

LEMHI COUNTY DEVELOPMENT CODE

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CHAPTER 1

PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

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

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

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

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 Conflicting Ordinances Repealed. All prior ordinances are repealed to the full extent of their inconsistency with this ordinance.

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

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

1.5.2. Vested rights to proceed with development under the provisions of this ordinance shall be established only by: a. recording a final plat in full compliance with the provisions of this ordinance; b. executing a development agreement in full compliance with this ordinance, or c. obtaining a building permit in full compliance with the provisions of this ordinance. Such vested rights expire with the permit. See 3.12 (page 14) for the duration of permit approvals.

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

1.6. Nonconforming. Nonconforming is often said to be “grand fathered”.

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

1.6.2. 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. The purpose of these rules is to eliminate conflicts with nonconforming uses.

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

1.6.2.2. 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.

1.6.2.3. 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.

1.6.2.4. 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.

1.6.2.5. 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.

1.6.2.6. 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.

1.6.3. 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.

1.6.4. 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.

1.6.5. 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.

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

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

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

1. Does the regulation or action result in the permanent or temporary physical occupation of the property?
2. Does the regulation or action require a property owner to dedicate a portion of property

or grant easement?

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

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

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

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

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

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

CHAPTER 2

PLANNING AND ZONING COMMISSION / ADMINISTRATOR

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

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

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

2.2.2. 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.

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

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

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

2.4.1. interpretation of the requirements of this ordinance

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

2.4.3. accept applications for permits required by this ordinance;

2.4.4. review applications for compliance with this ordinance;

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

2.4.6. 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;

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

2.4.8. investigate possible violations of this ordinance;

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

2.4.10. Perform all other duties assigned by this ordinance, including the additional duties assigned in Chapter 9 (page 48).

2.4.11. 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.

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

CHAPTER 3

ADMINISTRATIVE PROCEDURES

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

DIVISION 1 - PERMIT PROCEDURES

3.2. Permit Required. A permit shall be required for any division of land, or any land development or activity regulated by the Lemhi County Development Code, except as specifically exempted by Section 3.2.1, below. Applications for permits shall be processed as described in this chapter. **Exemptions.** Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit.

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

3.2.1.1. Fences (but note that all fences must comply with the requirements of this ordinance for a “clear vision triangle” at intersections and driveways) and shall comply with Appendix C (on Page 101).

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

3.2.1.3. Certain signs, as provided in Appendix A (on page 95).

3.2.2. No permit shall be required for the following land division activities but shall meet the recording requirements found in section 3.6 & 10.3

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

3.2.2.2. The aggregation of lots to achieve compliance with the density limitations of this ordinance or public health requirements;

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

decree must be provided to the Planning & Zoning Administrator prior to recordation of land division.

3.2.2.3.1. 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.

3.2.2.3.2. Entitled “lot splits” will be used. Remaining entitled “lot splits” must be designated to a specific parcel of land.

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

3.2.2.3.4. a cemetery plat; or

3.2.2.3.5. 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.

3.2.2.3.6. Federal, State and County projects or activities are exempt from zoning rules and regulations, unless said projects or activities involves privately owned property. These must follow the recording requirements found in 3.6 & 10.3

3.3. Applications. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. No incomplete application shall be accepted.

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

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

3.5. 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.

3.5.1. Lot Splits within a subdivision shall be filed as an amended subdivision, and shall follow the requirements set forth in this Chapter, Chapter 5 Small-Scale Development (page 24), and Chapter 6 Large-scale Development (Page 31).

3.6. Requirements for Lot Splits. The lot split permit procedure is found in 3.5 (page 8). All lot splits shall comply with the following requirements:

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

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

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

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

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

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

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

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

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

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

3.6.6. Newly created lots will not gain additional allowable “*lot splits*”.

3.6.7. All plats must use a meets and bounds description. County review of proposed lot splits also helps protect utility easements and street rights-of-way from encroachment and consumers from purchasing inaccurately described property. Applications for lot split permits shall follow the procedure described here.

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

3.6.9. All newly created lots shall be platted, as defined in I.C. 50-1301- 1329, Appendix G page 150, section 10.3 and recorded only after obtaining all the proper signatures. An “Agency Approval” sheet shall also be recorded after obtaining all the proper signatures. The “Agency Approval” sheet shall include a signature and comment line for the Administrator, Assessor, Lemhi Road and Bridge Department, Eastern Idaho Health, and any other agencies that may be deemed necessary at the time of application, and their signatures are required before recording.

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

3.6.11. One deed shall be created for each parcel.

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

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

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

3.6.15. 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.

Exemption: 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.

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

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

3.6.16. The administrator shall determine whether the proposed lot split is in compliance with the comprehensive plan and this ordinance. If he/she finds that the proposed lot split complies, then copies of the plat and the agency approval sheet shall be submitted to the various agencies for review and approval. After the review and approvals are obtained, a drafting film as per I.C. 50-1304, can be made and signatures obtained for recording and the application for a permit shall be approved. If he/she finds that the proposed lot split does not comply, the application for a permit shall be disapproved. Conditions may be attached to approval of the permit, as provided in 3.11 (Page 14).

3.6.17. The administrator shall notify the developer of the decision within ten (10) days, except as provided in 3.6.17 below.

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

3.6.19. The Administrator’s decision may be appealed to the Commission, the Commission’s decision may be appealed to the BOCC all appeals must use the appeals procedure of 3.14. (page 15). Any person wishing to appeal a decision shall file a notice of

appeal with the administrator within twelve (12) days of decision. Developers proceed at their own risk during the appeal period.

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

3.6.21. Lot splits and related required improvements may be phased in under a development agreement per CHAPTER 11 (page 74) of this code.

3.7. Subdivision Permits. The subdivision permit procedure is designed to assure that land development is accompanied by installation of the necessary on-site public facilities and that it is compatible with neighboring land uses, the landscape setting, and the capacity of off-site facilities and services. County review of subdivisions helps protect utility easements and road rights-of-way from encroachment and protects consumers from purchasing inaccurately described property. All applications for a subdivision shall be accompanied by a LESA Evaluation Form. Applications for subdivision permits shall follow the procedure described below and in section 3.8.1- 3.13 and section 10.2 & 10.3 of this ordinance.

3.8. Special Use Permits. The purpose of the special use permit procedure is to implement the comprehensive plan by requiring intensive public review of certain developments, including all 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. All applications for a Special Use Permit shall be accompanied by a LESA Evaluation Form. Applications for special use permits shall follow the procedure described in section 3.8.1– 3.12 and section 10.2 & 10.3 of this ordinance.

3.8.1. 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.

3.8.2. The administrator shall place a hearing on the application on the agenda of the next regular Commission meeting for which the notice requirements of 3.9 (page 12) can be met and at which time will allow proper consideration of the proposed subdivision or special use 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.

3.8.3. The administrator may contract for professional review of the application, with the cost of that review being in addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The

administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

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

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

3.9. Neighborhood Meeting Requirements. A neighborhood meeting must be held for a subdivision of 10 lots or more and Special Use Permits.

3.9.1. Neighborhood meetings must be held no more than 30 days prior to submitting the final application to the Planning & Zoning Administrators office.

3.9.2. Notice of the neighborhood meeting shall be provided to all private property owners of record within three hundred feet (300') of the exterior boundary of the proposed subdivision property. Notice of the meeting shall be mailed with receipt of mailing to the property owners and shall set forth the time and place for the meeting.

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

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

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

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

3.10.1. By mailed notice to all adjoining property owners, all owners of property within three hundred (300) feet of the outer boundaries of the site, and within a subdivision, all lot owners, at least fifteen (15) days before the hearing, except as provided in 3.10.3, below;

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

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

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

3.10.5. All notices shall comply with the requirements of 3.11.2 (page 14)

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

3.10.7. The Commission shall conduct a hearing on the proposed project following the procedure established in 3.16 (page 16). No application for a subdivision shall be reviewed if the developer or a representative is not present.

3.10.8. 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. Conditions may be attached to approval of the permit, as provided in 3.11 (page 14)

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

3.10.10. The Commissions' decision may be appealed to the BOCC using the appeals procedure of 3.14 (page 15). 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.

3.10.11. The developer may file a final plat with the administrator at any time after the subdivision permit is approved. Phased final platting is permitted by 11.5 (page 74)

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

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

3.10.14. The Commission shall review the final plat and determine whether it is in compliance with the subdivision permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat is not in compliance, it shall disapprove that plat. Conditions may be attached to approval of a final plat, as provided in 3.11 (page 14)

3.10.15. If the Commission approves the final plat, the administrator shall place it on the agenda of the next regular BOCC meeting. Commission disapproval of a final plat may be appealed to the BOCC using the appeals procedure of 3.14 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 12 days after notice of the decision being appealed is received.

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

3.10.17. The administrator shall notify the developer and interested parties of the BOCC decision within 12 days.

3.10.18. 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.

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

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

3.11.2. 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.

3.12. Hearing Notices. All required notices shall provide the following information (for model notices see Appendix B (page 99): 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.**”

3.13. 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.

DIVISION 2 - APPEALS AND VARIANCES

3.14. 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.

3.14.1. The appellant shall have bona fide interest as stated in I.C. 67-6521 and shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator.

3.14.2. 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.

3.14.3. The Commission/BOCC procedure for hearings shall be as follows: No appeal shall be heard if the appellant or a representative are not present.

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

3.14.5. The administrator shall notify the appellant and interested parties of the decision within 12 days.

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

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

3.15.2. 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.

3.15.3. The Commission shall conduct a hearing on the proposed variance following the procedure established in 3.16 (on page 16) No application for a variance shall be reviewed if the developer or a representative is not present.

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

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

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

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

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

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

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

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

3.15.5. Conditions may be attached to the approval of a variance, as provided in 3.15.5 (page 14)

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

3.15.7. The Commission's decision may be appealed to the BOCC using the appeals procedure of 3.14 (page 15). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 12 days after notice of the decision is published in the local newspaper. Developers proceed at their own risk during the appeal period.

DIVISION 3 - HEARING PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.17.2. 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.

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

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

3.20. Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the Commission required by I.C. 67-6519. The Commission shall make a decision on any application for a permit within 35 days of the hearing, if a hearing is required by this ordinance, or within 35 days of the meeting at which the application first appeared on the Commission agenda, except that: the Commission may table any application for which a facilities study (see 6.33 page 39) 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.

DIVISION 4 – ENFORCEMENT

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

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

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

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

3.23.1. 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.

3.23.2. 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:

3.23.2.1. 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

3.23.2.2. file an appeal of the administrator's notice, following the appeals procedure of 3.14 (on page 15)

3.23.3. 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.

3.23.3. 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.

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

3.24. 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 18-113, punishment for misdemeanor.

DIVISION 5 – AMENDMENTS

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

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

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

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

3.25.3.1. for amendments to the official zoning map only: by mailed notice to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in 3.25.3.2, below;

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

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

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

3.25.3.5. All notices shall comply with the requirements of 3.11.2 (on page 14)

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

3.25.4. The Commission shall conduct a hearing on the proposed amendment following the procedure established in 3.16 (on page 16). No application for an amendment shall be reviewed if the developer or a representative is not present.

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

3.25.6. The administrator shall convey the Commission's recommendation to the BOCC and, unless the application is withdrawn, place a hearing on the application on the agenda of the next regular BOCC meeting for which the notice requirements can be met. Notice shall be provided in the same manner as for the hearing before the Commission.

3.25.7. The BOCC shall conduct a hearing on the proposed amendment following the procedure established in 3.16 (page 16). No application for an amendment shall be reviewed if the developer or a representative is not present.

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

3.25.9. The administrator shall notify the developer and interested parties of the BOCC decision within 12 days, but no amendment to this ordinance shall become effective until that amendment has been adopted as an ordinance and published or published by summary as required by law.

CHAPTER 4

ESTABLISHMENT OF ZONING DISTRICT

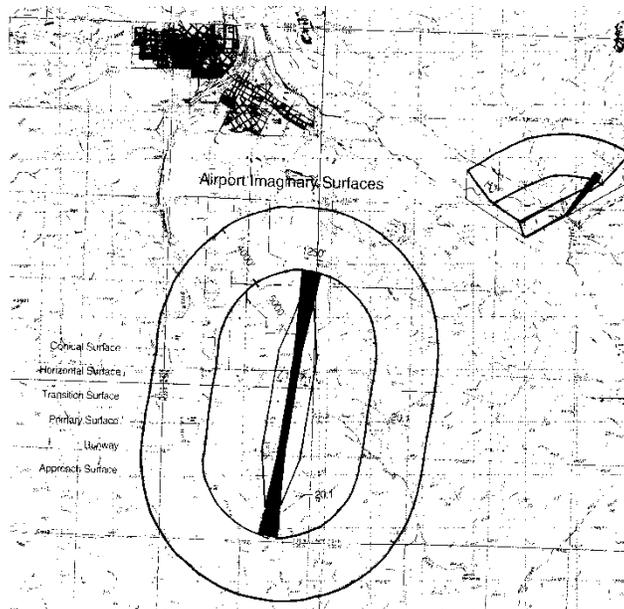
4.1. What This Chapter Does. This chapter creates zoning districts and overlay zoning districts based on the planning areas established in the comprehensive plan and adopts an official map of those districts. It also provides rules for the interpretation of zoning district boundaries.

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

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

4.4. Zoning District Boundaries. Zoning district boundaries shall be as shown on the "Official Zoning Map of Lemhi County" and the flood insurance rate maps of Lemhi County prepared by the Federal Emergency Management Agency. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may request commission review of the administrator's decision using the appeals procedure of 3.14 (page 15).

Official Zoning Map of Lemhi County



CHAPTER 5

SMALL-SCALE DEVELOPMENT

5.1 What This Chapter Does. This chapter establishes county-wide performance standards for small-scale development, including home occupations. All applicable performance standards of the Lemhi County Development Code shall apply, depending on the zoning district in which the proposed small-scale development is located. Certain additional performance standards for lot splits are found in Chapter 10 (page 68). Small-scale developments may require a building permit and may require a lot split permit. This chapter does not apply to any land division in which all resulting parcels are one hundred-sixty (160) or more acres in size and not intended for development purposes or for the purpose of further lot splits. Compliance with these performance standards is required for the approval of any small-scale development

5.2 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 5.17 (page 27) and a lot split as defined in Appendix L-1.3.43 (page 175). It does not include any act that creates lots of 160 acres or larger that are not intended for development purposes nor are eligible for any further lot splits.

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

5.3.1 As per 5.2 (page 24), a small-scale development includes four or fewer lots.

5.3.2 In some zoning districts, the number of lots that may be established as a small-scale development is limited in proportion to the owner's total holdings. The number of lots permitted is called the "small-scale development factor" in Table 5.1. (page 29)

5.3.3 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 5.1. (page 29). No land division shall result in any conforming lot or parcel falling below the minimum lot size required by that table.

5.3.4 If a proposed small-scale development is found to exceed the environmental capacity of the area as determined by Chapter 12 (page 78) additional conditions and standards may apply.

Exceptions. One single-family residence may be constructed on any separately owned, undeveloped, nonconforming lot or parcel, provided that it complies with the remainder of the performance standards of this chapter while assuring that they have no significant adverse impact on environmental quality in accordance with Chapter 12 (page 78), neighboring uses, or public facilities and services. The unused portion of a subdivision lot on which a dwelling already exists is not an undeveloped, nonconforming lot or parcel. Multiple undeveloped, nonconforming lots held by a single owner are not separately owned and shall be considered a single parcel for the purposes of this ordinance.

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

5.4.1. in the Airport approach surface

5.4.2. within the Special Flood Hazard Area Overlay Zoning District, except in compliance with the detailed performance standards of Chapter 9 (page 48);

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

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

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

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

5.6. Nuisances. The performance standards of 6.13 (page 35), also apply to small-scale development.

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

5.8. Fence-Out/Stock Driveways.

5.8.1. All small-scale developments shall be fenced to prevent conflict with livestock on neighboring pasture or range lands. Providing lawful fencing shall be the responsibility of the developer. See Appendix C (page 101).

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

5.9. Setbacks.

5.9.1. All small-scale developments shall comply with the setback requirements of Table 5.2. (page 30) and no land division shall result in any conforming setback falling below the minimum established here.

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

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

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

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

5.11.3. Maintaining a clear vision triangle; and

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

5.11.5. Private roads created for small-scale residential developments shall meet the construction standards of Appendix D (page 105)

5.11.6. Where individual driveways access a state or federal highway, an access permit shall be obtained from the Idaho Transportation Department. Where individual driveways access a county road they shall be constructed in compliance with the standards of Appendices D & E (pages 105 & 145).

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

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

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

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

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

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

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

5.16.1.1. providing gates through all fences placed across any irrigation right-of-way or easement (as also required by 5.15, page 27); and

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

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

5.16.3. See Chapter 10 (page 68) for additional requirements affecting the subdivision of irrigated lands.

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

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

5.17.2. Home occupations may include retail trade and financial, personal, and business services, but no such home occupation may occupy a floor area larger than that of the

residence to which it is accessory unless located outside a subdivision and on a lot five (5) acres or more. Then there are no restrictions on the home occupation size.

5.17.3. Home occupations shall provide off-street parking for all employees and any vehicles associated with the occupation in compliance with the requirements of Appendix E (page 145).

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

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

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

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

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

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

Table 5.1. - Small Scale 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

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

**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 5.2. SETBACK REQUIREMENTS FOR ALL AREAS.**

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

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

** See Table 7.1 (page 44) for Setbacks in Elk Bend and Gilmore for Existing Lots.

CHAPTER 6

LARGE-SCALE DEVELOPMENT

6.1. What This Chapter Does. This chapter establishes county-wide performance standards for large-scale special use development. Additional performance standards may apply, depending on the zoning district in which the proposed development is located. Certain additional performance standards for subdivisions are found in Chapter 10 (page 68). All large scale developments shall be considered a special use or a subdivision and require approval through the Special Use permitting process as defined in (page 11).

6.2. Large-Scale Development Defined. A large-scale development is any development that is not exempted by 3.2 (page 7) or defined as a “small-scale development” by 5.2 (page 24). Large-scale developments include proposed residential subdivisions and industrial and commercial projects. They are subject to public review, as provided in this ordinance, for compliance with performance standards that protect the county’s natural assets, ensure compatibility with the neighboring land uses, and require the provision of any infrastructure necessitated by their development. The guiding principle for this review, which is expressed in the performance standards of this chapter and chapters 7 and 10, is simple: the developer bears full responsibility for the consequences, present and future, of his or her actions.

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

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

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

6.3.3. Commercial – Defined as developments for any commercial use (Lemhi County Development Code L-1.3.16) including a junk or salvage yard.

6.3.4. Industrial – Defined as developments for any industrial use (Lemhi county Development Code L-1.3.31).

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

DIVISION 1 – OVERALL PERFORMANCE STANDARDS FOR PROTECTING NATURAL ASSETS

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

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

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

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

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

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

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

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

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

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

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

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

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

6.7. Stream Corridors. Minimum development setbacks shall be required along all streams, as shown in Table 6.1 or 7.2 (pages 34, 44). The use of buffers created by this requirement shall be compatible with the protection of stream corridor values.

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

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

6.7.3. Stream corridor buffers may be left in, or restored to, native riparian or wetlands vegetation or planted as lawns or pasture. They may not be developed, except as permitted by 6.7.1 and 6.7.2 (pages 32 & 33).

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

6.8. Floodplains. Developments in the special flood hazard area overlay zoning district shall comply with the detailed performance standards of Chapter 9 (page 48).

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

TABLE 6.1. - MINIMUM STREAM CORRIDOR SETBACKS**

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

**See Table 7.2 (page 44) Stream Corridors for areas in Elk Bend and Gilmore for existing lots.

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

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

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

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

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

DIVISION 2 - PERFORMANCE STANDARDS ENSURING LAND USE COMPATIBILITY

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

6.13.1. No development shall create excessive levels of noise or vibration beyond its property line. Excessive noise, measured at the property line, exceeds the standards of Table 6.2 (page 36)

6.13.2. No development shall direct light, glare, or heat beyond its property line in accordance with Appendix I, Lighting Standards (page 159) of this code. Yard and Security lights shall be hooded, and placed in such a manner as to not cause glare or directly shine onto other property or any public way. Welding equipment and other sources of intense light or heat shall be shielded from neighboring properties or public ways by enclosure in a building, location on the site, or the construction of a fence or wall.

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

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

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

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

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

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

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

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

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

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

TABLE 6.2. DETAILED PERFORMANCE STANDARDS FOR NOISE

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

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

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

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

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

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

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

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

6.16.3. See Chapter 10 (page 68) for additional requirements affecting the subdivision of irrigated lands.

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

6.17.1. Is the proposed lot coverage and landscaping compatible with neighboring uses? For single family dwellings, subject to building permit review only, it shall be assumed that any lot coverage of less than fifty (50) percent is compatible, provided that the setbacks of Table 5.2 (page 30) are maintained from all property lines.

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

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

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

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

6.17.6. Buffers and Landscaping shall be provided as outlined in Appendix F (page 148) of this Code.

6.17.7. Requirements of Chapter 12 (page 78) are met. The development must mitigate the cumulative effects upon the environment as required.

