

CHAPTER 1 – ZONING AND DEVELOPMENT ORDINANCE DEFINITIONS

Section 7-1-1: Definitions:

For the purpose of this Ordinance, certain terms or words herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, and the masculine includes the feminine. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement. The word "used" or "occupied" includes the words "intended", "designed", or "arranged" to be used or occupied; and the word "lot" includes the words "plot", "parcel" and "tract".

Words not defined in this chapter shall be interpreted in accordance with their common usage as defined by dictionaries in common use.

Certain terms and words are hereby defined for the purpose of this Ordinance. When consistent with the context, the present tense includes the past or future tense, the singular includes the plural and the plural includes the singular. The following words and terms shall have the meanings ascribed to them as follows:

A

ABATE: To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Code Enforcement Staff shall determine is necessary in the interest of the general health, safety and welfare of the community.

ABANDONED: To cease or discontinue a use or activity for twelve (12) months without intent to resume.

ABUT OR ABUTTING: Having a common border with the subject property.

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

ADDITION (TO AN EXISTING BUILDING): an extension or increase in the floor area or height of a building or structure.

ADULT ENTERTAINMENT: Any modeling, posing, exhibition, display, or exposure, of any type, whether through book, pictures, film, displays, live performance, dance,

or modeling, that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: a) any actual or simulated specified sexual activities, b) specified anatomical areas, c) the removal of ordinances of clothing, or d) appearing nude or seminude.

AFFECTED PERSON: A person or legal entity having an interest in real property, which may be affected by the issuance or denial of a permit authorizing development.

AGENCY: A public or independent public body corporate and politic or public official of the county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof, or any state agency.

AGRICULTURAL BUSINESS: An agricultural business shall be a commercial use incidental and accessory to the main agricultural purposes and activities occurring on the site and compatible with the surrounding agricultural lands. It shall occupy and use to the extent possible existing on site agricultural facilities, buildings and other structures. Such businesses shall be operated by the owner of the farm or ranch on which they are located. Such businesses shall meet the qualifications of the Idaho State Tax Commission to be taxed as a legitimate agricultural business. Such agricultural businesses shall include, and not be limited to, the following:

- A. Storage and sales of seeds and other agricultural produce.
- B. The care, raising, breeding and/or Boarding of animals.
- C. Storage, fabrication and sales of irrigation systems.
- D. Production, processing, storage, and sales of grain and livestock feed.
- E. Greenhouses and horticulture plants.
- F. Nurseries.
- G. Stables and riding schools.
- H. Guest ranches.
- I. Processing of milk products.
- J. Storage, mixing, blending, and sales of fertilizers.
- K. Transportation services for hauling locally produced agricultural products.
- L. Post and pole fabrication.
- M. Production of poultry and poultry products.

AGRICULTURAL EXEMPTION: Activities or items that take place on, or are a normal part of a "farm or ranch", as herein defined, that are classified by the Elmore County assessor's office tax categories and the Idaho State Tax Commission as having a legitimate agricultural exemption.

AGRICULTURAL LAND, PRIME: Land that contains class I, II, or III agricultural soils as defined by the natural resources conservation service.

AGRICULTURAL RUNOFF WASTE WATER: Water diverted for irrigation but not applied to crops or runoff of irrigation tail water from the cropland as a result of irrigation.

AGRICULTURAL STRUCTURE: A structure on a "farm or ranch", as herein defined, excluding any dwelling or any structure that shelters any personal items not directly needed for agricultural uses.

AGRICULTURAL USE: Activities that take place on a "farm or ranch", as herein defined, that are classified by the Elmore County assessor's office tax categories. Seasonal produce stands located on farms for the purpose of selling crops grown on the farm shall be deemed an agricultural use for the purposes of this ordinance. The raising and harvesting of crops; feeding, breeding, management of livestock; or any other agricultural or horticultural use or any combination thereof. It includes the construction and use of dwellings and other structures customarily provided in conjunction with the agriculture enterprise, unless specifically prohibited in this Ordinance. Also refers to the growing of timber or crops, including grazing, horticulture, floriculture and nurseries, fruit trees, berry bushes and the necessary accessory uses for processing, packing, treating or storing the produce. The operation of any such accessory use shall be secondary to that of normal crop or timber growing or animal growing.

AGRONOMIC RATE: The application of fertilizer or other crop supplements: a) at rates whereby the nutrients are fully taken up by the crop or stored in the soil, and b) in a manner that does not negatively impact the waters of the state.

AICUZ: Air Installation Compatible Use Zone in the vicinity of Mountain Home Air Force Base.

AIRCRAFT LANDING FIELD: A privately owned area of land that is used or intended for the landing and takeoff of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft.

AIRPORT, PUBLIC: A publicly owned area of land that is used or intended for the landing and takeoff of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft. The Mountain Home Air Force Base, City of Mountain Home Airport, and Glenns Ferry Airport.

AIRPORT, PRIVATE: A privately owned area of land that is used or intended for the landing and takeoff of aircraft belonging to a specific owner or group of owners not normally open to the public, including the necessary accessory structures or facilities for storing and maintenance of aircraft.

AIRPORT ELEVATION: The highest point of an airport's usable land area measured in feet above mean sea level.

AIRPORT HAZARD: Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the aircraft landing or taking off at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT INFLUENCE AREAS: The areas surrounding any airports that are affected by significant aircraft noise and safety hazards as defined by the Federal Aviation Administration or the Idaho Transportation Department.

AIRPORT VICINITY OVERLAY DISTRICT FOR PRIVATE AIRPORTS: For private non-instrument airports (such as Pine Field, Prairie Airport, Oasis Field, and the Atlanta Airport) shall be geometrically defined as:

- A. A rectangle (the runway proper) whose width is five hundred (500') feet and whose length (L) is the maximum planned or foreseeable length of the runway. Unpaved, non-instrument airstrips may allow for a lesser width, with a minimum of two hundred fifty (250') feet.
- B. A primary safety zone, or that portion of the approach area to the runway measuring in length $\frac{2}{3}L$, and a width flaring on both sides from five hundred (500') feet (immediately adjacent to the runway proper), at a rate of one lateral foot for every ten (10') feet in length.
- C. A secondary safety zone on both extremities of the primary safety zone, measuring in length $\frac{1}{3}L$, and flaring in width in the same manner. Where topographic features near an airport indicate, the alignment of these components may be altered slightly in accordance with topography. Where approaches and takeoffs are restricted to the same direction, the primary and secondary zones shall be defined accordingly, in the same direction alone.

AIRPORT VICINITY OVERLAY DISTRICT FOR PUBLIC AIRPORTS: For public airports (such as Mountain Home Airport and Glenns Ferry Airport) the setbacks and land use development standards shall be defined by the Idaho Department of Transportation and the Federal Aviation Administration.

ALLEY: A minor public or private way providing secondary access at the back or side of a property otherwise abutting a street.

AMATEUR RADIO ANTENNA: The supporting towers and antenna structure necessary for broadcast from a radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without commercial interest.

AMENITY: Attractive, pleasant, or agreeable qualities associated with the design of a development or buildings and equipment.

AMERICANS WITH DISABILITIES ACT: The Americans with Disabilities Act part III (appendix A to part 36), as published in the federal register volume 56 no. 144 (and subsequent editions) and the Americans with Disabilities Act part II, as published in the federal register volume 56 no. 173.

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 an accessory to a golf course), drive-in theater, tennis court, football, soccer, rugby, or 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): Also known as a medium Confined Animal Feeding Operation (CAFO). A "livestock confinement facility", as herein defined, with more than three hundred (300) animals, and where the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season as generally described in 40 CFR (code of federal regulations) 122.23(b)(1).

1. Two (2) or more abutting AFOs under common ownership shall be considered a single AFO. Two (2) or more AFOs that are operated as a single facility shall be considered a single AFO if it is determined by the Administrator that they significantly link operations including, but not limited to, shared storage or treatment systems or shared equipment.

ANIMAL HOSPITAL: A place used for the care, grooming, diagnosis, and treatment of sick or injured animals, and for the care of those who are in need of medical or surgical attention, including overnight accommodations for recuperation and observation purposes.

ANIMAL UNIT: A unit of measurement for livestock confinement facilities calculated by adding the following numbers: the combined weight of all dairy cattle divided by one thousand three hundred fifty (1,350); plus the combined weight of all other cattle divided by one thousand four hundred (1,400); plus the combined weight of all swine divided by six hundred (600); plus the combined weight of all sheep divided by one thousand two hundred fifty (1,250); plus the combined weight of all goats divided by one thousand (1,000); plus the combined weight of all horses divided by one

thousand five hundred (1,500); plus the combined weight of all chickens divided by three hundred fifty (350); plus the combined weight of all turkeys divided by five hundred (500); plus the combined weight of all ducks divided by two hundred (200). Where an AU is not specifically defined in this ordinance for an animal, the Director shall determine an appropriate AU with advice from the Idaho Department of Agriculture.

ANIMAL WASTE: Animal excrement, feed wastes, process wastewater, or any other waste associated with the confinement of animals.

ANIMAL WASTE MANAGEMENT SYSTEM: Any structure or system that provides for the collection, treatment, and storage of animal waste.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any structure.

APARTMENT: A room or suite of rooms in an attached multiple-family structure which is arranged, designed, or used as a single housekeeping unit and has complete and permanently installed kitchen and bathroom facilities.

APPEAL: A request for a rehearing or reconsideration or a request to a higher authority for a change of the decision on the application, usually because said application has been denied or approved with conditions by the Administrator, Commission, or Board. The Ordinance sets forth the procedure, which must be followed in the filing of an appeal. A time element is stated and the applicant must take actions within this period. An appeal must also be filed on the appropriate form(s), which has been adopted pursuant to this Ordinance.

APPLICANT: Any person or persons making an application to Elmore County, for any action or provision authorized under this Ordinance.

APPLICATION: Any proposal which is initiated by a person to the Director, Planning and Zoning Commission and/or Board for consideration which addresses any action or provision allowed under this Ordinance.

APPROVED USE: As used in this ordinance shall include, but not be limited to: a principal permitted use with necessary approval, an approved conditional use, or an approved planned unit development. For the purposes of this ordinance, a previously approved special exception, planned development (excluding final plat), conditional use, Letter of Information, or lot split plan shall be deemed an approved use.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of

approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- A. One thousand two hundred fifty (1,250') feet for that end of a utility runway with only visual approaches; or
- B. Two thousand (2,000') feet for that end of a utility runway with a non-precision instrument approach; or
- C. Sixteen thousand (16,000') feet for precision instrument runways; or
- D. The approach surface extends for a horizontal distance of; or
- E. Five thousand (5,000') feet at a slope of twenty to one (20:1) for all utility and visual runways; or
- F. Twenty-five thousand (25,000') feet at a slope of fifty to one (50:1) and then horizontal for another twenty-five thousand (25,000') feet for precision instrumental runway (military) for a total of fifty thousand (50,000') feet.

AQUIFER REMEDIATION RELATED WELLS: These wells shall include those used to prevent, control, or the remediation of aquifer pollution, including, but not limited to, superfund sites.

AREA OF CITY IMPACT (AOI): Those unincorporated areas of Elmore County surrounding each incorporated city as identified on the Elmore County Land Use Map, in accord with Idaho Statute § 67-6526.

AREA OF CRITICAL CONCERN: The area designated by the Elmore County Board of County Commissioners for special protection and special land use regulations. The area is shown on the zoning map for Elmore County.

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 one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: see Special Flood Hazard Area (SFHA).

ARCHITECT: A licensed person who is qualified by reason of his knowledge of mathematics, the arts, the physical sciences and the principles of architecture acquired by professional education and experience, to engage in the practice of architecture as described in Idaho Statute.

ASPHALT BATCH PLANT: A facility which manufactures or produces cold and/or hot asphalt and which is operated by an individual, private company, public agency including the United States Government, the State of Idaho or any political subdivision of the State of Idaho.

AUCTION ESTABLISHMENT: Premises on which merchandise is stored on a temporary basis to be sold through an on-site auction.

B

BANK, Waterway: The ordinary high-water level of the stream, river, lake or impoundment, which in the absence of evidence to the contrary shall be presumed to be the edge of the vegetation growing along the shore.

BAR, Drinking Establishment: A structure used primarily for the sale or dispensing of liquor by the drink or glass, but not including restaurants where the principal business is serving food.

BARRIER: A vertical element including, but not limited to, a fence, wall, structure, or a combination thereof, that completely surrounds an area and controls access to such area.

BASE FLOOD: the flood having a one (1) percent 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 (1) percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

BASE ZONING DISTRICT: The zone district classification of this ordinance, in effect on any given property.

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

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling providing overnight accommodations and breakfast food service for no more than ten (10) occupants, including the owner and owner's family.

BENCH, Geologic Feature: A level step created by the former flood deposits of a river.

BEST MANAGEMENT PRACTICES: Practices as defined in Title 22, Chapter 49, Idaho Statute or other practices, techniques, or measures that are determined to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources to a level compatible with state environmental goals.

BIKE LANE OR BIKEWAY: A three (3') foot wide or wider hard surface lane or pathway for bikes.

BIKE RACK: Bicycle parking racks shall be defined has a single "inverted U" type bicycle parking rack that supports the bicycle at two points on the bicycle frame. One "inverted U" rack shall count as one (1) bicycle parking spaces.

BLANKETING, Sign: The term "blanket" or "blanketing", when applied to signs or sign structures shall mean the partial or complete shutting off of the face of one sign by another sign.

BLOCK: A group of lots, tracts or parcels within defined boundaries as defined by the Elmore County Engineer.

BOARD: The Board of Elmore County Commissioners.

BOARDING HOUSE: An establishment with individual rooms where meals and lodging are provided for, with or without compensation, to more than two (2) but not more than ten (10) persons. A Boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature. Hotels, motels, multi-family developments, and bed and breakfast establishments, as herein defined, shall not be considered Boarding houses.

BREW PUB: An establishment, or portion thereof, that brews less than thirty thousand (30,000) barrels of beer annually and as defined by Idaho Statute § 23-1003. The establishment may include a restaurant, sale of alcoholic beverages by the drink or glass, and/or retail sale of the products of the brewery.

BREWERY: An establishment, or portion thereof, that brews thirty thousand (30,000) barrels of beer or more annually and as defined by Idaho Statute § 23-1003.

BUFFER or BUFFER STRIP: An area established to protect one type of land use from possible undesirable characteristics of another, such as between industrial and

residential zones by utilizing screening methods such as, but not limited to, fencing and landscaping.

