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Board of County Commissioners Staff Report

Public Meeting Date: 12/20/2024

Date Report Completed: 12/06/2024

Agenda Item: Zoning Ordinance Amendment for Agricultural Protection Areas

Case Number(s): ZOA-2025-01

Applicant: Elmore County

Elmore County Staff ("Staff"):

Mitra Mehta-Cooper, Land Use and Building Director

Elmore County Consulting Staff:

Abbey Germaine, Consulting County Counsel with Elam and Burke

EXECUTIVE SUMMARY:

During the 2024 Legislative Session, the Idaho State Legislature enacted House Bill 608, the Agricultural Protection Area Act, adding a new Chapter 97 in Title 67 of Idaho Code. The law establishes a new Agricultural Protection Area ("APA") designation through which farmers, ranchers, and forest landowners may apply to a county to designate their lands for future agricultural use for a minimum of 20 years. Each county is required to adopt an ordinance by January 1, 2025, that provides an application process and appoints an Agricultural Protection Area Commission to receive, review, and process Agricultural Protection Area applications.

Elmore County Zoning and Development Ordinance ("Zoning Ordinance") was adopted on May 18, 2018, and amended on January 17, 2020; February 17, 2023; March 1, 2024; and October 18, 2024. The Board of County Commissioners initiated a Zoning Ordinance Text Amendment, as required by Idaho State Code Title 67, Chapter 97, for creating language and standards for an Agricultural Protection Area and Agricultural Protection Area Commission on Friday, October 18, 2024, Case Number: ZOA-2025-01, which would include:

1. Creation of an Agricultural Protection Area Commission, their jurisdiction, and duties codified in Zoning Ordinance, Title 6, by the addition of a new Chapter 5; and

2. Providing accompanying zoning and development provisions such as definitions, land use table and zoning districts, application procedures, review timelines, requirements, fees, etc. for Agricultural Protection Areas to be included in Title 7 through amendment of Chapters 1, 2, and 3; and
3. Guidance on specific use standards and review processes for Agricultural Protection Areas in Title 7 through addition of a new Chapter 19.

The proposed text amendment was discussed at a duly noticed Planning and Zoning Commission (“Commission”) Public Hearing on November 21, 2024. The Commission heard from staff, and no one had signed up in opposition, support, or neutral position. After deliberations, the Commission made recommendation to approve ZOA-2025-01 to the Board of County Commissioners (“Board”). Findings of Fact, Conclusions of Law, and Order, for this decision was signed by the Commission on December 19, 2024.

Today’s public hearing was advertised in the Mountain Home Newspaper on December 4, 2024, and December 11, 2024. The affected agencies were notified on November 25, 2024.

EXHIBITS OF THE RECORD:

The documents and exhibits referenced in the record are numbered sequentially as they become available. This staff report references the following portions of the record, which are included as Exhibits:

1. Draft redline of proposed changes:
 - a. Title 6 Administration - Chapter 5 Agricultural Protection Area Commission
 - b. Title 7 Zoning and Development - Chapter 1 Definitions
 - c. Title 7 Zoning and Development - Chapter 2 Land Use Tables, Zoning Districts and their Base Densities, Overlay Districts and Boundaries
 - d. Title 7 Zoning and Development - Chapter 3 Application Procedures and Fees
 - e. Title 7 Zoning and Development - Chapter 19 Agricultural Protection Areas
2. Public Hearing Notices
 - a. Newspaper Notice
 - b. Agency Notice
3. Agency Comments
 - a. CDH Comment
4. Finding of Fact, Conclusions of Law and Order by the Commission

The ZOA-2025-01 record includes all written comments submitted to the Department by physical or electronic delivery by 5:00 p.m. Friday, December 13, 2024, for the Public Hearing scheduled for Friday, December 21, 2024.

DESCRIPTION OF CHANGES

Title 6, Chapter 5:

Through ZOA-2025-01, staff proposes to add a new Chapter 5 – Agricultural Protection Area (“APA”) Commission under Title 6 – Administration of the Zoning Ordinance to provide guidance on jurisdiction, duties, and responsibilities in the following sections:

- 6-5-1: Jurisdiction and Authority
- 6-5-2: Membership and Term
- 6-5-3: Organization and Expenditures
- 6-5-4: Clerk of APA Commission
- 6-5-5: Conflict of Interest
- 6-5-6: Meetings Conducted by APA Commission
- 6-5-7: Appeal of APA Commission Recommendation and Board Decision

Idaho Code 67-9705 requires that the Board of County Commissioners “shall appoint at least three (3) and no more than five (5) members actively employed by or supporting production agriculture in the county, which members may include representatives from the local soil and water conservation district board of supervisors, the local cattlemen’s association board, the county farm bureau board, an irrigation district or water users association board, or a grower/commodity association or commission board, to serve as the agricultural protection area commission for the county.”

Staff further proposes that the Board of County Commissioners appoints at least three (3) of the current Planning and Zoning Commission members – Ed Oppedyk, Jeff Blanksma, and K.C. Duerig, that are actively employed by or supporting production agriculture in the county representing the following interests.

- Local soil and water conservation district,
- Local cattlemen’s association,
- The county farm bureau,
- Irrigation District or water users’ association, or
- Grower/commodity association or commission.

Title 7, Chapter 1:

Staff proposes to provide additional definitions for the following terms in Chapter 1 – Definitions of Title 7 – Zoning and Development Ordinance through ZOA-2025-01.

- Agriculture Production
- Agricultural Protection Area (APA)
- APA Commission
- APA Applicant
- APA Related Hardship

Title 7, Chapter 2:

The Land Use Tables, Zoning Districts and Their Base Densities, Overlay Districts and Boundaries lists general types of land uses that are allowed, allowed through administrative decision, allowed with a conditional use permit, or prohibited, under Title 7, Chapter 2 of the Zoning Ordinance. Staff proposes changes to provide guidance on which specific zoning designations would be suitable for considering an Agricultural Protection Area (APA) proposal in Land Use Tables 7-2-26 (A) and 7-2-26 (B). Additionally, a Section 7-2-46 is added under Specific Land Uses to refer to general standards pertaining to APA.

Table 7-2-26 (A) Land Use Table Symbols Defined	
SYMBOL	SYMBOL SPECIFICATION
AU	Allowed Use – AU – Building permits and related development permits are required.
AA	Administrative Approval - AA approval is required in addition to Building Permits, APA, and related development permits as applicable.
C	Conditional Use - CU Permit and approval is required in addition to other required applications, Building Permits and related development permits as applicable.
PC	Planned Community - PC Application and approval required in addition to other required applications, Building Permits and related development permits as applicable.
X	Prohibited - Use Prohibited and not allowed in that particular zoning district.

Table 7-2-26 (B) Elmore County Land Use Table Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)										
LAND USE	AG	RE C	RR/ MU	C 1	C 2	M 1	M 2	PA Z	ABH Z	AC Z
<i>Agricultural Protection Area</i>	AA*	AA*	AA*	X	X	X	X	X	X	X

Title 7, Chapter 3:

Staff proposes to add a new Section 7-3-16A to outline procedural requirements for APA proposal review. All other applicable procedures as outlined in this Chapter may be applicable to APA review and approval:

Section 7-3-16A: Recommendation by the Agricultural Protection Area (APA) Commission and Decision by the Board:

A. The Director shall schedule a public meeting in accordance with public meeting requirements of this Ordinance and Idaho Code 67-9705(6) with APA Commission, upon receipt of a completed application within sixty (60) days of receiving the application.

B. The APA Commission shall review the proposal as outlined in Title 7 Chapter 19 of this Ordinance and make a recommendation to the Board of County Commissioners.

C. Once the APA Commission makes its recommendation to the Board, the Board shall hold a Public Hearing pursuant to Idaho Code section 67-9706 and this Ordinance.

D. The Board shall issue its decision within sixty (60) days of APA Commission's recommendation. The Board's decision shall include Findings of Fact, Conclusion of Law, and Order supporting its decision.

E. If the Board decides to grant APA designation to any land within unincorporated Elmore County, the decision shall result in amending the Future Land Use Map of the Elmore County Comprehensive Plan.

F. Pursuant to Idaho Code 67-9706(2) if the Board fails to take action on a recommendation by the APA Commission within sixty (60) days of receiving the recommendation, the recommendation of the APA Commission becomes final.

G. A decision to approve or deny an APA shall be subject to judicial review.

Title 7, Chapter 19:

Staff proposes the following sections in a new Chapter 19 under Title 7 of the Zoning Ordinance to provide additional guidance in establishment, review, and termination of the Agricultural Protection Areas in Elmore County's unincorporated areas.

