcel used for occupancy by manufactured homes that will not be placed on a permanent foundation.
- 11.2.47. 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.
- 11.2.48. 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.
- 11.2.49. 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.
- 11.2.50. 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.

- 11.2.51. 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.
- 11.2.52. 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.
- 11.2.53. Plat.** The legal map of a newly created parcel, alteration of property or subdivision.
- 11.2.54. 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.
- 11.2.55. 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.
- 11.2.56. Recreational Vehicle.** As per I.C. 39-4201(2) as amended, "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motor home.
- 11.2.57. 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.
- 11.2.58. 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.
- 11.2.59. Right-of-Way.** A parcel of land dedicated for use as a public way, which normally includes roads, sidewalks, pathways, utilities, or other public service functions.
- 11.2.60. Road/Roadway.** Any road, street, avenue, boulevard, lane, parkway, easement for access, or other way which is an existing state, county, or municipal roadway; or a road or way shown in a plat heretofore approved pursuant to law or approved by official action; or a road or way in a plat duly filed and recorded within the right-of-

way boundaries whether improved or unimproved and may be comprised of aggregate surface material, pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns. Roads in the county are classified by the following uses as identified on the Functional Classification Map:

**11.2.60.1. Arterial:** A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

**11.2.60.2. Major Collector.** A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

**11.2.60.3. Minor Collector.** A public secondary collector road with fewer ADT but functions as a sub regional corridor to local roads.

**11.2.60.4. Local Road.** A public road that provides direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial roads.

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

**11.2.60.6. Private Road (PR).** A privately owned and maintained road constructed on right-of-way or easement dedicated for public use roads.

**11.2.61. 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 8.2 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.

**11.2.62. Setback.** The distance between the property line and the outer wall, at grade, of the building on the same lot. All structures/buildings permanent or temporary and agricultural exempt buildings/structures must meet all required setbacks.

**11.2.62.1.** The front setback is measured from the lot line paralleling all roads including arterial roads to the building.

**11.2.62.2.** 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.

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

**11.2.63. Sewage Management Plan.** Effective management of removing sewage, filed with the Planning & Zoning Office

**11.2.64. Sewage Management System.** A system approved by East Idaho Public Health



- 11.2.65. Short Term/Vacation Rental.** A residential dwelling unit to be rented by someone other than the owner of the residential dwelling unit on a daily basis.
- 11.2.66. Single Family Dwelling.** A detached building designed for occupancy by one (1) family. Also includes, as required by I.C. 67-6530-6532 as amended, "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 as amended, or who are required to register pursuant to chapter 83 or 84, title 18, Idaho Code as amended, 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:
- 11.2.66.1.** Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Building Code;
  - 11.2.66.2.** Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and
  - 11.2.66.3.** Are permanently connected to central or on-site utilities.
- 11.2.67. 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.
- 11.2.68. Small-Scale Development.** A small scale development pertains to splitting lots (not involving a subdivision plat) and non commercial proposes. Procedures are found CHAPTER 3 – GENERAL PROVISIONS
- 11.2.69. 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.
- 11.2.70. 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.
- 11.2.71. Special Use Permit.** A Special Use Permit is a permit for any development outside a Small Scale Development. Procedures for a Special Use Permit and be found in CHAPTER 3 – GENERAL PROVISIONS
- 11.2.72. 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.

**11.2.73. 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:

**11.2.73.1. 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.

**11.2.73.2. 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.

**11.2.73.3. 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.

**11.2.74. Subdivision.** A tract of land divided into five (5) or more lots, parcels or sites

**11.2.75. Temporary.** lasting for only a limited period of time; not permanent

**11.2.76. 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).

**11.2.77. Variance.** According to I.C. 67-6516 as amended, "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.

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

## APPENDIX A- AREA OF IMPACT

**A. 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 A.1- AGRICULTURAL (A)**

<b>Agricultural (A) Table A.1</b>				
Permitted Uses				
Farming, Agricultural & Horticulture	Keeping, Breeding, Raising of Domestic Animals	Small Livestock Farming *See <i>Additional Standards</i>	Apiaries (Bee)	Aviaries (Birds)
Dairy Farm- *See <i>Additional Standards</i>	Daycare 8 or fewer clients	Flower Gardening	Grazing of Cattle/Sheep or Horses- *See <i>Additional Standards</i>	Greenhouse
Hog Farm or Ranch- *See <i>Additional Standards</i>	Horse Ranch-* <i>See Additional Standards</i>	Raising of Small Animals- *See <i>Additional Standards</i>	Orchards	**Small Animals and/or Poultry, Raising, Hatching & Fattening
**Special Uses				
Land division of more than the allowable amount as outlined in table 6.5	Livestock Feeding Yard	Dairy Farm with more than 100 animals	Feed Yard of equal to or less than 500 animals	Kennels of equal to or more than 20 animals
Planned Development Units (PUD)				
Re-Zone				
Industrial & Commercial Uses as defined in 11.2.15 & 11.2.34 of definitions				

Additional Standards	
Maximum Building Height	35 feet
Density	1 residence per acre with a maximum of 2 dwellings per lot while still conforming with applicable sections in the Lemhi County Development Code
*Large Animals- such as but not limited to Cattle, Horse, Hogs & Pigs	2 animals allowed for the first acre, then a 1:1 ratio
*Small Animals- such as but not limited to Sheep & Goats	5 animals allowed for the first acre, then a 5:1 ratio

Residential (R-1) Table A.2						
Permitted Uses						
Single Family Dwellings	Manufactured Homes	Guest Cottage and Servant Quarters	Home Occupations	Child Care / Day Care 8 or fewer clients		
Special Uses						
Land division of more than the allowable amount as outlined in table 6.5	Child Care and/or Day Care facilities with more than 8 clients	Planned Development Units (PUD)	10 or more Bee Hives	Livestock Feeding Yard		
Re-Zone						
Industrial & Commercial Uses as defined in 11.2.15 & 11.2.34 in definitions						
Additional Standards						
Maximum Building Height			35 Feet			
Density			1 residence per acre while still conforming with applicable sections in the Lemhi County Development Code. Maximum of 2 residences on any one parcel of ground unless otherwise permitted by this code.			
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 and shall comply with Chapter 8. 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.			

Residential (R-2) Table A.3						
Permitted Uses						
Apartment Houses	Cooperative Apartments	4- Family Dwelling	Multiple Dwellings	Multiple Family Dwelling Groups	Multiple Family Dwellings	Time Sharing Apartments
Daycare 8 or fewer clients	Child Care 8 or fewer clients	All Permitted Uses Listed in R-1				
Special Uses						
Land division of more than the allowable amount as outlined in table 6.5	Child Care and/or Day Care facilities with more than 8 clients	Planned Development Units (PUD)	10 or more Bee Hives	Livestock Feeding Yard		
Re-Zone						
Industrial & Commercial Uses as defined in 11.2.15 & 11.2.34 of definitions						
Additional Standards						
Maximum Building Height			35 Feet			
Density			1 residence per acre with a maximum of 4 dwelling units per lot while still conforming with applicable sections in the Lemhi County Development Code			
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 and shall comply with Chapter 8 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.			

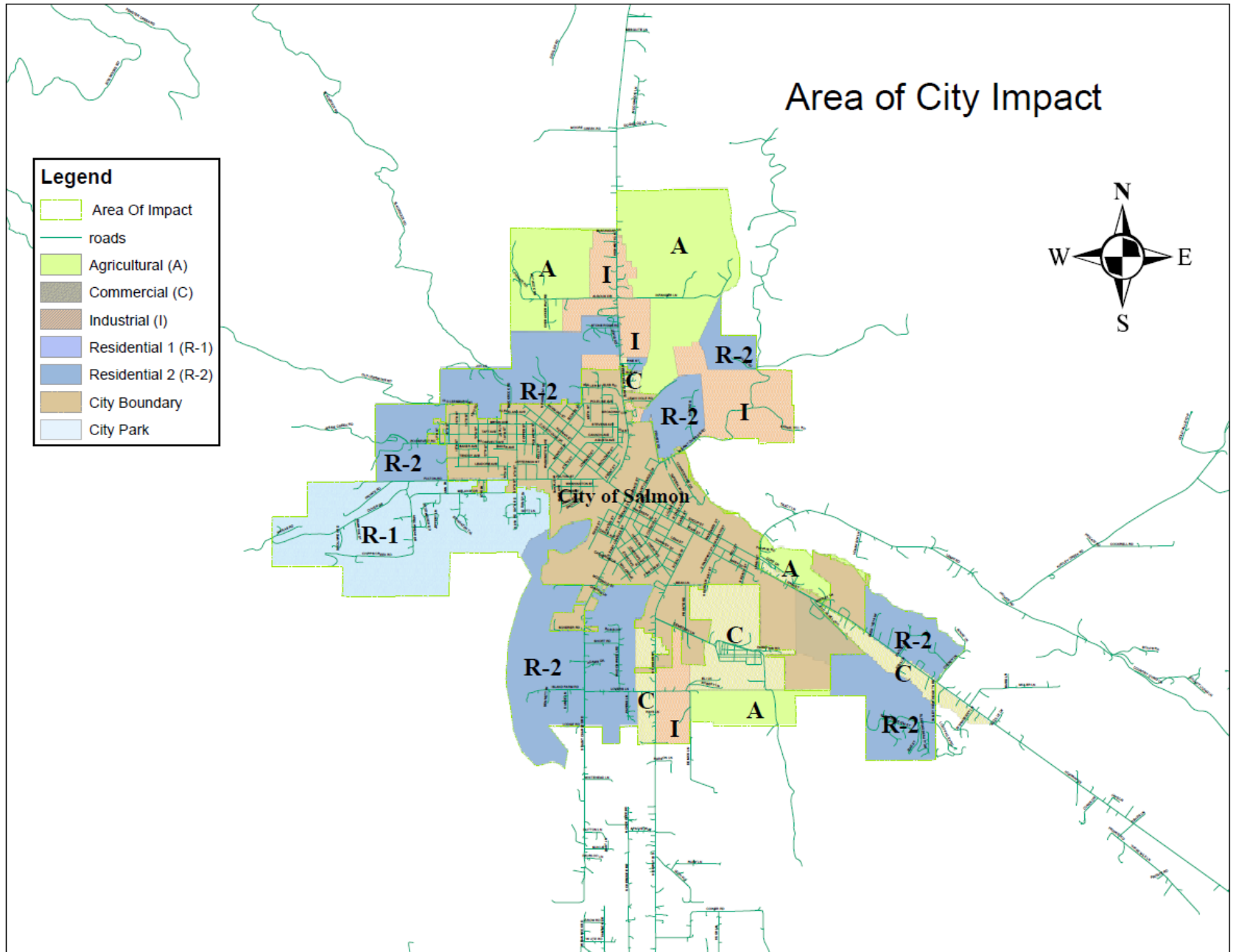
Commercial (C) Table A.4							
Permitted Uses							
Advertising agencies	Air Conditioning Sales, supply & repair	Aircraft maintenance, sale, & fuel storage	Aircraft sales Amusement parks	Animal hospital Answering service	Antique shop Appliance store	Art gallery Art needlework shop	Art shop & Artist supplies
Artists' studios	Athletic goods store	Automobile accessory store	Automobile and/or trailer spaces area	Automobile rental	Automobile repair shop	Automobile sale	Automobile service station
Artists' supplies							
Baby formula service	*Bakery (retail only)	Bar	Bathhouse	Beer sales (not for on-premises consumption)	Bicycle repair shop	Boiler works	*Brew pub
Bag cleaning	Bank	Barbershop	Beauty parlor or shop		Blueprinting	Bookstore	Bowling alley
Building material	Café or cafeteria	*Candy store	Car wash	Catering establishments and/or services	Cemeteries	China shop	Churches
Butcher shops	Camera store	Car rental agencies	Carbonated water sales		Check cashing services	Christmas tree sales	Circuses
Cleaning & dyeing plant	Clinics/medical & dental	Clothing store	Clubs & societies of a nonprofit nature	Collection agency	Columbariums (storage of Urns)	Confectionery Consultants	Consumer Credit office
Convenience market	Copy center	Crematories	Delicatessen	Diaper service	Dog grooming	Dress making shop	Dry Cleaners
Convention & exposition halls	Costume rental	Data processing center	Department store	Distribution plant	Drapery store	Drug store	Dry cleaning collection office
Dry goods store	Eating & drinking places	Education & scientific research	Education & scientific research	Educational services	Electrical repair services	Electrical shops	Electronic equipment stores
Electronic repair services	Embroidery store	Employment agencies	Experimental laboratories	Explosives storage Express office	Fabric store	Farm machinery repair or sale	Fire stations Five & ten cent stores
Florist shop	Fountain equipment & supplies	Fraternities	Frozen food lockers (not commercial)	Fur sales & storage Furniture store	Gambling casinos & establishments	Garages Gift shop	Grocery store Gunsmith
Food store							
Garden supplies	Guest ranch	Health & allied services	Health Club	Heating sales, supply & repair	Hobby store	Hospital supplies	House cleaning & repair
Glass shop	Hardware store				Hospital	Hotels	
Household merchandise & furnishing store	Ice & cold storage Inns	Interior decorating studio	Jewelry store Laundromat	Laundry collection office	Lawn service Libraries	Liquor store (package)	Live entertainment Locksmith Lodges
Lounge	Luggage sales						
Messenger office	Mini-warehouse	Mobile home dealer	Monument sales	Mortuaries	Motels	Motor vehicle sales	Medical & dental labs Movie Theater
Movie theater drive in	Museums	News dealer & stands	Notions store Notions variety store	Nurseries Office supply store	Office/business or professional	Off-premise advertising	Off-premise signs
Oil & water well surveying & servicing business	Oil burner shop On-premise signs Outside dining	Paint store Parking lot Passenger terminals	Pest extermination & control services	Pet shop Pharmacies only	Pharmacy/when operated in conjunction with office or clinic	Photographic studio Photographic supplies Plant nursery	Plumbing shop & yard Police stations
Pool or billiard parlor	Pottery shop & ceramics (no baking or kiln operations)	Pressing & alteration Resort condo's Resort hotels	Public & quasi-public & institutional building or uses	Public garages Rest homes Restaurant	Real estate office Retail business establishment	Recreation areas/parks/ playground	Recreational centers Retail sale of vehicle tire as principal use

Retail sales	Riding/rental stables	Sanitariums	Schools	Secondhand store	Service establishment	Service station	Shoe repair
Shoe store	Shopping center	Sign painting store	Silver shop	Slot & pinball machines		Storage garages	Storage or service yards
Storage space for contactor equipment	Storage warehouse	Tailor shop	Tavern		Sporting goods	Taxicab office	
	Telegraph office	Time-share programs projects within existing motels	Tobacco store	Toy store	Trade school	Trailer rentals	Travel agency(not including vacation plan sales)
Taxidermist	Telephone exchange		Truck repair or sale	Union hall	Upholstery shop	Vacation certificate & plan sales & solicitation	
Travel agency							
Veterinary services	Wallpaper store	Warehouse	Watch & clock repair	Wines sales(not for on-premise consumption)	*Flour mill	Food Manufacture	Motion Picture Productions
Shoe Manufacture	Textile Manufacture						
Special Uses							
Land division of more than the allowable amount as outlined in table 6.5	Planned Unit Development (PUD)	Aircraft assembly equal to or more than 20 employees					
Rezone							
Agricultural & Industrial uses as defined in (to be determined)	Mini-warehouse equal to or more than 10,000 sq feet.	*Bakery (equal to or more than 10,000 sq feet in size)	*Brewery (equal to or more than 10,000 sq feet in size)	*Candy Factory (equal to or more than 10,000 sq feet in size)	*Flour Mill (equal to or more than 10,000 sq feet in size)	*Food Product Manufacture (equal to or more than 10,000 sq feet in size)	*Motion Picture Productions (equal to or more than 10,000 sq feet in size)
*Shoe Manufacture (equal to or more than 10,000 sq feet in size)	*Textile Manufacture (more than 10,000 sq feet n size)						
Additional Standards							
Maximum Front Yard Setback			20 feet without a parking lot & 50 feet with a front parking lot				
Maximum Building Height			65 Feet				
Landscaping & Buffering			5%-AND the 5% must be maintained AND must be completely visible from the public way				
Buffering			All buffering must be maintained AND must be completely visible from the public way and shall comply with Chapter 8, 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.				
Maximum Lot Coverage			80%				