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

6.19. Signs. All signs shall comply with the detailed performance standards of Appendix A (page 95).

6.20. Salvage and Junk Yards. All new salvage and junk yards shall meet the conditions below immediately upon approval. Existing salvage and junk yards shall be considered a nonconforming use and shall adhere to the guidelines found in section 1.6.1 (page 2). Such uses shall:

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

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

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

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

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

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

DIVISION 3 – OVERALL PERFORMANCE STANDARDS ENSURING ADEQUATE PROVISION OF FACILITIES

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

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

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

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

6.21.4. being at least one hundred (100) feet from any other point of access (measured centerline to centerline, on either side of the public road), except on state and federal highways, where the minimum distance between points of access shall be one-thousand feet (1,000) feet (See Appendix D, Page 105).

6.21.5. Where individual driveways access a state or federal highway, an access permit shall be obtained from the Idaho Transportation Department. Where individual driveways access a county road they shall be constructed in compliance with the standards of Appendixes D and E. (pages 105 and 106).

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

6.21.7. Any of the safe access standards adopted here may be modified as a result of a facilities study required by 6.33 (page 39)

6.22. Access to Arterials. All developments shall minimize the number of points of access to arterial roads and highways, while still complying with 6.21 (page 37).

6.23. Alternate Points of Access. All developments containing ten (10) or more dwelling units, or are projected to generate a traffic flow of one hundred (100) ADT or more, or with a distance of more than six hundred (660) feet from a public road that is maintained on a year round basis, shall provide a minimum of two (2) points of ingress and egress from a public road or highway serving the development unless otherwise determined to be inadvisable due to land shape or conditions that may be hazardous. “Loop” systems that return to a single point of access to the public road or highway may be acceptable for generating one thousand (1,000) or less projected ADT.

6.24. Roads. The design and construction of all roads (private or public) shall be in compliance with the detailed performance standards of Appendix D (page 105)

6.25. Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided as required by Appendix E (page 106). Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

6.26. Utilities. All developments, and all lots within any development, shall have direct access to power and telephone service, and, where available, a connection to a central water and/or sewer system that complies with state design and construction requirements. (See 10.8)

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

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

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

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

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

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

6.33. Additional Facilities Needs.

6.33.1. In addition to facilities required by 6.21 through 6.32, large-scale developments shall provide all additional on and off-site public facilities necessitated by their development. Provision of such facilities may be based on a facilities needs study and in compliance with all requirements of this ordinance. Facilities required may include: off-site runoff and erosion control measures; central water and/or sewerage systems; off-site road improvements such as deceleration or acceleration lanes, left turn lanes, signs or signals, bridges or culverts, and road extensions or loops to provide adequate emergency access; fencing; solid waste transfer stations; emergency services buildings and apparatus, including fire engines or ambulances; a water supply adequate for fire-fighting purposes, as required by NFPA 1231; neighborhood parks (including space used for recreational trails) at a rate of two acres per thousand population; and schools.

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

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

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

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

6.33.2.1.3. is located within an Area of Concern as defined within Chapter 12 (page 78).

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

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

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

DIVISION 4 – DEVELOPMENT REQUIREMENTS AND NEEDS INTENSITY OF DEVELOPMENT

6.33.6. Areas of Concern. If a proposed large-scale development is found to exceed the environmental capacity of the area as determined by Chapter 12 (page 78) additional conditions and standards may apply.

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

CHAPTER 7

PERFORMANCE STANDARDS FOR SPECIFIC ZONING DISTRICTS

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

7.2. Performance Standards Matrix. Some performance standards included in this chapter apply in several zoning districts, while others apply in just one.

DIVISION 1 - PERFORMANCE STANDARDS FOR MAINTAINING WORKING LANDSCAPES

7.3. Protecting Irrigation Systems. This is a concern in all zoning districts: see 5.16. (page 27), 5.14 (page 27), and 10.6 (page 69)

7.4. Fencing/Stock Driveways.

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

7.4.2. Where a development will generate or attract traffic on a road that passes through an open range area, the developer may be required to fence that road and provide cattle guards. This requirement shall be applied to all developments subject to the requirements of 6.33 (page 39), where it is relevant, and may be applied to other developments where the commission determines the conflict between livestock and traffic presents a serious safety hazard.

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

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

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

7.6. Limiting Conflict with Mining Operations.

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

7.6.2. Subdivision of Mineral Lands. See also 10.7. (page 69)

7.7. Limiting Conflict with Logging Operations.

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

7.8. Farm Roads in Riparian Areas.

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

DIVISION 2 - COMMERCIAL DEVELOPMENT.

7.9. Large Scale Development Locations. Large scale developments should be buffered and landscaped when located along local, state or federal highways, with the exception of home occupations that must comply with 5.17 (page 27). Large scale development storage areas shall be effectively screened from view.

DIVISION 3 - PERFORMANCE STANDARDS APPLICABLE IN INDIVIDUAL ZONING DISTRICTS.

7.10. Airport Zoning District.

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

7.10.2. Landscaped Buffers. Landscaped buffers shall be provided as required by Appendix F (page 148).

7.10.3. Signs. Signs shall be limited to those permitted in Appendix A (page 95).

7.11. Area of City Impact.

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

7.12. Lower Lemhi River Valley. RESERVED

- 7.13. North Fork-Gibbonsville. RESERVED**
- 7.14. North Salmon Basin. RESERVED**
- 7.15. Pahsimeroi. RESERVED**
- 7.16. Salmon River Mountains. RESERVED**
- 7.17. South Salmon Basin. RESERVED**
- 7.18. South Salmon River Corridor. RESERVED**
- 7.19. Upper Lemhi River Valley.**
- 7.20. Elk Bend Existing Lots & Gilmore Existing Lots.**

TABLE 7 .1. SETBACK REQUIREMENTS

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

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

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

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

TABLE 7.2. - MINIMUM STREAM CORRIDOR SETBACKS IN ELK BEND AND GILMORE, FOR EXISTING LOTS

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

AIRPORT SAFETY OVERLAY ZONING DISTRICT

8.1. What This Chapter Does. The purpose of the Airport Safety Overlay Zoning District (ASOD) is to provide for the safety of aircraft pilots and passengers and protect a substantial investment of public funds by assuring that land development and construction activities within the ASOD are compatible with the safe continued use of the Lemhi County Airport. Private aircraft landing fields, as defined under L-1.3.6, requires a special use permit for approval anywhere within the county. In approving such a permit the county may use the standards set forth within this Airport Safety Overlay Zone as a guide.

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

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

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

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

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

8.3. Height Limitations. Except as provided in 8.3.5 (page 46), or by variance (see 8.7 on page 46), no structure or tree shall be allowed to exceed the height limitations established here.

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

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

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

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

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

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

8.5. Nonconforming Uses. Additional Regulations. Nonconforming uses and buildings are regulated by the provisions of 1.6.2 (page 2) and, within this overlay zoning district, these additional requirements.

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

8.5.2 The repair and, under specified circumstances, replacement of nonconforming uses and buildings is permitted by 1.6.1 (page 2), but no nonconforming use, building, or tree shall be permitted to become a greater hazard to air navigation than it was on the effective date of this ordinance.

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

8.7 Variances. The variance procedure is described in 3.14.5 (page 15). Any application for a variance of the height limitations established in this chapter shall be accompanied by a

determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

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

CHAPTER 9

SPECIAL FLOOD HAZARD AREA OVERLAY ZONING DISTRICT

9.1. Statutory Authority. The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

9.2. Findings of Fact. The flood hazard areas of Lemhi County are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

9.2.1. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, not flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

9.2.2. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

9.3. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

9.3.1 Require that development that 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;

9.3.2 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;

9.3.3 Control filling, grading, dredging and other development which may increase flood damage or erosion;

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

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

9.4. Objectives. The objectives of this ordinance are to:

9.4.1. Protect human life, health and property;

9.4.2. 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;

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

9.4.4. Minimize expenditure of public money for costly flood control projects;

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

9.4.6. Minimize prolonged business interruptions.

DIVISION 1 – DEFINITIONS

9.5. “Accessory structure” means a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. An insurable and/or an agricultural exempt building is not classified as accessory or appurtenant structure.

9.6. “Appeal” means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

9.7. “Area of shallow flooding” means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

9.8. “Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A, AE, V. Also known as the Special Flood Hazard Area (SFHA).

9.9. “Base Flood” means the flood having a one percent chance of being equaled or exceeded each year.

9.10. “Base Flood Elevation (BFE)” means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

9.11. “Basement” means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

9.12. “Building” see “Structure.”

9.13. “Critical Facility” means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

9.14. “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 has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

9.15. “Development” means 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, drilling operations, and storage of equipment or materials.

9.16. “Existing Construction” means a structure for which the “start of construction” commenced before February 5, 1986

9.17. “Existing manufactured home park or subdivision” means 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 February 5, 1986

9.18. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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.

9.19. “Federal Emergency Management Agency (FEMA)” is the agency with the overall responsibility for administering the National Flood Insurance Program.

9.20. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

9.20.1 the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

9.21. “Flood Fringe” means the portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

9.22. “Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Insurance Administration or U.S. Department of Housing and Urban Development, where the boundaries of areas of special flood hazard have been designated as Zone A. The FHBM usually is the initial flood hazard map.

9.23. “Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

9.24. “Flood Insurance Study (FIS)” means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

9.25. “Floodplain” means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

9.26. “Flood Protection Elevation (FPE)” means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation, plus two (2) feet of freeboard Therefore the Flood Protection Elevation for Lemhi County is equal to BFE (if present) plus two (2) feet freeboard. (Also see Standard for Zones without Base Flood Elevation).

9.27. “Freeboard” means 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.

9.28. “Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

9.29. “Historic Structure” means a structure that is:

9.29.1 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.

9.29.2 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.

9.29.3 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

9.29.4 Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

9.29.5 By an approved state program as determined by the Secretary of the Interior, or Directly by the Secretary of the Interior in states without approved programs.

9.30. “Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

9.31. Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

9.32. Letter of Map Revision (LOMR) A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

9.33. Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

9.34. “Lowest Adjacent Grade (LAG)” means the lowest point of the ground level next to the structure. Refer to the Elevation Certificate, FEMA Form 81-31, for LAG related to building elevation information.

9.35. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

9.36. “Manufactured Home” means 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.”

9.37. “New construction” means a structure for which the “start of construction” commenced after February 5, 1986 and includes subsequent improvements to the structure.

9.38. “New Manufactured Home Park or Subdivision” means 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 February 5, 1986.

9.39. “Recreational Vehicle” means a vehicle that is:

9.39.1. Built on a single chassis,

9.39.2. 400 square feet or less when measured at the largest horizontal projection,

9.39.3. Designed to be self-propelled or permanently towed by a light duty truck, and

9.39.4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

9.40. “Regulatory Floodway” means 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 more than a designated height.

9.41. “Repetitive Loss” means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost where the construction of facilities for servicing the lots on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

9.42. “Start of construction” includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or 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 the alteration affects the external dimensions of a building.

9.43. “Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

9.44. “Substantial damage” means 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 of its market value before the damage occurred.

9.45. “Substantial improvement” means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of

the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed. The term does not include either:

9.45.1 A 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

9.45.2 Alteration of a Historic Structure provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

9.45.3 “Variance” is a grant of relief by the governing body from a requirement of this ordinance.

DIVISION-2 GENERAL PROVISIONS

9.46. Lands to Which this Ordinance Applies. 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.

9.47. Basis for Area of Special Flood Hazard. 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 at 206 Courthouse Drive Salmon, Idaho 83467.

9.48. Establishment of Floodplain Development Permit.—A Floodplain Development Permit shall be required prior to development activities in Special Flood Hazard Areas established in 9.47

9.49. Interpretation. In the interpretation and application of this ordinance all provisions shall be:

9.49.1 Considered as minimum requirements;

9.49.2 Liberally construed in favor of the governing body, and;

9.49.3 Deemed neither to limit nor repeal any other powers granted under state statutes.

9.50. Warning/Disclaimer of Liability. 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.

9.51. All applicants for special use permits in this overlay zoning district shall sign an acknowledgment stating:

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

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

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

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

DIVISION 3- ADMINISTRATION

9.52. Designation of Floodplain Ordinance Administrator. The Planning & Zoning Administrator is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

9.53. Permit Procedures. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the administrator or the administrator's designee prior to starting development activities. Specifically, the following information is required:

9.53.1. Application Stage

9.53.1.1. Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities. Elevation in relation to the Flood Protection Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;

9.53.1.2. Elevation to which any non-residential structure will be flood-proofed;

9.53.1.3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in 9.62

9.53.1.4. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

9.53.2 Construction Stage

9.53.2.1 For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification from a licensed surveyor of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

9.53.2.2 Certificate deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

9.53.3 Technical Review

9.53.3.1 If Lemhi County does not have the expertise to evaluate the technical data that is part of the application, the community may contract for an independent engineering review or require a review by State FEMA Coordinator/FEMA or through the Letter of Map Revision process. The applicant will pay the costs of an independent technical review.

9.53.3.2 Expiration of Floodplain Development Permit

9.53.3.3 All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

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

9.54.1 the elevation to which any existing or proposed non residential building has been or will be flood proofed;

9.54.2 for all new non- residential construction and substantial improvements a certification by an engineer or architect that the flood proofing methods used comply with these performance standards; and

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

9.55. Duties and Responsibilities of the Administrator. Duties of the Floodplain Administrator shall include, but shall not be limited to:

9.55.1. Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.

9.55.2. Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Idaho Stream Channel Alteration permits, I.C. 42 Chapter 38 require that copies of such permits be provided and maintained on file.

9.55.3. When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.

9.55.4. When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

9.55.5. Obtain and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

9.55.6. Obtain and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.

9.55.7. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.

9.55.8. Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9.55.9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the county clerk or his/her designee and shall be open for public inspection.

DIVISION 4 – PROVISIONS FOR FLOOD HAZARD REDUCTION

9.56. Subdivision Standards.

9.56.1. All subdivision proposals shall be consistent with the need to minimize flood damage.

9.56.2. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.

9.56.3. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.

9.56.4. All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

9.56.5. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

9.57. Construction Standards. In all Areas of Special Flood Hazard the following provisions are required.

9.57.1. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be anchored to prevent flotation, collapse or lateral movement of the structure.

9.57.2. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed with materials and utility equipment resistant to flood damage.

9.57.3. New construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed by methods and practices that minimize flood damage.

9.57.4. All new construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

9.57.4.1. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

9.57.4.2. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;

9.57.4.3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

9.57.5. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

9.57.6. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

9.57.7. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:

9.57.7.1. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;

9.57.7.2. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);

9.57.7.3. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;

9.57.7.4. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

9.57.8. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities shall be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.

9.57.9. New and replacement water supply systems shall be designed to minimize or to eliminate infiltration of flood waters into the system.

9.57.10. New and replacement sanitary sewage systems shall be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

9.57.11. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

9.57.12. Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is minimal in order to meet health and safety standards.

9.58. Manufactured Home Standards. In all Areas of Special Flood Hazard these standards for manufactured homes and recreational vehicles that are an allowed use under the zoning ordinance shall apply:

9.58.1. Manufactured homes placed or substantially improved:

9.58.1.1. On individual lots or parcels

9.58.1.2. In new or substantially improved manufactured home parks or subdivisions

9.58.1.3. In expansions to existing manufactured home parks or sub-divisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred “substantial damage” as the result of a flood, must have the lowest floor, including basement, elevated to the Flood Protection Elevation.

9.58.2. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

9.58.2.1. The lowest floor of the manufactured home is elevated to the Flood Protection Elevation.

9.58.2.2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches above the highest adjacent grade.

9.58.2.3. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements.

9.58.2.4. Manufactured homes placed on solid perimeter walls shall meet the flood vent requirements in 9.57.3

9.59. Accessory Structures. Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 200 square feet. Such a structure must meet the following standards;

9.59.1. It shall not be used for human habitation

9.59.2. It shall be constructed of flood resistant materials

9.59.3. It shall be constructed and placed on a lot to offer the minimum resistance to the flow of floodwaters.

9.59.4. It shall be firmly anchored to prevent flotation

9.59.5. Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation;

9.59.6. It shall meet the opening requirements of 9.57.4

9.60. Recreational Vehicle Standards. In all Areas of Special Flood Hazard, Recreational Vehicles within R.V Parks must:

9.60.1. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

9.60.2. Be elevated to or above flood protection elevation.

9.60.3. Be on site for fewer than 180 consecutive days

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

9.62 Floodways Standards. The following provisions shall apply in a floodway:

9.62.1. A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:

9.62.2. Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;

9.62.3. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;

9.62.4. Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;

9.62.5. Upon demonstrating that there are no alternatives, the applicant may propose an encroachment in the floodway that will cause an increase in the base flood elevation in excess of the allowable level provided that the applicant obtain a Conditional Letter of Map Revision from FEMA before the development can be approved and permitted.

9.63. Standards for Zones with Base Flood Elevations. In Special Flood Hazard Areas designated A1-30, AE, AH, A (with estimated BFE), the following provisions are required.

9.63.1. New construction and substantial improvements

9.63.1.1 Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, constructed at or above the community's Flood Protection Elevation. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in 9.57.3

9.63.2. Non-Residential Construction

9.63.2.1. New construction or the substantial improvement of any non-residential structure located in zones A1-30, AE, or AH must be flood-proofed if the new construction or improvement is not elevated. The structure and attendant utility and sanitary facilities, must be designed to be water tight or to one (1) foot above the base flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Administrator.

9.63.2.2. Where the floodway has not been determined, no new construction, substantial improvements, or other development (including fill) shall be permitted in Zones A1-30 and AE on the effective FIRM, unless it is demonstrated 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.

9.63.2.3. Applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator a Conditional Letter of Map Revision (CLOMR) post construction

9.63.2.4. Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

9.63.2.5. In AH Zones, drainage paths shall be provided to guide flood water around and away from proposed and existing structures.

9.64. Standards for Zones Without Base Flood Elevation and/or Floodway (A Zones).

These standards apply in Special Flood Hazard Areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated. The minimum elevation shall be (2) two feet above highest adjacent grade. Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot shall obtain a Conditional Letter of Map Revision preconstruction and a Letter of Map Revision post construction.

9.64.1 When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, then the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data are not available from any source, **only** then provisions 9.64.1.1 & 9.64.1.1 shall apply.

9.64.1.1 No encroachments, including structures or fill, shall be located within an area equal to the width of the stream or fifty feet, whichever is greater,

measured from the ordinary high water mark, unless certification by a licensed professional engineer documents that the encroachment will not result in any increase in flood levels during the base flood.

9.64.1.2 In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than two feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in 9.57.3

9.65. Standards for Areas of Shallow Flooding (AO Zones). Shallow flooding areas designated AO Zones, are Areas of Special Flood Hazard that have base flood depths of one to three feet, with no clearly defined channel. The following provisions apply.

9.65.1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the adjacent grade at least as high as the flood depth number specified in feet on the Flood Insurance Rate Map (FIRM). If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in 9.57.3

9.65.2. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure and attendant utility and sanitary facilities must be designed to be water tight to the specified base flood level or at least two (2) feet above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Floodplain Administrator.

9.65.3. Drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

9.66. Alteration of a Watercourse. A water course is considered altered when any change occurs within its banks.

9.66.1 The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished.

9.66.2. Adjacent communities, the U.S. Army Corps of Engineers and the Idaho Department of Water Resources Stream Channel Alteration program must be notified

prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.

9.66.3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

9.66.4. The applicant shall meet the requirements to submit technical data in Section 9.67 when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

9.67. Requirement to Submit New Technical Data.

9.67.1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

9.67.1.1 Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

9.67.1.2 Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

9.67.1.3 Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

9.67.1.4 Subdivision or large-scale development proposals requiring establishment of base flood elevations according to 9.56.2

9.67.1.5 Remove the site from the special flood hazard are in accordance with 9.67.2

9.67.2. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

DIVISION-5 VARIANCE AND APPEAL PROCEDURES

9.68. Variance.

9.68.1 An application for a variance must be submitted to the County Clerk on the form provided by the Lemhi County and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

9.68.2 Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next Board of County Commissioner’s meeting in which time is available for the matter to be heard.

9.68.3 Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the County at least 15 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners within 300 feet of the external property lines pertaining to the property in which the variance is applied.

9.68.4. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant

9.69. Criteria for Variances.

9.69.1 Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

9.69.2 Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of the remainder of this section.

9.69.3 Variances shall only be issued by a community upon;

9.69.3.1. A showing of good and sufficient cause,

9.69.3.2. A determination that failure to grant the variance would result in exceptional hardship to the applicant

9.69.3.3. A determination that the granting of a variance will not result in increased flood height, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

9.69.4 Variances shall be only issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; A community shall notify the applicant in writing or the signature of a community official that;

9.69.4.1 The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and;

9.69.4.2 Such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in the following section

9.69.5. A community shall;

9.69.5.1. Maintain a record of all variance actions, including justification for their issuance, and;

9.69.5.2 Report such variances issued in its annual or biennial report submitted to the Administrator.

9.69.6 Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally depended use provided that;

9.69.6.1. That sections of this chapter are met and

9.69.6.2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

9.70 Additional Finding for Variances. The approval of any variance shall be based on all findings required by Division 2- 3.15 and the additional finding that approval of the variance will not result in increased flood levels, a threat to public safety, or extraordinary public expense.

9.71 Variance Decision. Where a variance of the requirements of this chapter is approved or denied, the Board of County Commissioners shall set forth reasons for such approval or denial. If the variance is granted, the property owner's shall put on notice along with the written decision that the county is not liable for any flood damages that result from the variance, and that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will commensurate with the increased flood damage risk.