BUILDABLE AREA: A parcel of land or lot where the slope of the buildable site prior to grading does not exceed twenty-five (25%) percent and where building sites can be safely located (see definition of Buildable Site).

BUILDABLE SITE: A dwelling construction site which will not require diking or riprap for protection against flooding, nor increase the possibility of contamination of ground or surface water from septic tanks and drain fields, nor require that the proposed site be excavated so as to over-steepen a slope or toe of a slope greater than twenty-five (25%) percent.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, AGRICULTURAL: A structure designed and constructed to house farm implements for an agricultural business, hay, grain, poultry, livestock or horticultural products, but not for the purposes of human habitation.

BUILDING ENVELOPE: The area on a property exclusive of the required yards and un-buildable areas with slopes less than twenty-five (25%) percent and areas not within a designated floodway.

BUILDING FACE: The wall of a building fronting on a street, excluding any appurtenances, such as columns, pilasters, canopies, marquees, showcases or decorations, but including the parapet wall.

BUILDING HEIGHT: The vertical distance measured 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 (mid-point) of the highest gable of a pitch or hip roof. Buildings located in the floodplain shall be measured from the flood elevation, where base flood elevations are available.

BUILDING INSPECTOR/OFFICIAL: An official of the County, appointed by the Board to inspect and certify compliance with building ordinances adopted by Elmore County.

BUILDING, NON-CONFORMING: Any building, which does not conform to the requirements of this Ordinance.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING SETBACK LINE: An imaginary line established by this Ordinance that requires all buildings to be set back a certain distance from lot lines.

BUILDING SITE: A proposed pad for construction of a habitable structure that is not subject to hazards such as wildfire, flooding, high ground water, subsidence, avalanche, landslide, and infringement on wildlife areas, contamination of water tables or other similar hazards.

BULK: A term used to describe the size and relationships of buildings and other structures, spaces, streets and parking, and overall land area.

BURIAL GROUNDS, FAMILY: A lot or portion thereof set aside for the burial of human remains of deceased family members of the owner or owners of the lot and not intended for subdivision or sale separate from the remainder of the lot or land parcel.

C

CAFO: See Elmore County Confined Animal Feeding Operations (CAFO) Ordinance.

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 in any (12) twelve-month period; or
- B. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; or
- 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; Large CAFO: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) beef cattle or heifers; 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, fifty-five thousand (55,000) turkeys, thirty thousand (30,000) ducks (other than liquid manure handling systems), five thousand (5,000) ducks (liquid manure handling systems), thirty thousand (30,000) chickens (liquid manure handling systems), one hundred twenty-five thousand (125,000) chickens except laying hens (other than liquid manure handling systems), eighty-two thousand (82,000) laying hens (other than liquid manure handling systems); Medium CAFO: (At the time of the adoption of this Ordinance), two hundred (200) mature dairy cows, whether milked or dry, three

hundred (300) veal calves, three hundred (300) beef cattle or heifers, seven hundred fifty (750) swine (each fifty-five (55) lbs. or more), three thousand (3,000) sheep or lambs, three thousand (3,000) swine (each under fifty-five (55) lbs.), sixteen thousand five hundred (16,500) turkeys, the thousand (10,000) ducks (other than liquid manure handling systems), one thousand five hundred (1,500) ducks (liquid manure handling systems), nine thousand (9,000) chickens (liquid manure handling systems), thirty-seven thousand five hundred (37,500) chickens except laying hens (other than liquid manure handling systems), twenty-five thousand (25,000) laying hens (other than liquid manure handling systems). Two (2) or more concentrated feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

CAFO, CLOSURE PLAN: A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes:

- A. The estimated length of operation of the facility; and
- B. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste.

CAFO, ENVIRONMENTAL RISK: Means that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the CAFO site advisory team and set forth in the site advisory team's suitability determination report.

CAFO, EXISTING OR GRAND FATHERED: A CAFO built and in operation and properly registered at the time of the effective date of this Ordinance.

CAFO, EXPANDING: An existing CAFO that: (1) Cumulatively increases its One-Time Animal Capacity by ten (10%) percent or one hundred fifty (150) animals whichever is less, or (2) An existing CAFO that increases the capacity of its Animal Waste Management System.

CAFO FACILITY AREA: A contiguous area or parcel of land or the use of a contiguous area or parcel of land, upon which are confined or fed livestock, fish or birds in enclosures or ponds and which does not sustain crops, vegetation, forage growth in the normal growing season or post-harvest residues. Land application sites are not considered to be part of the CAFO Facility Area. Areas or parcels of land are deemed contiguous when separated by county roads. Areas or parcels of land also are deemed contiguous if they are not adjacent, but are owned or operated by a CAFO operator and a pipeline exists which is capable of conveying Process

Wastewater to the non-adjacent land. CAFO Facility Area only pertains to the area containing CAFO Improvements.

CAFO, IMPROVEMENTS: Improvements to the CAFO real property including but not limited to, buildings, barns, feed stalls, feeding yards, corrals, feed containment structures or areas, the waste management system, and truck or motor vehicle parking areas. CAFO improvements do not include land application sites, or the piping or method of conveyance used to convey process wastewater to the land application area.

CAFO, MATERIAL CHANGE: An alteration in the CAFO that meets at least one of the following criteria:

- A Change in the size and/or location of the animal waste management system; or
- B Relocation of CAFO Improvements outside of the CAFO Facility Area for which they were approved; or
- C Relocation of any CAFO improvement so that it no longer meets a setback required by this ordinance; or
- D Change in type of animal housed; or
- E Change to Dead Animal Storage Area; or
- F Change or relocation of Feed Storage Area; or
- G Cumulative increase of the permitted one (1)-time animal capacity by ten (10%) percent or one hundred fifty (150) animals, whichever is less.

CAFO, MINIMUM: The smallest quantity, number, or degree possible or permissible.

CAFO, NEW: A CAFO commenced after the effective date of this ordinance, which contains upon it a CAFO Facility Area.

CAFO, NON-CONFORMING: Any grand fathered operation or operation that met the definition of a Livestock Confinement Operation under Ordinance 94-2, but is not registered at the time of the adoption of this ordinance, shall become a legal non-conforming CAFO if it has not been expanded or materially changed, and may not be expanded or materially improved except as otherwise provided in the zoning ordinance.

CAFO, NUTRIENT MANAGEMENT PLAN: A plan approved by the Director of the Idaho State Department of Agriculture or his/her designee for managing the amount, source, placement, form and timing of the Land Application of nutrients and soil amendments for plant production and to minimize potential for environmental

degradation, particularly impairment of water quality. Third party recipients must be compliant with County Ordinances in regards to setbacks, application, and removal of animal waste.

CAFO, ODOR MANAGEMENT PLAN: A site-specific plan approved by the responsible government agencies with regulatory authority to manage odor generated on a CAFO.

CAFO, ONE -TIME ANIMAL CAPACITY: The maximum number of animals that a CAFO Facility Area is capable of housing at any given point in time.

CAFO, OPERATION PERMIT: Permit required occupying a new CAFO facility area or the added portion of an expanded CAFO.

CAFO, PEST ABATEMENT PLAN: A site specific plan, if such plan is required by any regulatory agencies with authority over the proposed CAFO.

CAFO, PROCESS WASTEWATER: Any water on the CAFO Facility Area that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of animals and any products directly or indirectly used in the operation of a CAFO Facility Area, such as spillage from animal watering systems; washing, cleaning or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with Animal Waste.

CAFO, REGISTRANT: Owner or operator of an Existing CAFO, who files a Registration Notice with the Office of the Director and provides the information required under this Ordinance.

CAFO, REGISTRATION NOTICE: The document and accompanying information that an Existing CAFO shall file with the Director in order to register the CAFO.

CAFO, SETBACKS: Setbacks are measured from the nearest edge of the CAFO improvements, not the property boundary.

CAFO, SUITABILITY DETERMINATION: Means that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risk categories related to a proposed CAFO site, describes the factors that contribute to the environmental risks and sets forth any possible mitigation of risk.

CAFO, SITING PERMIT: The Conditional Use Permit required for a person to operate a New or Expanding Facility.

CAFO, SITE ADVISORY TEAM: Team authorized by IDAHO STATUTE §§ 67-6529C and 67-6529G consisting of representatives of Idaho state agencies that

review a site and information regarding a proposed CAFO and issues an opinion regarding environmental risks and that site's suitability for a CAFO. This team shall include a designee of Elmore County.

CAMPGROUND / RECREATIONAL VEHICLE PARK: A facility where camper/recreational vehicles may stop or park for short periods of time. 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 and where sewer and water hook-ups are provided.

CARPORT: A covered shelter for no more than three (3) automobiles open on two (2) or more sides.

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: Land used or intended to be used for the burial of the human and animal remains, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CERTIFICATION: Certification is the act whereby the Director verifies that an application is complete and complies with relevant ordinance requirements.

CERTIFICATE OF OCCUPANCY: A certificate issued by the building inspector to indicate that, after construction of the building has been completed or a change of use or alteration of an existing building is completed, that the building is in compliance with the terms of this Ordinance and applicable building code.

CHEMICAL MANUFACTURING: A use that creates products by transforming organic and inorganic raw materials with chemical processes.

CHILD / DAY CARE FACILITY: Any home, structure, or place where non-medical care, protection, or supervision is regularly provided to children under fourteen (14) years of age for periods of less than twenty-four (24) hours per day while parents or guardians are not on the premises. There are three (3) types of childcare facilities:

- A Family Child Care Home - A child care facility, which provides care for five (5) or fewer children throughout the day;
- B Group Child Care Home - A child care facility which provides care for six (6) to twelve (12) children throughout the day; and
- C Child Care Center - A childcare facility, which provides care for more than twelve (12) children throughout the day.

It should be noted that, in determining the type of childcare facility being operated, the total number of children at the facility at any one time may be regulated.

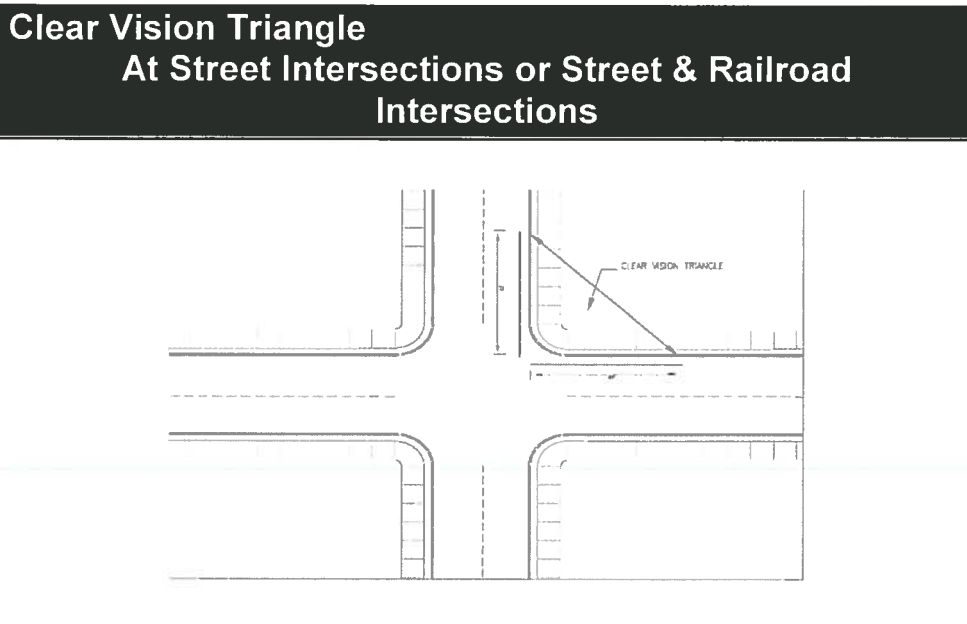
CHILDREN'S TREATMENT FACILITY: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation for more than eight (8) juveniles under eighteen (18) years old, and b) provides treatment for substance abuse, mental illness, emotional disturbance, 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.

CHURCH: A building for public worship, and or a body or organization of religious believers. An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

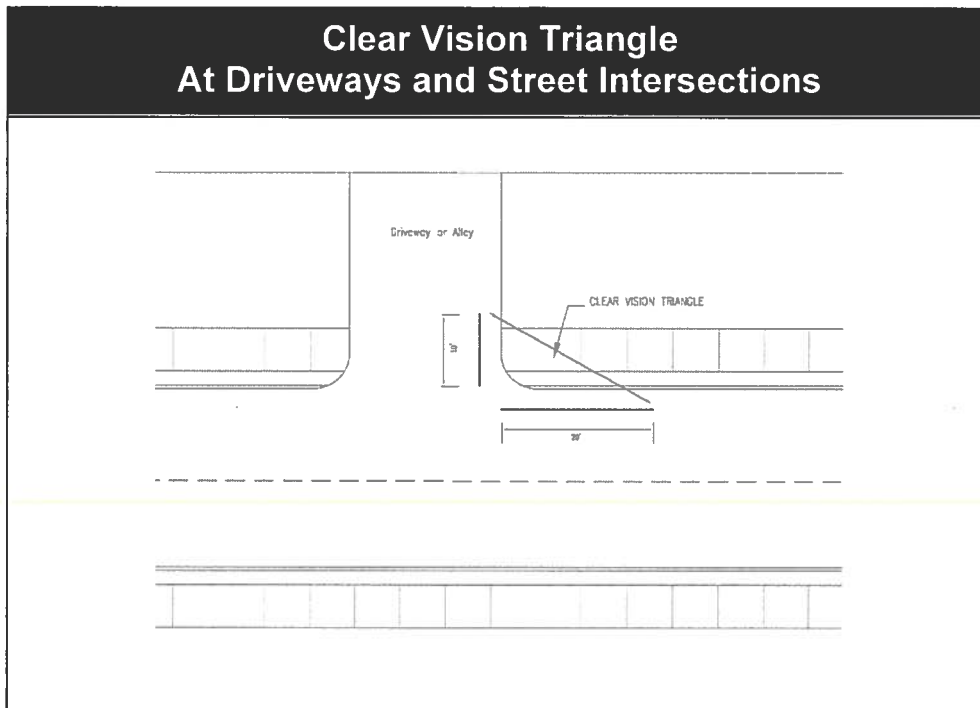
CITY: An incorporated municipality.