<b>Industrial (I) A.5</b>						
<b>Permitted Uses</b>						
Aircraft Assembly	Airports (public & private) and landing fields	Airports, including accessory commercial uses	Animal and Marine Fats and Oils	Animal By-Products Plant	Asphaltic Oil Storage	Assembly of Machines (but not aircraft or motor vehicles)
Assembly of Machines from Previously Prepared Parts					Automobile Wrecking and/or Bailing	
Bakery	Batch Plat	Bedding & Pillow Manufacturing	Blacksmith Shop	Blast Furnace	Boat Building or Repair	Book Binding
Bottling Plant (No Brewery)	Brewery		Cabinet Shop	Candy Factory		
	Candy Manufacturing					

		& Cleaning or Removing	Carpet Manufacturing, Cleaning or renovating	Ceramics Manufacture	Communication Towers & Antennas	Cosmetic Manufacturing or Packaging
Creamery	Dairy Production/Packaging or Bottling	Dog Pounds	Feed, Cereal or Flour Mill	Electric Distributing & Transmission Substations	Electric Generating Stations	Electric or Neon Signs or Billboard Manufacture
Electric Plating		Exotic Animals				
Fairgrounds		Feed Yard				
Flower Processing	Food Product Manufacture	Freight Terminal	Gravel Pits	Grease or Oil Compounding	Flour Mill	Kennels
Fuel Yard		Furniture Manufacture				
Lithography	Livestock Sales Yard	Machine Shop	Manufacturing, Compounding, Assembling acetylene, acid, ammonia, bon, cellophane	Manufacturing, Compounding, Assembling alcohol/cans/candles	Heliports	Motion Picture Productions
Motor Vehicle Assembly	Oil Wells	Petroleum Pumping			Mines or Mining	
Rubber Fabrication	Printing	Publishing			Power Transmission Lines	Precast Concrete Fence Manufacture (No cinder block)
Shoe Manufacture	Salvage Yard & Bailing	Seed Processing			Race Tracks	
		Textile Manufacture			Sheet Metal Shop	
Tire Rebuilding, Recapping or Retreading	Waste Paper & Rag Collection & Bailing					
Special Uses						
Land division of more than the allowable amount as outlined in table 6.5			Planned Development Units (PUD)			
Re-Zone						
Residential Uses & Commercial Uses as defined in 11.2.16						
Additional Standards						
Maximum Building Height		65 Feet				
Maximum Lot Coverage		80 %				
Buffering		All buffering must be maintained AND must be completely visible from the public way and shall comply with Chapter 8 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.				





## **APPENDIX B- DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS**

**B. Purpose. Authority of Lemhi County Road & Bridge.** The authority of Lemhi County (County) within the State of Idaho is set forth in Title 40 of the Idaho Code, as amended.

### **DIVISION 1- ROAD STANDARDS**

#### **B.1. Road Standards.**

**B.1.1.** Lemhi County Board of Commissioners (Board) has adopted Road Standards (Standards) for roads and ancillary roadway components. Lemhi County also refers to the following as referenced Road Standards:

**B.1.1.1.** American Association of State Highway and Transportation Officials, (AASHTO), A Policy on Geometric Design of Highways and Streets, 2004 and Roadside Design Guide, 2006

**B.1.1.2.** Idaho Standards for Public Works Construction, Division 200, 800 and Section 1105, 2008 edition (ISPWC)

**B.1.1.3.** Local Highway Technical Assistance Council (LHTAC) Manuals, Highway & Street Guidelines for Design and Construction, 2001, Use of Public Right-of-Way, 2001

**B.1.1.4.** U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (MUTCD)

**B.1.1.5.** Idaho Transportation Department (ITD), Standards Specifications for Highway Construction, 2004

**B.1.1.6.** Transportation Impact Analysis for Site Development, by the Institute of Transportation Engineers, 2005

**B.1.2.** Lemhi County Road & Bridge (LCRB) is authorized and directed by the Board of Commissioners to operate and maintain the County Roads.

**B.1.3.** To insure the safety of the public, Lemhi County is authorized to inspect the construction and maintenance of Private Roads and associated right-of-way or easements.

#### **B.1.4. Need for Control and Uniformity**

**B.1.4.1.** All County Roads within the County are classified under the Highway Functional Classification System developed for roadways in the United States.

**B.1.4.2.** The operation and maintenance of County Roads are the responsibility of LCRB. The function of these Standards is to provide the construction of uniform roads to minimize the need for maintenance, repair, and cost to the public while enhancing travel safety.

**B.1.4.3.** The operation and maintenance of Private Roads are the responsibility of the private owner, home owners association, or others identified by the plat, development agreement, or CC&R's (COVENANTS, CONDITIONS, AND RESTRICTIONS) to maintain and operate the PRs (Private Roads). Lemhi County has authority to enforce the

Development Agreement. The function of these Standards is to provide for the construction of uniform public roads to minimize the need for maintenance, repair, and cost to the public while enhancing travel safety.

**B.1.4.4.** Variation from these Standards may be sought under the criteria and procedures identified in the Lemhi County Development Code (LCDC)

**B.1.4.5.** Nothing herein shall be construed to impose an obligation or duty upon LCRB to improve existing roadways to comply with these Standards. The existing roadways will be maintained and/or reconstructed to conform to these standards as budget and right-of-way limitations allow.

### **B.1.5. Applicability**

**B.1.5.1.** The provisions of the Standards, except as hereinafter provided, shall apply to public roads, roads developed in conjunction with platting, private roads (PR) within subdivisions approved after the effective date of the adoption of the Standards and agricultural roads. Revisions or additions to existing land divisions shall be subject to the Standards.

**B.1.5.2.** The provisions of these Standards shall apply only to unincorporated areas in the County.

**B.1.5.3.** The provisions of the Standards shall apply to the repair, maintenance, widening, straightening and improving of any road existing at the time of the adoption of these Standards except as specifically exempted.

**B.1.5.4.** The provisions of the Standards shall not apply to any roads situated on lands managed by the State of Idaho or the United States except to the extent the State of Idaho or the United States grants written permission to apply the provisions of this ordinance.

### **B.1.6. Road Design Standards and Construction Conditions**

**B.1.6.1.** All work shall be completed in accordance with the latest edition of the Standards.

**B.1.6.2.** Conflict in Design or Construction Standards parameters shall be resolved in the following way: LHTAC Standards shall defer to ISPWC, ISPWC shall defer to AASHTO, and AASHTO shall defer to these Standards.

**B.1.6.3.** Only road and approach/driveway plans stamped “Approved for Construction” shall be used for project construction. Approved plans shall bear the signatures of both the LCRB and Planning and Zoning.

**B.1.6.4.** Construction Time Period: Construction of facilities included in the approved construction drawings shall be completed within a period of one (1) year following such approval by the County.

**B.1.6.5.** Failure to follow the procedure as outlined in this Section may result in non-acceptance of the completed roadway facility for maintenance by the County and may further result in corrective action by the County. Such corrective action costs shall be borne by the Owner.

**B.1.6.6.** WARRANTY of new roads constructed and appendages constructed for or adopted by the County shall be for the period of one year. An irrevocable Letter of Credit for 100 percent of actual construction cost shall be issued to the County for the

same period to cover any defect that may be discovered in the warranty period. In the final month of the warranty period, a walkover shall be conducted by the County. Any identified deficiencies shall be corrected by the Owner or shall be repaired by the County using funds from the Letter of Credit.

#### **B.1.7. Fees for Plan Review and Construction Observation**

**B.1.7.1.** The Owner will be charged for all costs incurred by the County in reviewing the construction drawings and providing construction observation. All charges will be based on the County's actual costs. The charges will include the County's professional or agent fees, Planning and Zoning inspection fees, the LCRB's hourly wage rate, and any other costs associated directly with the Owner's project. The fees shall be payable when billed to the Owner, and final acceptance of the roadway and improvements into the County's system shall not be granted until all fees are paid in full.

**B.1.7.2.** Construction observation is required of all construction completed within the County's boundaries for roads and ancillary facilities.

**B.1.8. Acceptance into the County Road Maintenance.** Acceptance by the Board of County Commissioners of a road for county road maintenance may be made by application to the County. If the application is approved the LCRB will own and maintain the road and right-of-way to LCRB Maintenance Standards. Roads accepted for maintenance through application shall be subject to the conditions of this section. The intended use of this section refers to roads requested to be included in the LCRB maintenance by Application. Road ownership and/or maintenance initiated by the County shall be exempt from this section and subject.

**B.1.8.1.** No roadway, existing or new, will be accepted for maintenance by LCRB until the conditions of this Section have been met, or a variance granted by the County's Planning and Zoning.

**B.1.8.2.** A request for acceptance of a roadway shall be filed with the County and must establish that the request meets the following requirements and is accompanied by the following:

**B.1.8.2.1.** Road right-of-ways have been dedicated and filed with the County.

**B.1.8.2.2.** Construction has been completed in accordance with current standards and specifications.

**B.1.8.2.3.** All required testing has been completed, reviewed, and the results accepted by the County.

**B.1.8.2.4.** A pre-acceptance walk-through shall be conducted at the project location with the following representatives in attendance:

**B.1.8.2.4.1.** Project Owner

**B.1.8.2.4.2.** Project Engineer

**B.1.8.2.4.3.** Contractor

**B.1.8.2.4.4.** Lemhi County Road and Bridge

**B.1.8.2.4.5.** Lemhi County Planning and Zoning

**B.1.8.2.5.** The engineer-of-record shall provide as-built drawings and an engineer's statement of roadway completion with required submittals establishing that the improvements have been constructed in accordance with the approved construction drawings, specifications, and these Roadway Standards.

**B.1.8.2.6.** Warranty: The Owner and Project Engineer shall warrant workmanship, materials, and engineering design for one (1) full year from the time of acceptance by the County. The Owner or Project Engineer, at their own expense, can be required to correct any defects which may exist, which they are notified of within one (1) year of acceptance. Whenever an Owner or Project Engineer is required to make corrections or repairs to any defect, the warranty period for that correction or repair area shall be extended for one full year on the repaired portion of work after said repairs or corrections are completed.

**B.1.8.2.7.** Owner has paid all fees and charges.

**B.1.8.2.8.** Application to be approved and signed by P&Z, LCRB, and County Commission.

**B.1.8.3.** In any platted subdivision with undeveloped public or private roadways, those roadways shall be developed to the appropriate standard prior to granting any building permit by the County.

#### **B.1.9. Testing.**

**B.1.9.1.** All testing required by the County shall be the responsibility of the Owner at no cost to the County and be in accordance with ISPWC. All tests shall be performed by an independent certified testing laboratory and certified test results shall be submitted to the County. Work performed without certified test results shall not be accepted.

**B.1.9.2.** Any testing required by the County (other than supplemental testing), but not provided by the Owner, may be completed by the County, and all costs associated therewith shall be paid by the Owner.

**B.1.9.3.** In the event of marginal or failed results, the County may require supplemental tests to be taken on the materials or construction. The Owner shall make such additional tests. The cost for the supplemental tests shall be borne by the Owner.

**B.1.9.4.** The following is a summary of the testing requirements that shall be submitted to the County for quality assurance. The Owner is responsible for quality control. Owner shall notify the County 24 hours before testing and allow the County personnel to be present at all testing:

##### **B.1.9.4.1. Embankment**

###### **B.1.9.4.1.1. Density Tests.**

**B.1.9.4.1.1.1.** Minimum of one test per layer per 2,500 sq ft of fill surface area.

##### **B.1.9.4.2. Trench Backfill**

###### **B.1.9.4.2.2. Density Tests**

**B.1.9.4.1.1.1.** Minimum of one test per 2 ft lift of material placed per crossing.

**B.1.9.4.1.1.2.** Minimum of one test per 300 lineal ft of pipe or portion thereof when located within the road section.

**B.1.9.4.3. Pressure / Air Tests.** The contractor shall perform pressure and/or air tests of all applicable pipe lines in accordance with the ISPWC after backfilling and compacting of the trenches, but prior to paving.

**B.1.9.4.4. Subgrade**

**B.1.9.4.3.1.1. Fill Sections – Density Tests**

**B.1.9.4.3.1.1.1.** Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

**B.1.9.4.3.1.1.2.** Minimum of one test per lift.

**B.1.9.4.3.1.1.3.** Minimum of two tests per road.

**B.1.9.4.3.1.2. Cut Sections – Proof Rolling**

**B.1.9.4.3.1.2.1.** Use a loaded dump truck, or equivalent.

**B.1.9.4.3.1.2.2.** Deflection to be witnessed by the County.

**B.1.9.4.5. Base Course – 12” of 6”-minus pit run crushed aggregate.** A visual inspection of the subgrade by the LCRB must be conducted prior to bringing in pit run.

**B.1.9.4.5.1. Gradation Tests**

**B.1.9.4.5.1.1.** Minimum of one test per 2,000 ft of roadway.

**B.1.9.4.5.1.2.** Minimum of two tests per road.

**B.1.9.4.5.2. Density Tests & Depth Measurement**

**B.1.9.4.5.2.1.** Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

**B.1.9.4.5.2.2.** Minimum of two tests per road.

**B.1.9.4.6. Leveling Course – 3” of ¾”-minus crushed aggregate (road mix).** A visual inspection of the pit run by the County must be conducted prior to bringing in road mix.

**B.1.9.4.6.1. Gradation Tests**

**B.1.9.4.6.1.1.** Minimum of one test per 2,000 ft of roadway.

**B.1.9.4.6.1.2.** Minimum of two tests per road.

**B.1.9.4.6.2. Density Tests & Depth Measurement**

**B.1.9.4.6.2.1.** Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

**B.1.9.4.6.2.2.** Minimum of two tests per road.

**B.1.9.4.6.2.3.** Depth of road mix shall be no less than three-inches (3"). Additional material shall be required if depth measurement is less than minimum.

**B.1.9.4.7. Finishing Course – 3" of hot mix asphalt.** A visual inspection of the road mix by the County must be conducted and copies of all test results shall be submitted prior to paving.

**B.1.9.4.7.1. Extraction Gradation Tests**

**B.1.9.4.7.1.1.** Minimum of one test per 2,000 ft of roadway.

**B.1.9.4.7.1.2.** Minimum of two tests per road.

**B.1.9.4.7.2. Density Tests**

**B.1.9.4.7.2.1.** As frequent as necessary at the beginning of paving operations to determine an acceptable roller pattern.

**B.1.9.4.7.2.2.** Minimum of one test per 300 ft of roadway per travel lane located in the middle of each travel lane.

**B.1.9.4.7.2.3.** Minimum of two tests per road.

**B.1.9.4.7.3. Core Tests**

**B.1.9.4.7.3.1.** Minimum of one test per 1,000 ft of roadway.

**B.1.9.4.7.3.2.** Minimum of two tests per road.

**B.1.9.4.7.3.3.** Core holes shall be filled with non-shrink grout mix

**B.1.9.5.** Pavement not meeting the specifications within acceptable tolerances shall be removed or overlaid as determined by the County

**B.1.10. Road Service Classification.** Standards for design and construction depend on Service Classes of the County and state roads. The service classes for County roads established by these Standards are the following: Arterial, Major Collector, Minor Collector, Local Road, and Private-Local Road (PR):

**B.1.10.1.** Arterial – A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

**B.1.10.2.** Major Collector – A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

**B.1.10.3.** Minor Collector – A public secondary collector road with fewer average daily traffic (ADT) but functions as a sub-regional corridor to local roads.

**B.1.10.4.** Local Road – A public road that provides direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial roads. All roads owned or maintained by the County that are not classified Arterials or Collectors are "Local Roads."

**B.1.10.5.** Private Road (PR) – A privately owned and maintained road in accordance with this standard and/or through a Development Agreement constructed on a right-of-way or easement dedicated for public use.

**B.1.10.6.** Road right-of-way and easement requirements shall be established by defining road service potential based on lots that may be accessed within the current subdivision and adjacent properties.

