BOISE COUNTY

RESOLUTION #2018-57

A BOISE COUNTY RESOLUTION TO AMEND ORDINANCE #2016-01, A BOISE COUNTY ORDINANCE ON UNIFIED LAND USE

WHEREAS, the Boise County Planning and Zoning Commission has recommended amendments to the Unified Land Use Ordinance, as ordained by the Board of Boise County Commissioners in Ordinance #2016-01; and

WHEREAS, the Boise County Planning and Zoning Commission provided notice to all political subdivisions in Boise County on May 23, 2018, regarding a public hearing to be held on June 21, 2018; and

WHEREAS, the Boise County Planning and Zoning Commission held a public hearing on June 21, 2018, and made no material changes after the public hearing to the suggested amendments to the ordinance; and

WHEREAS, the Boise County Planning and Zoning Commission, on June 21, 2018, recommended that the Board of Boise County Commissioners adopt the proposed amendments; and

WHEREAS, the Board of Boise County Commissioners provided notice to all political subdivisions in Boise County on August 24, 2018, regarding a public hearing to be held on September 18, 2018; and

WHEREAS, the Board of Boise County Commissioners held a public hearing on August 18, 2018, and made no material changes after the public hearing to the suggested amendments to the ordinance; and

WHEREAS, the Board of Boise County Commissioners (the governing board) has approved such amendments to Ordinance #2016-01 in accordance with the requirements of Title 67, Chapter 65, of Idaho Code, and Title 31, Chapter 7, of Idaho Code; and

WHEREAS, a copy of the Amended Ordinance #2016-01 accompanies this adopting resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Boise County Commissioners does hereby approve the Amended Ordinance #2016-01, an ordinance governing land use.

APPROVED and ADOPTED in Open Session on this 25th day of September, 2018.

SEAL

BOISE COUNTY BOARD OF COMMISSIONERS

ALAN D. WARD, Chairman

Roger B. Jackson

ROGER B. JACKSON, Commissioner

ABSENT

LAURA L. BAKER, Commissioner

ATTEST:

Mary Prisco

Mary T. Prisco, Clerk to the Board

AMENDED UNIFIED LAND USE ORDINANCE #2016-01

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SECTION 1.1 TITLE:

AN ORDINANCE PROVIDING LAND AND DEVELOPMENT REGULATIONS FOR BOISE COUNTY, IDAHO, CONSIDERING ALL LANDS WITHIN THE JURISDICTION OF THE GOVERNING BOARD AS ONE MULTIPLE USE DISTRICT; SETTING THE AUTHORITY, PURPOSE, SCOPE, AND DEFINITION OF TERMS; SETTING STANDARDS AND REVIEW PROCEDURES FOR VARIOUS LAND USES, PROVIDING FOR VARIANCES; SETTING STANDARDS AND PROCEDURES FOR THE SUBDIVISION OF PROPERTY; SETTING STANDARDS AND PROCEDURES TO MITIGATE THE RISK TO LIFE AND STRUCTURES FROM SPREADING WILDLAND FIRE INTO DEVELOPED LAND AND STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS; SETTING STANDARDS AND PROCEDURES TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS; PROVIDING STANDARDS FOR THE CONSTRUCTION OF PRIVATE AND PUBLIC ROADS; SETTING STANDARDS AND PROCEDURES FOR STREET NAMING AND ADDRESSING; PROVIDING FOR DESIGNATION OF HAZARDOUS DEVELOPMENT SITES; SETTING GENERAL SIGN REGULATIONS; SETTING PROCEDURES FOR THE MITIGATION OF SUBDIVISION IMPACTS ON THE SCHOOL DISTRICT TO PROVIDE SERVICES; PROVIDING FOR ADMINISTRATION, APPEALS, AMENDMENTS, SEVERABILITY, ENFORCEMENT, AND PENALTIES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Boise County, Idaho:

The text of this document together with appropriate maps and appendices shall be known as the "Boise County Unified Land Use Ordinance", hereinafter referenced to as the "Ordinance" or "ULO". The passage of this Ordinance repeals the following Boise County Ordinances and Resolutions: Zoning and Development Ordinance (No. 2001-07), Glossary of Terms for Use In All Land Use Applications Resolution (Res. No. 2010-37), Subdivision Ordinance (No. 2006-02), Road Standards Ordinance (No. 2005-04), Wildland-Urban

Interface Ordinance (No. 2011-03), Flood Plain Ordinance (No. 2010-04), Street Naming and Address Numbering Ordinance (No. 98-3), Building Permit Requirements, and Permit Fees Ordinance (2007-02), Procedures for Mitigation of Subdivision Impact Resolution (Res. 2007-12), Planning and Zoning Commission Ordinances (No. 95-7 and No. 2004-02), General Conditions for All Conditional Use Permits Resolution (Res. 2004-21), Resolution Adopting Land Use-Related Hearing Procedures (Res. 2010-04) and a Resolution Establishing a Timeline for the Planning and Zoning Commission Recommendations or Decision to be Rendered (Res. 2011-17). And amends ULO Ordinance #2016-01 (Res. 2017-30).

SECTION 1.2 PURPOSE:

To provide for the health, safety, and general welfare of the county. This Ordinance is designed to:

1.2.A Specifically implement the goals, objectives, and guidelines adopted in the Boise County Comprehensive Plan (Comprehensive Plan).

1.2.B Protect both property rights and property values; and, minimize the conflicts among the uses of land and buildings.

1.2.C Provide for adequate on-site and off-site public facilities or services.

1.2.D Establish standards for development.

SECTION 1.3 SCOPE:

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

SECTION 1.4 APPLICABILITY:

1.4.A This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

1.4.B Regulations of this Ordinance shall apply to all real property, buildings, structures or fixtures attached thereto in Boise County outside of any incorporated city except as may be altered under Idaho Code Sections 67-6525 (annexation) and 67-6526 (area of impact). The United States of America, the State of Idaho, Boise County and all their respective agencies, boards, departments, institutions, and local special purpose districts, shall comply with this Ordinance unless otherwise excepted by law.

1.4.C Whenever a provision of this Ordinance, or any provision of any City, State, Federal, or County regulation, resolution, law, rule, or contract contains restrictions covering the same subject matter, the more restrictive requirement or higher standard shall govern when authorized by law.

1.4.D The prosecution of violations that occurred under previous land use regulations and that remain a violation under this Ordinance shall continue until resolved.

1.4.E All applications shall be processed and reviewed according to the Ordinances and Comprehensive Plan in effect at the time of the application.

1.4.F Any approved application may still be completed as provided by the approval. This means that to the extent all applicable conditions have been complied with, any and all rights granted pursuant to an application approved or permit issued under any ordinance or resolution repealed or replaced by this Ordinance shall remain in full force and effect in accordance with the terms thereof, from and after the effective date of this Ordinance.

SECTION 1.5 RESPONSIBILITY:

Unless otherwise stated, all requirements established by this Ordinance are the responsibility of the property owner of record or their lawfully designated agent or applicant.

SECTION 1.6 INTERPRETATION:

1.6.A Terminology: When used in this Ordinance, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.

1.6.B Number of Days: Whenever a number of days is specified in this Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this Ordinance, the number of days shall be calculated calendar days beginning the first County recognized work day (excluding weekends or Boise County holiday).

1.6.C Minimum requirements: When interpreting and applying the regulations of this Ordinance, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Ordinance.

1.6.D Defined terms: Definitions in this chapter shall have their defined meanings when used elsewhere in this Ordinance. For the purpose of readability and clarity, such terms are not shown in initial caps.

1.6.E Section headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

1.6.F References: All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

SECTION 1.7 CONFLICTING REGULATIONS:

1.7.A In the case of a conflict between the text and the maps of this document, the text shall prevail.

1.7.B If conflicts occur between different regulations of this Ordinance, the most restrictive regulation shall apply.

1.7.C It is not intended that this Ordinance interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this Ordinance imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by rules or regulations, or by easements, covenants, or agreements, the regulations of this Ordinance shall govern.

SECTION 1.8 DISINCORPORATION:

Where property becomes a part of the unincorporated area of Boise County by the disincorporation of any city, or portion thereof, such properties shall have a Multiple Use District zoning designation.

SECTION 1.9 GENERAL PROVISIONS OF ORDINANCE:

1.9.A The requirements of this Ordinance are intended to be compatible with Chapter 45 of Title 22 of the Idaho Code (Right to Farm Legislation). This Ordinance shall not be construed so as to deprive the owner of agricultural land of the full and complete use of said land for the

production of any agricultural products.

1.9.B Any person, firm or corporation desiring to construct, erect, move or remodel a structure which will be two hundred ten (210) square feet or greater, or for any size if inhabited, shall first obtain a permit from the county and shall pay a fee as required by the county. The establishment of the square footage is done by the calculation of the measurements taken from the outside of said structure.

1.9.C The non-conforming use of buildings, structures and land use that was in place at the time of passage of the first Zoning and Development Ordinance on March 24, 1997, may be continued to the same extent and character as that which existed as of March 24, 1997, unless they endanger public health, safety or the environment. Any expanded or modified use arising after March 25, 1997 shall be subject to all requirements of the governing ordinance then in effect, including this Ordinance.

1.9.D Any lot or parcel of land which was of record on December 6, 2005, which was in conformance with prior subdivision regulations may be used as a dwelling site provided the building placement and health requirements are met and that legal access can be established.

1.9.E All domestic sewage disposal facilities must be approved and a permit issued by the Health Authority and installed and operating before a building shall be occupied. No building shall be occupied as a residence or commercial, civic, industrial establishment unless the Health Authority provides approval.

SECTION 1.10 REFERENCES:

References in this Ordinance to other ordinances of Boise County and statutes of the State of Idaho are provided solely for the coordination of this Ordinance with such other ordinances and statutes.

SECTION 1.11 SAVING CLAUSE:

Should any section, clause, or regulation of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid; each section, clause, or regulation hereof being declared severable.

SECTION 1.12 DEFINITION OF TERMS

AASHTO: American Association of State Highways and Transportation Officials.

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

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

Administrator: See Planning and Zoning Administrator.

Affected Person: As defined in Idaho Code §67-6521, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: (i) The approval, denial or failure to act upon an application for a subdivision, variance, special use permit and such other similar applications required or authorized pursuant to this chapter; (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to §67-6511, Idaho Code; or (iii) An approval or denial of an application for conditional rezoning pursuant to §67-6511A, Idaho Code.

Agency: Any political subdivision of the State of Idaho, including but not limited to: cities, counties, school districts, highway districts, fire districts, or any agency of the State government or a political subdivision of another state.

Agent: A person authorized to act on behalf of another person or entity.

Agricultural Uses: Land actively devoted to farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, forestry, timber harvesting, viticulture, vermiculture, animal, poultry, and fish husbandry, as the principal land use and the necessary accessory uses for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, race tracks, slaughterhouses, plants, factories, works for the reduction of animal matter, or commercial poultry, kennels, or feed lots.

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

Alley: An access of limited use intended only to provide access to the rear or side of lots or buildings.

Amusement or Recreation Facility: An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, theater, health club, spa, fitness facility, nightclub, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, amusement park, miniature golf, golf driving range (that is not accessory to a golf course), drive-in theater, baseball, tennis court, football, soccer, rugby, hockey field, skate park, or swimming pool.

Animal Clinic, Animal Hospital or Veterinary Office: Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short term care.

Animal Feeding Operation (AFO): An area where livestock is confined for more than ninety (90) days per year, using a primary feed supply source external from the confinement area, for the purpose of finishing for commercial resale (often known as a feedlot), slaughter, dairy production, egg production, or other commercial purpose; excluding family food production and personal livestock sales not exceeding five (5) animal units (AUs) per year.

Animal Unit: The number of animals kept within an area of land times a factor determined to reflect the relative impact of an animal type on its immediate environment. AU factors adopted by Boise County are shown in Table 4.3.F.1.

Annex: To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Appeal: A request for a review of the interpretation of this Ordinance; or a request for a formal change to an official decision.

Appellant: A person or entity seeking a decision of the Board, or a decision of the Commission regarding an appeal.

Applicant: Any person initiating an application for subdividing, or for the development or modification of land, or to build or modify any improvement, or a person who applies for or whom a permit is issued pursuant to this Ordinance. The applicant need not be the owner of the property; however, he/she shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Application: The form approved by the Board of County Commissioners and information required to be filed by the applicant, or agent, for any permit or variance or appeal under county Ordinances.

Approach: An access point onto a public or private road.

Area of City Impact: An area mutually agreed upon, including boundaries and Ordinances between the city and county as provided for in Idaho Code §67-6526.

Area of City Impact Agreements: An agreement, as required by Idaho Code §67-6526, Boise County has negotiated impact boundaries and terms with Idaho City, Horseshoe Bend, Placerville, and Crouch. These agreements provide the cities authority input outside corporate limits and provides cities and counties a process for the disposition of lands deemed part of the cities trade area or may be subject to annexation at a future date.

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

Area of Special Flood Hazard: See Special Flood Hazard Area

Asphalt Plant: A plant for the manufacture or mixing of asphalt concrete.

Automobile Sales, Service, or Repair: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or service. Repair work or service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, and upholstery), oil change, engine repair, tune-up, and accessory sales of replacement parts.

Automobile Wrecking Yard: A commercial land use of any area, lot, land, or parcel where more than five (5) motor vehicles without current registration or more than five (5) inoperable or dismantled motor vehicles that are not in operating condition (or parts thereof) are: a) standing more than thirty (30) days, b) dismantled, or c) stored in view from any public or private road. The following uses are excluded from this definition: agricultural equipment on a "farm" as herein defined, automotive hobby, and vehicles stored or dismantled within a completely enclosed structure.

Automotive, Hobby: An accessory non-commercial use involving the restoration, maintenance, and/or preservation of five (5) or more vehicles at any one time.

Banks/Financial Institutions: Financial institutions that provide retail banking services to individuals and businesses. This classification includes those institutions engaged in the onsite circulation of cash money and businesses offering check cashing facilities.

Bar/Lounge/Tavern: A place of business primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

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

Base Flood Elevation (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

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

Bed and Breakfast: An owner occupied dwelling providing commercial overnight accommodations and breakfast food service.

Best Management Practices (BMP): Physical, structural, and or managerial best practices that when used singly or in combination may be determined to be the most effective and practical means of preventing or reducing contamination to ground water and/or surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water.

Block: A group of contiguous lots within fixed boundaries established by a subdivision plat.

Board: The Boise County Board of County Commissioners (BOCC).

Boarding House: An establishment with individual rooms where meals and lodging are provided for, compensation. A boarding house shall include, but not be limited to, a rooming house, shelter, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature.

Bond: A written promise or obligation to insure performance and/or warranty.

Brewery: An establishment operated with the appropriate licensure under Idaho Code §23-1003 that brews beer as defined in Idaho Code §23-1001(a) for commercial use and sales.

Building: Any structure which is designated or intended for the shelter, enclosure or protection of persons, animals, or property of any kind.

Building Envelope: An area within the property boundaries of a lot or tract within which an allowed building or structure may be placed; which may be shown on a plat as a hatched or shaded area.

Building Permit: A formal authorization, with associated fees, standards and guidelines that comply with the Idaho Building Code Act Title 39 Chapter 41, which allows an applicant to construct an improvement on the designated property.

Bulk Plant: An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle, or container.

Business Day: For the purpose of time computation, business day means any day except Saturday, Sunday, or a calendar day which is a legal holiday, or any day taken off after a legal holiday, per Boise County Policy.

Calendar Day: For the purpose of time computation, calendar day means any day, including Saturday and Sundays and legal holidays, from midnight to the following midnight.

Camp or Campground: An area or tract of land that accommodates one or more temporary residential uses, including, but not limited to, cabins, tents, campers, travel trailers, motor homes, and/or recreational vehicles; this includes fraternal and church camps. A fee is charged to camp within a campground

Car Wash: An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

Cemetery: An area of individual lots planned for the selling of sites for the burial of animal or human remains as per Idaho Code §50-1303. Cemetery purposes include columbaria, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

Certificate of Completion: Written documentation, from the appropriate official, that the project or work for which a building permit was issued has been completed in conformance with requirements of this Ordinance.

Certificate of Occupancy: Written documentation that the project or work for which the building permit was issued has been completed in conformance with the building codes as adopted by the State of Idaho.

Certified Building Inspector: A building inspector with certification as required by Idaho Code §39-4108.

Church: An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

City Limits: The boundaries of an incorporated city, town or village as described by the Articles of Incorporation and subsequent annexations. See definition of Area of City Impact.

Civic Uses: Types include governmental and quasi-governmental agencies providing utility, educational, cultural, major medical, protective, governmental, and other uses which are strongly vested with public or social importance.

Clear Vision Triangle: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, as defined in Idaho Code §49-221.

Clinic: A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

Club or Lodge: An auxiliary, fraternal, or veterans' organization as defined by Idaho Code §23-902.

Commercial/Civic Building: Any building or structure which is not considered a single-family residence, which is used for the public or by the public.

Commission: The Boise County Planning and Zoning Commission appointed by the Board.

Common Open Space: Land held for the use and benefit of the owners of dwelling units or lots in a Planned Unit Development (PUD) which is devoid of roads, parking, or buildings not intended for recreational or community purpose. Common open space does not include open space of individual lots within a subdivision, but may include open space as a buffer for commercial and industrial land uses, and a buffer on the perimeter of the PUD.

Community Plan: A detailed proposal for defining land use and facilities within a community. Separate community plans with goals may be recognized by the Boise County Comprehensive Plan.

Composting Facility (Commercial): Facility for the large scale production of compost intended for sale and use on premises other than where such compost is produced.

Comprehensive Plan: A compilation of goals, objectives, maps and other data guiding the physical, social and economic development, both public and private, of the county and its environs, as identified in Idaho Code §67-6508 and §67-6509.

Concrete Batch Plant: A device that combines various ingredients to form concrete. Some common ingredients may include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, asphalt cement and Portland cement.

Conditional Use: A use which is permitted only upon compliance with certain conditions as set forth in this Ordinance.

Conditional Use Permit (CUP): A permit which if granted authorizes a particular use to be made on a particular premise, subject to compliance with all the terms and conditions of approval.

Condominium: A development in which individual dwelling units are platted and owned; or, are intended to be owned in severalty, while the land and at least the structural components and exterior surfaces of the buildings are owned in common by the owners of the dwelling units.

Confined Animal Feeding Operation (CAFO): "CAFO," also referred to as "concentrated animal feeding operation" or "confined animal feeding operation," means a lot or facility where the following conditions are met:

(a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period;

(b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

(c) The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) cattle other than mature dairy cows or veal calves; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens

Contiguous Parcels: Parcels held in one ownership that abut each other at a common boundary.

Contractor: A person who agrees to furnish materials and/or perform services at a specified price, especially for construction. The term contractor shall include, but not be limited to, building, landscaping, electrical, plumbing, heating, or air conditioning contractors; and shall be licensed in the State of Idaho, as applicable.

Contractor's Yard: Any area of land used by a contractor for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities.

Construction Trailer or Field Office: Temporary buildings used in conjunction with construction work only during the period construction work is in progress.

County: Shall mean Boise County.

County Engineer or Surveyor: A person, or company, appointed by the Board, who is responsible for the administration of engineering or surveying matters for the County and shall be a licensed engineer and/or surveyor in the State of Idaho, as required by Idaho Code. All duties of the County Engineer or Surveyor shall be as set forth within county Ordinances, by resolution of the Board, or as otherwise set by Idaho Code.

County Prosecutor: The Prosecuting Attorney of Boise County or his/her designee.

Creek: A small stream, often a shallow or intermittent tributary to a river.

Cul-de-sac Road: Local road having one end permanently terminated in a vehicle turnaround.

Dairy/Dairy Farm: A use of land where one or more bovine, sheep, or goats are milked and the operation is licensed by the state of Idaho department of agriculture to sell milk for human consumption.

Dangerous or Protected Animal: Any species for which the state or federal government has established specific regulations regarding such animal including, but not limited to, big cats, bears, raptors, large reptiles, and other wildlife. The term shall not include any species commonly recognized as domestic pets.

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

Daycare Facility: Any facility where people regularly receive care and supervision, usually unaccompanied by parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of: a) the operator's children or legal wards or children related by blood or marriage, b) occasional personal guests, and c) children aged twelve (12) years and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a childcare facility.

There are four (4) types of daycare facilities:

1. **Family daycare center:** A childcare facility for six (6) or fewer children. Babysitting services are an accessory use to residential uses.
2. **Group daycare facility:** A childcare facility for seven (7) to twelve (12) children.
3. **Daycare center:** A childcare facility for thirteen (13) or more children.
4. **Adult daycare facility:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Dedication: The setting apart of land or interest in real property for public use. Real property becomes dedicated for public use when accepted by the Board through written approval as a public dedication, either by the passage of a county Ordinance, or by entry of a resolution of approval in the official minutes of the Board, or by the recording of a plat showing such dedication.

Defensible Space: An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

Density: A unit of measurement which specifies the number of dwelling units per acre of land.

Detention or Holding Center: Publicly or privately owned and operated facilities providing housing, care, and supervision for persons confined by law.

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

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

Development Plan: A plan created to describe a proposed improvement of land, depicting site characteristics and development information, for the purpose of subdivision, development, sale, or trade.

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

Distillery: An establishment operating with the appropriate licensure under Idaho Code §23-507 to manufacture alcoholic liquor as defined in Idaho Code §23-105.

District: An area within the limits of the county for which the regulations and requirements governing use of land apply.

Drive-In Establishment: An establishment, other than an automobile service station, that is designed to accommodate the motor vehicles or patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

Driveway: A vehicular ingress and egress route that serves no more than two residences, commercial buildings or industrial buildings.

Dwelling: A building, or portion thereof containing one or more dwelling units. The term "dwelling" does not include any recreational vehicle, hotel or motel as defined herein. Subtypes of Dwelling are:

> **Dwelling Unit (DU):** One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained residential unit.
>
> **One-Family:** A detached building containing one (1) dwelling unit designed for and occupied exclusively by one (1) family. For purposes of County Ordinances the classification of Dwelling, One-Family shall include group homes, mobile homes and manufactured homes as herein defined.
>
> **Two-Family:** A building containing two (2) dwelling units for two (2) families living independently of each other including duplexes, and semi-detached housing.
>
> **Multiple-Family:** A building containing at least three (3) dwelling units for three (3) or more families living independently of each other.

Easement: A right of use, falling short of ownership, and usually for a certain stated purpose, as defined by Idaho Code §50-1301(2).

Economic Development: A development that provides a service, produces a good, retails a commodity, or emerges in any other use or activity for the purpose that enables greater production, increased employment, and a better distribution of goods and services.

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

Elevation Certificate: Is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with

community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

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

Encroachment: The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineer: Professional Engineer (P.E.) licensed in the State of Idaho.

Environmental Assessment Plan: A plan prepared to address possible environmental concerns of a specific site.

Evacuation Route, Emergency: A road or highway in Boise County that is specified by the County or other jurisdiction as a route for emergency evacuation. These routes will lead residents away from what would be considered the direction of movement of the most likely threat (flood or fire) to an individual residence, subdivision or populated area.

Excavate: Any act to displace or relocate earth, sand, gravel, and rock or other earthen material.

Family: 1. An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship.

2. Eight (8) or fewer persons, who need not be related by blood or marriage, living together in a dwelling unit.

3. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling who are supervised at the dwelling in connection with their handicap or age related infirmity, provided that no more than two (2) staff members reside in the dwelling at any one time. (Resident staff shall not be counted toward the "8 or fewer" criterion.)

Family Food Production: The non-commercial keeping of domestic animals and fowl for the production of food and/or gardening for the use of the family occupying the premises.

Farm: A property in agricultural use that is five (5) acres in size or greater.

Federal Emergency Management Agency (FEMA): An agency of the US government tasked with disaster mitigation, preparedness, response and recovery planning.

Feed Lot, Commercial: An area where livestock is contained for the purpose of finishing for commercial resale or slaughter at an average monthly confined animal density exceeding two (2) animals per acre and using a primary feed supply other than grazing, excluding family food production or incidental personal livestock sales not exceeding 100 animals in a calendar year.

Fees: A payment of funds to the County for any of the applications or other entitlements

Fill: Material, natural, or other, used to elevate the ground surface.

Final Plat: A map or drawing of a subdivision showing the division of land into lots, blocks, and roads along with the associated conveyances to be filed as a public document. A reproducible or permanent drawing of a subdivision and dedications and easements, prepared for filing and recording with the County Recorder in accordance with the provisions of Title 50, Chapter 13, Idaho Code.

Financial Guarantee: An irrevocable letter of credit, cash deposit, or certificate of deposit, pledged to secure the performance of an obligation.

Fire Chief: The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction. The Fire Chief of a Fire Protection District created under Title 31 Chapter 14 of the Idaho Statutes.

Fire Chief – VFD: The Chief of a Volunteer Fire Department (VFD) or subscription district.

Fire Protection Plan: A document prepared for a specific subdivision or CUP application. It describes ways to minimize and mitigate the fire problems created by the proposed subdivision or CUP application with the purpose of reducing impact on the community's fire protection delivery system.

Fire Resistant Vegetation: Fire resistive plants burn at a relatively low intensity, slow rates of spread and with short flame lengths.

Flammable Substance Storage: An establishment, or portion thereof, wherein combustible substances (as defined by the applicable fire code) are stored.

Flea Market: A type of bazaar that rents space to people who want to sell or barter merchandise ranging from low quality items to bargain priced items of the highest quality or used goods.

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1 of this definition.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Development Permit: Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet (2') of freeboard; and
b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet (2') above the highest adjacent grade.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Footprint: In **construction** the building **footprint** is the area of a building measured from the outer surface of the exterior of the building multiplied by the depth measured in the same manner to give a square area; to be used to calculate the total square footage to be used to calculate the building permit fee.

Freeboard: A factor of safety usually expressed in feet above a flood level for 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 selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be two (2') feet.

Frontage: The portion of a lot or parcel that is contiguous to a public road, private road, or recorded easement that is used to access the lot or parcel.

Fuel Modification: A method of modifying fuel load by reducing the amount of non-fire resistive vegetation or altering the type of vegetation to reduce the fuel load.

Fuel-Load: The oven-dry weight of fuels in a given area, usually expressed in pounds per acre. Fuel loading may be referenced to fuel size or time lag categories, and may include surface fuels or total fuels.

Garage Sale: The sale or offering for sale to the general public personal property on any residential portion of a lot or parcel, whether within or outside any building.

Gasoline, Diesel, or Alternative Fuel Sales Facility: An establishment that sells, stores and supplies motor fuel, propane, lubricating oils, alternative fuel, and/or grease.

Gravel Pit: See Pit, Mine, or Quarry.

Greenhouse: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in an enclosed building.

Group Home: Residential shelter care facilities for mentally and/or physically handicapped and/or elderly citizens. Group homes for eight (8) or fewer people are considered single family dwellings for purposes of this Ordinance.

Guest Ranch: A type of ranch oriented towards visitors or tourism. It is considered a form of agritourism. A Guest Ranch may also be referred to as a dude ranch.

Halfway House: a residential establishment that provides housing for persons convicted of non-violent crimes that are in the later stages of serving a sentence and are being transitioned back into society. A Halfway House for eight (8) or fewer people are considered single family dwellings for purposes of this Ordinance

Hazardous Development Site: An area where the Board determines that the developed use of certain lands poses, or could pose, an imminent threat to the health, safety, or general welfare of occupants, users, or owners of certain lands.

Health Authority: The Central District Health Department (Region IV), the Idaho Department of Labor and Industrial Services, Plumbing Division and the Idaho Division of Environmental Quality; or such agency or unit of government which may succeed in the powers, duties, and responsibilities of said authority.

Highways: Per Idaho Code §40-109(5), highways includes roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

Historic Structure: a structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    1. by an approved state program as determined by the Secretary of the Interior, or
    2. directly by the Secretary of the Interior in states without approved programs.

Home Occupations: Any gainful commercial operation, profession or craft, which is customarily incidental to or carried on entirely within a dwelling place and does not affect the rural or residential character of the neighborhood.

Hospital: An institution for health care providing patient treatment by specialized staff and equipment.

Hotel/Motel: A building, other than a personal residence or vacation home, in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Idaho Transportation Department (ITD): State Transportation Agency.

Industrial Use: Any manufacturing processing, testing, energy production, storing, assembling, 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.

Infrastructure: Facilities and services needed to sustain development and land-use activities including but not limited to utility lines, streets, fire stations, parks, schools, and other public facilities.

International Fire Code: The official version of the *2006 International Fire Code* submitted by the International Code Council.

Irrigation Facilities: Canals, laterals, ditches, conduits, gates, wells pumps, and equipment necessary for the supply, delivery and drainage of irrigation water.

ISPWC: Idaho Standards for Public Works Construction.

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; junk, dismantled, or wrecked automobiles, or their parts; iron, steel and other scrap ferrous or nonferrous material, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, per Idaho Code §40-111.

Kennel: The commercial boarding, caring or breeding of four (4) or more dogs, cats and other household domestic animals in return for compensation or kept for sale. The sale of two or less litters of pets per year per animal shall not be deemed "commercial".

Land Use Map: A map, officially adopted as an exhibit to the comprehensive plan, that geographically and specifically locates existing land uses such as residential, commercial, industrial, and civic (public areas and buildings) that have been established in the comprehensive plan.

Laundromat: An establishment that provides washing, drying, and/or ironing machines or services to retail customers.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA)**: an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR)**: FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. **Letter of Map Revision Based on Fill (LOMR-F)**: FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
4. **Conditional Letter of Map Revision (CLOMR)**: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Livestock: Hoofed domesticated animals, poultry, rabbits and fur bearing animals.

Livestock Husbandry: The agricultural practice concerned with the care and breeding of domestic animals including, but not limited to, cattle, hogs, sheep, and horses.

Lot: A parcel, plot, or tract or other contiguous land area which is created by subdivision for sale, transfer, or lease.

Lot Area: The total area of a lot or parcel measured on a horizontal plane within the boundary lines exclusive of public and private roads, and access easements to other property.

Lot Lines: Boundaries or limits of a platted lot.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44CFR §60.3 and this ordinance.

Lumber/Saw Mill, Permanent: A site where equipment and buildings are permanently located to saw, plane, or mill tree logs into posts, poles, building logs, lumber, dimensional lumber or similar products.

Lumber/Saw Mill, Portable: A temporary enterprise where trees are harvested, cut, and milled on the same site or an area where logs are delivered to and processed with equipment that has temporarily been located on the site.

Major Structural Modification: Modifications that impact the earthquake, snow load, wind shear, or structural integrity of the building.

Manufactured Home: Per Idaho Code §39-4105(8), a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is 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 built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required

by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq. For purposes of Flood Damage Prevention, manufactured home is defined as a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

Manufactured Home Park: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mineral Extraction: Any mining, quarrying, excavating, extraction of core samples, processing, storing, separating, cleaning or marketing of any natural mineral resource in excess of five (5) cubic yards. Moving of dirt on private property for construction or landscaping purposes shall not be deemed mineral extraction.

Mitigation: Measures to avoid impacts, minimize impacts, restore impacted areas, and compensate for impacts to a natural resource attributable to a proposed action.

Mobile Home: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation, per Idaho Code §39-4105(9).

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

Museum: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

MUTCD: Manual on Uniform Traffic Control Devices.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

Natural Resources: One of the Comprehensive Plan's components that includes the climate, geology (mountains and valleys), hydrology (rivers and streams), soils, vegetation (forests and all other plants), wildlife (game, fisheries and aviaries), scenic vistas, and air quality.

Neighborhood: A section of a town or city having distinguishing characteristics.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance. This includes substantial improvement and means either the first placement of permanent construction of a structure on a site, such as 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. For Floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Non-conforming Building: A building or structure or portion thereof lawfully existing or being lawfully constructed prior to March 25, 1997 when the first Zoning and Development Ordinance was passed, which was designed, erected or structurally altered for a use, or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this Ordinance.

Non-conforming Lot or Parcel: A lot or parcel of record which was lawfully existing prior to March 25, 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to lot or parcel area requirements prescribed in this Ordinance.

Non-conforming Use: A use which was lawfully established and maintained prior to March 25, 1997 when the first Zoning and Development Ordinance was passed , but which, because of the application of this Ordinance to it, no longer conforms to the use regulations.

Non-Profit: as defined by the IRS code.

Nursery: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the owner/operator sells the goods in large quantities to a limited number of buyers.

Off-Street Parking: An improved surfaced area for vehicle parking either within a structure or in the open with access to a public street, alley, or other public way.

Official Rural Addressing System Numbering Maps: The maps showing all of the roads within Boise County with the official address numbering grid system and address number ranges.

Official Road Name List: The list containing the road names officially recognized by the Board and the City Councils within the incorporated and unincorporated areas of Boise County.

Official Road Name Maps: The maps showing all of the roads within Boise County with the official name shown thereon.

One Time Division: The division of an original parcel into no more than four (4) parcels/lots.

Ordinance: A regulation set forth and adopted by a governmental authority.

Ordinary High Water Mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a 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.

Original Parcel: An original parcel of land is hereby defined as unplatted land or tract of land of record or on file in the office of the Boise County Recorder on December 6, 2005.

Outbuilding: A structure constructed as a building on a property but does not include a dwelling unit as herein defined. Outbuildings shall be a minimum of six (6) feet from any residential, commercial or public building and shall not pose any threat to any other building or structure in the event of structural collapse.

Overlay: An area with special standards and concerns.

Owner: An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property.

PCU-(Private-Common-Use) Road: Private road utilized for accessing development.

PCU-Collector Road: Service class of a vehicular travel way which is privately owned and intended to access more than 50 lots, or parcels, or more than 300 vehicle trips per day.

PCU-Local Road: Service class of a vehicular travel way which is privately owned and intended to access 50 or fewer lots, or parcels, or fewer than 300 vehicle trips per day.

PCU-Minor Road: Service class of a vehicular travel way which is privately owned and is intended to access four (4) or fewer lots, or parcels, or fewer than 300 vehicle trips per day.

Parcel: A tract of unplatted land or contiguous unplatted land (if applicable), in single ownership, considered a unit for purposes of development.

Performance Bond: An amount of money or other negotiable security paid or posted by surety bond by the applicant or his surety to the County Treasurer, which guarantees that the applicant will perform all action voluntarily agreed to by applicant or required by the governing body regarding an approved land use, and provides that if the applicant defaults and fails to comply with the provisions of an approved land use, the applicant or his surety will provide funds to the County up to the limit of the bond for purposes of completing the bonded land use, or the surety will itself complete the requirements of the approved land use.

Permanent Foundation: A concrete or timbered structure, the primary purpose of which is the support of a structure or sign.

Person: Any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity; see Idaho Code §46-1021.

Pit, Mine, or Quarry: A location where activities associated with excavating materials from the ground, including, but not limited to, excavating a pit, removing the resource, processing the resource, disposing of unwanted material, and building a roadway to accommodate hauling trucks.

Planned Community (PC): A large scale planned development that includes residential and commercial uses serviced by common utilities or municipal services as part of a community designed to conserve open space and environmental attributes.

Planned Unit Development (PUD): An area of land in which residential, commercial or industrial uses, or any combination thereof, are developed under single ownership or control and accommodated in a pre-planned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Planning & Zoning Administrator: An official or staff member of the Boise County Planning and Zoning Department, who is authorized by the Board to administer the Unified Land Use Ordinance.

Plat: The drawing, map or plan of a subdivision, condominium, cemetery, or townsite, into lots, blocks, and roads in accordance with Idaho Code Title 50, Chapter 13.

Platted Lot: Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.

Power Facility: A facility associated with the production or transmission of electricity, including wind, geothermal, solar, biomass, and hydroelectric power facilities; or a power substation, an electric substation, a grid switching site, or an electric transmission, sub-transmission or distribution line, whether or not regulated by the federal energy regulatory commission; or a facility qualifying under 18 CFR part 131.80.

Principal Use: The primary purpose for which a lot, or parcel is arranged, intended, designed, occupied or maintained.

Private Property: Property owned by a person and not a governmental entity.

Private Road-Right-of-Way: Privately owned land for a private road, usually contained within a subdivision common lot or a perpetual easement.

Private Road/Street: A private access not dedicated to public use or maintained by Boise County. These can be Private-Common-Use (PCU) Collector, Local or Minor Roads.

Professional Geologist: A person who has been duly registered by the state board of registration for professional geologists, per Idaho Code §54-2802(3).

Property Line Adjustment: A realignment of boundary lines between adjoining lots or parcels where no additional lots or parcels are created.

Property Owner: The person(s) who is shown as owner in the Boise County Recorder and Assessor Offices.

Public Agency: shall mean a public sector organization, department or entity defined by and part of a governmental body or one charted by a government body for a public purpose that is funded by public fees or tax dollars. Such public agencies may include, but not be limited to the following: the United States Government, the State of Idaho, Boise County, municipalities, school districts, hospital districts, library districts, parks or recreational districts, cemetery districts, fire districts or any other public agency or department thereof.