9.72 Appeals. 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 set forth in section 3.12 & 3.14 of the Lemhi County Development Code.

DIVISION 5- PENALTIES FOR VIOLATION

9.73 Penalties for Violation. 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.

9.73.1. 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 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 Lemhi County from taking such other lawful actions as is necessary to prevent or remedy any violation.

DIVISION-6 SEVERABILITY

9.74 Severability. 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.

DIVISION-7 REPEAL OF CONFLICTING PROVISIONS

9.75 Repeal of Conflicting Provisions. All provisions of the current Lemhi County Development Code or ordinances of Lemhi County, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

9.76 Effective Date. This ordinance shall be effective upon passage and publication as provided by law.

Enacted by the Lemhi County Board of Commissioners as an ordinance of Lemhi County on _____ day of _____, 201__.

Lemhi County

Chairman

Attest:

County Clerk

CHAPTER 10

ADDITIONAL PERFORMANCE STANDARDS FOR SUBDIVISIONS, AND MANUFACTURED HOME PARKS

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

10.2. Plat is Required for All Land Divisions. A plat shall be required for all lot splits and subdivisions, except as provided in 3.2 (page 7). Records of survey and plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (I.C. 50-1301-1329), as amended, all applicable requirements of Appendix G (page 150), and requirements as follows.

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

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

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

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

10.3.4. 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.

10.3.5. Lots with remaining splits shall be shown on the plat.

10.3.6. 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*".

10.4. Subdivision and Manufactured Home Park Design. The subdivision permit procedure is found in 3.6.21 (page 11). Subdivisions and manufactured home parks shall comply with all applicable performance standards of this ordinance, and the following additional requirements.

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

10.4.2. Subdivisions and manufactured home parks that are in, or include a portion of, a special flood hazard area shall comply with the performance standards of Chapter 9 (page 48).

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

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

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

10.4.3.3. conflict with adjoining land uses.

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

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

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

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

10.6. Subdivision of Irrigated Lands. All subdivisions and manufactured home parks shall demonstrate compliance with I.C. 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities (I.C. 31-3805 appears in Appendix H on page 154). Compliance shall be attained by:

10.6.1. the transfer of water rights, or

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

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

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

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

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

10.8.1.1. Subdivisions in remote and/or primitive locations may be exempt from the provisions of 10.8.1. 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.

10.8.2. drained and graded gravel roads, as specified in Appendix D (page 105)

10.8.3. any other improvement required for compliance with this ordinance

10.9. Manufactured Home Park Operation.

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

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

10.10. Site Selection:

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

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

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

10.12. Site Improvements

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

10.13. Site Planning

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

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

10.13.2.1. Manufactured/mobile home/recreational vehicle space sizes

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

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

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

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

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

10.13.2.3. Roads, walks and parking areas.

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

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

10.13.2.3.3. Width of roads and parking areas.

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

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

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

10.13.2.3.6. Width of Walks

10.13.2.3.6.1. Public walks - minimum four (4) feet

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

10.13.2.4. Service Buildings

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

10.13.2.5. Location.

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

10.13.2.6. Construction.

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

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

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

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

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

10.13.2.8. Fire Prevention:

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

10.13.2.9. Regulations:

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

CHAPTER 11

REQUIRED IMPROVEMENTS

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

11.2. Required Improvements. A required improvement is any improvement that must be provided to comply with this ordinance, for example the subdivision improvements required by 10.8 (page 69) or the manufactured home park improvements required by 10.10 (on page 70)

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

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

11.5. Time of Installation/Development Agreements.

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

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

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

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

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

11.5.2.4. guarantees completion, repair, and one year's maintenance of all required improvements in the initial phase/s using one of the methods listed in 11.7 (page 75) and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.11.1. retention of ten (10) percent of an escrow account established to comply with 11.7 (page 75);

11.11.2. a continuing letter of credit, as provided in 11.7 (page 75), but for ten (10) percent of the cost of the required improvements; or

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

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

11.12.1. improvements required for the mitigation of potential nuisances;

11.12.2. off-street parking and loading areas;

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

11.12.4. landscaped areas, including required buffers;

11.12.5. fences required for the control of livestock;

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

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

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

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

CHAPTER 12

AREAS OF CONCERN

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

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

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

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

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

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

12.3. Areas of concern.

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

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

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

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

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

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

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

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

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

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

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

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

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

12.3.3.1. Proposed developments that are within the Area of City Impact and will use existing water and/or sewer utilities are considered to have a minimal impact on the natural environment except as otherwise provided in subsections below. Score (0 points).

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

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

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

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

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

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

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

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

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

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

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

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

12.3.4.5.2. Shallow soils of less than 10 inches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.4.1.1.1. None

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

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

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

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

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

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

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

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

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

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

12.4.2. Impacts on Agricultural Water User Facilities.

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

12.4.2.1.1. None

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

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

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

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

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

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

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

12.4.3. Mitigation of Impacts on the Natural Environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.4.4.4.5. Developments may consider natural drainage patterns for surface waters, including storm water runoff. Minimum storm water standards should consider:

12.4.4.4.5.1. Peak post-development storm water flows.

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

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

12.4.4.4.5.4. Facilitation of groundwater recharge.

12.4.4.4.5.5. Protection of groundwater quality.

12.4.4.4.5.6. A plan for handling the storm water runoff may be submitted. Score(- 5 points).

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

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

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

12.4.5. Impacts on Ground Water Quality.

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

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

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

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

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

12.4.5.3. Proposed developments may mitigate adverse impacts on 12.3.4.5.5 Impacts on Public Health and Safety (page 81).

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

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

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

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

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

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

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

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

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

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

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

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

12.4.6. Impact on Fish, Wildlife and Habitat.

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

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

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

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

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

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

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

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

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

12.4.7. Impacts on Transportation System/Access Management.

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

12.4.7.1.1. None

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

12.4.7.2.1. Developer submits a transportation plan that, whenever feasible, connects all streets and alleys to other streets within the neighborhood/development and connect to existing or projected through streets, as part of an interconnected street network, outside of the development. Score (- 15 points).

12.4.7.2.2. If safe and adequate access cannot be provided or maintained within the traffic impact area, the developer proposes to either construct the necessary improvements to ensure safe and adequate access or provide payment in lieu to the applicable department to cover the costs of the constructing the improvements. Score (- 15 points).

12.4.7.2.3. Proposed developments adjacent to public lands provides access through easement to existing and established public trails and road systems in coordination with the public land management agency. Score (- 15 points).

12.4.7.2.4. Development proposals may include consideration for reducing dependence on motorized transportation. Pedestrian walkways, and trail systems should be implemented with consideration for connectivity to the overall non-motorized transportation system within Lemhi County. Score (- 15 points).

12.4.7.2.5. Willingness of developer to establish access to public lands where no access currently exists with approval of affected agency. Score (- 15 points).

12.4.7.2.6. Proposed developments may mitigate for adverse impacts to the local transportation system through a pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-75 points).

12.4.7.2.7. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-75 points)

12.4.8. Cultural and Historic Preservation.

12.4.8.1. Requirements: Proposed developments shall mitigate adverse impacts on cultural and historic sites by meeting or exceeding the following conditions:

12.4.8.1.1. No development will be allowed in areas of cultural and historic significance without consultation and clearance from the appropriate local, state and federal agencies.

12.4.8.2. Options:

12.4.8.2.1. Developments within known areas of cultural significance may mitigate for impacts to this resource by meeting with the local historic

committee and/or by conducting an approved cultural inventory and buffering any resources identified by this inventory. Score (- 10 points).

12.4.8.2.2. Proposed developments may mitigate for adverse impacts cultural and historic preservation through pre-approved mitigation plan including specified design features and utilizing resource specific best management practices. Score Up to (-10 points).

12.4.8.2.3. The developer may submit a Development Engineering Report (DER) showing technical information that shows mitigation or evidence of the lack of need to mitigate certain environmental and physical factors. Score – Up to (-10 points)

12.5. Application Process.

12.5.1. A LESA application form, as designated by the County, shall accompany any special use application for development. The administrator, Commission or BOCC reserves the right to ask for or seek out additional information as needed. They also reserve the right to re-evaluate the scores and place a different score on the application if additional information warrants it

12.5.2. The administrator, Commission or Board may also request a DER as a condition of approval if suggested mitigations are not sufficient or pertinent environmental information is incomplete.

13.5.2. The administrator, Commission or Board may use the results of the LESA and DER to place mitigating conditions upon any special use permit.

12.6. Scoring Scale.

12.6.1. Final Score – The development application will be scored and development potential will be:

12.6.1.1. Scores from 0 to 35 – Best suited for development.

12.6.1.2. Scores from 35 – 60 – Moderately suited for development.

12.6.1.3. Scores from 60 -85 – Least suited for development.

12.6.1.4. Scores under 85 – Very limited development potential.

12.6.1.5. Note: If any single category receives a mitigated score above 30 the land will also be deemed as having very limited development potential.

12.7. Appeals.

12.7.2. Any decision on scoring of the administrator may be appealed to the Commission and any decision of the Commission may be appealed to the BOCC the using the procedure described here.

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

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

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

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

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

CHAPTER 13

CONFINED ANIMAL FEEDING OPERATIONS

13.1. CAFO's. CAFO's within the County are regulated under Idaho Statute Title 67 chapter 65

APPENDIX A - DETAILED PERFORMANCE STANDARDS FOR SIGNS

A-1.1 What This Chapter Does. This chapter requires a permit for the placement of signs not otherwise exempted by this ordinance and establishes regulations for the location, type, and size of signs permitted.

A-1.2 Permit Required. A 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.

A-1.3 Exceptions to Permit Requirement. The signs listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for: 1. residential nameplates; 2. temporary signs, including real estate, construction, and political signs, 3. window signs; or 4. traffic control signs or public notices placed by the city or other public agencies.

A-1.4 Prohibited Signs. All signs not expressly permitted by this ordinance shall be prohibited.

A-1.5 Placement of Signs. No sign shall be placed: 1. in or over a public right-of-way, except as provided in A-1.6.2 (page 95) on a rock outcrop, tree or utility pole; 3. on a vehicle or trailer that is parked in a visible location for the primary purpose of displaying the sign; or 4. where it creates a traffic safety hazard by obstructing vision at intersections or driveways or obscuring traffic control signs.

A-1.6 Signs and Public Rights-of-Way.

A-1.6.1. No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.

A-1.6.2. No sign shall extend over a public right-of-way, except that awnings and projecting signs may extend up to four feet over a public sidewalk, and suspended signs may be hung over a public sidewalk that is covered by an arcade or canopy. Any sign extending over a public sidewalk shall have a minimum clearance of eight (8) feet.

A-1.7 Permitted Signs: On-Site. The signs permitted in Lemhi County are:

A-1.7.1. traffic control signs and public notices placed by the county, state, or other public agencies;

A-1.7.2. one (1) nameplate of no more than six (6) square feet for each dwelling, and the home occupation signs permitted by 5.17 (page 27) for approved home occupations;

A-1.7.3. one entrance/directory sign, of no more than 32 (32) square feet, for each subdivision or manufactured/mobile home park;

A-1.7.4. one (1) temporary sign, of no more than eight (8) square feet, for each lot, parcel, or principal building, except that two (2) temporary signs may be permitted during temporary (i.e. lasting no more than three (3) days) sales events, including garage or yard sales conducted on residential premises, farm auctions, etc. OR during political campaigns; and

A-1.7.5. accessory to permitted retail and service commercial uses,

A-1.7.5.1. on-site directional and traffic control signs required to provide for safe access to the site and safe circulation in parking or loading areas;

A-1.7.5.2. window signs; and

A-1.7.5.3. any combination of the following signs, provided that their total area does exceed ten (10) percent of the building's visible facade where the building has a single road frontage, or sixteen (16) percent of the visible facades where the building has multiple road frontages:

A-1.7.5.3.1. wall signs of no more than thirty-two (32) square feet each,

A-1.7.5.3.2. projecting signs with no more than twelve (12) square feet per side;

A-1.7.5.3.3. ground signs of no more than eight (8) feet in height and with no more than thirty-two (32) square feet per side;

A-1.7.5.3.4. pole signs of no more than twenty-five (25) feet in height and with no more than sixteen (16) square feet per side, or

A-1.7.5.3.5. a single sandwich sign with no more than twelve (12) square feet per side, provided that no sandwich sign shall be placed so as to interfere with emergency access to or from a building.

A-1.7.5.4. Awnings may also display the logo or name of the establishment or its owner or operator.

A-1.8 Off-Site Signs. Off-site signs along U.S. Highway 93 shall be permitted in compliance with the rules and regulations of the Idaho Department of Transportation, and those rules and regulations shall be adopted, by reference, and extended by the county to signs along state highways. No off-site signs shall be permitted in other locations.

A-1.9 Illumination of Signs. Illuminated signs shall be permitted, provided that the illumination is constant. No flashing or blinking signs shall be permitted. Spotlights or other fixtures used for the indirect illumination of a sign shall be placed in compliance with 6.13 (page 35) and shall not constitute a traffic hazard.

A-1.10 Area of Signs. The area of a sign shall be measured as the area of a geometric figure defined by and including the extreme limits of the copy or message on the sign. Contrasting frames or borders shall be measured as part of the copy.

A-1.11 Identification of Signs. All off-site signs shall bear a weatherproof label identifying their owner, including the owner's name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.

A-1.12 Maintenance of Signs. Signs and their supporting structures shall be maintained so as not to create a health or safety hazard. The 1997 Uniform Sign Code is hereby adopted, by reference, to provide standards for safe sign construction.

A-1.13 Abandoned Signs. All existing abandoned signs shall be removed within sixty (60) days of the adoption of this ordinance or within sixty (60) days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use ceases operation for more than one (1) year. Any sign that, due to lack of maintenance, is not structurally sound or no longer serves to inform and attract the public shall be considered abandoned and its removal required.

A-1.14 Definitions. A sign is any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. The following kinds of signs are defined for use in the administration of this ordinance.

A-1.14.1. Awnings. Fabric shelters supported by a rigid framework attached to a building.

A-1.14.2. Construction Signs. Identify a building under construction. They include no advertising or promotional copy, but may identify the building's planned use, owners or operators, designers, construction contractors, and financiers.

A-1.14.3. Directional Signs.

A-1.14.3.1. On-site directional signs are used to identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include the name of the establishment or a logo.

A-1.14.3.2. Off-site directional signs identify and provide directions to an off-highway use. They include no advertising or promotional copy, but may include the name of the establishment or a logo.

A-1.14.4. Home Occupation Signs. See 5.17 (page 27)

A-1.14.5. Ground Signs. Freestanding signs that do not exceed eight (8) feet in height above grade.

A-1.14.6. Logo. A logo is a simple graphic symbol used to identify an establishment.

A-1.14.7. Nameplates. Wall signs that identify the occupants and address of a residence.

A-1.14.8. Projecting Signs. Are attached to the wall of a building and project away from that wall. Projecting signs extend no more than six feet from the building wall, but shall be limited to a projection of no more than four feet over a public sidewalk. Projecting signs do not extend above the roof line of the building to which they are attached.

A-1.14.9. Pole Signs. Freestanding signs that exceed eight (8) feet in height above grade.

A-1.14.10. Real Estate Signs. Wall or ground signs which indicate that the property on which they are placed is for sale, lease, or rent.

A-1.14.11. Sandwich Signs. Small freestanding signs placed on a sidewalk.

A-1.14.12. Suspended Signs. Are attached to the underside of an arcade or canopy and hang over a sidewalk with a vertical clearance of at least eight (8) feet.

A-1.14.13. Traffic Control Signs. Standard regulatory signs, including stop and yield signs, speed limit signs, etc.

A-1.14.14. Temporary Signs. Include, but are not limited to, construction, political, and real estate signs, and signs advertising temporary sales events.

A-1.14.15. Wall Signs. Are either painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which they are attached. Attached wall signs extend no more than one foot from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.

A-1.14.16. Window Signs. Appear within the frame of and are affixed directly to a window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

APPENDIX B - MODEL HEARING NOTICES

B-1.1 Purpose. This appendix provides models for the hearing notices required by this ordinance.

B-1.2 Notice for Subdivision Permit Application Hearing.

PUBLIC HEARING NOTICE - SUBDIVISION

John and Jane Doe of P.O. Box 22, Salmon, Id. 83467 propose to subdivide the E ½ of the SE ¼, SW ¼ of Section 8, T. ?? N., R ?? E.B.M. into 5 residential lots. The density of this development will be one dwelling unit for every 4 acres. The property is located on the east side of U.S. Highway 93, south of Elk Bend. The present land use is range.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

B-1.3 Notice for Special Use Permit Application Hearing.

PUBLIC HEARING NOTICE -SPECIAL USE PERMIT

The Wave Resort Corporation of P.O. Box 22, Salmon, Id. 82001 proposes to construct a fly shop and storage warehouse on Lot 9, Block 9 of the South Subdivision. The proposed development will be on a parcel of 1.4 acres and include 10,000 square feet of floor area. The present land use is vacant.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

B-1.4 Notice of Variance Hearing.

PUBLIC HEARING NOTICE - VARIANCE

Mr. and Mrs. J. Smith of P.O. Box 999, Salmon, Id. 83467 have applied for a variance of Section ????. of the Lemhi County Development Ordinance. This proposed variance would permit a 2 foot encroachment for the construction of an addition in the required front yard setback along Lynx Road. The property is located at 899 West Lynx, Lots 5 and 6, Block 1 of the Next Subdivision.

The Lemhi County Planning and Zoning Commission will conduct a hearing on this proposal at ?time? P.M., Wednesday, ?Month? ?day?, 20?? at the Lemhi County Planning and Zoning

Meeting Room, 200 Fulton Street, Suite 103 in Salmon. A copy of the application is available for public review at the Lemhi County Zoning Administrator's Office. **Public comment is encouraged.**

APPENDIX C - FENCING STATUTE

C-1.1 Purpose. The purpose of this appendix is to present Idaho's statutory requirements for lawful fences for reference purposes.

C-1.2 I.C. 35-101. Lawful fences in general. A lawful fence, except as hereinafter provided, must be not less than four and one half (4 ½) feet high, and the bottom board, rail, pole or wire must not be more than twenty (20) inches above the ground, and the space between the top and bottom board, rail, pole or wire must be well divided.

C-1.3 I.C. 35-102. Lawful fences described. Lawful fences are described as follows:

C-1.3.1. If made of stone, four (4) feet high, two (2) feet base, and one (1) foot thick on top.

C-1.3.2. If it be a worm fence, the rails must be well laid and at least four (4) feet high.

C-1.3.3. If made of posts, with boards, rails or poles, the posts must be well set in the ground and not more than eight (8) feet apart, with not less than three (3) six-inch (6) boards, or rails, or poles not less than two and one half (2 ½) inches in diameter at the small end; if four (4) poles are used, they must not be less than two (2) inches in diameter at the small end. The top board, rail or pole must not be less than four (4) feet from the ground, the space well divided, and the boards, rails or poles securely fastened to the posts; if poles not less than three (3) inches in diameter at the small end are used, the posts may set twelve (12) feet apart.

C-1.3.4. If wire be used in the construction of fences, the posts must not be more than twenty-four (24) feet apart, set substantially in the ground, and three (3) substantial stays must be placed at equal distances between the posts, and all wires must be securely fastened to each post and stay with not less than three (3) barbed wires, or four (4) coiled spring wires of not less than number nine (9) gauge. The bottom wire shall not be more than twenty-one (21) inches from the ground, and the other wires a proper distance apart. The wires must be well stretched and the fence not less than forty-seven (47) inches high. If all woven wire fencing is used the top and bottom wire must not be less than number nine (9) gauge, or two (2) number thirteen (13) gauge wires twisted together, with intermediate bars not less than twelve (12) inches apart and of not less than number fourteen (14) gauge wire, and the stay wires not more than twelve (12) inches apart, and the top wire not less than forty-seven (47) from the ground. If woven wireless in height is used, it must be brought to the height of forty-seven (47) inches by additional barbed wires, or coiled spring wire of not less than number nine (9) gauge, and not more than twelve (12) inches between the wires: provided that if barbed wire only is used, and the posts are not more than sixteen (16) feet apart, no stays need be used. Provided further that the minimum forty-seven (47) inch fence height specified above may be reduced to forty-two (42) inches for right-of-way fences on the state highway system when mutually agreed by the Idaho director of department of transportation and the director of the Idaho fish and game department as necessary to accommodate big game animals at major migration crossings.

C-1.3.5. If made in whole or part of brush, ditch, pickets, hedge or any other materials, the fence, to be lawful, must be equal in strength and capacity to turn stock, to the fence above described.

C-1.3.6. All fences in good repair, of suitable material and of every description, and all creeks, brooks, rivers, sloughs, ponds, bluffs, hills or mountains that present a suitable obstruction to stock are deemed lawful fences.

C-1.4 I.C. 35-103. ERECTION OF PARTITION FENCES. When two or more persons own land adjoining which is enclosed by one (1) fence, and it becomes necessary for the protection of the rights and interests of one (1) party that a partition fence be made between them, the other or others, when notified, must proceed to erect, or cause to be erected, one-half (1/2) of such partition fence; said fence to be erected on, or as near as practicable to, the line of said land. And if, after notice given in writing, either party fails to erect and complete, within six (6) months time thereafter, one-half (1/2) of such fence, the party giving the notice may proceed to erect the entire partition fence and collect by law one-half the costs of such fence from the other party, and he has a lien upon the land thus partitioned.