**B.1.10.7.** Agricultural Roads (AR) – as identified by the Army Corps of Engineers are road for agricultural use, shall be a maximum width of 16 feet shall cause minimum elevation change in flood plain or flood way locations and shall not be constructed for the purpose of access to any habitable structure.

**B.1.10.8.** Other Roads (OR) – are identified as roads within the County Road System that are managed by Government Agencies such as the US Forest Service, the Bureau of Land Management, the Idaho Department of Lands and State Lands.

#### **B.1.11. Right-of-Way**

**B.1.11.1.** Right-of-way width shall vary according to the Service Classification per Table No.1, General Design Standards.

**B.1.11.2.** Final plat approval for roads requires dedication of right-of-way in accordance with Idaho Code Title 50, Chapter 13 as amended. Road right-of-way is any land dedicated and open to the public and under the jurisdiction of the County. The County has no obligation to maintain said right-of-way for vehicular traffic. Private-Local Road right-of-way is land dedicated to the public but privately maintained under a Development Agreement with the County through the P&Z in accordance with Idaho Code Title 67, Chapter 65 as amended.

#### **B.1.12. Restricted Right-of-Way Activities Allowed by Permit**

**B.1.12.1.** Any use of public right-of-way used for County and Private roads for purposes other than a travel way shall be by permit only, obtained from the County. Any such activity shall not be commenced without application for and receipt of a permit.

**B.1.12.2.** Restricted activities shall include, but shall not necessarily be limited to, installation, construction, and replacement or repair of the following:

**B.1.12.2.1.** New or amended road approaches - public or private,

**B.1.12.2.2.** New or amended driveway approaches,

**B.1.12.2.3.** Buried pipes, conduits, wires, or lines - new, repair, or replacement,

**B.1.12.2.4.** Utility boxes, poles, meters, and other structures - overhead or underground,

**B.1.12.2.5.** Storm water swales, catch basins, and sediment curtains,

**B.1.12.2.6.** Signs and fences,

**B.1.12.2.7.** Culverts and Bridges, and

**B.1.12.2.8.** Landscaping located within the right-of-way including, but not limited to, boulders greater than four inches, ties, gates, lights, natural vegetation greater than six inches in height, or any other private property that may pose a safety hazard.

**B.1.12.3.** The use of right-of-way for other than vehicular travel and items listed above shall be in accordance with the LHTAC Manual for Use of Public Right-of-Way,



Standard Approach Policy, 1997, Permits for Utilities and Encroachments, 2001 and Lemhi County Ordinance 2008-2. Any such activity shall also be completed in accordance with these Standards, or in the absence of any existing standard, in accordance with sound engineering principles.

**B.1.12.4.** Any disturbed area within the right-of-way shall be restored to equal or better than condition prior to the disturbance as soon as practicable after the surface has been disturbed. The surface shall be maintained in a smooth, drivable condition until final restoration is completed and accepted. Roadways shall be freely passable by emergency and service vehicles.

### **B.1.13. Prohibited Right-of-Way Activities**

**B.1.13.1.** Any use of a road right-of-way other than as a travel way constitutes an obstruction or encroachment, and to the extent that such obstructions or encroachments are incompatible with the safe usage of a road right-of-way, the same shall be prohibited by the County.

**B.1.13.2.** Obstructions within the right-of-way which are prohibited shall include, but are not necessarily limited to, the following:

**B.1.13.2.1.** Livestock loading or feeding,

**B.1.13.2.2.** Crop harvesting, planting, or other farm activities, and

**B.1.13.2.3.** Parking for social functions, auctions, recreational activities, gatherings, or any other reason for longer than eight (8) hours during any twenty-four (24) hour time period.

**B.1.13.3.** Encroachments within a right-of-way which are prohibited shall include, but are not necessarily limited to, the following:

**B.1.13.3.4.** Fencing; new or replacement of existing 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.

**B.1.13.3.1.** Hedges, shrubbery, and trees,

**B.1.13.3.2.** Crop plantings,

**B.1.13.3.3.** Irrigation head or waste articles, sprinklers, control structures, or other irrigation appurtenances,

**B.1.13.3.4.** Irrigation discharge either from pressurized sprinklers or surface runoff. Permitted and historical irrigation crossings in maintained structures are not included,

**B.1.13.3.5.** Decorative structures and commercial or other private signs as prohibited in the right-of-way by County Code,

**B.1.13.3.6.** Disposal of irrigation water in roadside drainage ditches (borrow pits),

**B.1.13.3.7.** Endangerments through landslide or potential landslide creation by creating excessively steep cut or fill banks on adjacent property,

**B.1.13.3.8.** Mailbox supports more rigid than wood posts of ordinary size (up to 4"x 4") unless beyond the boundary identified as the Clear Zone by AASHTO.

**B.1.13.3.9.** Irrigation pipelines parallel with roadways within the right-of-way, and

**B.1.13.3.10.** Piles of wood, fruit boxes, or any other objects or materials that create a safety hazard.

**B.1.13.4.** Endangering nuisances and damaging or unsafe conditions which originate from adjacent properties shall be prohibited. These include, but shall not be limited to the following:

**B.1.13.4.1.** Drain or irrigation water overflowing onto the roadway (LC Ord. 1997-1). Excess sediment and animal wastes should not be allowed to build up and block drainage pipes. If the blockage constitutes a hazard, the removal of the hazard will be at the expense of whosoever created the problem. When drain and irrigation ditches run parallel with right-of-ways, dirt and cleaning materials from ditch maintenance shall not be put on the road right-of-way. Blockage of drainage pipes in the right-of-way by irrigation pipelines or other pipes such as stock-watering pipes, hoses, electrical wires or other foreign objects, is prohibited.

**B.1.13.4.2.** Foreign objects attached to bridges.

**B.1.13.4.3.** Visibility impairment from dust, water from sprinkler, steam, and smoke.

**B.1.13.4.4.** Nuisances such as mud causing slippery conditions and dumping of garbage.

**B.1.13.4.5.** Defacing road or placement of other signs (yard sale signs or auctions) upon road signs.

**B.1.13.5.** Removal per Idaho Code 40-2319: In the event obstructions prevent the safe or timely passageway of the public, the governing jurisdiction shall request the abutting Property Owner to remove or correct the obstruction immediately. In the event such obstructions or use are prohibited, the governing jurisdiction personnel shall request the Owner to remove, remedy, and restore or correct the obstruction within ten (10) days. If the abutting Property Owner does not comply, the County may petition the court for an order directing the Property Owner to remove or correct the obstruction. After ten (10) days the County may make the necessary removal, repairs, and/or corrections and assess the cost incurred to the responsible party. Any court costs incurred shall be paid by the responsible party. Any repairs or corrections shall be in accordance with these Road Standards.

**B.1.13.5.1.** In the event the obstruction blocks or restricts the travel way or poses safety concerns that may cause injury or loss of life as determined by the County the obstruction shall be removed immediately by the County or a Sub-Contractor to the County. Any and all costs of such removal and restoration of the travel way shall be paid for by the Property Owner

**B.1.13.6.** Damaging of a roadway is prohibited. This includes, but is not limited to, construction and farm machinery not mounted on rubber tires (such as harrows and discs), any equipment with cleated tracks, and backhoe outriggers that are not padded. Any other object that will damage roadways is not to be dragged, driven, or used on any paved surface

**B.1.13.7. Penalty:** A violation of these provisions is a misdemeanor in accordance with Idaho Code Title 18, Chapter 1 as amended, punishable by imprisonment in a County jail not exceeding six months, or by a fine not exceeding one thousand dollars. Either or both such imprisonment and fine may be imposed; in addition thereto, any person so convicted shall pay such costs as the court may assess, together with restitution for any damages caused by said violation.

**B.1.14. Utility and Alternative Travel Easements.** The intent of this section is to provide a standard for public easements used for pathways, utilities, etc. located outside the existing right-of-ways. Many County rights-of-way for county roads are limited in width for road improvements required for future growth. A goal of the County is to preserve these rights-of-way to insure that future improvements are not restricted.

**B.1.14.1.** Allowable use for easements identified in this section shall be for pedestrian and bicycle pathways, stock driveways, overhead and underground utilities, drainage, irrigation, and similar uses or facilities. Utility and Alternative Travel Easements lying parallel with the centerline of the road shall be located outside the right-of-way.

**B.1.14.2.** Maintenance of Utility and Alternative Travel Easements shall be completed by the agency, company, or association creating said easements such as homeowners, utility, irrigation district, or parks and recreation. The County shall not be responsible for said maintenance and upkeep. In the event easements become unsafe or a nuisance to the public, the County or other enforcement agencies of the County will be allowed to require a remedy in accordance to 1.14.7

**B.1.14.3.** Widths of utility and alternative travel easements shall be a minimum of 20 feet.

## **DIVISION 2- DESIGN STANDARDS**

**B.2. Design Standards.** Table No. 1, General Design Standards set forth the minimum design and construction requirements for roads based on ownership, traffic volume, and functional classification. Also see Standard Drawings in the Appendix titled “Typical Paved Road Section” and “Typical Unpaved (Gravel) Road Section.”

Table No. 1				
General Design Standards				
	Functional Classification			
	County Maintained Roads			Private Maintained Roads
	Arterial / Major Collector	Minor Collector	Local Road	Private Local Road
Lots Served, Max.	No Limit	No Limit	50 per Mile	No Limit
ADT (Vehicle/Day)	Greater than 700	400-700	10-400	No Limit
Right of Way Width, Min (ft) ***	80	60	60**	60**
Finished Surface, Min. (ft) *	28 if ADT < 600 36 if ADT > 600	26 if ADT < 600 34 if ADT > 600	24	24
Access	Restricted	Restricted	No Limit	No Limit
Surface Type	Asphalt	Asphalt	Asphalt/Gravel	Asphalt/Gravel
Design Speed (MPH)	35 - 65	35 - 45	35	25 - 35
Grade, Max. ****	8%	8%	8%	8%
Notes:				
* Finished Surface includes shoulder widths				
** Right-of-way for Local Roads and Private Road may be reduced to 50 feet when development potential is limited by terrain or government owned lands				
*** Right-of-way width minimum to be increased to include all of the cut and fill cross slope section				

### B.2.1. Road Names

**B.2.1.1.** All names for new roads constructed within the jurisdiction of the County shall be approved by E-911 Coordinator.

**B.2.1.2.** All guide signs as identified by MUTCD required by the County shall be installed by the Developer in accordance with Section 1.17.1 such as road name signs.

### B.2.2. Road Cross Section

**B.2.2.1.** The Standard Drawing Details included in the Appendix of these Standards show typical cross section characteristics required for road classification.

**B.2.2.2.** After reconstruction of roadway, existing irrigation structures and culvert termini should be removed and relocated outside the County right-of-way. Roadside drainage ditches (borrow area) may not be used for conveying irrigation water of any type. New irrigation structures, ditches, and piping shall be constructed outside of the right-of-way.

**B.2.2.3.** The road cross section outside the paved area and inside the remaining right-of-way shall conform to Section E and the LHTAC Manual. Conformance thereto will be based on a site-specific review including plans and site walkover.

**B.2.2.4.** Existing roads along the frontage of a proposed subdivision or development shall be improved to meet current standards.

### **B.2.3. ISPWC Modifications**

**B.2.3.1.** Roads incorporating aggregate material for finish surfacing as a gravel road shall utilize the following gradation for the aggregate.

Table No. 2	
Crushed Aggregate for Gravel Road Surfacing	
Sieve Size	Percent Passing
3/4	95 – 100
No. 4	50 – 78
No. 8	37 – 67
No. 40	13 – 35
No. 200	4 – 15
Plasticity Index	4 – 12

**B.2.4. Material Requirements.** Asphalt oil is not defined in these standards and will depend on the specific project, availability of mix, and volume of traffic. Roads with a high ADT volume a PG 64-28 is recommended while low ADT volume roads and parking areas a PG 58-28 is recommended.

**B.2.4.1.** Surface and base crushed aggregates shall be granular materials 3/4-inch (3/4”) or smaller. Materials from specific sources may be approved by LCRB without laboratory testing based on LCRB's prior experience with material from such sources.

**B.2.4.2.** Sub-base (or base for gravel roads) course crushed aggregates shall be granular materials 4-inches (4”) or smaller and historical experience of imported aggregate materials from specific sources approved by the County, the pertinent gradation and placement requirements of ISPWC may be applied.

**B.2.4.3.** Sub-grade material sampling and testing is required for all new construction. Sub-grade material not required to be tested shall meet all three of the following conditions:

**B.2.4.3.1.** Native material shall be identified on the NRCS soils map as being non-clay soil, and

**B.2.4.3.2.** Sub-base of typical section shall be increased by 6-inches (6”), and

**B.2.4.3.3.** Imported material shall meet the non-testing conditions of B.2.4.1 & B.2.4.2

**B.2.4.3.4.** Native material containing clay shall require sampling and testing in all conditions.

### **B.2.5. Cut and Fill Slopes**

**B.2.5.1.** Cut slopes shall be as follows except where a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist stipulates that materials on a specific site will be stable at steeper slopes.

**B.2.5.2.** For sections where the cut as measured from the uphill shoulder is less than or equal to 10 ft vertically, cut slope shall not be steeper than 1 H: 1V (1 Horizontal: 1 Vertical).

**B.2.5.3.** For sections where the cut as measured from the uphill shoulder is greater than 10 ft vertically, cut slope shall not be steeper than 1.5 H: 1 V.

**B.2.5.4.** Native materials containing clay require a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist regardless of the vertical distance.

**B.2.5.5.** Where a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist identifies native materials at road locations, cut slopes shall be as recommended by such report but not steeper than the following:

**B.2.5.5.1.** Solid Rock requiring blasting: 0.5 H:1 V

**B.2.5.5.2.** Jointed Rock removable by ripping: 0.75 H:1 V

**B.2.5.5.3.** Naturally Cemented or Bonded Material, 1 H:1 V

**B.2.5.5.4.** Loose Material, 1.5 H:1 V

**B.2.5.5.5.** Fill slopes shall not be steeper than 1.5 H:1 V.

**B.2.5.6.** Recognized areas which are susceptible to slides and erosion will require site-specific design solutions to limit or mitigate environmental and structural damage to roadways and waterways. Identified areas susceptible to these conditions have been shown on an overlay map entitled "Areas of Unstable Soils." Special construction and maintenance procedures specific to soil conditions within these areas must be practiced as precautions against potential sliding and erosion. Design and maintenance considerations within these overlay areas may include a combination of slope protection and stabilization practices such as:

**B.2.5.6.1.** Reshaping borrow areas, revegetating, or regrading slopes,

**B.2.5.6.2.** Drainage provisions including interceptor drain lines and redirecting flows, and slope stabilization with gabions, slope pinning, or geotechnical fabrics

**B.2.5.6.3.** The specific design should be completed by a qualified geotechnical engineer.

**B.2.5.6.4.** Construction of cut and fill slopes shall not be permitted without incorporating erosion protection measures recognized by the Idaho DEQ Storm water Catalog: Best Management Practices.

## **B.2.6. Horizontal and Vertical Alignment**

**B.2.6.1.** Horizontal and vertical alignment shall conform to AASHTO or LHTAC Manual unless noted otherwise.

**B.2.6.2.** Grades shall not exceed 8% on public or private roads. Five percent grades are recommended. Lemhi County terrain may require grades to be greater than 8%. In such case the LCRB is authorized to make such determination. Exceeding 8% grades will require an application of variance.

**B.2.6.3.** Horizontal Alignment: When road lines deflect from each other by more than ten degrees ( $10^{\circ}$ ) in alignment, the centerlines shall be connected by a curve having a minimum radius of 500 ft for collectors, and 150 ft for local or private roads. Between reverse curves on local roads, there shall be a minimum tangent distance of 100 ft, and on collectors, 200 ft.

**B.2.6.4.** Vertical Alignment: Minimum sight distance shall be 200 ft for local and private roads and 300 ft for other roads.

**B.2.6.5.** Intersections shall conform to the following:

**B.2.6.5.1.** Angle of Intersection: Roads shall intersect at ninety degrees ( $90^{\circ}$ ) or as closely thereto as possible, and in no case shall roads intersect at less than eighty degrees ( $80^{\circ}$ ).