CLEAR VISION TRIANGLE: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, defined as follows:

A. Clear Vision Triangle at Street Intersections or Street & Railroad Intersections: At a street intersection or street and railroad intersection shall be formed horizontally, by measuring forty (40') feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three (3') feet and ten (10') feet above grade.



B. Clear Vision Triangle at Driveway and Street Intersections: Where a driveway enters the street right-of-way a vision triangle shall be formed horizontally, by measuring ten (10') feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and twenty (20') feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three (3') feet and ten (10') feet above grade.



CLINIC (MEDICAL, DENTAL, OPTICAL): A building (other than a hospital) used by one or more health care practitioners for the purpose of care, diagnosis or treatment of sick, ailing, or injured patients, or those who are in need of medical and surgical attention, but where Board, room, or regular hospital care and services are not provided.

CLUB OR LODGE: A building or portion thereof on premises owned or operated by a non-profit organized association of persons for social, literary, political, educational, recreational, or similar purposes and primarily for the exclusive use of enrolled members and their guests, but not to include any organization, group, or association whose principal activity is to render a service usually and ordinarily carried on as a business.

CLUSTER DEVELOPMENT: A cluster development is a type of development where structures are clustered together and/or attached to preserve open space.

COLD STORAGE PLANT: An insulated building, with its attendant refrigeration equipment, for storage of perishable commodities at low temperatures.

COLUMBARIUM: A structure, room, or other space in a building or structure containing niches for the permanent inurnment of cremated remains.

COMMENCE OR START OF CONSTRUCTION: Date building permit is issued or notice of Agriculture Construction is submitted to Elmore County. Where no building permit or notice is required, the date work is actually begun.

COMMERCIAL USE: The purchase, sale, or other transaction involving the handling or disposition of any ordinance, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and trades-people rendering services.

COMMISSION: The Planning and Zoning Commission of Elmore County, Idaho.

COMMITTEE OR SPECIAL COMMISSION: A group of citizens appointed by the Board or the Commission to implement the policies of the Comprehensive Plan or to assist with technical evaluation or special plans and to make recommendation to the Commission and/or Board.

COMMON DRIVEWAY: A shared access that serves separate single-family residential parcels or lots, each having public street frontage.

COMMON OPEN SPACE: Common open space is an area held in perpetuity for the use and benefit of the residents of a development or the general public and which is devoid of streets, parking areas or buildings not required for the use and enjoyment of the open space or intended for recreational or common community purposes.

COMMUNITY CONSERVATION DIRECTOR: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in the development or management of wildlife mitigation plans.

COMMUNITY SEWAGE DISPOSAL SYSTEM: A system where clustered homes are connected to a common waste disposal treatment system that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

COMPOSTING FACILITY: A facility designed for the large-scale production of compost intended for sale and/or use on premises other than where such compost is produced. An indoor or outdoor facility that is regulated or subject to the regulations

of state and/or federal agencies and where compost is collected, stored, processed, sorted, packaged, transferred, created, cultivated, or disposed of.

COMPREHENSIVE PLAN: The duly adopted comprehensive plan for Elmore County pursuant to the "local land use planning act", Idaho Statute § 67-6501 et seq., as amended.

CONDITIONAL USE: A use permitted only upon issuance of a conditional use permit.

CONDOMINIUM: An estate in real property as defined in Idaho Statute § 55-101B that is not a subdivision.

CONFINEMENT AREAS, Animal: Any area or structure where livestock and/or poultry are stabled, confined, gathered, fed, maintained, and/or milked and where such areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of seven thousand (7,000') feet at Mountain Home Air Force Base and four thousand (4,000') feet at all other airports.

CONSERVATION EASEMENT: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property in accord with Idaho Statute § 55-2101 and this title.

CONTRACTOR: A person who agrees to furnish materials 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.

CONTRACTOR'S YARD: Any lot or parcel of land used for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition or similar activity, and including any lot or parcel of land used for the incidental repair of machinery which is used in any of the above listed activities. Indoor or outdoor storage of building materials and equipment commonly used in the construction business.

CONVENIENCE CENTERS: A commercial development offering goods at retail and personal services to a limited area in population.

CONVENIENCE STORE: A store offering goods, including gasoline, for sale at retail. The offering for sale of services or goods pertaining to the repair or servicing of vehicles shall not be included within this definition of convenience store. See definition of Service Station.

COUNTY: Elmore County, Idaho.

COUNTY ENGINEER: That licensed professional engineer appointed by the Board who is responsible for all engineering matters for Elmore County.

COUNTY RECORDER: The office of the County Recorder of Elmore County, Idaho.

COUNTY SURVEYOR: That licensed professional land surveyor appointed by the Board to check plats and monuments for compliance with platting and surveying laws, provide for surveying monument records, and make such surveys, descriptions, maps, and plats as ordered by the Board.

COVENANT: A written agreement, pledge or promise of two (2) or more parties by which any of the parties pledges themselves to others that something is done or will be done.

COVERAGE: The area of a property occupied by all structures.

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

CULVERT: A drain that channels water under a bridge, street, road, driveway or other impediment.

D

DAIRY FARM (Non CAFO): A dairy not defined in the Elmore County CAFO Ordinance. The principal function of a dairy is the production of milk and milk products and which may include the processing of said milk. A dairy farm further refers to a dairy barn or processing facility or feeding area where animals are kept, raised, or fed in a restricted area.

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, ADULT: An establishment, or portion thereof, where more than twelve (12) individuals (adults or children fourteen (14) years of age or older) regularly receive care and supervision for a period less than fifteen (15) hours per day unaccompanied by the individual's guardian.

DAYCARE HOME, GROUP: An establishment, or portion thereof, or dwelling where more than six (6) but no greater than twelve (12) individuals (adults or children fourteen (14) years of age or older) regularly receive care and supervision for a period less than fifteen (15) hours per day unaccompanied by the individual's guardian.

DEAD ANIMAL: Carcasses, parts of carcasses, or tissues from dead animals, including domesticated livestock, sheep, goats, poultry, pets and commercial fish.

DECISION MAKING BODY: The Director, Commission, or Board, as set forth in this ordinance.

DEDICATION: The conveyance of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land may become public property if and when the County accepts the land for dedication.

DENSITY: The ratio of the total number of dwelling units within a development divided by the total area. Should that number be a fraction, it shall be rounded to the nearest whole number.

DENSITY, NET: The ratio of the total number of dwelling units within a development divided by the area devoted to residential uses (excluding roadways, commercial and institutional uses, dedicated open space, and developed parks). Should that number be a fraction, it shall not be rounded to the nearest whole number.

DENSITY TRANSFER: A land planning procedure that allows clustering of land uses and densities on a certain portion of a land parcel while leaving the balance of the land parcel as open space. The authorized gross density of the land parcel remains unchanged. For example, if a ten (10) acre land parcel is entitled to ten (10) dwelling units but there is a natural creek along the edge of the land parcel, the land owner could use a density transfer procedure to preserve the natural creek area and

then cluster the 10 allowed dwelling units on the balance of the parcel; thereby preserving the natural creek area but optimizing the ten (10) dwelling unit development potential of the land parcel.

DEPARTMENT OF AERONAUTICS: The Department of Aeronautics of the State of Idaho as defined in Idaho Statute.

DESIGN STANDARDS, IMPOSED: Standards which may be applied to industrial, residential and commercial developments that place limits or standards on such things as density, setbacks, buffers, heights, utilities, hours of operations, signage, landscaping, noise, dust, glare, smoke, vibration, radioactivity, odors, and other items as deemed necessary by Elmore County Officials and agencies. Any proposed use, which cannot meet these standards, is not to be allowed, and once a use has been permitted, it must maintain its ability to meet the design standards or have its use and/or permit revoked.

DEVELOPED AREA: That portion of a development, which contains structures, roads, and site improvements. Common open space shall be deemed to be part of the developed area.

DEVELOPED PARK: Recreation systems preserved for future generations, which enrich the quality of life for residents and visitors alike. Typical facilities include neighborhood parks, with multipurpose recreational opportunities, picnic areas, tot lot, multi-purpose courts, open turf areas and community parks with lighted sports multipurpose sports fields and recreation center buildings. These systems should include, where applicable, historic and/or natural interpretation elements to the greatest extent possible. Design of all facilities should take into account multiple potential uses and a variety of users.

DEVELOPER: Authorized agent of a subdivider or the subdivider himself/herself. Also the representative of the landowner or the landowner himself/herself desires to improve their land.

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

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

DEVELOPMENT AGREEMENT: A written agreement between the Board and an owner or applicant concerning the use or development of a property as a condition of a zoning ordinance map amendment and drafted in accord with Idaho Statute § 67-6511A and this title.

DEVELOPMENT APPLICATION: An application for development that requires approval and/or action by the Director, Commission, or Board.

DEVELOPMENT PLANS (Preliminary and Final Development Plan(s): All plats, plans and/or submissions by a subdivider or developer in whole or in part describing a development to be considered by the Commission.

DIGITAL FLOOD INSURANCE 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.

DIMENSIONAL STANDARDS: Bulk and setback regulations.

DIRECT GLARE: The light seen in a lighting fixture as opposed to seeing the light from a fixture.

DIRECTOR: The Director of Land Use and Building or an authorized representative thereof.

DISPOSITION: A contract of sale resulting in the transfer of equitable ordinance to an interest in subdivided land; an option to purchase an interest in subdivided land, a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made under one of the foregoing.

DISTRICT OR ZONE: Portions of Elmore County within which certain uniform regulations and requirements or various combinations thereof apply under provisions of this Ordinance.

DOMESTIC PET: An animal kept for enjoyment and companionship that is housed primarily inside a dwelling.

DRAINAGE: Water or other liquid that flows from one land area to another land area.

DRIVE: A privately owned roadway that provides internal circulation for vehicles within the Manufactured Home Park and/or access to manufactured home spaces within the manufactured home park.

DRIVE-IN ESTABLISHMENT: An establishment (other than a service station or truck stop) which is designed to accommodate motor vehicles and patrons in such a

manner as to permit the occupants of said vehicles, to make a purchase or to receive a service while remaining in their vehicle.

DRIVE-UP WINDOW: Any portion of a structure or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

DRIVE-UP WINDOW SERVICE: An establishment providing a "drive-up window" as herein defined. The term drive-up window service shall include, but not be limited to, providing food or beverage service, bank service, and/or film processing. The term drive-up window service shall not include "gasoline or diesel fuel sales facility" or "car wash" as herein defined.

DRIVEWAY: a vehicle ingress and egress route that serves no more than five (5) single family dwellings, not including accessory structures.

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 patients 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.

DU/A: Dwelling Units per Acre.

DUDE RANCH: a guest resort offering ranch activities including horseback riding and camping or other over-night guest facilities.

DWELLING, DUPLEX: A building that contains two (2) dwelling units and two (2) separate kitchens, attached by a common wall, where both dwelling units are located on the same property.

DWELLING OR DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ADDITIONAL FARM SEASONAL: Housing for seasonal agricultural workers.

DWELLING, MULTI-FAMILY: A structure, or portion thereof, containing three (3) or more dwelling units or apartments, where all such units are located on the same property. For the purposes of this ordinance, a multi-family dwelling shall be deemed multi-family development.

DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling.

DWELLING, SINGLE-FAMILY ATTACHED: A structure containing two (2) dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate property.

DWELLING, SINGLE-FAMILY DETACHED:

- A. A detached structure that accommodates a single dwelling.
- B. A manufactured home that meets all of the following criteria:
 - 1. The manufactured home is multi-sectional and encloses an area of not less than one thousand (1,000') square feet; and
 - 2. The manufactured home is placed on an excavated and backfilled foundation and enclosed at the perimeter such that the structure is located not more than twelve (12") inches above grade; and
 - 3. The exterior siding and roof are similar in color, material, and appearance to the exterior siding and roofing material commonly used on immediately surrounding properties.

DWELLING, TEMPORARY LIVING QUARTERS: A dwelling structure containing living quarters that are occupied on a seasonal or temporary basis. Not permanent housing. Most often temporary living quarters have one owner who allows others to share time in occupancy and use.

DWELLING, TOWNHOUSE: A structure containing three (3) or more dwelling units attached by common walls where each dwelling unit is located on a separate property.

E

EASEMENT: A non-possessor interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another. A grant by the owner of a use by the public, corporation, or persons for specified purposes and/or a right of use, falling short of ownership, and usually for a certain stated purpose, as defined by Idaho Statute § 50-1301.

ELECTRIC DISTRIBUTION LINE: Those lines carrying between 7 kV and 35 kV of electricity directly to customers.

ELECTRICAL GENERATING FACILITIES: Any facility generating electrical power through the use of natural gas, solar cells, water or wind power. The use of diesel fuel is allowed only for emergency generation of electricity for fire suppression or the winding down of turbines.

ELECTRIC SUBTRANSMISSION LINE: All lines 46 kV and 69 kV carrying electricity between two (2) substations.

ELECTRIC TRANSMISSION LINE: Those lines carrying from 138 kV, 230 kV to 500 kV of electricity from a power generation site to a substation.

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

ELEVATION CERTIFICATE: A federal emergency management agency form used to provide elevation information necessary to ensure compliance with applicable community flood plain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a letter of map amendment or revision (LOMA or LOMR) to flood insurance rate maps.

EMPLOYEE: A person employed on the premises by the property owner and receiving not less than seventy-five (75%) percent of the employee's annual income from said property owners.

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.

ENERGY PRODUCTION, HOME USE: Energy producing equipment specifically designed for home use, such as but not limited to solar photovoltaic cells or wind power microturbines where energy is created, harnessed, modified, enhanced, processed, altered, or stored for individual use. However, excess energy produced may be sold.

ENERGY PRODUCTION FACILITIES: A facility where any form of energy is created, harnessed, modified, enhanced, processed, altered, stored, released or regulated except through the use of natural gas, solar cells, or wind power.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

ENGINEER, COUNTY: That registered engineer or surveyor appointed by the Board to check plats and make such surveys maps and plats as ordered by the Board or Director or Commission.

EQUIPMENT WRECKING/SALVAGE YARD: Premises on which three (3) or more pieces of equipment not in full operating condition are standing more than thirty (30) days and are unlicensed, or dismantled or stored. Fully enclosed buildings that hold these pieces of equipment are exempt from this definition.

ESTABLISHMENT: A place of business or residence with its furnishings and staff.

EXCAVATION: The movement of earth material.