Public Highway Agency: This term includes the Boise County Road Department and the Idaho Transportation Department.

Public Lands: Land owned by local, state, or federal government, used for purposes which benefit public health, safety, general welfare and other needs of society.

Public Use: Shall include, but not be limited to, public buildings and/or public infrastructure facilities such as publicly owned amenities including but not limited to: a) pumping station for water, sewer, or gas; b) municipal wastewater collection and treatment facility or interim wastewater treatment system; c) utility shop, garage, or storage facility; d) park and ride lot; e) water reservoir and water tank; or f) storm drainage facility and storm retention facility.

Public Right of Way: Any land dedicated and open to the public.

Public Utility: Facilities owned and operated by a public utility as defined in Idaho Code §61-129.

Racetrack: A structure, or portion thereof, used for any event or gathering that includes a competition involving a contest of speed or completing a course in the shortest time. This applies to competitions accomplished in unison with a group or in a timed event, whether riding animals, being pulled by animals, foot races, swimming or by the use of a mechanically or human propelled device.

Reconsideration: The decision review process that follows a written request that alleges specific deficiencies in a decision as provided for in this Ordinance.

Record of Survey (ROS): The map filed as a result of a land survey by a licensed surveyor, in accordance with requirements of Idaho Code Title 55, Chapter 16, and/or Chapter 19.

Recreational Fire: An outdoor fire (bon fire) burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Recreational Vehicle: A vehicle that is:

1. built on a single chassis; and
2. 400 square feet or less when measured at the largest horizontal projection; and
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: An unimproved parcel of land or a parcel of land which has been planned and improved or which is rented or used for the placement of two (2) or more transient recreational vehicles. Recreational vehicle parks are for temporary living quarters and not permanent housing.

Recycling Center: An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a primarily completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

Regulatory flood: A flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of

rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.

Regulatory Floodway: See Floodway

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two (2) paid flood losses of more than $1,000 each in any 10-year period since 1978.

Residence: A building used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Residential Care Facility: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides twenty four (24) hour nonmedical care for more than eight (8) individuals who need personal care or assistance and supervision. A residential care facility shall include, but not be limited to, assisted living facility, retirement home, and respite care.

Residential Use: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boarding and lodging houses, trailers, camp trailers, motor homes or recreational vehicles.

Restaurant: Any land, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, but not limited to, such uses as cafe, cafeteria, coffee shop, lunch room, and dining room.

Retention: The storage of surface water or storm water runoff used to control peak discharge, which creates and provides settling of pollutants.

Riding Stable/Equestrian Use: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire or sale.

Right-of-Way: A strip of land dedicated or reserved for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and landscaped areas.

Riparian Area: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.

Road: A right of way, which provides or is intended to provide ingress, egress, and vehicular access to properties, and may include utilities. A road includes all land within the right of way whether improved or not.

Road, Arterial Major/Minor: Roadways that links cities, towns, and communities together, internal spacing consistent with population density, so that all developed areas of the state are within reasonable distances of arterial highways, and corridor movement with trip length and density suitable for substantial statewide or interstate travel.

Road, Frontage: Minor road parallel and adjacent to a major route that intercepts local traffic and controls access to the major route.

Road, Local: Road that provides direct access to residential, commercial, and/or industrial sites for local traffic movements and connects to minor and major roads or arterial highways.

Road, Loop: A road with both terminal points on the same road of origin.

Road, Collector (Major): General term for a road including primary county roads that provide travel corridors between cities, recreational sites and industrial areas.

Road, Collector (Minor): Roadway that provides for traffic movement within neighborhoods and between major roads and local roads with occasional access to abutting property.

Road Maintenance Agreement: A private contract between landowners to maintain private roads.

Road/Street, Public: Those vehicular travel ways with right-of-way owned by Boise County or dedicated to public use and maintained by Boise County. State Highways are also considered as Public Roads.

Roadside Stand: A temporary or mobile structure designed or used for the display or sale of products or services.

Roadway: That portion of a road or highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way.

Rock Crushing Operation: An operation that crushes ~~large~~ rocks into smaller rocks, gravel or rock dust.

Rural: A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, very low-density residential uses, or open space uses.

Rural Character: Rural areas include the mixture of agricultural uses, green fields, open space, rangeland, forest, high desert and other rural land characteristics.

Salvage Yard or Storage: A place where scrap, used tires, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises. Farm machinery and equipment in agricultural zones are exempt.

Sanitary Landfill: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental and health hazards by spreading, compacting, and covering the solid wastes.

Scenic Byway: A road recognized by the U.S. Department of Transportation or the State of Idaho for its archeological, cultural, historic, natural, recreational, and scenic qualities. Boise County has three (3) Scenic Byways which include the Payette River National Scenic Byway (SH-55), Ponderosa Pine Scenic Byway (SH-21), and the Wildlife Canyon Scenic Byway (Banks-Lowman Highway).

School: An institution of learning that offers academic instruction in the courses that are required by the state of Idaho to be taught in public schools. "School" includes kindergarten, elementary, middle, junior high, senior high and charter schools authorized by Idaho State Law. Privately funded schools whose curriculum meets the State of Idaho standards shall be included in this definition. School, Public or Private does not include "Home School".

School Development Agreement: Voluntary funding allocated by developers of new residential or commercial facilities to the affected school district to help offset the effects caused by increased demands on the school district infrastructure/services.

Screen: An approved barrier which may consist of natural or manmade materials.

Sediment Storage: The storage of dredged, or removed, sediment from a canal for semi-permanent or long-term containment, holding or leaving.

Separation Standard: The distance required pursuant to state statute to separate uses such as a bar/tavern from a school or church.

Setbacks: The space between every structure and all property lines on the lot on which structures are located, required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of county Ordinance, or by delineation on a recorded subdivision map.

Shall: A word that indicates that the requirement is mandatory.
Shooting (Game Bird) Preserve: Land use for which the Idaho Department of Fish and Game has issued a shooting preserve license per Idaho Code for the purpose of permitting shooting of privately owned upland game birds on privately owned premises.
Shooting Range: An establishment, indoor or outdoor, that allows for the safe practice of archery or shooting firearms and that may include accessory uses and structures normally associated with this activity.

Shopping Center: A group of commercial establishments, planned, developed, owned and/or managed as a unit related in location, size and type of shops to the trade area the unit serves.

Sign: A physical object with letters, words, figures, design, symbol, trademark, logo or pictures that conveys information about something to the public.
Signs, On-Premises: Any sign or advertising structure that provides a message that: 1) identifies the property on which the sign is located, its owner or tenant, 2) directs attention to an offer for sale, lease or rent of said property, 3) warns the public as to danger, or trespassing thereon, 4) directs the public upon said property, 5) informs the public as to current or proposed use of the property, 6) recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property.

Signs, Off-Premise or Outdoor Advertising: Any sign or advertising structure that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than at the sign location.

Signs, Non-Conforming: Any sign, sign structure or use of sign existing prior to 1997 and does not conform to the standards cited by this Ordinance.

Signs, Temporary: Any sign that is designed and intended for use less than three (3) months and that is not permanently mounted.

Site Plan: A scaled drawing of existing and planned conditions to facilitate review and approval of an application.

Slaughterhouse/Meat, Poultry or Fish Packing: A facility which includes slaughtering, meat canning, curing, smoking, salting, packing, rendering, or freezing of meat products or a facility in which meat products are so processed for sale to the public and where the inspection of meat, meat by-products and meat food products are maintained.

Slope: The level of inclination of land from the horizontal, typically expressed as the ratio of vertical rise to horizontal run, often given as a percentage (e.g., a 10% slope has one foot of rise for every 10 feet of run).

Snow Routes: Roads given priority for snow removal by allocating individual or groups of snow plows under varying levels of service and availability of equipment, weather conditions, driving hazards, and special treatment areas to maintain winter access.

Special Flood Hazard Area (SFHA): The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Special Use Permit: See conditional use permit.

Specific Plan: Parcels of land identified within a specific plan land use map with a clearly identified land use title and having established regulatory controls.

Specification: The construction specifications contained in the latest edition of the Idaho Standards for Public Works Construction (ISPWC) as modified by Boise County.

Staff: Any Boise County officer or employee tasked with county business.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage Facility, Self-Service: A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).

Stream: A natural watercourse of perceptible extent with defined beds and banks, which confines and conducts continuously or intermittently flowing water for 3 or more continuous months per year.

Street: A right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms.

Structure: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and may include a root cellar or similar structure; decks and/or porches; a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as manufactured/fabricated. Not included are residential fences, retaining walls, and sidewalks.

Subdivision: The division of any parcel of land, or tract, of whatever size into five (5) or more lots, parcels or sites for the purpose of sale or building development, whether immediate or future, for the purpose of transfer of ownership or development; unless the division is a qualified Subdivision Exception per this Ordinance.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this Ordinance.

Tax Parcel: A parcel identified by a tax number for taxing purposes.

Temporary Use: A use established for a fixed period of time, not greater than twelve months, with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

Theater, Indoor or Outdoor: A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under an approved development Ordinance.

Tract: An area of unplatted land or contiguous unplatted land (if applicable), in single ownership, considered a unit for purposes of development.

Transitional housing: Provides temporary housing for the certain segments of the homeless population, including working homeless, and is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

Transportation Corridors: Routes identified and reserved for future development and use when population growth expands sufficiently to warrant construction.

Transportation Master Plan: A map, and plan, of the county that shows current, planned, and future transportation needs when growth warrants.

Treatment or Rehabilitation Facility: A facility where therapy is provided to more than eight (8) humans/persons for medical reasons, substance abuse, mental illness, or other behavioral problems, or as defined below:

> **Children's Treatment Facility:** An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation for juveniles under eighteen (18) years old, and b) provides treatment for substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or juveniles who have been identified by the judicial system as requiring treatment, therapy, rehabilitation, or supervision. For purposes of this Ordinance, this definition shall include group foster homes with more than thirteen (13) juveniles.
>
> **Drug and Alcohol Treatment Facility:** An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and b) provides a treatment program for adult patients (18 years and older) with a drug and/or alcohol use problem. This definition shall include a detoxification facility, inpatient facility, residential facility, clinic, and outpatient facility as they relate to drug and alcohol treatment.

Tree Crown: The primary and secondary branches growing out from the main stem, together with twigs and foliage.

Truck Gardening: The raising of vegetables for market (such as farmer's markets).

U.S. Forest Service (USDA Forest Service): An agency of the Department of Agriculture that manages forest and range resources, primarily in the western United States.

Unenclosed Accessory Structure: An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

Unified Land Use Ordinance (ULO): The combining of development regulation and procedures, including but not limited to land use, subdivision codes, sign and floodplain regulations, administrative and hearing procedures, building permit regulations, and road regulations, into a single unified code.

Unincorporated: An area not chartered as a self-governing village or city; lacking the tax, police, and other powers conferred by the state on incorporated towns.

Urban: Of, relating to, characteristic of, or constituting a city; generally characterized by moderate and higher density residential development, commercial development and industrial development, as well as the availability of public services required for that development.

Utilities: Installations or equipment, underground or overhead, furnished for use by private or the public, including but not limited to: electricity, gas, steam, television, communications, 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.

Variance: A modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots, or Road Standards or Sign Standards.

Variance for Flood Damage Prevention: A variance is a grant of relief by the governing body from a requirement of this Ordinance.

Veterinary Health Clinic: Any building or portion thereof designated for the care or treatment of cats, dogs, or other animals.

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area.

Violation of Flood Damage Prevention: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in § CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Wetlands: Those areas that are within the definition of wetlands as defined by the Environmental Protection Agency and within the jurisdiction of the U.S. Army Corps of Engineers, and also may include areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas.

Wetland, Riparian Functions & Values: The recognized wetland and riparian functions and values include water quality protection and improvement, habitat for fisheries and wildlife, nutrient retention & removal, channel stability, food chain support, flood storage & desynchronization, groundwater recharge & discharge, active & passive recreation, aesthetics, and cultural resources.

Wildland: An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

Wildland-Urban Interface Area (WUI): A geographical area where structures and other human development meet or intermingle with Wildland or vegetative fuels.

Wildlife Habitat: An ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds a species population.

Wind Farm: Multiple wind turbines grouped in a single location for the purpose of generating electric power for commercial sale or use.

Winery: An establishment for the manufacture or bottling of wine. A winery may include, but is not limited to, the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, sale of wine, processing structure, and offices.

Wood Processing Plant: A site, equipment and buildings necessary to convert wood into chips or fibers, or fibers into byproducts, or to extract byproducts from wood fibers.

CHAPTER 2. ADMINISTRATIVE PROCEDURES

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SECTION 2.1 ADMINISTRATOR

The Board shall appoint an Administrator to administer this Ordinance. The Planning and Zoning Administrator is the designated authority charged to interpret and make recommendations to the appropriate official regarding requirements of this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board may direct.

2.1.A DUTIES OF THE ADMINISTRATOR

The Administrator shall:

2.1.A.1 Assist applicants in the preparation of required forms and permits, review pre-application materials, and explain procedures.

2.1.A.2 Receive permit requests and fees; and, review for completeness.

2.1.A.3 Accept completed applications, prepare reports and summaries of analysis of completed applications.

2.1.A.4 Notify the public of date, time and place of public hearings and meetings regarding land use and development matters.

2.1.A.5 Prepare the agenda for the meetings of the Commission, in cooperation with Commission members.

2.1.A.6 Mail land use applications to federal, state and county agencies or departments, County Engineer and any other appropriate entities; and, analyze the comments and recommendations received from such.

2.1.A.7 Receive, file, and transmit to the Commission and/or Board all applications, petitions, transcripts, and other communications on which they must act.

2.1.A.8 Maintain records of applications, reclassifications, variances, conditional use permits, meetings, public hearings and related actions.

2.1.A.9 Advise interested citizens of Ordinance provisions.

2.1.A.10 Investigate complaints and report to the Board of County Commissioners.

2.1.A.11 Act as the Boise County Floodplain Administrator.

2.1.A.12 Perform such other duties as may be assigned by the Board of County Commissioners or requested by the Planning and Zoning Commission.

SECTION 2.2 PLANNING AND ZONING COMMISSION

2.2.A DUTIES OF THE COMMISSION:

The Commission shall:

2.2.A.1 Conduct all public hearings required by this Ordinance and the laws of the state.

2.2.A.2 Make recommendations to the Board for the physical development of the county.

2.2.A.3 Review and provide recommendations to the Board concerning amendments to this Ordinance and the Boise County Comprehensive Plan.

2.2.A.4 Approve and issue conditional use permits and make recommendations to the Board on land division applications.

2.2.A.5 Advise the Board in matters relating to municipal areas of impact.

2.2.A.6 Meet annually with the Board.

2.2.A.7 Perform additional duties as may be assigned by the Board or required by state statute.

2.2.B APPOINTMENT AND TERMS OF OFFICE:

The Commission shall consist of an odd number of members being no fewer than three (3) and no more than seven (7) voting members, each appointed by the Chairman of the Board and confirmed by a majority vote of the Board. A commissioner must have resided in the county for two (2) years prior to their appointment, and must remain a resident of the county during his/her service on the commission. Commissioners serving when this Ordinance is adopted shall continue to serve the terms for which they were appointed, subject to the right of the Board to remove any commissioner, for any reason, at any time. To the extent possible, the commission members shall geographically represent the county. The term of office for commission members shall be four (4) years. No person may serve for more than two (2) full consecutive terms; unless reappointed by a two-thirds (2/3) concurrence of the Board. One (1) partial term of appointment may be served in addition to the two (2) full consecutive terms allowed; per I.C.§67-6504.

2.2.C CONFLICTS OF INTEREST:

A member of the Commission shall not participate in any proceeding or action when the member or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. No member with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest, per Idaho Code §67-6506.

2.2.D BYLAWS:

The Bylaws shall contain procedures and requirements for election of officers, meetings, rules of order, and voting; and shall be adopted by Resolution of the Board in an open meeting.

SECTION 2.3 BOARD OF COUNTY COMMISSIONERS

2.3.A DUTIES OF THE BOARD:

The Board shall:

2.3.A.1 Approve applications per this Ordinance.

2.3.A.2 Hear appeals, and hold public hearings required by this Ordinance and the laws of the state.

2.3.A.3 Adopt ordinances and amendments thereto pursuant to the laws of the state.

2.3.A.4 Enforce provisions and penalties of this Ordinance.

2.3.B CONFLICT OF INTEREST: A member of the Board shall not participate in any proceeding or action when the member or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. No member with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest, per Idaho Code § 67-6506.

SECTION 2.4 APPLICATION PROCEDURES:

2.4.A PRE-APPLICATION MEETING:

2.4.A.1 Applicants shall participate in a minimum of one pre-application meeting with the Administrator prior to submission of application.

2.4.A.2 The pre-application meeting is to review the proposed application(s), to discuss the procedures and requirements of this Ordinance, and to review the associated application material.

2.4.A.3 The Administrator shall determine the need for additional pre-application meetings, associated fees, and the need for additional professional expertise, at the applicant's expense.

2.4.B APPLICATION REQUIREMENTS AND FEES:

2.4.B.1 All applications shall be on forms provided by the Planning and Zoning Department. An application fee, as set by resolution of the Board, shall be paid at the time of submittal by the applicant.

2.4.B.2 The Planning and Zoning Department will receive the appropriate application form, the applicable fees, and all information listed as required on the application form and applicable checklist. The application fee, as set by resolution of the Board, shall be paid at the time of submittal of the completed application.

2.4.B.3 The Administrator shall review the application for completeness within ten (10) business days of submission. If the Administrator determines the application is incomplete the application shall be returned to the applicant.

2.4.B.4 The applicant shall be notified by the Administrator when the application is deemed complete; and, if additional information is required by the Administrator.

2.4.B.5 The applicant shall provide additional copies of the complete application for agency review and notification purposes. The number of copies will be determined by the Administrator. The acceptance date shall be the date the required copies and any additional fees or deposits are received by the Administrator. No action by the Planning and Zoning Department shall be taken prior to the acceptance date.

2.4.B.6 A public hearing, if required, shall be held no later than ninety (90) calendar days after the date of application acceptance; excluding planned unit developments and planned community applications, which shall be held no later than one hundred twenty (120) calendar days after the date of application acceptance.

2.4.C NOTICE TO AGENCIES AND POLITICAL SUBDIVISIONS:

2.4.C.1 The Administrator shall send, electronically or by U.S. mail, a copy of the accepted application and notice of public hearing to applicable agencies and political subdivisions at least thirty-five (35) calendar days prior to the hearing, requesting their review and written comments within thirty (30) calendar days.

2.4.C.2 Applications within an area of city impact shall be noticed in accord with the regulations of the Area of Impact agreement.

2.4.C.3 If no written comments are received from any department or agency to which an application is referred, within thirty (30) calendar days from the date said application and preliminary drawings are referred to such agency, the Board/Commission shall consider, for the purposes of County review, that such department or agency has no objection to the application.

2.4.D NOTICE TO PUBLIC:

2.4.D.1 At least fifteen (15) calendar days prior to the public hearing, the Administrator shall publish a notice of the date, time and place and a summary of the application in the official newspaper or paper of general circulation within the county.

2.4.D.2 Posting on the Site: A public notice shall be posted by the applicant on the premises for which the permit is sought. The notice shall be posted not less than ten (10) calendar days prior to the public hearing.

2.4.D.2.a Notice of Form: The notice shall be in substantial compliance with the following form:

> COUNTY OF BOISE
> PUBLIC HEARING NOTICE
> Boise County Planning and Zoning Commission
> will hold a public hearing on
> [DATE} at 6:30 p.m.
> In [LOCATION provided by P&Z]
> PURPOSE:
>
> PROPERTY LOCATION:
>
> APPLICATION BY:
>
> Contact the BC Planning and Zoning Administrator at (208) 392-2293 with any questions.

2.4.D.2.b Notice Size: The notice(s) shall consist of a four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, steel posts, or other ridged material that will withstand all weather elements.

2.4.D.2.c Notice Lettering: Centered at the top of the four foot by four foot (4' x 4') notice(s) in six inch (6") letters shall be the words "Boise County Public Hearing Notice". The date of the hearing shall be in bold four-inch (4") letters. The remainder of the notice letters shall not be less than one and a half inches (1.5") in height. Each notice shall be on a white background with black lettering and shall appear on both sides.

2.4.D.2.d Notice Content: Each notice shall inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a county P& Z Department contact phone number, the location of the development and the name of the applicant, and if applicable, the proposed development.

2.4.D.2.e Notice Placement: The notices shall be posted on the property being considered along each street that is adjacent to the subject property boundaries. The notice(s) shall be located on the property, outside of the public right of way. If the notice cannot be placed on the property and still be clearly visible, the notice may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way. The notice shall be posted perpendicular to the street and mounted so that the bottom of the notice is at least three feet (3') above the ground.

2.4.D.2.f Proof Of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the county P&Z Department no later than seven (7) calendar days prior to the public hearing attesting to where and when the notice(s) was posted. Unless the statement is received by such date, the hearing will be continued to a later hearing date.

2.4.D.2.g Notice Removal: The notice(s) shall be removed no later than three (3) calendar days after the public hearing for which the notice(s) had been posted is ended.

2.4.D.3 At least fifteen (15) calendar days prior to the public hearing, the Administrator shall send a notice of the date, time and place, and a summary of the proposed application to property owners or purchasers of record (as listed in the current records of the Boise County Assessor) owning property within six hundred feet (600') of the property which is the subject of the application.

2.4.D.4 The following uses shall require radius notice within one thousand (1,000) feet of the property which is the subject of the application:

2.4.D.4.a Distributed power facility, rooftop wind facility.
2.4.D.4.b Junkyard or automobile wrecking yard.
2.4.D.4.c Sawmill or planing mill.
2.4.D.4.d Soil or water remediation.
2.4.D.4.e Tower or antenna structure, commercial.
2.4.D.4.f Vehicle impound yard.

2.4.D.5 The following uses shall require notice within two thousand-six hundred-forty feet (2,640') of the property which is the subject of the application:

2.4.D.5.a Aircraft landing field (private ownership).
2.4.D.5.b Airport (public ownership).
2.4.D.5.c Asphalt plant
2.4.D.5.d Centralized power facility.
2.4.D.5.e Commercial feed lot planned to hold more than three hundred one (301) animals, or a CAFO.
2.4.D.5.f Concrete Batch plant
2.4.D.5.g Distributed power facility, or freestanding wind tower.
2.4.D.5.h Explosive manufacturing or storage.

2.4.D.5.i Manufacture, processing, or storage of hazardous chemicals, flammable substances, or gases.

2.4.D.5.j Meatpacking facility.

2.4.D.5.k Pit, mine, quarry, or geologic exploration requiring administrative or conditional use approval.

2.4.D.5.l Processing plant for agricultural or dairy products.

2.4.D.5.m Public use, public or private correctional facility.

2.4.D.5.n Racetrack, vehicle or animal.

2.4.D.5.o Rock Crushing operations.

2.4.D.5.p Sanitary landfill, waste storage site.

2.4.D.6 Alternate Forms of Notice: When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be used, as determined by the Administrator:

2.4.D.6.a In lieu of mailed notice, one additional notice of the date, time and place of the hearing and summary of the proposal shall be published in the official newspaper of the county, not less than seven (7) calendar days prior to the hearing.

2.4.D.6.b At least ten (10) calendar days prior to the hearing, the Administrator shall post at least one additional site notice on the property which is the subject of the application.

2.4.D.6.c At least seven (7) calendar days prior to the hearing, a notice shall be made available to other newspapers, radio, and television stations servicing the county for use as a public service announcement.

2.4.D.6.d In the case of amendments to this Ordinance and the Comprehensive Plan, the Administrator shall issue a notice to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement prior to the public hearing.

SECTION 2.5 LAND USE HEARINGS:

2.5.A PURPOSE:

To provide a procedure by which the Board or the Commission shall conduct hearings for land use which, by federal, state, or county law, require the receipt of evidence, whether testimony, documents, or otherwise, and a response from the Board in the form of a written decision; or, a decision or recommendation from the Commission, based on the record.

2.5.B CONDUCT OF HEARING:

Hearings before the Board or the Commission shall be conducted in general conformance with the procedures adopted by resolution by the Board.

2.5.C RECORD:

A transcribable verbatim record of hearing proceedings shall be kept for at least three (3) years after final action on all matters and the meeting minutes shall reflect the voting record of each member of the Board or the Commission.

The staff report shall automatically become part of the record as shall any documents submitted by the applicant/appellant and the public, as shall all testimony given at the hearing. At the conclusion of the hearing, the Board or the Commission shall either: (i) close the record, or (ii) table the hearing to a date certain for the purpose of receiving additional evidence and conducting such further proceedings as may, in its discretion, be advisable. In the event the hearing is tabled, the record shall remain open until the date certain hearing in order to allow additional evidence for the Board or Commission's consideration.

2.5.D REOPENING OF THE RECORD BY THE BOARD:

Prior to the Board or the Commission issuing a written decision, the Board or Commission may, for good cause demonstrated, reopen the record for the purpose of receiving additional evidence. An applicant/appellant may seek to reopen the record by filing a written request to the Board or the Commission to reopen the proceedings within five (5) calendar days of the date of the hearing. Said written request shall contain information demonstrating good cause to reopen the record and any costs which will be incurred by the county to comply with applicable law shall be paid concurrently with the filing of the written request. The Board or the Commission shall decide whether to accept or reject an applicant's/appellant's written request to reopen the record within five (5) calendar days of the receipt thereof. The Board or the Commission may, within ten (10) calendar days of the date of the public hearing, reopen the record for good cause on its own motion. If the Board or the Commission determines to reopen the record, it shall thereafter hold a new public hearing and give notice as required by this Ordinance.

2.5.E DECISION OR RECOMMENDATION:

When the record has been closed, the Board or the Commission shall take the matter under advisement for the purpose of deliberating toward a decision or recommendation based on the record. After deliberating, the Board or the Commission may then immediately render a written decision or recommendation complying with applicable law or may continue the matter to a date and time certain for further deliberation and decision or recommendation.

2.5.F DECISION BY THE PLANNING AND ZONING ADMINISTRATOR:

2.5.F.1 The Administrator shall act upon an application for subdivision exception, as defined in this Ordinance, within sixty (60) calendar days of the acceptance of the application.

2.5.F.2 The Administrator may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties, as provided for in the Ordinance.

2.5.F.3 Following consultation with the Boise County Prosecuting Attorney's Office or designated legal counsel, the Administrator shall provide the applicant written findings of fact and conclusions of law in accordance with this Ordinance stating the reasons for the decision. All conditions of approval shall be attached to the written decision.

2.5.G PUBLIC HEARING, DECISION AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION:

2.5.G.1 The Commission shall set, notice and hold a public hearing on each application within ninety (90) calendar days of acceptance, excluding planned unit developments and planned community applications, which shall be held no later than one hundred twenty (120) calendar days.

2.5.G.2 No hearing shall be held by the Commission on a planned community implementation plan until the Board has approved the planned community subarea comprehensive plan. The period for issuing a recommendation shall not commence to run until the Board has approved the planned community subarea comprehensive plan.

2.5.G.3 The Commission shall conduct the public hearing in accordance with this Ordinance. The Commission may continue the hearing at its discretion. The Commission, however, must issue a decision or recommendation, as is applicable,

no later than one hundred eighty (180) calendar days after the date of the application acceptance by the Administrator; except for:

2.5.G.3.a Planned community applications, for which the Commission must issue a recommendation no later than two hundred forty (240) calendar days after acceptance of the application; and,

2.5.G.3.b Siting of a commercial tower or antenna structure, for which the Commission must issue a decision within one hundred fifty (150) calendar days after acceptance of the application.

2.5.G.4 The Commission and applicant may mutually agree to extend the time periods for a decision to be made.

2.5.G.5 The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.

2.5.G.6 The Commission shall provide the applicant written findings of fact, conclusions of law and decision or recommendation in accordance with this Ordinance stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. For applications where the Commission is acting as a recommending body, the Commission shall forward their recommendation to the Board for their final decision.

2.5.G.7 When a Commission recommendation to the Board is required by this Ordinance, it shall be filed with the Clerk of the Board stating the findings and action taken by the Commission. Such report shall be filed no later than ten (10) calendar days after the written recommendation is approved and signed by the Commission, for scheduling with the Board for final approval.

2.5.H PUBLIC HEARING AND DECISION BY THE BOARD OF COUNTY COMMISSIONERS:

2.5.H.1 The Board shall hold a public hearing within ninety (90) calendar days after application acceptance by the Clerk of the Board or after the Commission makes a recommendation, whichever applies, excluding planned community applications for which the Board must hold a hearing no later than one hundred twenty (120) calendar days after the date the Commission makes a recommendation.

2.5.H.2 No public hearing shall be held by the Board on a planned community implementation plan until the Board has approved the planned community subarea plan.

2.5.H.3 Following a public hearing, if the Board makes a material change to a Comprehensive Plan amendment application or Unified Land Use Ordinance amendment application, further notice and an additional hearing shall follow in accordance with this Ordinance and with applicable Area of City Impact agreements.

2.5.H.4 The Board shall conduct the public hearing in accordance with this Ordinance. The Board may continue the public hearing at its discretion. The Board, however, must issue a decision, no later than one hundred eighty (180) calendar days after the date of the application acceptance or written report has been submitted to the Clerk of the Board; except for:

2.5.H.4.a Planned community applications, for which the Board must issue a decision no later than two hundred forty (240) calendar days after acceptance of the application; or,

2.5.H.4.b Siting of a commercial tower or antenna structure, for which the Board must issue a decision within one hundred fifty (150) calendar days after acceptance of the application.

2.5.H.5 The Board and applicant may mutually agree to extend the time periods for a decision to be made.

2.5.H.6 The Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for Comprehensive Plan Amendments or Unified Land Use Ordinance amendments.

2.5.H.7 The Board shall provide the applicant written findings of fact and conclusions of law in accordance with this Ordinance. Conditions of approval, if any, shall be attached to the written decision.

2.5.H.8 For the adoption of a Comprehensive Plan Amendment or Ordinance, the Board shall:

2.5.H.8.a Pass a resolution adopting the amendment to the Comprehensive Plan.

2.5.H.8.b Adopt an Ordinance and, within thirty (30) calendar days, publish a summary of the Ordinance in the official newspaper of the county.

SECTION 2.6 SCHEDULE OF FEES:

2.6.A The Board shall establish by resolution a schedule of fees for all land use applications and building permits pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be on file in the office of the county clerk and may be amended only by the Board. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. The Board shall have the authority to waive in whole or part any fee when such a fee would present an unnecessary hardship.

2.6.B The Board authorizes the Planning and Zoning Administrator to refund fees to an applicant, upon receipt of a written request and for good cause shown, for a land use application or building permit application where the fee has been paid to the county; but not expended, by the date of approval, or expiration of the building permit.

SECTION 2.7 MITIGATION CONTRACT:

2.7.A PURPOSE:

To provide for the creation, form, modification, enforcement and termination of a contract between the County and an applicant or property owner that voluntarily agrees to mitigate or address certain infrastructure expenses or public improvement costs for the mutual benefit of the County and the proposed use or development project.

2.7.B APPLICABILITY:

If mutually agreed, the applicant/owner and County may enter into a mitigation contract acceptable to the parties in connection with a land use application.

2.7.C PROCESS:

2.7.C.1 The County and applicant may identify and mutually acknowledge mitigation issues.

2.7.C.2 The Boise County Prosecuting Attorney's Office or designated legal counsel will work with the applicant and/or its legal counsel to draft a mutually agreed upon contract.

2.7.C.3 When a mitigation contract has been negotiated between the County and the applicant, the conditions of approval of the application by the Commission or Board shall include terms of the mitigation contract. Accordingly, by signing the mitigation contract the applicant, property owner, and any successors in interest, consents to having the application revoked, in whole or in part, upon failure to comply with the terms and/or conditions set out in the mitigation contract.

2.7.C.4 The Administrator shall monitor the owner's compliance with the terms and/or conditions of the mitigation contract. If the Administrator determines that the terms and/or the conditions of the development contract are not being complied with, and such lack of compliance is not immediately resolved by the owner, the Administrator shall recommend that the Board enforce the terms of the mitigation contract by modification or termination.

2.7.C.5 The Board and the applicant, owner or successors in interest may mutually agree to terminate a mitigation contract and reverse the contract, in whole or in part.

SECTION 2.8 TIME EXTENSIONS:

2.8.A PROCESS:

2.8.A.1 An application and fees shall be submitted to the Administrator on forms provided by the Planning and Zoning Department.

2.8.A.2 The application shall include a letter from the applicant or owner describing the reasons for the time extension request. Reasons may include, but are not limited to:

2.8.A.2.a Current and/or forecasted economic conditions that make it impracticable to finish the development within the time allotted; or

2.8.A.2.b Delays that are beyond the control of the applicant or owner that make it impracticable to meet the conditions of approval and/or development requirements within the time allotted.

2.8.A.3 The application shall be filed prior to the expiration date of the development approval or previously granted time extension.

2.8.A.4 An approved development application shall only be eligible to apply for and receive two (2) time extensions. The first application for a time extension shall be reviewed by the Administrator. An administratively granted time extension shall be valid for one (1) year from the date of the original expiration date of the approved development application.

2.8.A.5 The second time extension application shall require a public hearing in front of the Board. The public hearing shall be conducted in accordance with the notice and public hearing procedures provided in this Ordinance. The Board may grant a time extension not to exceed six (6) years from the date of the expiration of the administratively granted time extension. When granting a time extension the Board may add conditions that reasonably relate to the extension request.

2.8.B FINDINGS:

In order to grant a time extension the Administrator or Board shall make the following findings:

2.8.B.1 The application was submitted in a timely manner, per Section 2.8.A.3 of this Ordinance; and

2.8.B.2 The applicant has submitted adequate reasons to justify the granting of the time extension.

SECTION 2.9 VARIANCES:

2.9.A PURPOSE:

To allow a modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, building height, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. For purposes of this Section, a road or sign shall be deemed a "structure".

2.9.B PROCESS:

Following public hearing and review by the Board, as provided by this Ordinance:

2.9.B.1 The Board may authorize variances from the bulk and placement requirements of this Ordinance, in specific cases.

2.9.B.2 The variance process shall comply with Idaho Code Title 67 Chapter 65.

2.9.B.3 A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site.

2.9.B.4 A variance shall not be granted on the grounds of convenience or profit, but only where strict application of the requirements of this Ordinance would result in unnecessary hardship.

2.9.B.5 A variance shall not be granted to allow a use where such use is prohibited by this Ordinance.

2.9.B.6 A variance will not be contrary to the public interest. No non-conforming use of neighboring lands, structures or buildings and not-allowed or non-conforming use of lands, structures or buildings shall be considered grounds for issuance of a variance.

2.9.B.7 Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in Idaho Code §21-501.

2.9.C REQUIRED FINDINGS:

2.9.C.1 That special site conditions and characteristics exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

2.9.C.2 That a literal interpretation of the provisions of this Ordinance would create an undue hardship due to the characteristics of the site and not in conflict with the public interest.

2.9.C.3 That special site conditions and characteristics do not result from the actions of the applicant; and

2.9.C.4 A variance shall not be granted unless the Board adopts specific findings of fact based directly on the evidence presented to it which support conclusions that the standard and required findings have been met by the applicant.

SECTION 2.10 APPEALS PROCEDURES:

Any decision or action may be appealed as set forth in this Ordinance. The appellant shall be an affected person as defined in Idaho Code §67-6521(1) (a). Any request for reconsideration or appeal must be filed on an application as provided by the Planning and Zoning Department, such request for reconsideration or appeal must identify specific deficiencies in the decision for which reconsideration or appeal is sought, and must otherwise comply with Idaho Code §67-6535(2)(b).

2.10.A APPEAL OF ADMINISTRATIVE DECISION:

2.10.A.1 An affected person aggrieved by a final administrative decision or action of the Administrator that was made pursuant to the provisions of this Ordinance may appeal to the Board.

2.10.A.2 An appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the final decision. If the deadline for filing an appeal falls on a weekend or Boise County holiday the appeal deadline is automatically extended to the next workday.

2.10.A.3 For an appeal, the Board shall hold a public hearing to consider the decision of the Administrator and any additional evidence that may be offered by the public, applicant or Administrator.

2.10.A.4 The Board may affirm, reverse or modify, in whole or in part, the Administrator's decision.

2.10.B APPEAL OF PLANNING AND ZONING COMMISSION DECISION:

2.10.B.1 An affected person aggrieved by a decision of the Commission that was made pursuant to the provisions of this Ordinance may appeal to the Board.

2.10.B.2 An appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the Findings, Conclusions and Order were signed by the Commission.

2.10.B.3 For an appeal, the Board shall hold a public hearing to consider the decision of the Commission and any additional evidence that may be offered by the public, applicant or Administrator.

2.10.B.4 The Board may affirm, reverse or modify, in whole or in part, the Commission's decision.