**B.2.6.5.2.** Sight Triangles: Minimum clear sight distance at all minor road intersections shall permit vehicles to be visible to the driver of another vehicle in accordance with Standard Drawing 8 and 9.

**B.2.6.5.3.** Number of Roads: No more than two roads shall cross at any one intersection.

**B.2.6.5.4.** Centerline Offsets: Slight jogs at intersections shall be prohibited. Where jogs are unavoidable, road center lines shall be offset by a distance of at least 125 ft.

**B.2.6.5.5.** Vertical Alignment of Intersections or junctions shall be no steeper than 3 percent for a minimum of 50 ft every direction from the centerline intersection point.

## **B.2.7. Additional Width**

**B.2.7.1.** Horizontal curves shall be widened to allow for off tracking. Table No. 3 provides minimum lane-widening dimensions. Transition sections shall be in accordance with AASHTO but not greater than 1 ft of width change per 10 ft of longitudinal travel.

Table No. 3		
Additional Width of Horizontal Curves		
Radius	1-lane widening	2-lane widening
40 ft to 79 ft	5 ft	10 ft
80 ft to 99 ft	3 ft	6 ft
100 ft to 149 ft	2.5 ft	5 ft
150 ft to 249 ft	1.5 ft	3 ft
250 ft to 400 ft	1 ft	2 ft
More than 400 ft	Not Required	Not Required

## **B.2.8. Driveway/Emergency/Service Vehicle (DESV) Access**

**B.2.8.1.** Design of driveways, emergency vehicle access and utility service access shall conform to the following:

**B.2.8.1.1.** DESV access driveways shall be provided to every habitable structure here-after built on (or moved onto) property in the County.

**B.2.8.1.2.** DESV driveways roads shall be constructed to standard engineering specifications for an "All Weather Surface." Six inches of crushed aggregate with a maximum aggregate size of 2 inches qualifies as an "All Weather Surface."

**B.2.8.2.** Width of DESV access:

**B.2.8.2.1.** Roads or driveways serving two or more habitable structures shall have a drivable surface at least 24 ft wide. No obstructions including, but not limited to, power poles, fences, phone boxes, ditches, or irrigation boxes shall reduce this minimum width.

**B.2.8.2.2.** Bridges shall be designed and constructed to support (AASHTO HL93 Design Loading)

**B.2.8.2.3.** DESV access driveways abutting state highways and collectors shall provide for on-site turn-around movements to enable vehicles to face traffic lanes.

**B.2.8.2.4.** Curves shall have an inside radius of at least 26 ft and an outside radius of at least 50 ft providing 24 ft of drivable surface.

**B.2.8.2.5.** DESV access location is recommended to be a distance of 150 ft but in no case shall it be less than 50 ft from road intersections measured from intersecting right-of-way, easement or property lines. On occasion when the right-of-way, easement or property lines exist at different locations the line creating the larger distance shall control.

**B.2.8.2.6.** DESV access grade shall have a maximum grade of three percent for a minimum distance of 24 ft from edge of traffic lane.

**B.2.8.2.7.** DESV access shall include drain swales or borrow ditches to prevent runoff water from entering onto roadways.

**B.2.8.2.8.** Driveway culvert requirements shall meet the specifications of Section G of the Standards

**B.2.9. Dead –Ends/Turn-Around.** Dead-ends of Public and Private roads shall be constructed with a turn-around adequate for truck-and-single-trailer vehicle combinations, and for fire trucks and other emergency vehicles of non-articulated, single-steering-axle type. Turn-arounds shall be designed for the least practicable disturbance of existing terrain; to support this purpose they may be circular-, tee-, or loop-type as illustrated in Standard Drawing Number 5. Disturbances caused in installation shall be repaired or mitigated to prevent erosion, facilitate drainage, and minimize long-term maintenance obligations. See Standard Drawings.

**B.2.9.1.** Turn-Around: Dead-end access roads shall have an approved turn-around at the end of a road.



**B.2.9.2.** Dead-end access roads in excess of one (1) mile length shall have constructed turn-arounds or areas of sufficient width that emergency vehicles can turn around without leaving the roadway surface at intervals not greater than one mile.

#### **B.2.10. Drainage and Structures**

**B.2.10.1.** All drainage for the development shall be designed by a Registered Professional Engineer and approved by the County in conjunction with the roadway plans. The design shall be based on the State of Idaho, Catalogue of Storm Water Best Management Practices for Idaho Cities and Counties. Any disruption of the normal drainage pattern of the area to be developed must have special consideration to facilitate equivalent future drainage of this area.

**B.2.10.2.** Culverts used for drainage purposes shall be in accordance with the LHTAC Manual except as noted in the Standards.

**B.2.10.3.** Culverts or bridges shall be installed at intersections and accesses, at driveway entrances, at all points where a natural drainage concentration pathway crosses any road, and at all points where high water table conditions create a requirement for supplemental drainage.

**B.2.10.4.** Culverts shall be installed at all driveway approaches that occur in Road sections that are drained by constructed roadside ditches. Driveway entrances at locations where natural topographic relief allows road surface runoff to drain away from the roadside without requiring a ditch may be constructed without culverts.

**B.2.10.5.** Disruption of natural drainage ditches or collection of surface runoff and subsequent use of the roadside drainage ditch to convey the natural drainage will not be acceptable.

**B.2.10.6.** Professional Engineer in the State of Idaho shall submit hydrologic model and drainage calculations for review and approval by the County for all bridges.

#### **B.2.11. Culvert Requirements**

**B.2.11.1.** Design flow for sizing culverts shall be the 50-year maximum flow based on hydrologic analysis performed by or under supervision of a Professional Engineer registered in the State of Idaho, or culverts may be sized based on the watershed area from Table No. 4.

**B.2.11.2.** Culverts across County and Private-Local roads shall be a minimum of eighteen inches (18”) diameter, or sized to handle the design volume of water, or equal to the diameter of the greatest diameter upstream culvert.

**B.2.11.3.** Culverts in forested regions, including driveway entrance culverts shall be 18 inches (18”) in diameter or larger where required.

**B.2.11.4.** Culverts on driveway approaches in non-forested regions shall be not less than 12 inches in (12”) in diameter.

**B.2.11.5.** Culvert length shall be such that the total road (travel way plus shoulders) is not narrowed as the road crosses the culvert. Culverts shall extend a minimum of 3 ft past the toe of the road or driveway fill both upstream and downstream. A shorter culvert may be

used provided that the fill is stabilized by headwalls and wing walls and that the road (travel way plus shoulders) is not narrowed.

**B.2.11.6.** Culverts shall be installed for AASHTO HL93 Design Loading (such as 16 tons/axle or 12.5 tons/axle for tandem). Manufacturer of culvert to verify required depth of cover to achieve loading requirements.

**B.2.11.7.** Acceptable materials for culverts are reinforced concrete pipe, precast reinforced concrete box sections, galvanized steel pipe and plate, and aluminized steel pipe and plate.

## **B.2.12. Culvert Size**

**B.2.12.1.** Table No. 4, shows minimum acceptable culvert sizes for rural conditions.

Table No. 4		
Minimum Culvert Sizing		
Watershed Area (acres)	Required Culvert Size (inches)	Culvert Capacity (cubic ft. per sec)
Less than 15	18	2
16 to 72	18	6
73 to 130	24	12
131 to 270	30	20
271 to 460	36	32
461 to 720	42	46
721 to 1,025	48	65
1,026 to 1,450	54	89
1,451 to 1,870	60	112
1,871 to 2,415	66	142
2,416 to 3,355	72	176
3,356 to 5,335	84	260
5,336 to 7,410	96	370
7,411 to 9,565	108	500
9,566 to 11,780	120	675

**B.2.12.2.** Strongly consider having culverts larger than 60 inches designed, or consider alternative structures, such as bridges, mitered culverts, arches, etc. Culverts larger than 120 inches must be designed and alternative structures evaluated for service life and maintenance.

## **B.2.13. Bridge Requirements**

**B.2.13.1.** Bridges shall be designed for AASHTO HL93 Design Loading.

**B.2.13.2.** Flow design capacity shall pass the 100-year peak flow. The lowest member shall have 2 ft clearance of the 50-year peak flow.

**B.2.13.3.** Structural materials allowed are prestressed concrete, reinforced concrete, galvanized steel, weathering steel, painted steel, and pressure-treated wood.

**B.2.13.4.** Bridge widths shall be such that the total road (travel way plus shoulders) is not narrowed as the road crosses the bridge.

**B.2.13.5.** Bridge design subject to these Standards shall be designed by a Professional Engineer registered in Idaho. The County shall approve all bridge plans for public roads or private roads on dedicated right-of-way prior to construction.

**B.2.13.6.** Construction of bridges shall be subject to full-time inspection by the County. The cost for County inspection shall be compensated to the County by the Owner and agreed to by the Board.

**B.2.13.7.** Material test results provided by the Owner shall be submitted for review to the County before acceptance of the bridge by the Board

#### **B.2.14. Access Management**

**B.2.14.1.** Standards for safety, access management, and right-of-way preservation are based on functional classification of roadways.

**B.2.14.2.** Roadways classified as Arterials (state highways) and Major Collectors shall be preserved for long distance, high volume, high speed traffic. Design shall demonstrate elements that address the following:

**B.2.14.2.1.** Limit commercial and residential driveway access points.

**B.2.14.2.2.** Establish agreements between properties for cross- or joint access.

**B.2.14.2.3.** Require acceleration and deceleration lanes or right-turn lanes.

**B.2.14.2.4.** Driveway location near intersections shall accommodate queued vehicles entering Arterials or Major Collectors. Queued Vehicles shall be defined as the line of cars on minor road waiting to access major road.

**B.2.14.2.5.** Shared access points for subdivisions with frontage on state Arterials.

**B.2.14.2.6.** Individual lots maintain access from minor collectors or lower classification roads.

**B.2.14.2.7.** Access requiring backing maneuver onto roadways shall be prohibited. Backing maneuvers from access shall be allowed only if the all of the following conditions are met:

**B.2.14.2.7.1.** Speed limit 25 mile per hour or less.

**B.2.14.2.7.2.** Road not classified an arterial.

**B.2.14.2.7.3.** Lot size is less than one acre.

**B.2.14.3.** Intersection/Approach separation/spacing shall conform to the following function and access class:

Table No. 5				
Access Classification System				
Functional Classification		Intersection Spacing (ft/min.)		Approach/Driveway Spacing <sup>(1)</sup>
		> 45 mph	≤ 45 mph	
Arterial	US 93	5,280 ft	1,320 ft	1,000 ft
	US 28	1,320 ft	660 ft	1,000 ft
Major Collector		660 ft	660 ft	600 ft
Minor Collector		330 ft	330 ft	150 ft
Local Road		330 ft	330 ft	100 ft
1. Driveway spacing may also be limited by adequate stopping sight distance. See following				

**B.2.14.4.** Changes in land use or in development on existing parcels that will result in projected traffic volume increase and which require access from a state highway will necessitate preparation of a Traffic Impact Study (TIS). The scope and content of the TIS will be determined by Planning and Zoning and ITD from the guidance document, Transportation Impact Analysis for Site Development, by the Institute of Transportation Engineers, 2005.

**B.2.14.5.** For Arterials, internal connections between neighboring properties through cross- or joint access agreements shall be provided to promote vehicular and pedestrian circulation without having to re-enter the arterial system.

**B.2.14.6.** Flag lots are not encouraged, as per the County Development Code.

**B.2.14.7.** Residential corner lots shall obtain access from the road with the lowest functional classification.

**B.2.14.8.** Driveways shall be consolidated using internal connectors to avoid multiple lots with individual access connections to Arterials and Major Collectors.

**B.2.14.9.** Intersection and driveway access on Arterials or Collectors shall not be located closer to structural or topographic vision obstacles than the stopping distance for the posted speed as follows:

Table No. 6	
Stopping Distances per Speed Limit	
Posted Speed Limit (MPH)	Stopping Sight Distance (ft)
≤ 25	155
35	250
45	360
55	495
> 55	645

### **B.2.15. Permanent Signage**

**B.2.15.1.** Permanent signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition, as published by the U.S. Department of Transportation, or as approved by the County. Unless otherwise identified in MUTCD, signage shall conform to CHAPTER 8- ADDITIONAL PERFORMANCE STANDARDS FOR SPECIFIC USES, Detailed Performance Standards for Signs, LCDC.

**B.2.15.2.** The Owner (Developer) shall install all signs prior to County acceptance of the project. All signs are defined as Regulatory, Warning, Guide, Motorist Service, Recreational and Cultural Interest, Tourist Orientated Directional, and Civil Defense signage as defined by MUTCD.

**B.2.15.3.** Traffic control signs required to properly control traffic in a safe manner shall be installed by the Owner.

**B.2.15.4.** Yield or stop traffic control signs shall be required on lesser class roads intersecting with a higher class road. The County shall approve location and type of all traffic control signs prior to installation.

**B.2.15.5.** Sign construction shall be in accordance with ISPWC Section 1105 and shall be constructed on an “E-2” steel post or pressure treated wood post. See ISPWC Standard Detail D-1130 and D-1131 respectively.

### **B.2.16 Pavement Markings**

**B.2.16.1.** County will determine where pavement markings will be required. Should they be required, centerline striping or other pavement markings shall be constructed in accordance with the MUTCD Manual.

**B.2.16.2.** The spacing, location, and width of markings will be determined on an individual basis by County.

**B.2.16.3.** Paint quality shall be the same as that used by the Idaho Transportation Department, Standard Specifications for Highway Construction, 2004 or current Standard Specification.

## **B.2.17 Guardrails**

**B.2.17.1.** Guardrails may be necessary in certain areas depending on the warrants for protecting the traveling public. Guardrail warrants and design shall be in accordance with AASHTO Roadside Design Guide.

**B.2.17.2.** The type of guardrail to be installed shall be determined by the County as the location dictates

## **DIVISION 3- DEFINITIONS**

**B.3. DEFINITIONS.** Definitions and meanings of common terms utilized within the Lemhi County Development Code (LCDC) are incorporated into these Standards for their intended use with the following exceptions or additions:

**B.3.1 Average Daily Traffic** – (ADT) The average 24-hour volume, being the total volume of vehicles during a stated period divided by the number of days in that period.

**B.3.2 Driveway**- A private owned and maintained vehicle access serving a single lot, properties under single ownership, a single residence, or agricultural, commercial, or industrial use area.

**B.3.3 Functional Classification Map** – A map adopted by Lemhi County and the Idaho Transportation Department classifying roads and highways according to the character of service they are intended to provide.

**B.3.4 Right-of-Way** - A parcel of land dedicated for use as a public way, which normally includes roads, sidewalks, pathways, utilities, or other public service functions.

**B.3.5 Road/Roadway** - Any road, street, avenue, boulevard, lane, parkway, easement for access, or other way which is an existing state, county, or municipal roadway; or a road or way shown in a plat heretofore approved pursuant to law or approved by official action; or a road or way in a plat duly filed and recorded within the right-of-way boundaries whether improved or unimproved and may be comprised of aggregate surface material, pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns. Roads in the county are classified by the following uses as identified on the Functional Classification Map:

**B.3.5.1. Arterial** - A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

**B.3.5.2. Major Collector** – A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

**B.3.5.3. Minor Collector** – A public secondary collector road with fewer ADT but functions as a sub regional corridor to local roads.

**B.3.5.4. Local Road** - A public road that provides direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial roads.

**B.3.5.5. Private Road (PR)** – A privately owned and maintained road constructed on right-of-way or easement dedicated for public use roads.

**B.3.6 Travel Way** – The portion of the roadway for the movement of vehicles, exclusive of ditches, fore slopes and back slopes. Directional travel ways are also referred to as travel lanes.

**B.3.7 Utilities** - Installations or facilities, underground or overhead, furnished for use by the public, including but not limited to, electricity, gas, steam, communications, telecommunications, cable television, water, drainage, irrigation, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, forms, corporations, departments, or boards, as applicable herein.