- 7-19-1: Purpose
- 7-19-2: Designation of Agricultural Protection Area (APA)
- 7-19-3: Review Process
- 7-19-4: Enrollment Duration and Review
- 7-19-5: Expansion or Modification of an APA
- 7-19-6: Termination of an APA
- 7-19-7: Fees
- 7-19-8: Enforcement, Prohibitions, and Penalties
- 7-19-9: Severability

REQUIRED FINDINGS FOR ZONING TEXT AMENDMENT PER ELMORE COUNTY CODE 7-3-15(B):

1. The Zoning Ordinance Text Amendment complies with the applicable Comprehensive Plan; and

Staff Response: The proposed changes align with the following objective of the 2014 Elmore County Comprehensive Plan as outlined in Chapter 14 - Agriculture:

Agriculture is a driving force for the County and economic prosperity. Over 90% of the County is currently zoned agriculture and the future land use map shows the majority of land will continue to be agriculture in the future. Only 23% of the land within Elmore County is privately owned. The residents of Elmore County have shown a strong desire to maintain agricultural uses and lifestyles throughout the County. The County residents have also shown a desire to utilize the vast amounts of public lands for agricultural uses, including timber harvest and grazing.

The intent of the Idaho Code Title 67, Chapter 97 further aligns with the following Agriculture Objectives of the Comprehensive Plan:

1. *Avoid encroachment of incompatible land uses near agricultural lands.*
2. *Support the expansion of existing agricultural operations within the County.*
3. *Support programs that diversify agricultural operations within the County, including but not limited to timber production.*

ZOA-2025-01 provides guidance to support the aforementioned goals and objectives of the Comprehensive Plan and provides additional guidance in the Zoning Ordinance for implementing a state requirement in Elmore County.

2. The Zoning Ordinance Text Amendment complies with regulations outlined for the proposed base zone, specifically the purpose statement; and

Staff Response: The proposed Zoning Ordinance Text Amendment provides guidance on which zoning classifications are suitable for consideration of an Agricultural Protection Area (APA). The proposal will result in allowing APAs in three zoning designations, AG, REC, and RR/MU:

The purpose statement of General Agriculture (AG) zoning designation states the following in the Zoning Ordinance:

The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

The purpose statement of Recreation/Tourism (REC) zoning designation says the following in the Zoning Ordinance:

The purpose of the Rec district is to permit the establishment of multiple and flexible types of land uses consistent with tourism communities and recreation areas. Central water and sewer facilities are encouraged in this zone. Commercial, residential, office, industrial and agricultural type land uses may be allowed in the Rec District depending upon site development standards and compatibility with adjacent land uses.

The purpose statement of Rural Residential and Mixed Use (RR/MU) zoning designation states the following in the Zoning Ordinance:

The purpose of the RR/MU district is to permit the establishment of residential or multi-family development with lot sizes sufficient for individual water and sewer facilities or clustered development with community water and sewer facilities. A mix of land uses, such as commercial, residential, office, industrial and agricultural type land uses may be

allowed in the RR/MU district depending upon site development standards and compatibility with adjacent land uses.

The purpose statement of all three zones anticipates agricultural uses and ZOA-2025-01 provides site specific development standards and compatibility with surrounding uses for APAs in Elmore County. Therefore, Staff concludes that ZOA-2025-01 complies with the purpose statement of those zones.

3. The Zoning Ordinance Text Amendment shall not be materially detrimental to the public health, safety, and welfare; and

Staff Response: The proposed Zoning Ordinance Text Amendment provides regulations that will protect agricultural lands in Elmore County by providing a voluntary process through which agricultural and timber producers of Elmore County may make application to commit lands actively devoted to agriculture for future agricultural or forest use. An APA designation aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This ordinance sets out the process for creation and review of Agriculture Protection Areas in a manner that protects the public health, safety, and welfare.

4. The Zoning Ordinance Text Amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts.

Staff Response: The proposed Zoning Ordinance Text Amendment is not site-specific and will not result in any adverse impact on the provisions of public services. All site-specific requests for APAs will result in protection of agricultural or forest lands in Elmore County for a 20-year period through guidance provided by ZOA-2025-01. The proposed Zoning Ordinance Text Amendment was transmitted to the following agencies on November 5, to ensure that this amendment does not cause any adverse impact on their ability to deliver services.

- Atlanta Highway District
- Atlanta Fire District
- Glenss Ferry Highway District
- Glenss Ferry Planning and Zoning
- King Hill/Glenss Ferry Rural Fire District
- King Hill Domestic Water Association
- King Hill Irrigation District
- Mountain Home City – Community Development
- Mountain Home Highway District
- Mountain Home Airforce Base
- Mountain Home Rural Fire Protection District
- Mountain Home Irrigation District
- Oasis Rural Fire District
- Elmore County Engineer
- Elmore County Surveyor
- Elmore County Sheriff
- Elmore County Prosecuting Attorney
- Elmore County Ambulance Service

- Elmore County Surveyor
- Elmore County Assessor
- Bureau of Land Management
- US Forest Service
- Central District Health
- Idaho Power
- Idaho Department of Agriculture
- Idaho Department of Lands
- Idaho Department of Fish and Game
- Idaho Department of Transportation
- Idaho Department of Water Resources
- Idaho National Guard
- Idaho Office of Energy and Mineral Resources
- Idaho State Fire Marshall
- Southwest Idaho Rural Development
- Federal Emergency Management Agency – District 10

5. Following the approval of Zoning Ordinance Text Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance in the official newspaper of general circulation in the County.

Staff Response: Following the public hearing, if approved, staff provides Exhibit 5 to the Board for adoption of an Ordinance for amending the Elmore County Zoning Ordinance in compliance with ZOA-2025-01. Furthermore, if approved, the Board will direct staff to publish a summary of the Ordinance for publication in the Mountain Home Newspaper in accordance with this finding (Exhibit 6).

COMMISSION/STAFF RECOMMENDATION:

The Elmore County Planning and Zoning Commission and staff recommend that the Board of County Commissioners:

1. Approves ZOA-2025-01 and signs Finding of Fact, Conclusions of Law, and Order for the same;
2. Adopts an Ordinance amending the Elmore County Zoning Ordinance through ZOA-2024-01 (Exhibit 5);
3. Directs staff to publish a summary of the Ordinance in Mountain Home News within thirty (30) days (Exhibit 5);
4. Appoints the existing Commission members to serve as the APA Commission; and
5. Adopts a resolution appointing the three Commission members to the Elmore County Agricultural Protection Area Commission (Exhibit 6).

Exhibit 1 A

**TITLE 6
ELMORE COUNTY ADMINISTRATION
ZONING AND DEVELOPMENT ORDINANCE**

Chapter 1 - TITLE, PURPOSE, INTERPRETATION AND ENACTMENT

Chapter 2 – AUTHORITY AND DUTIES OF THE DIRECTOR

Chapter 3 – BUILDING BOARD OF APPEALS

Chapter 4 - PLANNING AND ZONING COMMISSION JURISDICTION AND DUTIES

Chapter 5 – AGRICULTURAL PROTECTION AREA (“APA”) COMMISSION

CHAPTER 5 – Agricultural Protection Area (“APA”) Commission

Sections:

6-5-1:	Jurisdiction and Authority
6-5-2:	Membership and Term
6-5-3:	Organization and Expenditures
6-5-4:	Clerk of APA Commission
6-5-5:	Conflict of Interest
6-5-6:	Meetings Conducted by APA Commission
6-5-7:	Appeal of APA Commission Recommendation and Board Decision

Section 6-5-1: Jurisdiction and Authority:

For the purpose of carrying out the provisions of this Ordinance, and Idaho Code Title 67, Chapter 97, an Agricultural Protection Area Commission is hereby created and authorized for Elmore County, Idaho. The Board of County Commissioners (“Board”) has hereby established an Agricultural Protection Area Commission, commonly known as “APA Commission”, for the unincorporated areas of Elmore County.

Section 6-5-2: Membership and Term:

- A. Appointment: The Board shall appoint at least three (3) and no more than five (5) voting members actively employed by or supporting production agriculture in Elmore County representing the following interests, each appointed by the Board and confirmed by the majority vote of the Board:
- Local soil and water conservation district board of supervisors,
 - Local cattlemen’s association board,
 - The county farm bureau board,
 - Irrigation district or water users’ association board, or
 - Grower/commodity association or commission board.

The Board may elect to use members of the Planning and Zoning Commission to serve as the APA Commission, if they meet the aforementioned requirements.