2.10.C APPEAL OF BOARD OF COUNTY COMMISSIONER DECISION:

An affected person aggrieved by a final decision of the board may seek judicial review as provided in Idaho Code §67-6521(1)(d) and §67-6535(2)(b) within twenty-eight (28) calendar days after all remedies have been exhausted under local Ordinances. However, before any affected person can seek judicial review they must first seek reconsideration of the final decision by the Board within fourteen (14) calendar days of the date the final written decision or action is signed. Such written request for reconsideration by the Board must identify specific deficiencies in the final decision for which reconsideration is sought.

SECTION 2.11 COMPLIANCE BY ISSUERS OF PERMITS:

All departments, officials, and public employees of the county vested with the duty or authority to issue permits, shall conform to the conditions of this Ordinance, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this Ordinance. Permits, certificates, or licenses issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 2.12 VIOLATIONS, ENFORCEMENT PROCEDURES AND PENALTIES:

2.12.A VIOLATIONS:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint in person, by US mail, or by email, and shall include their full name, physical address and phone number. Such complaint, stating fully the causes and basis thereof, shall be signed and dated and filed with the Administrator, within ten (10) calendar days if

sent via email. The Administrator shall properly record such complaint, provide notice to the property owner/permit holder, initiate an investigation, make a report to the Board, and take appropriate action as provided by this Ordinance.

2.12.B ENFORCEMENT PROCEDURES:

If, following an investigation, which shall include the Administrator contacting the property owner/permit holder, the Administrator determines that a violation of this Ordinance has occurred, they shall formally notify the property owner/permit holder of such violation in writing, by personal service or certified mailing. The notification will designate the recommended administrative enforcement action (e.g. permit revocation) that will be taken if the violation is not corrected and brought into compliance within a reasonable time period, not more than thirty (30) days, as determined by the Administrator. If such violation is not corrected and brought into compliance by the property owner or responsible party within the designated time period, the violation may also be referred to: a) the Board for a show cause hearing, as provided herein, or b) the Boise County Prosecuting Attorney or designated legal counsel representing the County, who may investigate, and if appropriate, commence action, whether criminal or civil, to correct the violation and to punish the same.

2.12.C PENALTIES

2.12.C.1 Administrative Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may revoke an existing land use permit.

2.12.C.2 Criminal Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may pursue criminal action against the violators. Violations of any provision of this Ordinance shall be deemed a misdemeanor as defined by Idaho Code §18-111. A single violation of this Ordinance shall be punishable imprisonment in a county jail not exceeding six (6) months, or by a fine not to exceed $1,000.00; or by both. Each separate instance or day of violation shall constitute a separate offense.

2.12.C.3 Civil Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may institute any appropriate civil action or proceedings to prevent such unlawful use of land or construction, to restrain, correct or abate such violation or to prevent any illegal act, conduct, construction, business or use of land in or about such premises. In addition to other relief ordered by the Court, the violator shall pay to the County a sum equal to two times the monetary gain associated with the violation, plus all reasonable attorney fees and expenses incurred by the County in enforcing this Ordinance. The County shall not be precluded from recovery of "attorney fees and expenses incurred" because the matter was handled by the Boise County Prosecutor's office. In cases where multiple individuals, firms, corporations or agents participated in violating the Ordinance, they shall be held jointly and severally liable for any remedies, penalties or payments.

SECTION 2.13 SHOW CAUSE HEARING:

A procedure by which the Board, following recommendation by the Administrator, conducts a hearing to determine whether there is an alternative to the resolution of land use violations prior to directing the Prosecutor to file criminal charges against a violator or to seek a civil court order restraining the continuing violation. A show cause hearing is an administrative process available to the Administrator to recommend

for Board consideration in cases where the Administrator determines the violator and the County would benefit from the hearing process.

2.13.A HEARING PROCEDURE PROCESS:

2.13.A.1 The Board shall vote to determine whether to issue a Show Cause Order to a land use violator as determined by the Administrator.

2.13.A.2 Upon an affirmative vote by the Board, a Show Cause Hearing shall be scheduled before the Board. The Board may vacate the hearing date if they believe it is in the best interest of the County.

2.13.A.3 The Clerk of the Board shall provide at least a fourteen (14) calendar day notice to the violator via certified mail of the Show Cause Hearing.

2.13.A.4 The Administrator shall provide the Board with a written report of the violations, including all correspondence between the Planning and Zoning Department and the violator.

2.13.A.5 The violator shall be given an option to provide a response or be represented by an attorney.

2.13.A.6 The Board may enter into an agreement with the violator to rectify the violation or may table the hearing to another date, if they find that further information is needed. If the Board enters into an agreement with the violator the Administrator shall monitor the violator's compliance with the agreement.

2.13.A.7 The Board shall vote whether to move forward with legal action and direct the Prosecuting Attorney of such actions.

SECTION 2.14 UNIFIED LAND USE ORDINANCE AMENDMENTS:

Whenever the public necessity, convenience, general welfare requires, the Board may, by Ordinance, amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.

2.14.A INITIATION OF LAND USE ORDINANCE AMENDMENTS: Proposed amendments to this Ordinance may be initiated in one of the following ways:

2.14.A.1 By passage of a motion for recommendation by the Commission; or

2.14.A.2 By passage of a motion by the Board; or

2.14.A.3 By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment.

2.14.B UNIFIED LAND USE ORDINANCE AMENDMENT PROCEDURE:

2.14.B.1 Requests for an amendment to the Ordinance shall be submitted to the Commission, which shall evaluate the request at a noticed public hearing to determine the extent and nature of the amendment requested.

2.14.B.2 If the request is in general accordance with the adopted Comprehensive Plan, the Commission may recommend that the Board adopt or reject the requested amendment.

2.14.B.3 If the request is found to not be in general accordance with the Comprehensive Plan, the Commission shall recommend that the Board reject the requested amendment.

2.14.B.4 Requests for an amendment to the Ordinance shall then be submitted with the Commission's recommendation to the Board, which shall evaluate the request at a noticed public hearing to determine the extent and nature of the amendment requested.

2.14.B.5 The Board may adopt or reject the requested amendment; or return it to the Commission for further review.

2.14.B.6 If the request is found not to be in general accordance with the Comprehensive Plan, the Board shall reject the requested amendment.

2.14.B.7 If the request for amendment involves amendments to a zoning ordinance or a change to the Comprehensive Plan, such amendment procedure must expressly comply with the provisions and procedure defined in Idaho Code §67-6509.

CHAPTER 3 REGULATIONS APPLYING TO ALL DISTRICTS

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SECTION 3.1 STANDARD REGULATIONS:

3.1.A REQUIREMENTS:

3.1.A.1 **Access:** All lots or parcels must have legal access to a public road.

3.1.A.2 **Base Lot/Parcel Size:** The minimum lot or parcel size shall be two (2) acres in those areas of Boise County where approved central sewer and central domestic water facilities acceptable under the standards of this Ordinance are not available, and/or where individual wells and/or individual onsite sewage disposal facilities on each lot or parcel would be necessary. For purposes of this section the area of each lot or parcel shall include land lying within any road easement.

3.1.A.2.a The Base lot or parcel size may be reduced as outlined below:

3.1.A.2.a.i Central Water Systems: Developments that include one or more approved central water systems, the minimum size of lots or parcels served by an approved central water system may be reduced to one and one-half (1.50) acres.

3.1.A.2.a.ii Central Waste Treatment (Sewer) Systems: Developments that include one or more approved central sewer systems, the minimum size of lots or parcels served by an approved central sewer system may be reduced to one and one-quarter (1.25) acres.

3.1.A.2.a.iii Both Central Water and Central Sewer: Developments that include one or more approved central water systems and one or more approved central sewer systems, the minimum size of lots or parcels served by both an approved central water system and an approved central sewer system may be reduced to one (1.00) acre.

3.1.A.2.a.iv For commercial, industrial, and civic uses, the minimum lot or parcel size shall be adequate to accommodate the use, and to adequately contain adverse impacts.

3.1.B GENERAL MEASUREMENTS:

3.1.B.1 GENERAL:

3.1.B.1.a Structure height shall be measured as the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

3.1.B.1.b Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest customer entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

3.1.B.1.c Illumination levels shall be measured by an authorized agent of Boise County with a calibrated photoelectric photometer or similar device capable of accurate measurement of light.

3.1.C HEIGHT RESTRICTIONS:

Height restrictions do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other equipment usually required to be placed on the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport as determined by applicable federal regulations.

3.1.D SETBACKS:

3.1.D.1 Setback standards apply to all new construction of residential, including but not limited to, manufactured/mobile homes, decks, porches, patios, non-residential structures, commercial structures, or industrial structures.

3.1.D.2 No residential structure, mobile home, deck or porch shall be located or constructed, at a minimum, within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. Riparian vegetation should be maintained in its natural state for the protection and stabilization of the riverbank. Setbacks are measured horizontally.

3.1.E COMMERCIAL AND/OR INDUSTRIAL REGULATIONS:

3.1.E.1 No land or building shall be used or occupied in a manner that creates conditions that could adversely affect surrounding property. However, any use allowed by this Ordinance may be undertaken or maintained if acceptable safeguards to reduce the conditions to acceptable limits as established by the following criteria:

3.1.E.1.a Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devises as are normally used in the handling of any such material. Such hazards shall be mitigated as required by the State Fire Marshall.

3.1.E.1.b No activity shall emit harmful radioactivity.

3.1.E.1.c No activity shall emit electrical or magnetic disturbance adversely affecting people or the operation of any equipment outside of the property.

3.1.E.1.d The emission of any toxic or corrosive fumes, gasses or odors in excess of local, state or federal emissions standards shall not be allowed.

3.1.E.1.e All lighting or illumination units or sources shall be shielded to prevent glare on adjacent properties. Flashing or intermittent lights, lights of

changing degree of intensity, or moving lights shall not be allowed. Holiday decorative lights are allowed for the respective holiday season.

3.1.E.1.f All discharges of materials to surface water or groundwater shall be in compliance with local, state, and federal laws and regulations.

3.1.F SURETY AGREEMENTS:

3.1.F.1 SURETY DEPOSIT:

3.1.F.1.a In lieu of completion of improvements, or site specific land use approval conditions, or any portion thereof, required by this Ordinance, the owner shall deposit a surety and sign a surety agreement for completion of such improvements. A surety agreement and deposit shall also be required of any public improvements for which the County participates in the initial or matching payment portion of a project, for which the developer or land owner ultimately agrees to reimburse the County. The surety and surety agreement shall be deposited with the Administrator on forms provided by the Administrator. The surety shall be provided prior to the Board signing the final plat.

3.1.F.1.b A County approved surety bond, cash deposit, certified check, certificate of deposit, or an irrevocable bank letter of credit issued by a State of Idaho bank, in the amount equal to one hundred fifty percent (150%) of the estimated construction costs of completing the public improvements shall be provided by the owner/developer and held, or deposited, by the County until said construction is complete. Boise County shall be the designated payee or beneficiary of any surety bond, cash deposit, certified check, certificate of deposit, or an irrevocable bank letter of credit.

3.1.F.1.c The estimated construction cost shall be provided by the applicant and reviewed and approved by the County Engineer prior to acceptance of said surety by the Administrator. The surety initiation and extension fees shall be established by resolution of the Board.

3.1.F.1.d In the case of cash deposits or certified checks, an agreement between the Board and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

3.1.F.1.e In all cases the surety shall be drawn solely in favor of, and payable to, the order of the County of Boise, in accord with the regulations contained in the surety agreement by and between the guarantor and the County of Boise.

3.1.F.2 RELEASE OF SURETY:

3.1.F.2.a Where a surety is accepted by the Administrator and deposited as provided in this Section, the surety shall be released subject to the following regulations:

3.1.F.2.a.i The owner shall submit a written request to the Administrator to return the surety. The request shall include the following documents:

3.1.F.2.a.ii A statement from the owner that the required improvements are complete.

3.1.F.2.a.iii Two (2) sets of prints of the record construction plans and specifications for all improvements.

3.1.F.2.b The County Engineer shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed. The as-built plans shall be reviewed and approved by the County Engineer.

3.1.F.2.c Upon certification of the County Engineer, the Administrator shall give notice to the County Treasurer to release the surety heretofore deposited with said County Treasurer in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this Section.

3.1.G CONTINUING LIABILITY:

If the original developer or applicant is no longer available, or in possession of the property, any outstanding financial obligation or reimbursement owed to the County as a result of the County's financial participation in public works, infrastructure projects or other development commitments identified as conditions of the project approval or as otherwise voluntarily agreed to in a mitigation contract between the County and the original applicant, shall be deemed to run with the land. Therefore, any legal successors in interest, including but not limited to the resulting property owners, whether a bank, private lender, custodian, trustee, individual lot owners, homeowners association, or operator of a CUP, Subdivision, Planned Unit Development or Planned Community project shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in public works, infrastructure projects or other development commitments identified as conditions of the project approval or as otherwise voluntarily agreed to in a mitigation contract between the County and the original applicant.

SECTION 3.2 PUBLIC AND PRIVATE ROADS:

3.2.A GENERAL DESIGN CRITERIA:

The following standard guidelines have been adopted by reference:

3.2.A.1 IFC Roadway Design – AASHTO, A Policy on Geometric Design of Highways and Streets; AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT≤400).

3.2.A.2 Signs and Markings – MUTCD, Manual on Uniform Traffic Control Devices.

3.2.A.3 Roadside Safety – AASHTO, Roadside Design Guide.

3.2.A.4 Bridges – AASHTO, LRFD Bridge Design Specifications.

3.2.A.5 Road Structure – Asphalt Institute, Design Guide and Traffic Index.

3.2.A.6 Drainage – ITD Design Manual.

3.2.A.7 Traffic – TRB, Highway Capacity Manual and ITE, Trip Generation Manual.

3.2.A.8 Environmental – BMP Handbook Best Management Practices for Idaho Rural Road.

3.2.A.9 Mailboxes – LHTAC Manual for the Location, Support and Mounting of Mailboxes.

3.2.A.10 Utilities – LHTAC Manual for the Use of Public Right-of-Way Permits for Utilities and Encroachments.

3.2.A.11 Construction Specifications - Idaho Standards for Public Works Construction (ISPWC).

Where possible, all road designs shall be based on these guidelines and the applicable design criteria set forth therein. Variation from these design guidelines shall be based on site specific conditions, sound engineering judgment, and consideration of the safety of the traveling

public. These guidelines and the following standards apply to all roads, whether public or private.

3.2.B ROADWAY CLASSIFICATION:

3.2.B.1 All roadways are classified in accordance with the Federal Highway Administration guidelines. All roads are classified as major arterials, minor arterials, major collectors, minor collectors, local roads or minor roads. Roadway classifications are based on existing and future traffic volumes and adjacent land use patterns. It shall be the prerogative of the Board to define the classification and level of maintenance for roads on the County road system.

3.2.B.2 Driveways shall be required when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall have a minimum unobstructed width of 12 feet and a minimum vertical clearance of 13 feet 6 inches. Driveways in excess of 150 feet in length shall have turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall have turnouts in addition to turnarounds.

3.2.B.3 Driveway turnarounds shall have inside turning radii of not more than 30 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

3.2.B.4 Driveway turnouts shall be built to the standards of this Ordinance, and be at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the Fire Chief or Sheriff, based upon site specific public safety needs.

3.2.B.5 Fire Apparatus Access Road: New subdivisions, Planned Communities and Planned Unit Developments and Conditional Use Permits shall have fire apparatus access roads which shall be all-weather roads with a minimum width of 20 feet and a minimum vertical clearance of 14-feet; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction; and constructed in accordance with this Ordinance. Dead-end roads in excess of 150 feet in length shall have turnarounds as approved by the Fire Chief or Sheriff, based upon site specific public safety needs.

3.2.B.6 Marking of roads. Approved signs in accordance with this Ordinance, shall be required and maintained for access roads and driveways to identify such roads.

3.2.B.7 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the Fire Chief or Sheriff.

3.2.C DESIGN SPEED:

The minimum design speeds shall conform to the design criteria listed in Table 1; higher design speeds may be required.

Table 1. Minimum Design Speeds

Roadway Classification	Design Speeds MPH
PCU Minor Road	15
PCU Local Road	25
PCU Collector-Minor	35
PCU Collector-Major	45
PCU Arterial-Minor	55
PCU Arterial-Major	65

3.2.D ROAD RIGHT-OF-WAY:

3.2.D.1 The minimum right-of-way width for each roadway classification is shown in Table 2. Additional right-of-way and/or permanent easements may be required to accommodate snow storage and cut or fill slopes.

Table 2. Minimum Right-of-Way Widths

Type of Roadway	Minimum Right-of-Way Width
PCU Minor Roads	50 feet
PCU Local Roads	60 feet
PCU Minor Collector	60 feet
PCU Major Collector	60 feet
PCU Minor Arterial	70 feet
PCU Major Arterial	80 feet

3.2.D.2 Cul-de-sacs shall have a minimum right-of-way of a 60-foot radius with additional right-of-way as needed to accommodate snow storage and cut or fill slopes. Cul-de-sacs with a different shape and configuration may be allowed, providing that adequate public right-of-way is provided, and the proposed geometry shall accommodate a WB-50 design vehicle. The design shall be approved by Boise County engineer. A standard cul-de-sac layout is shown in Figure 150.

3.2.D.3 All right-of-way lines at road and highway intersections and at cul-de-sac bulbs shall be connected by a curve having a minimum radius of twenty feet (20') or a chamfer of forty feet (40').

3.2.E ALIGNMENT:

Table 3 is intended to show the minimum and maximum values for specific roadway design criteria. Design criteria for items not listed shall conform to AASHTO policy. Modification of the design criteria may be allowed on an individual project basis.

Table 3. Geometric Design Criteria

Design Parameter	PCU Arterial Major & Minor	PCU Collector Major & Minor	PCU Local Road & PCU Minor Road
Vertical Grades[1]	Maximum 7%	Maximum 10%	Maximum 10%
Super Elevations	Max 0.06 ft. per foot	Max 0.06 ft. per foot	Max. 0.04 ft. per foot
Angles of Intersection	80 - 90°	80 - 90°	70 - 90°

[1]Roadways constructed using curb and gutter sections require a minimum grade of 0.3%

3.2.F INTERSECTION AND CURVE GRADES:

Road grades at intersections or junctions shall be no steeper than 2% for a minimum of 100 feet every direction from the centerline intersection point. Intersections with paved public roads or paved PCU Collector roads shall have an asphalted surface for the full width of the roadway for a minimum of 50 feet from the pavement edge of the public road or PCU Collector road.

3.2.G ROADWAY CROSS-SECTION:

The typical roadway sections are included in the Chapter. These guidelines show the cross-section characteristics required for private and public roads in Boise County.

3.2.G.1 Figure 100. PCU Minor Road

3.2.G.2 Figure 110. PCU Local Road

3.2.G.3 Figure 120. Public Collector Road, PCU Collector Major/Minor Road

3.2.G.4 Figure 130. PCU Arterial Major/Minor Road

3.2.G.5 Roadways with curb, gutter, and sidewalk will be reviewed on an individual basis.

3.2.G.6 New irrigation facilities shall be constructed and maintained outside the public right-of-way.

3.2.H STRUCTURAL ROAD SECTION:

An adequate base and surface thickness is required for all roads. Structural road section calculations shall follow the Asphalt Institute design guidelines (equation listed below) and be submitted to the Boise County engineer for review.

$T = 0.0032*(TI)*(100-R)$, where

T = total gravel equivalent (ft.)

TI = traffic index

R = "R-value" of subgrade material

3.2.I CUT AND FILL SLOPES:

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, slopes shall be as follows:

3.2.I.1 For sections where the cut as measured from the uphill shoulder is less than or equal to 10 feet vertically, cut slope shall not be steeper that 1.5:1.

3.2.I.2 For sections where the cut as measured from the uphill shoulder is greater than 10 feet vertically, cut slope shall not be steeper than 2:1.

3.2.I.3 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:

3.2.I.3.a Solid Rock requiring blasting, 0.5:1,

3.2.I.3.b Jointed Rock removable by ripping, 0.75:1,

3.2.I.3.c Naturally Cemented or Bonded Material, 1:1,

3.2.I.3.d Loose Material, 1.5:1, or

3.2.I.3.e Fill slopes 1.5:1.

3.2.J APPROACHES:

3.2.J.1 Any applicant planning to construct an approach to access the public right-of-way for any purpose shall obtain an approved "Application and Permit to Use Right-

of-Way (Approaches)." No work of any nature shall be performed on public right-of-way until an approved Boise County Road Department, or Idaho Transportation Department (ITD) as applicable, permit has been issued. In an emergency, approval may be given in advance of processing the permit.

3.2.J.2 Application fees for various types of public right-of-way use permits issued by the Boise County Road Department shall be established by resolution.

3.2.J.3 Boise County Road Department or the Planning and Zoning Department may request a traffic impact study be completed prior to granting an approach permit if the proposed development is anticipated by the applicant or Boise County to generate over 50 cars per hour.

3.2.J.4 No part of the public right-of-way shall be used for:

3.2.J.4.a Parking of vehicles except in authorized parking areas.

3.2.J.4.b Servicing, refueling, and repairing of vehicles, except for emergencies.

3.2.J.4.c Displays, sales, exhibits, business signs etc.

3.2.J.4.d Any activities prohibited by ITD.

3.2.J.5 Approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal roadway or pedestrian traffic or cause areas of congestion. Approaches must be located where the roadway alignment and profile are favorable, i.e., away from sharp curves, steep grades, and/or where the sight distance would not be adequate for safe traffic operations. Approach locations that restrict or interfere with the placement and proper functioning of traffic control signs, signals, lighting, or other devices must also be avoided.

3.2.J.6 Approaches shall be constructed to provide the sight distances defined in the AASHTO, (A Policy on Geometric Designs of Highways and Streets).

3.2.J.7 Approaches shall be graded to drain away from the roadway. Water bar humps or swales may be used in addition to culverts to prevent surface water from entering the road surface from the approach. Water bar humps, if used, shall be at least 0.3 feet lower than the roadway shoulder at the approach.

3.2.J.8 Approaches shall be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations must be considered. Table 4 indicates standard approach widths.

Table 4. Standard Approach Widths

	Minimum	**Maximum**
Residential	Twenty feet (20')	Thirty feet (30')
Agricultural	Twenty feet (20')	Forty feet (40')
Commercial (one-way)	Twenty feet (20')	Thirty feet (30')
Commercial (two-way)	Twenty-eight feet (28')	Forty feet (40')
Street/Highway	Twenty-eight feet (28')	Forty-eight feet (48')

3.2.J.9 The construction of Joint Use Approaches is encouraged. A joint-use approach should use the maximum dimensions of a single approach.

3.2.J.10 Approaches shall be constructed in conformance with the driveway plan shown on Figure 200.

3.2.J.11 Minimum approach spacing is shown in Figure 210. Approaches shall be located as far as possible from intersections to:

3.2.J.11.a Preserve visibility at the intersection.

3.2.J.11.b Allow a vehicle that is leaving the approach to enter the desired traffic lane before entering the intersection.

3.2.J.11.c Permit a vehicle crossing the intersection to enter the approach in an orderly, safe manner with a minimum of interference to through traffic.

3.2.J.11.d Facilitate the installation of traffic signs, signals, and lighting where required.

3.2.J.12 Roads and driveways accessing paved public roads shall be paved from the edge of the public roadway to the edge of the Right of Way.

3.2.K PARKING TURNOUTS:

Parking turnouts shall be provided wherever accesses are vulnerable to closure by plowed snow or snow accumulation greater than two feet in depth. Parking turnouts required on PCU (Collector) and PCU (Local) roads shall be located near driveway entrances. Parking turnouts containing a minimum of one space per lot shall be located at the entrances of all Minor roads. Parking turnouts may either be parallel type or perpendicular type, as shown in Figure 240.

3.2.L MAILBOX REGULATIONS

3.2.L.1 MAILBOX TURNOUTS:

3.2.L.1.a No mailbox or newspaper delivery box (mailbox) will be allowed to exist on the County's rights-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the road system.

3.2.L.1.b Mailbox turnouts shall be located and constructed as shown in Figure 220 and Figure 230.

3.2.L.1.c It will be the responsibility of the postal patron to inform the Boise County Road and Bridge Department of any new or existing mailbox installation where turnout construction is inadequate to permit all-weather access to the mailbox. An all-weather turnout is sufficiently stable to support passenger cars stopping regularly during all weather conditions. The sub-base (ballast), base and surface treatment is a requirement of all new or reconstructed turnouts, and shall be the same as the adjacent roadway section.

3.2.L.2 MAILBOX LOCATION:

3.2.L.2.a The location and construction of mailboxes shall conform to the rules and regulations of the United States Postal Service (USPS), as well as, the Manual for the Location, Support and Mounting of Mailboxes.

3.2.L.2.b A mailbox installation that conforms to the Local Highway Technical Assistance Council Manual for the Location, Support and Mounting of Mailboxes (Mailbox Manual) will be considered acceptable. Mailbox location, height, support, mounting and turnout construction shall be in accordance with the Mailbox Manual.

3.2.L.2.c Any exceptions to the Mailbox Manual, if approved by the USPS, may be granted if in the judgment of the Board, the installation does not interfere with the safety of the traveling public or the function,

maintenance, or the operation of the street system. Requests for any exception to the Mailbox Manual shall be in writing. The request shall contain sufficient details to evaluate the requested exception.

3.2.L.2.d No mailbox will be permitted where access is obtained from the lanes of an arterial or where access is otherwise prohibited by law or regulation. Where a mailbox is installed in the vicinity of an existing guardrail, it should, whenever practical, be placed behind the guardrail.

3.2.L.2.e Exceptions to the lateral placement criteria may exist on certain designated rural roads where the Road and Bridge Department deems it is in the public's interest to permit lesser clearances or to require greater clearances.

3.2.L.3 MAILBOX CONSTRUCTION:

Mailboxes shall be of light metal or plastic construction, conforming to the requirements of the USPS. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

3.2.L.4 MAILBOX SUPPORTS:

Mailbox supports shall not be set in concrete, unless the support design has been shown to be safe by crash tests when so installed. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device (stabilizer fin) that extends no more than 10 inches below the ground surface.

3.2.L.5 MAILBOX MOUNTING:

The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post if the installation is struck by a vehicle. The product must result in a satisfactory attachment of the mailbox to the post, and all components must fit together properly.

3.2.L.6 REMOVAL OF NON-CONFORMING OR UNSAFE MAILBOXES:

Any mailbox that is found to violate this Ordinance shall be removed by the postal patron upon notification by Boise County Road and Bridge Department. At the discretion of the Road and Bridge Department, based on an assessment of hazard to the public, the postal patron will be granted not less than 24 hours or more than 15 days to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox may be removed by the Road and Bridge Department at the postal patron's expense.

3.2.M DRAINAGE:

3.2.M.1 All drainage systems for areas larger than 16 acres shall be designed by a Professional Engineer licensed in the State of Idaho. Table 5 may be used to size culverts for areas up to 15 acres that do not require a professional engineered design.

Table 5. Culvert Size

Watershed Area (acres)	Culvert Diameter (inches)	Culvert Capacity (cfs)
Less than 5	12	2
5 to 8	18	6
8 to 15	24	12

3.2.M.2 Downstream drainage systems shall not be adversely affected by upstream development. It is the developer's responsibility to ensure the runoff from a development does not contain pollutants and the volumes and flow rates do not exceed pre-development conditions.

3.2.M.3 Drainage designs shall be based on a precipitation event with a return period of twenty-five (25) years for local roads and fifty (50) years for collector roads. Major Collectors, bridges, and primary storm conveyance runs shall be designed to accommodate a 100 year event.

3.2.M.4 Section 600.00 – Hydraulics of the Idaho Transportation Department (ITD) Design Manual is recommended for estimating the volume of runoff.

3.2.M.5 Culverts used for drainage purposes shall be corrugated steel, aluminum, or single wall corrugated high density polyethylene (HDPE) with the wall thickness and minimum depth of cover shown in Table 6 (other culvert materials may be used if approved by the Road and Bridge Department).

Table 6. Culvert Materials

Diameter Inches	**Steel Thickness Inches**	**Aluminum, HDPE Thickness Inches**	**Cover Required ***
18" through 36"	0.051 (16 ga)	0.075 (14 ga)	12" minimum

*Cover may be reduced to six inches (6") on residential driveways with 12 gage steel pipe.

3.2.M.6 Design flows shall not exceed 80% of pipe capacity.

3.2.M.7 The preferred minimum pipe diameter shall be 18 inches for culverts under roadways until the culvert length of 70 feet is reached. The minimum diameter for culverts less than 70 feet in length may be reduced if site conditions prevent the required cover with an 18 inch pipe and a culvert satisfies the hydraulic requirements of the hydraulic requirements of Section 600.00 of the Idaho Transportation Department Hydraulics Design Manual. All culverts over 70 feet long shall be 24 inches or more in diameter. Minimum pipe diameter for culverts under driveways and approach roads shall be 18 inches. The minimum diameter of pipe for storm sewers, siphons, and irrigation systems shall be 18 inches. Pipe carrying drainage from irrigated lands shall be considered as culverts and the appropriate minimum size used.

3.2.M.8 Culverts under driveways shall be installed as shown on the Figure 200.

3.2.M.9 All necessary drainage easements for accommodating drainage structures shall be shown on the plans and dedicated as a part of the approved plat. Drainage easements necessary for conveying storm water across private property shall be shown on the plat and recorded with the Boise County Recorder.

3.2.M.10 Culverts shall be adequate for ASSH to HS-20 Loadings.

3.2.N WATER QUALITY:

3.2.N.1 Boise County has adopted the BMP Handbook Best Management Practices for Idaho Rural Road Maintenance to assist local agencies and developers with the selection, design, installation and maintenance of BMPs to reduce storm water pollution. The handbook presents general guidelines to mitigate water quality impacts of new construction.

3.2.N.2 Road construction and developments must meet all state and federal requirements.

3.2.O STRUCTURES:

3.2.O.1 Bridge structures shall be designed by a Professional Engineer licensed in the State of Idaho, in accordance with AASHTO LRFD Bridge Design Specifications, latest edition.

3.2.O.2 The minimum design vehicle for bridge construction on any road shall be designed for an HL93.

3.2.O.3 The minimum width of the bridge structure measured face-to-face of curb or the face of the bridge rails shall be the full width of the traveled way, plus six feet (6').

3.2.O.4 All structural retaining walls shall be designed by a Professional Engineer licensed in the State of Idaho and shall be approved by the Road and Bridge Department prior to construction.

3.2.P SIGNS:

3.2.P.1 All traffic control devices (signs, pavement markings, and markers) shall be shown on the roadway design plans.

3.2.P.2 The traffic control devices and their application shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), latest edition.

3.2.P.3 All signs shall be installed prior to the acceptance of roads.

3.2.P.4 The Road and Bridge Department may determine pavement-marking standards subject to MUTCD requirements. The color, pattern and dimensions of markings shall be in conformance with the MUTCD, latest edition. Paint quality shall be the same as that used by the Idaho Transportation Department for their pavement markings.

3.2.P.5 All temporary and construction traffic control shall conform to the MUTCD, latest edition.

3.2.Q TRAFFIC:

3.2.Q.1 Traffic volumes from new developments shall be determined using the ITE – Trip Generation Manual. The rates shown in Table 7 are recommended for general traffic estimation.

Table 7. Common Trip Generation Rates

Land Use	Unit	Average Daily Traffic Vehicle Per Day
Residential	DU	8.0 vpd
Commercial	KSF	40.0 vpd
Industrial	KSF	10.0 vpd

DU = Dwelling Unit
KSF = 1000 Square Feet

3.2.Q.2 Roadway capacities shall be evaluated according to the recommendation of the Transportation Research Board (TRB) – Highway Capacity Manual. A level of service rating of C or better is required for all county roads.

3.2.Q.3 Auxiliary lanes shall be provided according to AASHTO guidelines.

3.2.R DESIGN VEHICLE:

3.2.R.1 All public roads shall be designed to accommodate an intermediate semi-trailer (WB-50) with an outside wheel path radius of 45 ft.

3.2.R.2 All private roads shall be designed to accommodate a single unit (SU) fire truck (WB-50) with an outside wheel path radius of 42 ft.

3.2.S DEAD-ENDS/TURN-AROUNDS:

Dead-ends of Local and Minor roads shall be supplied with turn-arounds as described in this Ordinance. Turn-arounds should be designed for the least practicable disturbance of existing terrain, and to support this purpose they may be circular type, tee type or loop type as illustrated in Figure 140. Disturbance caused in installation shall be repaired or mitigated to prevent erosion, facilitate drainage, and minimize long-term maintenance obligations.

3.2.T UTILITIES AND RIGHT-OF-WAY ENCROACHMENTS:

3.2.T.1. All new utility installations, existing utility installations to be retained, relocated, or maintained because of roadway construction or reconstruction, and utilities to be relocated because they constitute a definite hazard to the traveling public on all public right-of-way under Boise County jurisdiction, shall comply with the LHTAC Manual for the Use of Public Right-of-Way Permits for Utilities and Encroachments.

3.2.T.2 Each new utility installation or encroachment which is to occupy public right-of-way shall require a Boise County Right-of-Way permit (BCROWP) from the Boise County Road Department. Existing utility facilities or encroachments which are to be relocated to a position within the public right-of-way of a construction project shall require a BCROWP from the Boise County Road Department. A BCROWP is also required for utility facilities not adjusted, but which remain in place with the public right-of-way of a construction project. Utility facilities not adjusted and already covered by a BCROWP will not require a new BCROWP. Maintenance projects for seal coats, pavement overlays, pavement rehabilitation's, etc., will not require a BCROWP for utility facilities not adjusted.

3.2.T.3 When required or indicated on the BCROWP the permit holder shall furnish a surety bond in the amount specified in the special provisions of the BCROWP for installation and future repair, relocation or removal of the facilities. Work shall not commence under the BCROWP until the said bond has been submitted and approved. The bond will be returned after the P & Z Department has given written acceptance of the utility facility to the permit holder.

3.2.U ROAD SURETY:

Construction of all newly constructed roads shall be approved by the County Engineer, Road and Bridge Department and the Planning and Zoning Department. An applicant and/or developer deferring road construction shall provide a Performance Bond equal to 150% of the road construction cost, and sign a surety agreement, to assure that road(s) is constructed to County standards or specific conditions of approval. If the developer does not complete the deferred road construction per conditions of approval, the Board will use applicant/developer Performance Bond to complete the road construction, if the use or application is continuing. The unused portion of these funds will be returned to the applicant/developer when the Board is satisfied that road(s) has been constructed to County standards.

SECTION 3.3 ROAD CONSTRUCTION SPECIFICATIONS:

3.3.A GENERAL CONDITIONS:

3.3.A.1 The most current version of the Idaho Standards for Public Works Construction (ISPWC) (as amended or modified herein) shall guide road construction work in Boise County. Any work within ITD right-of-way must meet ITD standards for construction.

3.3.A.2 Road, drainage and utility improvements are required by the Road and Bridge Department or County Engineer as a condition of land use approval. All improvements (public and private) shall be completed, or financially guaranteed, prior to the recording of the final plat as provided in this Ordinance.

3.3.A.3 All testing required in these standards or required by the Road and Bridge Department or County Engineer shall be done by an accredited or approved testing laboratory at the expense of the applicant or contractor. Copies of all tests shall be submitted to the Planning and Zoning Department for County Engineer review.

3.3.A.4 A professional engineer, licensed in the state of Idaho, shall observe all roadway construction activities within the county to verify that improvements are constructed in accordance with this Ordinance and the accepted drawings.

3.3.A.5 The Road and Bridge Department may require that construction observation be conducted by the County Engineer. All costs associated with the construction observation shall be the responsibility of the applicant.

3.3.A.6 All plans, submittals, calculations, reports and materials shall be in English units.

3.3.A.7 Changes to any materials, quality control or workmanship on public improvement projects shall be submitted to the Planning and Zoning Department in writing and approved by the county engineer.

3.3.A.8 The Road and Bridge Department shall be notified at least five business days prior to start of construction.

3.3.B EARTHWORK:

3.3.B.1 In solid rock excavation, the solid rock shall be excavated to six inches (6") below the finished subgrade elevation and back-filled with approved granular materials.

3.3.B.2 Unstable sub-grade conditions shall be remedied by over-excavation and back-filling with approved granular material. Geotextile material may be required.

3.3.B.3 Class A compaction shall be required for construction.

3.3.C TRENCHING:

A Boise County Right-of-Way Use permit shall be obtained from the Road and Bridge Department, or ITD as applicable, prior to commencing work in any public right-of-way.