EXISTING CONSTRUCTION: for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, March 14, 1994.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

EXPLOSIVE MANUFACTURING OR STORAGE: The use of machines, tools and labor to produce explosives to use, sale or storage.

EXTRACTION: Removal and processing of any mineral such as, but not limited, to mining, quarrying, separating, or cleaning mineral resources.

F

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

FAMILY: A family is defined as:

- A. A person living alone or two (2) or more persons related by blood or marriage; or
- B. A group of not more than eight (8) persons who need not be related by blood or marriage living together in a dwelling unit; or
- C. Any home in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and which is supervised. Resident staff, if employed, need not be related to each other or to any of the mentally and/or physically handicapped or elderly persons residing in the home but no more than two (2) of such staff shall reside in the dwelling at any one time.

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

FARM SERVICE AGENCY (FSA): Farm Service Agency of the United States Department of Agriculture.

FEDERAL AGENCY: An agency managed and operated by the United States Federal Government, such as but not limited to the Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC) and the National Regulatory Commission (NRC).

FEEDLOT (Non CAFO): A feedlot or stockyard that does not qualify as a CAFO. An enclosed area where animals are fed concentrated food prior to shipping to market or slaughtering or an area where animals are held for resale.

FENCE: An enclosure; especially an enclosed barrier, which prevents straying from within or intrusion into.

FILL: A deposit of material.

FIRE AUTHORITY: The chief officer or an authorized representative of the fire department or fire response agency serving the jurisdiction.

FIREBREAK: A barrier of cleared or plowed land intended to stop or delay a forest or grass fire.

FLAMMABLE MATERIAL STORAGE: An establishment, or portion thereof, wherein combustible substances are stored.

FLOODPLAIN, ONE HUNDRED YEAR: The low land near the channel of a river, stream, lake or other body of water which has been or may be covered by water of one hundred (100) years' frequency, as established by the Federal Emergency Management Agency, (FEMA).

FLOODWAY: The channel, watercourse, or portion of the floodplain adjoining the channel which is reasonably required to carry and discharge the bulk of the floodwaters of any river or stream, with a maximum allowable rise of one (1') foot due to potential building encroachment.

FLOOD FRINGE: The area between the floodway and the 100-year flood plain boundary including the AO and A zones where no floodway is identified.

FLOOD INSURANCE RATE MAP (FIRM): The official map, as amended and/or revised from time to time, on which the federal insurance administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood boundary floodway map, the water surface elevation of the base flood, and the flood insurance study work maps.

FLOOD OR FLOODING:

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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

FLOOD ELEVATION DETERMINATION: See Base Flood Elevation (BFE)

FLOOD ELEVATION STUDY: See Flood Insurance Study (FIS)

FLOOD FRINGE: That portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD ZONE: a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN OR FLOOD-PRONE AREA: any land area susceptible to being inundated by water from any source (see definition of “flooding”).

FLOODPLAIN ADMINISTRATOR: the individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

FLOOD PROTECTION ELEVATION: 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 (2) feet of freeboard; and
- B. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade; and
- C. Any building built before October 2016, that is at BFE or above is exempt

from the two (2) foot freeboard for the Substantial Improvement.

FLOOD PROTECTION SYSTEM: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

FOOTHILL OR OTHER HILLSIDE TRIBUTARY FLOODWAY: A watercourse or drainage way located in the foothills or other hillside tributary that collects and carries waters draining from an area of greater than ten (10) acres in size, excluding an alluvial fan where no floodway has been identified.

FOOTPRINT: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and/or footings.

FOSTER HOME, GROUP: An establishment, or portion thereof, that: provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and/or provides foster care for seven (7) to thirteen (13) children under the age of eighteen (18).

FREEBOARD: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation.

FREIGHT OR TRUCK TERMINAL: An establishment or area where freight (brought by truck or rail) is transferred. The terminal facility may include storage or repair areas for trucks or railcars. The term freight or truck terminal shall not include a structure or area used for permanent or long-term storage of freight. The parking of trucks is included except for a single truck that is parked at the residence of the driver.

FRONT PROPERTY LINE: See definition of Property Line, Front.

FRONTAGE: A property line along either: a) a roadway, or b) a permanent access easement to a public street that has been recorded and has been established by a clear chain of ordinance in subsequent recorded deeds.

FUEL CELL: A device that continuously changes the chemical energy of a fuel (as hydrogen) and an oxidant directly into electrical energy.

FUNCTIONALLY DEPENDENT USE: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

G

GARAGE, RESIDENTIAL OR PRIVATE: A building or portion of a building that is primarily used for the parking and storage of passenger vehicles owned and operated by the residents thereof. A garage may contain other accessory uses related to the residential use of the property such as personal recreation items, storage of household goods and property maintenance equipment, laundry facilities, work area, etc. A garage may contain a half bath consisting of a sink and toilet, but no shower or bathtub. An unattached garage is considered to be an accessory building.

GARAGE, PUBLIC: A building or structure or portion thereof (except a private garage) used or designed to be used for storage and/or parking of motor vehicles owned or operated by a public or private entity.

GASOLINE OR DIESEL FUEL SALES FACILITY: An establishment that sells and supplies motor fuel, lubricating oils, and/or grease to on premises trade.

GLARE: To shine with a harsh, uncomfortably bright light.

GOVERNING BODY: The Elmore County Board of County Commissioners.

GRADE: The elevation of the finished surface of the ground adjacent to the midpoint of an exterior wall of a building or structure.

GRADE, ESTABLISHED: The curb line grade at the lot lines as approved by the county engineer or appropriate agency.

GRAIN ELEVATOR: A structure equipped with mechanical lifting devices used for storing grain.

GRAIN STORAGE: Outdoor or indoor storage of edible grain.

GRANDFATHER RIGHTS: Property owners have the right to continue nonconforming property, use, or structure.

GRAVEL OR SHALE PIT: Any point where stone, sand, gravel or other mineral resources are removed, extracted, crushed or stockpiled by an individual, private company, public agency including the United States government, the state of Idaho or any political subdivision of the state of Idaho.

GREENHOUSE: Structures whose roof and sides are made largely of transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

GROSS FLOOR AREA: The measure of total square footage of habitable space of a structure.

H

HABITAT: The character of the natural environment needed to support native plant and animal life.

HABITABLE SPACE: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HALFWAY HOUSE: A transitional occupancy facility. A temporary residence for person(s) under care, supervision, or monitoring. An establishment that provides housing for persons convicted of nonviolent crimes that are in the later stages of serving a sentence and is being transitioned back into society.

HARDSHIP: An unusual situation found on a property and/or on the part of an individual property owner which will not permit the enjoyment or full utilization of the property as that which is enjoyed by others in the community or area. A hardship can exist only when it is not self-created.

HAZARDOUS AREA OR DISTRICT: A parcel of land that is determined to be susceptible to physical hazards such as wildfire, flooding, avalanche, geologic instability, steep slopes, or low-flying aircraft.

HAZARDOUS MATERIALS: Any element, compound, or substance that may present a substantial threat to people, wildlife or environment if released. Hazardous materials may include products or wastes and may be further classified as chemical, biological, radiological, or explosive substances including petroleum products and hazardous wastes. (Idaho Hazardous Materials Incident Command and Response Support Plan)

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility, which receives hazardous material as described in Part 40 Chapter 260.1 of the Code of Federal Regulations.

HAZARDOUS WASTE OR MATERIAL: Any element, compound, or substance that may present a substantial threat to people, wildlife or environment if released. Hazardous materials may include products or wastes and may be further classified as chemical, biological, radiological, or explosive substances including petroleum products and hazardous wastes. (Idaho Hazardous Materials Incident Command and Response Support Plan)

Any waste or material, which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or
- C. Any material or substance designated as a hazardous or toxic substance defined by Title 40 Part 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

HEALTH AUTHORITY: The local health department, the Idaho Department of Health and Welfare, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term health authority shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.

HEALTH DEPARTMENT: The Elmore County Office of the Central District Health Department.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning maps, the elevations shall be above mean sea level elevation unless otherwise specified.

HELIPORT: An approved location or facility where rotary wing aircraft take-off and land.

HIGHEST ADJACENT GRADE (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

HIGHWAY: A Street designated as a highway by an appropriate state or federal agency.

HIGHWAY DISTRICT COMMISSIONERS: Elected governing members of the Mountain Home, or Glenn's Ferry, or Atlanta Highway Districts.

HILLSIDE: A part of a hill between and including the summit and the foot and includes, but is not limited to, such landforms as ridges, saddles, and knolls.

Foot: The lowest part of a hillside where the grade of slope increases from horizontal or near horizontal; the bottom or base of a hillside.

Knoll: A small round hill or mound.

Ridge: A sharp, elongated crest or a linear series of crests.

Saddle: A ridge connecting two (2) higher elevations.

Summit: The highest part, top or peak of a hillside.

HILLSIDE DEVELOPMENT OR SUBDIVISION: Any development or subdivision where one or more lots proposed for building development have a slope of fifteen (15%) percent or more.

HILLSIDE ROAD: Any existing or proposed public or private road, street, alley, driveway or other vehicular access to property located or proposed to be located on any property, or portion thereof, within the land areas with slopes greater than fifteen (15%) percent.

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.
- 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 OCCUPATION: Self-employment by the inhabitant of a dwelling, which is clearly incidental and secondary to its use as a dwelling. Any gainful operation, profession, or craft which is customarily incidental to, or carried on in, a dwelling place and wherein the use is clearly incidental and secondary to the use of the structure for dwelling purposes.

HOMEOWNERS' ASSOCIATION: A homeowners' association is an organization formed of the owners of a subdivision or planned unit development.

HORIZONTAL SURFACE: A horizontal plain one hundred fifty (150') feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc is:

- A. Five thousand (5,000') feet for all runways designated as utility or visual; and
- B. Seven thousand five hundred (7,500') feet for military airports.

HOSPITAL: A health care service facility, comprised of one or more structures, licensed as a hospital by the State of Idaho, providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, infirmity or other abnormal physical or mental conditions and including, as an integral part of the facility, related facilities such as laboratories, diagnostic services, outpatient facilities (such as rehabilitation, medical imaging and community education), medical offices and staff residences which are owned by and under the direct control of the primary medical provider.

HOTEL OR MOTEL: An establishment that provides lodging to the public for a fee, excluding Boarding houses and bed and breakfast establishments as herein defined.

HUD: U.S. Department of Housing and Urban Development

I

IDAHO ADMINISTRATIVE PROCEDURES ACT (IDAPA): Idaho Administrative Procedures Act.

IDAHO STATE DEPARTMENT OF AGRICULTURE (ISDA): Idaho State Department of Agriculture.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ): Idaho Department of Environmental Quality.

IDAHO DEPARTMENT OF WATER RESOURCES (IDWR): Idaho Department of Water Resources.

IDAHO PUBLIC UTILITY: Those rules and regulations contained in Title 61, Public Utility Regulation of the Idaho Statutes.

ILLUMINATED, DIRECT: A light fixture that directs and concentrates light on a sign.

ILLUMINATED, INTERNAL: A light source for a sign that is contained within the sign and is visible only through a translucent surface or recessed into the sign structure.

ILLUMINATED, NEON: A source of diffused light from a tube filled with neon, helium, argon, krypton, and/or xenon.

ILLUMINATION, EXPOSED LAMP: A source of light visible from the street where the lamp does not produce diffused light or where such lamp is not completely covered by a translucent and/or opaque shield.

IMMEDIATE FAMILY: Any one of the following: a birth or adoptive parent, stepparent, grandparent, children, grandchildren, sibling, aunt, uncle, niece, nephew, or person under the owner's legal guardianship.

IMPACT AREA: That agreed upon area duly negotiated and adopted pursuant to Idaho Statute § 67-6526 by Elmore County and the appropriate City.

IMPEDE: The interference with an existing or proposed activity that would delay or cause modification to the progress of normal development and/or development trends, or the causing or interference with the normal flow of progress and/or development trends.

IMPERVIOUS SURFACE: Any material that substantially reduces or prevents the infiltration of water. It includes surfaces such as compacted sand, shale, limestone, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments. Shall include, but not be limited to, roadway paving, curb, gutter, sidewalk, pedestrian pathway, bike path, water line, sewer line, drainage work, bus turnout, streetlight, and/or landscaping.

INCINERATOR: A furnace or apparatus for burning trash, garbage, etc.

INDUSTRIAL: Refers to the manufacture, processing, fabrication, and testing of goods and materials, including the production of power. It does not refer to the growing of agricultural crops, the raising of livestock, or the extraction or severance of raw materials.

INDUSTRIAL/MANUFACTURING USE, HEAVY: Refers to the manufacture, processing and testing of goods and materials or products predominately from extracted or raw materials, or a use engaged in storage of such materials. Heavy Industrial includes manufacturing processes that use flammable or explosive materials, or storage of materials that potentially involve hazardous or commonly recognized offensive conditions. Heavy Industrial uses include those uses which require large amounts of water or where the by-products of such use (such as noise, smoke, odor, glare, gas, or heavy vehicle use) are present or generated.

INDUSTRIAL/MANUFACTURING USE, LIGHT: Refers to the manufacture, processing, and testing of goods and materials from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Light Industrial includes uses and operations that do not directly adversely affect nearby land uses. Light Industrial uses include a wide variety of enterprises that do not cause noxious odors or noise or use large amounts of water.

INGRESS AND EGRESS: Entrance and exit respectively.

INJECTION: The subsurface emplacement of fluids.

INNER APPROACH ZONE: An area inside the airport influence areas that has the following dimensions: ten thousand (10,000') feet in length and beginning one thousand (1,000') feet in width at the end of the overrun area and widening uniformly to a width of four thousand (4,000') feet at a distance of ten thousand (10,000') feet and having as its center line the continuation of the center line of the landing strip.

INSTITUTION: Building and land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

INTERSTATE: A street that is designated as an interstate on the most current Elmore County long range highway and street map as adopted by the Community Planning Association of Southwest Idaho.

IRRIGATION FACILITIES: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation.