- B. Purpose: The APA Commission shall receive, review, process, and make recommendations to the Board for establishment, amendment or removal of any Agricultural Protection Areas in the unincorporated Elmore County.
- C. Residency: The Board shall ensure that the interests of the entire Elmore County are broadly represented and shall select the members without respect to political

affiliation and may receive such mileage and per diem compensation as provided by the Board. The Board shall try to appoint members that are residents of the Elmore County during his/her service on the APA Commission. However, if there are no qualified candidates, the Board may appoint members from surrounding jurisdictions. The members shall be qualified by experience and training in agriculture production and shall not be employees of Elmore County.

- D. Terms: The terms of the members of the APA Commission shall be established by resolution or ordinance, but in no case shall be less than three (3) years or more than six (6) years.

Section 6-5-3: Organization and Expenditures:

- A. Organization: The APA Commission shall elect a Chairperson and a Vice Chairperson. The APA Commission may enact a set of bylaws to guide them. The APA Commission shall render all decisions and findings in writing.
- B. Expenditures: Expenditures shall be within the amounts appropriated by the Board.

Section 6-5-4: Clerk of APA Commission:

The Land Use and Building Department Director (“Director”) shall provide staff support to the APA Commission and that staff shall act as Clerk or Secretary to the Commission, without extra compensation. The Clerk shall keep an accurate record of all proceedings of the APA Commission and shall file a report of all decisions with the Board.

Section 6-5-5: Conflict of Interest:

Idaho Statute § 67-6506 pertaining to conflicts of interest involving elected and appointed officials shall apply to the APA Commission. A member or employee of the Commission shall not participate in any proceeding or actions when the member or employee (or his/her employer, business partner, associate or any person related to him/her by affinity or consanguinity within the second degree) has an economic interest in the proceeding or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard. A knowing violation of this subsection shall be a misdemeanor.

Section 6-5-6: Meetings Conducted by the APA Commission:

- A. As part of its duties, the APA Commission shall provide for meetings and hearings to obtain advice on the agricultural needs of Elmore County. The APA Commission may also conduct informal meetings with public officials and agencies, agricultural professionals, educational professionals, and other organizations to evaluate the agricultural needs of Elmore County.

- B. All meetings of the APA Commission are open to the public. Upon receipt of a completed application for an APA as determined by the Director, the APA Commission shall review the proposal and make a recommendation to the Board within sixty (60) days of receiving the application. The APA Commission shall review applications for inclusion in an APA pursuant to Title 7, Chapter 19 of this Ordinance and make recommendations to the Board regarding such applications.

The application shall be evaluated on the following criteria:

- a) The total contiguous acreage of the land is at least five (5) acres in size and has been in active agricultural or forest production for the last three (3) consecutive years;
- b) Adjacency to an existing area of city impact;
- c) Possible conflict with existing city annexation or development plans or agreements,
- d) Proximity to existing public rights of way,
- e) Proximity to planned transportation corridors or future public rights of way,
- f) Proximity to planned airport expansion or development,
- g) Proximity to planned development with existing entitlements,
- h) Agricultural production capability of the land within the proposed APA, and
- i) Other local impacts relevant to the proposed APA.

Notwithstanding these criteria and review processes outlined in this Ordinance, the Board may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, and a review of the land's APA designation after twenty (20) years.

Once the APA Commission makes its recommendation to the Board, the Board shall hold a public hearing pursuant to Idaho Code section 67-6509 and issue its decision within 60 days. The Board's decision shall include Findings of Fact, Conclusion of Law, and Order supporting its decision. Should the Board fail to take final action on a recommendation from the APA Commission within sixty (60) days, the APA Commission's recommendation shall become final.

- B. Meetings, Records and Voting: All meetings of the APA Commission shall be held at the call of the Chairperson and at such other times as determined by the Director. The action of the Commission at any meeting may be continued to the next regular meeting without further notice being given. The APA Commission Clerk shall maintain a record of meetings and actions taken by the APA Commission. All APA Commission members shall have voting rights.

- C. Quorum: A majority of the appointed members of the APA Commission shall be necessary to constitute a quorum at any meeting.

- D. Open to Public: All meetings and records shall be open to the public.
- E. Keeping of Minutes: The APA Commission Clerk shall keep minutes of its proceedings, and shall keep records of its examinations, findings, recommendations and all other official actions, and render reports thereof to the Board. The records herein referred to shall be a public record.
- F. Written Report: Minutes and Staff Reports shall be kept of every meeting. Whenever the APA Commission meets, a written staff report will be prepared stating the findings for the relevant criteria and standards considered and recommendations with the justification for the decision based on the criteria and standards taken by the APA Commission.
- G. Meeting Notices: The APA Commission shall advertise, provide notice, and conduct public meetings in accordance with this Ordinance.

Section 6-5-7: Appeal of the Board Decision:

- A. Once a recommendation from the APA Commission has been approved or denied by the Board, a final decision of the Board is subject to judicial review as outlined in Idaho Code section 67-9703(2) and 67-6535(2)(b). All parties wishing to seek judicial review of a decision by the Board regarding an APA must first seek reconsideration of the Board's decision within fourteen (14) days.

Exhibit 1 B

CHAPTER 1 – ZONING AND DEVELOPMENT ORDINANCE DEFINITIONS

(Adopted on May 18, 2018, and amended on January 17, 2020; February 17, 2023; March 1, 2024; and October 18, 2024).

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 developments 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. If such activities or developments are within a

Special Flood Hazard Area as defined herein, it must meet the requirements of Title 8 Chapter 2.

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

AGRICULTURE PRODUCTION: Activities or conditions conducted on land actively devoted to agriculture as defined in sections 67-9703(1), 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

AGRICULTURAL PROTECTION AREA (APA): Specific parcels of land in a designated geographic area voluntarily created under the authority of Title 67, Chapter 97 of Idaho Code, and this Ordinance for the purpose of protecting and preserving agricultural land.

AGRICULTURAL PROTECTION AREA (APA) COMMISSION: The advisory board to the Board of County Commissioners for administration of APAs in Elmore County created pursuant to section 67-9705, Idaho Code and Title 6, Chapter 5 of this Ordinance.

AGRICULTURAL PROTECTION AREA (APA) APPLICANT: Anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

AGRICULTURAL PROTECTION AREA (APA) RELATED HARDSHIP: A situation or circumstance over which a landowner in an APA has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

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 used solely for storage of agricultural items, excluding any dwelling or any structure that shelters any personal items not directly needed for agricultural uses.

AGRICULTURAL USE: Activities or uses 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 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 Glens 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 $2/3L$, 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 $1/3L$, 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 or storage of personal items or shop not related to Agriculture.

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) 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.

CARPOR: 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

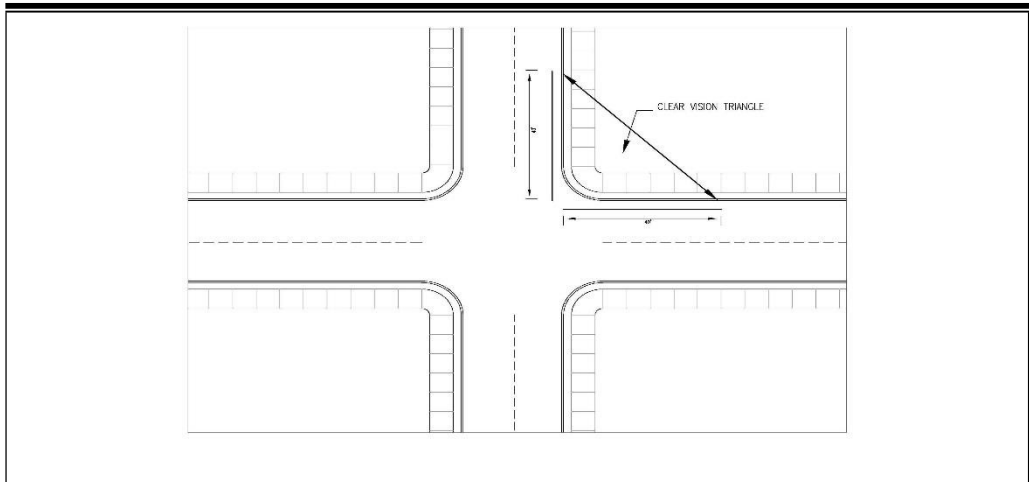
conducting of organized religious services, meetings, and associated activities.

CITY: An incorporated municipality.