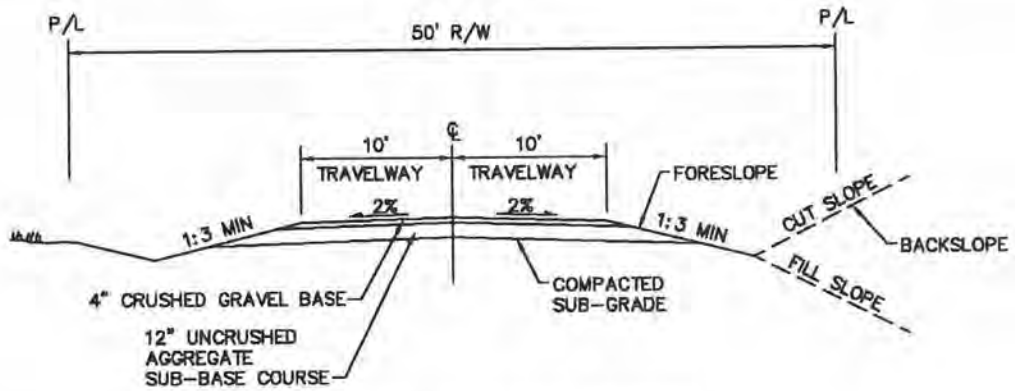
3.3.D CONCRETE:

The basic mix design for curb, gutter and sidewalk work on County roads shall have a 28-day strength of at least 4000 PSI (pounds per square inch) (Class 40).

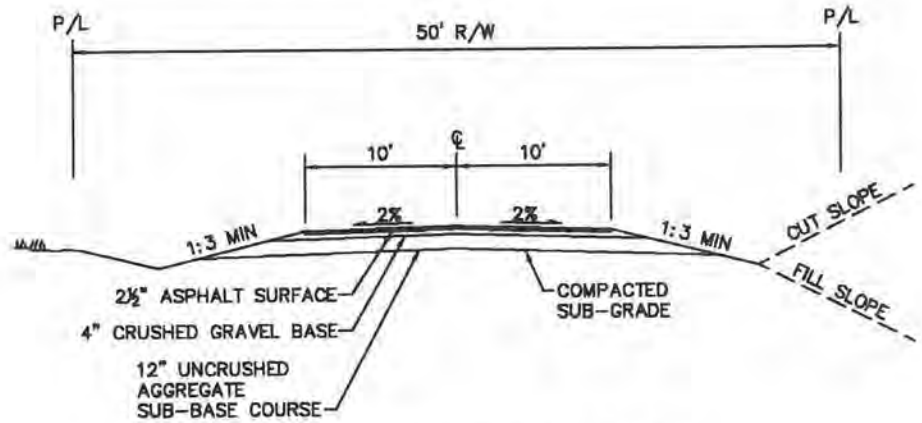
3.3.E ASPHALT PAVING:

Asphalt pavement shall be required for any PCU road when the number of average daily traffic vehicle trips per day exceeds 300 trips.

ROAD FIGURES and TABLE 8
SEE FOLLOWING PAGES



PCU MINOR GRAVEL ROAD SECTION



PCU MINOR PAVED ROAD SECTION

NOTES:

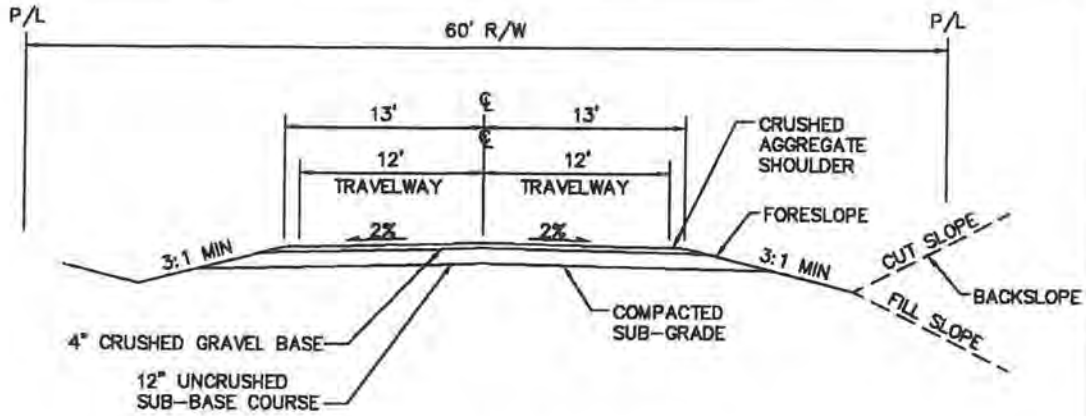
A. ALL CONSTRUCTION SHALL BE PER ISPWC SPECIFICATIONS.

B. ASPHALT AND AGGREGATE BASE THICKNESS SHOWN ARE MINIMUMS. ACTUAL THICKNESS SHALL BE DESIGNED BY ENGINEER BASED ON TRAFFIC INDEX AND "R" VALUE OF SUBGRADE SOILS.

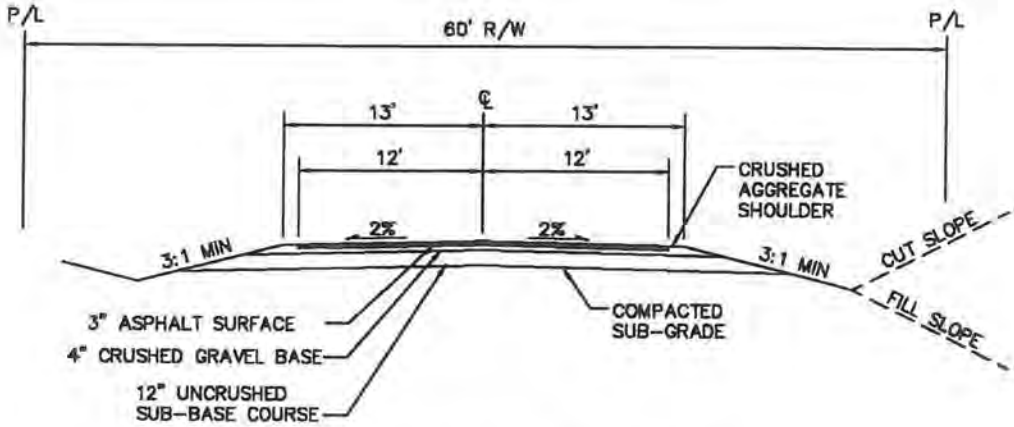
C. BORROW DITCHES SHALL HAVE A MINIMUM 3:1 FORESLOPE WITH A 4:1 SLOPE RECOMMENDED. THE BACKSLOPE OF BORROW DITCH SHALL BE A MINIMUM 2:1 BACK SLOPE WITH 4:1 BACK SLOPE RECOMMENDED. THE FLOW LINE OF THE DITCH SHALL BE A MINIMUM 6 INCHES BELOW THE LOWEST AGGREGATE BASE COURSE TO ENCOURAGE DRAINAGE. PIPING DITCH UNDER DRIVEWAYS REQUIRED WITH APPROVED LENGTH AND TYPE.

D. RIGHTS OF WAY WIDTHS SHALL BE INCREASED TO ENCOMPASS THE CUT AND/OR FILL SLOPES ASSOCIATED WITH THE ROADWAY.

BOISE COUNTY ROAD DEPARTMENT	PCU MINOR ROAD	FIGURE NO. 100



PCU LOCAL ROAD GRAVEL SECTION



PCU LOCAL ROAD PAVED SECTION

NOTES:

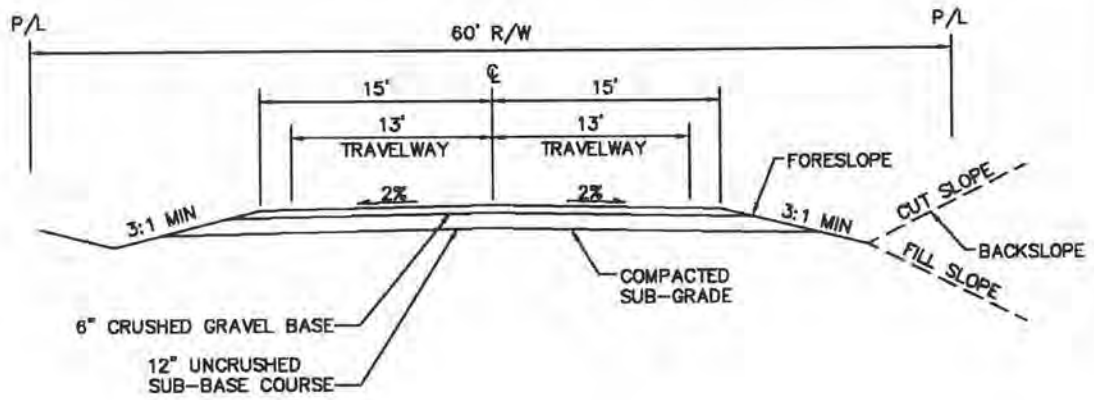
A. ALL CONSTRUCTION SHALL BE PER ISPWC SPECIFICATIONS.

B. ASPHALT AND AGGREGATE BASE THICKNESS SHOWN ARE MINIMUMS. ACTUAL THICKNESS SHALL BE DESIGNED BY ENGINEER BASED ON TRAFFIC INDEX AND "R" VALUE OF SUBGRADE SOILS.

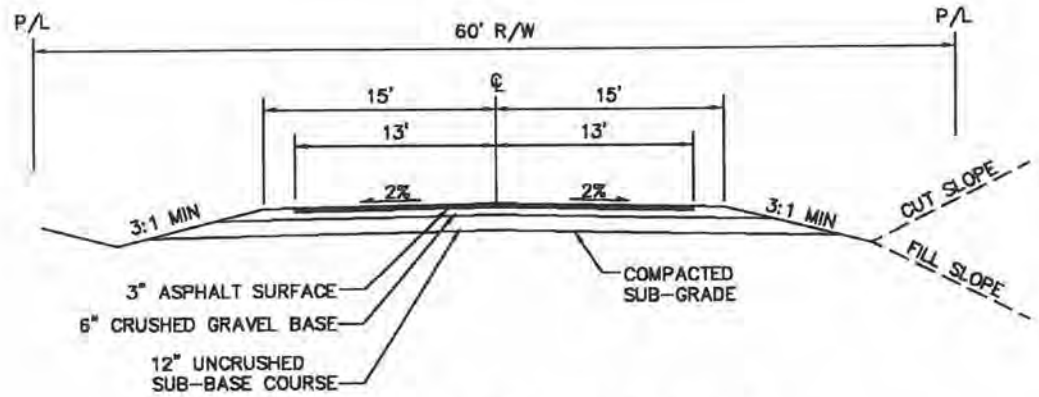
C. BORROW DITCHES SHALL HAVE A MINIMUM 3:1 FORESLOPE WITH A 4:1 SLOPE RECOMMENDED. THE BACKSLOPE OF BORROW DITCH SHALL BE A MINIMUM 2:1 BACK SLOPE WITH 4:1 BACK SLOPE RECOMMENDED. THE FLOW LINE OF THE DITCH SHALL BE A MINIMUM 6 INCHES BELOW THE LOWEST AGGREGATE BASE COURSE TO ENCOURAGE DRAINAGE. PIPING DITCH UNDER DRIVEWAYS REQUIRED WITH APPROVED LENGTH AND TYPE.

D. RIGHTS OF WAY WIDTHS SHALL BE INCREASED TO ENCOMPASS THE CUT AND/OR FILL SLOPES ASSOCIATED WITH THE ROADWAY.

BOISE COUNTY ROAD DEPARTMENT	PCU LOCAL ROAD	FIGURE NO. 110



COLLECTOR ROAD GRAVEL SECTION



COLLECTOR ROAD PAVED SECTION

NOTES:

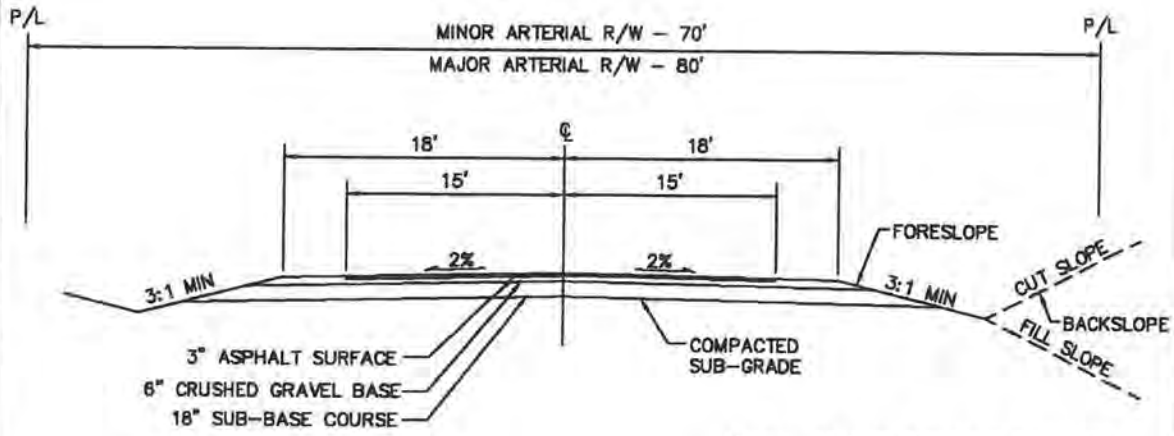
A. ALL CONSTRUCTION SHALL BE PER ISPWC SPECIFICATIONS.

B. ASPHALT AND AGGREGATE BASE THICKNESS SHOWN ARE MINIMUMS. ACTUAL THICKNESS SHALL BE DESIGNED BY ENGINEER BASED ON TRAFFIC INDEX AND "R" VALUE OF SUBGRADE SOILS.

C. BORROW DITCHES SHALL HAVE A MINIMUM 3:1 FORESLOPE WITH A 4:1 SLOPE RECOMMENDED. THE BACKSLOPE OF BORROW DITCH SHALL BE A MINIMUM 2:1 BACK SLOPE WITH 4:1 BACK SLOPE RECOMMENDED. THE FLOW LINE OF THE DITCH SHALL BE A MINIMUM 6 INCHES BELOW THE LOWEST AGGREGATE BASE COURSE TO ENCOURAGE DRAINAGE. PIPING DITCH UNDER DRIVEWAYS REQUIRED WITH APPROVED LENGTH AND TYPE.

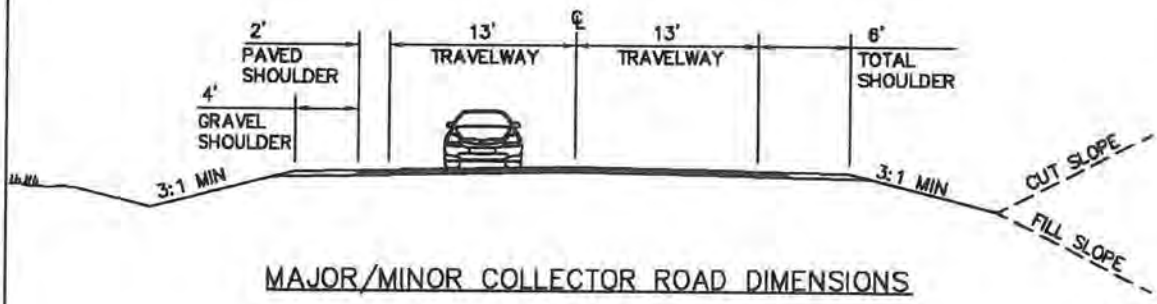
D. RIGHTS OF WAY WIDTHS SHALL BE INCREASED TO ENCOMPASS THE CUT AND/OR FILL SLOPES ASSOCIATED WITH THE ROADWAY.

BOISE COUNTY ROAD DEPARTMENT	PUBLIC COLLECTOR ROAD PCU COLLECTOR MAJOR/MINOR ROAD	FIGURE NO. 120



NOTE: SECTION THICKNESS BASED ON TI=8, SUBGRADE R=5, AND BOISE COUNTY MINIMUM REQUIREMENTS.

MINIMUM STRUCTURAL SECTION



MAJOR/MINOR COLLECTOR ROAD DIMENSIONS

NOTES:

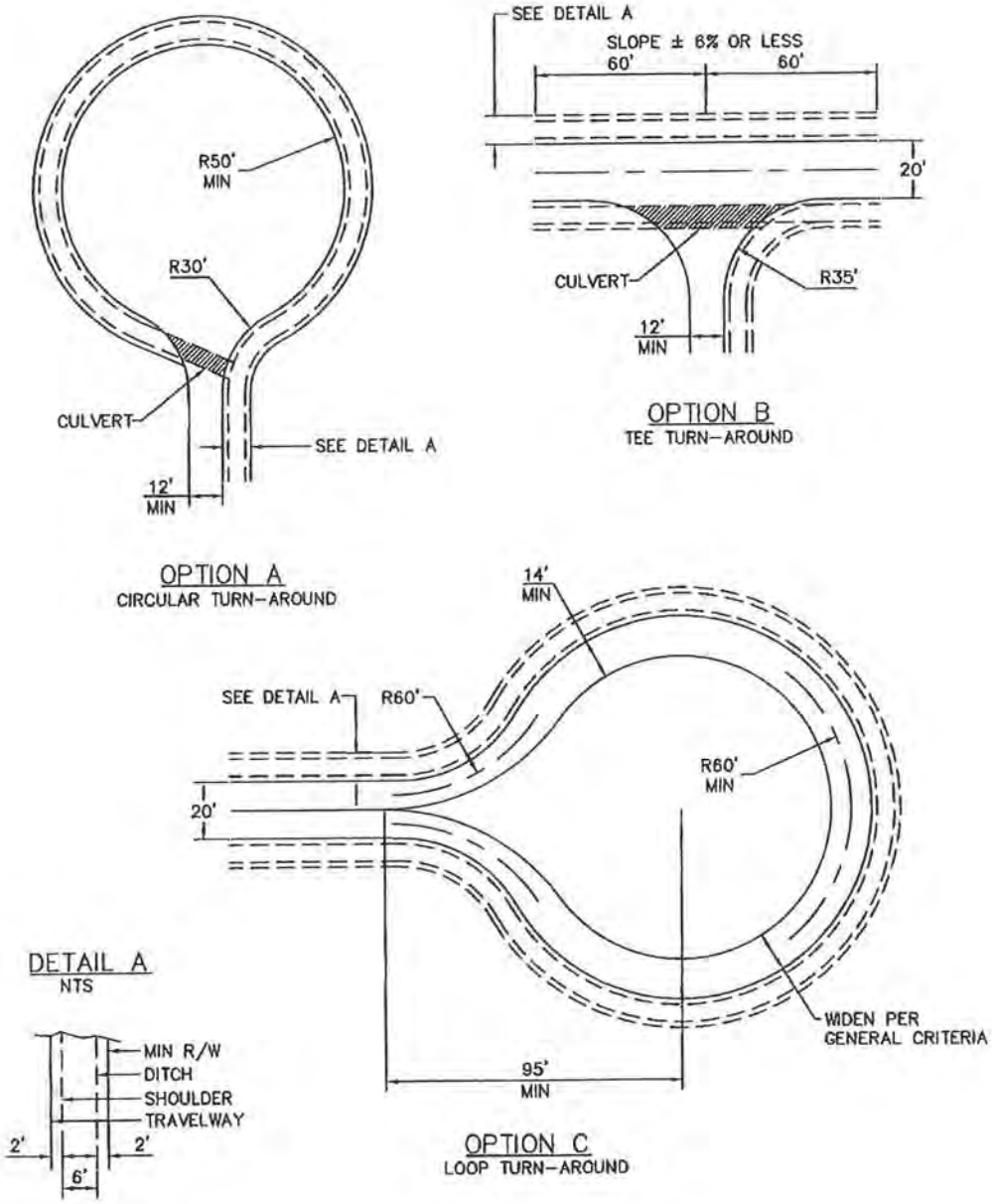
A. ALL CONSTRUCTION SHALL BE PER ISPWC SPECIFICATIONS.

B. ASPHALT AND AGGREGATE BASE THICKNESS SHOWN ARE MINIMUMS. ACTUAL THICKNESS SHALL BE DESIGNED BY ENGINEER BASED ON TRAFFIC INDEX AND "R" VALUE OF SUBGRADE SOILS.

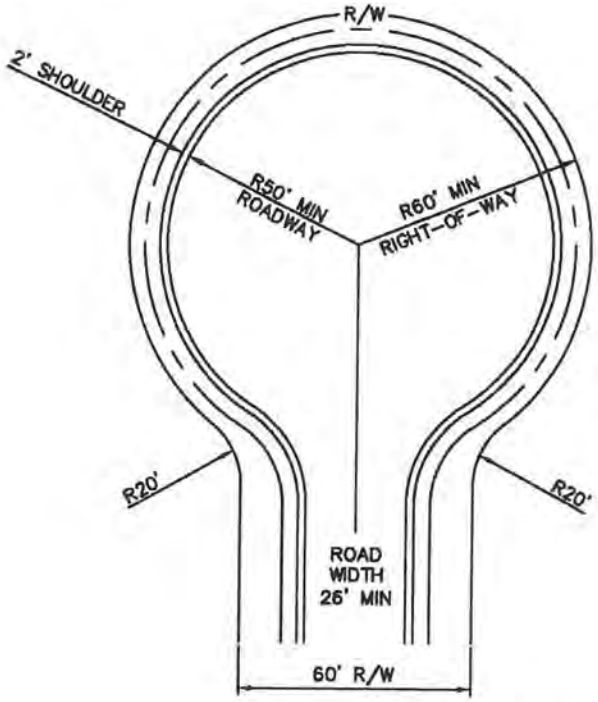
C. BORROW DITCHES SHALL HAVE A MINIMUM 3:1 FORESLOPE WITH A 4:1 SLOPE RECOMMENDED. THE BACKSLOPE OF BORROW DITCH SHALL BE A MINIMUM 2:1 BACK SLOPE WITH 4:1 BACK SLOPE RECOMMENDED. THE FLOW LINE OF THE DITCH SHALL BE A MINIMUM 6 INCHES BELOW THE LOWEST AGGREGATE BASE COURSE TO ENCOURAGE DRAINAGE. PIPING DITCH UNDER DRIVEWAYS REQUIRED WITH APPROVED LENGTH AND TYPE.

D. RIGHTS OF WAY WIDTHS SHALL BE INCREASED TO ENCOMPASS THE CUT AND/OR FILL SLOPES ASSOCIATED WITH THE ROADWAY.

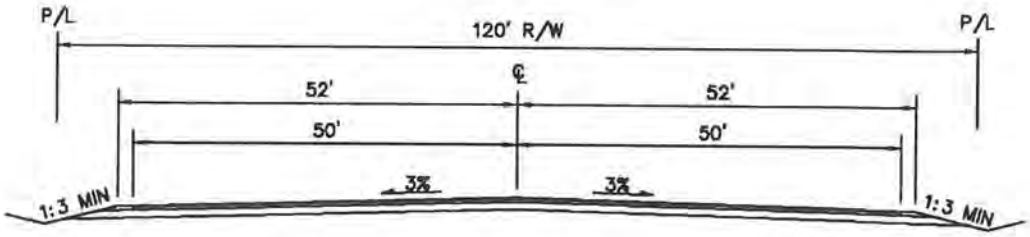
BOISE COUNTY ROAD DEPARTMENT	ARTERIAL MAJOR/MINOR ROAD	FIGURE NO. 130



BOISE COUNTY ROAD DEPARTMENT	TURN-AROUND OPTIONS	FIGURE NO. 140



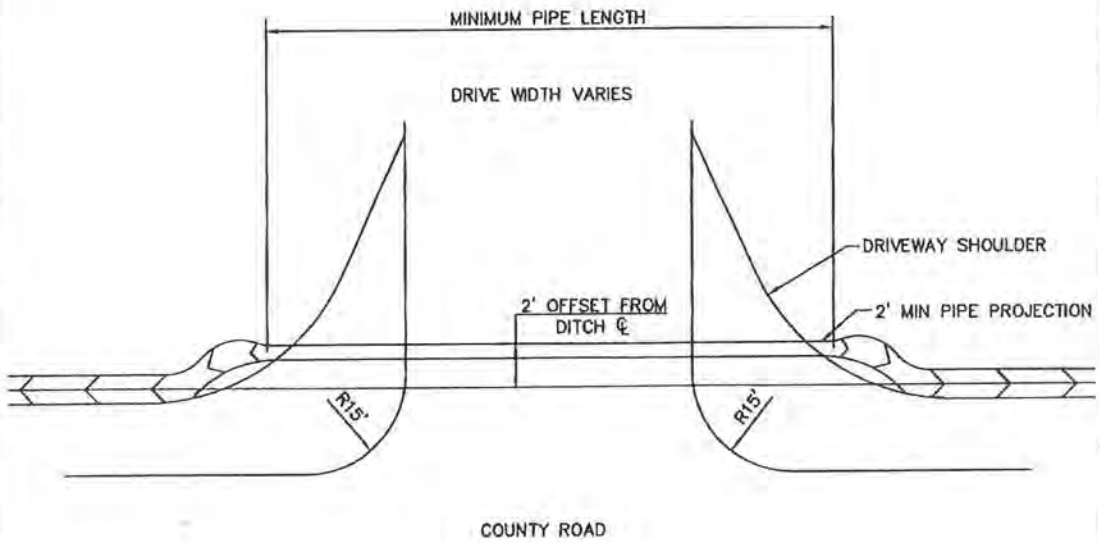
STANDARD DIMENSIONS



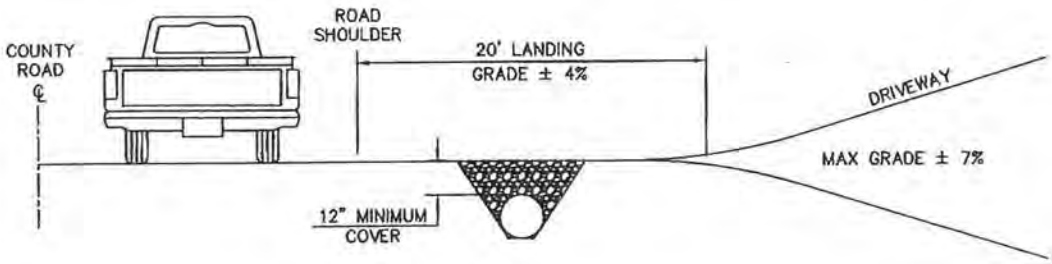
NOTE: ROADWAY AND SHOULDER WIDTHS ALSO APPLY TO LOCAL ROADS.

CUL-DE-SAC SECTION

BOISE COUNTY ROAD DEPARTMENT	STANDARD CUL-DE-SAC	FIGURE NO. 150



PLAN VIEW

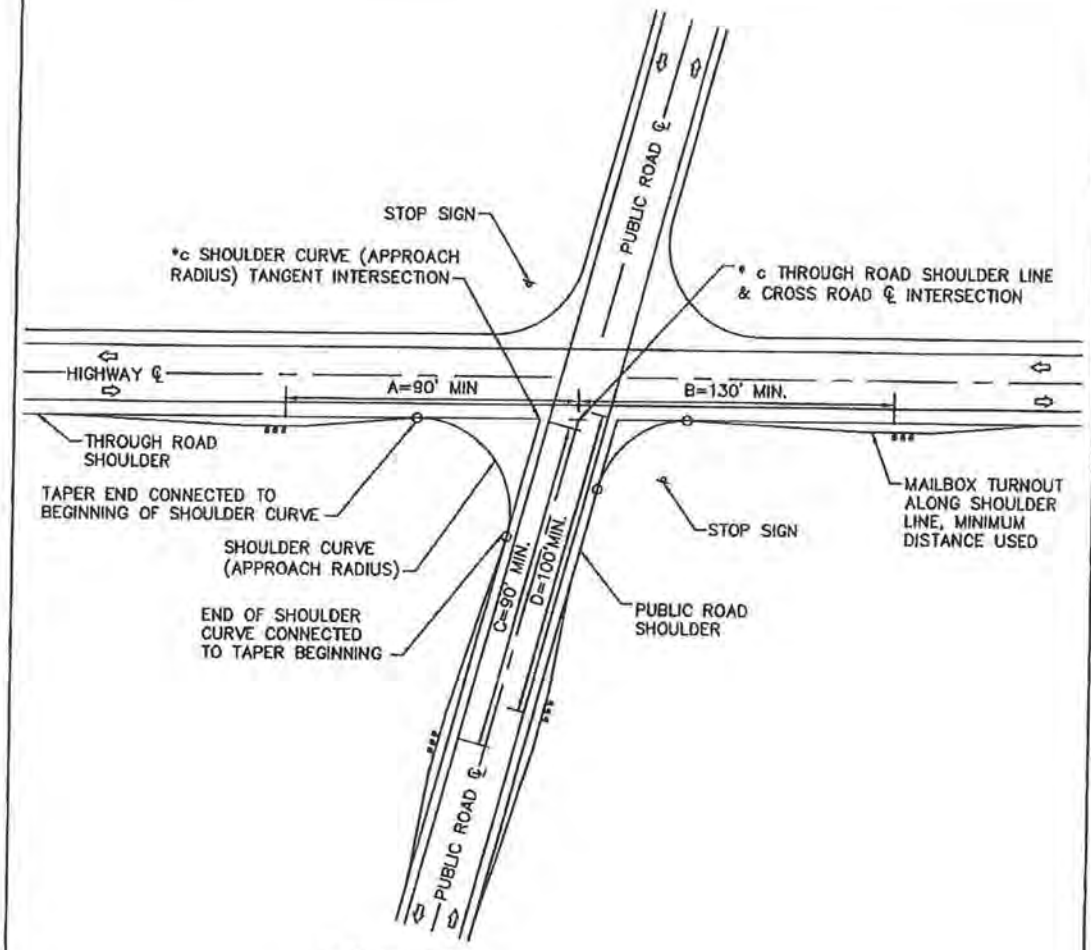


RECOMMENDED DRIVEWAY PROFILE

NOTE: APPROVED MATERIAL STEEL CMP16 GAUGE ALUMINUM 14 GAUGE.

NOTE: 6" FOR 12 GAUGE STEEL PIPE

BOISE COUNTY ROAD DEPARTMENT	DRIVEWAY PLAN	FIGURE NO. 200



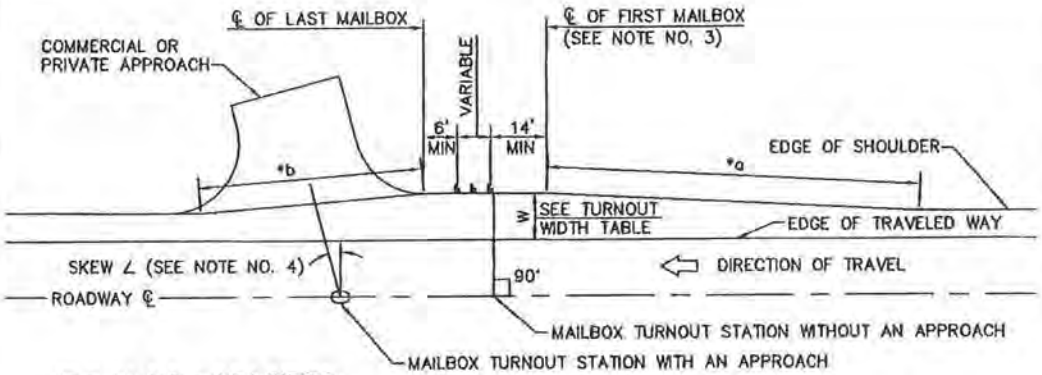
*c SEE NOTE NO. 1

NOTES

1. EITHER THE FRONT OR BACK TAPER END OF A MAILBOX TURNOUT MAY BE CONNECTED TO THE SHOULDER CURVE (APPROACH RADIUS) P.C. OR P.T. OTHERWISE THE TURNOUT SHALL BE SHIFTED ALONG THE ROADWAY SHOULDER TO MEET THE MINIMUM DISTANCE REQUIREMENT. GENERALLY, WHEN A STANDARD MAILBOX TURNOUT IS USED IN THE ABOVE MANNER, THE DISTANCE A,B,C, AND D WILL EXCEED THE MINIMUMS SHOWN.

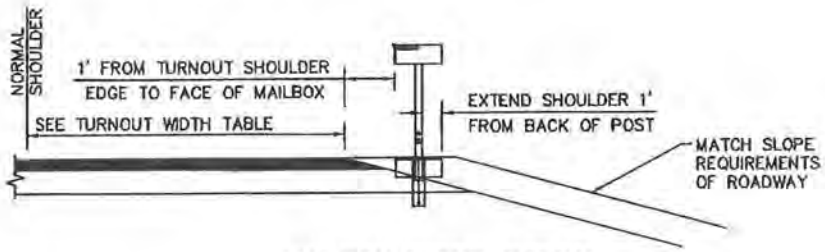
MAILBOX TURNOUT LOCATION AT PUBLIC ROAD INTERSECTIONS

BOISE COUNTY ROAD DEPARTMENT	MAILBOX TURNOUT AT INTERSECTIONS	FIGURE NO. 220



*a = 4:1 & b = 2.5:1 TAPERS;
FOR ROADS WITH SPEEDS OF 40 MPH OR LESS, OR AN ADT OF 400 OR LESS.
*a = 20:1 & *b = 12:1 TAPERS:
FOR ROADS WITH SPEEDS GREATER THAN 40 MPH OR AN ADT GREATER THAN 400.

MAILBOX TURNOUT
NTS



MAILBOX SLOPE TYPICAL
NTS

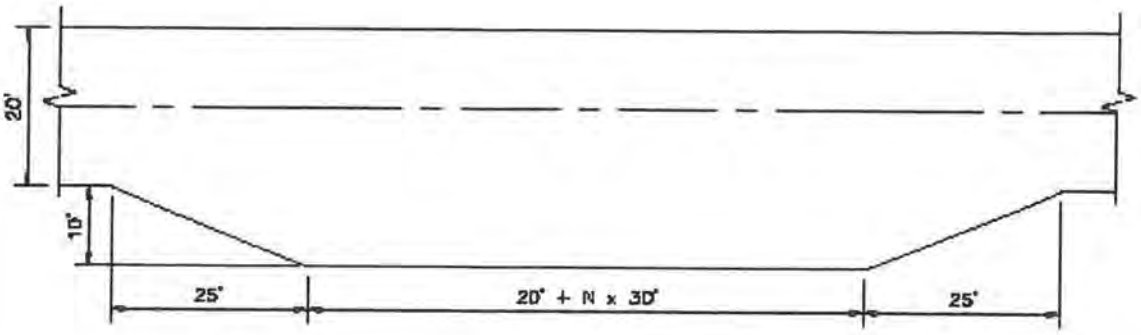
NOTES

2. WHEN USING THE TURNOUT WIDTH TABLE THE "SPEED" (MPH) IS THE POSTED SPEED LIMIT. THE "ADT" IS THE AVERAGE DAILY TRAFFIC.

TURNOUT WIDTH TABLE *(SEE NOTE NO. 2)		
SPEED/ADT	PREFERRED	MINIMUM
55/>10000	>12'	12'
55/>1500-10000	12'	10'
55/100-1500	10'	8'
55/<100	8'	6'
<40/<50	6'	4'

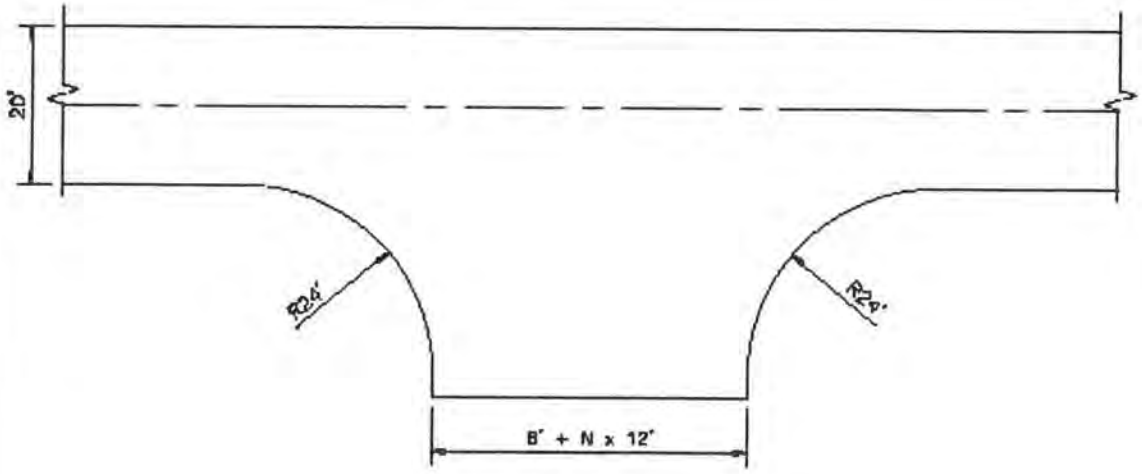
3. ONLY COMMERCIAL AND PRIVATE APPROACHES SHALL QUALIFY TO HAVE MAILBOX TURNOUTS INSTALLED ADJACENT TO AND AS PART OF THE APPROACH. FOR PUBLIC ROAD APPROACHES AND INTERSECTIONS THE LOCATION METHOD AS SHOWN ON THE "MAILBOX TURNOUT LOCATION – INTERSECTIONS" SHALL BE USED (SEE SECTION IV A). WHEN MAILBOX TURNOUTS ARE USED AT PUBLIC ROAD INTERSECTIONS, MEASUREMENTS SHALL BE MADE TO/FROM THE FIRST MAILBOX CENTERLINE, PARALLEL TO THE ROADWAY CENTERLINE.
3. MAILBOX TURNOUTS SHALL NOT BE SKEWED. THE APPROACH RADIUS MUST BLEND FROM THE ROADWAY SHOULDER TO THE TURNOUT SHOULDER AS SHOWN IN THE "MAILBOX TURNOUT" DETAIL.
4. THE BALLAST (SEE DEFINITION OF TERMS) REQUIREMENTS OF MAILBOX TURNOUTS SHALL BE AS THE ADJACENT ROADWAY SECTION.