J

JUNK: Discarded, used, or secondhand materials, including, but not limited to, used machinery, scrap copper, brass, iron, steel, other ferrous and nonferrous metals, tools, appliances, implements, vehicles or portions thereof, furniture, beds and bedding, rags, glass, plastic, cordage, rubber, building materials (excluding lumber), or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

JUNKYARD: An establishment as defined by Idaho Statute § 40-111 where junk is bought, sold, exchanged, stored, kept, processed, or handled. An outdoor space where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled. Materials may be present for commercial or non-commercial purposes, for the use of the owner or occupier of property, or storage by or for the owner or occupier of their property. A third party, on property owned by another, may store material. Junkyard also includes house-wrecking and structural steel materials and equipment, but does not include such places where such uses are conducted entirely within a completely enclosed building such as pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment or for used cars in operable condition, or salvaged material which are incidental to manufacturing operations. Neither does junkyard include a piece of property of five (5) acres or more which meets the definition of land actively devoted to agriculture contained in Idaho Statute §63-604 and taxed as agricultural land by Elmore County.

K

KENNEL, COMMERCIAL: Any premises or portion thereof on which seven (7) or more domestic pets are maintained, harbored, possessed, trained, bred, Boarded, or cared for in return for compensation, but not including an animal clinic, animal hospital, or veterinary office.

KENNEL (DOG), HOBBY: A facility located at the private dwelling of the dog owner, where up to six (6) of the owner's dogs are maintained for purposes of breeding and/or selling and boarding.

KENNEL (DOG), RESCUE: A facility that rescues, rehabilitates and re-homes discarded dogs and to educate the general public about the cruel realities of the commercial dog breeding industry. Limit of ten (10) dogs.

L

LABORATORY: Not only facilities for biological, serological, biophysical, cytological, and pathological tests, but also facilities for the chemical or other examination of materials from water or other substances, as defined by Idaho Statute § 39-103.

LAGOON: An earthen structure designed to treat liquid waste or liquid manure through biodegradation by bacteria.

LAGOON WASTE TREATMENT FACILITY OR SYSTEM: An earthen structure designed to treat liquid manure/waste through biodegradation by bacteria.

LAND APPLICATION: The spreading or chemigating on, or incorporation of Animal Waste into the soil mantle primarily for beneficial purposes.

LAND USE: A term used to indicate the utilization of a piece of land whether it be a lot, plat, tract or acreage. "Land Use" is an indication of the existing development within a community and becomes the basis to formulate district boundaries.

LAND USE AND BUILDING DEPARTMENT: This is the name of the department that administers this ordinance within Elmore County.

LAUNDROMAT: An establishment that provides washing, drying, and/or ironing machines for hire, and/or an establishment that provides washing, drying and/or ironing 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)

A. **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.

B. **LETTER OF MAP REVISION (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or 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.

C. 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.

D. 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 or Flood Insurance Study. Upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

LEVEE: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIGHT FIXTURE: A complete lighting unit consisting of a light source (lamp) and all necessary mechanical, electrical, and decorative parts. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoors light fixture.

LIGHT FIXTURE, OUTDOOR: Outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp and similar device, permanently installed or portable, used for illumination or advertisement. Such device shall include, but is not limited to, search, spot, and floodlights for buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

LIQUID WASTE MANAGEMENT SYSTEM: Means those wastewater storage and containment facilities, associated waste collection and conveyance systems and the final distribution system where water is used as the primary carrier of manure and manure is added to the wastewater storage and containment facilities on a regular basis.

LIVESTOCK: Cattle, dairy animals, sheep, goats, pigs, chickens, and other grazing animals as would be found on a normal farm livestock operations, also including exotic species of animals and also poultry or other birds, horses, cattle, dairy cattle, llamas, or other grazing animals, excluding any such animal kept as a "domestic pet" as herein defined.

LOADING AND UNLOADING SPACE, OFF STREET: An open hard-surfaced area of land (other than a street or public way) in which the principal use is for the standing, loading, and unloading of motor vehicles, tractors, or trailers.

LOCAL GOVERNMENT: means any county or city having planning and zoning authority to regulate land use within its jurisdiction.

LOT: A parcel, plot, tract or other contiguous land area which is created by subdivision or approved land split for sale, transfer or lease, or a parcel, plot, tract, other contiguous land area, or "original parcel of land" as defined by this ordinance.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such street or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".

LOT, DOUBLE FRONTAGE: A lot with frontage on two (2) sides and sometimes three (3) sides.

LOT, FLAG: A lot in the shape of a flag on a pole or similar design. The street frontage requirement of each flag lot served by the common driveway shall be a minimum of five (5') feet in width with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner, but the overall frontage of the common driveway or flag shall not be less than thirty (30') feet; and/or, a lot or parcel of land which includes a narrow projection or "flagpole" to the public right-of-way. The flagpole, which shall not be considered as part of the lot area, serves as a private or privately shared access to the buildable area of the lot or parcel.

LOT, THROUGH: A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets. On a through lot both street lines shall be deemed front lot lines.

LOT AREA: The area of any lot exclusive of street and road easements.

LOT COVERAGE: The area of a lot, which is occupied by the principal building, buildings, or accessory building and the horizontally projected area of the lot. The ratio is expressed as a percentage.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten (10)' feet apart.

LOT FRONTAGE: The distance across the lot along the street right-of-way line.

LOT INTERIOR: A lot with only one (1) frontage on a street.

LOT LINE, FRONT: The line separating the lot from the principal street on which it fronts.

LOT LINES: Property lines bounding the lot.

LOT LINES, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is also called a side street or flanking street lot line. A side lot line separating a lot from another lot or lots is also called an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder; or a lot or parcel of land created pursuant to this ordinance, or a lot or land parcel which has grandfather rights; or an "original parcel of land", pursuant to this ordinance and definitions. Lots of records that are nonconforming in size are subject to this ordinance.

LOWEST ADJACENT GRADE (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

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

LUMEN: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen-output ratings of a light fixture.

M

MANUFACTURE OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES: manufacturing or processing of chemicals or gases, which are carcinogens, toxic or

highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic systems or agents that damage the lungs, skin, eyes or mucous membranes.

MANUFACTURED HOME:

- A. A structure, constructed after June 15, 1976, in accordance to HUD manufactured home and safety standards, and is transportable in one (1) or more sections, which, in 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, as defined by Idaho Statute § 39-4105.
- B. Has a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME COMMUNITY: Any site, lot, tract, plot or parcel of land, designed for the placement of ten (10) or more manufactured homes, located and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

MANUFACTURED HOME SPACE: Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The manufactured home space shall be delineated on an approved master site plan for a manufactured home park.

MANUFACTURED HOME PARK OR SUBDIVISION: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING: Shall include the processing, packaging, or assembly of products and incidental storage, sales, and distribution of such products.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MANURE, DRY: Animal or poultry excreta that may also contain bedding, spilled feed, or soil.

MANURE, LIQUID: Manure and any associated wastewater, including, but not limited to: a) any excess water generated from the process and any precipitation (rain or snow) that comes into contact with any manure, litter or bedding, or any other material or product used in, or resulting from, animal or poultry production or direct products (e.g., milk, eggs); and b) any water used (directly or indirectly) in AFOs for any or all of the following: animal or poultry watering system spillage or overflow; washing, cleaning, or flushing pens, barns, manure pits or other facilities; direct contact swimming, animal washing or spray cooling; and/or dust control.

MANURE STORAGE: An area or structure in which dry manure is stored or a structure, pond, or tank in which liquid manure is stored but not treated.

MARKET VALUE: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MARQUEE: A permanent roofed structure attached to and supported by the building and projecting over public property.

MATERIAL CHANGE: Any change or modification in any application or proposed amendment to this ordinance, which in the opinion of the Director, Commission or Board, is of such importance that the public interests will be better served by additional notice and public hearing.

MAUSOLEUM: A structure or other space in a building containing vaults or crypts for the permanent internment of human remains.

MEAN SEA LEVEL: for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as NAVD88 North America Vertical Datum of 1988) to which Base Flood Elevations shown on a community's FIRM are referenced.

MEDICAL FACILITIES: A medical institution or health related business licensed by the State of Idaho.

MEMBER OF THE OWNER'S IMMEDIATE FAMILY: Any one of the following: a birth or adoptive parent, stepparent, grandparent, children, grandchildren, sibling, aunt, uncle, niece, nephew, or person under the owner's legal guardianship.

MINOR LOT DIVISION: A term describing a procedure to divide a parcel of land, up to four (4) parcels of land in Elmore County.

MITIGATION: any action taken which will reduce the impact, damage, or cost of the next flood that occurs.

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 on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

MOBILE HOME PARK: A residential area where the land is under single ownership and where spaces are rented out for the placement of mobile homes and/or manufactured homes.

MOBILE HOME SUBDIVISION: A subdivision designed for mobile home residential use with the lots owned individually by the residents.

MONUMENT: Any permanent marker either of concrete, galvanized iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Statute.

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 OF 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.

N

NATURAL RESOURCE CONSERVATION SERVICE (NRCS): Natural Resource Conservation Service of the United States Department of Agriculture.

NEIGHBORHOOD ASSOCIATION: A group that has filed registration forms with the Administrator, providing the name, boundaries, and representative of the association.

NEIGHBORING PROPERTIES: Abutting properties and any properties separated from the subject property solely by a roadway or dedicated easement.

NEW CONSTRUCTION: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Any construction started after March 14, 1994 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community on March 14, 1994.

NEW URBANISM DESIGN PRINCIPLES: The principles of New Urbanism can be applied through the use and design of the following standards:

A. **CONNECTIVITY:** Designs that demonstrate interconnected street grid systems that disperse traffic & eases walking with a hierarchy of narrow streets to boulevards and alleys with a high quality of pedestrian networks that provide walking pleasurable experiences.

B. **DENSITY, INCREASED:** Where buildings, residences, shops, and services are placed closer together for ease of walking and to enable a more efficient use of services and resources while creating a convenient and enjoyable place to live.

C. **DENSITY, NET:** the ratio of the total number of dwelling units divided by the area devoted to residential uses (excluding roadways and open spaces). Should the number be a fraction, it shall be rounded to the nearest whole number.

D. **MIXED HOUSING:** A wide variety and range of housing types, sizes and price ranges in closer proximity to each other.

E. **MIXED-USE & DIVERSITY:** A development that offers a mix of uses, such as shops, offices, apartments, and homes on site. Uses that create mixed-use neighborhoods or blocks, or within buildings that offer diversity and appeal to all people of various ages, income levels, cultures, and races.

F. **NEIGHBORHOOD AND ENVIRONMENTAL ISSUES:** Neighborhoods that have a minimal environmental impact after development, where eco-friendly technologies, were considered in all aspects of the design and development and where energy efficiency, lower consumption, more local production, and more walking, less driving options are encouraged.

G. **QUALITY ARCHITECTURE & URBAN DESIGN:** Where emphasis is placed on beauty, aesthetics, human comfort, and creating a sense of place and where

careful consideration is given to the placement of civic uses and sites within community.

H. QUALITY OF LIFE: Measures taken to provide a quality of life well worth living and where places were created that enrich, uplift, and inspire the human life.

I. TRADITIONAL NEIGHBORHOOD STRUCTURE: Where discernable centers and edges are provided with adequate public space at center and importance is placed on the quality and quantity of public open space. Where there is a range of uses and densities that meet the walkability standard and the highest densities are placed in or around the town center with progressively less density towards the edge.

J. TRANSPORTATION: A network of public transportation options where available and pedestrian-friendly designs that encourages a greater use of bicycles, and walking as daily transportation.

K. WALKABILITY: Defined as most things within a ten (10) minute walk of home and work or half (½) mile. Pedestrian friendly street design where buildings are close to street, they have porches, windows & doors facing the street. Tree-lined streets with limited on street parking, adequate hidden parking lots.

NIGHTCLUB: An establishment that provides recorded or live music and dance area for patrons inside a structure. A nightclub may or may not serve alcohol. The term nightclub may include dance studios.

NOISE: Noise levels as defined by the US Department of Housing and Urban Development (HUD).

NONCONFORMING BUILDING: Any building existing at the effective date of the ordinance codified in this ordinance or amendment thereto, which does not conform to dimensional standards of this ordinance for the district in which such building is located. Existing improvements on lots that do not conform to present district densities shall not be considered nonconforming buildings as long as the use of the building is allowed in that district.

NONCONFORMING PROPERTY:

A. A property that lawfully existed prior to the effective date of this ordinance, but that does not conform to current dimensional or use standards for the district in which it is located.

B. A property that established grandfather rights as defined in the Elmore County Zoning and Development Regulations where a legal nonconforming use status was established and granted by the Director, Commission or Board.

NONCONFORMING SIGN: A sign, sign structure, or use of a sign lawfully existing prior the effective date of this ordinance but that does not now conform to the dimensional standards for the district in which it is located.

NONCONFORMING STRUCTURE: A structure, including agricultural structures that was lawfully constructed and/or existed prior to the effective date of this ordinance, but that does not conform to the dimensional standards for the district in which it is located.

NONCONFORMING USE: Any use existing at the effective date of the ordinance codified in this ordinance or any amendment thereto, which does not conform to the use regulations of this ordinance.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

NONRESIDENTIAL STRUCTURE: A building, other than a residential structure or dwelling, or parts thereof, that is open to the public or for private use. The term nonresidential structure includes, but is not limited to: structures used for places of assembly, education, childcare, business, maintenance, storage, manufacturing, and government.

NURSERY, RETAIL: 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 general public may purchase goods in small quantities.

NURSERY, WHOLESALE: 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.

NURSING FACILITY, SKILLED: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides health care needs to more than eight (8) individuals who, at a minimum, require:

- A. Inpatient care and services for twenty-four (24) or more consecutive hours for unstable chronic health problems; and
- B. Daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis; and

C. Restorative, rehabilitative care and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis; and

D. A skilled nursing facility shall include, but not be limited to: nursing home, nursing facility, assisted living facility, convalescent home, intermediate care, and sub-acute care.

NUISANCE, PUBLIC: The owner or person in control shall maintain all property, premises or rights-of-way in a nuisance free manner. A Public Nuisance includes but is not limited to the following:

A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property, sidewalks, alleys and streets; which can be viewed from a public street, walkway, alley or other public property and which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;

B. Discarded putrescibles, garbage, rubbish, refuse or recyclable items which have not been recycled within fifteen (15) days of being deposited on the property which could be determined to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which could constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

D. Lumber (excluding lumber for the construction project on the property with a valid building permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of thirty (30) days and visible from a public street, walkway, alley or other public property;

E. Receptacles for trash, discarded materials and recyclables which are left in the front yard or on public rights-of-way following the day of the regularly scheduled refuse pick-up for the property;

F. Swimming pool, pond, spa, other body of water, or excavation, which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which poses a threat to be detrimental to human life, health or safety;

G. Allowing the accumulation of weeds, grasses or other vegetation with an average height over 12 inches, which are liable to be fired.