**B.3.8 County Road** – Roads within the County that are maintained by LCRB.

**B.3.9 County Road System** – All roads within the County as identified in Section D.

**B.3.10 List of acronyms used in this appendix**

<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ADT</b>	Average Daily Traffic
<b>CC&amp;R</b>	Community, Covenants, and Restrictions
<b>DESV</b>	Driveway / Emergency / Service Vehicle
<b>ISPWC</b>	Idaho Standards for Public Works Construction
<b>ITD</b>	Idaho Transportation Department
<b>LCDC</b>	Lemhi County Development Code
<b>LCRB</b>	Lemhi County Road & Bridge
<b>LHTAC</b>	Local Highway Technical Assistance Council
<b>MUTCD</b>	Manual on Uniform Traffic Control Devices
<b>NRCS</b>	Natural Resources Conservation Service
<b>PG</b>	Pre Grade
<b>PR</b>	Private Roads

**DIVISION 4- REFERENCES**

**B.4. References**

- American Association of State Highway and Transportation Officials (AASHTO) Guides
- Roadside Design Guide
- Policy on Geometric Design of Highways and Streets, 2004
- Standard Specifications for Highways and Bridges
- Idaho Standards for Public Works Construction (ISPWC)

- Local Highway Technical Assistance Council (LHTAC) Manuals
- Highway and Street Guidelines for Design and Construction
- Right-of-Way Use Manual – Standard Approach Policy
- Right-of-Way Use Manual – Permits for Utilities and Encroachments
- Highway Standards and Developmental Procedures for the Association of Canyon County Highway Districts
- Manual of Uniform Traffic Control Devices (MUTCD) - published by the U.S. Department of Transportation, Federal Highway Administration



LEMHI COUNTY  
STANDARDS

TYPICAL PAVED  
ROAD SECTION

SD-1

The diagram illustrates a cross-section of a paved road. The central portion is the 'Finished Surface', which consists of an 'Asphalt Surface' (2 inches thick) and a '3/4" Minus Base' (2 inches thick). Below these is the 'Subgrade'. The road is flanked by 'Ballast Slopes' on both sides, which are 4 feet wide at the base. A 'Drain Ditch' is shown on the left side, with a 'Min.' (minimum) depth indicated. The 'Right-Of-Way Width' is shown as the total width of the road and its slopes. The 'Asphalt Surface' and '3/4" Minus Base' are both labeled with a '2%' slope. The 'Ballast Slope' is labeled with a '4:1' slope. The 'Drain Ditch' is labeled with a 'Varies' slope. The 'Subgrade' is labeled with a 'Varies' slope. The 'Right-Of-Way Width' is labeled with a 'Varies' slope.

Notes:

1. All Construction Shall Be Per I.S.P.W.C. Specifications.
2. Minimum Asphalt Surface,  $\frac{3}{4}$ " Minus Base, And Sub Base Thickness Set By Local Policy And Type Of Use. Material Thickness Shall Be Strictly Adhered To Unless Designed By Engineer Based On Traffic Index And "R" Value.
3. Right Of Way Widths Shall Be Increased To Encompass The Cut And/Or Fill Slopes Associated With The Roadway.
4. Drain Ditches Shall Have A Maximum 3:1 Fore Slope With 4:1 Slope Recommended. The Back Slope Of Drain Ditch Shall Be A Minimum 1:1 Back Slope With 4:1 Back Slope Recommended. The Flow Line Of The Drain Ditch Shall Be A Minimum 6 Inches Below The Lowest Aggregate Base Course. Piping Drain Ditch Under Driveways Required With Approved Length And Type.

\* See Table 1 Of Standards For Additional Conditions, Section F.5 For Materials

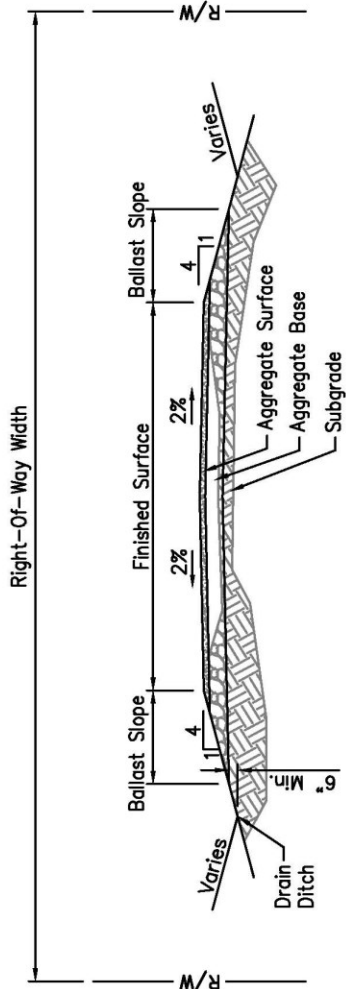
CLASS OF ROAD	ASPHALT SURFACE	$\frac{3}{4}$ " MINUS BASE OR LEVELING COURSE	GRANULAR SUB BASE	FINISHED SURFACE	RIGHT OF WAY WIDTH	MAXIMUM AVE. DAILY TRAFFIC
MAJOR COLLECTOR	2½ IN.	4 IN.	12 IN.	28 FT. IF ADT < 600 36 FT. IF ADT > 600	80 FT.	> 700
MINOR COLLECTOR	2 IN.	4 IN.	12 IN.	26 FT. IF ADT < 600 34 FT. IF ADT > 600	60 FT.	400-700
LOCAL ROAD	2 IN. MIN. (OPTIONAL)	4 IN.	12 IN.	24 FT.	60 FT.	10-400
PRIVATE ROAD	2 IN. MIN. (OPTIONAL)	4 IN.	12 IN.	24 FT.	60 FT.	NO LIMIT



LEMHI COUNTY  
STANDARDS

TYPICAL UNPAVED (GRAVEL)  
ROAD SECTION

SD-2

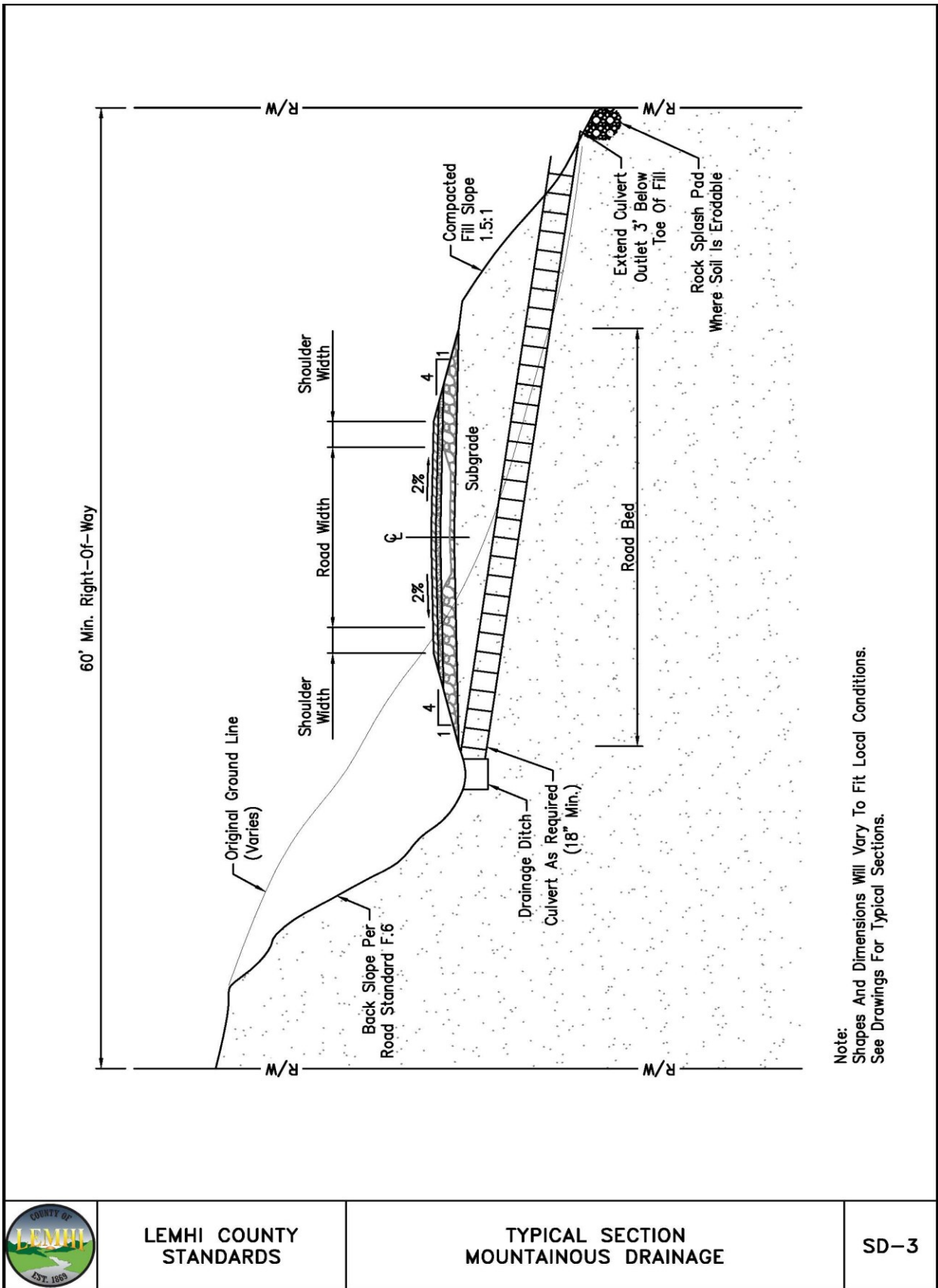


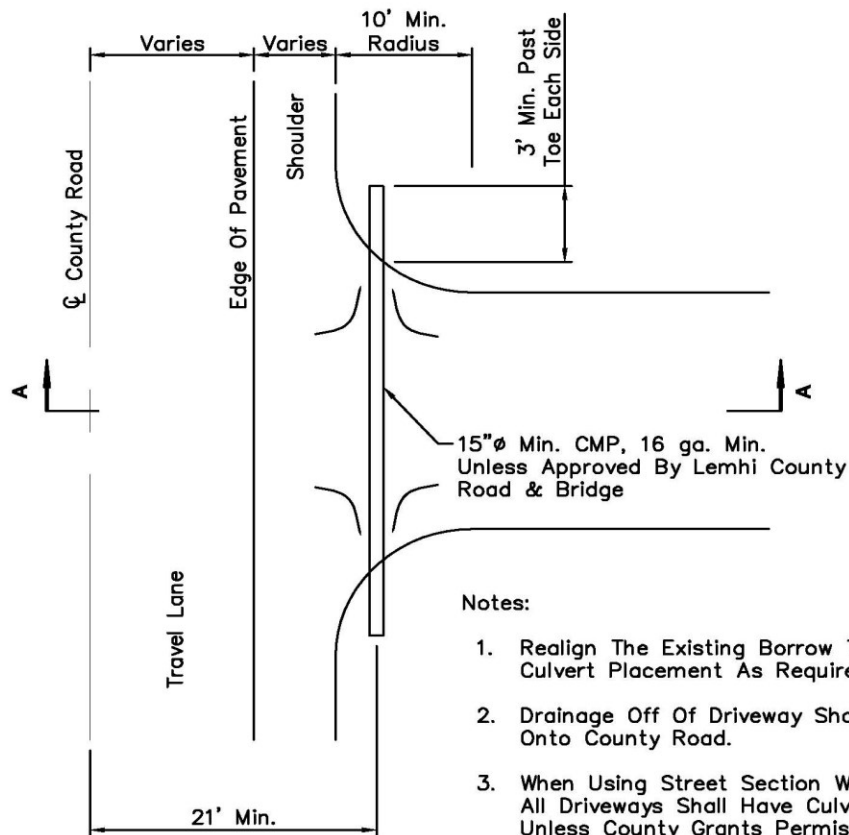
Notes:

1. All Construction Shall Be Per I.S.P.W.C. Specifications.
2. Minimum Aggregate Surface And Aggregate Base Thickness Set By Local Policy And Type Of Use. Material Thickness Shall Be Strictly Adhered To Unless Designed By Engineer Based On Traffic Index And "R" Value.
3. Right Of Way Widths Shall Be Increased To Encompass The Cut And/Or Fill Slopes Associated With The Roadway.
4. Drain Ditches Shall Have A Maximum 3:1 Fore Slope With 4:1 Slope Recommended. The Back Slope Of Drain Ditch Shall Be A Minimum 1:1 Back Slope With 4:1 Back Slope Recommended. The Flow Line Of The Drain Ditch Shall Be A Minimum 6 Inches Below The Lowest Aggregate Base Course. Piping Drain Ditch Under Driveways Required With Approved Length And Type.

\* See Table 1 Of Standards For Additional Conditions, Section F.5 For Materials

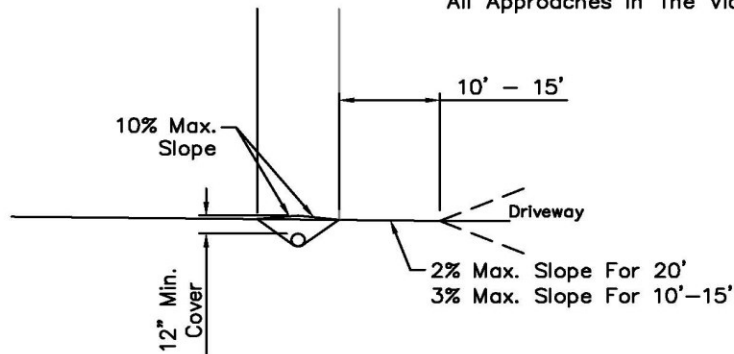
CLASS OF ROAD	AGGREGATE BASE	AGGREGATE SURFACE	FINISHED SURFACE	MIN. RIGHT-OF-WAY WIDTH
MINOR COLLECTOR	12 IN.	4 IN. < 5% GRADE 6 IN. > 5% GRADE	24 FT.	60 FT.
LOCAL ROAD	12 IN.	4 IN. < 5% GRADE 6 IN. > 5% GRADE	24 FT.	60 FT.
PRIVATE ROAD	12 IN.	4 IN. < 5% GRADE 6 IN. > 5% GRADE	24 FT.	60 FT.





**Notes:**

1. Realign The Existing Borrow To Conform To Culvert Placement As Required.
2. Drainage Off Of Driveway Shall Not Enter Onto County Road.
3. When Using Street Section With Borrow Ditch, All Driveways Shall Have Culverts Installed, Unless County Grants Permission Otherwise.
4. Borrow Ditches Shall Be Constructed A Min. Of 18" Deep Below Center Line.
5. Grades In Excess Of 3% Should Be Avoided On All Approaches In The Vicinity Of An Intersection.