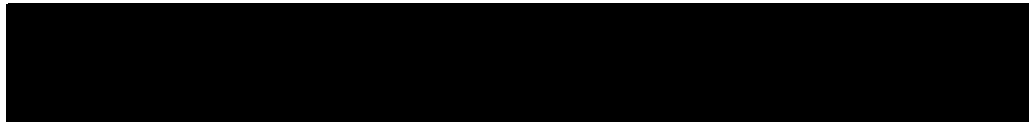
CLEAR VISION TRIANGLE: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, defined as follows:

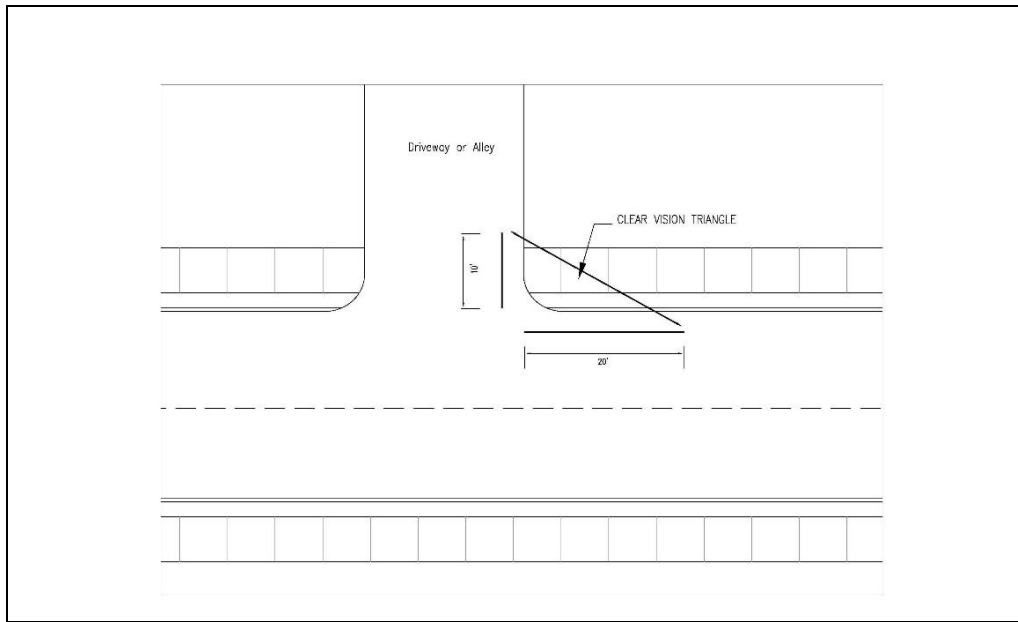
A. Clear Vision Triangle at Street Intersections or Street & Railroad Intersections: At a street intersection or street and railroad intersection shall be formed horizontally, by measuring forty (40') feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway 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.

**Clear Vision Triangle
At Street Intersections or Street & Railroad
Intersections**



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 two (2) 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 Insurance Administrator (normally with Federal Emergency Management Agency to administer the National Flood Insurance Program), 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 less 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, 69 kV, and 138 kV carrying electricity between two (2) substations.

ELECTRIC TRANSMISSION LINE: Those lines carrying from 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 (FEMA) form used to provide elevation information necessary to ensure compliance with applicable community floodplain 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 manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal insurance administration has delineated both the special flood hazard areas and

the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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

FLOOD 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 ZONE: a geographical area shown on a 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 more than a designated height.

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 - two feet (2') - above a base flood elevation 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 and approved by the County Engineer.

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.

INERT WASTE: See Title 8 Chapter 5 Section 3.

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.

LANDFILL: See Title 8 Chapter 5 Section 3.

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.

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.

MUNICIPAL SOLID WASTE LANDFILL UNIT (MSWLF): See Title 8 Chapter 5 Section 3.

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 (1/2) 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-MUNICIPAL SOLID WASTE: See Title 8 Chapter 5 Section 3.

NON-MUNICIPAL SOLID WASTE LANDFILL: See Title 8 Chapter 5 Section 3.

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.

D

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 it 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 OR LAND: 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 its 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 plated 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 five (5) or more lots or commercial/industrial facilities that takes access from a public road and approved by the County Engineer.

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, 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

REMEDICATION: 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.

REVOCAION: 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: See Title 8 Chapter 5 Section 3.

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.

SOLID WASTE: See Title 8 Chapter 5 Section 3.

SOLID WASTE FACILITIES: See Title 8 Chapter 5 Section 3.

SOLID WASTE LANDFILL: See Title 8 Chapter 5 Section 3.

SOLID WASTE PROCESSING FACILITY: See Title 8 Chapter 5 Section 3.

SOLID WASTE TRANSFER FACILITY: See Title 8 Chapter 5 Section 3.

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

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 less than five (5) adjacent properties, which may not be built to Highway District standards, but will need to be approved by the County Engineer .

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 two (2) 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 three (3) 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 with a PUD or PUDD. Uses not allowed within a zoning district may be permitted through a Use Exception up to a specific percentage or 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.

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 proposed structure or use meets the requirements of this ordinance and identifies other approvals necessary.

Exhibit 1 C

CHAPTER 2 - LAND USE TABLES, ZONING DISTRICTS AND THEIR BASE DENSITIES, OVERLAY DISTRICTS AND BOUNDARIES

(Adopted on May 18, 2018, and amended on January 17, 2020; February 17, 2023; March 1, 2024; and October 18, 2024).

Sections:

- 7-2-1: Applicability**
- 7-2-2: Purpose**
- 7-2-3: Specific Uses Not Listed**
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- 7-2-5: Description and Intent**
- 7-2-6: Zoning Districts and Their Base Densities**
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- 7-2-50: Airport, Private/Public
- 7-2-51: Amusement or Recreation Facility, Indoor
- 7-2-52: Amusement or Recreation Facility, Outdoor
- 7-2-53: Animal Boarding with Outside Runs
- 7-2-54: Animal Clinic, Grooming
- 7-2-55: Animal Clinic, Hospital, or Veterinary Office
- 7-2-56: Aquatic and Hydroponic Farming
- 7-2-57: Archery Range, Indoors
- 7-2-58: Archery Range, Outdoors
- 7-2-59: Asphalt or Concrete Plant
- 7-2-60: Assisted Living, Hospice
- 7-2-61: Auction Establishment
- 7-2-62: Baking or Bakery Goods Store
- 7-2-63: Banks-Savings-Loan and other Financial Institutions
- 7-2-64: Bar, Brew Pub, Lounge, or Nightclub
- 7-2-65: Bed and Breakfast Establishment
- 7-2-66: Beverage Bottling Plant
- 7-2-67: Bowling, Alley
- 7-2-68: Brewery or Distillery
- 7-2-69: Business College-Trade School
- 7-2-70: Cabinet Manufacturing
- 7-2-71: Campground Public or Private
- 7-2-72: Car Wash
- 7-2-73: Cemetery
- 7-2-74: Chemical Manufacturing
- 7-2-75: Chemical Storage
- 7-2-76: Child and Adult Daycare Facility
- 7-2-77: Church
- 7-2-78: Cleaning, Commercial Laundry
- 7-2-79: Clinic, Medical, Non-Animal
- 7-2-80: Club, Lodge, or Social Hall
- 7-2-81: Cold Storage Plant, Non-Ag

7-2-82: Composting Facility Commercial
7-2-83: Concrete Batch Plant
7-2-84: Contractor's Yard
7-2-85: Crematory
7-2-86: Dairy (CAFO Non-Permit Category)
7-2-87: Dairy (CAFO Permit Category)
7-2-88: Dairy Products Processing
7-2-89: Dance, Music, Voice Studio
7-2-90: Dangerous or Protected Animals
7-2-91: Daycare Home, Group
7-2-92: Drive-In Theater
7-2-93: Drive-Up Window Service
7-2-94: Drug and Alcohol Treatment Facility
7-2-95: Dude Ranch
7-2-96: Dwelling Unit, Accessory
7-2-97: Dwelling, Additional Farm
7-2-98: Dwelling, Additional Farm Seasonal
7-2-99: Dwelling, Caretaker
7-2-100: Dwelling, Multifamily
7-2-101: Dwelling, Single Family
7-2-102: Dwelling, Duplex
7-2-103: Electrical Generating Facilities
7-2-104: Electrical Appliance and Repair Shop
7-2-105: Energy Production (≤ 25 kW), Home Use
7-2-106: Energy Production Facilities
7-2-107: Equipment Rental-Sales Yard Including Farm Equipment
7-2-108: Explosive Manufacturing or Storage
7-2-109: Extended-Care Facility
7-2-110: Fairgrounds
7-2-111: Farm, Ranch or Dairy, Non CAFO Category
7-2-112: Feed Lots and Stock Yards, NON CAFO Category
7-2-113: Fence, Barbed Wire, Electric Wire or Other
7-2-114: Fireworks Stand, Seasonal or Temporary
7-2-115: Fish Propagation
7-2-116: Flea Market, Outdoor
7-2-117: Food Processing and Packaging Plant
7-2-118: Food Store, Convenience
7-2-119: Food Store, Deli
7-2-120: Foster Home, Group
7-2-121: Foundry Small or Accessory
7-2-122: Freight or Truck Terminal
7-2-123: Frozen Food Lockers
7-2-124: Fuel Cell Operation
7-2-125: Fuel, Flammable Material Storage
7-2-126: Fuel Sales, Service Station
7-2-127: Furniture Refinishing