BOISE COUNTY ROAD DEPARTMENT	MAILBOX TURNOUT LOCATION AND WIDTH	FIGURE NO. 230



OPTION A
PARALLEL TURNOUT

NOTE: N = THE NUMBER OF PARKING SPACES



OPTION B
PERPENDICULAR TURNOUT

NOTE: N = THE NUMBER OF PARKING SPACES

BOISE COUNTY ROAD DEPARTMENT	PARKING TURNOUTS	FIGURE NO. 240

Table No. 8
TABLE OF GENERAL DESIGN REQUIREMENTS

	PCU Minor Roads (one-lane)	PCU Local Roads	PCU Collector Roads Major/Minor	PCU Arterial Roads Major/Minor
Maximum Lots/ Parcels Served	4	50	No Limit	No Limit
Maximum Length	2,000'	5,000' if dead-end 16,000' if loop	No Limit	No Limit
Future Extension Possible[1]?	No	No	Yes	Yes
Minimum Right of Way	50'	60'	60'	80'/70'
Total Width	20'	26'	30'	36'
Travelway - paved	20'	24'	26'	26'
Travelway - unpaved	20'	24'	30'	-
Shoulder	0'	1'	2'	6'
Single Driveway Access Allowed?	Yes	Yes	Yes	No[2]
Maximum Grade	10%	10%	10%	7%
Super Elevation	max. 0.04 ft. per foot	max. 0.04 ft. per foot	max. 0.06 ft. per foot	max. 0.06 ft. per foot
Angles at Intersection	70-90°	70-90°	80-90°	80-90°
Design Speed	15 MPH	25 MPH	45/35 MPH	65/55 MPH
Parking Turnout Spaces	1 Each Lot at Road Approach	1 Each Lot (Individual)[3]	1 Each Lot (Individual)[3]	N/A

Notes to TABLE OF GENERAL DESIGN REQUIREMENTS:

[1] "No" applies only if future extension is impossible due to terrain barrier or adjacent Federal or State ownership.

[2] Special Cases Only

[3] Parking turnout may be waived if driveway approach is 6% grade or less for at least the first 50' from road.

* Local road may be returned to a second entrance to the same Public or PCU (Collector) road to be credited as looped for greater allowed length. Neither any Local road nor any Minor road shall in any case be connected to join two different roads of higher traffic capacity (i.e., PCU (collector) roads, Public roads, or highways maintained by other jurisdictions).

SECTION 3.4 OFF-STREET PARKING REQUIREMENTS:

3.4.A GENERAL PARKING REQUIREMENTS:

Adequate parking shall be provided for all land uses according to the following standards:

3.4.A.1 Off-street parking and loading facilities shall be drawn to scale on a site plan for a building permit or other land use applications. This is not required for single-family dwellings.

3.4.A.2 Whenever a land use is changed or altered (enlarged, increase in number of employees, seating capacity, etc.) in such a manner that will increase the parking space requirement specified by this Ordinance, a site plan showing the design for the additional parking spaces shall be submitted to the Administrator for approval.

3.4.A.3 No inoperable or unlicensed vehicles shall be parked within a public right of way or public off-street parking areas.

3.4.A.4 The parking space requirements for buildings and uses not set forth herein shall be determined by the Commission.

3.4.B LOCATION OF PARKING SPACES:

An off-street parking lot for uses other than residential uses shall be located on the same lot/parcel as the principal use that the parking lot serves or within five hundred (500') feet of the principal building it serves. This five hundred (500') foot measurement shall be measured from the nearest point of the principal building to the nearest point of the parking lot. The parking lot shall comply with accessibility requirements of Chapter 11 of the International Building Code (IBC).

3.4.C PARKING AREA REQUIREMENTS:

All public or private parking areas which contain five (5) or more parking spaces shall be improved according to the following:

3.4.C.1 All parking areas except those in conjunction with single-family dwellings shall have surfacing of all weather or durable and dust-free surfacing materials as approved by the Board.

3.4.C.2 All parking areas, except those required in conjunction with a single-family dwelling, shall provide a barrier which will prevent cars from encroachment on abutting private or public property.

3.4.C.3 All parking areas which abut a residential area, shall provide a sight-obscuring fence, wall or hedge not less than six (6) feet in height.

3.4.C.4 Any lights provided to illuminate any public or private parking area shall be shielded and directed downward so as to reflect the light away from any abutting or adjacent use.

3.4.C.5 On-site retention of surface water runoff shall be adequate to drain the surface of the parking area to prevent the flow of water to adjacent properties.

3.4.C.6 Parking areas shall include designated snow storage.

3.4.D PARKING LOT DESIGN:

All parking spaces and parking lots shall be designed and constructed to the following minimum standards:

3.4.D.1 Parking Space Dimensions – minimum of nine (9) feet in width by twenty (20) feet in length.

3.4.D.2 Parking area aisle widths and angles shall be as listed in Table 9:

Table 9. Parking Aisle Widths and Angles

Parking Aisle Widths	Parking Angle in Degrees			
	30°	45°	60°	90°
One Way Traffic	12 feet	12 feet	24 feet	24 feet
Two Way Traffic	24 feet	24 feet	24 feet	24 feet

3.4.E PARKING SPACES REQUIRED:

The minimum number of off-street parking spaces required shall be no less than as set forth in ***Table 4.1.D.8, Chapter 4.*** The minimum number of required accessibility parking spaces shall comply with Section 1106 of the IBC as listed in Table 10:

Table 10. Accessibility Parking Spaces Required

TOTAL PARKING SPACES PROVIDED IN PARKING FACILITIES	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

3.4.F COMMON FACILITIES FOR MIXED USES:

3.4.F.1 In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered to provide parking facilities for any other use except as provided below.

3.4.F.2 The Commission may, upon application, authorize the joint use of parking facilities provided that:

3.4.F.2.a The applicant shows that there is no substantial conflict in the principal operating use of the building or use for which the joint use of parking facilities is proposed.

3.4.F.2.b The parking facility for which joint use is proposed is not further than five hundred (500) feet from the building or use requiring to have provided parking.

3.4.G OFF-STREET LOADING REQUIREMENTS:

3.4.G.1 The provision and maintenance of off-street loading space is a continuing obligation of the property owner. Plans for off street loading shall be shown on a plan and submitted to the Planning and Zoning Department prior to the approval and issuance of a building permit.

3.4.G.2 Owners of two or more buildings may agree to jointly utilize the same loading spaces, if approved by the Commission.

3.4.G.3 Areas used for standing and maneuvering of vehicles shall have durable surfaces of asphaltic concrete or dust-free surfacing, maintained adequately for all weather use.

3.4.G.4 Loading areas adjacent to residential uses shall be designed to minimize disturbance of residents.

3.4.G.5 On-site retention of surface water shall be adequate to drain the surface of the loading area to prevent flows of water onto adjacent properties.

SECTION 3.5 STREET NAMING AND ADDRESS NUMBERING:

3.5.A APPROVALS REQUIRED:

Before any road is named, approval shall be obtained from the Board. Any address numbers shall be assigned and approved by the Planning and Zoning Department or its designee.

Official road names shall be maintained on an Official Road Name Map and Official Road Name List filed in the office of the Planning and Zoning Department or a designee of the Board.

3.5.B DESIGNATION OF ROAD NAMES:

3.5.B.1 It is hereby established in the unincorporated areas of Boise County that the following rules and regulations for the naming of roads shall apply. The Board shall, by Resolution, establish the Official Road Name List. Thereafter, all new roads shall be established in accord with the standards hereinafter set forth.

3.5.B.2 The following standards shall be used in determining and approving road names:

3.5.B.2.a There shall be no duplication of road names by sound or spelling. Differentiation shall not be by the addition of suffixes, such as road, lane, etc.

3.5.B.2.b Names of future road dedications, whether public or private common use, shall be submitted by the person or agency proposing the road dedication to the Planning and Zoning Department.

3.5.B.2.c A proposed road shall be considered in general alignment with an existing road, if it is no farther than 150-feet (150') from the centerline to centerline. Where a proposed road is in the same alignment as an existing road and is a continuation of that road, the name of the existing road shall be maintained with the appropriate designation.

3.5.B.2.d Where a proposed road connects two (2) differently named roads located on the same alignment, the County shall designate the name of the proposed road, giving consideration to the length, collector status, period of usage and number of residents affected.

3.5.B.2.e A cul-de-sac which has an overall length of more than 100-feet (100') (as measured from the centerline of the principal road to the point of radius) shall carry a new name, and must be named in accordance with the provisions herein.

3.5.B.2.f Both portions of an "L" shaped road shall carry the same name if either leg is 100-feet (100') or less in length, all other L-shaped segments shall carry two (2) names.

3.5.B.2.g In general, road names shall not be over ten (10) letters in length including spaces, unless otherwise approved by the Board. All road names shall conform to this limitation except where existing names are to be continued due to alignments.

3.5.B.2.h Road names which are difficult to pronounce or spell shall not be accepted.

3.5.B.2.i Any lack of compliance for the initial maps and road names as adopted prior to this Ordinance shall be permitted.

3.5.C PRIVATE ROADS:

3.5.C.1 Applications for private road names shall be subject to approval by the County. Designated private road names shall be listed on the Official Road Name List. Private road names shall be in compliance with this Section.

3.5.C.2 The developer or property owner shall install and maintain private road signs on all roads within the development, as well as those roads that intersect public roads or are within the public right-of-way. Private road signs shall conform to the standards of this Ordinance.

3.5.D SUBDIVISIONS:

3.5.D.1 Proposed subdivision road names shall be shown on all preliminary and final subdivision plats when submitted to the Commission for review. No preliminary or final plat shall be approved until the road names have been reviewed and approved by the Board, after being checked against the Official Road Name List for possible duplication or other violations of this Section.

3.5.D.2 All half-roads or partial roads shall be named in accordance with provisions of this Section.

3.5.D.3 No plat shall be approved by the Board for recording until all provisions of this Section have been met.

3.5.D.4 It shall be the responsibility of any applicant creating a new road to finance the cost of installing road name signs at each and every designated location. Road name signs shall conform to the County's Road Name Sign specification requirements per this Section.

3.5.E CHANGES IN ROAD NAMES:

3.5.E.1 Where necessary or desirable, any person may make application to the County to change a road name. The County may also initiate a road name change at its sole discretion for reasons of duplication, similar pronunciation or spelling or for other reasons for public safety or convenience.

3.5.E.2 In the case of road name change necessitated due to duplication, similar pronunciation or spelling, the County shall determine the road name to be changed and select the new name to be used. The County shall take into consideration the number of existing addresses on the roads in question, the length of time each road has used the name in question, the date of the original dedication of said road, each road's compliance with this Section and any other factor pertinent to resolving the similar pronunciation or spelling. No road name may be changed until the proposed names have been checked against the Official Road Name Map and List and approved by the Board.

3.5.E.3 The Board may be petitioned to change a road name by all property owners signing a petition to do so or the Board may hold a public hearing on this matter. If a public hearing is set, all property owners and residents having frontage on the affected road shall be notified by mail under the following procedure:

3.5.E.3.a The applicant shall submit a list of addresses of all dwellings located on the affected road to the County.

3.5.E.3.b The County shall mail notification to all affected residents and property owners and post a notice on location.

3.5.E.4 Failure of the County to mail notice to all residents and property owners in no way shall affect the validity of such procedures.

3.5.E.5 All proposed changes to road names will consider inconvenience to residents and property owners in the area. All residents and property owners shall be mailed notification of the Board's final decision.

3.5.E.6 All road name signs shall be located in such a manner as to be clearly visible to persons operating vehicles on the road.

3.5.E.7 The minimum letter size shall be four inches (4") in height and placed on a six inch (6") by variable length (6" x variable length) blank.

3.5.E.8 Existing names exceeding the ten (10) letter length restriction shall use three inch (3") lettering, if deemed necessary by the Board.

3.5.E.9 All signs shall have reflective lettering in addition to having contrasting colors.

3.5.E.10 All public road signs shall be on a green background with white lettering.

3.5.E.11 All private road signs shall be on blue background with white lettering.

3.5.E.12 All road name signs shall have the names lettered on both sides and shall be positioned so that the name is visible from both directions of the road.

3.5.F RURAL ADDRESS NUMBERING:

3.5.F.1 All rural address numbers shall conform to the milepost system as much as possible which is shown on the Official Rural Addressing System Map approved by the Board. The general standards to be used in developing a rural address milepost system are as follows:

3.5.F.1.a Federal and State Highways: Point of reference on these roads will be milepost markers. Individuals whose residences or business is adjacent to these roads will be numbered from the milepost markers to the nearest hundredth mile.

3.5.F.1.b County and Private Roads: Point of reference for these roads will be at the beginning point of the road. As with federal and state roads, the address for individuals located on these roads will be to the nearest hundredth mile.

3.5.F.2 All address numbers located within the unincorporated and city impact areas of Boise County shall be assigned by the County. No other persons or organization, public or private, shall assign an address number to any residence, business, industry, or other use. Addresses located inside the city limits of Crouch, Horseshoe Bend, Idaho City, and Placerville shall be issued by the appropriate city designee.

3.5.F.3 The following shall be used as a guide in assigning such address numbers by the County:

3.5.F.3.a Only one number shall be assigned to each business, dwelling unit, or other use.

3.5.F.3.b Numbers shall be assigned to vacant lots within platted subdivisions and shall be assigned in such a manner that adequate numbers are reserved for possible future development or re-subdivision of such land.

3.5.F.3.c All addresses shall be assigned on the road upon which the structure's driveway for the structure originates.

3.5.F.3.d All addresses located on the north and east sides of the roads shall be even numbers. All addresses on the south and west sides of roads shall be odd numbers. These requirements may be varied in the case of meandering roads. When a road has been determined to be running in predominately one direction, the number shall not be changed if there is slight change in road direction.

3.5.F.4 Approved street address numbers shall be:

3.5.F.4.a Posted on the property where the driveway meets a road and be visible and legible from both directions while traveling on the road.

3.5.F.4.b Reflective, contrasted with their background, and be visible in the daytime and nighttime from the road.

3.5.F.4.c At least four inches (4") in height.

3.5.F.4.d House numbers and plaques may be obtained from the Planning and Zoning Department at a cost established by the adopted fee schedule.

3.5.F.5 Existing address numbers not in conformance with the Official Rural Addressing Map may be changed by order of the Board, giving official written notice at least

ninety (90) days in advance of the effective date of such change to the property owners and those local agencies affected by such change.

SECTION 3.6 SIGN REGULATIONS:

3.6.A REQUIREMENTS:

3.6.A.1 Boise County shall regulate the size, amount and location of signage as provided by this Ordinance. In order to preserve rural character, flashing signs, reader boards or billboards are not allowed.

3.6.A.2 The following requirements shall apply to all signs that are proposed to be installed, constructed, painted, or altered after the effective date of this Ordinance:

3.6.A.2.a Signs Requiring Administrative Approval: Unless otherwise noted as exempt in this Ordinance, any sign shall require administrative approval prior to construction and/or placement.

3.6.A.2.b Primary Highways: The standards of this Section shall apply to all primary highways covered by the Idaho Highway Beautification Act, Idaho Code Title 40, Chapter 19, to the extent that this Section is more restrictive with respect to maintaining signs on such roadways.

3.6.A.2.c No rotating beam, beacon or flashing illumination that may resemble an emergency light shall be used with any sign display. Temporary or permanent signs shall not have blinking, rotating or moving parts or components. Signs shall not have pennants or balloons. No portable signs on wheeled trailers or in vehicles.

3.6.A.2.d It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety (90) calendar days. If a one-time event, the removal of signs shall take place within seven (7) calendar days after the event closure.

3.6.A.2.e Preview signs that are erected for a future use shall be for a business that is an allowed use or has received a conditional use permit to operate. Preview signs shall meet the provisions of this Ordinance.

3.6.A.2.f The size shall be not greater than thirty-two (32) square feet per face. Cut-out or molded letters, or advertising when applied to buildings, shall not be greater than a thirty-two (32) square foot field on the building.

3.6.A.2.g Permanent signs shall be rural in character and appearance and materials may include, but not be limited, to wood, stone character, metal or other natural material. Signs may be painted, sandblasted, carved or constructed by other technically feasible methods. Colors such as neon, fluorescent, etc. shall not be allowed.

3.6.A.2.h For ground mounted signs, the top of the signs shall be mounted not more than ten (10) feet off the ground. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The total height of the mounting structure shall be no greater than twelve (12) feet. Special attention must be given to the placement of signs near intersecting roads to assure there is not obstruction of vision from any vehicle.

3.6.A.2.i No more than three (3) permanent signs may be placed at a permitted use location. One sign is allowed on the building. One two-way sign or two one-way signs facing each direction is allowed in the land use area.

3.6.A.2.j For commercial malls or Planned Unit Developments (industrial or commercial or a combination of land use) not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used to identify the occupant and land use. A projecting or swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.

3.6.A.2.k No sign or sign structure shall be placed upon any County road or highway right-of-way for any purpose other than approved County, state and federal signs. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.

3.6.A.2.l At no time shall a sign or portions of it be allowed to project above the roof line of the building on which the sign is mounted.

3.6.A.2.m Off-premise or outdoor advertising signs are prohibited in the unincorporated areas of Boise County.

3.6.A.2.n An application for any sign or advertising display or structure for which no specific regulation appears in this Ordinance shall receive appropriate Planning and Zoning Department staff review as outlined in this Ordinance.

3.6.A.2.o Signs may be illuminated by shielded or directed light sources.

3.6.A.2.p Any signs placed along State Highways must meet the standards of the Department of Transportation and Boise County.

3.6.B EXEMPTIONS:

Signs exempt from county permit requirements are:

3.6.B.1 Directional or information signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: Public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, etc.).

3.6.B.2 Memorial signs or tablets displaying names of buildings and dates of erection when cut into the surface or facade of the building.

3.6.B.3 Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warning of temporary emergencies, construction zones, presence of underground cable, utility signs, and similar signs installed on public property and are owned and maintained by County, state, or federal agencies or a public utility company.

3.6.B.4 Temporary signs or banners that bear no product advertising and announce community or civic events. Such signs or banners shall be removed within seven (7) calendar days following the event.

3.6.B.5 Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (i.e. FHA, HUD, FMHA, Low Cost Housing, Senior Citizen Center, etc.) and other individuals or firms involved with the construction. This shall not include any advertisement of any product, or signs announcing the character of the building enterprise or the purpose for which the building is intended, or use of the project. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) calendar days after the beginning of the intended use of the project.

3.6.B.6 Homeowner locator signs placed at intersections are allowed if each sign is not more than one (1) square foot per face and the mounting device is located off public road right-of-way. Such signs shall be kept in good repair.

3.6.B.7 Signs advertising the sale, rental, or lease of real property shall be confined to the property to which they apply. Such signs may be up to a total area of (32) thirty-two square feet per face in size. The number of signs shall be limited to one sign per parcel up to and including 40 acres, or not more than one sign per frontage. Directional signs may be placed at intersections to direct interested parties to real estate that is for sale, for rent or lease. Only one (1) directional sign per agency will be allowed. The directional sign shall not be more than 16 square feet. Such sign may indicate the name of the real estate agency or their logo. Signs must be kept in good repair. All such signs shall be removed within fourteen (14) calendar days after the sale, rental or lease. All signs are to be placed on private property. Said signs are allowed only when a change in direction is required to lead customers to the property. Subdivision directional signs may only be erected after county approval of the final plat for the subdivision and must be removed after the last lot within the approved final plat is sold by the developer.

3.6.B.8 Signs announcing candidates seeking public office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. Such signs shall be confined to private property and removed within fourteen (14) calendar days after the election for which they were intended.

3.6.B.9 Window signs in a window display of merchandise when incorporated in that display.

3.6.C SIGN PLAN:

3.6.C.1 A Sign Plan shall be included with the application and shall be submitted to the Planning & Zoning Department. The sign plan shall contain the following information:

3.6.C.1.a Materials to be used in manufacturing and constructing the sign.

3.6.C.1.b Sign size, message size or field of lettering, and proportions.

3.6.C.1.c Lettering size or graphic style.

3.6.C.1.d Design features other than lettering such as symbols, logos, etc.

3.6.C.1.e Color scheme.

3.6.C.1.f Lighting, if proposed.

3.6.C.1.g Location of each sign on the building and/or property.

3.6.C.2 Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scale may be used.

3.6.C.3 The sign plan and application shall be reviewed by the Administrator for compliance with the standards and requirements of this Ordinance. All sign plans and sign approvals shall require approval by the Administrator prior to construction and/or placement. Any reconsiderations or appeals related to the approval or denial of a sign plan and application shall be governed by the Reconsideration or Appeals process defined in Chapter 2 of this Ordinance.

3.6.D SIGN STANDARDS FOR LAND USES:

3.6.D.1 AGRICULTURAL: One two-way or two one-way identification signs each not to exceed thirty-two (32) square feet per face.

3.6.D.2 RESIDENTIAL SUBDIVISION ENTRANCE(S): One (1) identification sign at each entrance, a maximum of two signs, not to exceed thirty-two (32) square feet per face.

3.6.D.3 COMMERCIAL/CIVIC: One two-way or two one-way identification signs not to exceed thirty-two (32) square feet per face.

3.6.D.4 RECREATION OR FORESTRY: One (1) identification sign, not to exceed thirty-two (32) square feet per face.

3.6.D.5 RESIDENTIAL: One (1) identification sign, not to exceed six (6) square feet per face, shall be exempt from permit requirements.

SECTION 3.7 BUILDING PERMITS, REQUIREMENTS, AND FEES:

3.7.A BUILDING PERMIT REQUIRED:

3.7.A.1 Any person erecting, constructing, installing any sized building, structure, or manufactured/mobile home; or, making any major structural modification as defined, to a building or structure shall first obtain from Boise County a building permit which said permit is the authority to commence construction or installation; subject to the Building Codes Ordinance.

3.7.A.2 Commercial/Civic Buildings must be constructed according to building codes as adopted in Idaho Code Title 39, Chapter 41. The applicant is required to obtain an Upgraded Building Permit with state certified inspections. Boise County must receive copies of all inspection reports from a state certified inspector prior to the issuance of an occupancy certificate or final inspection.

3.7.A.3 Any proposed building in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the Administrator or County Engineer, shall conform with the additional Hillside Regulations set forth in this Ordinance

3.7.A.4 Outbuildings: shall be a minimum of six (6) feet from any residential, commercial or public building and shall not pose any threat to any other building or structure in the event of structural collapse.

3.7.B EXEMPTION:

Uninhabited structures where the footprint is less than two hundred ten (210) square feet in size do not require building permits.

3.7.C APPLICATION:

Application for building permits shall be on forms as determined by the Administrator, and the applicant shall be required to produce an approved Central District Health Permit for the project and compliance with this Ordinance.

3.7.D TIME EXTENSION OF A PERMIT:

A building permit expires if the work or building authorized by the permit is not commenced within one hundred eighty (180) days from the permit date. Prior to expiration an applicant may follow the process as outlined in Section 2.8 of this Ordinance for a time extension.

3.7.E CERTIFICATES OF OCCUPANCY AND LETTERS OF COMPLETION:

If the applicant requires a Certificate of Occupancy from the County, the County will require a certification of plan review and certification that the structure has been built to State adopted building codes provided by a state certified inspector, contracted by the county, prior to issuance. If the applicant requires a Letter of Completion on a manufactured/mobile home from the County, the County will require a Certification of Completion provided by a state certified inspector, contracted by the County, prior to issuance.

CHAPTER 4 LAND USES

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SECTION 4.1 BASE DISTRICT:

All lands, except as may be classified otherwise pursuant to Regional Planning as provided in the Comprehensive Plan or Idaho Code §67-6525 and §67-6526, in the unincorporated areas of the county are hereby classified into one Multiple Use Zone District.

4.1.A MULTIPLE USE ZONE DISTRICT:

The purpose of one land use classification is to grant landowners maximum flexibility in using and developing their properties in a way that will protect, retain or enhance the natural beauty and open space characteristics of Boise County. All uses in the county have been classified as "allowed", "conditional", "not-allowed" or "regional planning". It is necessary to classify some land uses as conditional so they can be reviewed and evaluated individually by the Commission and commented upon by neighboring landowners as to compatibility with existing uses and the physical surroundings of the use.

4.1.B GENERAL TYPES OF USES:

4.1.B.1 An "**allowed**" land use is: a) one which may be established in compliance with this Ordinance and related laws by evidencing compliance with applicable requirements and paying required permit fees, 2) may be conducted when compliance with this Ordinance and related laws is demonstrated and maintained, 3) which by their nature are compatible with existing land uses in the Multiple Use Zone District. An approved allowed use shall meet the height and lot area regulations such as, but not limited to, setback requirements, lot size, and building heights, see Bulk and Placement Table 4.8.

4.1.B.2 A "**conditional**" use permit is required when a land use may possess characteristics that require review and evaluation by the Commission to determine the degree to which the use may impact the vicinity.

4.1.B.3 A "**not allowed**" land use is one which has been determined by this Ordinance to be unacceptable.

4.1.B.4 A "**regional plan**", as provided for in the Regional Planning provisions of the Comprehensive Plan may be adopted following the procedure defined in Idaho Code §67-6509. The adoption procedure maybe initiated by the affirmative results of an advisory vote by the residents of the proposed regional plan area or vote of the Board. Until Boise County adopts a zoning ordinance that designates special land uses other than one Multiple Use Zone District, the conditions and zoning use recommendations adopted in a regional plan shall only be advisory to the Commission and the Board when making land use decisions.

4.1.C NEW OR UNLISTED LAND USES:

Any new use or unlisted land use may be approved by the Board with consideration of its compatibility and its impacts upon surrounding properties.

4.1.D TABLES of USES:

TABLE 4.1.D.1

Agricultural Uses

	Allowed Use	Conditional Use
Accessory Structures to allowed uses	X	
Animal Feeding Operation		X
Composting Facility, commercial		X
Confined Animal Feeding Operation (CAFO)		X
Crop cultivation and harvesting	X	
Dairy, commercial		X
Dangerous or Protected Animals		X
Feedlot, commercial		X
Fish husbandry, commercial		X
Irrigation, drainage and water management, dams, storage facilities	X	
Livestock husbandry	X	
Nursery, Wholesale	X	
Stables, Boarding – Riding		X
Storage of agricultural equipment and products	X	
Timber Harvesting (subject to state and federal laws)	X	
Truck gardening	X	
Tree farms	X	

TABLE 4.1.D.2

Temporary Uses

	Allowed Use	Conditional Use
Christmas tree lot for retail sales (less than 30 days)	X	
Construction trailer or field office	X	
Fire Works stand subject to I.C. 39-2604 & 39-2606	X	
Flea Markets (less than 30 days per calendar year)	X	
Roadside stands (less than 30 days)	X	
Uses approved through the Mass Gathering Ordinance process	X	

TABLE 4.1.D.3

Residential Uses

	Allowed Use	Conditional Use
Accessory structures	X	
Automotive, Hobby, Private collections of no more than five (5) unregistered vehicles	X	
Bed and Breakfast		X
Boarding House		X
Condominium, townhouse, or other multi-family residence		X
Dwelling, One family	X	
Dwelling, Two family, Multi-family		X
Group Homes, physically and mentally handicapped, elderly for eight (8) or fewer people	X	
Group Homes, for more than eight (8) people		X
Halfway House		X
Home Occupations	X	
Manufactured Home	X	
Manufactured, Mobile, or Modular Home Park		X
Mobile Home - Post 1976 which meets building requirements	X	
Mobile Home - Pre 1976 which meets state rehabilitation standards and building requirements	X	
Modular Home	X	
Mobile Home - Pre 1976 that has been located within Boise County since March 1997 to be used for other than residential unit - not rehabilitated	X	
Residential Care Facility		X
Treatment Facility		X
Transitional Housing		X
Tower or Antenna Structure (Private over 35 ft.)		X
Yard or Garage Sale (not to exceed 10 days per calendar year)	X	
Yard or Garage Sale (more than 10 days per calendar year)		X
Subdivisions		X
Planned Unit Development		X
Planned Community		X

TABLE 4.1.D.4

Civic Uses

	Allowed Use	Conditional Use
Airport		X
Camps		X
Care, Treatment or Rehabilitation Facility		X
Cemeteries		X
Churches		X
Club or Lodge or Social Hall		X
Designated Historic Sites/Monuments		X
Detention or Holding Center		X
Fire Station		X
Government Equipment or Materials Storage Yards		X
Library		X
Museum		X
Post Office		X
Prison		X
Public Fairgrounds		X
Public Parks		X
Public Uses		X
Public Utility Distribution Line 35 kV or less	X	
Public Utility Subtransmission lines 138 kV or less	X	
Public Utility Subtransmission lines 138 kV or more, within 100' of a residence		X
Public Utility Transmission line 230 kV or more		X
Public Utility Supply, Administration Buildings and Substations		X
Recycling Center-Owned or operated by public agency		X
Retreat Center		X
Sanitary Landfill/Waste Transfer Facilities		X
Schools		X
Sewer storage, Transfer and Treatment Facility		X
Tourist Information Center		X

TABLE 4.1.D.5

Commercial Uses General	Allowed Use	Conditional Use
Neighborhood Business		
Beauty/Barber Shops		X
Daycare Center, Family	X	
Daycare Center, Group Daycare Facility		X
Drug Store		X
Florist		X
Grocery Store		X
Laundromat/Cleaners		X
Repair business		X
Service Business		
Airport		X
Bar/Lounge/Tavern/Café		X
Car Wash		X
Gasoline, Diesel, or Alternative Fuel Facility		X
Motel, Hotel, Resort, Lodge		X
Taxi Service		X
Towers or Antenna Structure (Commercial)		X
Area Business/Commerce		
Animal Clinic; Animal Hospital, Veterinary Office		X
Automobile Sales, Service, Storage, Rental, Repair		X
Banks, Financial Institutions		X
Bowling Alley		X
Brewery or Distillery		X
Drive-In Establishment		X
Equipment Rental - Sales Yard, Heavy Equipment		X
Farm, Garden, Landscaping, Lumber, or Building Supply Store		X
Furniture and/or Appliance Store		X
Kennel		X
Model Homes/Sales Office		X
Mortuary, Crematory		X
Medical, or Professional Office/Clinic		X
Recycling Center		X
Restaurant		X
Salvage Yard or Storage		X
Shopping Center		X
Storage Rental		X
Theaters		X
Tower or Antenna Structure (Commercial)		X
Tower or Antenna Structure (Private over 35')		X
Wind Farm		X
Winery		X

TABLE 4.1.D.5 continued

Commercial Uses

Recreational	Allowed Use	Conditional Use
Airport		X
Amusement or Recreation Facility (Indoor)		X
Amusement or Recreation Facility (Outdoor)		X
Campground		X
Fairground-Private		X
Golf Course, Driving Range and Facilities		X
Guest (Dude) Ranch		X
Race Track		X
Recreation Vehicle Park		X
Riding Stables, Riding Arena, and Riding School		X
Rodeo Arena		X
Shooting (Game Bird) Preserve		X
Shooting Range		X
Skating Rinks		X
Ski Area, Lodge and Related Facilities		X

TABLE 4.1.D.6

Industrial Uses

	Allowed Use	Conditional Use
Asphalt or Concrete Batch Plant		X
Bulk Plant, Flammable Substance		X
Chemicals, Pesticides and Fertilizer Storage and Manufacturing		X
Contractors Yard or Shop		X
Exploratory Mining		X
Explosive Manufacturing or Storage		X
Flammable Substance Storage		X
Food Processing Plant		X
Junkyard		X
Laboratories		X
Lumber/Saw Mill, Permanent		X
Lumber/Saw Mill, Portable (30 operating days or less)	X	
Lumber/Saw Mill, Portable (more than 30 operating days)		X
Lumber Yard- Retail/wholesale		X
Machine Shop		X
Manufacturing- Enclosed		X
Meat, Fish, Poultry Packing Plant; Slaughter House		X
Mineral Extractions		X
Petroleum, Propane Storage		X
Pipe line		X
Pit, Mine or Quarry		X
Rock Crushing Operation		X
Salvage Yard or Storage		X
Sanitary Landfill Restricted		X
Sediment Storage		X
Sewer Storage Transfer or Treatment Facility		X
Soil or Water Remediation		X
Truck, Tractor repair		X
Vehicle Impound Yard		X
Wood Processing Plant		X
Wrecking Yard-Automobile		X
Warehousing		X

TABLE 4.1.D.7

Not Allowed Uses

	Not Allowed	Conditional
Mobile Homes (Pre-1976) that were not located in the county as of March 1997 that are not rehabilitated and comply with Idaho Code Title 44, Chapter 25 for residential or any other use.	X	

TABLE 4.1.D.8 BULK & PLACEMENT STANDARDS & PARKING REQUIREMENTS:

STANDARDS FOR ALL **ALLOWED** LAND DEVELOPMENT AND USES						
	Building setback in feet			Min. lot/parcel area in acres	Max. structure ht. in feet	Minimum parking spaces
Use Description	front	side	rear			
1. AGRICULTURAL USES	20	10	10		60*	
2. RESIDENTIAL USES	20	10	20	2**	35	
3. CIVIC USES	30	10	30	2**	45*	
4. COMMERCIAL USES	20	10	20	2**	35*	1 per 250 sq. ft. of floor area
5. TEMPORARY USES	30	10	30		35*	
6. DEVELOPMENT from all waterways , measured horizontally	25	25	25		45	

* Except barns, silos, windmills, towers, and spires. Varies for cell towers and emergency communications antenna
** May be reduced if on central/shared water and/or sewer, and approved by Central District Health Department

TABLE 4.1.D.8 9 BULK & PLACEMENT STANDARDS & PARKING REQUIREMENTS:

STANDARDS FOR ALL **CONDITIONAL USES** OF LAND DEVELOPMENT						
	Building setback in feet			Min. lot/parcel area in acres	Max. structure ht. in feet	Minimum parking spaces
Use Description	front	side	rear			
1. AGRICULTURAL USES	50	30	50	varies	35*	
2. RESIDENTIAL USES	20	10	20	2**	35	varies
3. CIVIC USES	30	10	30	varies	35*	varies
4. COMMERCIAL USES	30	10	30	varies	35*	1 per 250 sq. ft. of floor area
5. INDUSTRIAL USES	50	30	50	varies	45	1 per 250 sq. ft. of floor area
6. DEVELOPMENT from all waterways , measured horizontally	25***	25***	25**		45	

* Except barns, silos, windmills, towers, and spires. Varies for cell towers and emergency communications antenna
** May be reduced if on central/shared water and/or sewer, and approved by Central District Health Department
*** Subject to Section 3.1.D.2 Setback definitions

SECTION 4.2 NONCONFORMING PROPERTY USE OR STRUCTURE:

This Ordinance provides, by exception, for the continuation of certain nonconforming uses, structures, and lots until such time as they are abandoned, altered in use or expanded.

4.2.A APPLICABILITY:

4.2.A.1 The lawful use of land existing on December 6, 2005; or, structures existing on March 24, 1997, may be continued.

4.2.A.2 A non-conforming structure may not be altered or expanded.

4.2.A.3 If a non-conforming use is discontinued for a period of twelve (12) consecutive months, the right to continue the non-conforming use shall be waived and any further use of the property shall conform to this Ordinance.

4.2.A.4 Any single family or duplex use lawfully existing on the effective day of this Ordinance shall be hereafter deemed a lawful use.

4.2.A.5 A non-conforming use, if changed to a conforming use, may not thereafter be changed back to a non-conforming use.

4.2.A.6 Normal repairs and alterations may be made to a non-conforming structure. No existing non-conforming structure designed, arranged, intended for or devoted to, a use not allowed under this Ordinance shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use allowed under the regulations specified by this Ordinance; and provided, further, that nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.

SECTION 4.3 CONDITIONAL USES:

Every use that requires a Conditional Use Permit (CUP) shall be subject to review and appraisal by the Commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons, property, or natural resources. It is the responsibility of the applicant to present plans to implement a conditional use in a way which will avoid or limit the harm to existing or contemplated use of nearby lands or place additional demands on public services.