O

OCCUPANCY: Occupancy is a defined legal term in building construction and building codes that refers to the use or intended use of a building or part thereof for the shelter or support of persons, animals or property. As further defined by the Elmore County Building Official.

OFF STREET PARKING AREA: An open area, other than street or public way, for the temporary location and parking of motor vehicles.

OPEN SPACE: Land or water left in an undisturbed natural condition, except as otherwise specified in this Title or approved through a Planned Community (PC), or Planned Unit Development (PUD) or Planned Unit Development District (PUDD) application and placed in a conservation easement. The area may include (along with the natural environmental features) water areas, swimming pools, tennis courts and any other recreational facilities. Streets parking areas, structures for habitation, buildings, covered structures and the like shall not be included except by a specific ordinance.

OPEN SPACE, DEDICATED: An area that has been designated as permanent open space. It shall not include a golf course unless the course is open to the public.

OPEN SPACE, NATURAL: Land or water in its undisturbed natural condition or enhanced condition with native vegetation as approved by the Director.

OPEN SPACE, PRIVATE: A land or water area devoid of buildings, streets, parking or other physical structures, except fences and irrigation structures.

OPEN SPACE, PUBLIC: An open space area managed or owned by the public is any parcel of land which remains undeveloped and placed in a conservation easement for scenic, wildlife, vegetative, recreation, visual relief or other related public purposes. Some examples include parks, wilderness areas, natural areas, buffer zones, scenic corridors and botanical gardens. Permitted management activities are limited to fences, signs, parking, irrigation systems and public access trails. The site design is to protect natural features of the open space while allowing public access.

ORIGINAL PARCEL OF LAND OR ORIGINAL PARCEL OF RECORD: A tract, parcel, or contiguous piece of ground under single ownership that was of record in the Elmore County Recorder's office prior to January 20, 1994, the effective date of an amendment to the Elmore County Zoning and Development Ordinance. Reference the definition of "lot of record" for further information. Provided, in

addition, that any lot split after the effective date of said amendment resulting in lots of forty (40) or more acres with nothing less than a forty (40) acre lot or parcel remaining, each forty (40) or more acre parcel shall each constitute a new original lot of record provided said lots are recorded in the recorder's office.

OUTDOOR STORAGE OF MATERIALS: Material (including, but not limited to, goods, wares, merchandise, or vehicles) that is kept in the same place for more than twenty-four (24) hours in an open area. The term outdoor storage shall include material that is kept under a pole barn structure or any structure that is less than fully enclosed.

OWNER: A "person", as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this ordinance. The individual, firm, association, syndicate, partnership, corporation or other entity having proprietary interest in the land to be subdivided. A leasehold interest is excluded from such proprietary interest or holding title as vendees under a land contract.

OWNERSHIP: The individual, firm, association, syndicate, partnership, or corporation or public entity who has ordinance of property.

P

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

PARCEL OF RECORD: A parcel of land that was of record in the Elmore County Recorder's office prior to January 20, 1994.

PARK (PUBLIC OR PRIVATE): A land area that contains recreation and/or relaxation facilities or amenities and is perpetually maintained to continue these uses.

PARKING AREA OR LOT (PRIVATE): An open, hard-surface area (other than a street or public way) made available to the occupants of a specific building, or buildings, as a parking area for their private vehicles

PARKING AREA OR LOT (PUBLIC): An open, hard-surface area (other than a street or public way) to be used for the storage of operable passenger automobiles or commercial vehicles, for a limited period of time, and available to the public whether for compensation, for free, or as an accommodation to clients or customers.

PARTY WALL: A wall adjoining and parallel to the lot line, which is used primarily by the party upon whose lot the wall is located. Party walls may share common foundations. Also known as common wall, fire wall and dividing wall.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMANCE BOND / SURITY BOND: An amount of money or other negotiable security paid by the developer/subdivider or sub divider's surety to the County Clerk and Recorder which guarantees that the developer/subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the developer/subdivider defaults and fails to comply with the provisions of an approved plat, the developer/subdivider or subdivider's surety will pay damages up to the limit of the bond or the surety will itself complete the requirements of the approved plat.

PERMITTED USE: An authorized use in a particular zoning district, which is subject to the regulations particular to that district.

PERSON: Includes, but is not limited to, an individual, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other or any other similar entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

PEST: Insects, rodents and other vermin.

PETROLEUM STORAGE: The storage of fuels and by-products from natural oils and chemical compounds.

PIT, MINE, OR QUARRY: The various activities associated with excavating valuable minerals 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.

PIT RUN: The State of Idaho Department of Transportation definition of Pit Run material shall be used in Elmore County.

PLANNED COMMUNITY, (PC): A small town or urban type development that is self-sustainable and self-supporting, that contains work, live and play options for it residents, that places values and emphasis on community character, heritage, that provides a sense of place characterized by a variety of land uses, a variety of housing opportunities, community connectivity, conservation of open space, developed parks, and the preservation of environmental and/or historical elements.

PLANNED COMMUNITY (PC) APPLICATIONS: A pre-application with requirements for meetings, site visit, and design reviews to be done before the

application is submitted. The Planned Community applications require approval and/or action by the Director, Commission, or Board of Elmore County.

PLANNED UNIT DEVELOPMENT (PUD): A development located in an Area of City Impact (AOI) consisting of ten (10) to one hundred sixty (160) acres of contiguous property under one ownership or control which allows flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning district.

PLANNED UNIT DEVELOPMENT (PUD) APPLICATIONS: Two applications are required. A pre-application with requirements for meetings, site visit, and design reviews to be done before the application is submitted. The PUD applications require approval and/or action by the Director, Commission, or Board of Elmore County.

PLANNED UNIT DEVELOPMENT DISTRICT (PUDD): A development located in an Area of City Impact (AOI) consisting of at least one hundred sixty (160) acres of contiguous property under one ownership or control which allows flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning district. The Planned Unit Development District Conceptual Development Pattern Maps, ordinance and development agreement and the specific goals and policies of the Comprehensive Plan shall implement these uses.

PLANNED UNIT DEVELOPMENT DISTRICT (PUDD) APPLICATIONS: Two applications are required. A pre-application with requirements for meetings, site visit, and design reviews to be done before the application is submitted. The PUDD applications require approval and/or action by the Director, Commission, or Board of Elmore County.

PLAT: A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, easements, alleys and other elements of a subdivision for review by a governing body and shall include any recorded covenants running with the land, and shall be prepared by a surveyor licensed by the State of Idaho. All platted subdivisions containing five (5) or more lots must have subdivision covenants; and these covenants must be recorded in Elmore County.

A. FINAL PLAT: The final drawing, map or plan of a subdivision, cemetery, or other tract of land, or a re-platting of such, including certifications, descriptions, and approvals and containing those elements and requirements set forth in this Title and prepared for filing for record with the Elmore County Clerk and Recorder.

B. PRELIMINARY PLAT: A scaled drawing of a proposed subdivision showing the layout of streets, easements, alleys, lots and other elements of a subdivision for review by a governing body and shall include any and all covenants running

with the land. A preliminary plat is a final document and is not considered to be of a preliminary nature and is used as a guide for the preparation of the final plat.

C. RECORDED PLAT: A plat filed and recorded by the Elmore County Clerk and Recorder.

D. MINOR LOT SPLIT: An Administrative lot split of one lot into two by a decision by the Land Use and Building Director.

E. SKETCH PLAT: A hand drawn, scalable sketch preparatory to the preliminary plat submitted to the Administrator and or Commission for review at the option of the subdivider to save time and expense in reaching general agreement with the Administrator and or Commission as to the form of the plat and the objectives of these regulations, and discussion of development issues.

POLLUTION: Elmore County utilizes the definition of pollution as determined by the Idaho Department of Environmental Quality.

POST-FIRM: construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

PRE-FIRM: construction or other development for which the "start of construction" occurred before March 15, 1994, the effective date of the initial Flood Insurance Rate Map (FIRM).

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach. (PAR). It also means a runway for which a precision approach system is planned and so indicated on an FAA approved airport layout plan, a military service's approved military layout plan, any other FAA planning document, or military service's military airport planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200') feet beyond each end of that runway (except Mountain Home Air Force Base, which ends at the runway end); but when the runway has no specially prepared hard surface, or planned hard surface, width of the primary surface of Mountain Home Air Force Base shall be one thousand five hundred (1,500') feet; for the City of Mountain Home Airport, the width shall be five hundred (500') feet; for the Glenn's Ferry Airport, the width shall be two hundred fifty (250') feet.

PRINCIPAL PERMITTED USE: The use of land or a structure allowed in a specific zoning base or overlay district as a principal permitted, accessory, or conditional use in this ordinance.

PRINCIPAL STRUCTURE: For any given property, the structure in which the principal use is conducted.

PRIVATE ROAD: Any private access to a public road.

PROHIBITED USE: Any use within a zoning district not listed as a principal permitted, accessory, or conditional use in this ordinance.

PROPERTY: A "lot" or "parcel" as herein defined.

PROPERTY BOUNDARY ADJUSTMENT: The adjustment of property boundaries between two (2) properties as approved by the Director of Land Use and Building.

PROPERTY, CORNER: A lot or parcel abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street. The point of intersection of the street lines is the "corner".

PROPERTY DEPTH: The horizontal distance that connects the front property line and the rear property line as measured perpendicular to any point along the front property line.

PROPERTY LINE, FRONT: The line separating the lot or parcel from the street on which it takes access.

PROPERTY LINE, REAR: The property line opposite and most distant from the front property line. Where the lot or parcel is irregular and the property lines converge, the rear property line shall be deemed to be a line at a point where the side property lines are not less than ten (10') feet apart.

PROPERTY LINE, SIDE: Any property lines other than a front or rear property line. A side property line separating a lot or parcel from a street is called a side street property line. A side property line separating a lot or parcel from another lot or parcel is called an interior side property line.

PROPERTY SIZE: The computed horizontal area contained within the property lines.

PROPERTY WIDTH: The horizontal distance that connects opposing side property lines as measured perpendicular to any point along the side property lines.

PUBLIC BUILDING: Shall include, but not be limited to: a) fire station; b) law enforcement; c) library; d) post office; e) public administration building (exclusive of shop, garage); f) hospital, skilled nursing facility, or residential care facility; g) emergency medical service facility; h) halfway house and work release facility; and i) juvenile detention facility.

PUBLIC EMERGENCY: A public emergency exists when any one or more of the following conditions are present or reasonably expected to occur:

- A. Imminent danger or threat to public health, safety, or welfare.
- B. Hazardous conditions.
- C. Violation of federal, state, local, or county health or safety regulations.

PUBLIC HIGHWAY AGENCY: The Highway Districts within Elmore County or the Idaho Transportation Department.

PUBLIC INFRASTRUCTURE FACILITY: Shall include, but not be limited to: a) pumping station for water, sewer, or gas; b) power substation, electric substation, grid switching site, electric transmission line, electric sub transmission line, electric distribution line, or any major structure connected to a public utility; c) municipal wastewater collection and treatment facility or interim wastewater treatment system; d) utility shop, garage, or storage facility; e) park and ride lot; f) water reservoir and water tank; and g) storm drainage facility and storm detention facility.

PUBLIC NOTICE: The required notice by Elmore County or the applicant which provides notice to the public and area residents that an application has been filed, or an action requiring a public hearing has been filed, and that the County will be holding a hearing at a specific time and date whereby the public and property owners will have an opportunity to submit their views and ideas and evidence as to the proposed development or zoning.

PUBLIC OR QUASI-PUBLIC USE: Public or quasi-public uses shall include, but not be limited to, public buildings and/or public infrastructure facilities and other types of uses such as, churches; Sunday schools; parochial schools; hospitals; convalescent or retirement homes; colleges and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

PUBLIC RIGHT OF WAY: A right of way open to the public and subject to the jurisdiction of a public highway agency, where the public highway agency has an obligation to construct or maintain said right of way for vehicular traffic.

PUBLIC ROAD: A street, road, thoroughfare, alley or highway and includes a right of way for public use that provides vehicular and/or pedestrian access.

PUBLIC UTILITY: Every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation and water corporation, where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons in turn, either directly or

indirectly or mediately or immediately, performs services or delivers such commodity to or for the public or some portion thereof as defined in Idaho Statute § 61-129.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:

- A. Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and,
- B. Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.
- C. A public water system is either a "community water system" or a "noncommunity water system."

Q

QUALIFIED ECONOMIST: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in economics.

QUALIFIED EXPERT, NOT SPECIFICALLY DEFINED: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in their specific field.

QUALIFIED PLANNER: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in a land use planning field.

QUALIFIED WILDLIFE BIOLOGIST: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in the development of wildlife and habitat mitigation plans or the monitor of such plans or have supervised or performed other wildlife and habitat monitoring or mitigation implementing actions.

QUALIFYING PROPERTY: A lot or parcel that is the subject of a proposed development application and that meets the applicability requirements as set forth in this ordinance.

R

RACETRACK: A structure, or portion thereof, used for racing vehicles or animals for recreation or profit and that may include accessory uses and structures normally associated with this activity.

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

REASONABLY AVAILABLE: A municipal or public utility system shall be considered reasonably available when it is within three hundred (300') feet of any property line of the subject property.

RECREATION DEVELOPMENT: Those facilities and structures directly related to use of a specific recreational resource, either indoor or outdoor.

RECREATION DEVELOPMENT PLAN: A master plan consisting of both a short-term plan and a long-term plan.

A. Long -Term Plan: The long-term plan shall present non-detailed plans of logical maximum development within the district.

B. Short-Term Plan: A short-term plan must specify all development planned within the following three (3) years.

RECREATION ITEM, PERSONAL: The term personal recreation item shall include, but not be limited to, motorcycle, boat, snowmobile, horse trailer, and all-terrain vehicle.

RECREATIONAL VEHICLE: a vehicle that is:

- A. Built on a single chassis, and
- B. 400 square feet or less when measured at the largest horizontal projection, and
- C. Designed to be self-propelled or permanently towed by a light duty truck, and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARK: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes.

RECREATIONAL VEHICLE SALES OR SERVICE: The sale, trade, or lease of new or used recreational vehicles or personal recreation items in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts.

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 completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

RECYCLING PLANT: An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are recycled, reprocessed, and treated to return such products to a condition in which they may be reused for production.

REFERENCE ROAD: Any Federal public road, State highway or road, or County road designated as a graded and drained or higher improvement designation on the Official maps of the Highway Districts within Elmore County.

