

LEMHI COUNTY COMPREHENSIVE PLAN

ADOPTED 2007

**Lemhi County Board of Commissioners
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Adopted by the Lemhi County Commissioners November 26, 2007

Amended October 9, 2012 Resolution # 2012-21

The "Planning for Public Facilities and Services in Lemhi County and the City of Salmon" was used to provide some of the background information for this plan.

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Introduction

This is the comprehensive plan for Lemhi County, Idaho. It is a simple plan, designed to respect the independent spirit of the county's people while still providing the tools needed to ensure that future land development imposes no undue burdens on local taxpayers, its neighbors, or the landscape.

This document begins by identifying the legal authority for local planning in Idaho. It then offers a capsule description of the process by which this plan was developed. The policy portion of the document begins with a brief analysis of the county's current socioeconomic and land use "situation". That analysis introduces a series of policy statements, each of which consists of a general goal and several strategies for the implementation of that goal.

The policies adopted in this plan emphasize the importance of traditional ways of making a living, including ranching, logging, and mining, in Lemhi County, and the need to ensure that future land development does not reduce the viability of those activities. This plan also recognizes the diversity of the county's landscape and the ultimate need for more detailed planning in some areas, by establishing a geographic framework for the policy statements.

Authority for Planning. Legal authority for adoption of this plan is provided by Idaho's Local Planning Act of 1975 subsequently amended, which states:

It shall be the duty of the planner or the planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan ... (I.C. 67-6508)

The Local Planning Act also lists fourteen components that must be included in a comprehensive plan, unless the county or city preparing the plan provides a specific reason for not including a particular component.

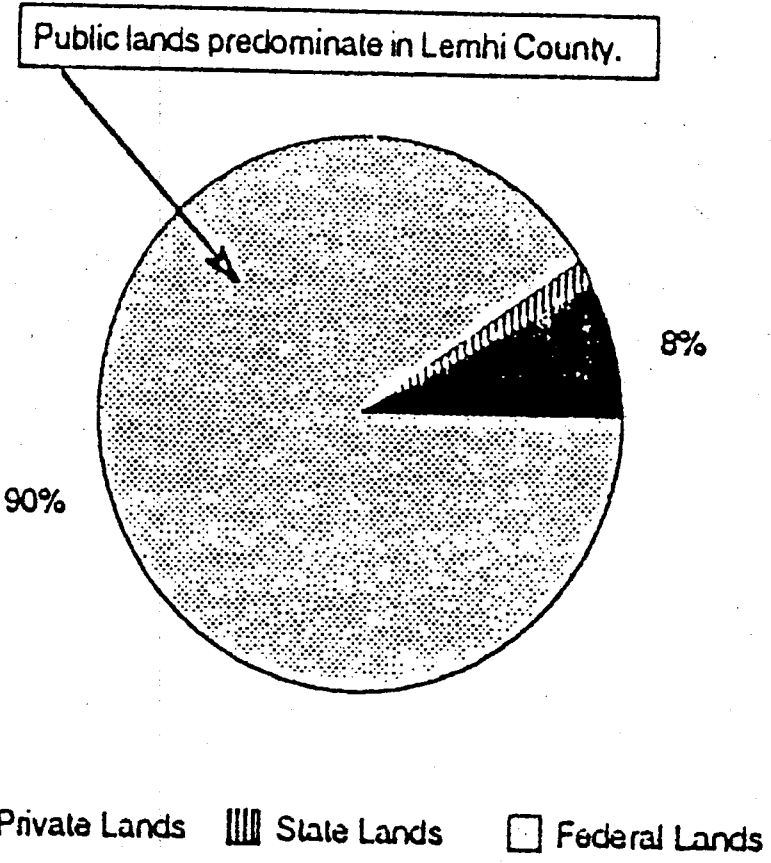
Planning History. This document updates the 1996 Lemhi County Comprehensive Plan which replaced the *Lemhi County Comprehensive Plan* of November 1981. A key point from the introduction to the 1981 plan bears repeating here:

“Change will come to Lemhi County in many forms ... It is a basic operating principle of this Plan that is possible for Lemhi County to consciously direct some of this change, and that it is desirable to consider the anticipated consequences of change.” (Page 1)

Change is a fact of life. As things change in our county, we must look at the causes, the impacts and whether these changes are good for the quality of life of our county citizens. Through the updating of the Comprehensive Plan we can examine and address changes we are anticipating and provide for guidelines to direct that change or growth in a manner consistent with our life style and the wishes of our citizens.