C-1.5 I.C. 35-104. CARE OF FENCES BY ADJOINING OWNERS. Each adjoining land owner, unless both otherwise agree, or unless other arrangements have heretofore been made, must construct and keep in repair that half of the line fence between their respective tracts of land which is to his left when he is standing on his own land facing the other; unless the owner of one (1) of said tracts choose to allow his land to be unenclosed: provided, that one (1) party may, for his own convenience, strengthen, or render hog-tight, the whole or any part of said fence by stretching one (1) or more additional wires thereon or otherwise; in which event the other shall not be liable for his proportion of the additional cost: provided further, if one (1) of the parties shall render such fence hog-tight and the other shall at any time use his field for the pasture of hogs, sheep or goats, without a herder, such other shall become liable as a joint user or owner, and shall, upon demand of the party building the hog-tight fence, pay his just proportion thereof. In case viewers are appointed, as provided in section [35-106](#), the report of such viewers must be in conformity with this section.

C-1.6 I.C. 35-105. USE OF DIVISION FENCE IN MAKING INCLOSURE. When one (1) of such adjoining proprietors has allowed his land to lie unenclosed, and afterward encloses it, he owes and is indebted to such adjoining owner one-half (1/2) the value of any division fence owned by the other, used by him in forming such enclosure; and each must thereafter keep one-half (1/2) of such fence in repair.

C-1.7 35-106. DISAGREEMENT BETWEEN OWNERS VIEWERS. If adjoining proprietors cannot agree as to the proportion or the particular part of a division fence to be made, maintained or kept in repair by each respectively, either party may apply, on five (5) days' notice, to a justice of the peace of the township, if there be one, if not, to the probate judge, for the appointment of three (3) viewers, who may examine witnesses on oath, and view the premises and must determine:

C-1.7.1. If the fence is owned by one (1) proprietor, how much the other must pay as his proportion of the value.

C-1.7.2. If the fence or the whole thereof is not built, which part thereof must afterward be built and kept in repair by each.

C-1.7.3. The determination of the viewers must be reduced to writing and signed by them, and filed in the office of the county recorder, and such determination is conclusive upon the parties. If any part of such determination consists in fixing the value of a fence for which one (1) party is to pay the other a proportion also fixed, such proportion must be paid within thirty (30) days after notice of such determination, and if not so paid, may be recovered by action in any court of competent jurisdiction. The viewers are entitled to a fee of three dollars (\$3.00) each, one-half (1/2) to be paid by each proprietor.

C-1.8 35-107.PROHIBITION AGAINST REMOVAL. When one (1) party ceases to improve his land, or open his enclosure, he must not take away any part of the partition fence belonging to him and adjoining the next enclosure, if the owner or occupant of such adjoining enclosure will, within two (2) months, after the same is ascertained, pay therefore such sum as is agreed upon by the parties, or, if failing to agree, then such sum as may be adjudged by viewers as provided in the last section; nor must such partition fence be removed when by so doing it will expose to destruction any crops in such enclosures.

C-1.9 35-108.REMOVAL OF FENCE BUILT BY MISTAKE. When any person has built, by mistake and in good faith, a fence on the land of another, such person or his successor in interest may, within one (1) year from the time of discovering such mistake, go upon the land of such other person and remove such fence, doing no unnecessary damage thereby.

C-1.10 35-109.RESTRICTIONS ON OCCUPANT'S RIGHT TO REMOVE FENCE. The occupant or owner of land where on a fence has been built by mistake, must not throw down or in any manner disturb such fence during the period which the person who built it is authorized by section [35-108](#) to remove it, when by so doing he will expose any crop to destruction.

C-1.11 35-110.SURVEY OF LINE. The person building such fence, or the occupant or owner of the land where on the same is built, may, upon notice to the other party, whenever doubts arise about the location of such fence, procure the services of a professional land surveyor to establish the boundary line between their respective lands, and the line so established is sufficient notice to the party making the mistake, so as to require him to remove such fence within one (1) year thereafter.

C-1.12 35-111.REMOVAL OF PARTITION FENCE. In all cases where the enclosures of two (2) or more persons are divided by a partition fence of any kind, and either of the parties thinks proper to vacate his part of such enclosure, or to make a lane of passage between such adjoining enclosures, such person is at liberty to remove his share or part of such partition fence, on giving six (6) months' notice in writing of such intention to the party owning or occupying the adjoining enclosure, or to his agent, if such party is not a resident of the county.

C-1.13 35-112.ESTABLISHMENT OF GATES. In all cases where a partition fence exists between parties, and a gate is established for passage through their lands, any other person may pass through such gate free, doing no unnecessary damage, and if any such person leave any

such gate open, or does other damage to the premises, he is liable to the party aggrieved in double damages.

APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF ROADS

D-1.1 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.

D-1.2 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:

D-1.2.1. American Association of State Highway and Transportation Officials, (AASHTO), A Policy on Geometric Design of Highways and Streets, 2004 and Roadside Design Guide, 2006

D-1.2.2. Idaho Standards for Public Works Construction, Division 200, 800 and Section 1105, 2008 edition (ISPWC)

D-1.2.3. Local Highway Technical Assistance Council (LHTAC) Manuals, Highway & Street Guidelines for Design and Construction, 2001, Use of Public Right-of-Way, 2001

D-1.2.4. U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (MUTCD)

D-1.2.5. Idaho Transportation Department (ITD), Standards Specifications for Highway Construction, 2004

D-1.2.6. Transportation Impact Analysis for Site Development, by the Institute of Transportation Engineers, 2005

D-1.3 Lemhi County Road & Bridge (LCRB) is authorized and directed by the Board of Commissioners to operate and maintain the County Roads.

D-1.4 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.

D-1.5 Need for Control and Uniformity

D-1.5.1. All County Roads within the County are classified under the Highway Functional Classification System developed for roadways in the United States.

D-1.5.2. 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.

D-1.5.3. 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.

D-1.5.4. Variation from these Standards may be sought under the criteria and procedures identified in the Lemhi County Development Code (LCDC).

D-1.5.5. 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.

D-1.6 Applicability

D-1.6.1. 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.

D-1.6.2. The provisions of these Standards shall apply only to unincorporated areas in the County.

D-1.6.3. 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 by Section 1.2.4.

D-1.6.4. 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.

D-1.7 Road Design Standards and Construction Conditions

D-1.7.1. All work shall be completed in accordance with the latest edition of the Standards.

D-1.7.2. 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.

D-1.7.3. 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.

D-1.7.4. 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.

D-1.7.5. 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.

D-1.7.6. 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.

D-1.8 Fees for Plan Review and Construction Observation

D-1.8.1. 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.

D-1.8.2. Construction observation is required of all construction completed within the County's boundaries for roads and ancillary facilities.

D-1.9 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.

D-1.9.1. 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.

D-1.9.2. 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:

D-1.9.2.1. Road right-of-ways have been dedicated and filed with the County.

D-1.9.2.2. Construction has been completed in accordance with current standards and specifications.

D-1.9.2.3. All required testing has been completed, reviewed, and the results accepted by the County.

D-1.9.2.4. A pre-acceptance walk-through shall be conducted at the project location with the following representatives in attendance:

D-1.9.2.4.1. Project Owner

D-1.9.2.4.2. Project Engineer

D-1.9.2.4.3. Contractor

D-1.9.2.4.4. Lemhi County Road and Bridge

D-1.9.2.4.5. Lemhi County Planning and Zoning

D-1.9.2.5. 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.

D-1.9.2.6. 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.

D-1.9.2.7. Owner has paid all fees and charges.

D-1.9.2.8. Application to be approved and signed by P&Z, LCRB, and County Commission.

D-1.9.3. 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

D-1.10 Testing.

D-1.10.1. 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.

D-1.10.2. 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.

D-1.10.3. 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.

D-1.10.4. 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

D-1.10.4.1. Embankment

D-1.10.4.1.1. Density Tests.

D-1.10.4.1.1.1. Minimum of one test per layer per 2,500 sq ft of fill surface area.

D-1.10.4.2. Trench Backfill

D-1.10.4.2.1. Density Tests.

D-1.10.4.2.1.1. Minimum of one test per 2 ft lift of material placed per crossing.

D-1.10.4.2.1.2. Minimum of one test per 300 lineal ft of pipe or portion thereof when located within the road section.

D-1.10.4.3. 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.

D-1.10.4.4. Subgrade

D-1.10.4.4.1. Fill Sections – Density Tests

D-1.10.4.4.1.1. Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

D-1.10.4.4.1.2. Minimum of one test per lift.

D-1.10.4.4.1.3. Minimum of two tests per road.

D-1.10.4.4.2. Cut Sections – Proof Rolling

D-1.10.4.4.2.1. Use a loaded dump truck, or equivalent.

D-1.10.4.4.2.2. Deflection to be witnessed by the County.

D-1.10.4.5. 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.

D-1.10.4.5.1. Gradation Tests

D-1.10.4.5.1.1. Minimum of one test per 2,000 ft of roadway.

D-1.10.4.5.1.2. Minimum of two tests per road.

D-1.10.4.5.2. Density Tests & Depth Measurement

D-1.10.4.5.2.1. Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

D-1.10.4.5.2.2. Minimum of two tests per road.

D-1.10.4.6. 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.

D-1.10.4.6.1. Gradation Tests

D-1.10.4.6.1.1. Minimum of one test per 2,000 ft of roadway.

D-1.10.4.6.1.2. Minimum of two tests per road.

D-1.10.4.6.2. Density Tests & Depth Measurement

D-1.10.4.6.2.1. Minimum of 1 test per 500 ft of roadway per travel lane located in the middle of each travel lane.

D-1.10.4.6.2.2. Minimum of two tests per road.

D-1.10.4.6.2.3. Depth of road mix shall be no less than three-inches (3”). Additional material shall be required if depth measurement is less than minimum.

D-1.10.4.7. 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.

D-1.10.4.7.1. Extraction Gradation Tests

D-1.10.4.7.1.1. Minimum of one test per 2,000 ft of roadway.

D-1.10.4.7.1.2. Minimum of two tests per road.

D-1.10.4.7.2. Density Tests

D-1.10.4.7.2.1. As frequent as necessary at the beginning of paving operations to determine an acceptable roller pattern.

D-1.10.4.7.2.2. Minimum of one test per 300 ft of roadway per travel lane located in the middle of each travel lane.

D-1.10.4.7.2.3. Minimum of two tests per road.

D-1.10.4.7.3. Core Tests

D-1.10.4.7.3.1. Minimum of one test per 1,000 ft of roadway.

D-1.10.4.7.3.2. Minimum of two tests per road.

D-1.10.4.7.3.3. Core holes shall be filled with non-shrink grout mix

D-1.10.5. Pavement not meeting the specifications within acceptable tolerances shall be removed or overlaid as determined by the County

D-1.11 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)

D-1.11.1. Arterial – A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

D-1.11.2. Major Collector – A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

D-1.11.3. Minor Collector – A public secondary collector road with fewer average daily traffic (ADT) but functions as a sub-regional corridor to local roads.

D-1.11.4. 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.”

D-1.11.5. 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.

D-1.11.6. 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.

D-1.11.7. 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.

D-1.11.8. 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

D-1.12 Right-of-Way

D-1.12.1. Right-of-way width shall vary according to the Service Classification per Table No.1, General Design Standards.

D-1.12.2. Final plat approval for roads requires dedication of right-of-way in accordance with Idaho Code Title 50, Chapter 13. 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.

D-1.13 Restricted Right-of-Way Activities Allowed by Permit

D-1.13.1. 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.

D-1.13.2. Restricted activities shall include, but shall not necessarily be limited to, installation, construction, and replacement or repair of the following:

D-1.13.2.1. New or amended road approaches - public or private,

D-1.13.2.2. New or amended driveway approaches,

D-1.13.2.3. Buried pipes, conduits, wires, or lines - new, repair, or replacement,

D-1.13.2.4. Utility boxes, poles, meters, and other structures - overhead or underground,

D-1.13.2.5. Storm water swales, catch basins, and sediment curtains,

D-1.13.2.6. Signs and fences,

D-1.13.2.7. Culverts and Bridges, and

D-1.13.2.8. 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

D-1.13.3. 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

D-1.13.4. 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.

D-1.14 Prohibited Right-of-Way Activities

D-1.14.1. Any use of a road right-of-way other than as a travelway 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.

D-1.14.2. Obstructions within the right-of-way which are prohibited shall include, but are not necessarily limited to, the following:

D-1.14.2.1. Livestock loading or feeding,

D-1.14.2.2. Crop harvesting, planting, or other farm activities, and

D-1.14.2.3. 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.

D-1.14.3. Encroachments within a right-of-way which are prohibited shall include, but are not necessarily limited to, the following:

D-1.14.3.1. Fences, hedges, shrubbery, and trees,

D-1.14.3.2. Crop plantings,

D-1.14.3.3. Irrigation head or waste articles, sprinklers, control structures, or other irrigation appurtenances,

D-1.14.3.4. Irrigation discharge either from pressurized sprinklers or surface runoff. Permitted and historical irrigation crossings in maintained structures are not included,

D-1.14.3.5. Decorative structures and commercial or other private signs as prohibited in the right-of-way by County Code,

D-1.14.3.6. Disposal of irrigation water in roadside drainage ditches (borrow pits),

D-1.14.3.7. Endangerments through landslide or potential landslide creation by creating excessively steep cut or fill banks on adjacent property,

D-1.14.3.8. 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.

D-1.14.3.9. Irrigation pipelines parallel with roadways within the right-of-way, and

D-1.14.3.10. Piles of wood, fruit boxes, or any other objects or materials that create a safety hazard.

D-1.14.4. 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:

D-1.14.4.1. 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.

D-1.14.4.2. Foreign objects attached to bridges.

D-1.14.4.3. Visibility impairment from dust, water from sprinkler, steam, and smoke.

D-1.14.4.4. Nuisances such as mud causing slippery conditions and dumping of garbage.

D-1.14.4.5. Defacing road or placement of other signs (yard sale signs or auctions) upon road signs.

D-1.14.5. 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.

D-1.14.5.1. 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 travelway shall be paid for by the Property Owner

D-1.14.6. 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

D-1.14.7. Penalty: A violation of these provisions is a misdemeanor in accordance with Idaho Code Title 18, Chapter 1, 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

D-1.15 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.

D-1.15.1. 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.

D-1.15.2. 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.

D-1.15.3. Widths of utility and alternative travel easements shall be a minimum of 20 feet.

D-1.16 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				

D-1.17 Road Names

D-1.17.1. All names for new roads constructed within the jurisdiction of the County shall be approved by E-911 Coordinator.

D-1.17.2. 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.

D-1.18 Road Cross Section

D-1.18.1. The Standard Drawing Details included in the Appendix of these Standards show typical cross section characteristics required for road classification.

D-1.18.2. 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.

D-1.18.3. 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.

D-1.18.4. Existing roads along the frontage of a proposed subdivision or development shall be improved to meet current standards.

D-1.19 ISPWC Modifications

D-1.19.1. 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

D-1.20 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.

D-1.20.1. 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.

D-1.20.2. 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.

D-1.20.3. 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:

D-1.20.3.1. Native material shall be identified on the NRCS soils map as being non-clay soil, and

D-1.20.3.2. Sub-base of typical section shall be increased by 6-inches (6”), and

D-1.20.3.3. Imported material shall meet the non-testing conditions of 1.20.1 and 1.20.2.

D-1.20.4. Native material containing clay shall require sampling and testing in all conditions.

D-1.21 Cut and Fill Slopes

D-1.21.1. 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.

D-1.21.1.1. 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).

D-1.21.1.2. 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.

D-1.21.1.3. Native materials containing clay require a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist regardless of the vertical distance.

D-1.21.2. 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:

D-1.21.2.1. Solid Rock requiring blasting: 0.5 H:1 V

D-1.21.2.2. Jointed Rock removable by ripping: 0.75 H:1 V

D-1.21.2.3. Naturally Cemented or Bonded Material, 1 H:1 V

D-1.21.2.4. Loose Material, 1.5 H:1 V

D-1.21.3. Fill slopes shall not be steeper than 1.5 H:1 V.

D-1.21.4. 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:

D-1.21.4.1. Reshaping borrow areas, revegetating, or regrading slopes,

D-1.21.4.2. Drainage provisions including interceptor drain lines and redirecting flows, and slope stabilization with gabions, slope pinning, or geotechnical fabrics

D-1.21.5. The specific design should be completed by a qualified geotechnical engineer.

D-1.21.6. Construction of cut and fill slopes shall not be permitted without incorporating erosion protection measures recognized by the Idaho DEQ Stormwater Catalog: Best Management Practices.

D-1.22 Horizontal and Vertical Alignment

D-1.22.1. Horizontal and vertical alignment shall conform to AASHTO or LHTAC Manual unless noted otherwise.

D-1.22.2. 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.

D-1.22.3. Horizontal Alignment: When road lines deflect from each other by more than ten degrees (10°) 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.

D-1.22.4. Vertical Alignment: Minimum sight distance shall be 200 ft for local and private roads and 300 ft for other roads.

D-1.22.5. Intersections shall conform to the following:

D-1.22.5.1. Angle of Intersection: Roads shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall roads intersect at less than eighty degrees (80°).

D-1.22.5.2. 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 (pp 37-38).

D-1.22.5.3. Number of Roads: No more than two roads shall cross at any one intersection.

D-1.22.5.4. 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.

D-1.22.5.5. 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.

D-1.23 Additional Width

D-1.23.1. 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

D-1.24 Driveway/Emergency/Service Vehicle (DESV) Access

D-1.24.1. Design of driveways, emergency vehicle access and utility service access shall conform to the following:

D-1.24.1.1. DESV access driveways shall be provided to every habitable structure hereafter built on (or moved onto) property in the County.

D-1.24.1.2. 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."

D-1.24.1.3. Width of DESV access:

D-1.24.1.4. 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.

D-1.24.1.5. Bridges shall be designed and constructed to support (AASHTO HL93 Design Loading)

D-1.24.1.6. DESV access driveways abutting state highways and collectors shall provide for on-site turn-around movements to enable vehicles to face traffic lanes.

D-1.24.1.7. 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.

D-1.24.1.8. 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.

D-1.24.1.9. DESV access grade shall have a maximum grade of three percent for a minimum distance of 24 ft from edge of traffic lane.

D-1.24.1.10. DESV access shall include drain swales or borrow ditches to prevent runoff water from entering onto roadways.

D-1.24.1.11. Driveway culvert requirements shall meet the specifications of Section G of the Standards

D-1.25 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.

D-1.25.2. Turn-Around: Dead-end access roads shall have an approved turn-around at the end of a road.

D-1.25.3. 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

D-1.26 Drainage and Structures.

D-1.26.1. 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.

D-1.26.2. Culverts used for drainage purposes shall be in accordance with the LHTAC Manual except as noted in the Standards.

D-1.26.3. 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.

D-1.26.4. 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.

D-1.26.5. 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.

D-1.26.6. Professional Engineer in the State of Idaho shall submit hydrologic model and drainage calculations for review and approval by the County for all bridges.

D-1.27 Culvert Requirements

D-1.27.1. 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.

D-1.27.2. 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.

D-1.27.3. Culverts in forested regions, including driveway entrance culverts shall be 18 inches (18") in diameter or larger where required.

D-1.27.4. Culverts on driveway approaches in non-forested regions shall be not less than 12 inches in (12") in diameter.

D-1.27.5. Culvert length shall be such that the total road (travelway 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 wingwalls and that the road (travelway plus shoulders) is not narrowed.

D-1.27.6. 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.

D-1.27.7. Acceptable materials for culverts are reinforced concrete pipe, precast reinforced concrete box sections, galvanized steel pipe and plate, and aluminized steel pipe and plate.

D-1.28 Culvert Size

D-1.28.1. 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

D-1.28.2. 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.

D-1.29 Bridge Requirements

D-1.29.1. Bridges shall be designed for AASHTO HL93 Design Loading.

D-1.29.2. Flow design capacity shall pass the 100-year peak flow. The lowest member shall have 2 ft clearance of the 50-year peak flow.

D-1.29.3. Structural materials allowed are prestressed concrete, reinforced concrete, galvanized steel, weathering steel, painted steel, and pressure-treated wood.

D-1.29.4. Bridge widths shall be such that the total road (travelway plus shoulders) is not narrowed as the road crosses the bridge.

D-1.29.5. 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.

D-1.29.6. 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.

D-1.29.7. Material test results provided by the Owner shall be submitted for review to the County before acceptance of the bridge by the Board

D-1.30 Access Management

D-1.30.1. Standards for safety, access management, and right-of-way preservation are based on functional classification of roadways.

D-1.30.2. 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:

D-1.30.2.1. Limit commercial and residential driveway access points.

D-1.30.2.2. Establish agreements between properties for cross- or joint access.

D-1.30.2.3. Require acceleration and deceleration lanes or right-turn lanes.

D-1.30.2.4. 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.

D-1.30.2.5. Shared access points for subdivisions with frontage on state Arterials.

D-1.30.2.6. Individual lots maintain access from minor collectors or lower classification roads.

D-1.30.2.7. 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

D-1.30.2.7.1. Speed limit 25 mile per hour or less.

D-1.30.2.7.2. Road not classified an arterial.

D-1.30.2.7.3. Lot size is less than one acre.

D-1.30.3. 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 ⁽¹⁾
		> 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				

D-1.30.4. 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.