7-2-128: Golf Course
7-2-129: Golf Course, Miniature
7-2-130: Grain Storage Elevator
7-2-131: Greenhouse Operation
7-2-132: Gym or Health Spa
7-2-133: Hazardous Material Storage or Handling
7-2-134: Heavy Equipment Sales or Service
7-2-135: Highway Maintenance Shop
7-2-136: Home Occupation
7-2-137: Hospital
7-2-138: Hotel or Motel
7-2-139: Hunt Club, Resort
7-2-140: Incinerators
7-2-141: Industrial/Manufacturing Facility, Heavy
7-2-142: Industrial/Manufacturing Facility, Light
7-2-143: Junkyard or Automobile Wrecking Yard
7-2-144: Kennel, Commercial
7-2-145: Kennel, Hobby
7-2-146: Kennel, Rescue
7-2-147: Laboratory-Medical-Dental Optical
7-2-148: Landfill
7-2-149: Laundromat
7-2-150: Laundry-Commercial Plant
7-2-151: Lumber Processing
7-2-152: Lumber Yard-Retail/Wholesale
7-2-153: Machine Shop
7-2-154: Manufacture or Processing of Hazardous Chemicals or Gases
7-2-155: Manufactured Home Park
7-2-156: Marina, Boat Moorage
7-2-157: Mortuary
7-2-158: Nursery, Retail
7-2-159: Nursery, Wholesale
7-2-160: Nursing Home or Facility
7-2-161: Office Building
7-2-162: Office, Temporary Construction
7-2-163: Outdoor Storage Facility
7-2-164: Package and Letter Delivery/Shipping Service
7-2-165: Personal, Business, or Professional Service
7-2-167: Parking Lot, Garage or Facility
7-2-168: Petroleum Storage
7-2-169: Pistol Range
7-2-170: Pit, Mine, or Quarry
7-2-171: Portable Classroom
7-2-172: Printing, Blueprinting or copy
7-2-173: Printing, Off-Set, Press or Similar
7-2-174: Processing Plants for Agricultural or Dairy Products

7-2-175: Public Address System, Outdoor
7-2-176: Public or Quasi-Public Use
7-2-177: Public Storage
7-2-178: Public Agency Utility Yard or Shop
7-2-179: Racetrack, Animal or Vehicle
7-2-180: Railroad Switching Yard
7-2-181: Recreation Facilities (Outdoor)
7-2-182: Recreational Vehicle Park
7-2-183: Recreational Vehicle Sales or Service
7-2-184: Recycling Collection Center, Small
7-2-185: Recycling Plant or Processing Facility
7-2-186: Research and Development Facility
7-2-187: Residential Care Facility
7-2-188: Restaurant or Eating Place
7-2-189: Retail, Big Box
7-2-190: Retail, Non-Big Box
7-2-191: Roadside Produce Stand or Other
7-2-192: Rodeo Arenas
7-2-193: Rooming/Boarding/Halfway House
7-2-194: Sawmill or Planing Mill
7-2-195: Service Station
7-2-196: School, Public or Private
7-2-197: Shooting Range
7-2-198: Slaughterhouse
7-2-199: Soil or Water Remediation
7-2-200: Solid Waste Facilities
7-2-201: Solid Waste Disposal Facilities/Landfill (Municipal and Non-Municipal)
7-2-202: Solid Waste Processing Facility
7-2-203: Solid Waste Transfer Facility
7-2-204: Stable/Riding Arena or School Commercial
7-2-205: Storage Facility, Self-Service
7-2-206: Subdivision, Commercial
7-2-207: Subdivision, Residential
7-2-208: Subdivision, Industrial
7-2-209: Swimming Pool, Private and Public
7-2-210: Temporary Living Quarters
7-2-211: Tower or Antenna Structure, Commercial
7-2-212: Tower or Antenna Structure, Private
7-2-213: Tower Collocation
7-2-214: Transit Facility
7-2-215: Trap or Skeet Club
7-2-216: Truck and Tractor Repair
7-2-217: Truck and Tractor Stop or Wash
7-2-218: Vehicle Impound Yard
7-2-219: Vehicle Repair and Service Shops

- 7-2-220: Vehicle Sales, Service, Storage, Rental
- 7-2-221: Vehicle, Hobby
- 7-2-222: Veterinary Hospital or Research Facility
- 7-2-223: Waste Tire Storage Facility
- 7-2-224: Winery
- 7-2-225: Wireless Communication Facility
- 7-2-226: Wrecking Yard
- 7-2-227: Zoo or Zoo Type Animals

Section 7-2-1: Applicability:

These regulations apply to the development and use any property in unincorporated Elmore County.

Section 7-2-2: Purpose:

The purpose of this Chapter, is to provide zoning base and overlay districts whose boundaries are established on the official zoning maps of the unincorporated territory of Elmore County and to provide specific standards for all uses as set forth within the applicable base zone or overlay district. The official zoning maps are made a part of this Title, as well as such other map or maps that are duly adopted. Official zoning maps properly attested, shall be placed and remain on file in the office of the Clerk of the Board and in the Land Use and Building Department.

Section 7-2-3: Specific Uses Not Listed:

If a specific type of use or land use is not listed in this Chapter, then the Director shall have the authority to determine an appropriate related use or typical related use for regulatory and permit processing requirements.

Section 7-2-4: Districts, And Overlays Established:

The following zoning districts are hereby established. These designations have been made to realize the general purposes stated in the Comprehensive Plan. The specific purposes of each zoning district are stated as follows:

TABLE 7-2-4 Zoning Districts and Symbols	
ZONING DISTRICTS	SYMBOL
General Agriculture	Ag
Rural Residential / Mixed Use	RR/MU
Recreation/Tourism	Rec
Neighborhood Commercial	C1

Highway/Interstate Commercial	C2
Light Industrial/Manufacturing	M1
Heavy Industrial/Manufacturing	M2
Planned Community	PC
Planned Unit Development	PUD
Planned Unit Development District	PUDD
Public Airport Hazard Zone	PAZ
Air Base Hazard Zone	ABHZ
Air Base Commercial Zone	ACZ
OVERLAY ZONING DISTRICTS	SYMBOL
Area of Critical Concern Overlay Zone	ACC
Community Development Overlay Zone	CDO
Wildfire Urban Interface Overlay Zone	WUI

Section 7-2-5: Description and Intent:

- A. General Agriculture: The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

- B. Rural Residential and Mixed Use: The purpose of the RR/MU district is to permit the establishment of residential or multi-family development with lot sizes sufficient for individual water and sewer facilities or clustered development with community water and sewer facilities. A mix of land uses, such as commercial, residential, office, industrial and agricultural type land uses may be allowed in the RR/MU district depending upon site development standards and compatibility with adjacent land uses. Other types of land uses will only be approved if they are supportive and ancillary to the primary residential land uses. Multi-family dwellings may be allowed in the RR/MU District depending upon site development standards and compatibility with adjacent land uses. The RR/MU designation is a zone specifically set aside for residential development and a mix of supporting, secondary land uses that are near or adjacent to areas of City impact or near existing communities.

- C. Recreation / Tourism: The purpose of the Rec district is to permit the establishment of multiple and flexible types of land uses consistent with tourism communities and recreation areas. Central water and sewer facilities are encouraged in this zone. Commercial, residential, office, industrial and agricultural type land uses may be allowed in the Rec District depending upon site development standards and compatibility with adjacent land uses. Lands or areas within specific communities, which are designated "Rec", reflect the demand for recreation and tourism-related developments including public and private resorts, recreation services, primary and secondary residential development, commercial services and business development. Certain allowed uses would be permitted along with a detailed list of "Conditional Uses" in the Rec Zone. The Rec Zone is a special planning tool, which allows development flexibility in a particular community or geographical area.
- D. Neighborhood Commercial: The purpose of the C1 district is to permit the small scale establishment of general neighborhood services, by providing opportunities for service related business, office use, multi-family, mixed-use, and commercial uses that will serve the community or neighborhood. These uses would be allowed in or near residential neighborhoods. The emphasis of the C1 district is to provide essential services in close proximity to where people live to promote less dependence on motorized vehicles, and to promote required services that are within a walkable distance of residential neighborhoods. These commercial nodes should provide walkability options and connectivity to neighborhoods and uses that are compatible with residential uses with relatively little or no impact. The zone is intended for small commercial uses, big box retail and similar uses would be prohibited. C1 districts should be limited to sites between five (5) to eight (8) acres in size. Uses will be restricted in the C1 district to those listed on the approved "C1 District Appropriate Commercial Use Table".
- E. Highway/Interstate Commercial: The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to the Interstate. Shopping centers will be encouraged and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.
- F. Light Industrial/Manufacturing: The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed

structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses.