The Original Planning Process (1993). The process that produced the 1993 plan began when the Idaho Planning Association presented its "short course" for planning and zoning commission members to Lemhi County and Salmon officials on October 25, 1989. Following that event, the City of Salmon and Lemhi County agreed to cooperate in retaining a consulting planner, who initiated the background studies listed in the next paragraph in summer 1990. A November 17, 1990 joint meeting of the Lemhi County and Salmon planning and zoning commissions featured a tour of the area surrounding Salmon, and afforded an opportunity to discuss a possible area of city impact. Work on the city plan consumed the remainder of 1990, but the Lemhi County Planning and Zoning Commission was able to hold its first community meeting, to identify issues to be addressed in the plan, at Gibbonsville in May 1991. The commission held community meetings throughout the remainder of the county in the fall of 1991 and early 1992, beginning with a session for the "Central Lemhi" area in Salmon on October 23. The input received at these meetings was discussed by planning and zoning commission members, and the Lemhi County Development Code was released at an informational meeting on June 24, 1992. Meetings to solicit comment on the proposed code began with a good turnout from the Gibbonsville-North Fork area on September 14, 1992. The commission made a number of changes based on the community meetings and its own further discussions. The comprehensive plan and development code were taken to public hearings before planning and zoning commission on March 17 and July 8, 1993.

2007 – The citizens of Lemhi County desired to update their Comprehensive Plan to reflect the many changes that have come to the county since the original adoption of the plan in 1993. This resulted in the updates within this document. The process included a series of public meetings with community volunteers and organizations. Committees were formed for each element of the plan and text developed. A draft was presented to the Planning and Zoning Commission for review. After a series of public hearing before this body and the Board of County Commissioners the plan was adopted on November 26, 2007.



The Plan Elements:

The plan elements are listed separately for ease of reading, but should be thought of as highly interrelated. The goals and objectives under one element will influence those in other areas.

A brief introduction and analysis is placed at the beginning of each element. Narrative and goals and objective specific to the county are placed in their respective sections.

Lemhi County Planning Policy Statements:

The policy statements incorporated within the fourteen elements of the plan are designed to provide general guidance for the Lemhi County Planning and Zoning Commission and Lemhi County Board of Commissioners as they work to promote economic development and the local quality of life. The policy statements also provide a defensible basis for the *Lemhi County Development Code*, which must, by law (see I.C. 67-6511), be consistent with this plan.

ELEMENT 1: Private Property Rights

Enacted in 1995, this is the most recent amendment to the Local Land Use Planning Act. The interpretation by the Office of the State Attorney General is that of a warning to government and property owners to be aware of private property rights. The law mandates an analysis of the provisions which may be necessary to insure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property. The policies, goals, and objectives within this section of the plan do not state specific implementation strategies. Therefore, few direct impacts on private property are contained within this plan.

There is a belief of the residents of the county that all new proposed uses should be studied carefully for their potential impact on current uses and that any potentially negative impact should be mitigated. In addition, the "Right to Farm" issue is a very critical issue and all efforts must be taken to protect agricultural uses in Lemhi County. Efforts should be made to protect all current, legal uses in the county.

Protection of individual property rights is important to all residents of the county, both within municipalities and outside of them, as well as encouraging quality development that protects and respects private property rights. Lemhi County wishes to insure that land use policies, ordinances, restrictions, conditions and fees do not violate private property rights, adversely impact private property values, or create unnecessary technical limitations upon the use of the property which would constitute an unconstitutional taking of private property rights.

Evaluation of new ordinance proposals and development reviews subsequent to the adoption of this plan ensure that land use policies, restrictions, conditions and fees do not violate private property rights. In accordance with the attorney general's checklist criteria, the county will ask the following questions prior to any land use action within the law.

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?

If any question above were answered in the affirmative, the action being taken would be reconsidered.

Private property rights issues that are of concern in Lemhi County include:

- Protection of existing uses – The level of protection of the property rights enjoyed by existing uses should be tied to the land use preferences in the area
- Access to federal and state owned lands – As the public enjoys the benefits of such access, who should pay for it?
- Areas of critical concern that should not be developed because of impact on the environment or surrounding safety of others – Who should pay for preserving or the protection these areas?
- Open space and scenic byways – Again, as a benefit shared by all, who should pay for the preservation of these?
- Eminent domain or the right of government to take private land for the benefit of all – What standards do we wish to set for this procedure?
- We want no net loss of taxable acres in Lemhi County in the case of the purchase or trading of federal or state land.

Policy Statement

I. Any public or private planning or development that occurs in the county should protect and respect private property rights.

Goals:

- A. It shall be the policy of Lemhi County to protect, enhance and ensure private property values and rights within the accepted confines of national, state and local laws.
- B. To review all land use decisions, policies, procedures and ordinances in light of the county's private property rights goals.
- C. To avoid a net loss of taxable acres in Lemhi County and to explore sale of state and federal lands for private use.
- D. Adopt the Attorney General's checklist, answering the six questions stated above, to insure that all actions concerning private property are within the confines of the law.
- E. To review each new proposed use carefully for its potential impact on current uses and that any potentially negative impact should be mitigated.
- F. To support and acknowledge the "Right to Farm" laws and encourage protection of agriculture and other uses within the county.
- G. To consider all tools and funding resources that can be effectively utilized when an action affects private property such as voluntary conservation easements, public and private land trades, trusts and more.
- H. To provide education on private property rights to citizens and visitors in Lemhi County.