D-1.30.5. 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.

D-1.30.6. Flag lots are not encouraged, as per the County Development Code.

D-1.30.7. Residential corner lots shall obtain access from the road with the lowest functional classification.

D-1.30.8. Driveways shall be consolidated using internal connectors to avoid multiple lots with individual access connections to Arterials and Major Collectors.

D-1.30.9. 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

D-1.31 Permanent Signage

D-1.31.1. 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 Appendix A, Detailed Performance Standards for Signs, LCDC.

D-1.31.2. 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.

D-1.31.3. Traffic control signs required to properly control traffic in a safe manner shall be installed by the Owner.

D-1.31.4. 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.

D-1.31.5. 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.

D-1.32 Pavement Markings

D-1.32.1. 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.

D-1.32.2. The spacing, location, and width of markings will be determined on an individual basis by County.

D-1.32.3. Paint quality shall be the same as that used by the Idaho Transportation Department, Standard Specifications for Highway Construction, 2004 or current Standard Specification.

D-1.33 Guardrails

D-1.33.1. 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.

D-1.33.2. The type of guardrail to be installed shall be determined by the County as the location dictates

D-1.34 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:

D-1.34.1. 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.

D-1.34.2. 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.

D-1.34.3. 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.

D-1.34.4. 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.

D-1.34.5. 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:

D-1.34.6. Arterial - A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

D-1.34.7. Major Collector – A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

D-1.34.8. Minor Collector – A public secondary collector road with fewer ADT but functions as a sub regional corridor to local roads.

D-1.34.9. 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.

D-1.34.10. Private Road (PR) – A privately owned and maintained road constructed on right-of-way or easement dedicated for public use roads.

D-1.34.11. 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.

D-1.34.12. 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.

D-1.34.13. County Road – Roads within the County that are maintained by LCRB.

D-1.34.14. County Road System – All roads within the County as identified in Section D.

D-1.35 List of acronyms used in this appendix

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

D-1.36 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

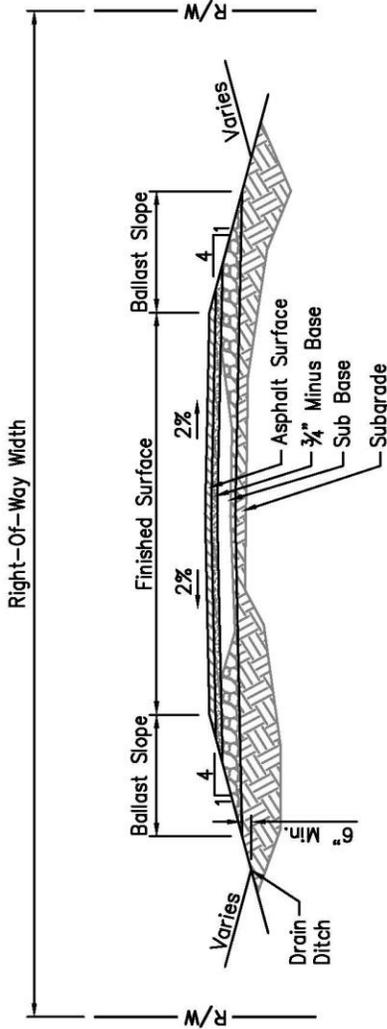
Manual of Uniform Traffic Control Devices (MUTCD) - published by the U.S. Department of
Transportation, Federal Highway Administration



LEMHI COUNTY STANDARDS

TYPICAL PAVED ROAD SECTION

SD-1



- 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

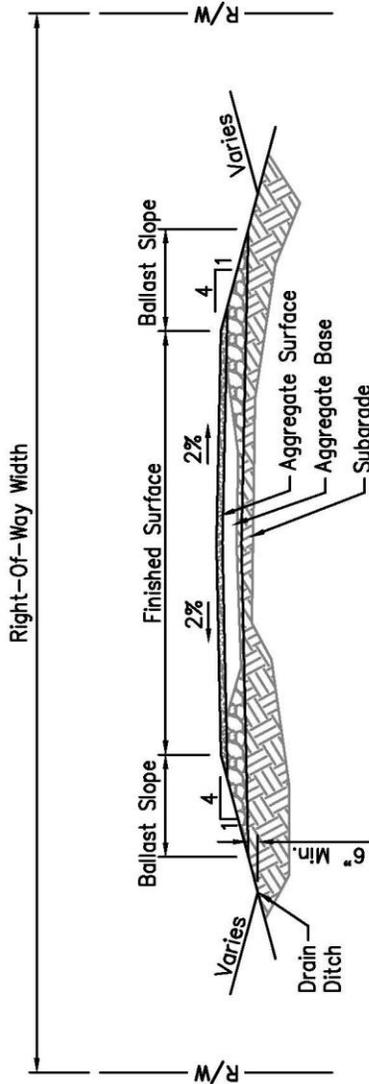
CLASS OF ROAD	ASPHALT SURFACE	$\frac{3}{4}$ " MINUS BASE OR LEVELING COURSE	GRANULAR SUB BASE	FINISHED SURFACE	RIGHT OF WAY WIDTH	MAXIMUM LENGTH	AVE. DAILY TRAFFIC
MAJOR COLLECTOR	2 1/2 IN.	4 IN.	12 IN.	28 FT. IF ADT < 600 36 FT. IF ADT > 600	80 FT.	NO LIMIT	> 700
MINOR COLLECTOR	2 IN.	4 IN.	12 IN.	26 FT. IF ADT < 600 34 FT. IF ADT > 600	60 FT.	NO LIMIT	400-700
LOCAL ROAD	2 IN. MIN. (OPTIONAL)	4 IN.	12 IN.	24 FT.	60 FT.	NO LIMIT	10-400
PRIVATE ROAD	2 IN. MIN. (OPTIONAL)	4 IN.	12 IN.	24 FT.	60 FT.	NO LIMIT	NO LIMIT



**LEMHI COUNTY
STANDARDS**

**TYPICAL UNPAVED (GRAVEL)
ROAD SECTION**

SD-2

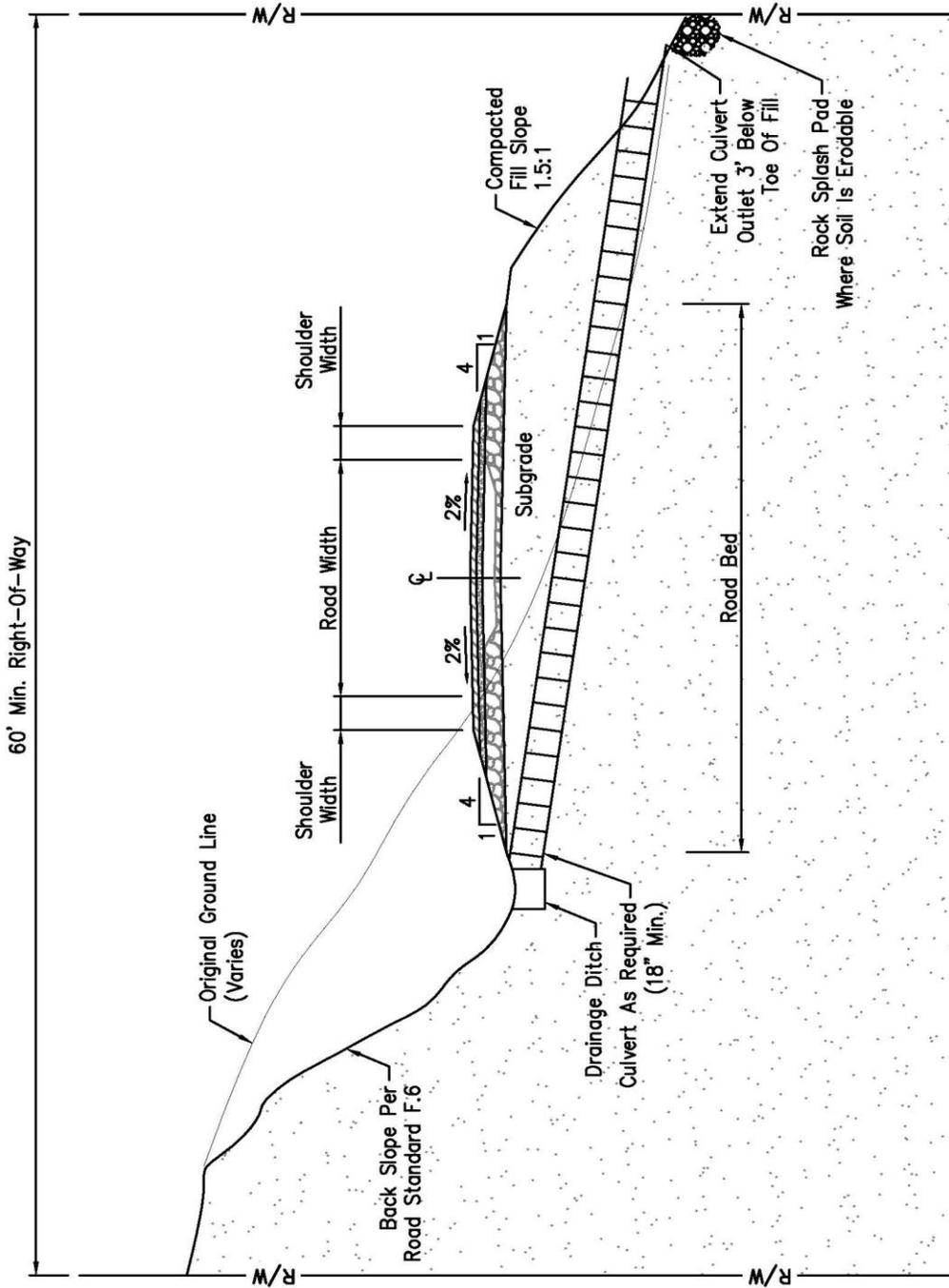


Notes:

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.



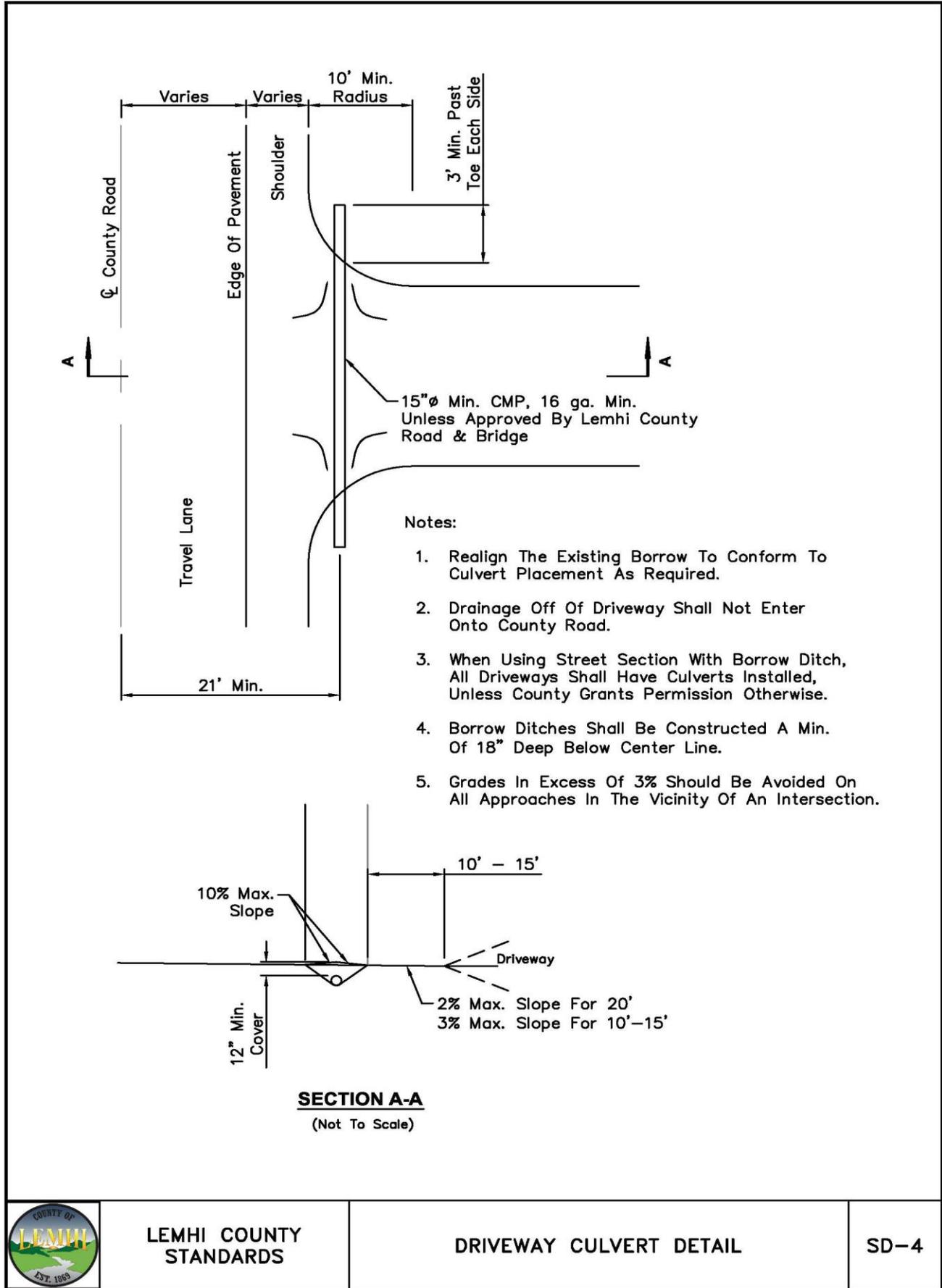
Note:
 Shapes And Dimensions Will Vary To Fit Local Conditions.
 See Drawings For Typical Sections.