4.3.A APPLICABILITY:

4.3.A.1 The regulations of this section shall apply to any use that requires conditional use approval as noted in Tables 4.1.D.1 through 4.1.D.7.

4.3.A.2 Any amendment or expansion of a previously approved conditional use shall require a conditional use application for amendment and approval for the amended or expanded use. Denial of the amended CUP application shall not invalidate the existing CUP.

4.3.A.3 A conditional use permit is granted to an applicant. The CUP shall run with the land if the applicant/successor is the owner of the land, otherwise the CUP will continue so long as the applicant/successor has a lease or right of use of the land. The conditional use shall remain valid upon change of ownership with all attached conditions. Conditional use permits are not transferable from one parcel to another. If an approved conditional use permit is abandoned for more than twelve (12) months it shall expire. Any attempts to resume operation without a current conditional use permit is a violation of this Ordinance.

4.3.A.4 Conditional uses may be permitted only after proper application, review, approval and conformance to the conditions of approval.

4.3.B MINIMUM STANDARDS:

An approved conditional use permit shall at least meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size and building height (***Table 4.1.D.8).***

4.3.C CONDITIONS OF PERMIT:

4.3.C.1 In approving any conditional use permit, the Commission may prescribe appropriate conditions, bonds, and safeguards in conformity with this Ordinance or the Comprehensive Plan. Conditions may include, but shall not be limited to, specific requirements that:

4.3.C.1.a Assure that development is maintained properly.
4.3.C.1.b Control the sequence and timing of development.
4.3.C.1.c Control the duration of development.
4.3.C.1.d Designate the exact location and nature of development.
4.3.C.1.e Minimize adverse impacts on other development.
4.3.C.1.f Require the provisions for on-site or off-site public facilities or services.
4.3.C.1.g Require more restrictive standards than those generally required in this Ordinance.
4.3.C.1.h Require mitigation of effects of the proposed development upon service delivery by any political subdivision; including school districts providing services within the planning jurisdiction.
4.3.C.1.i Require surety agreements.

4.3.C.2 A conditional use permit shall also be subject to the terms and conditions by which it is approved, including, but not limited to,

4.3.C.2.a Bulk and Placement Standards. (See Table 4.1.D.8)
4.3.C.2.b Fencing
4.3.C.2.c Floodplains, fire hazards, etc.
4.3.C.2.d Grading
4.3.C.2.e Hours of operation
4.3.C.2.f Landscaping
4.3.C.2.g Natural resources impact mitigation including wildlife habitats, historic sites, shorelines
4.3.C.2.h Parking
4.3.C.2.i Road volumes, traffic control, road maintenance
4.3.C.2.j Screening
4.3.C.2.k Sight obstruction mitigation
4.3.C.2.l Visibility from roads.

4.3.D REQUIRED STANDARD CONDITIONS OF APPROVAL:

4.3.D.1 The property must be in compliance, or brought into compliance by this action, with all applicable Idaho State Statutes and Boise County Ordinances prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval.

4.3.D.2 Applicant must provide proof of property ownership or valid leasehold from the property owner.

4.3.D.3 All property taxes, including current year (prepaid) taxes, shall be paid in full.

4.3.D.4 Prior to commencement of work, applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance services.

4.3.D.5 Fire Department vehicular access shall meet the standards as set forth in this Ordinance.

4.3.D.6 The applicant shall comply with any required conditions imposed by Central District Health Department.

4.3.D.7 The applicant shall identify the days and hours of operation of the conditional use permit activity.

4.3.D.8 Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41.

4.3.D.9 Applicant shall prepare and present to the Planning & Zoning Department its Emergency Services Action Plan, specifically, but not limited to, fire and ambulance services.

4.3.D.10 The conditional use shall be considered null and void if not started within a period of twelve (12) months from the date of approval by the Commission.

4.3.D.11 Prior to the expiration of the conditional use permit, the Administrator may, upon written request by the holder, grant a one (1) year time extension. Any extension request beyond one (1) year shall be subject to the review and approval by the Commission. A review before the Commission shall be scheduled for public hearing and with public notice. The hearing shall be for the purpose of modifying, amending or revoking approval of the Applicant's Conditional Use Permit. A maximum of three (3) extensions may be granted if good cause is shown. The Commission shall make the final decision on the extension request.

4.3.D.12 CUP approval does not include approval of any signage. A separate Sign Permit will be required from the Boise County Planning and Zoning Department prior to installation of a sign(s).

4.3.D.13 The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers.

4.3.D.14 No change in the terms and conditions of the conditional use approval shall be valid unless in writing and signed by the applicant or an authorized representative. Any change in the terms and conditions shall be reviewed and approved or denied by the Commission.

4.3.D.15 Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the County of its intent to change the planned use of the property;

4.3.D.16 All development authorized by this conditional use approval must be completed within four (4) years from the date of the Commission's approval; and

4.3.D.17 Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Commission.

4.3.D.18 The Applicant shall comply with all local, state and federal rules and regulations.

4.3.E REQUIRED FINDINGS:

4.3.E.1 That the use does constitute a conditional use as specified in Tables 4.1.D.1 through 4.1.D.7, or as determined by the Commission.

4.3.E.2 That the use is in accordance with the goals and policies of the Boise County Comprehensive Plan.

4.3.E.3 That the use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character and uses of the vicinity and that such use will not change the essential character of the same area.

4.3.E.4 That the use is not hazardous to, or in conflict with, existing neighboring uses.

4.3.E.5 That the use is served adequately by essential public facilities and services such as, but not limited to, highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost.

4.3.E.6 That the use does not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

4.3.E.7 That the use does not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.

4.3.E.8 That the use does not have vehicular approaches to the property which create hazardous interference with traffic.

4.3.E.9 That the use does not result in the destruction of any significant natural, scenic or historic feature.

4.3.F REGULATION OF CERTAIN AGRICULTURAL USES:

4.3.F.1 Continued development of agricultural resources within Boise County is encouraged. A Conditional Use Permit and additional land use regulations may be required for certain agricultural uses because of the unique ability of certain agricultural uses to create negative impacts on surrounding residents.

4.3.F.1.a As a minimum, conditions of approval for any composting or AFO operation shall consider:

4.3.F.1.a.i Retaining all raw manure and/or other objectionable waste (including noxious airborne chemicals) on-site,

4.3.F.1.a.ii Locating areas likely to be denuded of vegetation by the operation so as to prevent erosion materials from leaving the site, and

4.3.F.1.a.iii Limiting or eliminating groundwater effects caused by the operation.

4.3.F.1.b Unless otherwise demonstrated by the operator, any commercial operation confining more than three (3) average animal units per Table 4.3.F.1 per acre per year is presumed to be an AFO.

TABLE 4.3.F.1
ANIMAL UNIT FACTORS

Animal Type	AU Factor (AU/animal)	Animal Type	AU Factor (AU/animal)
Cow, Mature	1.000	Swine, 55 pounds or less	0.050
Bull, Mature	1.400	Sheep, Mature	0.200
Cattle, Yearling	0.600	Lamb	0.150
Cattle, 2 years	0.800	Goat, Mature	0.150
Calf	0.300	Goat Kid, Yearling	0.100
Horse, Mature	1.250	Chickens 5 pounds or more	0.005
Horse, Yearling	0.900	Chickens, under 5 pounds	0.003
Horse, Colt	0.500	Turkeys, 5 pounds or more	0.018
Swine, over 300 pounds	0.400	Turkeys, under 5 pounds	0.005
Swine, over 55 pounds	0.300	Ducks	0.010

Notes

1. For an animal type not listed, use: Avg. weight/1000#.
2. For AFO determination, multiply the above factor by 1.50 for containment on land with an average slope exceeding seven percent (7.0%).
3. For AFO determination, multiply the above factor by 0.50 for containment on level irrigated pasture.
4. For determining the AFO exemption, use an AU factor of 0.0005 AU/dozen eggs sold.

Calculation Examples:

1. How many chickens may be sold in a year without exceeding the AFO exemption of 5 AU per year?
From the chart, the AU factor for mature chickens is 0.005 AU/chicken. Therefore:
(5 AU/year)/(0.005 AU/chicken) = 1,000 chickens per year
2. How many horses per year may be kept without raising the presumption of an AFO?
Assume an annual average of 1 colt and 1 yearling for every 4 mature horse. From the chart: 0.5 AU/colt, 0.9 AU/yearling, and 1.25 AU/horse. Therefore:
(0.5 AU/colt + 0. AU/yearling + (4 x 1.25 AU/horse))/4 = 6.4/4 = 1.6 effective AU/horse
From the Ordinance, an operation is presumed to be an AFO if more than 3 AU/acre are kept. Therefore:
(3.0 AU/acre)/(1.6 effective AU/mature horse) = 1.875 mature horses w/ foals & yearlings per acre.
3. How many acres may 100 mature cows be confined to without raising the presumption of an AFO?
(100 mature cows) x (1.00 AU/cow) / (3 AU/acre) = 33.33 acres.
4. For example 3, how many acres with an average slope of over 7%?
(100ture cows) x (1.5 increase for steep ground) x (1.00 AU/cow) / (3 AU/acre) = 50.00 acres.
5. For example 3, how many acres on irrigated land?

4.3.G MULTIPLE USES ON ONE PARCEL:

The Commission may grant more than one conditional use permit to a single parcel of property or may grant conditional use permits to a single parcel of property that currently contains an allowed use.

4.3.G APPEAL

Appeals of a Conditional Use Permit decision shall be subject to Section 2.10 of this Ordinance.

SECTION 4.4 WILDLAND-URBAN INTERFACE REGULATION:

4.4.A PURPOSE FOR FIRE PROTECTION:

4.4.A.1 To establish general requirements which apply to all buildings, structures and premises located within the un-incorporated areas which are subject to the jurisdiction of Boise County.

4.4.A.2 To establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to adjacent wildland fuels.

4.4.A.3 To modify the fuel load in areas adjacent to structures to create a defensible space around those structures.

4.4.B GENERAL REQUIREMENTS:

4.4.B.1 Access for emergency vehicles will greatly enhance the ability of local agencies to protect life and property. This Section should be used in conjunction with local fire authorities to safeguard homes and developments in Boise County.

4.4.B.2 All new structures of two-hundred (200) square feet or greater or alterations made to any building or structure which would increase the footprint of the structure by more than fifty per-cent (50%) shall comply with this Section.

4.4.B.3 Driveways shall be constructed to a minimum width of twelve feet (12').
Exceptions: Where a width of twelve feet (12') is not possible due to terrain, the Fire Chief or Sheriff has the authority to waive the twelve foot (12') requirement for the applicable portion of the driveway. In doing so, the Fire Chief or Sheriff will furnish written approval of such to the Planning & Zoning Department listing the applicants name, address, the reason for the waiver and the GPS coordinates of the start and end points of all waived portions of the driveway.

4.4.C DEFENSIBLE SPACE:

4.4.C.1 Upon issuance of a building permit for any construction, the Planning and Zoning Staff will advise the applicant on any requirements to mitigate fuels in accordance with this Ordinance. The applicant must inform the Planning and Zoning Staff and request a Wildland-Urban Interface inspection when the foundation backfill is complete. Failure to do so shall authorize the Administrator to declare the building permit revoked. Another building permit shall not be issued until said violation is corrected.

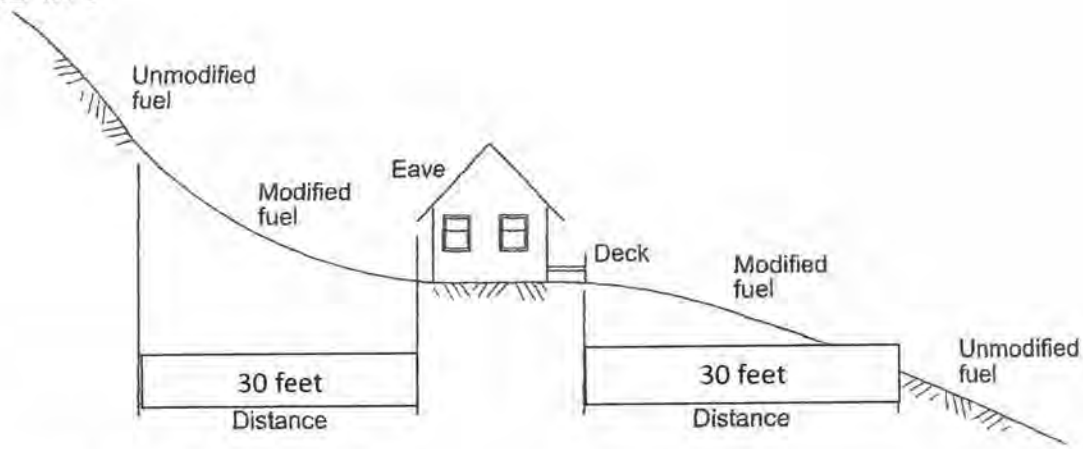
4.4.C.2 In order to qualify as a conforming defensible space for the purpose of structures on a property, fuel modification shall be a minimum of 30 feet or to the property line if less than thirty (30) feet. Distances may be increased due to site-specific analysis based on local conditions and the fire protection plan. Figure 4.4-1 demonstrates the application of this section.

4.4.C.3 Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non-fire-resistant vegetation on the property.

4.4.C.4 Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees, and crowns of trees and structures, overhead electrical facilities or unmodified fuel is a minimum of ten (10) feet. Dead wood, pine needles and litter shall be regularly removed from the defensible space.

4.4.C.5 Ground cover, such as green grass, ivy, succulents are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

FIGURE 4.4-1



4.4.D MAINTENANCE OF DEFENSIBLE SPACE:

4.4.D.1 Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for maintaining non-fire-resistant vegetation on the property.

4.4.D.2 Non-fire-resistant vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 4.4.B Defensible Space to provide a clear area for fire suppression operations.

4.4.D.3 Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces to the standards set forth in this Ordinance.

4.4.D.4 Tree crowns extending to within thirty (30) feet of any structure shall be pruned to maintain a minimum horizontal clearance of fifteen (15) feet. Tree crowns within the defensible space shall be pruned to remove limbs located less than

eighteen (18) feet or one-third (1/3) the height of the tree above the ground surface adjacent to the trees. Portions of tree crowns that extend within eighteen (18) feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of eighteen (18) feet.

4.4.E VEGETATION CONTROL ON ROADWAYS:

The Fire Chief, Sheriff or authority having jurisdiction is authorized to require ten (10) feet of defensible space on each side of fire apparatus access roads.

4.4.F OUTDOOR FIRES:

All outside burning shall be conducted in general conformance with the procedures adopted by the Board in the Outdoor Burning Ordinance 2017-01.

4.4.G SUBDIVISIONS, PLANNED COMMUNITIES, PLANNED UNIT DEVELOPMENTS, AND CONDITIONAL USE PERMITS:

This section establishes minimum standards for emergency vehicle access and water supply for buildings and structures located in the WUI area. This Ordinance should be used in cooperation with local fire authorities to safeguard homes and developments in Boise County.

4.4.G.1 ACCESS to a subdivision, planned community, planned unit development or conditional use permits shall meet the following requirements:

4.4.G.1.a All road systems shall provide for unobstructed traffic circulation for residents, firefighters and fire equipment in case of an emergency. This requires wide, well-constructed roads with sufficient turn-arounds to prevent getting stuck off the road, and to allow simultaneous access by emergency vehicles and escape by local residents. Turns must be designed and hill grades established allowing for truck traffic.

4.4.G.1.b Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Chief or Sheriff may require a key box to be installed in an accessible location. The key box shall be of a type approved by the Sheriff or Fire Chief and shall contain keys to gain necessary access as required. Combination locks are acceptable when appropriate codes are furnished to the local fire department and Boise County Dispatch. Should a key box not be installed the fire department or Sheriff may take such actions as necessary to access the property. The requirements of this subsection shall not apply if the access road is equipped with a knock-down gate.

4.4.G.2 WATER

A water supply shall be required for the use of the fire protection service having jurisdictional authority for fire-fighting purposes in accordance with the jurisdiction's fire mitigation plan and this Ordinance.

4.4.G.3 FIRE MITIGATION PLAN:

4.4.G.3.a A Fire Mitigation Plan shall be prepared by the applicant, approved by the P&Z Department, and implemented by the applicant.

The Fire Mitigation Plan shall be based on a site-specific wildfire risk assessment that includes considerations of the following:

4.4.G.3.a.i Climatic conditions;

4.4.G.3.a.ii Fire history;
4.4.G.3.a.iii Flammable vegetation;
4.4.G.3.a.iv Location;
4.4.G.3.a.v Response time from the nearest fire department;
4.4.G.3.a.vi Slope;
4.4.G.3.a.vii Topography;
4.4.G.3.a.viii Water sources;
4.4.G.3.a.ix Water source storage capacity.

4.4.G.3.b The plan shall address the following:
4.4.G.3.b.i Access;
4.4.G.3.b.ii Building ignition and fire resistance factors;
4.4.G.3.b.iii Defensible space;
4.4.G.3.b.iv Evacuation routes
4.4.G.3.b.v Fire protection systems;
4.4.G.3.b.vi Fire protection equipment;
4.4.G.3.b.vii Vegetation management.

4.4.G.3.c The cost of preparing the Fire Mitigation Plan and review shall be the responsibility of the applicant.

4.4.G.4 PROTECTION OF PUMPS AND WATER STORAGE FACILITIES:

4.4.G.4.a To increase the reliability of water storage and pumping facilities and to protect such systems against loss from fire.

4.4.G.4.b Water storage and pumping facilities shall be provided with a defensible space of a minimum of thirty feet (30') clear of non-fire-resistant vegetation or growth around and adjacent to such facilities.

4.4.G.4.c Persons owning, controlling, operating or maintaining water storage and pumping systems are responsible for clearing and removing non-fire-resistant vegetation and maintaining the defensible space on the property.

4.4.G.4.d Parts of trees that extend to within thirty feet (30') of combustible portions of water storage and pumping facilities shall be removed.

SECTION 4.5 FLOOD DAMAGE PREVENTION

4.5.A STATUTORY AUTHORITY:

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property.

4.5.B FINDINGS OF FACTS:

4.5.B.1 The flood hazard areas of Boise County are subject to periodic inundation that results in:

4.5.B.1.a loss of life and property;
4.5.B.1.b health and safety hazards;
4.5.B.1.c disruption of commerce and governmental services;
4.5.B.1.d extraordinary public expenditures for flood relief and protection; and
4.5.B.1.e impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

4.5.B.2 These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

4.5.B.3 Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

4.5.C PURPOSE:

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

4.5.C.1 Protect human life, health, and property;

4.5.C.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;

4.5.C.3 Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

4.5.C.4 Minimize expenditure of public money for costly flood control projects;

4.5.C.5 Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;

4.5.C.6 Minimize prolonged business interruptions;

4.5.C.7 Ensure potential buyers are notified the property is in an area of special flood hazard; and

4.5.C.8 Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

4.5.D OBJECTIVES AND METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purpose, this ordinance includes methods and provisions to:

4.5.D.1 Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

4.5.D.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;

4.5.D.3 Control filling, grading, dredging, and other development which may increase flood damage or erosion;

4.5.D.4 Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

4.5.D.5 Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

4.5.E APPLICATION AND INTERPRETATION OF GENERAL PROVISIONS

4.5.E.1 This Section shall apply to all Special Flood Hazard Areas within the jurisdiction of Boise County. Nothing in this Section is intended to allow uses or structures that are otherwise prohibited by this Ordinance.

4.5.E.2 The Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "Flood Insurance Study (FIS) for Boise County, Idaho And Incorporated Areas", dated April 5, 1988", and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting

data, are adopted by reference and declared to be a part of this Section. The FIS and FIRM are on file at the Boise County Planning and Zoning Department Office, Idaho City, ID.

4.5.E.3 A Floodplain Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Subsection 4.5.F.1.

4.5.E.4 No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Section and other applicable regulations.

4.5.E.5 This Section shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this Section and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

4.5.E.6 In the interpretation and application of this Section all provisions shall be:

4.5.E.6.a Considered as minimum requirements;

4.5.E.6.b Liberally construed in favor of the governing body; and

4.5.E.6.c Deemed neither to limit nor repeal any other powers granted under state statutes.

4.5.E.7 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 Boise 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.

4.5.E.8 No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this Section. Violation of this Section 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 be dealt with per Section 2.12 Violations of this Ordinance.

4.5.F DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions.

4.5.F.1 The Floodplain Administrator shall perform, but not be limited to, the following duties:

4.5.F.1.a Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements have been satisfied.

4.5.F.1.b Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

4.5.F.1.c Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

4.5.F.1.d Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

4.5.F.1.e Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Subsection 4.5.N are met.

4.5.F.1.f Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Subsection 4.5.G.3.

4.5.F.1.g Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Subsection 4.5.G.3.

4.5.F.1.h Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Subsection 4.5.G.3.

4.5.F.1.i When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Subsection 4.5.G.3 and 4.5.K.2.

4.5.F.1.j Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Subsection.

4.5.F.1.k When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to Subsection 4.5.G.2.b, in order to administer the provisions of this Section.

4.5.F.1.l When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Subsection 4.5.E.2, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this section.

4.5.F.1.m When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

4.5.F.1.n Permanently maintain all records that pertain to the administration and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

4.5.F.1.o Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be

necessary to ensure that the work is being done according to the provisions and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

4.5.F.1.p Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order shall be deemed a violation of this Ordinance and Section 2.12 shall apply.

4.5.F.1.q Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

4.5.F.1.r Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

4.5.F.1.s Follow through with corrective procedures of Subsection 4.5.H.

4.5.F.1.t Review, provide input, and make recommendations for variance requests.

4.5.F.1.u Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Subsection 4.5.E.2 of this Section, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

4.5.F.1.v Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

4.5.G FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS

4.5.G.1 FLOODPLAIN DEVELOPMENT APPLICATION

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood

Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

4.5.G.1.a A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- 4.5.G.1.a.i the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
- 4.5.G.1.a.ii the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Subsection 4.5.E.2, or a statement that the entire lot is within the Special Flood Hazard Area;
- 4.5.G.1.a.iii the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Subsection 4.5.E.2;
- 4.5.G.1.a.iv the boundary of the floodway(s) or flood fringe area(s) as determined in Subsection 4.5.E.2;
- 4.5.G.1.a.v the Base Flood Elevation (BFE) where provided as set forth in Subsection 4.5.E.2; 4.5.E.3; or 4.5.L;
- 4.5.G.1.a.vi the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- 4.5.G.1.a.vii the certification of the plot plan by a registered land surveyor or professional engineer.

4.5.G.1.b Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- 4.5.G.2.b.i Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- 4.5.G.2.b.ii Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
- 4.5.G.2.b.iii Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

4.5.G.1.c If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

4.5.G.1.d A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- 4.5.G.1.d.i The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
- 4.5.G.1.d.ii Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with

Subsection 4.5.K.4.d when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

4.5.G.1.e Usage details of any enclosed areas below the lowest floor.

4.5.G.1.f Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

4.5.G.1.g Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.

4.5.G.1.h Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Subsection 4.5.K.5 and K.6 of this Section are met.

4.5.G.1.i A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

4.5.G.1.i.i A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

4.5.G.2 THE FLOODPLAIN DEVELOPMENT PERMIT shall include, but not be limited to:

4.5.G.2.a A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).

4.5.G.2.b The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 4.5.E.

4.5.G.2.c The Flood Protection Elevation required for the reference level and all attendant utilities.

4.5.G.2.d The Flood Protection Elevation required for the protection of all public utilities.

4.5.G.2.e All certification submittal requirements with timelines.

4.5.G.2.f A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

4.5.G.2.g The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

4.5.G.2.h A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

4.5.G.2.i A statement that all materials below BFE/FPE must be flood resistant materials.

4.5.G.3 CERTIFICATION REQUIREMENTS

4.5.G.3.a Elevation Certificates

4.5.G.3.a.i An Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate

data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

4.5.G.3.a.ii A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

4.5.G.3.b Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant

prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

4.5.G.3.c If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Subsection 4.5.K.3.b.

4.5.G.3.d If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

- 4.5.G.3.d.i a description of the extent of watercourse alteration or relocation; and
- 4.5.G.3.d.ii a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
- 4.5.G.3.d.iii a map showing the location of the proposed watercourse alteration or relocation; and
- 4.5.G.3.d.iv an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.

4.5.G.3.e Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:

- 4.5.G.3.e.i Recreational Vehicles meeting requirements of Subsection 4.5.K.6.a;
- 4.5.G.3.e.ii Temporary Structures meeting requirements of Subsection 4.5.K.7; and
- 4.5.G.3.e.iii Accessory Structures less than 200 square feet meeting requirements of Subsection 4.5.K.8.

4.5.G.4 Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

4.5.G.4.a Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

4.5.G.4.b Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

4.5.G.4.c Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4.5.G.4.d Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted State of Idaho Building Code and this ordinance is required.

4.5.H CORRECTIVE PROCEDURES

4.5.H.1 Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

4.5.H.2 Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

4.5.H.2.a that the building or property is in violation of the floodplain management regulations;

4.5.H.2.b that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) calendar days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

4.5.H.2.c that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

4.5.H.3 Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Section, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than One-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4.5.H.4 Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within fourteen (14) calendar days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

4.5.H.5 Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

4.5.I VARIANCE PROCEDURES <u>FOR FLOOD DAMAGE PREVENTION ONLY</u>

4.5.I.1 The Board, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Flood Damage Prevention Section.

4.5.I.2 Variances may be issued for:

4.5.I.2.a the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

4.5.I.2.b functionally dependent facilities, if determined to meet the definition as stated in this section, provided provisions of Subsection 4.5.I.9.b, c, and e have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

4.5.I.2.c any other type of development, provided it meets the requirements of this Section.

4.5.I.3 In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in this and other sections, and:

4.5.I.3.a the danger that materials may be swept onto other lands to the injury of others;

4.5.I.3.b the danger to life and property due to flooding or erosion damage;

4.5.I.3.c the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4.5.I.3.d the importance of the services provided by the proposed facility to the community;

4.5.I.3.e the necessity to the facility of a waterfront location as defined under this Section as a functionally dependent facility, where applicable;

4.5.I.3.f the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

4.5.I.3.g the compatibility of the proposed use with existing and anticipated development;

4.5.I.3.h the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

4.5.I.3.i the safety of access to the property in times of flood for ordinary and emergency vehicles;

4.5.I.3.j the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

4.5.I.3.k the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4.5.I.4 The applicant shall include a written report addressing each of the above factors in Subsection 4.5.I.3.a-k with their application for a variance.

4.5.I.5 Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

4.5.I.6 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the

BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

4.5.I.7 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.

4.5.I.8 Conditions for Variances:

4.5.I.8.a Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

4.5.I.8.b Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

4.5.I.8.c Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4.5.I.8.d Variances shall only be issued prior to development permit approval.

4.5.I.8.e Variances shall only be issued upon:

4.5.I.8.e.i a showing of good and sufficient cause;

4.5.I.8.e.ii a determination that failure to grant the variance would result in exceptional hardship; and

4.5.I.8.e.iii a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4.5.I.9 A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

4.5.I.9.a The use serves a critical need in the community.

4.5.I.9.b No feasible location exists for the use outside the Special Flood Hazard Area.

4.5.I.9.c The reference level of any structure is elevated or floodproofed to at least the Flood Protection Elevation.

4.5.I.9.d The use complies with all other applicable Federal, State and local laws.

4.5.I.10 The Board will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

4.5.I.11 Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in this Ordinance and Idaho Code 67-6535.

4.5.J PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas the following provisions are required:

4.5.J.1 All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

4.5.J.2 All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

4.5.J.3 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4.5.J.4 All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

4.5.J.5 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

4.5.J.6 All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

4.5.J.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

4.5.J.8 A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

4.5.J.8.a be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and

4.5.J.8.b include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

4.5.J.8.b.i A minimum of two flood openings on different sides of each enclosed area subject to flooding;

4.5.J.8.b.ii The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

4.5.J.8.b.iii If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

4.5.J.8.b.iv The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

4.5.J.8.b.v Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

4.5.J.8.b.vi Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

4.5.J.9 Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this section.

4.5.J.10 Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

4.5.J.11 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Subsection 4.5.I.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions in Subsection 4.5.G.3.

4.5.J.12 All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

4.5.J.13 All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

4.5.J.14 All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4.5.J.15 All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

4.5.J.16 When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

4.5.J.17 When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

4.5.K SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Subsection 4.5.E.2, or Subsection 4.5.M, the following provisions, in addition to the provisions of Subsection 4.5.J, are required:

4.5.K.1 Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in this Section.

4.5.K.2 Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in this Section. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of

elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Subsection 4.5.O.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsection 4.5.G.3, along with the operational plan and the inspection and maintenance plan.

4.5.K.3 Manufactured Homes.

4.5.K.3.a New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Flood Protection Elevation, as defined in this Section.

4.5.K.3.b Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code §44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

4.5.K.3.c All enclosures or skirting below the lowest floor shall meet the requirements of Subsection 4.5.K.4.

4.5.K.3.d An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4.5.K.4 Additions/Improvements.

4.5.K.4.a Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

4.5.K.4.a.i not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

4.5.K.4.a.ii a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

4.5.K.4.b Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

4.5.K.4.c Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

4.5.K.4.c.i not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

4.5.K.4.c.ii a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

4.5.K.4.d Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a four (4) year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the four (4) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

4.5.K.4.d.i any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

4.5.k.4.d.ii any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

4.5.K.5 Recreational Vehicles. Recreational vehicles shall be either:

4.5.K.5.a Temporary Placement

4.5.K.5.a.i be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

4.5.K.5.b Permanent Placement.

4.5.K.5.b.i Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Subsection 4.5.J.

4.5.K.6 Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

4.5.K.6.a a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

4.5.K.6.b the name, address, and phone number of the individual responsible for the removal of the temporary structure;

4.5.K.6.c the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

4.5.K.6.d a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

4.5.K.6.e designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

4.5.K.7 Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Subsection 4.5.G.3, and the following criteria shall be met:

4.5.K.7.a Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

4.5.K.7.b Accessory structures shall not be temperature-controlled;

4.5.K.7.c Accessory structures shall be designed to have low flood damage potential;

4.5K.7.d Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

4.5.K.7.e Accessory structures shall be firmly anchored in accordance with the provisions of Subsection 4.5.J.1;

4.5.K.7.f All service facilities, such as electrical, shall be installed in accordance with the provisions of Subsection 4.5.J.4; and

4.5.K.7.g Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Subsection 4.5.K.4.d.

An accessory structure with a footprint less than 200 square feet and is a minimal investment of $7,500 or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Subsection 4.5.K.2.

4.5.K.8 Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

4.5.K.8.a Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

4.5.K.8.b Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

4.5.K.8.c Not elevated above-ground tanks, that do not meet the elevation requirements of Subsection 4.5.K.2 of this Section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

4.5.K.8.d Tank inlets, fill openings, outlets and vents shall be:

4.5.K.8.d.i at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or

outflow of the contents of the tanks during conditions of the base flood; and

4.5.K.8.d.ii anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

4.5.K.9 Construction of Below-Grade Crawlspace.

4.5.K.9.a The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

4.5.K.9.b The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.

4.5.K.9.c There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

4.5.K.9.d The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

4.5.K.10 Other Development in regulated floodways and flood fringe.

4.5.K.10.a Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Subsection 4.5.N of this Section.

4.5.K.10.b Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Subsection 4.5.N of this Section.

4.5.K.10.c Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Subsection 4.5.N of this Section.

4.5.K.10.d Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Subsection 4.5.N of this Section.

4.5.K.10.e Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Subsection 4.5.N of this Section.

4.5.K.11 Subdivision Plats-Flood Zones:

4.5.K.11.a A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.

4.5.K.11.b FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.
FIRM effective date(s): mm/dd/year
Flood Zone(s): Zone X, Zone A, Zone AE, Zone AO, etc.
Base Flood Elevation(s): AE _____.0 ft., etc.
Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by Section 4.5 of this Ordinance.

4.5.L. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Subsection 4.5.E.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Subsection 4.5.J, shall apply:

4.5.L.1 No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted, unless a determination of the Base Flood Elevation (BFE) is provided.

4.5.L.2 The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

4.5.L.2.a When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Subsections 4.5.J and 4.5.K.

4.5.L.2.b When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Subsections 4.5.K and 4.5.N.

4.5.L.2.c All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Subsection 4.5.E.2 and utilized in implementing this ordinance.

4.5.L.2.d When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Flood Protection Elevation, as defined in this Section. All other applicable provisions of Subsection 4.5.K shall also apply.

4.5.M STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR FLOOD FRINGE AREAS

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

4.5.M.1 Standards of Subsections 4.5.J and 4.5.K; and

4.5.M.2 Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

4.5.N STANDARDS FOR FLOODWAYS OR FLOOD FRINGE AREAS

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Subsection 4.5.E.2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Subsections 4.5.J and 4.5.K, shall apply to all development within such areas:

4.5.N.1 No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

4.5.N.1.a it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

4.5.N.1.b a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

4.5.N.2 If Subsection 4.5.N.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

4.5.N.3 Manufactured homes may be permitted provided the following provisions are met:

4.5.N.3.a the anchoring and the elevation standards of Subsection 4.5.K.3; and

4.5.N.3.b the encroachment standards of Subsection 4.5.N.1.

4.5.O STANDARDS FOR AREAS OF SHALLOW FLOODING (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in Subsection 4.5.E.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Subsection 4.5.J and 4.5.K, all new construction and substantial improvements shall meet the following requirements:

4.5.O.1 The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 3 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified. A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided.

4.5.O.2 Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Subsection 4.5.O.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection 4.5.G.3, and Subsection 4.5.K.2.

4.5.O.3 Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

4.5.P LEGAL STATUS PROVISIONS

4.5.P.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted October 6, 1997, as amended

by this Ordinance, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Boise County enacted on October 6, 1997, as amended, which are not reenacted herein are repealed.

4.5.P.2 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

4.5.P.3 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this section 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 manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of Boise County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

SECTION 4.6 HAZARDOUS DEVELOPMENT SITE REGULATIONS:

4.6.A PURPOSE:

4.6.A.1 To prevent harm which cannot be subsequently remedied, it has been determined that it is both important and necessary that appropriate building and use restrictions for designated unstable sites found to exist in the county be established.

4.6.A.2 Nothing in this Section shall be construed to imbue the County, its officers, or its agents with responsibility for identifying hazardous development sites of any kind whatsoever.

4.6.B DESIGNATION OF HAZARDOUS DEVELOPMENT SITE:

4.6.B.1 No person shall engage in or undertake land use development activities, nor shall designated hazard-prone structures or improvements be used or occupied, within lands designated by the Boise County Board of Commissioners by resolution as a Hazardous Development Site (HDS) pursuant to this Section. For purposes of this Section land use activities shall mean any modification of the landscape by grading, excavating, constructing, or otherwise developing or occupying a site or a structure on a site. Establishing any land use shall mean undertaking earth movement, construction, installation of utilities of any type, or making any material preparation to construct or establish a developed land use on lands hereby affected. The provisions of this Section shall apply to only existing HDS or to lands designated HDS by resolution of the Board subject to a public hearing.

4.6.B.2 The Board may designate lands within the County as HDS upon such information as the Board may become aware in the course of governance of the County. The

Board may rely upon information supplied by professionals with experience and expertise in evaluating the hazards associated with geological processes, climatic conditions, and information developed by related natural science disciplines. When the Board determines that the developed use of certain lands poses, or could pose, an imminent threat to the health, safety, or general welfare of occupants, users, or owners of certain lands, the Board may declare such identified lands an HDS by approving an emergency resolution to that effect. Any such resolution declaring an HDS shall state the reasons therefore within the text of said resolution.

4.6.B.3 In designating any lands as an HDS, the Board shall carry out a takings analysis as required by Idaho Code Title 67, Chapter 80, or its successor. In analyzing the factors to be considered therein, the Board shall balance the threat to interests of adjoining property owners and users, the risk of harm to potential users of the subject lands, and the threat to public safety and rescue personnel against the interests of the owner of the designated site. Such analysis shall err initially upon the side of protecting the public safety. Procedures in this Section are designated to protect the property rights of the owner by providing hearings and rights of appeal.

4.6.C APPEAL OF HAZARDOUS DEVELOPMENT SITE DESIGNATION:

4.6.C.1 Any land owner who owns land within a designated HDS may appeal its designation as an HDS to the Board within fourteen (14) calendar days of a designation by Board resolution. Such appeal may be heard on the basis of information submitted by the owner which contradicts or amplifies the information upon which the Board has relied. Any such appeal may also propose conditions by which the hazard may be mitigated. Said appeal may be for a complete and total release of the HDS designation or for a partial release for certain identified uses or purposes or subject to such conditions of mitigation as the Board might approve. The request for release, conditional, partial or total, shall be in writing, shall include the information upon which the appeal is based, and shall state the relief sought. In considering any such appeal the Board may consider the matter on the record or may schedule a public hearing, in either event providing written notification to adjoining landowners of the appeal and allowing written or oral comment, or may follow such procedural steps as may be appropriate to the circumstances of the appeal which has been filed if the Board determines that other landowners would not be affected thereby.