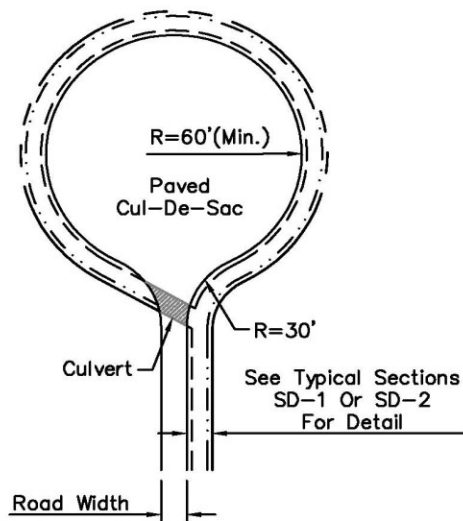
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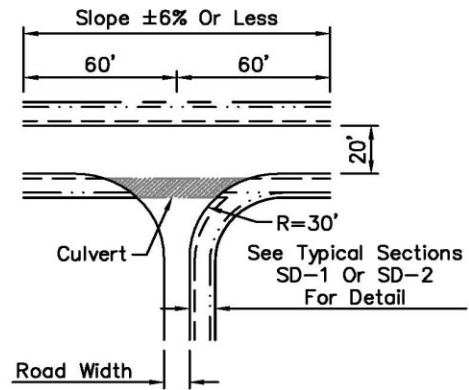
LEMHI COUNTY  
STANDARDS

DRIVEWAY CULVERT DETAIL

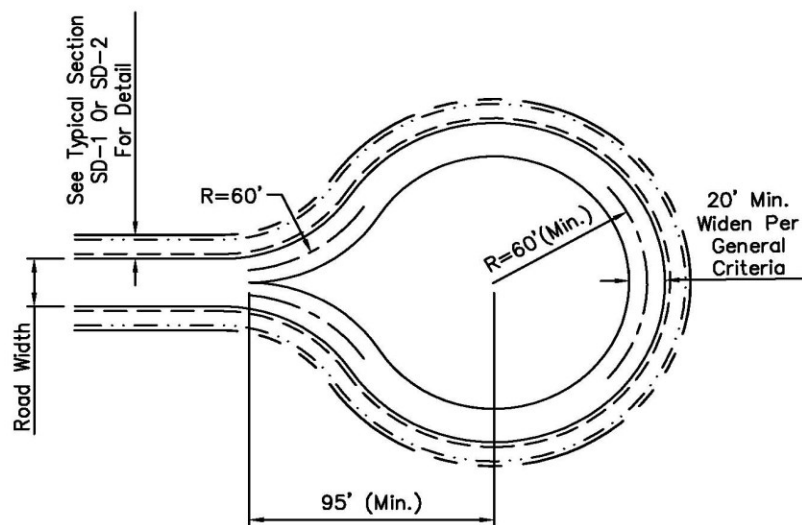
SD-4



**OPTION A**  
Circular Turn-Around



**OPTION B**  
Tee Turn-Around



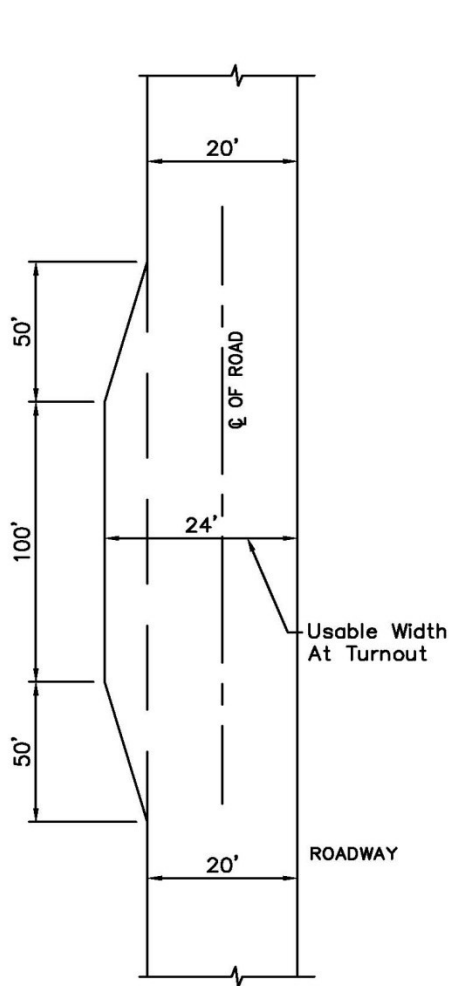
**OPTION C**  
Loop Turn-Around



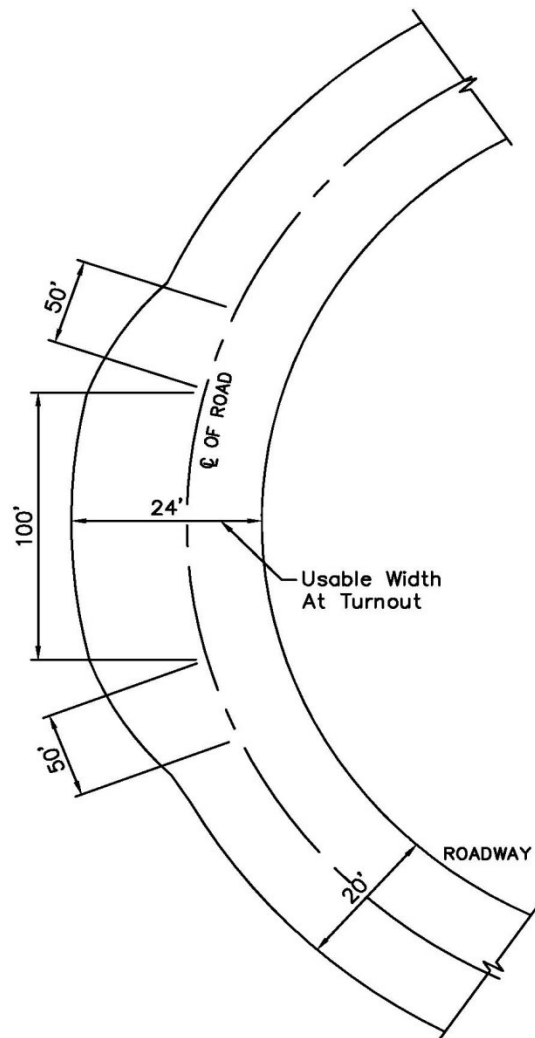
LEMHI COUNTY  
STANDARDS

TURN-AROUND OPTIONS

SD-5



ROAD ON TANGENT



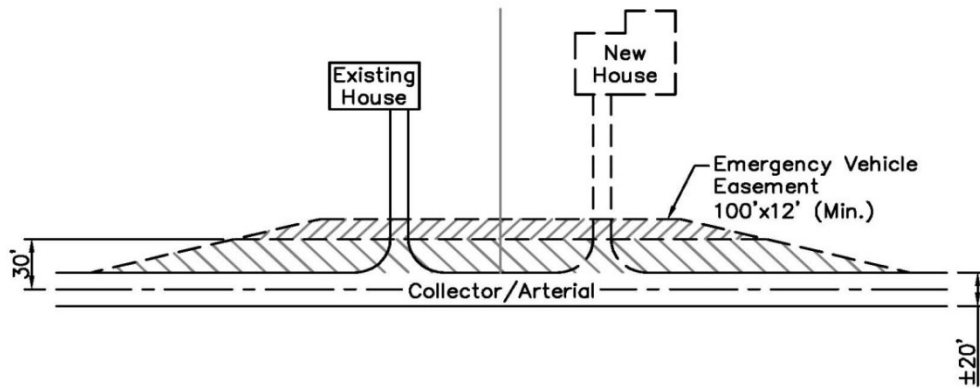
ROAD ON CURVE



LEMHI COUNTY  
STANDARDS

MAILBOX TURNOUT DETAIL

SD-6

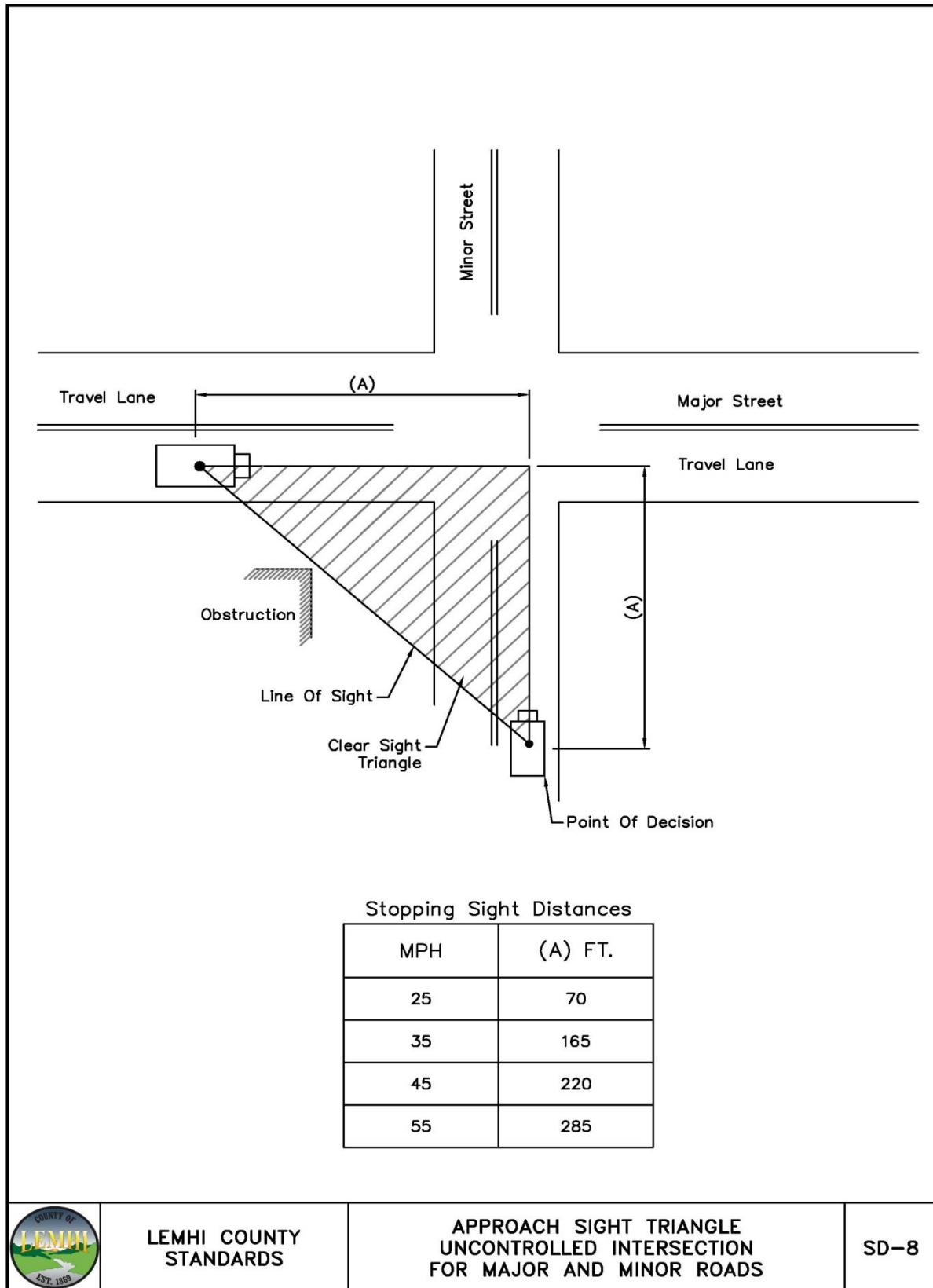


LEMHI COUNTY  
STANDARDS

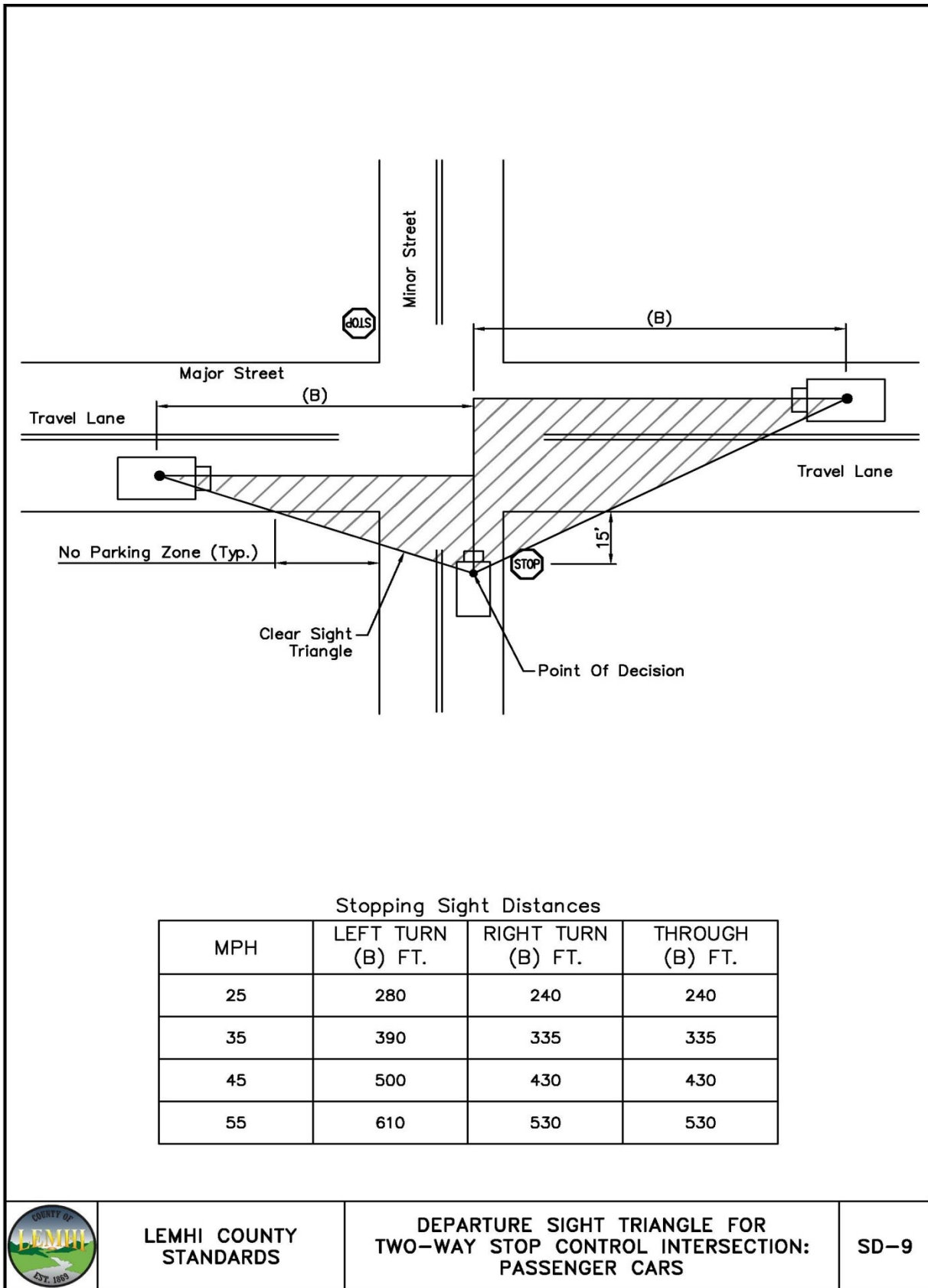
EMERGENCY VEHICLE  
EASEMENT

SD-7

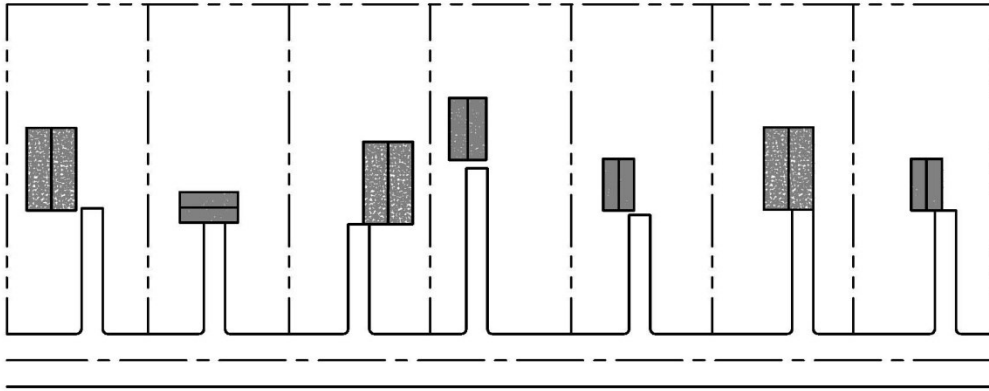






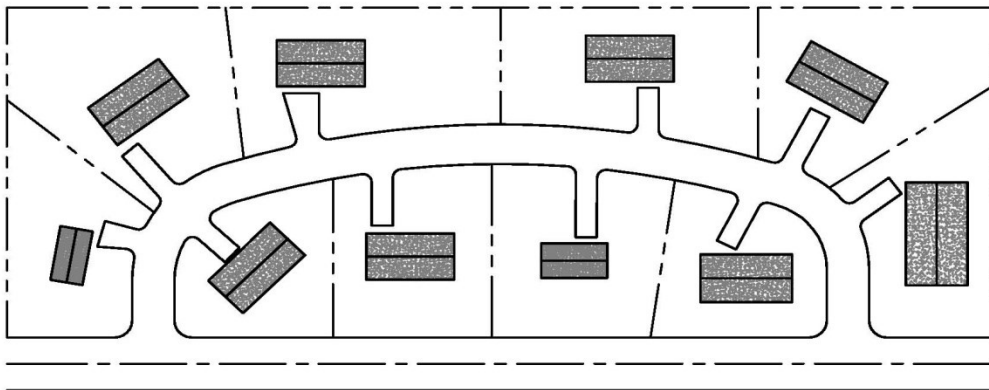


### SHARED RESIDENTIAL ACCESS



#### **AVOID:**

Multiple Lots With Individual Access  
Connection To The Adjacent Streets.