REGULATORY FLOOD: Per Idaho Statute §46-1021: "Regulatory flood" is a flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. 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

REMEDIATION: Structures and/or activities that remove contaminants from soil or water.

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.

RENEWABLE ENERGY: Energy that can be produced or managed from sources that is self-sustaining and is considered non-depletable.

REPAIR: The reconstruction, renewal or maintenance of real or personal property.

REPETITIVE LOSS STRUCTURE: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

RESEARCH ACTIVITIES: Research, development, and testing related, but not limited to such fields as chemical, pharmaceutical, geothermal, medical, electrical, transportation, planning, and engineering.

RESEARCH AND DEVELOPMENT FACILITY: An establishment that has facilities or laboratories for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

RESIDENCE, AGRICULTURAL: Shall include farm parcels, land parcels and subdivision lots outside of Area of City Impact boundaries.

RESIDENTIAL CARE FACILITY: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides twenty- four (24) hour non-medical 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 LAND USES: Land uses that directly provide housing for Elmore County residents such as but not limited to single family residential type land use, multi-family residential type land use, rural residential type land use, and agricultural type land use.

RESIDENTIAL STRUCTURE: A building used as a dwelling for one or more persons. The term residential structure includes, but is not limited to: houses, apartment buildings, lodging homes, dormitories, hotels, motels, hospitals, sanitariums, and nursing homes. The term residential structure also includes accessory use areas used in conjunction with, and an integral part of, a residential structure.

RESIDENTIAL USE: A structure or use intended for human occupancy such as a single-family, two-family, or multi-family dwelling, boarding, lodging, or rooming house.

RESTAURANT: Any eating establishment having kitchen and cooking facilities for the preparation of food and where meals are regularly served to the public for compensation.

REVOCATION: The act of recalling and annulment of a county issued permit due to violations of this ordinance or approval conditions.

RIFLE LOTS: Lots of record with the Elmore County Assessor on or prior to May 13, 2009 that exceed the minimum Lot Depth to Lot Width ratio of 3 depth to 1 width.

RIVERINE: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD, PRIVATE ALSO SEE STREET: A road within a subdivision plat that is not dedicated to public and not part of a public highway system, as defined by Idaho Statutes §50-1301.

ROAD, PUBLIC also see STREET: A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency as defined in Idaho Statutes §50-1301.

ROADSIDE PRODUCE STAND: An establishment where farm produce is displayed and sold to the general public. Generally, a temporary or mobile structure designed or used for the display or sale of products. Temporary stands are defined as less than 30 days of continuous use.

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

RUNWAY: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

S

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.

SAWMILL: A mill or manufacturing facility where raw wood, lumber and wood by-products are shaped and processed for wholesale or retail use.

SCENIC CORRIDOR: An area of significant scenic importance to the County as a representation of the Agricultural character and general attractive beauty of the County.

SCHOOL, PUBLIC OR PRIVATE: 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, plus college, university and technical schools. Privately funded schools whose curriculum meets the state of Idaho standards shall be included in this definition.

SCHOOL, PROPRIETARY: A person or educational, business or other entity, whether legally constituted or otherwise, which proprietary school as defined by Idaho Statute § 33-2401.

SCREEN: To shield or conceal from view. The Director or Commission must approve material and height of screen.

SEASONAL STAND: Shall include, but not be limited to, fireworks, snow cone, produce, or Christmas tree stands, less than thirty (30) days of continuous use.

SEAT: The place or the thing upon which one sits. The number of off-street parking spaces for certain uses is determined by the number of seats, the number of seating units installed or indicated on each eighteen (18") lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITIES: A structure containing separate individual and private storage spaces of varying sizes, owned or leased/rented on individual leases for varying periods of time. The following uses are prohibited: residential, commercial, wholesale or retail sales, and any use that is noxious, hazardous or offensive because of odors, dust, noise, fumes or vibrations.

SELF-SUFFICIENCY: Self-Sufficiency is defined by a development or Planned Community that is sustainable and that provides live, work, and play opportunities for their residents. Within these developments or Planned Communities, in addition to essential services, some commercial opportunities exist. This does not mean that they are required to have a one-to-one jobs-to-housing balance to be self-sufficient. Self-Sufficiency simply means that development or Planned Communities would have the ability (financially and structurally) to provide essential public services.

SEPTIC SYSTEM: A sewage disposal system consisting of a septic tank and drain field large enough to ensure the disposal capacity of the anticipated volume of sewage in conformance with the regulations of the Central District Health and or the Westside Sewer District.

SEPTIC WASTEWATER TREATMENT SYSTEM: An installation that collects and treats domestic wastewater through subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of state and federal health authority.

SERVICE AREA: Shall refer to areas necessary for the management of the manufactured home park. Such areas may include, but shall not be limited to storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.

SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail and where minor repair and service may be rendered. Uses permissible at a service

station do not include storage of automobiles not in operating condition, or other work involving noise, glare, fumes, or smoke.

SETBACK: The distance established by this Ordinance, generally parallel with and measured from the lot line, defining the area of a site or property or yard in which no building may be located above or below ground.

SHOOTING RANGE: An establishment, indoor or outdoor, that allows for the safe practice of shooting firearms and that may include accessory uses and structures normally associated with this activity.

SHOP FOR BUILDING CONTRACTORS: A combination of indoor and outdoor facilities and buildings used in the building and construction trades. Includes administrative space, storage and workspaces.

SIDEWALK: That portion of the street right-of-way outside of the street pavement, which is improved for pedestrian use. May be public or private and located outside of the street right-of-way.

SIGN: Any sign copy, logo, or other representation that directly, or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial, industrial, or public activity.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or to create a special effect.

SIGN, BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a structure by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

SIGN, BILLBOARD: Any sign upon which advertising matter is posted and/or pasted thereon.

SIGN, BUILDING: A sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CANOPY: Any sign that are a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes

is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof and freestanding signs.

SIGN, FREESTANDING: A sign whose background or copy area is wholly supported by a column, pole, foundation, pedestal or other support structure in or upon the ground and that is independent from any structure or other structure.

SIGN, HOME: An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home occupation conducted thereon.

SIGN, IDENTIFICATION: A sign that states the name and address of the business only.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking", "no smoking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the property on which the sign is located shall be considered incidental.

SIGN, INTERNAL: Signs within structures that are not intended as window or wall signs. The text of the sign is oriented toward individuals within the structure.

SIGN, MARQUEE: Any sign attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a structure or extending along and projecting beyond the wall of the structure, generally designed and constructed to provide protection from the weather. A canopy sign is not a marquee sign.

SIGN, NONACCESSORY, OFF-PREMISES: Any sign which directs attention to the use, name, business, commodity, service or entertainment conducted, sold, or offered elsewhere than in the premises and only incidentally on the premises if at all.

SIGN, PARAPET: Any sign attached parallel to, but within one (1') foot of, a parapet, painted on the parapet surface of, or erected and confined on a parapet of any structure, which is supported by such parapet or structure, and which displays only one sign surface.

SIGN, PARKING LOT: An accessory or on-premises sign erected for identifying and informing the public of parking lot areas open to the public and of operational procedures in connection therewith.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich Board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, PROJECT: An on-premises sign identifying a project proposed or under construction, and may include the nature of the project, the name of the owners, developers, contractors or other participants involved in the construction of the buildings or the development of the grounds or project.

SIGN, PROJECTING: Any sign affixed to a structure or wall in such a manner that its leading edge extends more than one (1') foot beyond the surface of such structure or wall.

SIGN, PROPERTY: An on-premises sign erected for the purpose of advertising the availability of the property for sale, lease or rent; or may include a private or public announcement or the announcement of danger or warning in connection with said premises.

SIGN, PUBLIC: An accessory sign erected for the purpose of identification of the buildings, or involved institutions, and may include the dissemination of information in connection with the program, policy or operation of public or semipublic institutions owning or occupying subject premises, such as schools, churches, hospitals, quasi-public bodies, clubs, lodges, clinics, professional and executive offices, or information in connection with the property of general interest to the public.

SIGN, PUBLIC GATHERING: An accessory sign erected to identify Boarding houses, multi-family developments, skilled nursing facilities, and/or daycare facilities.

SIGN, ROOF: Any sign erected and constructed wholly on and over the roof of a structure, supported by the roof structure, and extending vertically above the highest portion of the roof. Parapet signs, as herein defined, shall not be deemed roof signs.

SIGN, SUBDIVISION: An on-premises sign erected for the purpose of identifying the boundaries of the subdivision and may include promotional information relating to the proposed subdivision.

SIGN, SUSPENDED: A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

SIGN, TEMPORARY: Any sign that is designed and intended for use less than twelve (12) months and that is not permanently mounted.

SIGN, WALL: Any sign attached parallel to, but within one (1') foot of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any structure, which is supported by such wall or structure, and which displays only one sign surface.

SIGN, WINDOW: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN BACKGROUND AREA: The area of the sign copy and any remaining area capable of containing copy, but not including the supporting structure.

SIGN COPY: The graphic content of a sign in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

SITE PLANNING: The location of buildings and activities within a physical environment. A site plan includes shapes and locations of buildings and structures, circulation and parking layouts, landscaping features, and numerous other design factors that relates to the improvement of a lot or parcel of land.

SLAUGHTERHOUSE: An animal processing facility or plant where animals are killed, cured, cooked, processed, packaged, frozen, tanned and/or rendered for commercial sale.

SLOPE: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Percent slope is calculated by multiplying this ratio (rise/run) by one hundred (100). Slope is measured from the base of the hill.

SOCIAL HALL: An establishment, or portion thereof, used for social gatherings including, but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

SPECIAL DRAINAGE WELLS: Those wells used for disposing of water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.

SPECIAL EVENTS: Any temporary event including, but not limited to, picnics, barbecues, holiday events and parties, dances, concerts, bike rides and races,

footraces and walks, auctions and sales, bazaars, sales or marketing events, and harvest festivals and events.

SPECIAL FLOOD HAZRAD 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".

STABLE, PRIVATE: A detached accessory structure for the keeping of one (1) or more horses, mules, or cows or other animals owned and used by the occupants of the premises and not for remuneration, hire, or sale.

STABLE, RIDING: A structure used or designed for the Boarding or care of riding horses for hire or sale.

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 one hundred eighty (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.

STATE: The State of Idaho.

STOCKYARD OR FEED LOT (COMMERCIAL): A commercial feedlot is a tightly-grouped-animal-restraining facility or corral designed to hold livestock, or a rotating flow of livestock, for extended periods of time and where the livestock are wholly dependent upon an outside source of feed. See Confinement Area.

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).

STORM WATER RUNOFF: Water discharged or runoff as a result of rain, snow, or other precipitation.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or room above. If the finished floor level (directly above a basement, cellar, or unused under-floor level) is more than fifty (50%) percent of the total perimeter or is more than twelve (12') feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story. Shall be as defined by Elmore County building code as the occupied level within a building, floor to ceiling. If a single-story building exceeds twenty-four (24') feet in height, it shall be deemed a two (2) story structure

STREETS also see **ROAD, PUBLIC:** A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency as defined in Idaho Statutes §50-1301.

A. **ALLEY:** A minor street, public or private that provides secondary access at the back or side of a property otherwise abutting a street.

B. **ARTERIAL:** A Street designated for the purpose of carrying fast and/or heavy traffic. Usually on a section line or following a geographic feature. A general term includes expressways, major and minor arterial streets' and interstate, state or county highways having regional continuity.

C. **COLLECTOR:** A Street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

D. **CUL-DE-SAC:** A Street connected to another at one end only and provided with a turnaround space at its terminus.

E. **DEAD END:** A dead-end street is one that ends abruptly with no provision for egress or turnaround.

F. **DEDICATED STREET:** A Street dedicated to, and accepted by, the applicable Highway District within Elmore County for perpetual public use and maintenance.

G. **HALF STREET:** A right-of-way easement which provides only half of the usual required right-of-way width in anticipation of having adjacent land dedicated for the remaining required width.

H. **LOCAL STREET:** A street used primarily for access between abutting properties, providing for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collectors to collect and/or arterial streets.

I. MINOR STREET: A street which has the primary purpose of providing access to abutting properties and not for through traffic.

J. PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

K. PRIVATE DRIVEWAY: Private, non-dedicated vehicular access to adjacent properties, which may not be built to Highway District or applicable County road standards.

L. STREET, SECTION LINE: A section line street or road as designated on the most recent Highway District maps and street maps. May be future designations and logical locations for future streets and roadways.

M. SHARED ACCESS or SHARED DRIVEWAY: An access point or driveway that is equally shared in common among property owners using the shared facility to access their respective properties.

N. STUB: A Street that ends at an ownership line or development phase boundary and provides temporary cul-de-sac turnaround until the road is extended according to prior agreement.

STREET FRONTAGE: The linear distance that a property line abuts a public street or approved private road providing access, from one property line intersecting said street to the farthest distant property line intersecting the same street.

STREET ISLAND: A lot and block in a subdivision located in the public street right of way. The street island shall be considered a non-buildable lot for development purposes.

STREET LINE: A line separating an abutting lot or parcel from a street.

STREET, PROPOSED: The undedicated portion of a street alignment, or the proposed plan for widening an existing street by the highway district or Department of Transportation, the alignment of which is officially approved.

STRUCTURAL ALTERATION: Any change in the structural members of a building such as walls, columns, beams, or girders.

STRUCTURE: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

STUDIO: A structure, or portion thereof, used as a place of work and/or instruction by an artist or artisan. The term studio shall include, but not be limited to, art, music, gymnastic, dance, martial arts, photography, or video production studios and

classrooms. The term studio, as used in this ordinance, shall not include a single room apartment or dwelling.

SUBDIVIDER: Any person, firm, corporation or other entity who causes land to be subdivided or who proposes a subdivision of land.

SUBDIVISION: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; and the recorded plat thereof. However, this definition of Subdivision shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zone requirements and does not change the original number of lots in any block of the recorded plat.

B. An allocation of land in the settlement of an estate of a decedent or in a court decree for the distribution of property.

C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Statute.

D. Widening of existing streets to conform to the Comprehensive Plan; or street and road plans of the applicable Highway Districts.

E. The acquisition of a street right-of-way by a public agency.

F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage of the properties involved.

G. The division of original lots of record or parcels of record into parcels of forty (40) acres or more in any zone except for the Air Base Hazard Zone.