- G. Heavy Industrial/Manufacturing: The purpose of the M2 district is to manage the development and location of heavy industry. If requested by the Director, Commission or the Board, may be required to include and authorize a Memorandum of Understanding (MOU), which will specify certain required steps leading to the process of evaluating and developing. The Heavy Industrial designation is specifically established for heavy manufacturing and processing industries.
- H. Planned Community: The PC designation is a zone specifically designed to accommodate small town or urban type development that is self-sustainable and self-supporting, 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 preservation of environmental and/or historical elements. Planned Communities are allowed in all districts and Zones except the Air Base Hazard Zone or as directed by this Ordinance.
- I. Planned Unit Development: The PUD designation is a zone specifically designed to allow 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 Developments are allowed in all districts and overlay zones except the Air Base Hazard Zone or as directed by this Ordinance.
- J. Planned Unit Development District: The PUDD designation is a zone specifically designed to allow 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 with greater flexibility than a PUD as PUDD's are larger in scale. Planned Unit Development Districts are allowed in all districts and overlay zones except the Air Base Hazard Zone or as directed by this Ordinance.
- K. Public Airport Hazard Zone: The purpose of the PAZ zone is to protect the Mountain Home Airport and the Glenn's Ferry Airport from incompatible land uses. The PAZ will also apply to the private and quasi-public airstrips at Smith's Prairie, Pine and Atlanta. The PAZ zoning district allows these public airports and the private but public-accessible airports to continue to grow and function while providing the best possible use of private lands. The purpose is to keep encroachment to a minimum in order for airports to function safely in this zone.

Height restrictions would also apply to the City of Mountain Home Municipal Airport, the Glenn's Ferry Airport, plus the airstrips at Prairie and Atlanta.

- L. Air Base Hazard Zone: The purpose of the ABHZ is to protect the Mountain Home Air Force Base from incompatible land use encroachment. The ABHZ further prevents the establishment or creation of hazards, which infringes upon Air Force military operations. The Air Base Hazard Zone is necessary for the land surrounding the Mountain Home Air Force Base. The purpose is to prevent encroachment while allowing the best possible use of private lands in this zone as long as private uses do not conflict with Air Base operations. Significant Land Use restrictions will apply in this ABHZ area.
- M. Air Base Commercial Zone: The purpose of the ACZ is to reserve a specific area for commercial land uses near the Mountain Home Air Force Base. Another purpose of the ACZ is to protect the Mountain Home Air Force Base from incompatible land use encroachment. The Air Base Commercial Zone is necessary for the highway entrance to the Mountain Home Air Force Base. The purpose is to prevent encroachment while allowing the best possible use of private lands in this zone as long as private uses do not conflict with Air Base operations. Significant Land Use restrictions will apply in this ACZ area.
- N. Area of Critical Concern Overlay Zone: The purpose of the ACC designation is to preserve and protect natural areas that are critical to the County's water and land resources. Because the base zoning is Agriculture, traditional farming and ranching and related agricultural uses will continue. Residential and commercial uses may also be allowed; however, technical studies and an Environmental Impact Assessment may be required. Land use, lot size and density restrictions may be imposed if warranted.
- O. Community Development Overlay Zone: The purpose of the CDO is to give additional land development requirements and protection to specific area. The CDO is superimposed over the general zoning designations of specific areas and communities. The purpose of CDO districts is to ensure development is compatible with a specific area. The communities of Mayfield, Oasis, Tipanuk, Chattin Flats, Hammett and King Hill are not incorporated, but each has a unique development pattern and the residents have strong community values and a sense of identity. The CDO districts require greater land use compatibility and public review than the base land use zone. This allows the residents, the Director, Commission, and the Board greater opportunity to manage land use and to keep development consistent with the desires of the residents in these areas.
- P. Wildfire Urban Interface (WUI) Overlay Zone: The purpose of the WUI is to give additional land development requirements and protection to specific land areas that are threatened by potential for wildfire. The WUI is superimposed over the general zoning designations of specific areas.

Section 7-2-6: Zoning Districts and Their Base Densities:

The base residential densities in Elmore County are shown in Table 7-2-6 below:

Table 7-2-6 Residential Densities by District	
ZONING CLASSIFICATIONS	BASE RESIDENTIAL DENSITY
General Agriculture/Grazing/Forest (Ag)	1 Dwelling Unit per 40 acres ⁽¹⁾
Recreation / Tourism (Rec)	1 Dwelling Unit per 10 acres ⁽¹⁾
Rural Residential / Mixed Use (RR/MU)	1 Dwelling Unit per 5 acres ⁽¹⁾
Neighborhood Commercial (C1)	25 Dwelling Units per acre
Highway/Interstate Commercial (C2)	45 Dwelling Units per acre
Light Industrial/Manufacturing (M1)	Residential Uses Prohibited
Heavy Industrial/Manufacturing (M2)	Residential Uses Prohibited
Public Airport Hazard Zone (PAZ)	Case by Case Basis
Air Base Hazard Zone (ABHZ)	1 Dwelling per 320 acres
Air Base Commercial Zone (ACZ)	Residential Uses Prohibited
Area of Critical Concern Overlay (ACC)	See Base Zone
Community Development Overlay (CDO)	
Mayfield	1 Dwelling Unit per 10 acres ⁽¹⁾
Oasis	1 Dwelling Unit per 5 acres ⁽¹⁾
Tipanuk	1 Dwelling Unit per 5 acres ⁽¹⁾
Chattin Flats	1 Dwelling Unit per 10 acres ⁽¹⁾
North Mountain Home	1 Dwelling Unit per 5 acres ⁽¹⁾
Wildfire Urban Interface Overlay (WUI)	See Base Zone
⁽¹⁾ Subject to applicable development requirements of this Chapter. Cluster Development, Conditional Use Approval & Administrative Approval & Overlay Zone opportunities may have higher densities.	

Section 7-2-7: Cluster Development:

Requirements for Cluster Development are found in Title 10, Chapter 9.

Section 7-2-8: Zoning Ordinance Map Amendments:

- A. Zoning Ordinance Map Amendment requests shall be in compliance with this Chapter and Ordinance and Comprehensive Plan.
- B. Process: Zoning Ordinance Map Amendment requests shall be subject to a public hearing, review, and approval subject to the regulations of this Chapter and Ordinance. The process shall be as follows:
 - 1. An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Land Use and Building Department.
 - 2. A Development Agreement Application and approval shall be required for all Zoning Ordinance Map Amendment requests in compliance with this Ordinance.
- C. Zoning Ordinance Amendment Initiated by the Board: The Board may propose Zoning Ordinance Map Amendment in compliance with this Chapter, except that amendments initiated by the Board may not require a Development Agreement.
- D. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the Zoning Ordinance Map Amendment request and Development Agreement. The Board shall make the following findings:
 - 1. The Zoning Ordinance Map Amendment complies with the regulations outlined for this Chapter; and
 - 2. The Zoning Ordinance Map Amendment shall not be materially detrimental to the public health, safety and welfare; and
 - 3. The Zoning Ordinance Map Amendment request is in compliance with the Land Use/Zoning Ordinance Map Amendment Matrix; and
 - 4. The development agreement meets the requirements of this Title; and
 - 5. That the approval by the Board, of a Zoning Ordinance Map Amendment request would not impede the normal flow of development; and
 - 6. The Zoning Ordinance Map Amendment is not in conflict with the Comprehensive Plan.

- E. Approval and Reversal of Action: If the Board approves a Zoning Ordinance Map Amendment pursuant to a request, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in Idaho Statute § 67-6511(d).
- F. Final approval of a Zoning Ordinance Map Amendment shall be contingent upon an executed and recorded development agreement in compliance with this Chapter and Title, except that amendments initiated by the Board may not require a Development Agreement.
- G. Following the approval of Zoning Ordinance Map Amendment, the Board shall adopt an Ordinance, and within thirty (30) calendar days, publish a summary of the Ordinance and legal description in the official newspaper of general circulation in the County.