#### **ENCOURAGE:**

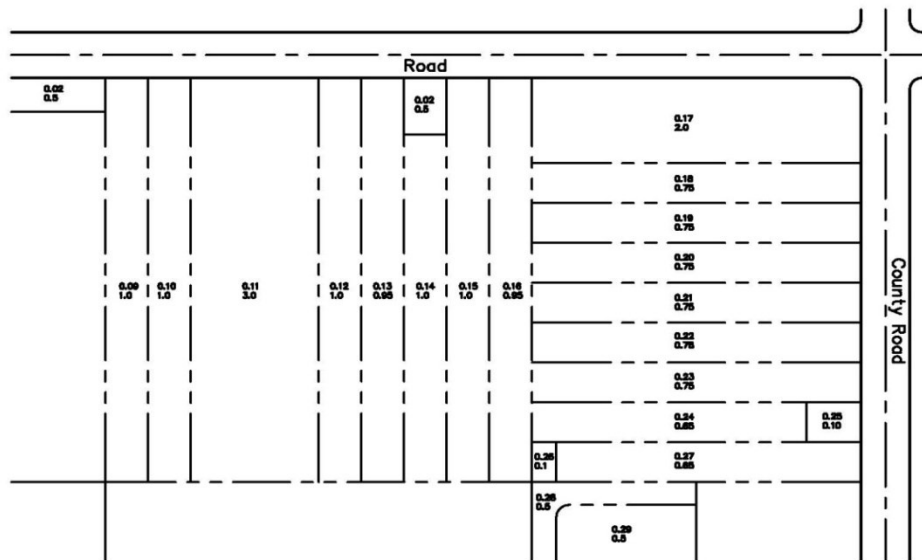
Internal Collector Type Facilities To  
Reduce Conflicts On Adjacent Streets.



LEMHI COUNTY  
STANDARDS

COLSOLIDATE/LIMIT  
DRIVEWAYS PER PARCEL

SD-10



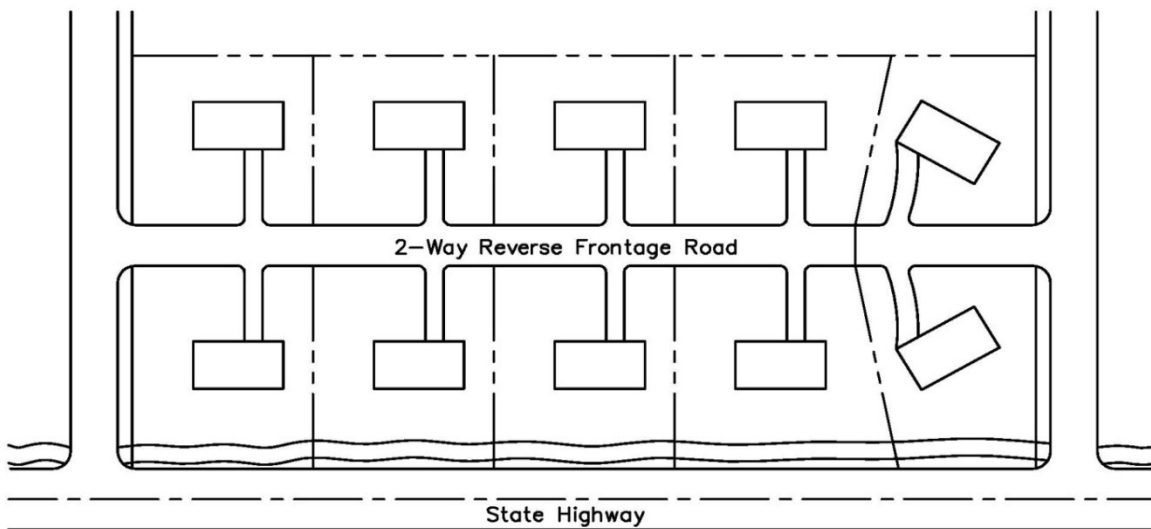
**WHAT TO AVOID**



**LEMHI COUNTY  
STANDARDS**

**LOT WIDTH TO DEPTH RATIOS**

**SD-11**



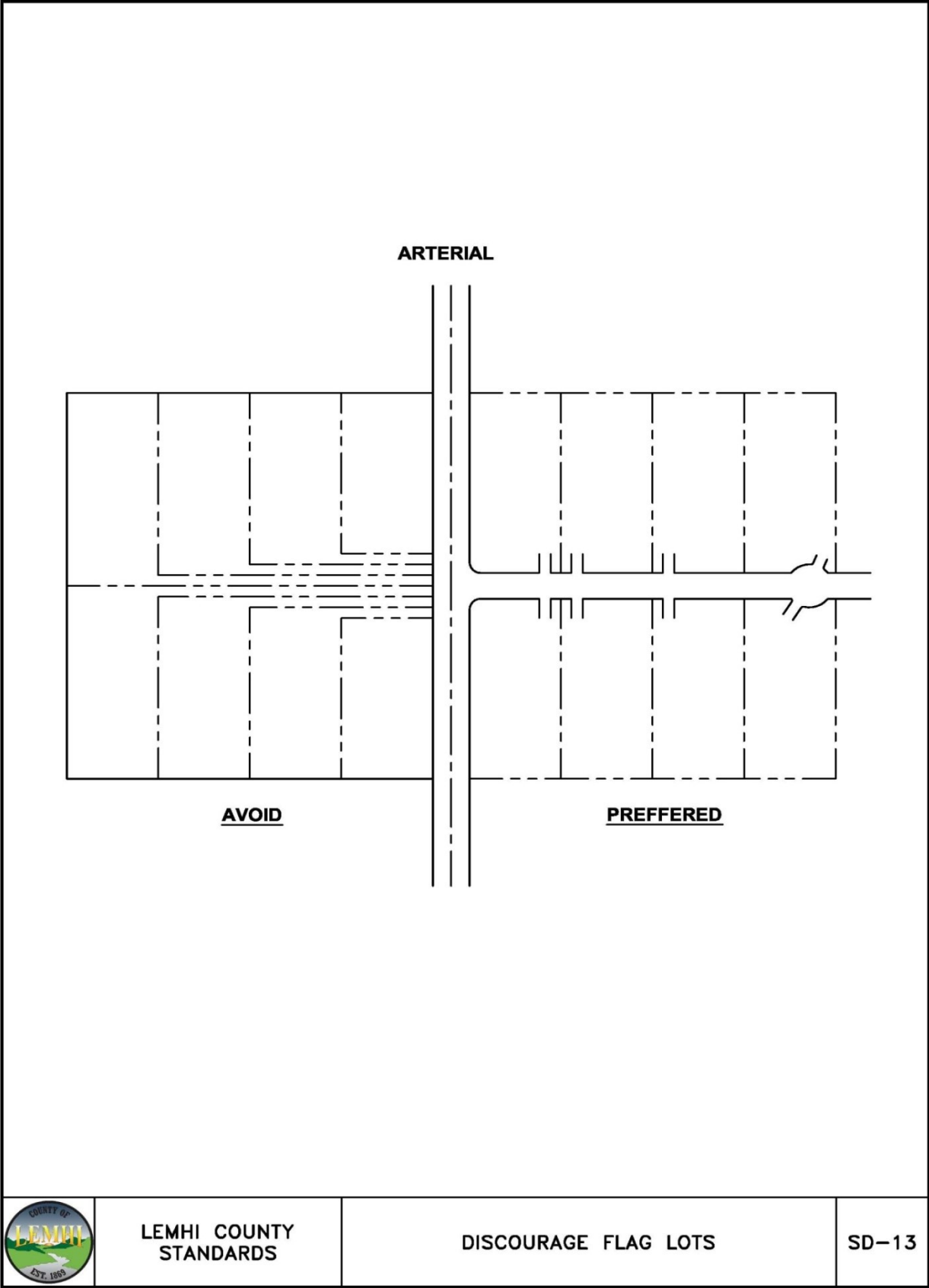
**ENCOURAGE**



LEMHI COUNTY  
STANDARDS

REVERSE FRONTAGE ROAD

SD-12



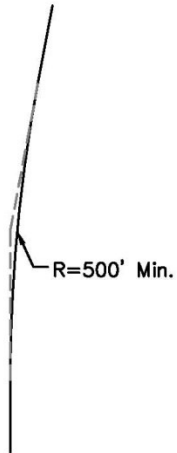
LEMHI COUNTY  
STANDARDS

DISCOURAGE FLAG LOTS

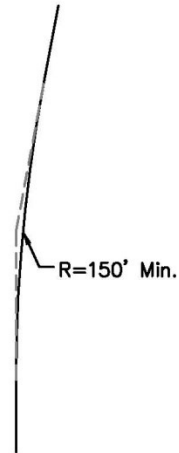
SD-13



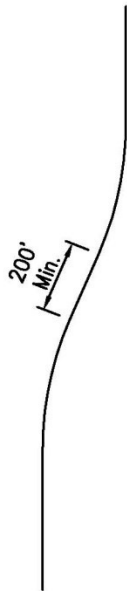
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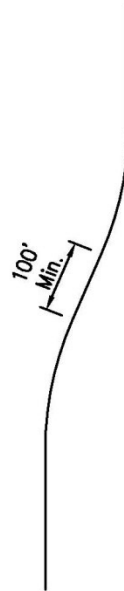
**RADIUS FOR COLLECTORS**  
(Not To Scale)



**RADIUS FOR LOCAL / PRIVATE**  
(Not To Scale)



**TANGENT DISTANCE  
ON COLLECTOR**  
(Not To Scale)



**TANGENT DISTANCE  
ON LOCAL / PRIVATE**  
(Not To Scale)



LEMHI COUNTY  
STANDARDS

HORIZONTAL ALIGNMENT DETAIL

SD-15

## **APPENDIX C- SPECIAL FLOOD HAZARD**

### **DIVISION 1**

#### **C. Statutory Authority.**

**C.1.** The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Board of County Commissioners of the County of Lemhi, Idaho does hereby ordain as follows:

##### **C.1.1. Findings of Fact.**

**C.1.1.1.** The flood hazard areas of Lemhi County are subject to periodic inundation that results in:

**C.1.1.1.1.** loss of life and property;

**C.1.1.1.2.** health and safety hazards;

**C.1.1.1.3.** disruption of commerce and governmental services;

**C.1.1.1.4.** extraordinary public expenditures for flood relief and protection; and

**C.1.1.1.5.** impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

**C.1.1.2.** These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**C.1.1.3.** Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

##### **C.1.2. Statement of Purpose**

**C.1.2.1.** The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

**C.1.2.1.1.** Protect human life, health, and property;

**C.1.2.1.2.** Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

**C.1.2.1.3.** Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

**C.1.2.1.4.** Minimize expenditure of public money for costly flood control projects;

**C.1.2.1.5.** Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;



**C.1.2.1.6.** Minimize prolonged business interruptions;

**C.1.2.1.7.** Ensure potential buyers are notified the property is in an area of special flood hazard; and

**C.1.2.1.8.** Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

### **C.1.3. Objectives and Methods of Reducing Flood Losses**

**C.1.3.1.** In order to accomplish its purpose, this ordinance includes methods and provisions to:

**C.1.3.1.1.** Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

**C.1.3.1.2.** Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

**C.1.3.1.3.** Control filling, grading, dredging, and other development which may increase flood damage or erosion;

**C.1.3.1.4.** Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

**C.1.3.1.5.** Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

## **DIVISION 2**

### **C.2. Definitions.**

**C.2.1.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and to give this ordinance it's most reasonable application.

**Accessory Structure (appurtenant structure):** a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

**Addition (to an existing building):** an extension or increase in the floor area or height of a building or structure.

**Appeal:** a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

**Area of Shallow Flooding:** a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard**: see Special Flood Hazard Area (SFHA).

**Base Flood**: the flood having a one (1) percent (1%) chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)**: a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

**Basement**: any area of the building having its floor sub grade (below ground level) on all sides.

**Building**: see Structure.

**Critical Facilities**: facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

**Datum**: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

**Development**: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Activity**: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

**Digital Flood Insurance Rate Map (DFIRM)**: the digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**Elevated Building:** for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Elevation Certificate:** The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**Enclosure:** an area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

**Encroachment:** the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction:** for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

**Existing Manufactured Home Park or Manufactured Home Subdivision:** a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, February 5, 1986

**Existing Structures:** see existing construction.

**Expansion to an Existing Manufactured Home Park or Subdivision:** the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding:**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid

- and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Determination:** See Base Flood Elevation (BFE)

**Flood Elevation Study:** See Flood Insurance Study (FIS)

**Flood Fringe:** Per Idaho Code §46-1021: "Flood fringe" is that portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

**Flood Hazard Boundary Map (FHBM):** an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

**Flood Insurance Rate Map (FIRM):** an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS):** an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Zone:** a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

**Floodplain or Flood-Prone Area:** any land area susceptible to being inundated by water from any source (see definition of "flooding").

**Floodplain Administrator:** the individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Development Permit:** any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

**Floodplain Management**: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

**Floodplain Management Regulations**: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing**: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood Protection Elevation (FPE)**: the Base Flood Elevation plus the Freeboard.

- a. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1.5 feet of freeboard; and
- b. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 1.5 feet above the highest adjacent grade.

**Flood Protection System**: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodway**: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

**Freeboard**: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be 1.5 feet.

**Functionally Dependent Use**: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Highest Adjacent Grade (HAG):** the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

**Historic Structure:** a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  1. by an approved state program as determined by the Secretary of the Interior, or
  2. directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Change (LOMC):** a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

**Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

**Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

**Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**Levee:** a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System:** a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Local Government:**

Per Idaho Code § 46-1021: "Local government," in the context of this chapter, means any county or city having planning and zoning authority to regulate land use within its jurisdiction.

**Lowest Adjacent Grade (LAG):** the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.

**Manufactured Home:** a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

**Manufactured Home Park or Subdivision:** a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market Value:** the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**Mean Sea Level:** for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

**Mitigation:**

Per Idaho Code § 46-1021: "Mitigation" means any action taken which will reduce the impact, damage, or cost of the next flood that occurs.

**Mudslide (i.e., mudflow):** describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**Mudslide (i.e., mudflow) Area Management:** the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

**Mudslide (i.e., mudflow) Prone Area:** an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

**National Flood Insurance Program (NFIP):** The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

**New Construction:** for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after February 5, 1986 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**New Manufactured Home Park or Subdivision:** a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community February 5, 1986



**Person**: Per Idaho Code § 46-1021: "Person" means any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity.

**Post-FIRM**: construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

**Pre-FIRM**: construction or other development for which the "start of construction" occurred before February 5, 1986, the effective date of the initial Flood Insurance Rate Map (FIRM).

**Recreational Vehicle**: a vehicle that is:

- a. Built on a single chassis, and
- b. 400 square feet or less when measured at the largest horizontal projection, and
- c. Designed to be self-propelled or permanently towed by a light duty truck, and

**Regulatory Flood**:

Per Idaho Code § 46-1021: "Regulatory flood" is a flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics.

**Regulatory Floodway**: See Floodway

**Remedy a Violation**: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Repetitive Loss Structure**: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

**Riverine**: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area (SFHA)**: the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**Start of Construction**: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a structure on a site, such as the pouring of 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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure:** a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Substantial Damage:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

**Substantial Improvement:** any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this ordinance.

**Technical Bulletins and Technical Fact Sheets:** FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U S Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

**Temperature Controlled**: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

**Variance**: a grant of relief by the governing body from a requirement of this ordinance.

**Violation**: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation**: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**Watercourse**: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **DIVISION 3**

## **C.3. GENERAL PROVISIONS**

### **C.3.1. Lands to Which This Ordinance Applies**

**C.3.1.1.** This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Lemhi County. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

### **C.3.2. Basis for Special Flood Hazard Areas**

**C.3.2.1.** The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Lemhi County Unincorporated Areas dated August 15, 1990, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the County Clerk 206 Courthouse Drive Salmon, Idaho 83467.