4.6.C.2 After considering the information submitted for and/or against the HDS designation, the Board shall decide the appeal in writing, setting forth the basis for its determination. Such written decision shall be deemed final action by the Board. If an owner or other affected person believes that the decision on appeal is premised upon an error of fact or law, that person may request reconsideration by the Board. Such request for reconsideration shall be received in writing no more than fourteen (14) calendar days after the date of the decision on appeal rendered by the Board. The Board shall follow such procedures as it deems appropriate in considering a request for reconsideration. Filing a timely request for reconsideration shall stay the date upon which a decision of the Board is deemed final. When a request for reconsideration is received, the decision of the Board shall not be deemed final until the reconsideration request has been conclusively acted upon, within sixty (60) calendar days of the receipt of the request for reconsideration.

4.6.C.3 After all remedies have been exhausted under this Ordinance, the affected person seeking review of a written decision of the Board may appeal within twenty-eight (28) calendar days to seek judicial review as provided in Idaho Code §67-6521(d), or as amended.

CHAPTER 5 SUBDIVISION REGULATIONS

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SECTION 5.1 PURPOSE:

To provide a process for land owners to legally modify, adjust, consolidate, combine, or divide their real property to improve its usefulness, while simultaneously permitting Boise County to protect the rights and lifestyles of all of Boise County's residents.

5.1.A To establish standards for land subdivision to provide for the orderly and harmonious development of land in Boise County;

5.1.B To ensure the provision of adequate transportation, water and sewage facilities, water drainage, emergency services, fire and police protection and other public services;

5.1.C To ensure that the impact of subdivision development does not affect the ability of the local jurisdictions or taxing districts, including school districts, to deliver services without compromising their current quality or imposing higher costs upon current residents.

SECTION 5.2 DOCUMENTATION:

Plat and lot line vacations shall be recorded per Idaho Code §50-1324. All land boundary modifications shall be documented as required by this Ordinance, an exception of plat and/or property line vacations, and of administratively exempted splits as described in Section 5.5. All land boundary modifications shall be documented by recording an appropriate Plat.

5.2.A Records of Survey: Each Subdivision Exception split shall be documented by a Record of Survey per Idaho Code, Title 55, Chapter 19.

5.2.B Plats: No Plat shall be filed with the County Recorder until said Plat has been acted upon and approved for recordation by the Board. NO LOTS SHALL BE SOLD UNTIL SAID PLAT HAS BEEN APPROVED FOR RECORDATION BY THE BOARD AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER. In addition to and in concurrence with the requirements of Idaho Code §50-1310, the following shall be required:

5.2.B.1 For each Plat a physical presentation, including at least:

5.2.B.1.a One (1) silver image chronoflex transparency Mylar, or in a format provided for in Idaho Code, Title 50, Chapter 13; and

5.2.B.1.b Plat shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 ½) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges; per I.C. 50-1304 current, or as amended.

5.2.B.1.c One (1) full size paper copy; and

5.2.B.1.d One (1) 8 ½ x 11 paper copy; and

5.2.B.1.e One (1) Plat Map in a digital format as required by the Boise County Assessor for inclusion in the County GIS system;

5.2.B.2 Included on each Plat:

5.2.B.2.a Coordinates based on the PLSS coordinate system; and

5.2.B.2.b A title block including the name of the subdivision, county and state, and the location and description of the subdivision referenced to township, range and section; and

5.2.B.2.c Face notes as determined by final decision of the Board; and

5.2.B.2.d Scale, north arrow, symbol legend, and date; and

5.2.B.2.e Point of beginning of subdivision description tied to at least two (2) government survey corners or to monuments recognized by the County Surveyor; and

5.2.B.2.f Location and description of monuments; and

5.2.B.2.g Tract boundary lines, property lines, lot lines, lot sizes, street right-of-way and center lines, other rights-of-way and easements; all with accurate dimensions in feet and decimals, bearing in degrees, minutes and seconds, radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy; and

5.2.B.2.h Existing buildings; and

5.2.B.2.i Area for parcels 1 acre or more shown to the nearest 1/100th of an acre; for parcels less than 1 acre shown in square feet; and

5.2.B.2.j Name and right-of-way width of each street or other right-of-way; and

5.2.B.2.k Location of all adjoining properties and subdivisions with name, book, page or instrument number; and

5.2.B.2.l The location, dimension and purpose of all easements; and

5.2.B.2.m Clear identification of any portion(s) of the subdivision that are subject to the requirements of Flood Damage Prevention Section of this Ordinance, including all major drainage-ways, water features, wet

lands, and floodplain lines as depicted on the most recent applicable Federal Emergency Management Agency map; and

5.2.B.2.n The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked clearly with the reason for exclusion. Notes to the Plat shall include statements such as "Originated as a One-Time Split, Originated as an Agricultural Split, etc." if applicable; and

5.2.B.2.o The outline of any property, other than a street or alley, which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked "Public" and showing the proposed use; and

5.2.B.2.p Location, width and names of all existing or dedicated streets or other public ways within or adjacent to the proposed subdivision; and

5.2.B.2.q A notarized certificate of ownership which includes dedication of those street rights-of-way and sites held for public use, statements of no dedication for public use and responsibility for maintenance and service to such private streets, grants of any existing or proposed easements and a provision in this certificate referencing the County Recorder's fee instrument number where the protective covenants governing the subdivision are recorded; and

5.2.B.2.r Certification by a registered surveyor preparing the plat certifying to the accuracy of survey and plat, and that lot corner pins are physically in place or that Idaho Code §50-1331 and §50-1332 have been otherwise complied with; and

5.2.B.2.s Certification and signature of the County Surveyor verifying that the accuracy of the survey complies with the requirements of the State of Idaho; and

5.2.B.2.t Certification by the proper health authority that sanitary restrictions have been lifted, or proper notice acceptable to the health authority that sanitary restrictions remain in effect; and

5.2.B.2.u Certification and signature of the Planning and Zoning Administrator verifying that the subdivision has met or bonded for all County requirements; and

5.2.B.2.v Any additional restrictions imposed by the Board to provide for the public health, safety and welfare; and

5.2.B.2.w Certification and signature of the Chairperson of the Board verifying that the subdivision has been approved by the Board; and

5.2.B.2.x Certification and signature of the County Treasurer verifying that all taxes have been paid.

SECTION 5.3 SUITABILITY RESTRICTIONS:

The following restrictions shall be incorporated in any plat, subdivision or dedication and each of the requirements hereinafter set forth shall be considered mandatory unless otherwise indicated.

5.3.A Land, which the Board has found to be unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents and which the Board considers inappropriate for subdivision shall not be subdivided unless adequate methods approved by the Board are included for mitigating these conditions.

5.3.B In making its determination regarding unsuitability, the Board shall use as a guide, those standards for flood plain, hillside development, traffic, drainage, fire, hydro geologic, and other topographical features adopted by the Board.

5.3.C Determination by the Board of unsuitability can be made at any time during the preliminary platting process.

SECTION 5.4 SUBDIVISION EXCEPTIONS:

The Administrator shall have the authority to administer, review and approve the following limited Subdivision Exceptions. The following Subdivision Exceptions may be approved outside the standard land division procedures of Section 5.5. A completed application for a Subdivision Exception shall be submitted to the Administrator for processing and a final decision. All required information for the Record of Survey procedures shall be complete and in acceptable form for consideration of the Subdivision Exception. Any further division of the original parcel of record, or any portion of the original parcel of record, shall require a Subdivision Application.

5.4.A TYPES OF SUBDIVISION EXCEPTIONS:

5.4.A.1 **Property Line Adjustment:** A Property Line Adjustment is an adjustment of lot, or parcel lines which does not: reduce the area, frontage, width, depth, or building set back lines of each building site below the minimum requirements, if any; does not change the outside boundary of a subdivision; and does not increase the original number of lots, or parcels, in any block of a recorded Plat. A Property Line Adjustment may be done more than once, if conditions are met; the original parcel criteria does not apply.

5.4.A.2 **Property Line Vacation:** The purpose of the Property Line Vacation is to create one new parcel from two, or more, legal, contiguous parcels, existing under the same ownership, by eliminating all common property lines which separate the parcels from each other. Only one (1) Subdivision Exception is permitted per original parcel of record from said parcel's configuration as of December 6, 2005.

5.4.A.2.a A property line vacation does not become valid until such time as the forms and exhibits are approved and signed by the Planning and Zoning Administrator and recorded in the Boise County Recorder's Office. The property line vacation does not become complete until the deed granting the property line vacation to the respective owner is also recorded with the Boise County Recorder's Office.

5.4.A.2.b If buildings are to be constructed over vacated property lines, then any easements platted therein shall also be vacated per Idaho Code.

5.4.A.3 **Agricultural Split**: A division of qualifying agricultural land for Agricultural Use. A division of agricultural land for Agricultural Use shall mean the division of land into lots/parcels, all of which are ten (10) acres or larger, (no more than five (5) lots/parcels; per Title 50, Chapter 13, Idaho Code), and maintained as agricultural lands. In addition, the Administrator shall confirm with the Boise County Assessor's office that the property is an agricultural use. If applied for, no more than one (1) residential building will be approved for a building permit on an agricultural split parcel within ten (10) years of approved agricultural split; unless a subdivision application has been approved.

5.4.A.4 **One Time Division**: A one-time division of an original parcel into four (4) parcels/lots, or less, that is subject to Section 5.4.B of this Ordinance. Only one (1) Subdivision Exception is permitted per original parcel of record from said parcel's configuration as of December 6, 2005.

5.4.A.5 **Public Use:** A division of property owned by a public agency that is being divided for the purpose of transferring property to another public agency.

5.4.A.6 **Probate Estate or Court Order:** A division of land in the settlement of an estate of a decedent or a court order/decree for the distribution of property; or the sale of land as a result of legal condemnation, as allowed by law. A copy of the Court Order/Decree or Estate shall be provided to the Planning and Zoning Department, along with all the other necessary documents.

5.4.A.6.a Any property created by court decree shall be recognized only as a property for transfer of ownership purposes and shall not be eligible for development with the exception of any building permits for renovation or repair of an existing structure. To become eligible for development, the property shall comply with all applicable regulations of this Ordinance.

5.4.A.7 **Exchange of Land:** The exchange of contiguous land for the purpose of modifying property boundaries which does not result in the change of the present land usage of the properties involved. No outside boundary of a subdivision shall be changed. If such action would change the outside boundary, then the plat procedures shall be followed.

5.4.A.8 **Acquisition of Public Right-of-Way:** Documentation of any proposed right-of-way acquisition (i.e. deed, record of survey, etc.) shall be provided to the Planning and Zoning Department. The Planning and Zoning Administrator shall not secure the right-of-way, but may exempt any needed permits to be in compliance with all County Ordinances.

5.4.A.9 **Mortgage or Deed of Trust Split**: A holder of a deed of trust or mortgage may apply for a one-time split in order to establish a parcel that complies with the legal description on the deed of trust or mortgage if:

5.4.A.9.a The note is more than five (5) years old, foreclosure proceedings have been brought on the note, and the redemption period has passed; and

5.4.A.9.b Proof is provided of a recorded survey and a legal description for both parcels; i.e., the new parcel and the remainder parcel.

5.4.A.9.c This exception may not be used to establish more than two parcels i.e., the new parcel and the remainder parcel.

5.4.A.10 Non-Contiguous Parcel Recognition:

To the extent a parcel is legally described in a manner that incorporates two or more non-contiguous tracts as part of a single tax parcel (i.e. parcel 1 & 2 or parcel A & B), the owner may apply for separate recognition of each non-contiguous parcel. Upon application approval by the Administrator, the Assessor shall assign a separate tax parcel number to each non-contiguous parcel.

5.4.B SUBDIVISION EXCEPTION REQUIREMENTS:

Each application for Subdivision Exception shall meet, but not be limited to, the following conditions; as applicable:

5.4.B.1 A completed Subdivision Exception application is signed by the owner.

5.4.B.2 All required fees are paid to the Planning and Zoning Department and attested to by the Administrator.

5.4.B.3 The otherwise qualifying original parcel is in the same configuration as it was on December 6, 2005.

5.4.B.4 All resulting lots shall meet appropriate size requirements.

5.4.B.5 All parcels shall have legal access from a public or private road clearly delineated on the Record of Survey. All roads must conform to the County Road Standards, Wildland Urban Interface and Floodplain Standard.

5.4.B.6 Legal descriptions for each new parcel/lot shall be in metes and bounds and shall include:

- 5.4.B.6.a Reference to Record of Survey Instrument Number.
- 5.4.B.6.b Stand-alone metes and bounds description with maximum closing error of 0.0002 foot.
- 5.4.B.6.c Curve data to include a minimum of radius, delta, and lengths.
- 5.4.B.6.d Area of parcel shown in acres to the nearest 1/100 of an acre.
- 5.4.B.6.e Signature of a land surveyor licensed in the State of Idaho.

5.4.B.7 Deeds for the proposed new parcels/lots have been properly prepared, conveying ownership and presented to the Administrator.

5.4.B.8 A Record of Survey pursuant to Idaho Code Title 55 Chapter 19, and shall specifically include those items required by Idaho Code §55-1906 in addition to the following:

- 5.4.B.8.a Legal description of the total parcel.
- 5.4.B.8.b Parcel corners shall be set by a licensed land surveyor prior to recording.
- 5.4.B.8.c Area of each parcel shall be shown to the nearest 1/100th of an acre.
- 5.4.B.8.d All parcel numbers shall be numbered consecutively.
- 5.4.B.8.e Access shall meet the standards as set forth in this Ordinance.
- 5.4.B.8.f Utility easements shall be a minimum of ten feet (10') wide on both sides of private or county roads.
- 5.4.B.8.g A face note stating "For the Purpose of Subdivision Exception", is prepared and presented to the Administrator.
- 5.4.B.8.h If new roads are constructed an Engineer Certificate shall be required that roads and storm drains meet the minimum construction standards of this Ordinance.
- 5.4.B.8.i Engineer or surveyor certification indicating that the right of way and grade meet the minimum standards of this Ordinance.

5.4.B.9 The health authority shall be requested by the Administrator to review and provide comment on the proposed application.

5.4.B.10 The County Treasurer has certified that all accrued property taxes have been paid in full for the parcel to be divided, or parcels to be combined.

5.4.B.11 The County Assessor has certified that parcels are acceptable for assessing and tax purposes.

5.4.B.12 Other documents as required by each individual type of Subdivision Exemption have been received by Administrator.

5.4.B.13 The Administrator may require any or all of the reports as outlined for a Standard Subdivision based on the location and characteristics of the lot or parcel.

5.4.B.14 The Administrator has issued a Certification of Completion.

5.4.B.15 Recording Process:

5.4.B.15.a All recording fees shall be paid by the Applicant.

5.4.B.15.b The Applicant shall record the Record of Survey with the County.

5.4.B.15.c The Applicant shall record individual deeds and metes and bounds legal descriptions for each parcel.

5.4.B.15.d The Applicant shall provide recorded copies back to the Administrator.

SECTION 5.5 SUBDIVISIONS:

Subdivisions shall be subject to approval only after having been considered in a minimum of two (2) public hearings (per I.C. § 67-6509 & 67-6513), at least one (1) before the Commission and at least one (1) before the Board. No Subdivision Review shall be complete unless the following terms, requirements, and conditions have been addressed and considered in the application.

5.5.A DESIGN STANDARDS:

5.5.A.1 GENERAL:

These standards shall be followed in all subdivisions regulated by this Ordinance.

5.5.A.1.a Any proposed subdivision in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer, shall conform with the additional Hillside Regulations set forth in this Ordinance.

5.5.A.1.b Adequate means for eliminating unsuitable conditions must be approved by the County Engineer in order to develop property that has been designated in the applicable Comprehensive Plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

5.5.A.1.c The limits of the subdivision shall encompass the full extent of the owner's lot or contiguous parcels, as herein defined and applied for on an application.

5.5.A.1.d The Board may require modifications to the application where site planning has not sufficiently addressed the existing natural features.

5.5.A.2 BLOCKS:

The length, widths, and shapes of blocks shall be determined with due regard to:

5.5.A.2.a Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirements as to property sizes and dimensions.

5.5.A.2.b Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.

5.5.A.2.c The limitations and opportunities of topography.

5.5.A.3 LOTS:

5.5.A.3.a The property size, width, depth, shape, and orientation, and the minimum structure setback lines as provided in Section 4.1.D Table 4.1.D.8 shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

5.5.A.3.b Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten feet (10') shall be provided along the arterial streets. If necessary due to streets or topo graphics one of the frontages may be restricted from access.

5.5.A.4 ACCESS:

5.5.A.4.a The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Boise County Road and Bridge Department.

5.5.A.4.b Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required.

5.5.A.4.c Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.

5.5.A.5 EASEMENTS:

5.5.A.5.a There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10').

5.5.A.5.b Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.

5.5.A.6 WATERCOURSES:

5.5.A.6.a No structure shall be placed within the natural or ordinary high water mark of a waterway, unless the structure is necessary for the use of a water right.

5.5.A.6.b All encroachments must comply with the provisions set forth in Idaho Code Title 58 Chapter 13.

5.5.A.6.c No structure may be constructed, at a minimum, within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. Riparian vegetation should be maintained in its natural state for the protection and stabilization of the riverbank. Setbacks are measured horizontally.

5.5.B FLOOD DAMAGE PREVENTION:

All proposed subdivisions in areas subject to a flood hazard shall comply with the requirements of this Ordinance.

5.5.C SUPPLEMENTAL DOCUMENTATION/INFORMATION:

5.5.C.1 If any State, Federal or Local agencies have raised unresolved objections, or recommended mitigation of adverse impacts, those issues shall be placed as conditions on the application and must be resolved, or accepted by the applicant prior to the Board signing the final Plat.

5.5.C.2 Application shall provide evidence of legal access from a public or public road to the subject property.

5.5.C.3 Application shall include appropriate vicinity maps of the subject property in scales sufficient to identify the location and features of the subdivision; which shall, as appropriate and practicable, include at least the following:

5.5.C.3.a All physical elements required for platting the subdivision.

5.5.C.3.b An area six hundred feet (600') beyond proposed development or sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity.

5.5.C.3.c The location of city and/or County limits falling within or adjacent to the proposed development.

SECTION 5.6 CHARACTERIZATION OF SUBDIVISION APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Subdivision application as provided in this Chapter shall be deemed to be a "special use or conditional use permit."

SECTION 5.7 STREETS AND UTILITIES:

Street and utilities improvements shall be installed in each new subdivision at the applicant's expense with surety posted to the County, in accordance with the minimum standards set forth by this Ordinance prior to the acceptance of any final plat for recording containing streets or other improvements dedicated to public use. Any off-site improvements must be reasonably related to the impacts of the proposed development, as determined by the Board or voluntarily agreed to, as provided in Section 2.7. Streets dedicated to the public shall not be maintained by the County unless such maintenance is specifically undertaken by resolution by the Board.

5.7.A STREETS AND ROADS:

Road width and driving surface shall be as outlined in the Road Standards of this Ordinance. Minimum acreage standards as identified in this Ordinance do not include roads or road easements. All privately owned roads to access fifty (50), or more, lots, or generates more than three-hundred (300) trips per day, shall be paved and designed as a PCU Collector Road. The applicant shall make full disclosure to all buyers of subdivision property of the ownership of the streets within the subdivision and the unavailability of county services, as applicable. Said disclosure shall be executed in writing on the final plat as a face note. All road proposals shall consider the conditions, terms and requirements listed below:

5.7.A.1 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographic conditions,

to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

5.7.A.2 Prior to any dedication to the public, all streets must comply with all of the standards of this Ordinance.

5.7.A.3 Arrangement of streets in a subdivision shall:

5.7.A.3.a Provide for the continuation or appropriate projection of existing principal streets in surrounding areas or

5.7.A.3.b Conform to a plat for the neighborhood approved or adopted by the Board to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.

5.7.A.4 Where subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Board may require a street, or other appropriate buffer, approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.

5.7.A.5 Reserve strips controlling access to streets shall be prohibited except where their control is placed in the county under conditions approved by the Board.

5.7.A.6 Street layout shall provide for the following:

5.7.A.6.a Streets shall provide adequate access to adjoining lands.

5.7.A.6.b Half streets, those centered on a property line, shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other instance where a half street is adjacent to an undeveloped tract, the other half of the street shall be platted within such tract.

5.7.A.6.c All street names shall comply with this Ordinance.

5.7.B UTILITY EASEMENTS:

5.7.B.1 Easements shall be provided for the utilities, preferably centered along property/lot side lines, a minimum width of twelve feet (12') (except for service entrances).

5.7.B.2 Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.

5.7.C ROAD DEDICATION:

5.7.C.1 Applicant shall complete a Declaration of Private Common Use Roads for Subdivision form, see form below, prior to recording the final plat:

DECLARATION OF PRIVATE-COMMON USE ROADS FOR _____ SUBDIVISION, BOISE COUNTY, IDAHO

THIS DECLARATION made on the date hereinafter set forth by _____, owner of the subdivision known as _____ (hereinafter referred to as Declarant):

WITNESSETH

WHEREAS, Declarant did on the _____ day of _____20__, record in the office of the Recorder of Boise County, under Instrument Number _____, of the Official Records of Boise County, Idaho, a Subdivision Plat or real property located in Boise County, Idaho which is generally described as the _____ Subdivision; and

WHEREAS, Declarant is the owner of the real property generally described as the _____Subdivision, now THEREFORE, Declarant hereby declares that (list road names) along with the rights-of-way therefore, (the Subject roads), shall be private and remain private and dedicated to the common use by all property owners within the Subdivision until otherwise deeded to and accepted by Boise County or another appropriate governmental entity, and as such Declarant shall be responsible for the improvement and maintenance of the same until the Declarant deeds the subject road(s) to a property owners association managed by the individual lot owners of _____ _____Subdivision provided that such road(s) shall then meet the minimum standards established by Boise County for Private-Common Use Roads. After transfer to the property owners association, said association shall have the sole continuing obligation to provide all further improvement and/or maintenance to the subject roads until such time, if ever, as the obligation is also spread out amongst the owners of lots within future additions to the _____ _____Subdivision or until such time as the subject roads are formally accepted by Boise County or another appropriate governmental entity as public roads. Until formal acceptance by a public entity, neither Boise County nor any other governmental entity shall have any obligation whatsoever to provide improvements of maintenance of the subject roads and the total responsibility for improvement and maintenance shall be incumbent upon Declarant and after transfer from Declarant, the total responsibility for improvement and maintenance shall be incumbent upon the property owners association for _____ Subdivision and the owners of lots with any future additions to _____ Subdivision which have access to and ingress and egress rights over subject roads.

IN WITNESS WHEREOF, the Declarant has caused his hand and seal to be subscribed hereunto this ___ day of _____, 20___.

By:_____

Title:_____

STATE OF IDAHO)

COUNTY OF _____)

On this ____ day of _____, in the year _____, before me, a Notary Public, in and for the State of Idaho, personally appeared _____, known or identified to me to be the _____ of the _____ that executed the instrument on behalf of said _____, and acknowledges to me that such _____ executed the_____

Notary Public

Residing at _____ (Notary Seal)

My Commission Expires:_____

SECTION 5.8 STORM WATER MANAGEMENT PLAN:

A Storm Water Management Plan including preliminary drainage grades and hydrologic analysis shall be prepared and submitted with the preliminary subdivision application. The hydrologic analysis shall include drainage basin determination, soil classification, and peak surface water discharge and maximum velocity calculations. Analysis method shall be according to applicable provisions of the Idaho Department of Transportation Design manual. If deemed necessary by the County Engineer, a storm water management plan shall be prepared and certified by a professional engineer licensed in the State of Idaho or a professional geologist licensed in the State of Idaho. The plan shall demonstrate that adequate drainage, storm water management, and soil conservation measures are implemented to prevent the transportation of pollutants and the increase of post-development discharge rates. The Storm Water Management Plan shall include the following, as a minimum:

5.8.A A complete description of drainage system; and

5.8.B Calculation of peak flow rates and runoff volumes. The peak rate of discharge for areas up to one hundred (100) acres shall be calculated using the rational method or approved derivatives. For areas greater than one hundred (100) acres the SCSTR55 Method for peak discharge shall be used; and

5.8.C Calculation of pre-development and post-development flow; and

5.8.D Design of primary storm water conveyance for runoff from a 50 year frequency storm on sites with less than fifteen per-cent (15%) slopes or a 100 year frequency storm on sites with greater than fifteen per-cent (15%) slope. Design secondary conveyance for runoff for all flows up to the 100 year frequency storm, within defined rights-of-way or drainage easements; and

5.8.E Design of drainage ways to convey 110% of the maximum flow velocity. Drainage ways shall convey the calculated maximum runoff velocities without erosion as determined by the permissible velocities of water transporting colloidal silts listed in Table 9.1 of the "Design and Construction of Urban Stormwater Management Systems" prepared by the Urban Water Resources Research Council of the American Society of Civil Engineers and Water Environment Federation; and

5.8.F Calculations for sizing of all erosion control measures, sediment containment structures, piping, culverts and any other storm water facilities; and

5.8.G Location, grades and design elevations of all erosion control measures, sediment containment structures, piping, culverts, and any other storm water facilities.

SECTION 5.9 SEDIMENT/EROSION CONTROL PLAN:

A Sediment/Erosion Control Plan shall be prepared and certified by an individual qualified and licensed in the State of Idaho to prepare those plans and be prepared to U.S. Environmental Protection Agency requirements. The plan shall demonstrate the prevention of any transport of construction generated, or post-development sediment from the original property, into storm water discharge, into water bodies, or into natural or constructed drainages. This completed plan shall be due with the preliminary subdivision plat application. The Sediment/Erosion Control Plan shall include the following, as a minimum:

5.9.A Strategy of the proposed erosion and sediment control plan; and

5.9.B Location and details of Best Management Practices (BMPs) to be used; and

5.9.C Classifications using the Unified Soil Classification System (USCS) of erodible or disturbed soils; and

5.9.D Locations of disturbed soils; and

5.9.E Final vegetation and permanent stabilization measures; and

5.9.F Installation of erosion and sedimentation control measures prior to any site disturbance, or, if these erosion and sedimentation control measures are not to be installed as part of platting and

subdivision, proposed easements and other essential provision as required by the Board shall be submitted; and

5.9.G A construction drawing of the Sediment Erosion Control Plan (SECP) must be developed based upon the final (90% to 100%) construction plans; and

5.9.H The SECP supports the Storm Water Pollution Prevention Plan (SWPPP), which must be developed prior to beginning construction; and

5.9.I The SWPPP must be completed prior to filing a U.S. Environmental Protection Agency Notice of Intent (NOI), which grants the developer license to disturb soil under the Environmental Protection Agency Construction General Permit.

SECTION 5.10 SIZE & INFRASTRUCTURE RELATED REQUIREMENTS:

Due to the impact large-scale developments have on public utilities and services, the applicant shall submit the following information for any subdivision resulting in thirty (30) or more lots; or as determined by the Administrator for smaller subdivisions:

5.10.A Identification of all public services that must reasonably be provided to the development including but not limited to: Fire protection, law enforcement, central water, central sewer, road/drainage maintenance, solid waste disposal, parks/recreation, and schools;

5.10.B Estimate of the public service costs to provide adequate services to the development;

5.10.C Estimate of the tax revenue that will be generated by the development, including methods used to arrive at the estimate; and

5.10.D Suggested means for financing the services for the development, or demonstration that tax revenues will adequately reimburse all public entities for the life-cycle costs of burdens added by the subdivision.

SECTION 5.11 FIRE PROTECTION PLAN:

A Fire Plan meeting the requirements of the Road Standards and the Wildland Urban Interface Regulations (WUI), signed by the applicable Fire District or agency responsible for fire protection is required. As a minimum, the Fire Plan shall address the following:

5.11.A Access, ingress and egress, regarding both roadways and driveway standards; and

5.11.B Water Supply Sources; and

5.11.C Building construction information pertinent to fire safety; and

5.11.D Defensible space; and

5.11.E Fuel types, vegetation on site; and

5.11.F Fire evacuation plan; and

5.11.G Identification of the responsible fire protection agencies and their funding source(s); and

5.11.H Latitude and longitude (GPS data) for the primary subdivision access and approximate center points of each lot; and

5.11.I Proposed on-site and off-site improvements pertaining to streets, water supply, sanitary sewer systems, fire protection facilities and utilities; and

5.11.J A schedule of construction and completion of all proposed improvements, contingent upon the County's approval; and

5.11.K Any proposed preliminary restrictive covenants; and

5.11.L General classification of land according to state and county land classifications; and

5.11.M All applicable reports and plans as required herein; and

5.11.N Topographical map required and pertinent for the proposed application showing contours of no greater than twenty foot (20') intervals; and

5.11.O In residential plats, all parcels intended for other than residential use to be appropriately labeled; and

5.11.P The date the original preliminary plat was drawn and its chronological history to the current revision; and

5.11.Q A layout showing the location, length and grades of sewer lines, catch basins, pumps and other drainage and sewage structures, type and sizes of services, treatment and disposal facilities, etc.; and

5.11.R A layout showing the location of potable water lines, wells, fire hydrants, valves and service lines; and, the materials of construction and the dimensions of all water system components; and

5.11.S Any relevant provisions which might be contained within protective covenants are to be recorded with the plat, including a face note for the recording instrument number of the Covenants, Conditions, and Restrictions; and

5.11.T Discussion and demonstration of the availability of and plans for installation of all utilities, including but not limited to electric, gas, phone, and internet.

SECTION 5.12 TRANSPORTATION IMPACT STUDY:

A Transportation Impact Study shall be required for any proposed development that:

5.12.A Includes thirty (30) or more lots; or

5.12.B Can be reasonably expected to generate more than one hundred fifty (150) vehicle trip ends during a single day and/or more than forty (40) vehicle trip ends during a single hour; or

5.12.C Based on the judgment of the County Engineer, would significantly affect any adjacent transportation system. Examples of such cases include, but are not limited to, non-single family development in a single-family residential area, proposals adding traffic to or creating known or anticipated safety or neighborhood traffic concerns, or proposals that would otherwise generate a high percentage of truck traffic.

5.12.D If required, a Transportation Impact Study shall be prepared and certified by a Registered Professional Engineer in accordance with the "Requirements for Transportation Impact Study" as prepared by the Idaho Transportation Department. If the County Engineer determines a full Transportation Impact Study is not warranted, a Professional Engineer's Transportation Impact Study may be prepared that includes, at a minimum, the following:

5.12.D.1 A vicinity map showing the location of the proposed project in relation to the transportation system of the area; and

5.12.D.2 A description of the analysis study area, including roadway names, locations and functional classifications, existing traffic volumes (measured during design conditions and/or the peak season); and

5.12.D.3 Crash data within the study area for the most recent available three (3) year period; and

5.12.D.4 Comprehensive trip generation figures for all aspects of the development including number of trips by vehicle and size, and time-of-day and entering/exiting percentages. The source of the trip generation data shall be documented. (If the source is other than the Institute of Transportation Engineers' Trip Generation, the preparer must obtain approval of the use of such data from the County Engineer prior to its use.); and

5.12.D.5 Identification of critical analysis period(s) and justification of this identification; and

5.12.D.6 Analysis of emergency evacuation event(s); and

5.12.D.7 Forecast performance and traffic volumes of the transportation system without the development in the year that each phase is planned to be complete and five (5) years after final phase is completed; and

5.12.D.8 Forecast performance and traffic volumes of the transportation system with the development in the year that each phase is planned to be complete and five (5) years after final phase is completed; and

5.12.D.9 Safety analysis including, as a minimum, sight distances, operational characteristics, traffic count data used in the analysis; and

5.12.D.10 Copies of raw traffic count data used in the analysis; and

5.12.D.11 Calculation sheets and/or computer software output for all calculations used in the analysis; and

5.12.D.12 Recommendations and analyses of impact mitigation measures.

SECTION 5.13 PROTECTIVE COVENANTS:

Protective covenants are required for all subdivisions, except for Subdivision Exceptions, and shall be in a form for recording with a copy of the surety arrangement, if required.

5.13.A Covenants shall address the applicable fire protection plan.

5.13.B Acceptance of a plat and/or a listing of protective covenants for recording shall not be construed as approval or endorsement of any protective covenants by Boise County.

5.13.C No covenant shall preempt any provisions of State statutes, this Ordinance, or Planning and Zoning regulations adopted by Boise County.

5.13.D Boise County has no enforcement authority pertaining to protective covenants.

SECTION 5.14 SPECIAL DEVELOPMENT SUBDIVISIONS:

This Section identifies various types of developments that normally pose special concerns to the Commission and Board when reviewing and acting upon subdivision requests. The provisions of this Section are in addition to requirements and standards found elsewhere in this Ordinance.

5.14.A CEMETERIES:

The applicant shall provide, along with the application, written documentation that will explain if the proposed cemetery will be used for animal or human remains and the functions that will be performed on the property. The applicant shall also submit a written statement that adequately assures the compliance of the proposed cemetery with the procedural platting and management requirements that are outlined in Title 27, Idaho Code and Idaho Code §50-1304.

5.14.B HILLSIDE CONSTRUCTION:

Any proposed building in areas of the County where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the Administrator or County Engineer, shall conform with the following:

5.14.B.1 APPEARANCE AND PRESERVATION:

5.14.B.1.a In order to preserve, enhance and promote a rural and open appearance and the natural topographic features and qualities of hillside areas, special consideration will be given to the following: existing trees,

shrubs, rock outcroppings, stream beds, draws, ridge lines, wetlands and natural drainage swales. Consideration will also be given to the view from and of the area.

5.14.B.2 EVALUATION CRITERIA:

5.14.B.2.a Development proposals shall take into account and shall be evaluated by the way in which land use, soil mechanics, engineering geology, hydrology, environmental, architectural and landscape design are applied in hillside areas.

5.14.B.2.b Evaluations shall include but are not limited to the following factors:

5.14.B.2.b.i Planning the development to fit the existing topography, soils, geology, hydrology, wooded areas and other conditions;

5.14.B.2.b.ii Orientation of the development on the site in a manner that will minimize grading and other site preparation work;

5.14.B.2.b.iii Shaping of essential grading to blend with natural land contours and features so as to minimize padding and/or terracing of building sites;

5.14.B.2.b.iv Division into workable units on which construction can be completed within one construction season to avoid areas being left bare and exposed to the winter/spring run-off period; and

5.14.B.2.b.v Allocation of areas not well suited for development because of soil, geologic or hydrologic limitations for open space and recreation uses. Areas having soil, geologic or hydrologic hazards shall not be developed unless it is shown that the limitations can be overcome; that hazards to life and property will not exist; that safety, use and stability or the public way or drainage system is not jeopardized; and that the natural environment is not subjected to undue impact.

5.14.B.3 REPORTS AND PLANS:

5.14.B.3.a The applicant shall retain an Idaho licensed professional engineer to prepare, or obtain, and submit the following reports unless specifically exempted therefrom in writing by the County Engineer. Preliminary reports shall consist of sufficient information to permit a determination by the County Engineer and the Commission whether or not the site is adequate for the proposed development. Any preliminary plat approved based on a preliminary report shall be subject to the findings of the final report.

5.14.B.3.b Soils Report: This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

5.14.B.3.c Geology Report: The report shall include an adequate description of the geology of the site, an evaluation of the proposed development in

relation to the geology, conclusions and recommendations covering the adequacy of the sites to be developed.

5.14.B.3.d Hydrology Report: This report shall include an adequate description of the hydrology of the site, conclusions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed. Flood frequency curves shall be provided for the area proposed for development.

5.14.B.3.e Grading Plans: A preliminary grading plan shall be submitted with the preliminary plat. This plan shall include approximate limiting dimensions or finish contours to be achieved by the grading; show cut and fill slopes, proposed drainage channels/devices, walls, dams, sediment basins, storage reservoirs and other protective devices; include a description of the methods to be employed in the disposal of soil and other material to be removed from the site and the location of the disposal site. A topographic map of the proposed development showing contours of five foot (5') intervals may be requested for areas considered highly sensitive by the County Engineer. A final grading plan shall be submitted prior to Preliminary Plat Approval by the Board. It shall include the limiting dimensions, elevations or finish contours to be achieved; show the cut and fill slopes, proposed drainage channels and related construction; show the subsurface drainage devices, walls, dams, sediment basins, outfall lines, storage reservoirs, drainage areas and other protective devices; include a schedule showing estimated date when each stage of the project will be started and completed and the total area of soil surface which will be disturbed during each stage. Existing ground vegetation shall not be disturbed more than fifteen (15) calendar days prior to grading. (Grading plans for houses will be submitted at the time of applying for a building permit if required.) No grading, clearing, filling or excavation shall be initiated until the final grading plan has been approved by the County Engineer.

5.14.B.4 SOIL STANDARDS:

5.14.B.4.a Fill areas shall be prepared by removing organic and other materials which are detrimental to proper compaction and stability. No rock or similar material greater than eight inches (8") shall be used as fill material that is intended to provide structural strength.