LEMHI COUNTY
 STANDARDS

TYPICAL SECTION
 MOUNTAINOUS DRAINAGE

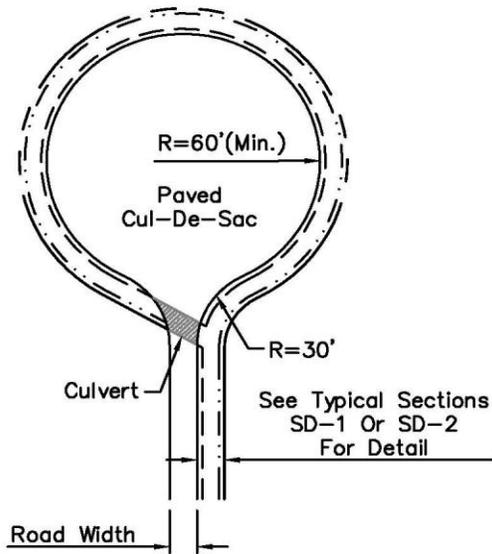
SD-3



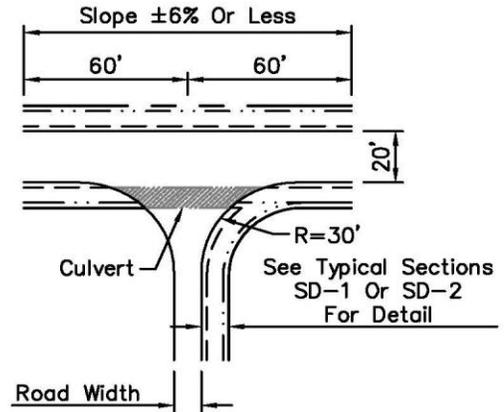
LEMHI COUNTY
STANDARDS

DRIVEWAY CULVERT DETAIL

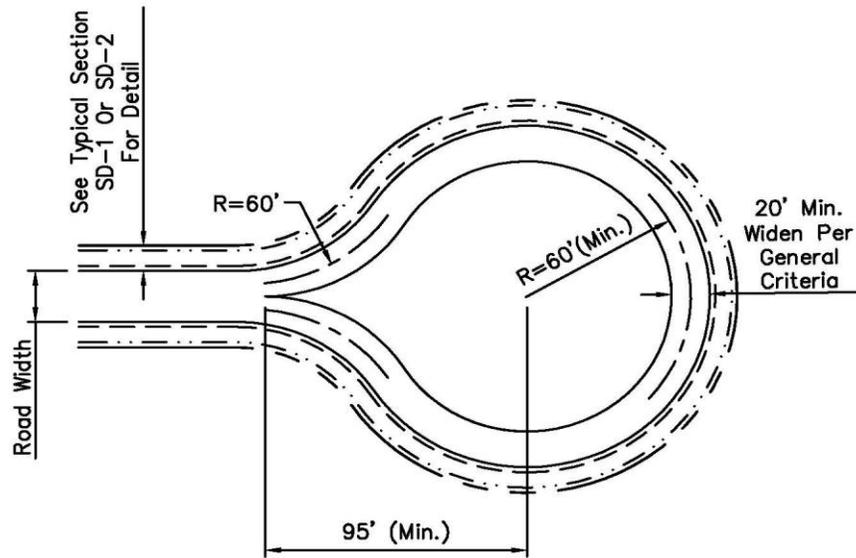
SD-4



OPTION A
Circular Turn-Around



OPTION B
Tee Turn-Around



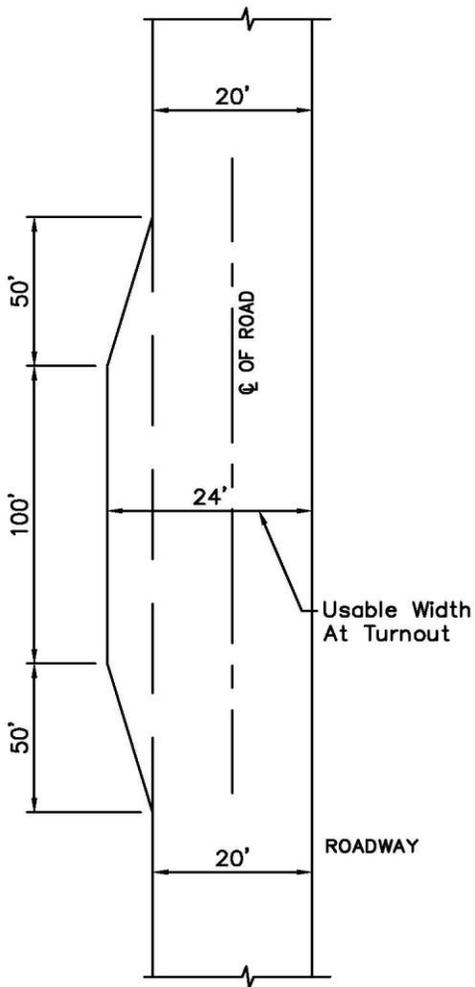
OPTION C
Loop Turn-Around



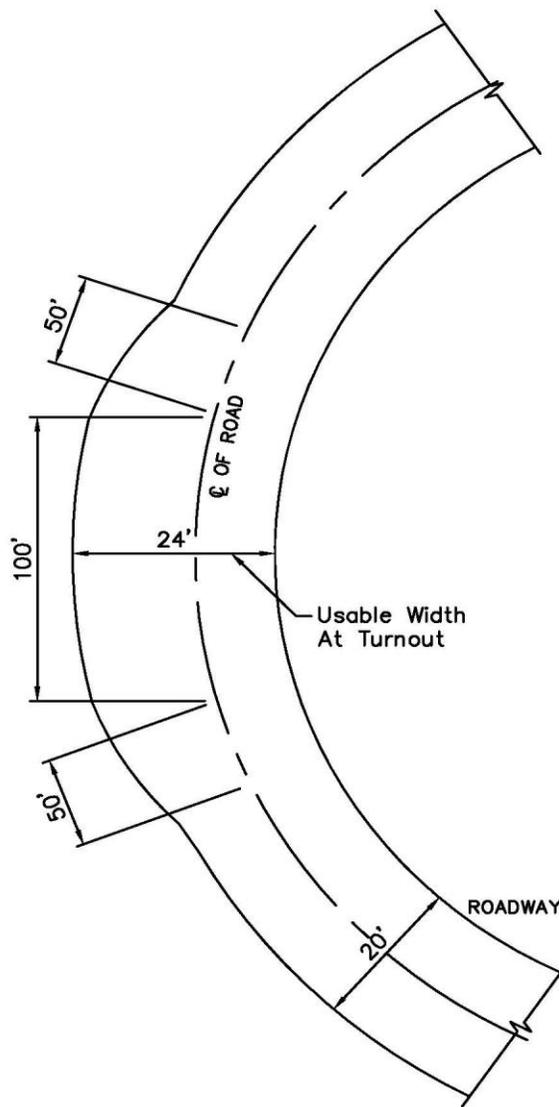
LEMHI COUNTY
STANDARDS

TURN-AROUND OPTIONS

SD-5



ROAD ON TANGENT



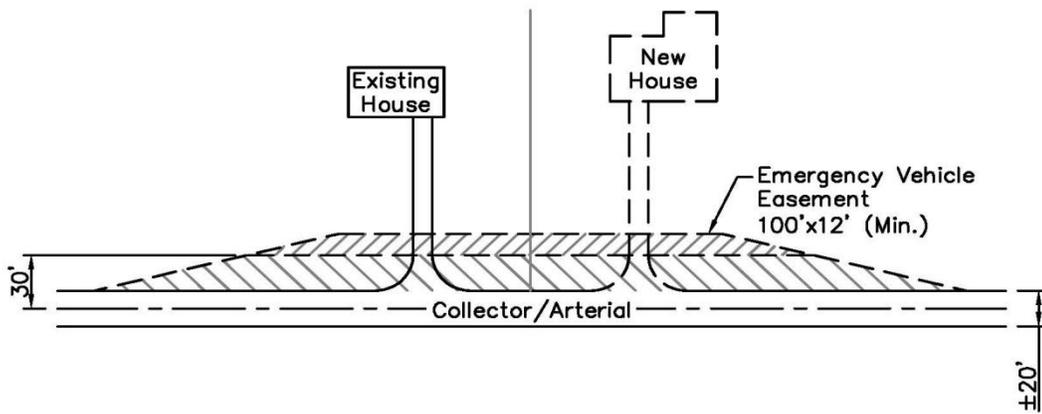
ROAD ON CURVE



LEMHI COUNTY
STANDARDS

MAILBOX TURNOUT DETAIL

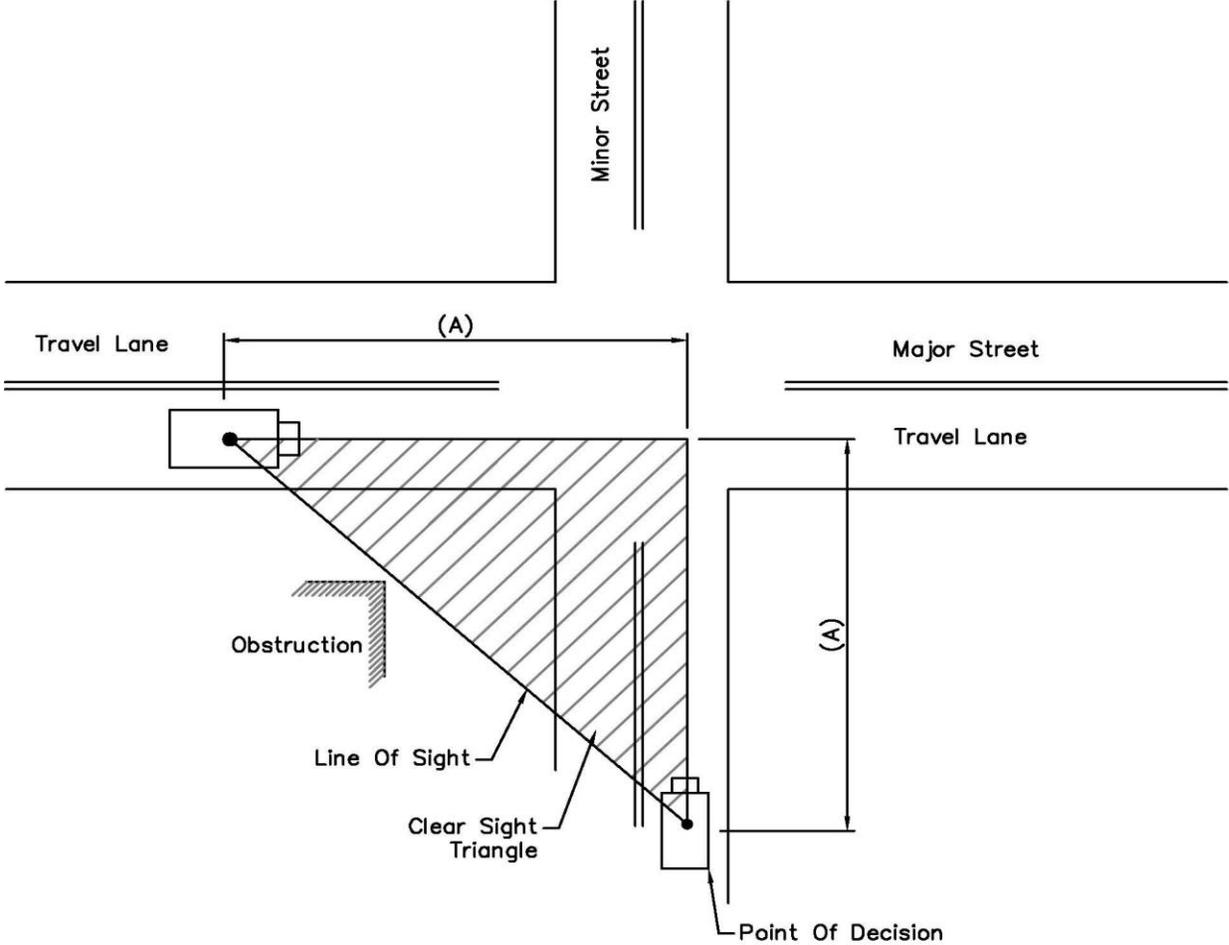
SD-6



LEMHI COUNTY
STANDARDS

EMERGENCY VEHICLE
EASEMENT

SD-7



Stopping Sight Distances

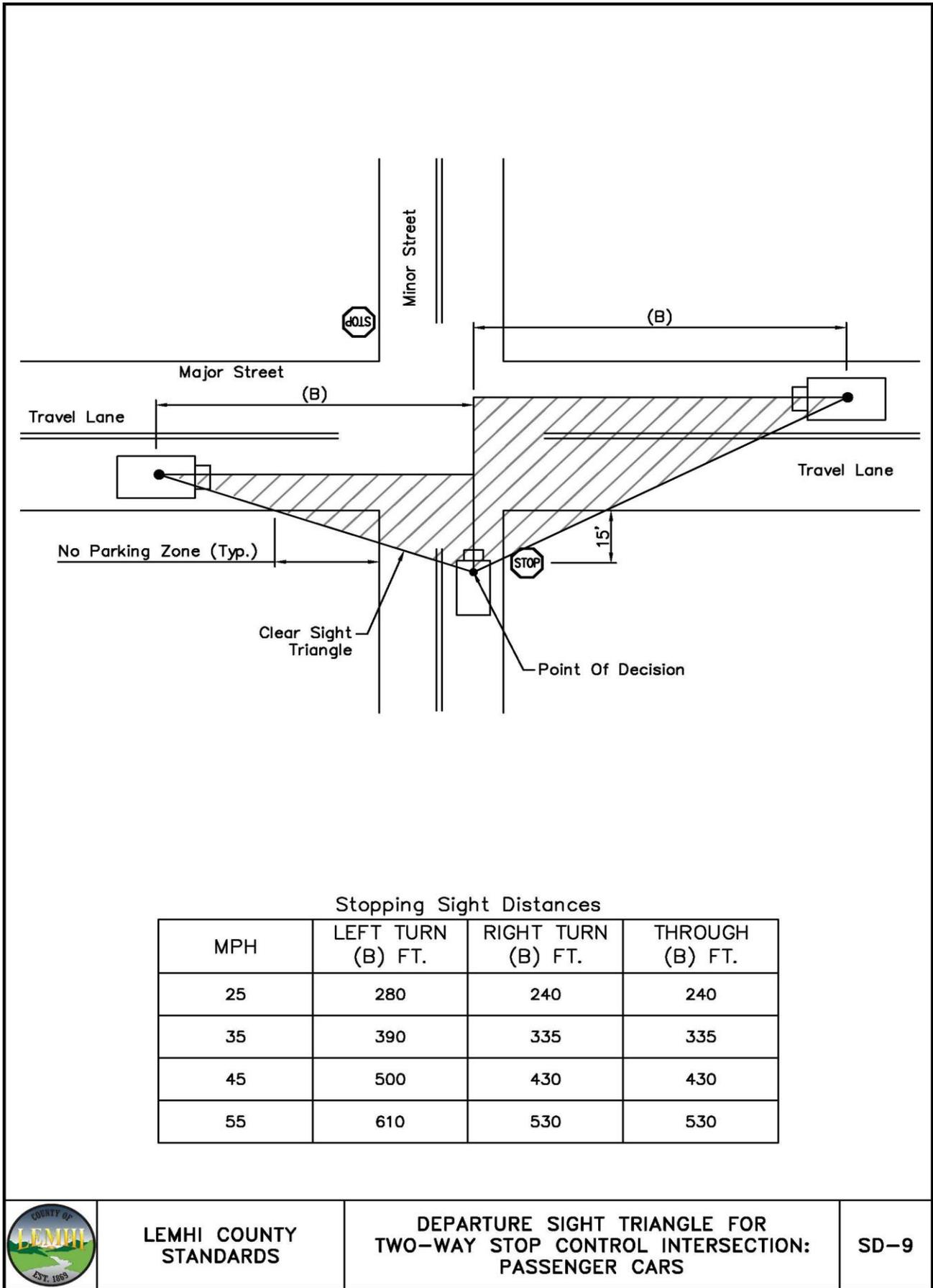
MPH	(A) FT.
25	70
35	165
45	220
55	285



LEMHI COUNTY
STANDARDS

APPROACH SIGHT TRIANGLE
UNCONTROLLED INTERSECTION
FOR MAJOR AND MINOR ROADS

SD-8

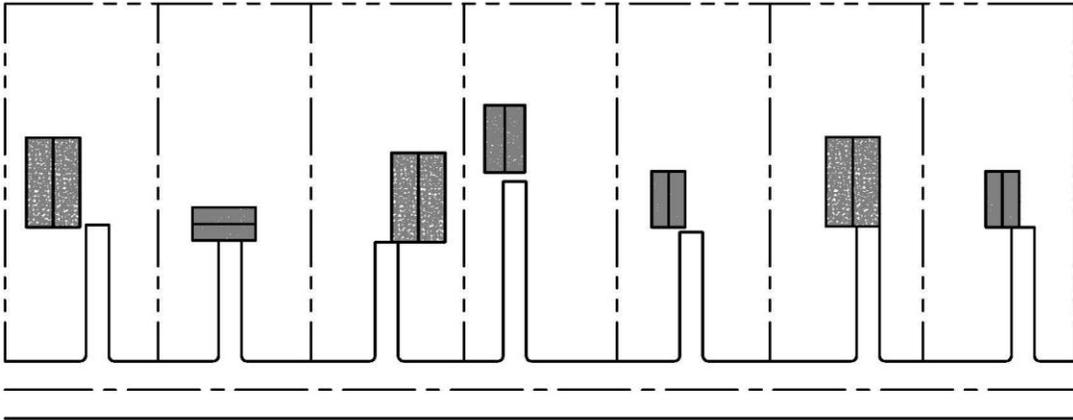


**LEMHI COUNTY
STANDARDS**

**DEPARTURE SIGHT TRIANGLE FOR
TWO-WAY STOP CONTROL INTERSECTION:
PASSENGER CARS**

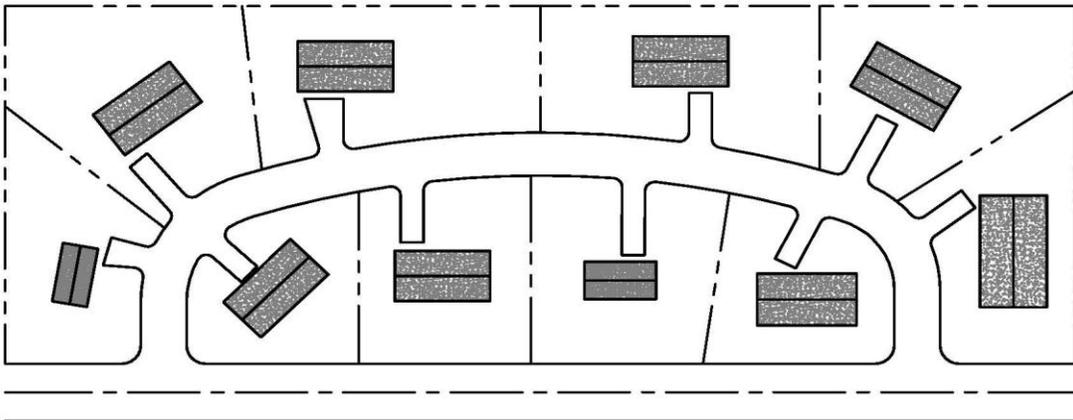
SD-9

SHARED RESIDENTIAL ACCESS



AVOID:

Multiple Lots With Individual Access
Connection To The Adjacent Streets.



ENCOURAGE:

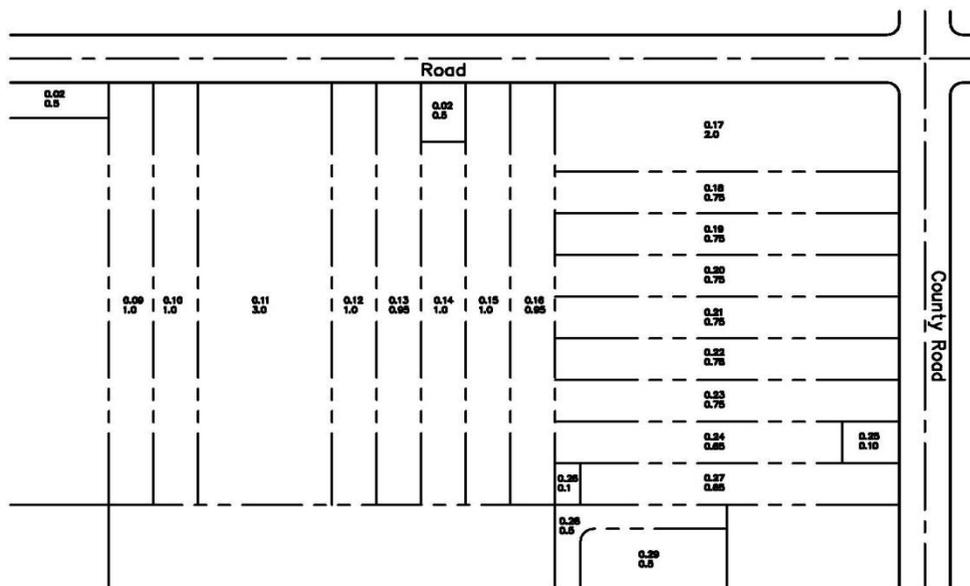
Internal Collector Type Facilities To
Reduce Conflicts On Adjacent Streets.