### **C.3.3. Establishment of Floodplain Development Permit**

**C.3.3.1.** A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of C.4.2.

### **C.3.4. Compliance**

**C.3.4.1.** No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

### **C.3.5. Abrogation and Greater Restrictions**

**C.3.5.1.** This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

### **C.3.6. Interpretation**

**C.3.6.1.** In the interpretation and application of this ordinance all provisions shall be:

**C.3.6.1.1.** Considered as minimum requirements;

**C.3.6.1.2.** Liberally construed in favor of the governing body; and

**C.3.6.1.3.** Deemed neither to limit nor repeal any other powers granted under state statutes.

### **C.3.7. Warning and Disclaimer of Liability**

**C.3.7.1.** 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. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Lemhi County or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

### **C.3.8. Penalties for Violation**

**C.3.8.1.** No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

**C.3.8.2.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Lemhi County from taking such other lawful actions as is necessary to prevent or remedy any violation.

## **DIVISION 4**

### **C.4. ADMINISTRATION**

#### **C.4.1. Designation of Floodplain Ordinance Administrator**

**C.4.1.1.** The Planning & Zoning Administrator hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

#### **C.4.2. Duties and Responsibilities of the Floodplain Administrator**

**C.4.2.1.** The Floodplain Administrator shall perform, but not be limited to, the following duties:

**C.4.2.1.1.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

**C.4.2.1.2.** Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

**C.4.2.1.3.** Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

**C.4.2.1.4.** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

**C.4.2.1.5.** Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of C.5.4.2 are met.

**C.4.2.1.6.** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of C.4.3.3.

**C.4.2.1.7.** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of C.4.3.3

**C.4.2.1.8.** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of C.4.3.3.

**C.4.2.1.9.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of C.4.3.3. and C.5.2.1.2.

**C.4.2.1.10.** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

**C.4.2.1.11.** When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of C.3.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to C.5.3.1.2.2., in order to administer the provisions of this ordinance.

**C.4.2.1.12.** When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of C.3.2,

obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

**C.4.2.1.13.** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

**C.4.2.1.14.** Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

**C.4.2.1.15.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

**C.4.2.1.16.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

**C.4.2.1.17.** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

**C.4.2.1.18.** Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

**C.4.2.1.19.** Follow through with corrective procedures of C.4.4.

**C.4.2.1.20.** Review, provide input, and make recommendations for variance requests.

**C.4.2.1.21.** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of C.3.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

**C.4.2.1.22.** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

### **C.4.3. Floodplain Development Application, Permit, and Certification Requirements**

**C.4.3.1.** Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

**C.4.3.1.1.** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

**C.4.3.1.1.1.** the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

**C.4.3.1.1.2.** the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in C.3.2, or a statement that the entire lot is within the Special Flood Hazard Area;

**C.4.3.1.1.3.** the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in C.3.2;

**C.4.3.1.1.4.** the boundary of the floodway(s) or flood fringe area(s) as determined in C.3.2;

**C.4.3.1.1.5.** the Base Flood Elevation (BFE) where provided as set forth in C.3.2; C.3.3; or C.5.3;

**C.4.3.1.1.6.** the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

**C.4.3.1.2.** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

**C.4.3.1.1.1.** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

**C.4.3.1.1.2.** Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

**C.4.3.1.1.3.** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

**C.4.3.1.2.** If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that

include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

**C.4.3.1.3.** A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

**C.4.3.1.3.1.** The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and

**C.4.3.1.3.2.** Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with C.5.2.1.4.4 when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

**C.4.3.1.4.** Usage details of any enclosed areas below the lowest floor.

**C.4.3.1.5.** Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

**C.4.3.1.6.** Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.

**C.4.3.1.7.** Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of C.5.2.1.6 & C.5.2.1.7 of this ordinance are met.

**C.4.3.1.8.** A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

**C.4.3.1.8.1.** A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

**C.4.3.2.** Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

**C.4.3.2.1.** A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).

**C.4.3.2.2.** The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in C.3.2.

**C.4.3.2.3.** The Flood Protection Elevation required for the reference level and all attendant utilities.

**C.4.3.2.4.** The Flood Protection Elevation required for the protection of all public utilities.

**C.4.3.2.5.** All certification submittal requirements with timelines.



**C.4.3.2.6.** A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

**C.4.3.2.7.** The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

**C.4.3.2.8.** A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

**C.4.3.2.9.** A statement that all materials below BFE/FPE must be flood resistant materials.

**C.4.3.3. Certification Requirements.**

**C.4.3.3.1. Elevation Certificates**

**C.4.3.3.1.1.** A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**C.4.3.3.2. Floodproofing Certificate.**

**C.4.3.3.2.1.** If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**C.4.3.3.3.** If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of C.5.2.1.3.2

**C.4.3.3.4.** If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

**C.4.3.3.4.1.** a description of the extent of watercourse alteration or relocation; and

**C.4.3.3.4.2.** a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

**C.4.3.3.4.3.** a map showing the location of the proposed watercourse alteration or relocation; and

**C.4.3.3.4.4.** an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.

**C.4.3.3.5.** Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:

**C.4.3.3.5.1.** Recreational Vehicles meeting requirements of C.5.2.1.6.1

**C.4.3.3.5.2.** Temporary Structures meeting requirements of C.5.2.1.7 and

**C.4.3.3.5.3.** Accessory Structures less than 200 square feet meeting requirements of C.5.2.1.7.

**C.4.3.4.** Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

**C.4.3.4.1.** Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

**C.4.3.4.2.** Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

**C.4.3.4.3.** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

**C.4.3.4.4.** Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

#### **C.4.4. Corrective Procedures**

**C.4.4.1.** Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

**C.4.4.2.** Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

**C.4.4.2.1.** that the building or property is in violation of the floodplain management regulations;

**C.4.4.2.2.** that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

**C.4.4.2.3.** that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

**C.4.4.3.** Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

**C.4.4.4.** Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**C.4.4.5.** Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

#### **C.4.5. Variance Procedures**

**C.4.5.1.** The Building Board of Appeals as established by Lemhi County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

**C.4.5.2.** Variances may be issued for:

**C.4.5.2.1.** the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

**C.4.5.2.2.** functionally dependent facilities, if determined to meet the definition as stated in C.2 of this ordinance, provided provisions of C.4.5.8.6.2, C4.5.8.6.3 & C.4.5.8.6.4, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

**C.4.5.2.3.** any other type of development, provided it meets the requirements of this Section.

**C.4.5.3.** In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

**C.4.5.3.1.** the danger that materials may be swept onto other lands to the injury of others;

**C.4.5.3.2.** the danger to life and property due to flooding or erosion damage;

**C.4.5.3.3.** the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**C.4.5.3.4.** the importance of the services provided by the proposed facility to the community;

**C.4.5.3.5.** the necessity to the facility of a waterfront location as defined under C.2 of this ordinance as a functionally dependent facility, where applicable;

**C.4.5.3.6.** the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

**C.4.5.3.7.** the compatibility of the proposed use with existing and anticipated development;

**C.4.5.3.8.** the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

**C.4.5.3.9.** the safety of access to the property in times of flood for ordinary and emergency vehicles;

**C.4.5.3.10.** the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

**C.4.5.3.11.** the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**C.4.5.4.** The applicant shall include a written report addressing each of the above factors in C.4.5.3 with their application for a variance.

**C.4.5.5.** Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

**C.4.5.6.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

**C.4.5.7.** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.

**C.4.5.8. Conditions for Variances:**

**C.4.5.8.1.** Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

**C.4.5.8.2.** Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

**C.4.5.8.3.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

**C.4.5.8.4.** Variances shall only be issued prior to development permit approval.

**C.4.5.8.5.** Variances shall only be issued upon:

**C.4.5.8.5.1.** a showing of good and sufficient cause;

**C.4.5.8.5.1.1.** a determination that failure to grant the variance would result in exceptional hardship; and

**C.4.5.8.5.1.2.** a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**C.4.5.8.6.** A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

**C.4.5.8.6.1.** The use serves a critical need in the community.

**C.4.5.8.6.2.** No feasible location exists for the use outside the Special Flood Hazard Area.

**C.4.5.8.6.3.** The reference level of any structure is elevated or floodproofed to at least the Flood Protection Elevation.

**C.4.5.8.6.4.** The use complies with all other applicable Federal, State and local laws.

**C.4.5.8.7.** The County of Lemhi will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

**C.4.5.8.8.** Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

## **DIVISION 5**

### **C.5. General Standards**

**C.5.1.** In all Special Flood Hazard Areas the following provisions are required:

**C.5.1.1.** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

**C.5.1.2.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

**C.5.1.3.** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

**C.5.1.4.** All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

**C.5.1.5.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

**C.5.1.6.** All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

**C.5.1.7.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**C.5.1.8.** A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

**C.5.1.8.1.1.** be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and

**C.5.1.8.2.** include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

**C.5.1.8.2.2.** A minimum of two flood openings on different sides of each enclosed area subject to flooding;

**C.5.1.8.2.3.** The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

**C.5.1.8.2.4.** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

**C.5.1.8.2.5.** The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

**C.5.1.8.2.6.** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

**C.5.1.8.2.7.** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

**C.5.1.9.** Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.

**C.5.1.10.** Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

**C.5.1.11.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in C.4.5.8.7. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of C.4.3.3.

**C.5.1.12.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

**C.5.1.13.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

**C.5.1.14.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

**C.5.1.15.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by

Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

**C.5.1.16.** When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

**C.5.1.17.** When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

## **C.5.2. Specific Standards**

**C.5.2.1.** In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in C.3.2, or C.5.4, the following provisions, in addition to the provisions of C.5.1, are required:

**C.5.2.1.1. Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in C.2 of this ordinance.

**C.5.2.1.2. Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in C.2 of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with C.5.5. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in C.4.3.3, along with the operational plan and the inspection and maintenance plan.

**C.5.2.1.3. Manufactured Homes.**

**C.5.2.1.3.1.** New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Flood Protection Elevation, as defined in C.2 of this ordinance.

**C.5.2.1.3.2.** Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.



**C.5.2.1.3.3.** All enclosures or skirting below the lowest floor shall meet the requirements of C.5.2.

**C.5.2.1.3.4.** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

**C.5.2.1.4. Additions/Improvements.**

**C.5.2.1.4.1.** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

**C.5.2.1.4.1.1.** not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

**C.5.2.1.4.1.2.** a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**C.5.2.1.4.2.** Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

**C.5.2.1.4.3.** Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

**C.5.2.1.4.3.1.** not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

**C.5.2.1.4.3.2.** a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**C.5.2.1.4.4.** Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 10 year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the 10 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

**C.5.2.1.4.4.1.** any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building

official and that are the minimum necessary to assume safe living conditions;  
or

**C.5.2.1.4.4.2.** any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**C.5.2.1.5. Recreational Vehicles.** Recreational vehicles shall be either:

**C.5.2.1.5.1. Temporary Placement**

**C.5.2.1.5.1.1.** be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);  
or

**C.5.2.1.5.2. Permanent Placement.**

**C.5.2.1.5.3.** Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in C.5.1.

**C.5.2.1.6. Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

**C.5.2.1.6.1.** a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

**C.5.2.1.6.2.** the name, address, and phone number of the individual responsible for the removal of the temporary structure;

**C.5.2.1.6.3.** the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

**C.5.2.1.6.4.** a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

**C.5.2.1.6.5.** designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

**C.5.2.1.7. Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with C.4.3.3, and the following criteria shall be met:

**C.5.2.1.7.1.** Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

**C.5.2.1.7.2.** Accessory structures shall not be temperature-controlled;

**C.5.2.1.7.3.** Accessory structures shall be designed to have low flood damage potential;

**C.5.2.1.7.4.** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

**C.5.2.1.7.5.** Accessory structures shall be firmly anchored in accordance with the provisions of C.5.1.1;

**C.5.2.1.7.6.** All service facilities, such as electrical, shall be installed in accordance with the provisions of C.5.1.4; and

**C.5.2.1.7.7.** Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of C.5.2.1.4.4

**C.5.2.1.7.8.** An accessory structure with a footprint less than 200 square feet and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of C.5.2.1.2.

**C.5.2.1.8.** Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

**C.5.2.1.8.1.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

**C.5.2.1.8.2.** Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

**C.5.2.1.8.3.** Not elevated above-ground tanks, that do not meet the elevation requirements of C.5.2.1.2 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

**C.5.2.1.8.4.** Tank inlets, fill openings, outlets and vents shall be:

**C.5.2.1.8.4.1.** at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

**C.5.2.1.8.4.2.** anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

**C.5.2.1.9.** Construction of Below-Grade Crawlspace.

**C.5.2.1.9.1.** The interior grade of a crawlspace must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

**C.5.2.1.9.2.** The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.

**C.5.2.1.9.3.** There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

**C.5.2.1.9.4.** The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

**C.5.2.1.10.** Other Development in regulated floodways and flood fringe.

**C.5.2.1.10.1.** Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of C.5.4.2 of this ordinance.

**C.5.2.1.10.2.** Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of C.5.4.2 of this ordinance.

**C.5.2.1.10.3.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of C.5.4.2 of this ordinance.

**C.5.2.1.10.4.** Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of C.5.4.2 of this ordinance.

**C.5.2.1.10.5.** Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of C.5.4.2 of this ordinance

**C.5.3. Standards for Floodplains without Established Base Flood Elevations**

**C.5.3.2.** Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in C.3.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of C.5.1, shall apply:

**C.5.3.1.1.** No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted, unless a determination of the Base Flood Elevation (BFE) is provided.

**C.5.3.1.2.** The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

**C.5.3.1.2.1.** When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in C.5.1 and C.5.2.

**C.5.3.1.2.2.** When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of C.5.2 and C.5.5.

**C.5.3.1.2.3.** All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with C.3.2 and utilized in implementing this ordinance. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued.

**C.5.3.1.2.4.** When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Flood Protection Elevation, as defined in C.2. All other applicable provisions of C.5.2 shall also apply.

#### **C.5.4. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas.**

**C.5.4.2.** Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

**C.5.4.1.1.** Standards of C.5.1 and C.5.2; and

**C.5.4.1.2.** Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

#### **C.5.4.2. Standards for Floodways and Flood Fringe Areas**

**C.5.4.2.1.** Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in C.3.2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in C.5.1 and C.5.2, shall apply to all development within such areas:

**C.5.4.2.1.1.** No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

**C.5.4.2.1.1.1.** it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

**C.5.4.2.1.1.2.** a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

**C.5.4.2.1.2.** If C.5.4.2.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

**C.5.4.2.1.3.** Manufactured homes may be permitted provided the following provisions are met:

**C.5.4.2.1.3.1.** the anchoring and the elevation standards of C.5.2.1.3; and

**C.5.4.2.1.3.2.** the encroachment standards of C.5.4.2.1.

### **C.5.5. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)**

**C.5.5.1.** Located within the Special Flood Hazard Areas established in C.3.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to C.5.1 and C.5.2, all new construction and substantial improvements shall meet the following requirements:

**C.5.5.1.1.** The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 1.5 feet, above the highest adjacent grade; or at least 1.5 feet above the highest adjacent grade if no depth number is specified.

**C.5.5.1.2.** Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in C.5.5.1.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with C.4.3.3 and C.5.2.1.2

**C.5.5.1.3.** Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

## **DIVISION 6**

### **C.6. LEGAL STATUS PROVISIONS**

#### **C.6.1. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance**

**C.6.1.1.** This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted February 5, 1986 as amended, and it is not the intention to repeal but rather to re-enact and continue to

enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Lemhi County enacted on February 5, 1986 as amended, which are not reenacted herein are repealed.

#### **C.6.2. Effect upon Outstanding Floodplain Development Permits**

**C.6.2.1.** Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

#### **C.6.3. Severability**

**C.6.3.1.** The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

#### **C.6.4. Effective Date**

**C.6.4.1.** This ordinance shall become effective June 12, 2017.

Enacted by the Lemhi County Board of County Commissioners as an ordinance of the County of Lemhi on the 8th day of August 2022.

Rick Snyder; Chairman

ATTEST:

Brenda Armstrong, County Clerk