5.14.B.4.b Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHTO T99 or ASTM D698, or greater as recommended by the soils engineering report. The frequency of compaction testing shall be as recommended by the soils engineer, who prepared the soils engineering report, and approved by the County Engineer.

5.14.B.4.c Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the Project Engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and re-vegetation; subsurface drainage shall be provided as necessary for stability.

5.14.B.4.d Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the project engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately re-vegetated; fill

slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toe out within twelve feet (12') horizontally of the top of an existing or planned cut slope. Prior to placement of fill, the ground shall be prepared in accordance with I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended. Subsurface drainage shall be provided as necessary for stability.

5.14.B.4.e Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended. Tops and toes of cut and fill slopes shall be set back from structures in accordance with the requirements of I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended.

5.14.B.4.f The maximum horizontal distance of disturbed soil surface for roadways shall not exceed seventy-five feet (75').

5.14.B.4.g Cuts shall not be permitted solely for the purpose of obtaining fill material.

5.14.B.5 ROADWAY/STREET STANDARDS:

5.14.B.5.a Road alignments should follow natural terrain with no unnecessary cuts or fills to create additional lots or building sites and shall be designed to create the minimum feasible disturbance of the soil.

5.14.B.5.b One-way roads/streets are permitted and encouraged where appropriate for the terrain and where public safety will not be jeopardized.

5.14.B.5.c A pedestrian walkway plan shall be required where appropriate.

5.14.B.6 DRIVEWAY/PARKING STANDARDS:

5.14.B.6.a Shared private driveways, cluster parking areas and on-street parallel parking bays shall be used where feasible to minimize soil disturbance and stabilization requirements.

5.14.B.7 VEGETATION/RE-VEGETATION STANDARDS:

5.14.B.7.a With the preliminary plat application, the applicant shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the vegetation to be removed, the vegetation to be planted and the method to be used in re-vegetation.

5.14.B.7.b Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetation after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to the rapid rate of fire spread.

5.14.B.7.c The applicant shall be fully responsible for any destruction of native vegetation proposed for retention. This responsibility shall include activities of his employees and for all subcontractors from the first day of construction until the notice of completion is filed. The applicant shall be responsible for re-placing such destroyed vegetation.

5.14.B.8 MAINTENANCE:

5.14.B.8.a The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved for a building

permit granted under the provisions of this Ordinance shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures and other protective devices, plantings and ground cover installed or completed.

5.14.B.9 BUILDING ENVELOPES:

5.14.B.9.a The County Engineer may require the applicant to designate building envelopes identifying areas stable and safe enough for buildings.

SECTION 5.15 POLITICAL SUBDIVISIONS AND SCHOOLS:

5.15.A Prior to the granting and/or approval of a permit to subdivide land within Boise County, the Board shall determine if the proposed subdivision is likely to affect the ability of political subdivisions of the State, including School Districts, to deliver services without compromising the quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision, as provided by I.C. §67-6513.

5.15.B If the Board determines that the proposed subdivision is likely to compromise the quality of service delivery to current residents, the Board, prior to subdivision approval, shall recommend the applicant develop a mitigation plan in consultation with the affected political subdivision or school district. A guideline document, "Development Agreements to Mitigate the Effect on Public Schools of New Developments in Boise County", is available from the Planning and Zoning Department. This document can be used as an instructive resource for the applicant and political subdivision or school district in developing a mitigation plan or determining the effects, if any, a new development may have.

5.15.C Procedures for determining mitigation of the effects of developments on county roads shall follow the procedures in Section 2.7.

SECTION 5.16 MINOR PLAT REVIEW:

Division of a parcel of land into four (4) or fewer parcels, each of which is a minimum of two (2) acres for the purpose of sale, lease or transfer of ownership. If an original parcel was subdivided per the "Subdivision Exception" process then any new parcel created by such a Subdivision Exception would be eligible for a Minor Subdivision, provided all criteria is met.

5.16.A MINOR REVIEW BY THE COMMISSION:

5.16.A.1 After all Application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission per policies and procedures. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or disapprove the minor subdivision plat. Copies of the Commission's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.16.B MINOR REVIEW BY THE BOARD:

5.16.B.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the minor subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board's determination

shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.16.B.2 The Board's decision for the minor subdivision plat shall be considered a final decision and may be appealed.

5.16.B.3 Minor subdivision plat approval shall be valid for a period of one (1) year from the date of the Board signed approval.

SECTION 5.17 PRELIMINARY PLAT REVIEW SUBDIVISION:

All subdivision applications shall be subject to preliminary approval, typically yielding conditions that must be met prior to final plat approval. Preliminary approval requires at least two (2) public hearings.

5.17.A PLANNING AND ZONING COMMISSION HEARING:

5.17.A.1 After all application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission at the earliest reasonable time. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or denial of the preliminary subdivision plat.

5.17.B BOARD HEARING:

5.17.B.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the preliminary subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.17.B.2 Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, which may require completion of additional conditions. Rather, it shall be deemed a conditional expression of approval.

5.17.B.3 The Board's decision for the preliminary subdivision plat shall be considered a final decision, and may be appealed.

5.17.B.4 Preliminary subdivision plat approval shall be valid for a period of two (2) years from the date of the Board approval. The approval of a preliminary subdivision plat shall become null and void, if an application for review of the final subdivision plat is not submitted and accepted for filing within two (2) years of such approval, unless an extension of time is applied for and granted by the Board.

5.17.B.5 Prior to expiration, upon written request to the Planning and Zoning Department, the Board may grant an extension for an additional one (1) year upon showing good cause. The original decision and written conditions of approval are based only upon the standards set forth in the ordinance in effect at the time of approval. During the extension period the application is subject to any changes or

amendments to this Ordinance. Development can be made in successive contiguous phases, as approved by the Board in the preliminary subdivision plat, if submitted in successive intervals not to exceed one (1) year, without resubmission for conditional approval of preliminary subdivision plat, unless otherwise extended by the approval of the Board.

SECTION 5.18 FINAL PLAT REVIEW SUBDIVISION:

Application for final plat review shall be submitted on forms provided by the Planning and Zoning Department within two (2) years of receiving Board approval for the preliminary full subdivision, subject to approved extension(s). The Administrator shall forward the final application to the County Engineer for review and recommendations. The application shall not be deemed accepted for filing, until the proposed final subdivision plat and all other supplementary requirements and County Engineer recommendations have been received and approved by the Administrator.

5.18.A SUBSTANTIAL CONFORMANCE:

A final plat shall be deemed to be in substantial conformance to a preliminary plat provided that the final plat represents no increase in the number of lots as approved for the preliminary plat and a twenty-five percent (25%) or less deviation of any dimensional standard shown on the preliminary plat is achieved. Unless required by a public highway agency, public utility, or federal or state agency, deviations greater than twenty-five percent (25%) or more of any dimensional standard shown on the preliminary plat shall not be deemed in substantial conformance.

The Administrator will then accept the application and issue a "Notice to Proceed to Public Hearing" to the applicant.

5.18.B PLANNING AND ZONING COMMISSION HEARING:

After all Application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission per policies and procedures. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or denial of the final subdivision plat.

5.18.C BOARD HEARING:

5.18.C.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the final subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.18.C.2 The Board's decision for the final subdivision plat shall be considered a final decision and may be appealed.

5.18.C.3 Final subdivision plat approval shall be valid for a period of one (1) year from the date of the Board approval. The approval of a preliminary subdivision plat shall become null and void, if an application for review of the final subdivision plat is not submitted and accepted for filing within two (2) years of such approval, unless an extension of time is applied for and granted by the Board.

5.18.C.4 Prior to expiration, upon written request to the Planning and Zoning Department, the Board may grant an extension for an additional one (1) year upon showing good cause. The original decision and written conditions of approval are based only upon the standards set forth in the ordinance in effect at the time of approval. During the extension period the application is subject to any changes or amendments to this Ordinance. Development can be made in successive contiguous phases, as approved by the Board in the preliminary subdivision plat, if submitted in successive intervals not to exceed one (1) year, without resubmission for conditional approval of preliminary subdivision plat, unless otherwise extended by the approval of the Board.

SECTION 5.19 AMENDMENTS/VACATION OF SUBDIVISION PLATS OR PARTS THEREOF:

Any person desiring to amend or vacate an existing subdivision plat or any part thereof in whole lots or which otherwise requires County approval, shall apply to the Board. No portion of a lot or lot(s) may be vacated. Said person shall be the owner of record of the parcels proposed for vacation, or be authorized by the owner of record to petition the Board. Said application shall include and/or be subject to:

5.19.A A statement of circumstances surrounding the issue as to why the plat, or portions thereof, should be vacated;

5.19.B A legal description of the platted area or property to be vacated;

5.19.C The names of all person affected by the vacation of the plat;

5.19.D Filing of said application with the Administrator;

5.19.E A public hearing held before the Board, including public notice requirements as required for a new subdivision application, as required by this Ordinance;

5.19.F All publication costs shall be at the expense of the petitioner;

5.19.G Prior to the approval of any application for subdivision plat vacation, the Board must confirm whether any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project and whether such public works, infrastructure projects or other development commitments were completed. If applicable, the Board must also confirm whether financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments. Any successive owners of the subdivision project, legal successors in interest, or the resulting property owners association of the subdivision shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in the public works, infrastructure projects or other development commitments. No subdivision plat vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.

5.19.H The Board may deny or grant said petition with such conditions and/or restrictions as they deem necessary in the public interest.

CHAPTER 6 PLANNED UNIT DEVELOPMENT

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SECTION 6.1 PURPOSE:

To guide developers of Planned Unit Developments (PUD) to achieve the following:

6.1.A A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre

6.1.B A more useful pattern of open space and recreation areas

6.1.C An appropriate location of accessory commercial/industrial uses and services;

6.1.D A development pattern which preserves and utilizes natural topography and geologic features, wildlife corridors, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

6.1.E A more effective use of land than is generally achieved through conventional development;

6.1.F A development pattern in harmony with land use density, transportation, community facilities, and objectives of this Ordinance and the Comprehensive Plan.

SECTION 6.2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT:

Whenever there is a conflict or difference between the provisions of this Section and those of the other Sections of this Ordinance, the provisions of this Section shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 6.3 OWNERSHIP REQUIREMENTS:

6.3.A Any application for a PUD may be filed by a property owner or a person having an existing interest in the property. The PUD application shall be filed in the name of the recorded owner or owners of property included in the development. However, the application may be filed by the holder of an equitable interest in such property.

6.3.B Before approval is granted to the final development plan, the entire project shall be under single ownership or control and single legal title must be presented with the Final Development Plan.

SECTION 6.4 CHARACTERIZATION OF PLANNED UNIT DEVELOPMENT APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Planned Unit Development application as provided in this chapter shall be deemed to be a "special use or conditional use permit."

SECTION 6.5 MINIMUM AREA

A PUD shall contain an area of not less than ten (10) acres.

SECTION 6.6 INCREASED DENSITY:

To provide for an incentive for quality PUD's the Board may authorize an increased residential or commercial density per acre of the entire PUD land area.

SECTION 6.7 POTENTIAL MIXED USES:

Mixed uses may be allowed provided there is a favorable finding by the Board of the following:

6.7.A That the uses are appropriate and compatible;

6.7.B That the uses are planned as an integral part of the PUD;

6.7.C That the uses are planned to be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards;

6.7.D That each non-residential use shall require a separate Conditional Use Permit (CUP).

SECTION 6.8 DESIGN STANDARDS:

Each PUD shall integrate the various features of the development with each other and with the natural features of the site, using recognized principles of landscape architecture, design standards relative to the effects on fish and wildlife resources, and wildlife habitat preservation to the greatest possible extent. This integration shall take into account both natural and constructed features of the project including, but not limited to the following:

6.8.A Landscaping, including, for example, streetscapes, open spaces and plazas, use of existing landscape features, pedestrian-way treatment, recreational areas, wildlife corridors, etc.; and

6.8.B Siting, including, for example, visual focal points, use of existing physical features (topography, view, sun and wind orientation, circulation pattern, physical environment, etc.), variation in building setbacks and building grouping (such as clustering); and

6.8.C Design features, including, for example, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, varied use of building types, styles, and designs, etc.

The applicant shall document its consideration of architectural integration by providing the Administrator a report discussing the various architectural features, arrangements, amenities, and options considered and explaining the reasons for selecting those to be included in and/or excluded from the project. Depending on the size, complexity, and density of the project the Administrator may engage (at the developer's expense) an independent architect to review and critique this report.

SECTION 6.9 NON-RESIDENTIAL USE DESIGN:

PUD's may include non-residential uses if it can be shown that the use is compatible with surrounding uses.

6.9.A When PUD's include non-residential uses, non-residential buildings and/or establishments they shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations.

6.9.B Appropriate protective screening shall be provided on the perimeter of the areas abutting residential areas.

6.9.C The development plan shall provide for the integrated and harmonious design of buildings, traffic circulation, landscaping and other features to make the project attractive and efficient from the stand-point of the adjoining and surrounding noncommercial areas.

6.9.D All areas planned for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner at the expense of the developer and/or homeowners association.

6.9.E Non-residential uses shall be set back a distance appropriate for the applied use from any adjacent residential uses.

SECTION 6.10 COMMON OPEN SPACE:

6.10.A A minimum of ten percent (10%) of the gross land area in any PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

6.10.B The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area (e.g. HOA) for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the Board.

6.10.C The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan and any final plat of the development.

SECTION 6.11 UTILITY REQUIREMENTS:

Underground utilities are required. Any existing overhead utility lines may be exempted from the underground requirement. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if a finding is made that such exemption will not violate the intent or character of the proposed PUD.

SECTION 6.12 PROCEDURES FOR A PLANNED UNIT DEVELOPMENT APPLICATION:

The procedure shall require:

6.12.A A pre-application meeting with the Planning and Zoning Administrator to review the proposed application(s).

6.12.B The submission of an application and preliminary development plan with the appropriate fee; subsequent to a recommendation of the Administrator and negotiated by the Board. The negotiated fee for a Planned Unit Development application shall include all Boise County anticipated costs.

6.12.C The Administrator shall review the application for completeness within 30 calendar days of submission. If the Administrator determines the application is incomplete the application shall be returned to the applicant. When the Administrator determines the application is complete, the applicant shall be notified.

6.12.D Applicant shall provide additional copies of the complete application for agency review and notification purposes. The number of copies necessary will be determined by the Administrator. The acceptance date shall be the date the required copies and any additional fees or deposits are received by the Administrator. No action by the P&Z Department shall be taken prior to the acceptance date.

6.12.E A public hearing before the Commission to review the PUD preliminary plan and make recommendations to the Board.

6.12.F A public hearing before the Board for their review of the Commission recommendations and make a final decision on the PUD preliminary plan.

6.12.G The submission of a Final Development Plan, with the required number of copies, as specified within this Ordinance with appropriate fee.

6.12.H Review and public hearing of the Final Development Plan by the Commission, with recommendation being sent to the Board.

6.12.I Review and public hearing of the Final Development Plan by the Board resulting in a final decision and any applicable Mitigation Contract.

6.12.J Each subdivision phase of the PUD Final Development Plan shall proceed through the subdivision final plat approval process as outlined in this Ordinance.

SECTION 6.13 PRE-APPLICATION MEETING:

The developer shall meet with the Planning and Zoning Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to have informal, preliminary discussion regarding the criteria, standards and requirements of this Ordinance, as well as familiarizing the developer with the Comprehensive Plan and such other regulatory standards as deemed appropriate.

SECTION 6.14 APPLICATION FOR PUD PRELIMINARY DEVELOPMENT PLAN:

The application for the PUD Preliminary Development Plan shall contain, but not be limited to, the following information:

6.14.A Name, address and phone number of applicant; and

6.14.B Name, address and phone number of the legal owner; and

6.14.C Name, address and phone number of registered surveyor, engineer or planner assisting in the preparation of the development plans; and

6.14.D Legal description of the property; and

6.14.E Description of existing use; and

6.14.F Description of existing use on surrounding properties; and

6.14.G A vicinity map at an easily readable scale, showing property lines, streets and other items to show the relationship of the PUD to existing community facilities and services; and

6.14.H A Preliminary Development Plan showing topography, contour lines, location and type of residential, commercial and industrial land uses; layout, dimensions and names of existing and proposed streets; right-of-ways; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and other characteristics; and

6.14.I A written explanation of why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Administrator and the applicant and/or owner. Phasing shall be accomplished so that the integrity of the Planned Unit Development is maintained at the end of any single phase; and

6.14.J Proposed schedule for the planned development and phasing of the project; and

6.14.K Evidence that the applicant has sufficient control over the land in the PUD application to start the proposed development plan within two (2) years; and

6.14.L A written statement by the developer setting forth the reasons why the PUD would be in the public interest and that it is consistent with the Comprehensive Plan; and

6.14.M Additional information or documentation as determined by the Administrator.

SECTION 6.15 COMMISSION RECOMMENDATION OF PUD PRELIMINARY DEVELOPMENT PLAN:

6.15.A Within the appropriate time period after the public hearing, the Commission shall review the PUD Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance and of the Comprehensive Plan. Recommendation for approval of the PUD Preliminary Development Plan shall not be construed to endorse a precise location of uses, configuration of parcels, engineering feasibility or construction.

6.15.B The Commission shall consider the general standards applicable to conditional use permits and criteria for special uses before recommending approval of a PUD preliminary development plan.

SECTION 6.16 BOARD DECISION FOR PUD PRELIMINARY DEVELOPMENT PLAN:

6.16.A Within the appropriate time period after the receipt of the Commission recommendation on the PUD Preliminary Development Plan the Board shall review the PUD Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance and of the Comprehensive Plan. Preliminary approval shall not be construed to endorse a precise location of uses, configuration of parcels, engineering feasibility, or construction.

6.16.B The Board shall consider the general standards applicable to conditional use permits and criteria for special uses before approving a PUD Preliminary Development Plan.

SECTION 6.17 APPLICATION FOR THE PUD FINAL DEVELOPMENT PLAN:

Upon approval of the PUD Preliminary Development Plan, an application for the PUD Final-Development Plan shall be filed with the Planning and Zoning Administrator by a property owner or a person having an existing interest in the property. The PUD application shall be filed in the name of the recorded owner or owners of property included in the development. The application shall include, but not be limited to, the following:

6.17.A Be signed by the owner; and

6.17.B Clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval; and

6.17.C Include a survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography with contour lines, existing features of the development site including major vegetative areas, structures, streets, easements, utility lines and land uses; and

6.17.D Include all information required by the preliminary development plan; and

6.17.E Include the following schedule for the development of phases to be constructed:

- **6.17.E.1** A description of the design principles for buildings and streetscapes; and
- **6.17.E.2** Tabulation of the number of acres in the proposed project for various uses; and
- **6.17.E.3** Number of housing units proposed by type; and

6.17.E.4 Estimated residential population; and

6.17.E.5 Anticipated timing for each phase with standards for unit height, open space, building density, parking areas, population density and public improvements.

6.17.F Include engineering feasibility studies and plans showing:

6.17.F.1 Water; and

6.17.F.2 Sewer; and

6.17.F.3 Drainage; and

6.17.F.4 Electricity and telephone installations; and

6.17.F.5 Waste disposal facilities; and

6.17.F.6 Street improvements; and

6.17.F.7 The nature and extent of earth work required for site preparation and development.

6.17.G A site plan showing buildings, various functional use areas, circulation and their relationship; and

6.17.H A preliminary set of building plans, including floor plans and exterior elevations; and

6.17.I Landscaping plans; and

6.17.J Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained; and

6.17.K Evidence that the applicant has a continuing legal interest over the land in question to initiate the proposed development plan within two (2) years from final approval; before approval is granted to the Final Development Plan, the entire project shall be under single legal title must be presented with the Final Development Plan; and

6.17.L Any other documents as determined by the Administrator, County Engineer, Commission, Board; or, as otherwise required by the PUD Preliminary Development Plan approval.

SECTION 6.18 ACTION BY THE COMMISSION:

The Commission shall recommend to the Board approval, approval with additional conditions, or denial of the PUD Final Development Plan. The Commission shall find that the facts submitted with the application and presented to them establish that:

6.18.A The proposed PUD Final Development Plan can be initiated within two (2) years of the date of Board approval of the PUD Final Development Plan; and

6.18.B Each phase of the development and the total development are reasonably phased; and

6.18.C Adequate assurance has been provided that project completion is attainable; and

6.18.D Proposed project will not be detrimental to present or potential surrounding uses; and

6.18.E The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD; and

6.18.F Any proposed use can be justified at the locations proposed and is warranted by the design and other amenities incorporated in the PUD Final Development Plan and any adopted policy of the Board; and

6.18.G The PUD is in general conformance with the Comprehensive Plan; and

6.18.H The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed; and

6.18.I The Commission shall specify:

6.18.I.1 The Ordinance and standards used in evaluating the application; and

6.18.I.2 The reasons for approval or denial; and

6.18.I.3 The actions, if any, that the applicant could take to obtain a permit.

SECTION 6.19 ACTION BY THE BOARD:

6.19.A Within the appropriate time period, after receipt of recommendations from the Commission on the application for the final planned unit development plan, the Board shall approve, approve with additional conditions or deny the PUD Final Development Plan.

6.19.B The Board shall find that the facts submitted with the application and presented to them establish that:

6.19.B.1 The proposed development can be initiated within two (2) years of the date of Board approval of the PUD Final Development Plan; and

6.19.B.2 Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present or potential surrounding uses; and

6.19.B.3 The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD; and

6.19.B.4 Any proposed use can be justified at the locations proposed and is warranted by the design and other amenities incorporated in the PUD final development plan and any adopted policy of the Board; and

6.19.B.5 The PUD is in general conformance with the Comprehensive Plan; and

6.19.B.6 The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed; and

6.19.B.7 All parcels comprising the PUD have been combined into a single legal title with one single taxing parcel number.

6.19.C The Board shall specify:

6.19.C.1 The Ordinance and standards used in evaluating the application; and

6.19.C.2 The reasons for approval or denial; and

6.19.C.3 The actions, if any, that the applicant could take to obtain a permit.

6.19.D STANDARD CONDITIONS for approval, or approval with conditions, shall include, but not be limited to:

6.19.D.1 If the application is either approved or approved with conditions, the Board shall:

6.19.D.1.a Direct the Planning and Zoning Department to issue building permits in accordance with the approved Final Development Plan and the supplementary conditions attached thereto; and

6.19.D.1.b Inform the applicant that each non-residential use shall require a separate conditional use permit application; and

6.19.D.1.c Require that no development shall be allowed prior to application, review, and approval of the phase in which the development is located; and

6.19.D.1.d Direct the applicant to provide a copy of the approved PUD Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (8 ½ x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

SECTION 6.20 EXPIRATION AND EXTENSION OF APPROVAL PERIOD:

The approval of a Final Development Plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approval of the Final Development Plan shall be void. An extension of the time limit or modification of the approved Final Development Plan may be approved if the Board finds that such extension or modification is not in conflict with the public interest.

SECTION 6.21 AMENDMENTS/VACATION OF PLANNED UNIT DEVELOPMENT PLANS OR PARTS THEREOF:

Any person desiring to amend or vacate an existing PUD Final Development Plan or any part thereof in whole lots which requires County approval, shall apply to the Board. No portion of a lot or lot(s) may be amended or vacated. Said person shall be the owner of record of the parcels proposed for amendment or vacation, or be authorized by the owner of record to apply to the Board.

6.21.A Application to amend or vacate shall include and/or be subject to:

- **6.21.A.1** A statement of circumstances surrounding the issue as to why the PUD plan should be amended or vacated; and
- **6.21.A.2** A legal description of the platted area or property to be amended or vacated; and
- **6.21.A.3** The names of all person affected by the amendment or vacation of the PUD plan; and
- **6.21.A.4** Filing of said application with the County Clerk; and
- **6.21.A.5** A public hearing held before the Board, per this Ordinance.

6.21.B All publication costs shall be at the expense of the-applicant;

6.21.C Prior to the approval of any application for PUD plan amendment or vacation, the Board must confirm whether:

- **6.21.C.1** Any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project; and
- **6.21.C.2** Such public works, infrastructure projects or other development commitments were completed; and
- **6.21.C.3** Financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.

6.21.D Any successive owners of the PUD project, legal successors in interest, or the resulting property owners association of the PUD shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.

- **6.21.D.1** No PUD plan amendment or vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.
- **6.21.D.2** The Board may approve, approve with conditions, or deny, said application as they deem necessary in the public interest.
- **6.21.D.3** If approved the applicant shall:
  - 6.21.D.3.a Submit a copy of the approved Amended or Vacated Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (81/2 x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

CHAPTER 7 PLANNED COMMUNITY

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SECTION 7.1 PURPOSE:

To provide standards for the review of Planned Communities, which have a boundary that enhances the area's ability to incorporate or be annexed, and to implement the Planned Community goal and policies of the Boise County Comprehensive Plan. Specific Planned Community regulations shall be adopted by the Board of Commissioners.

SECTION 7.2 PLANNED COMMUNITY REQUIREMENTS:

Planned Communities shall meet the following requirements:

7.2.A Be a minimum of three hundred twenty (320) contiguous acres within Boise County; and

7.2.B The site is located outside an existing Area of City Impact; and

7.2.C Has a boundary that enhances the area's ability to incorporate or be annexed.

SECTION 7.3 PRE-APPLICATION MEETINGS:

The applicant shall complete a series of pre-application meetings prior to submittal of an application for a Planned Community. The purpose of these meetings is to develop a common understanding between staff and the applicant regarding existing site conditions, project design, proposed zoning regulations, potential environmental impacts and mitigation measures, general consistency with local, state, and federal regulations, the Boise County Comprehensive Plan, and any other relevant issues of the proposed project.

SECTION 7.4 APPLICATION REQUIREMENTS:

An application for a Planned Community shall be submitted to the Administrator as specified in this Ordinance, and shall contain the elements required by this Section. The Administrator shall determine the number of copies of the application required for submittal.

7.4.A The applicant or owner shall submit the fee for the Planned Community application subsequent to a recommendation of the Administrator and negotiated by the Board. The negotiated fee for a Planned Community application shall include all Boise County anticipated costs.

7.4.B The applicant shall submit a detailed plan that includes the elements required by this subsection, hereafter referred to as the Specific Plan. These documents and drawings shall provide sufficient information to evaluate future development applications, including, but not limited to, the following:

7.4.B.1 A vision statement for the use and design of the subject site; and

7.4.B.2 A list of coordinated goals, objectives, and policies implementing the vision statement and addressing applicable residential, commercial, and industrial development, schools, air and water quality, recreation facilities, special or sensitive areas, the provision of essential public services and utilities, and irrigation delivery systems; and

7.4.B.3 General land use patterns on-site and within a minimum of one mile of the Planned Community perimeter; and

7.4.B.4 An Environmental Assessment Plan and Wildlife Mitigation Plan; and

7.4.B.5 A description of the density and/or intensity of land uses proposed within the Planned Community; and

7.4.B.6 A general land use map designating land use categories for the entire Planned Community area; and

7.4.B.7 Anticipated population of the Planned Community at completion.

7.4.B.8 An assessment of development and population trends documenting the justification for development of a Planned Community outside of existing areas of city impact; and

7.4.B.9 A public services and utilities plan describing and depicting the location and type of electric service, natural gas service, storm drainage and flood control systems, wastewater treatment and collection, water service, irrigation, telecommunication services, public safety services, schools, and other services as appropriate; and

7.4.B.10 Circulation plan depicting location, design, and dimensions for the various types of streets, roads, trails, and paths; and

7.4.B.11 Dedicated open space plan depicting both active and passive recreation areas and pedestrian, equestrian, bicycle trails, and wildlife corridors.

7.4.B.12 Essential public services and anticipated financing plan describing: a phased implementation program; the steps necessary to initiate and maintain each phase of development; the financial assurances provided, including cost of providing utilities, circulation, open space, landscaping, and any other public improvements; and mitigation of negative economic impacts beyond the normally expected incremental impacts of development on affected municipalities and other agencies and/or districts. Each phase shall include sufficient essential public services to serve the anticipated population of that phase, as well as provide for integration into the Planned Community; and

7.4.B.13 Description of central design concepts that create themes to guide land use development and to integrate a mixture of land uses. These concepts shall consider predevelopment site conditions, careful placement of public land uses, ample open space areas interconnecting all phases of development with appropriate landscaping, and provision of specific guidelines for construction and placement of improvements; and

7.4.B.14 A phasing plan indicating the sequence of development, general land uses, and anticipated commencement and completion times of each phase shall be provided, indicating land use types, total area contained, anticipated population levels, and essential public services. Essential public services adequate for the anticipated level of use of that phase shall be provided. The applicant shall also provide a written explanation of why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Administrator and the applicant and/or owner. Phasing shall be accomplished so that the integrity of the Planned Community is maintained at the end of any single phase.

7.4.C The applicant shall submit a Unified Land Use Ordinance amendment, as specified in Chapter 2 of this Ordinance, to identify the Planned Community boundaries and designation of the area as a Planned Community. The amendment shall include, but not limited to, the following:

- **7.4.C.1** Purpose statement; and
- **7.4.C.2** Applicability (regulations apply in areas identified on Official Zoning Map and Specific Plan land use map); and
- **7.4.C.3** Principal permitted, accessory, conditional, and prohibited uses; and
- **7.4.C.4** Setback areas; and
- **7.4.C.5** Structure height and bulk; and
- **7.4.C.6** Structure and impervious coverage; and
- **7.4.C.7** Property size; and
- **7.4.C.8** Landscaping requirements; and
- **7.4.C.9** Open space requirements; and
- **7.4.C.10** Street frontage and access requirements; and
- **7.4.C.11** Sign requirements; and
- **7.4.C.12** On and off-street parking requirements; and
- **7.4.C.13** Standards for energy and water conservation; and
- **7.4.C.14** Grading requirements; and
- **7.4.C.15** Design standards for structures and site improvements; and
- **7.4.C.16** Administrative regulations for the implementation and/or revision of the Specific Plan, as well as subsequent development approvals required prior to construction; and
- **7.4.C.17** Any other regulations necessary to implement the Specific Plan, including applicable fee schedules, financial assurances, and amendments.

7.4.D The applicant shall submit a detailed economic impact analysis evaluating the impacts of the Planned Community upon existing infrastructure and any cost of new infrastructure that may be required to serve the Planned Community including, but not limited to, streets, schools, fire protection, water systems, wastewater collection and treatment systems, air quality programs, water quality programs, solid waste disposal, law enforcement, parks and open space, irrigation delivery systems, libraries and emergency medical services. The economic analysis shall demonstrate that the Planned Community shall develop in an economically sustainable and financially self-supporting manner. Written statements shall be solicited by the applicant from affected municipalities, agencies and/or districts, and other service providers commenting on the impact of the Planned Community upon existing infrastructure and the costs of providing new infrastructure needed to serve the project. All responses received by the applicant shall be submitted to the Administrator along with the required economic impact analysis.

7.4.E The applicant shall submit a determination by the Community Planning Association of Southwest Idaho on whether the proposed planned community, or annexation to an existing planned community, shall necessitate an update to the adopted regional transportation plan. The Board may require the applicant to fund the cost of any necessary update to the regional transportation plan as a condition of a development agreement.

7.4.F The applicant shall submit any other information necessary to support the purposes of this Chapter, as determined by the Administrator, Commission, or Board.

7.4.G The Administrator, Commission, or Board may make a determination that substantial changes in conditions have occurred that may require updating, new analysis, or studies of specific issues.

SECTION 7.5 PROCESS:

7.5.A The Specific Plan for a Planned Community shall be adopted by resolution of the Board subsequent to a recommendation from the Commission. The Administrator shall maintain two (2) complete copies of the adopted Specific Plan in the files of the Boise County Planning and Zoning Department.

7.5.B The Planned Community zone chapter and map amendment shall be adopted by ordinance and shall be consistent with the regulations of this Ordinance.

7.5.C Street names and addresses shall be obtained for the Planned Community in compliance with this Ordinance.

7.5.D Once the Planned Community is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the Planned Community, shall be bound by the conditions of approval and the provisions of this Ordinance.

7.5.E Amendments:

7.5.E.1 Applications for amendments to the Specific Plan, or to add additional property into the boundaries of a Planned Community, shall be processed substantially in the same manner as an original application and as provided in the this Ordinance.

7.5.E.2 An amendment to the Specific Plan of a Planned Community may be initiated by one of the following:

7.5.E.2.a The original applicant, owner, or the owner's successors and assigns; or

7.5.E.2.b Property owners owning eighty percent (80%) or more of the land area within the Planned Community, whichever is greater.

7.5.F In addition to other requirements, owner of property who want to include their contiguous lands into an existing Planned Community shall submit written approval of one of the following:

7.5.F.1 The original applicant, owner, or the owner's successors and assigns; or

7.5.F.2 Property owners owning 80 percent or more of the land area within the Planned Community, whichever is greater.

7.5.G After the recordation of the first final plat in the Planned Community the applicant/owner shall provide a bi-annual report addressing the timing of completion and progress of the development to the Administrator. Administrator shall review the report and provide a recommendation to the Commission and the Board as to the progress and anticipated long-term viability of the Planned Community. The review shall continue until recordation of the final phase.

7.5.H If the Board determines that the Planned Community has not developed in substantial accord with the Specific Plan, the Board may initiate public hearings to investigate such matters. At the conclusion of such hearings, the Board may adopt changes to the Specific Plan to mitigate adverse impacts or impose penalties pursuant to this Ordinance.

7.5.I Any incorporation, annexation, or inclusion of a Planned Community within an area of city impact shall be processed in accord with applicable state law, the Boise County Comprehensive Plan, and Unified Land Use Ordinance.

SECTION 7.6 PROCESS FOR SUBSEQUENT DEVELOPMENT:

7.6.A Development within an approved Planned Community shall be governed by the regulations and requirements of the approved Specific Plan and Planned Community zoning ordinance. If issues arise that are not addressed in the Planned Community approval, the Unified Land Use Ordinance shall apply.

7.6.B Each phase of the Planned Community shall comply with the general requirements of the approved Specific Plan and the specific regulations for that phase.

7.6.C Approval for successive phases shall be withheld if the necessary essential public services for said phase are not provided to support the development as it proceeds.

7.6.D No development shall be allowed prior to application, review, and approval of the phase in which the development is located.

SECTION 7.7 REQUIRED FINDINGS:

In order to approve a Planned Community application, the Board shall make the findings for a Unified Land Use Ordinance amendment specified by this Ordinance and shall make the following additional findings:

7.7.A The proposal complies with all applicable local, state, and federal rules and regulations; and

7.7.B The proposed Planned Community provides a land development tool to accommodate population growth outside of existing areas of city impact; and

7.7.C The proposal sets forth sufficient and adequate mitigation for the identified economic impacts beyond the normally expected incremental impacts on municipalities and other agencies and/or districts.

7.7.D The proposal sets forth sufficient and adequate mitigation for identified impacts to fish and wildlife resources.

SECTION 7.8 CHARACTERIZATION OF PLANNED COMMUNITY APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Planned Community application as provided in this chapter shall be deemed to be a "special use or conditional use permit."

SECTION 7.9 AMENDMENTS/VACATION OF PLANNED COMMUNITY PLAN OR PARTS THEREOF:

Any person desiring to amend or vacate an existing Planned Community plan or any part thereof in whole lots, in the unincorporated areas of the county which requires county approval, shall apply to the Board. No portion of a lot or lot(s) may be amended or vacated. Said person shall be the owner of record of the parcels proposed for amendment or vacation, or be authorized by the owner of record to apply to the Board.

7.9.A Said application shall include and/or be subject to:

7.9.A.1 A statement of circumstances surrounding the issue as to why the Planned Community plat should be amended or vacated; and

7.9.A.2 A legal description of the platted area or property to be amended or vacated; and

7.9.A.3 The names of all person affected by the amendment or vacation of the Planned Community plat; and

7.4.A.4 Filing of said application with the County Clerk; and

7.9.A.5 A public hearing held before the Board, per this Ordinance; and

7.9.A.6 All publication costs shall be at the expense of the petitioner.

7.9.B Prior to the approval of any application for Planned Community plan amendment or vacation, the Board must confirm whether:

7.9.B.1 Any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project and whether such public works, infrastructure projects or other development commitments were completed; and

7.9.B.2 Financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.

7.9.C No Planned Community plat vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.

7.9.D The Board may approve, approve with conditions, or deny as they deem necessary in the public interest.

7.9.E If approved the applicant shall:

7.9.E.1 Submit a copy of the approved Amended or Vacated Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (8 ½ x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

APPROVED and ADOPTED in Open Session this 25th day of SEPTEMBER 2018.

BOISE COUNTY COMMISSIONERS

Alan D. Ward, Chair, District II

Roger B. Jackson, Commissioner District I

Laura L. Baker, Commissioner District III

Attest:

Mary T. Prisco, Clerk to the Board