LEMHI COUNTY
STANDARDS

COLSOLIDATE/LIMIT
DRIVEWAYS PER PARCEL

SD-10



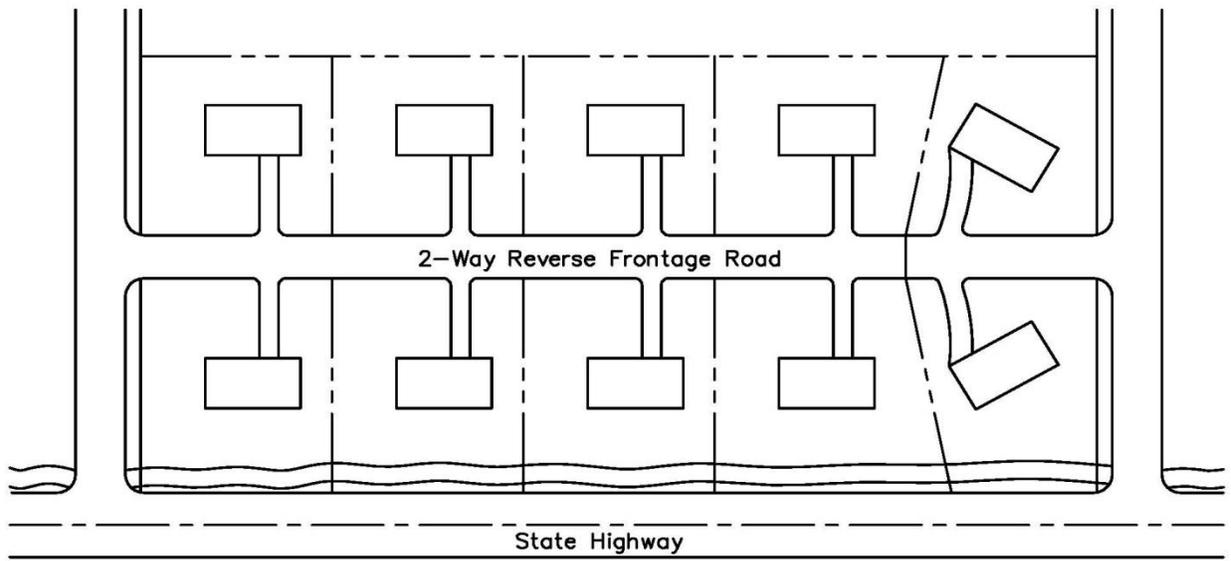
WHAT TO AVOID



**LEMHI COUNTY
STANDARDS**

LOT WIDTH TO DEPTH RATIOS

SD-11



ENCOURAGE

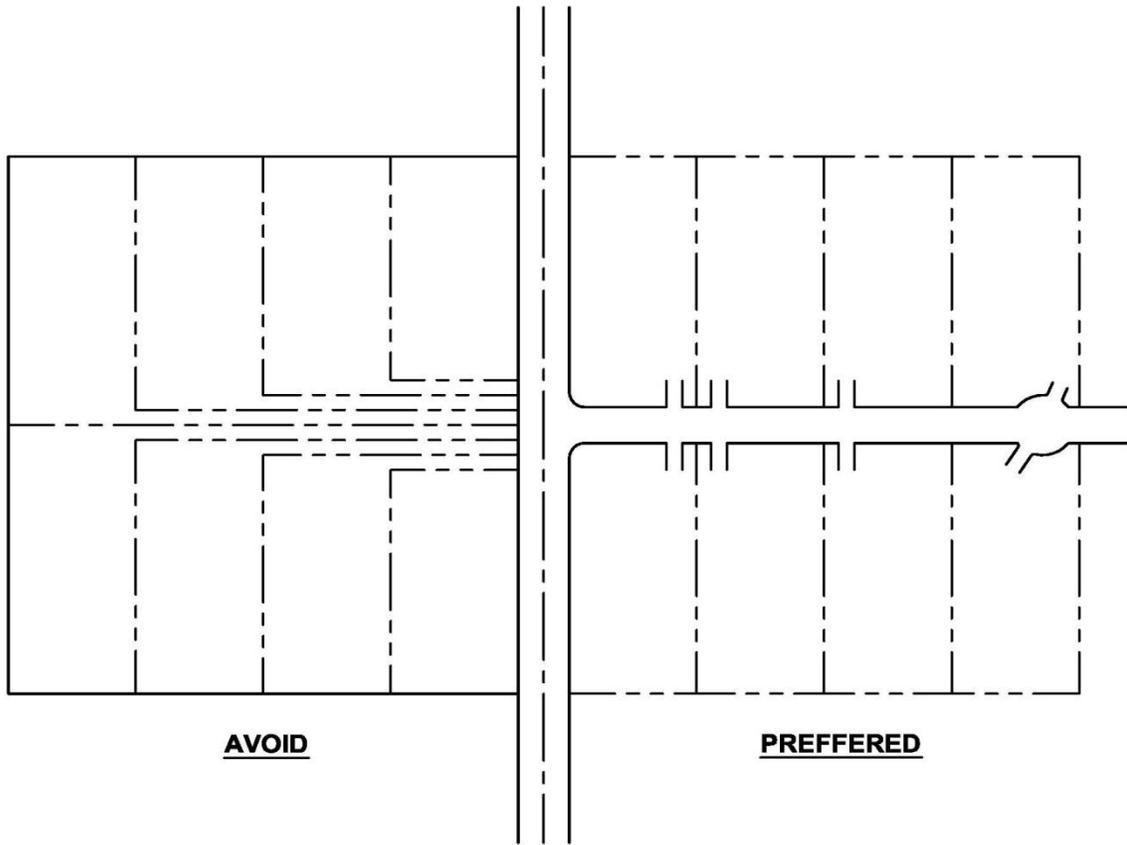


LEMHI COUNTY
STANDARDS

REVERSE FRONTAGE ROAD

SD-12

ARTERIAL



VOID

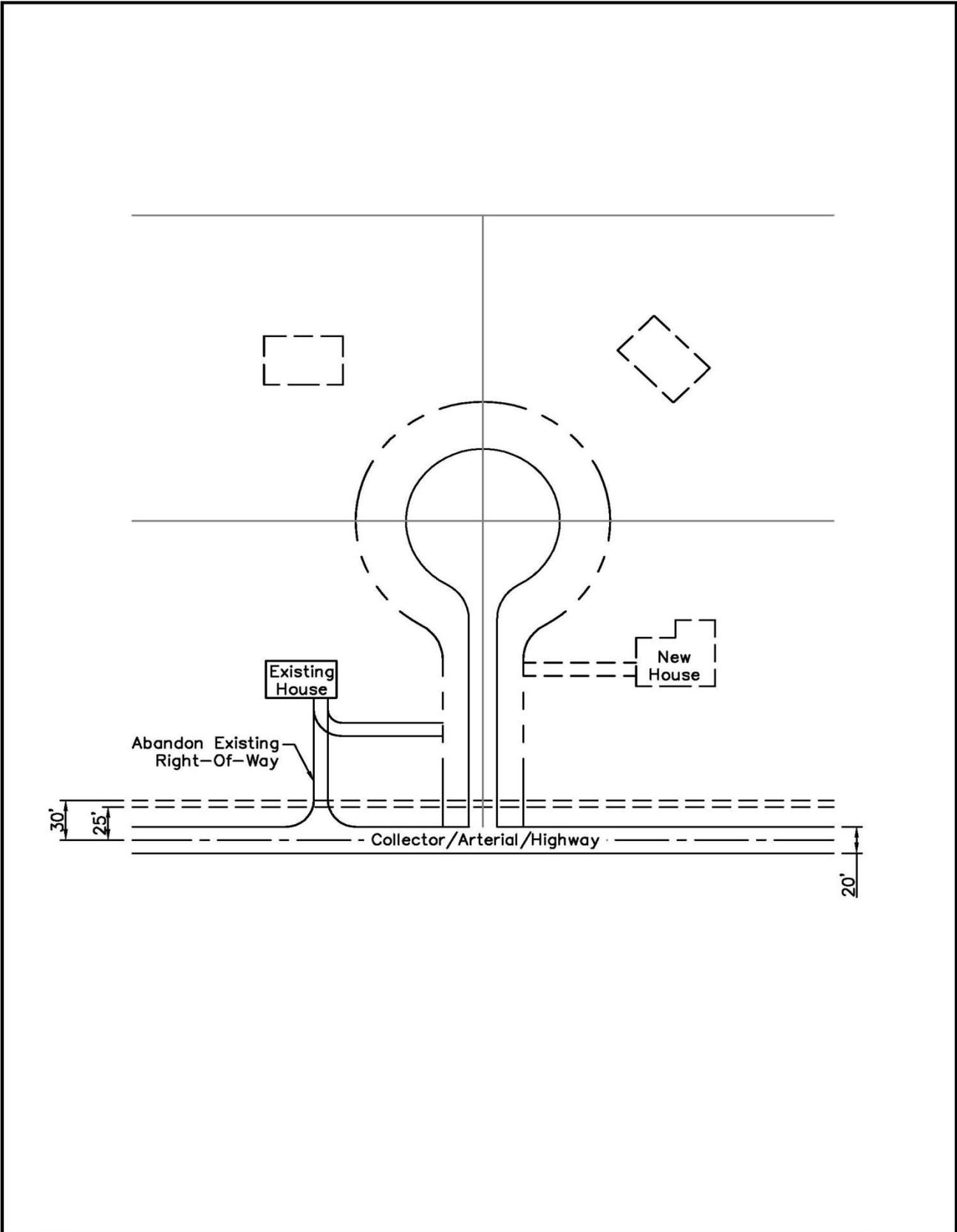
PREFERRED



**LEMHI COUNTY
STANDARDS**

DISCOURAGE FLAG LOTS

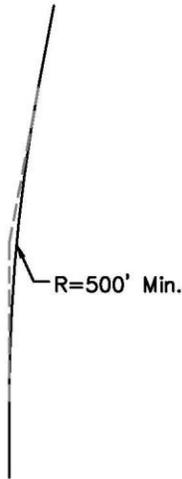
SD-13



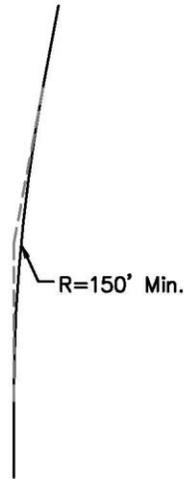
**LEMHI COUNTY
STANDARDS**

ACCESS STANDARD

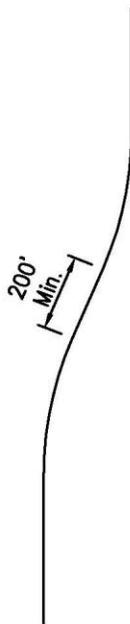
SD-14



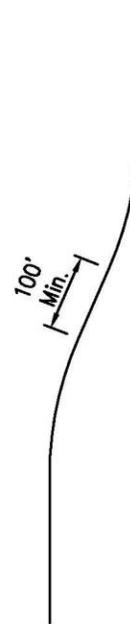
RADIUS FOR COLLECTORS
(Not To Scale)



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 E - DETAILED PERFORMANCE STANDARDS

FOR OFF-STREET PARKING AND LOADING

E-1.1 Purpose. These performance standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

E-1.2 Off-Street Parking Required. All buildings and uses shall provide the minimum number of off-street parking spaces required by Table E.1. Parking spaces shall have graded and drained gravel or paved surfaces.

E-1.3 Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table D.1 (on page 105) 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 3.14 (on page 15).

E-1.4 Location of Off-Street Parking. Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two (2) or more uses may share a parking area where: a. the total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served, and b. a contract providing for shared parking for a period of ten (10) or more years is executed before approval of a permit and recorded before the issuance of certificate of compliance. Required off-street parking spaces shall be within six hundred (600) feet of a main entrance of the building or use being served, except for spaces serving a dwelling, which shall be within one hundred (100) feet of the dwelling unit served.

E-1.5 Passenger Loading Areas. Day care centers, pre-schools, public schools, and places for public assembly located on arterial roads shall provide at least one safe off-street passenger loading area. Such areas shall be located where there is adequate visibility for their safe use and shall: a. be divided from the street by a curbed barrier of at least four (4) feet in width; b. be at least sixty (60) feet in length and twelve (12) feet wide; c. accommodate one way traffic only; d. include a depressed curb section for handicapped access; and e. be marked by pedestrian crossing signs facing both traffic lanes.

E-1.6 Off-Street Loading Areas. All commercial and industrial buildings and uses shall provide one safe, properly signed off-street loading area for each ten thousand (10,000) square feet of gross floor area. Off-street loading areas shall be on the same lot and under the same ownership as the building or use they serve, shall be designed to accommodate the largest vehicle that may reasonably be anticipated for use on the site, and have the following minimum dimensions: a. vertical clearance: fourteen (14) feet; b. width: twelve (12) feet; and c. depth (length): thirty-five (35) feet. No vehicle parked in a required off-street loading space shall extend into a public right-of-way.

E-1.7 Access to Off-Street Parking and Loading Areas. Graded and drained gravel or paved access driveways shall be provided for safe access to all off-street parking and loading areas.

E-1.7.1. No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public street.

E-1.7.2. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads. Continuous curb cuts are not permitted.

E-1.7.3. No access driveway to a local road shall be within twenty (20) feet of any intersection or alley or ten (10) feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

E-1.7.4. No access driveway to an arterial road shall be within 40 feet of its intersection with any local street, or sixty (60) feet of its intersection with another arterial.

E-1.7.5. Clear vision triangles shall be provided for all access driveways.

E-1.7.6. Access driveways for single family dwellings shall be a minimum of ten (10) feet wide, with a curb radius of five (5) feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

E-1.7.7. Where required for drainage, access driveways shall be constructed over a minimum twelve (12) inch culvert capable of supporting a load of forty thousand (40,000) pounds.

E-1.8 Circulation Within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

E-1.8.1. Minimum aisle widths shall be: i. for two-way circulation and/or ninety (90) degree parking: twenty-four (24) feet; ii. for one-way circulation and sixty (60) degree angle parking: eighteen (18) feet; iii. for one-way circulation and forty-five (45) degree angle parking: fifteen (15) feet; and iv. for one-way circulation and thirty (30) degree angle parking: thirteen (13) feet.

E-1.8.2. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

E-1.8.3. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

E-1.9 Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.

E-1.10 Handicapped Access. All off-street parking areas shall provide handicapped parking, as required by state and federal law.

TABLE E.1 MINIMUM OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL, RETAIL, AND SERVICE USES

<i>LAND USE</i>	<i>PARKING SPACES</i>	<i>LAND USE</i>	<i>PARKING SPACES PER 1000 FEET OF GROSS FLOOR AREA</i>
dwelling (SLUC 11,14)	2 per unit	retail automotive, marine (SLUC 55)	5
lodging places (SLUC 15)	1 per unit plus 1	eating and drinking places (SLUC 58)	15
theaters and similar places of assembly (including SLUC 72)	.33 per seat	financial, real estate, and insurance services (SLUC 61)	3
elementary and junior high schools	1 per classroom plus 1, (auditoriums used for public events are places of assembly)	beauty and barber services(SLUC 623)	6
hospitals, rest homes, and similar uses (SLUC 6513, 6516)	2 per bed	other personal services, misc. services (SLUC 62, 69)	3
<i>LAND USE</i>	<i>PARKING SPACES PER 1000 FEET OF GROSS FLOOR AREA</i>	health services, except hospitals (SLUC 65)	5
building materials, farm equipment, and furniture (SLUC 5211-5240, 5252, 57)	1	professional services (SLUC 65)	3
hardware, apparel, and misc. retail uses (SLUC 5251, 56, 59)	3	shopping centers	4
general merchandise, groceries, bakeries (SLUC 53,54)	4	mixed office uses	3

Notes: Other uses (transportation, communications, and utilities; wholesale: and industrial) shall provide one parking space for each anticipated employee plus one (1) and one (1) parking space for each anticipated company vehicle, plus one (1). Where a place of assembly does not have fixed seating, one (1) space shall be provided for each twenty-five (25) square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR BUFFERING

F-1.1 Purpose. 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.

F-1.1.1. Exception: Home Occupations shall comply with the “Home Occupations” requirements of this code. *Section 5.17 (page 27)*

F-1.2 Minimum Requirements. Five Percent (5%) of the required setback area must be landscape and/or buffered for all Large Scale Developments and Special Uses. Additionally, all Commercial and/or Industrial uses shall submit a buffering and landscaping plan that will sufficiently mitigate the impact on neighboring uses. Buffering and Landscaping must be maintained and must not be noxious or obnoxious i.e. weeds, rubbish, trash.

F-1.2.1. 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.

F-1.3 Buffering. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

F-1.3.1. Planting Area: Width not less than fifteen (15’) feet, planted with either one (1) row of trees staggered and spaced not more than fifteen (15’) feet apart; or, at least one (1) row of shrubs forming a continuous hedge at least five (5’) feet in height within one (1) year of planting.

F-1.3.2. Berm Plus Planting Area. Width not less than ten (10’) feet, with the combined total height of the berm and hedge not less than five (5’) feet.

F-1.3.3. Wall/Fence Plus Planting Area. Width must not be less than five (5’) feet with a masonry wall or screening fence (cannot see through) not less than five (5’) feet in height and lawn, shrubs or ground cover covering the remaining area.

F-1.3.4. Screening Methods. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, buildings

parapets, building placement or other design techniques. Where vegetative methods are used, the screening shall reach a minimum of five (5') feet in height upon maturity.

F-1.3.5. Other approved methods that produce an adequate buffer considering the nature of the impacts to be mitigated.

F-1.4 Landscaping. Landscaping refers to any activity that modifies the visible features of an area of land, including but not limited to:

F-1.4.1. living **elements**, such as **flora** or **fauna**; or what is commonly referred to as **gardening**, the art and craft of growing plants with a goal of creating a beautiful environment within the landscape.

F-1.4.2. natural elements such as landforms, terrain shape and elevation, or bodies of water;

F-1.4.3. human elements such as **structures**, **buildings**, **fences** or other material **objects** created and/or installed by **humans**; and

F-1.4.4. Abstract elements such as the **weather** and lighting conditions.

F-1.4.5. To modify or ornament (a natural landscape) by altering.

APPENDIX G - PLATTING STANDARDS

G-1.1 Purpose. This appendix establishes technical standards for the form and content of all divisions of land. The requirements it imposes are in addition to the requirements of state law.

DIVISION 1 - PRELIMINARY PLATS

G-1.2 Preliminary Plat Part of Application. A preliminary plat is one part of the application for permit to subdivide (see 3.6.21 on page 11) and shall be accompanied by the official application form and all other materials required for a complete application.

G-1.3 Preliminary Plats to Be Comprehensive. Preliminary plats shall cover the entire area to be developed by one owner or a group of related or associated owners, even when it is anticipated that development will be phased or occur in the form of multiple subdivisions over several years. An application for a subdivision permit may be rejected solely because it covers insufficient area.

G-1.4 Contents of Preliminary Plats. Preliminary plats shall provide all information necessary to function as a “site plan”, as defined by this ordinance, including:

G-1.4.1. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

G-1.4.2. the name, address, and registration number of the engineer or land surveyor who prepared the preliminary plat;

G-1.4.3. a north point, both graphic and written scales, and a legend explaining all symbols and abbreviations used;

G-1.4.4. a vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision, the boundaries of and recorded names or numbers of all adjacent or nearby subdivisions and certificates of survey, and the county tax number of all adjoining parcels;

G-1.4.5. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

G-1.4.6. the location and size of all existing utility lines in or adjacent to the proposed subdivision;

G-1.4.7. the exterior boundaries of the proposed subdivision;

G-1.4.8. the location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;

G-1.4.9. the acreage of each proposed lot, and a table showing the total acreage of the area proposed for subdivision, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;

G-1.4.10. the names of all proposed streets and widths and boundaries of all proposed street rights-of-way and utility easements;

G-1.4.11. the location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed subdivision;

G-1.4.12. the location of any Floodplain and floodway boundaries, as established by the Federal Emergency Management Agency, and any stream corridor setback lines established by this ordinance;

G-1.4.13. elevation contours, at an interval of twenty (20) feet; and

G-1.4.14. any other information required to demonstrate compliance with this ordinance.

G-1.5 Scale and Dimensions. Preliminary plats shall be prepared at a legible scale. All dimensions shown shall be in feet and decimals. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the required vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

G-1.6 Aerial Photograph. All preliminary plats shall be based on or accompanied by an aerial photograph of the site. Aerial photographs need not be flown specifically for the project, and may be obtained from the U.S. Department of Agriculture or similar sources. The scale of the aerial photograph shall be one (1) inch equals six hundred-sixty (660) feet or smaller.

DIVISION 2 - FINAL PLATS

G-1.7 Contents of Final Plats. All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

G-1.7.1. a title block showing purpose of the land division and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

G-1.7.2. the name, address, and registration number or seal of the engineer or land surveyor who prepared the plat and that person's certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;

- G-1.7.3.** a north point, both graphic and written scales, and a legend explaining all symbols and abbreviations used;
- G-1.7.4.** the basis of bearings and point of beginning for the subdivision survey, which shall be tied to two monumented section or quarter section corners;
- G-1.7.5.** the location and a description of all existing monuments found during the course of the survey;
- G-1.7.6.** the location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the division, including the county book and page number references of the instruments establishing those ways or easements;
- G-1.7.7.** the exterior boundaries of the division, with all bearings and distances, including curve data for curving boundaries;
- G-1.7.8.** the location, exterior dimensions, and number of all lots and blocks, or other parcels created by the division, including bearings and distances and curve data for curving boundaries;
- G-1.7.9.** the location and a description of all monuments established during the course of the survey;
- G-1.7.10.** any stream corridor setback lines established by this ordinance and, where required by CHAPTER 9 (page 48), the location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency;
- G-1.7.11.** the acreage of each lot, and a table showing the total acreage of the divided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;
- G-1.7.12.** the names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;
- G-1.7.13.** a signed and dated owner's certificate which includes a complete legal description of the parcel being divided, and in which the owners of record dedicate all public ways and other public spaces to public use;
- G-1.7.14.** a public notary's acknowledgment of the owner's certificate;
- G-1.7.15.** a signed and dated certificate of consent in which all mortgagors, lien holders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its division;
- G-1.7.16.** a public notary's acknowledgment of the certificate of consent;

G-1.7.17. certificates for plat approval by the commission and board;

G-1.7.18. a statement of "sanitary restriction", as required by I.C. 50-1326;

G-1.7.19. a certificate for use by the county recorder in recording the plat after its approval (as shown below); and

G-1.7.20. any other information required for compliance with this ordinance.

G-1.8 Scale and Dimensions. Final plats shall be prepared at a legible scale. All dimensions shown shall be in feet and decimals. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines, and a sheet index map, which may be combined with the required vicinity map. All required certificates and the vicinity and index maps shall appear on the first of the serially numbered sheets.

G-1.9 Curve Data. Required curve data include the radius, delta (?), tangent, chord, length, and chord bearing.

G-1.10 Copy. The developer shall also provide the county with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

Recorder's Certificate.

Time: _____ Date: _____ Month: _____, 199_

Book: _____ Page: _____ Instrument No. _____

Recorder: _____

By: _____

APPENDIX H - IRRIGATION STATUTE

H-1.1 Purpose. The purpose of this appendix is to provide ordinance users with a copy of a section of the Idaho Code for reference purposes.

H-1.2 I.C. 31-3805. Delivery of water. (1) When either a subdivision within the meaning of Chapter 13, Title 50, Idaho Code, or a subdivision subject to a more restrictive county or city zoning ordinance is proposed within the state of Idaho, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called "irrigation entity" for the purposes of this section, no subdivision plat will be accepted, approved, and recorded unless:

H-1.2.1. The water rights appurtenant and the assessment obligation of the lands in said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation district by the owner thereof; or by the person, firm, or corporation filing the subdivision plat; or

H-1.2.2. The owner or person, firm or corporation filing the subdivision plat has provided for underground tile or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

H-1.2.2.1. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority and the city council with the advice of the irrigation entity charged with the delivery of water to said lands.

H-1.2.2.2. For proposed subdivisions located outside incorporated cities but within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

H-1.2.2.3. For proposed subdivisions located in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

H-1.2.2.4. For proposed subdivisions located in counties without a zoning ordinance, such irrigation system must be approved by the irrigation entity charged with the delivery of water to said lands.

H-1.3 In the event that the provisions of either subsections H-1.2.2.1 & H-1.2.2.2 (page 154) of have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be

affected. However, any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

H-1.3.1. that water deliveries have not been provided; and

H-1.3.2. that the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and

H-1.3.3. that the individual purchaser shall be responsible to pay such legal assessments; and

H-1.3.4. that the assessments are a lien on the land within the irrigation entity; and

H-1.3.5. that the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

H-1.4 A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subsection of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

H-1.5 I.C. 31-3806. Civil Action to enforce. (1) If the owner of the property, or the person, firm or corporation filing the subdivision plat fails to comply with either subsection (1)(a) or (1)(b) of Section 31-3805, Idaho Code, prior to sale of lots in the subdivision to purchasers, the owner of the property, or the person, firm or corporation filing the subdivision plat shall be liable to any purchaser for the costs of the lot's exclusion plus all assessments due and owing of the actual cost of installation of an irrigation delivery system not to exceed one thousand five hundred dollars (\$1,500) per lot. The purchaser shall have a right to enforce this obligation in a civil action and the purchaser shall have the right elect exclusion or installation of the system in such action.

H-1.5.1. Any person, firm or corporation who shall omit, neglect, or refuse to provide the purchaser or the irrigation district within whose boundaries the land is located, a copy of the disclosure statement required by subsections (2)(a) and (2)(b) of section 31-3805, Idaho Code:

H-1.5.1.1. Shall be liable to the purchaser as provided in subsection (1) of this section.

H-1.5.1.2. Shall be liable to the irrigation district for its reasonable expense, including employee time, of locating the purchaser and providing the information required in the form and for advising affected purchasers of the lack of a water delivery system and for any assessments on the property that are past due at the time of discovery of the violation. The irrigation district affected shall have a right to claim such expenses in a civil action.

H-1.5.2. In any civil action filed under subsection (1) or (2) of this section, the prevailing party shall be awarded its reasonable costs and attorney's fees and the purchaser and

irrigation district shall have two (2) years from the date of discovery of the violation to initiate any action.

H-2. 42-1101. Rights of landowners to water. All persons, companies and corporations owning or claiming any lands situated on the banks or in the vicinity of any stream, are entitled to the use of the waters of such stream for the purpose of irrigating the land so held or claimed (End of Idaho Code 42-1101). This section does not grant you right, claim or legal opinion to your claim

H-2.1 42-1102. Owners of land -- Right to right-of-way. When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal or other conduit on their own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others, for the purposes of irrigation. The right-of-way shall include, but is not limited to, the right to enter the land across which the right-of-way extends, for the purposes of cleaning, maintaining and repairing the ditch, canal or conduit, and to occupy such width of the land along the banks of the ditch, canal or conduit as is necessary to properly do the work of cleaning, maintaining and repairing the ditch, canal or conduit with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The right-of-way also includes the right to deposit on the banks of the ditch or canal the debris and other matter necessarily required to be taken from the ditch or canal to properly clean and maintain it, but no greater width of land along the banks of the canal or ditch than is absolutely necessary for such deposits shall be occupied by the removed debris or other matter. Provided, that in the making, constructing, keeping up and maintenance of such ditch, canal or conduit, through the lands of others, the person, company or corporation, proceeding under this section, and those succeeding to the interests of such person, company or corporation, must keep such ditch, canal or other conduit in good repair, and are liable to the owners or claimants of the lands crossed by such work or aqueduct for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

H-2.1.1. The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, canal or conduit has the right-of-way and incidental rights confirmed or granted by this section.

H-2.1.2. Rights-of-way provided by this section are essential for the operations of the ditches, canals and conduits. No person or entity shall cause or permit any encroachments onto the right-of-way, including public or private roads, utilities, fences, gates, pipelines, structures, or other construction or placement of objects, without the written permission of the owner of the right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the right-of-way. Encroachments of any kind placed in such right-of-way without express written permission of the owner of the right-of-way shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the

request of the owner of the right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

H-2.1.3. This section shall apply to ditches, canals or other conduits existing on the effective date of this act, as well as to ditches, canals or other conduits constructed after such effective date.

H-2.2 42-1103. Owners of springs and streams -- Right to right of way. Where the owners of any spring, or the appropriators thereof, or of any stream, desire to conduct the waters thereof to any lands for the purposes of irrigation, or to any city or town for the use of the inhabitants thereof, or to any factory, or to any distant place, with the intent to apply the same to a beneficial use, and to accomplish such object it is necessary to cross with ditches, flumes or other conduit, the lands owned or occupied by others than the owners or appropriators of such spring or stream, the right of way over and across the lands of others for conducting said water may be acquired in the manner above provided.