Section 7-2-9: Land Use / Zoning Ordinance Map Amendment Matrix:

- A. The Land Use / Zoning Ordinance Map Amendment Matrix, as shown in Table 7-2-9, shall identify the zoning districts that would be permissible through a Zoning Ordinance Map Amendment (re-zone) request and approval within each land use designation.
- B. Zoning Ordinance Map Amendment (re-zone) requests should be consistent with the Land Use / Zoning Map Amendment Matrix and the Comprehensive Plan where Commercial, Industrial Zones and Residential Zones are not arbitrarily being rezoned without first updating the Elmore County Land Use Map.
- C. Conformance with the Land Use/Zoning Ordinance Map Amendment Matrix shall be a necessary finding of approval for all Zoning Ordinance Map Amendment requests.

Section 7-2-10: Access To and Frontage on a Roadway:

- A. A property may take access from a private road, provided the private road is initiated from a public road, and the private road is located on a sixty (60') foot recorded easement, and the terminus of which shall be located within the property or a seventy (70') foot cul-de-sac located within the recorded right-of-way:
 - 1. If located on a seventy (70') foot cul-de-sac, the required frontage shall be thirty (30') feet or as otherwise specified in this Title.
 - 2. If located at the terminus of which shall be located within the property, the required frontage shall be sixty (60') feet, the width of the private road easement.

3. Access from a private road to another private road shall be prohibited, however an approved private road, with terminus on a public road containing a sixty (60') foot easement may be extended provided the conditions of this Chapter are complied with.

B. Private Alleys: Private alleys may provide frontage when:

1. The private alleys are located on a lot; and
2. The lots are owned and maintained by the lot owners whose property accesses and fronts on the private alley; and
3. The alley is accompanied with a recorded cross access easement and maintenance agreement.
4. The CC&Rs shall also indicate ownership, maintenance, and administrative responsibilities of the private alley, which shall be reviewed and approved by the Director.

C. When applicable, all private alleys shall comply with the minimum design/construction requirements of the applicable fire district or this Title whichever is more restrictive where applicable.

Section 7-2-11: Accumulation of Junk:

Unless approved as a commercial junkyard, accumulation of junk on a property shall only be allowed where the principal permitted use is established. Property owners shall not store junk outdoors on more than ten (10%) percent of the gross property or one (1) acre whichever is more restrictive, in any event the total area occupied for the principal and/or other permitted uses and the accumulation of junk shall not exceed the maximum lot coverage allowed for the property. The most restrictive method and standard listed shall be calculated and used to determine the maximum area allowed for junk accumulation. All storage of junk outdoors shall be subject to screening standards of this Title, except farms located in Agricultural Districts, as herein defined. Agricultural Districts shall be excluded from screening abandoned farm equipment. Junk shall not exceed the height of the sight-obscuring screen.

Section 7-2-12: Agriculture:

Nothing contained in this Chapter shall prohibit the use of any land for agriculture except where such use creates a health hazard.

Section 7-2-13: Condominium Projects:

All condominium projects shall be reviewed to ensure the use complies with the requirements of any applicable base and overlay districts. If approved, the condominium project plat and declaration shall be certified by the County Surveyor and signed by the Board as provided in Idaho Code, Ordinance 50, Chapter 13 and Ordinance 55, Chapter 15.

Section 7-2-14: Contiguous Parcels:

- A. Abutting parcels or property held in one or common ownership or controls that abut each other at a common boundary shall be considered one property for development purposes unless the owner can demonstrate one of the following:
1. The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under a single deed identifying each as a separate parcel; or
 2. The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under separate deeds; or
 3. Each of the abutting parcels is a conforming or nonconforming property as defined in this Title; or
 4. Physical characteristics of the property prevent its use as one unit, the properties are separated by a fee simple ownership and/or the properties are separated by a public right of way or public street.

Section 7-2-15: Construction Sites:

New development shall contain all construction debris on site and prevent windblown trash and debris from leaving the site.

Section 7-2-16: Dwellings, Two or More Existing:

Any property that has two (2) or more existing dwellings that were built prior to January 20, 1994 or were approved principal permitted dwellings in accordance with the zoning regulations in effect at the time such dwellings were built, shall be deemed a nonconforming use, provided the owner can establish grandfather rights in compliance with this Title. Each dwelling shall be subject to the standards of this Ordinance.

Section 7-2-17: Property Created By Court Decree:

Any property created by court decree shall be recognized as a property for transfer of ownership and shall be eligible for development including any building permits for

renovation or repair of an existing structure. To become eligible for development, the property shall comply with all applicable regulations of this ordinance.

Section 7-2-18: Pipeline Corridors:

For any property for which there is a pipeline corridor easement (including, but not limited to, the northwest pipeline and Chevron pipeline), the owner and/or applicant shall provide appropriate setbacks from the pipeline facility as determined by the easement holder.

Section 7-2-19: Property Reduced By Governmental Action:

If a governmental action (such as acquisition through prescription, purchase, or other means by the applicable highway district, Idaho Transportation Department, or other local, state, or federal agency) reduces an existing property below the required property size, such property shall be deemed as a conforming property for the purposes of development.

Section 7-2-20: Utilities:

All utilities for a new dwelling or approved use shall be installed underground, unless the applicable utility company authorizes above ground installations. For the purposes of this Section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures as herein defined shall be exempt from this regulation.

Section 7-2-21: Wastewater Treatment Systems:

- A. For any dwelling or approved use, the owner or applicant shall provide and maintain sewage disposal facilities that meet the approval of the Central District Health Department and this Title. Options for sewage disposal facilities shall include, but not be limited to, the following methods:
1. Community sewage disposal system for sewage with a maintenance and operation plan approved by the State of Idaho Department of Environmental Quality and which meet the definition of a Community Sewage System and Facility as defined by this Title; or
 2. A individual sewage disposal system where each residential lot has a permanent drain field area on the lot and/or on a delineated easement on a portion of an open space lot, as allowed by this Title; or
 3. A municipal wastewater collection and treatment system as defined by this Title.

Section 7-2-22: Water:

- A. For any dwelling or approved use, the owner or applicant shall provide and maintain an adequate water supply for the intended use as required by this Title.
 - 1. The applicant shall provide evidence that a valid water right either exists or is in the process of being obtained or that the development is exempt from obtaining a water right to supply adequate water.
 - 2. All wells constructed or modified to supply water for a development shall be constructed in accordance with the "Well Construction Standards" adopted by the Idaho Water Resource Board (IDAPA 37.03.09), the "Idaho Rules For Public Water Systems" adopted by the Idaho Board of Health (IDAPA 16.01.08) if applicable, and any additional conditions included in a drilling permit issued by the Idaho Department of Water Resources.
- B. No landowner or occupant may utilize, apply or divert water intended for domestic use in excess of an amount or rate authorized or legally allowed by the statutes of the State of Idaho or a license or permit issued by the Idaho Department of Water Resources. Such use shall constitute a violation of this title and Elmore County may proceed with any enforcement action authorized by this title. Said action shall be separate from and not dependent upon any finding or action by the Idaho Department of Water Resources.

Section 7-2-23: Grading:

No grading, filling, clearing, or excavation of any kind, excluding grading associated with an agricultural use, shall be initiated without County Engineer approval of a drainage study or drainage plan and a grading permit obtained from the Elmore County Building Official. A zoning permit or conditional use approval shall be required prior to the issuance of a grading permit.

Section 7-2-24: Renovation, Repair, Expansion or Replacement of Dwelling:

- A. A zoning permit for the renovation, repair, expansion or replacement of a dwelling (including any existing or proposed accessory structures) may be issued to a property that meets the following criteria:
 - 1. An easement, recorded prior to January 20, 1994, that is at least thirty (30') feet wide, provides access to the property which is either an approved private road or approved driveway that terminates from a public right-of-way; or
 - 2. The property was of record in the Elmore County recorder's office prior to January 20, 1994; or

3. The property contains a dwelling that conforms to all applicable codes and/or ordinances; or
4. The property complies with the minimum property size of the base and overlay districts; or
5. The property is located in an Area of City Impact; or
6. The property has established grandfather rights for a legal non-conforming lot or has received approval to expand a legal non-conforming lot. For legal non-conforming lots, repairs and renovation permits shall only be issued to maintain the legal non-conforming use in good repair. Expansion or replacement permits shall be contingent upon the applicant meeting the requirements of the Ordinance for expansion or replacement of legal non-conforming structures.

Section 7-2-25: Outdoor Storage:

- A. All outdoor storage shall comply with the requirements of this Ordinance.
- B. Manufactured homes shall not be stored within the required yards. Storage of a manufactured home shall be considered outdoor storage and shall only be stored in outdoor storage areas that comply with this Ordinance.
- C. Outdoor storage areas shall not be used for the storage of junk, a "junkyard" or "automobile wrecking yard" as herein defined in this Ordinance.
- D. All outdoor storage shall comply with the flood hazard overlay as set forth in this Ordinance.