SUBDIVISION (AIRPARK OR AIRCRAFT RELATED): A subdivision that includes a public or private runway to allow aircraft to access lots within the subdivision. Airpark subdivisions require approval from military, state and federal agencies prior to application for subdivision approval to Elmore County.

SUBSTANTIAL AMOUNT OF WORK: A person receiving not less than seventy-five (75%) percent of their annual income from such work.

SUSTAINABILITY: Sustainability is defined by a development or Planned Community that can provide all essential services or contracts for essential services, such a sewer, water, fire protection, police services, EMS, Library facilities, etc. with no negative financial impact or service level impact to those service providers and

their customers. Sustainability also refers to the ability to provide a tax base during and at build-out that would be sufficient enough to sustain the essential public services.

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 or a ten (10%) percent or less deviation of any dimensional standard shown on the preliminary plat, provided that the density and lot dimensions meet the standards of the zoning base zone. Unless required by a public highway agency, public utility, or federal or state agency, deviations greater than ten (10%) percent or more of any dimensional standard shown on the preliminary plat shall not be deemed in substantial conformance.

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.

SURVEYOR: A person who is licensed in Idaho as a public land surveyor to do professional surveying.

SWALE: A shallow depression, that may be natural or manmade and which may be used to retain storm water runoff.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that can contain water over two (2') feet in depth. This includes in-ground and aboveground swimming pools, hot tubs, and spas.

T

TECHNICAL STUDIES: Detailed, site specific technical evaluations of development proposals in the Heavy Industrial zoning district and the ACC and CDO overlay districts or as requested by the Director, Commission or Board. Technical studies shall be completed by independent expert authorities including, but not limited to, qualified planners, engineers, architects, appropriate scientific disciplines, and technical research and government agencies and other qualified professionals as defined by this Ordinance. The Director, Commission or Board shall determine the scope of required technical studies. The applicant or developer pays for the technical studies. Any expert contributing to a technical study must have prior approval from the Director, Board or Commission.

TEMPORARY LIVING QUARTERS: A manufactured home, or travel trailer permitted as a temporary dwelling for a member of the owner's immediate family on the same property as the principal permitted use.

TEMPERATURE CONTROLLED: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

TERRACE: A level, alluvial or narrow plain with a steep front found at the mouth of side canyons or in the alluvium deposits of valley floors.

TIME OF TRAVEL (TOT): The time required for ground water to move in the ground from a specific point to a well.

TIRE SHOP OR RECAPPING SHOP: A public, private or wholesale or retail establishment where vehicle tires are manufactured, repaired, removed or installed.

TITLE: Shall mean TITLE 6 ELMORE COUNTY, IDAHO STATUTE ZONING and DEVELOPMENT REGULATIONS or other Elmore County applicable Title.

TOWNHOUSE OR ROWHOUSE DEVELOPMENT: A planned project of two (2) or more townhouse units where a duplex is permitted either as part of previous development approvals or this Ordinance that may be constructed as single building(s) containing two (2) or more townhouse units, each unit being separated from the adjoining unit or units by a one-hour fire-resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse sub lot line, each unit having its own access to the outside and no unit located over another unit in part or in whole. All townhouse development(s) shall be platted under the procedures contained herein.

TRACT: Land area proposed to be subdivided or developed, or farmed, or ranched.

TRANSIT FACILITY: Shall include, but not be limited to, a bus or rail station.

TRANSPORTATION AUTHORITY: The Applicable highway district, the Idaho Transportation Department, any of the three (3) Highway Districts within Elmore County, any other agency that may succeed to their powers or establish public jurisdiction in the field of transportation. The term transportation authority shall be liberally construed to include all the adopted, approved, or certified plans, rules, regulations, statutes, or laws of the transportation authority.

TRAILER (LIVING or UTILITY): Any vehicle or structure constructed in such a manner as to permit occupancy thereof such as living quarters, conducting of business, trade, occupation, or used as a selling or advertising device, or used for storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets and propelled or drawn by its own or other motor power, or pulled by other motorized vehicles.

TRANSITIONAL SURFACE: These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one to one (1:1) (from the sides of the primary surface and from the sides of the approach surface).

TRANSITIONAL USE: A use of land designed to serve as a buffer between conflicting land uses such as single-family residential uses and heavily traveled traffic arterials. Uses designated as transitional uses in each particular district are deemed to be those, which are more or less compatible to the conflicting uses.

TRANSPORTATION FACILITIES: Roads, parking areas, turnarounds, bike paths, horse trails, ski or scenic lifts, or any other thoroughfare associated with moving people or materials.

TRAVELWAY: The improved surface required within a private road easement.

TREE: A plant having a permanently woody main stem or trunk.

TRIP GENERATION: An element of a traffic volume survey which indicates the number of automobile, bus, pedestrian, or bicycle trips produced or generated in a specific area or by a specific use. As an example, an office building generates "x" number of trips to work by its employees and "x" number of trips home from work.

TRIPLE WIDE: A prefabricated structure intended for habitation, built essentially in three (3) separate sections for transport, which are then fastened together and placed on a permanent foundation at the building site.

TRUCK STOP: A service station or commercial enterprise using the premises primarily to sell and supply motor fuel, lubricating oils, and greases to on-premise trade that includes automobiles as well as large trucks; and including the sale of tires, batteries, automotive accessories, related services, major and minor motor vehicle repairs as well as special services to operators and drivers of trucks on an interstate basis.

U

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground, which meets the following three criteria:

- A. A bored, drilled or dug hole, or a driven mine shaft, or a driven well point; and
- B. It is deeper than its largest straight-line surface dimension; and
- C. It is used for or intended to be used for injection.

UNDEVELOPED AREA: That portion of a development that is left unimproved, or lot or parcel of land that is unimproved.

UNDUE ADVERSE IMPACTS: Measurable increases in noise, light, odor, visual, or other measurable impacts that diminish use or enjoyment of property or are detrimental to the public health, safety, and/or welfare.

UNDUE HARDSHIP: Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance, but not merely a matter of convenience and profit.

UNITED STATES GEOLOGIC SURVEY (USGS): The United States Geologic Survey.

UNNUMBERED A ZONE: Areas of special flood hazard delineated on the flood insurance maps that are susceptible to flooding, but due to their remoteness, detailed elevations and hydrologic calculations are not available.

UNPLATTED: A property that is not included in any platted subdivision of record in Elmore County.

URBAN SERVICES: Urban services shall include, but not be limited to, the following where applicable: municipal sewer and water facilities; pedestrian walkways and bicycle paths; open space; parks; recreation lands; police and fire protection; schools; libraries; storm drainage; and urban standard streets and roads.

URBAN SPRAWL: Scattered development, which is not contiguous to the urbanized part of a municipality or which receives urban services. Sprawl is characterized by a significant amount of vacant land intermixed with lots or parcels of urban development and with formless dispersal of a congested urban area with little or no regard for the inter-relationships of such factors as sustainable urban services, transportation, employment, health, and recreational needs.

URBAN STANDARDS: Facilities and other services that are typically provided to the residents within population centers. These shall include central water, public safety services, municipal or central sewer collection and treatment systems, public schools, paved streets, parks and recreation facilities, storm drainage facilities, and fire protection services.

USE: The specific purposes for which land or a building is being used and shall include, but not be limited to, parking lots, roads, and driveways. Use is also defined under the property zoning classification.

USE EXCEPTIONS: All uses that may be allowed within the zoning district may be permitted within a PUD or PUDD. Uses not allowed within a zoning district may be permitted though a Use Exception up to a specific percentage of the gross acreage within the PUD or PUDD. A Use Exception may be directed to residential, commercial, office, light industrial, public and quasi-public uses that are not allowed within the zoning district with Board approval. The Board shall consider the requirements set forth in this Ordinance when reviewing Use Exceptions.

USE, EXISTING: Any use legally existing at the time of adoption of the ordinance codified in this Ordinance.

USED: Shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

V

VACATION: The act of removing and making void platted lots, easements or public right of ways.

VALUABLE MINERALS: A mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, gravel, sand, clay, building stone, cinders, pumice, scoria, diatomaceous earth, quartz, limestone, marble, gold, silver, copper, lead, zinc, coal, and phosphate.

VARIANCE: a grant of relief by the governing body from a requirement of this ordinance.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or street excepting devices moved exclusively by human power or used exclusively upon stationary rails or tracts to include but limited to: automobiles, ATV's, snowmobiles.

VEHICLE, COMMERCIAL: Any currently licensed and operable motor vehicle with a gross vehicle weight rating over twenty-six thousand (26,000) pounds and as defined by Idaho Statute § 49-123.

VEHICLE, HOBBY: An accessory use involving the restoration, maintenance, and/or preservation of two (2) or less vehicles at any one time.

VEHICLE, INOPERABLE: A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the State of Idaho, as set forth in Idaho Statute chapter 49.

VEHICLE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Any or all of the following activities: a) engine rebuilding; b) major reconditioning of worn or damaged motor vehicles; c) collision service, including body, frame, or fender straightening or repair; and d) overall painting of vehicles within an enclosed structure.

VEHICLE SALES OR SERVICE: 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 minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, and upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

VEHICLE WRECKING/SALVAGE YARD: Premises on which three (3) or more currently non-licensed motor vehicles or three (3) or more motor vehicles not in operating condition are standing more than sixty (60) days, or on which such used motor vehicles or parts thereof are dismantled or stored are standing more than thirty (30) days and are dismantled or stored. "Motor vehicles" includes mobile

homes, trailers, or trucks. Fully enclosed buildings which completely contain vehicles or equipment are exempt from this definition.

VETERINARY, ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A small map showing the location of a tract of land in relation to a larger area.

VIOLATION FOR FLOOD PLAIN: 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 Title 8, Chapter 2 is presumed to be in violation of this Ordinance.

VISIBLE: Capable of being seen or exposed to view without aid of binoculars or other vision enhancing devices, to people on foot or to the occupants of an automobile traveling upon a road.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedure and no instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted by the FAA by competent authority.

W

WALKWAY / WALKING PATH: A public way for pedestrian use only, whether or not along the side of the road.

WAREHOUSE: A structure used primarily for storing materials including, but not limited to, goods, wares, merchandise, or vehicles.

WASTE DISPOSAL FACILITY: A public or private facilities for the central collection and disposal of waste managed and operated by an approved company, individual or government agency. Waste disposal facilities are designed to meet local, state, and federal standards, and comply with local, state and federal environmental regulations.

WASTE PROCESSING OR DISPOSAL FACILITY: An indoor or outdoor facility that is regulated or subject to the regulations of state and/or federal agencies and where waste is collected, stored, processed, sorted, packaged, transferred, or disposed of.

WASTE TRANSFER FACILITIES: any offsite location where waste is loaded, unloaded or stored during the normal course of transportation of the waste.

WASTEWATER COLLECTION AND TREATMENT FACILITY, MUNICIPAL: Facilities for the central collection and treatment of wastewater, provided and operated by a legally created special district or municipality, that: a) provides for the transportation of sewage and the removal of polluting constituents for wastewater, b) is designed to meet local, state, and federal standards, and c) complies with state wastewater management plans.

WASTEWATER COLLECTION AND TREATMENT FACILITY, PC, PUD OR PUDD: Facilities for the central collection and treatment of wastewater that serves a PC or PUD, or PUDD, provided and operated by a legally created entity or special district or municipality, that: a) provides for the transportation of sewage and the removal of polluting constituents for wastewater, b) is designed to meet local, state, and federal standards, and c) complies with area wide wastewater management plans, and is either a Membrane Bio-reactor (MBR) or Sequencing Batch Reactor (SBR) type of system. The Commission and Board may also consider wastewater treatment systems other than MBR or SBR systems provided the proposed systems are similar in design, water quality output or further advance wastewater treatment systems through technological advances.

WASTEWATER TREATMENT SYSTEM, INDIVIDUAL: An installation that collects and treats domestic wastewater from one property and uses, at a minimum, subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of the local health authority.

WATER SURFACE ELEVATION: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATER SYSTEM, COMMUNITY: A central water supply system that serves more than two (2) dwellings and provides a domestic water supply meeting local, state, and federal drinking water standards and fire flow requirements.

WATER SYSTEM, INDIVIDUAL: A domestic water system that serves up to two (2) dwellings.

WATERCOURSE: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WELL HOUSE / PUMP HOUSE: A structure encasing a well or pumps used to provide domestic water or irrigation water.

WETLANDS: Those areas of Elmore County that are inundated or saturated by ground or surface water 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 swamps, marshes, bogs and similar areas (Army Corps of Engineers Regulation) and tend to be found in transitional areas between dry land and water where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands, for the purpose of this classification, mean an area where three (3) of the following attributes, as defined in the current and future amended editions of "The Federal Manual for Identifying and Delineating Jurisdictional Wetlands" exist: 1) hydrophilic vegetation, 2) hydric soils, and 3) wetland hydrology.

WINERY: An agricultural processing facility utilizing agricultural products to manufacture and/or sell wine and wine by-products.

Y

YARD: An open space on the same lot with a principal building, which is unoccupied and unobstructed. A required open space, other than a court, unoccupied and unobstructed by a structure or portion of a structure.

A. Front Yard - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building;

B. Rear Yard - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building;

C. Interior Side Yard - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards;

D. Street Side Yard - A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards;

E. Transitional Yard - A yard, which serves as a buffer between conflicting land uses such as between single-family residential uses and commercial or industrial uses or between residential, uses and heavily traveled traffic arterial. Transitional yards are deemed to be an open space, which is between those, uses which are more or less compatible.

YARDSALES: The on-premise sale of new or used household or related goods from a residential lot; also known as garage or rummage sale.

Z

ZERO LOT LINE: A building design which allows for a dwelling to be built to the side lot line and which may include an easement to a neighboring lot for the purpose of upkeep and maintenance of each dwelling. Zero lot line developments can be either dwelling units detached or attached. The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

ZONE DISTRICT: A portion of the unincorporated territory of Elmore County defined by this ordinance and designated on zoning maps, to which the provisions of this ordinance apply

ZONING MAP: A map adopted as a legal part of this Ordinance and designated as the Official Zoning Map of Elmore County where the graphic depiction of the zones or districts within Elmore County that include:

- A. Indication of the boundaries of each of the districts; and
- B. A legend identifying each of the districts; and
- C. Identification names of highways streams and other places; and
- D. General dimensions indicating the boundaries between districts.

ZONING PERMIT: Director certifies that the structure or use meets the requirements of this ordinance.