H-2.3 42-1104. Right of way over state lands. The right of way over and upon any and all lands owned or controlled by the state of Idaho is hereby granted to any and all persons for the purpose of constructing and maintaining any ditch, canal, conduit or other works for the diversion or carrying of water for any beneficial use: provided, that no property shall be taken under the provisions of this section until a just compensation shall be paid therefore, to be ascertained in the manner prescribed by law for the taking of private property for a public use.

H-2.4 42-1105. Right of way for riparian proprietors. All persons, companies and corporations owning or having the possessory title or right to lands adjacent to any stream, have the right to place in the channel or upon the banks or margin of the same, dams or other machines for the purpose of raising the waters thereof to a level above the banks, requisite for the flow thereof to and upon such adjacent lands; and the right of way over and across the lands of others, for conducting said waters, may be acquired in the manner prescribed in the following section.

H-2.5 42-1106. Right of eminent domain. In case of the refusal of the owners or claimants of any lands, through which any ditch, canal or conduit is proposed to be made or constructed, to allow passage thereof, the person or persons desiring the right of way may proceed as in the law of eminent domain.

H-2.6 42-1107. Right of way for drains. Whenever the owner or owners of any parcel or parcels of land desire to construct a drain for the purpose of carrying off surplus water, and they cannot agree among themselves or with the parties who own land below through which it is expedient to carry the drain in order to reach a natural waterway, then proceedings may be had in the same manner as in cases of eminent domain affecting irrigating works of diversion, and the right of way for such drains shall be regarded as equal to that of irrigation canals.

H-2.7 42-1108. Right to cross ditches. Any person, company or corporation, owners of any ditch, flume or other conduit, cannot lawfully deny to any other person, company or corporation the right to cross their right of way with another ditch, flume or conduit either upon a higher or lower level, where the same can be done in a convenient and safe manner: provided, that such second person, company or corporation shall be liable for all damages that may accrue from the construction of such ditch, flume or other conduit across the conduit of another.

APPENDIX I – LIGHTING STANDARDS

I-1.1 Purposes. The general purpose of this Chapter is to protect and promote the public health, safety and welfare, the quality of life, by establishing regulations and a process of review for exterior lighting. This Chapter establishes standards for exterior lighting in order to accomplish the following:

I-1.1.1. To protect against direct glare of excessive lighting;

I-1.1.2. To provide safe roadways for motorists, cyclists and pedestrians;

I-1.1.3. To prevent light trespass in all areas of the County;

I-1.1.4. To promote efficient and cost effective lighting;

I-1.1.5. To ensure that sufficient lighting can be provided where needed to promote safety and security;

I-1.1.6. To allow for flexibility in the style of lighting fixtures;

I-1.1.7. To provide lighting guidelines;

I-1.2 Scope. All exterior lighting installed after the effective date of the ordinance codified in this Code in any and all zoning districts in the County shall be in conformance with the requirements established by this Title and any other applicable ordinances. All existing lighting installed prior to the effective date of this Chapter shall not be required to change until such time the entire lighting unit is being replaced.

I-1.3 Definitions. Unless specifically defined below, words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

I-1.3.1. Area light - Area light includes, but is not limited to, street lights, parking lot lights and yard lights.

I-1.3.2. Eighty-five (85) degree full cut-off type fixtures means fixtures that do not allow light to escape above an eighty-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.

I-1.3.3. Existing lighting means any and all lighting installed prior to the effective date of the ordinance codified in the code.

I-1.3.4. Exterior lighting means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Code.

I-1.3.5. Flood light means light that and is designed to flood a well-defined area with light.

I-1.3.6. Full cut-off fixtures means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

I-1.3.7. Glare means intense light that result in discomfort and/or a reduction of visual performance and visibility.

I-1.3.8. Holiday lighting means festoon type lights, limited to small individual bulbs on a string.

I-1.3.9. Light means the form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a lamp, as defined above.

I-1.3.10. Light pollution means any adverse effect of manmade light including, but not limited to, light trespass, up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

I-1.3.11. Light trespass means light falling where it is not wanted or needed, generally caused by a light on a property of others.

I-1.3.12. Luminaire means the complete lighting unit, including the lamp, the fixture, and other parts.

I-1.3.13. Porch Light means a light affixed to a house, located, by/or next to a door. Lumens of 60 or less and covered by a diffuser.

I-1.3.14. Recessed means that a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

I-1.3.15. Shielded means that the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

I-1.3.16. Temporary lighting means lighting that is intended to be used for a special event for seven days or less.

I-1.4 Criteria.

I-1.4.1. All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

I-1.4.2. Flood lights with external shielding may be angled provided that no light escapes above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and on if the light does not cause glare or light to shine on adjacent property or public rights-of-way. Flood lights with directional shielding are encouraged. Photocells with timers that allow a flood light to go on at dusk and off by eleven (11) p.m. are encouraged.

I-1.4.3. Holiday lights.

I-1.4.4. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.

I-1.4.5. Vehicular lights and all temporary emergency lighting needed by emergency services shall be exempt from the requirements of this Chapter.

I-1.4.6. Flag Poles. Upward flagpole lighting.

I-1.5 Area Lights. All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures.

I-1.5.1. Luminaire Mounting Height. Freestanding luminaries shall be no higher than twenty-five (25) feet above the stand/pole base, except that luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this Code are met and the light is used only while the field is in use, and except that street lights used on major roads may exceed this standard if necessary as determined by the county, as advised by a lighting engineer. Building mounted luminaries shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

I-1.5.1.1. Up lighting. Up lighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Code.

I-1.5.1.2. Canopy Lights. All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

I-1.5.1.3. Landscape Lighting. Lighting of vegetation is discouraged and shall be in conformance with this Code. Up lighting is prohibited.

I-1.5.1.4. Towers. All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

I-1.5.1.5. Temporary Lighting. Temporary lighting that conforms to the requirements of this Code shall be allowed. Non-conforming temporary exterior lighting may be permitted by the administrator only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-conforming lighting. The applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the administrator.

I-1.6 Violations and Legal Actions. If after investigation, the administrator finds that any provision of this Code is being violated, the administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of mailing the notice. If the violation is not abated within the thirty (30) day period, the administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Code and to collect the penalties for such violations.

APPENDIX J – UNLICENSED VEHICLES CHART

J-1.1 Purpose. To regulate vehicles stored outside of enclosures in the county.

Number of Unlicensed Vehicles*	Number of Acres
1-2	1 acre or less
3-4	1 to 5 acres
5-6	5-10 acres
Over 6	Not allowed

* Includes any unlicensed vehicles that are not covered under a Special Use Permit.

Vehicles and/or equipment stored on agricultural land are exempt from this definition unless it is being dismantled, stored or wrecked for sale or profit.

APPENDIX K - AREA OF CITY AND COUNTY IMPACT

K-1.1 Purpose. These performance standards are designed to control the development within the area of City impact. These rules shall be controlled by a joint city and county planning and zoning commission. The Planning and Zoning board shall be comprised of three (3) members from the City Planning and Zoning Commission and three (3) members from the County Planning and Zoning Commission. They shall elect offices such as Chairman, Vice Chairman, and Secretary to a one (1) year term. One member shall be acquired from the jurisdiction the chairman is from, to make the board a total of seven (7) members. Meetings will be held on an as need be basis on the fourth Wednesday of the month, at 7:00 p.m. Within the area of City impact both the Salmon Development Code and the Lemhi County Development Code shall apply. If a conflict occurs, the more restrictive code applies.

TABLE APX. K.1 -- AGRICULTURAL -- (A)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	public outdoor recreation facilities
agriculture	
home occupations	
expansion or replacement of existing dwellings	
accessory uses and buildings for existing dwellings	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	No new development will be permitted without a zoning change. Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Basic Lots - 1 Acre Areas With Central Water Or Sewer - ½ Acre Areas With Central Water & Sewer -¼ Acre Groundwater Vulnerability Areas - 2 ½ Acre Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre
maximum density of higher density residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
maximum lot coverage	35%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.2 -- RESIDENTIAL --(R)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings at least 18 feet in width	higher density residential uses, up to four units on larger parcels
home occupations	churches and public facilities, including elementary schools
accessory uses and buildings, including one accessory apartment for each single family dwelling	public outdoor recreation facilities
keeping of livestock	single family dwellings of less than 18 feet in width
minor utility installations	
two family dwellings	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Basic Lots - 1 Acre Areas With Central Water Or Sewer - ½ Acre Areas With Central Water & Sewer -¼ Acre Groundwater Vulnerability Areas - 2 ½ Acre Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre
maximum density of higher density residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	35%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.3 -- FLOODPLAIN / OPEN SPACE -- (F/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
home occupations	churches and public facilities, including schools
duplexes	public recreation facilities
accessory uses and buildings, including one accessory apartment for each single family dwelling	retail and service commercial uses
minor utility installations	minor changes of occupancy in existing uses
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Basic Lots - 1 Acre Areas With Central Water Or Sewer - ½ Acre Areas With Central Water & Sewer -¼ Acre Groundwater Vulnerability Areas - 2 ½ Acre Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	35%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.4 -- INDUSTRIAL / OPEN SPACE -- (I/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
any commercial or industrial use	churches and public facilities, including schools
accessory uses and buildings	public recreation facilities
minor utility installations	
minor changes of occupancy in existing uses	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Basic Lots - 1 Acre Areas With Central Water Or Sewer - ½ Acre Areas With Central Water & Sewer -¼ Acre Groundwater Vulnerability Areas - 2 ½ Acre Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	25 feet
minimum setback along boundary of TO zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

TABLE APX. K.5 -- HIGHWAY COMMERCIAL (HC)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	new industrial uses
all commercial uses	churches and schools
minor changes of occupancy in existing industrial uses	public recreation facilities
accessory uses or buildings, including one residence on each commercial lot or parcel	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	The special uses are subject to these standards only where the special use performance standards are not more restrictive. These standards apply primarily to the permitted expansion of existing commercial uses.
minimum lot size	Basic Lots - 1 Acre Areas With Central Water Or Sewer - ½ Acre Areas With Central Water & Sewer -¼ Acre Groundwater Vulnerability Areas - 2 ½ Acre Groundwater Vulnerability Areas With Central Sewer - 1 ½ Acre Groundwater Vulnerability Areas With Central Water & Sewer - 1 Acre
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	20 feet without a front parking lot 50 feet with a front parking lot
minimum setback along boundary of HC zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%
Buffering	All Buffering Must be Maintained AND Must Be Completely Visible From The Public Way & Shall Comply With Appendix G Buffering shall be between Development and Public Way
Landscaping	5% for all Developments Buildings or Developments within 100 feet of any road 10% Landscaping shall be between Development and Public Way

APPENDIX L

DEFINITIONS

L-1.1 What This Chapter Does. This chapter provides definitions for important terms used in this ordinance. Any dispute about the meaning of a term used in this ordinance shall be resolved using the appeals procedure of 3.14 (page 15)

L-1.2 Rules. Terms include both singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

L-1.3 Definitions:

L-1.3.1. Accessory. Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use.

L-1.3.2. 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.

L-1.3.3. Administrator. The official whose office and duties are established by 2.4 (page 5)

L-1.3.4. 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.

L-1.3.5. Airport. Refers to the Lemhi County Airport. The following definitions are used in the administration of the airport safety standards of Chapter 8 (page 45).

L-1.3.5.1. Airport Elevation. Four thousand thirty (4,030) feet above mean sea level.

L-1.3.5.2. Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope established in 8.3.1 (page 45). In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

L-1.3.5.3. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

L-1.3.5.4. Horizontal Surface. A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which, in plan view, coincides with the perimeter of the horizontal zone.

L-1.3.5.5. Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds any height limitation established in Chapter 8 (page 45).

L-1.3.5.6. Primary Surface. A surface longitudinally centered on a runway. The primary surface extends twenty (200) feet beyond each end of the runway. The width of the primary surface is two hundred-fifty (250) feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

L-1.3.5.7. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

L-1.3.5.8. Structure. Any object, including any mobile object, constructed or installed by man, including, without being limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

L-1.3.5.9. Transitional Surfaces. These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

L-1.3.5.10. Tree. For the purposes of Chapter 8 (page 45), any object of natural plant growth.

L-1.3.5.11. Utility Runway. A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

L-1.3.5.12. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

L-1.3.6. 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.

L-1.3.7. 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.

L-1.3.8. Area of Concern. Areas identified by Lemhi County where future planning and development must consider cumulative impacts and development thresholds to protect resource values. (see Chapter 12 page 78)

L-1.3.9. 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.

L-1.3.10. BOCC. Refers to the Lemhi County Board of Commissioners.

L-1.3.11. Building. Any structure except a fence. Includes liquid or gas storage tanks.

L-1.3.12. 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.

L-1.3.13. Building Height. The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents, and antennae.

L-1.3.14. Buffer. See Appendix F, page 148.

L-1.3.15. 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.

L-1.3.16. Clear Vision Triangle. See Appendix D, page 105.

L-1.3.17. Commercial. Any use other than agricultural which involves the sale of products or services for profit or compensation. Such as but not limited to;

L-1.3.16.1. 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. Animal hospital services. Any other use not listed shall be classified by the administrator.

L.1.3.16.1.1 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.

L-1.3.17. Commission. The planning and zoning commission of Lemhi County, as established by 2.2 (page 5)

L-1.3.18. 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.

L-1.3.19. Comprehensive Plan. The comprehensive plan of Lemhi County, which this ordinance is designed to implement.

L-1.3.20. Confined Animal Feeding Operation (CAFO) – See Chapter 13, page 94.

L-1.3.21. 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

L-1.3.22. County Road. Roads within the County that are maintained by LCRB

L-1.3.23. County Road System. All roads within the County as identified in Section D

L-1.3.24. 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.

L-1.3.25. 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.

L-1.3.26. 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.

L-1.3.27. 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. Recreational vehicles are not considered any of the above. (See L-1.3.56 for definition of “recreational vehicle” and it’s uses.

L-1.3.28. Fence. See Appendix C page 101. 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.

L-1.3.29. 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.

L-1.3.30. 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 6.13 Nuisances.

L-1.3.31. Groundwater Vulnerability Area. Includes all wetlands and special flood hazard areas, and all lands where:

L-1.3.28.1. The normal water table comes to within sixty (60) inches of the land surface, and/or

L-1.3.28.2. The most permeable soil horizon within sixty (60) inches of the surface has rapid or very rapid permeability.

L-1.3.29. 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.

L-1.3.30. 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.

L-1.3.31. Home Occupation. A commercial activity conducted in a dwelling or a building accessory to a dwelling. Home occupations, by definition, comply with the performance standards of 5.17 (page 27)

L-1.3.32. 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;

L-1.3.32.1. 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.

L-1.3.33. 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.

L-1.3.34. 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).

L-1.3.35. 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.

L-1.3.36. Landscaping. Landscaping refers to any activity that modifies the visible features of an area of land, including but not limited to:

L-1.3.36.1. living [elements](#), such as [flora](#) or [fauna](#); or what is commonly referred to as [gardening](#), the art and craft of growing plants with a goal of creating a beautiful environment within the landscape.

L-1.3.36.2. natural elements such as landforms, terrain shape and elevation, or bodies of water;

L-1.3.36.3. human elements such as [structures](#), [buildings](#), [fences](#) or other material [objects](#) created and/or installed by [humans](#); and

L-1.3.36.4. abstract elements such as the [weather](#) and lighting conditions.

L-1.3.36.5. to modify or ornament (a natural landscape) by altering.

L-1.3.37. Large-Scale Development. Any development that is not a small-scale development. Special Use and Subdivisions shall be considered Large Scale Developments.

L-1.3.38. Local Planning Act. Also Local Planning Act of 1975. Refers to I.C. 67-6501 through I.C. 67-6537, and subsequent amendments.

L-1.3.39. 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.

L-1.3.40. Lot Coverage. Lot coverage is the percent of the lot covered by structures, including the main and all accessory buildings.

L-1.3.41. 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.

L-1.3.42. Lot Line Adjustments outside a Subdivision. Lot Line Adjustments outside a subdivision must keep at least one (1) original lot line in place

L-1.3.43. Lot Split. Creation of any parcel of land of less than one hundred –sixty (160) acres for the purpose of but not limited to sale, lease, rental, or development. A lot split is a

small scale development and shall comply with all applicable performance standards of the Lemhi County Development Code.

L-1.3.44. Major Lot Line Adjustment within a Subdivision. A Major Lot Line Adjustment within a subdivision may occur internally, and/or may affect more than four (4) lots within the subdivision. A Major Lot Line Adjustment may change the size of the parcel more than then (10) percent. All Major Lot Line Adjustments shall go through the subdivision procedure. See Chapter 3.6.21 for the procedures (page 11).

L-1.3.45. 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. A manufactured home park is any lot or parcel used for occupancy by manufactured homes that will not be placed on a permanent foundation.

L-1.3.46. 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.

L-1.3.47. Minor Lot Line Adjustments within a subdivision. A Minor Lot Line Adjustment within a subdivision may only occur internally, it must not affect more than four (4) lots within the subdivision. A Minor Lot Line Adjustment within a subdivision shall not change the size of the parcel by more than ten (10) percent. A Minor Lot Line Adjustment shall occur only once per parcel. Minor Lot Line Adjustments occurring more than once shall be considered a Major Lot Line Adjustment.

L-1.3.48. 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.

L-1.3.49. 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.

L-1.3.50. 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 .

L-1.3.51. 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.

L-1.3.52. 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.

L-1.3.53. Plat. The legal map of a newly created parcel or subdivision.

L-1.3.54. 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.

L-1.3.55. 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.

L-1.3.56. Recreational Vehicle. As per I.C. 39-4201(2) "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.

L-1.3.56.1. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

L-1.3.56.2. "Fifth wheel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

L-1.3.56.3. "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

L-1.3.56.4. "Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or

weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

L-1.3.56.5. "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

L-1.3.56.6. Recreational vehicles shall not be used as a dwelling unit unless otherwise allowed by this code.

L-1.3.57. 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.

L-1.3.58. 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.

L-1.3.59. 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.

L-1.3.60. 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:

L-1.3.59.1. Arterial: A principle highway corridor including state or county highways connecting cities and having regional continuity for interstate commerce.

L-1.3.59.2. Major Collector. A public road that provides for regional traffic movement within neighborhoods of the County and between arterial roads and local roads.

L-1.3.59.3. Minor Collector. A public secondary collector road with fewer ADT but functions as a sub regional corridor to local roads.

L-1.3.59.4. 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.

L-1.3.59.5. Frontage: A minor street parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

L-1.3.59.6. Private Road (PR). A privately owned and maintained road constructed on right-of-way or easement dedicated for public use roads.

L-1.3.60. Salvage Yards. A parcel of land used for commercial activities regarding the outdoor storage, dismantling or wrecking of used and unlicensed motor vehicles (number dependent upon acreage size and found in Appendix J), or any mobile homes, manufactured homes or trailers; or the storage, sale, or dumping or dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts or where junk, waste, discarded or salvaged materials are stored or handled and yards for used building materials and pieces and places or yards for storage of salvaged buildings and structural steel materials and equipment. Vehicles and/or equipment stored on agricultural land are exempt from this definition unless it is being dismantled, stored or wrecked for sale or profit.

L-1.3.61. Setback. The distance between the property line and the outer wall, at grade, of the building on the same lot.

L-1.3.61.1. The front setback is measured from the lot line paralleling a public street to the building. Corner lots have two front yards.

L-1.3.61.2. 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.

L-1.3.61.3. The side setback is measured from the side lot line to the building.

L-1.3.62. Single Family Dwelling. A detached building designed for occupancy by one (1) family. Also includes, as required by I.C. 67-6530-6532, "any home in which eight or fewer unrelated mentally and/or physically handicapped persons reside; and which is supervised". Limitations of this definition include persons who are under the supervision of the state board of correction pursuant to section 20-219, Idaho Code, or who are required to register pursuant to chapter 83 or 84, title 18, Idaho Code, or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. Includes both conventional dwellings and manufactured homes and mobile homes (rehabilitated under state requirements) that:

L-1.3.62.1. Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Building Code;

L-1.3.62.2. Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and

L-1.3.62.3. Are permanently connected to central or on-site utilities.

L-1.3.62.4. Recreational vehicles shall not be used as dwellings, (see definition for "Dwelling Unit" and its uses. See definition for "Recreational Vehicles" and its uses.)

L-3.62.4.1. A recreational vehicle may be used as a temporary dwelling to replace a home destroyed by fire for a period of up to one (1) year.

L-3.62.4.2. Or other catastrophe for a period of up to one (1) year.

L-3.62.4.3. Or while building a house/home, which has a valid building permit, for a period of up to one (1) year.

L-1.3.63. 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.

L-1.3.64. Small-Scale Development. A small scale development pertains to splitting lots (not involving a subdivision plat) and non commercial proposes. Procedures are found in 3.4 (page 8).

L-1.3.65. 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.

L-1.3.66. 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.

L-1.3.67. Special Use Permit. A Special Use Permit is a permit for any development outside a Small Scale Development and includes a Large-Scale Development. Procedures for a Special Use Permit and be found in Chapter 3

L-1.3.68. 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.

L-1.3.69. 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:

L-1.3.69.1. 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.

L-1.3.69.2. 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.

L-1.3.69.3. 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.

L-1.3.70. Subdivision. A tract of land divided into five (5) or more lots, parcels or sites

L-1.3.71. 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).

L-1.3.72. Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

L-1.3.73. Yard. The area between the lot lines and the principal building created by the required setbacks.