**Table 7-2-9
Land Use / Zoning Map Amendment Matrix**

Current Zoning District / Land Use	Ag	Rec	RR/M U	C1	C2	M1	M2	PAZ	ABHZ	ACZ	PC	PU D	PUD D
	Zoning Ordinance Map Amendment (Rezone) Opportunities												
General Agriculture/Grazing/Forest (Ag)	-	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓
Recreation / Tourism (Rec)	-	-	✓	✓	✓	-	-	✓	-	-	✓	✓	✓
Rural Residential / Mixed Use (RR/MU)	-	-	-	✓	-	-	-	✓	-	-	✓	✓	✓
Neighborhood Commercial (C1)	-	✓	✓	-	✓	-	-	-	-	-	✓	✓	✓
Highway/Interstate Commercial (C2)	-	-	-	✓	-	✓	✓	-	-	-	✓	✓	✓
Light Industrial/Manufacturing (M1)	✓	-	-	-	✓	-	✓	-	-	-	✓	✓	✓
Heavy Industrial/Manufacturing (M2)	✓	-	-	-	✓	✓	-	-	-	-	✓	✓	✓
Public Airport Hazard Zone (PAZ)	✓	✓	✓	-	-	-	-	-	-	-	-	-	-
Air Base Hazard Zone (ABHZ)	-	-	-	-	-	-	-	-	-	-	-	-	-
Air Base Commercial Zone (ACZ)	✓	-	-	✓	✓	-	-	-	-	-	-	-	-
Planned Community (PC) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development (PUD) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development District (PUDD) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-

Planned Community (PC), Planned Unit Development (PUD), and Planned Unit Development District (PUDD) revert back to their original zoning district or as specified in the development agreement.

Section 7-2-26: Table of Allowed, Conditional and Prohibited Land Uses:

The Official Schedule of Zoning District Regulations lists general types of land use categories. To determine which types of land uses are allowed or prohibited in a specific zoning designation see Table 7-2-26 (B) Elmore County Land Use Table Symbols Defined, as shown in Table 7-2-26 (A), find the land use name and then read across the table. Look at the column headings to determine the type of zoning district. The Director shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. When several combined land uses exist or are proposed, the most intensive land use shall be considered as a primary activity.

Table 7-2-26 (A) Land Use Table Symbols Defined	
SYMBOL	SYMBOL SPECIFICATION
AU	Allowed Use – AU – Building permits and related development permits are required.
AA	Administrative Approval - AA approval is required in addition to Building Permits, APA , and related development permits as applicable.
C	Conditional Use - CU Permit and approval is required in addition to other required applications, Building Permits and related development permits as applicable.
PC	Planned Community - PC Application and approval required in addition to other required applications, Building Permits and related development permits as applicable.
X	Prohibited - Use Prohibited and not allowed in that particular zoning district.

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
A										
Accessory Structure*	AA	AA	AA	C	C	C	C	C	C	C
Adult Entertainment Establishment*	X	X	X	X	AU	X	X	X	X	C
Advertising Signs and Structures	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C
Agricultural Structure*	AU	AA	AA	X	X	X	X	X	AA	X
Agriculture Use (Routine, Standard)*	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Agricultural Protection Areas	AA*	AA*	AA*	X	X	X	X	X	X	X
Aircraft Landing Field – Private*	C	C	C	X	X	X	X	C	X	X
Airpark Subdivision	C	C	X	X	X	X	X	C	X	X
Airport, Private/Public*	C	C	X	X	X	X	X	C	X	X
Amusement Rec. Facility, Indoors	C	C	C	C	X	X	X	X	X	X
Amusement Rec. Facility, Outdoors*	C	C	C	C	X	X	X	C	X	C
Animal Boarding with Outside Runs*	AA	AA	AA	X	AU	AU	AU	C	X	C
Animal Clinic, Grooming	AA	AA	AA	AU	AU	AU	AU	C	X	C
Animal Clinic, Hospital or Veterinary*	C	C	C	AU	AU	AU	AU	C	X	C
Aquatic and Hydroponics' Farming	AU	AU	AA	X	X	X	X	X	AA	X
Archery Range, Indoors	C	C	C	AU	AA	AA	AA	C	X	C
Archery Range, Outdoors	C	C	C	X	X	X	X	C	X	C
Asphalt or Concrete Plant*	C	X	X	X	X	AA	AA	X	X	X
Assisted Living, Hospice	C	C	C	AU	X	X	X	C	X	X
Auction Establishment*	AA/C	AA/C	X	AA	AU	AU	X	C	X	C
B										
Baking or Bakery Goods Store	X	X	X	AU	AU	AU	X	C	X	C
Banks-Savings-Loan [±]	X	X	X	AU	AU	AU	X	C	X	C
Bar, Brew Pub, Lounge, or Nightclub*	C	X	X	AU	AU	X	X	C	X	C
Bed and Breakfast*	AA	AA	AA	AA	X	X	X	C	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Beverage Bottling Plant	X	X	X	X	X	AU	AU	X	X	X
Bowling, Alley	C	C	C	C	C	X	X	X	X	C
Brewery or Distillery*	C	X	X	C	C	AU	AU	X	X	X
Business College-Trade School	C	C	C	AU	AU	X	X	X	X	X
C										
Cabinet Manufacturing	C	X	X	AU	AU	AU	AU	C	X	C
Campgrounds Public or Private*	C	C	C	X	X	X	X	X	X	X
Car Wash*	C	X	X	AU	AU	AU	AU	C	X	C
Cemetery*	AA	C	C	X	X	X	X	C	X	C
Chemical Manufacturing	X	X	X	X	X	X	AA	X	X	X
Chemical Storage	X	X	X	X	C	C	C	X	X	X
Child and Adult Care Facility*	AA	AA	AA	AU	C	X	X	C	X	C
Church*	AU	AU	AU	AU	AU	X	X	C	X	C
Cleaning, Commercial Laundry	X	X	X	C	C	AU	AU	C	X	C
Clinic, Medical, Non-Animal	C	C	C	AU	AU	X	X	C	X	C
Club, Lodge, or Social Hall*	C	C	C	AU	AU	X	X	X	X	C
Cold Storage Plant, Non-Ag	AA	AA	AA	AA	AU	AU	AU	C	X	C
Composting Facility, Commercial*	C	C	X	X	X	AU	AU	X	X	X
Concrete Batch Plant	X	X	X	X	X	AU	AU	X	X	X
Contractors Yard*	C	C	X	AA	AA	AU	AU	C	X	X
Crematory*	X	X	X	X	AU	AU	AU	X	X	X
D										
Dairy (CAFO Non-Permit Category)*	AU	X	X	X	X	X	X	X	X	X
Dairy (CAFO Permit Category)*	C	X	X	X	X	X	X	X	X	X
Dairy Products Processing*	C	X	X	C	C	AU	AU	C	X	X
Dance, Music, Voice Studio	C	C	C	AU	AU	X	X	X	X	C
Dangerous or Protected Animals	C	X	X	X	C	X	X	C	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Daycare Home, Group*	AA	AA	AA	AA	X	X	X	C	C	C
Drive-In Theater	C	C	X	AU	AU	X	X	X	X	X
Drive-Up Window Service*	C	C	X	AU	AU	AA	X	C	X	C
Drug and Alcohol Treatment Facility*	C	C	X	C	AU	X	X	X	X	X
Dude Ranch	AA	AA	X	X	X	X	X	X	X	X
Dwelling, Accessory *	AA	AA	AA	X	X	X	X	X	AA	X
Dwelling, Additional Farm*	AA	X	X	X	X	X	X	X	X	X
Dwelling, Additional Farm, Seasonal*	AA	X	X	X	X	X	X	X	X	X
Dwelling, Caretaker*	AA	AA	X	C	C	X	X	X	X	X
Dwelling, Duplex	C	C	C	X	X	X	X	X	X	X
Dwelling, Multi-Family	C	C	C	X	X	X	X	X	X	X
Dwelling, Single-Family	AU	AU	AU	C	C	X	X	X	AA	X
E										
Electrical Generating Facilities*	C	X	X	X	X	C	C	X	X	X
Electrical Appliance and Repair Shop	C	X	X	AU	AU	X	X	X	X	C
Energy Production (≤ 25 KW), Home Use *	AU	AU	AU	X	X	X	X	X	X	X
Energy Production Facilities *	C	X	X	X	X	C	C	X	X	X
Equipment Rental-Sales Yard Including Farm Equipment	C	X	X	X	AU	AU	AU	C	X	C
Explosive Manufacturing or Storage*	X	X	X	X	X	C	C	X	X	X
Extended-Care Facility	C	C	C	C	AU	X	X	C	X	X
F										
Fairgrounds	C	C	X	X	AU	X	X	C	X	C
Farm/Ranch or Dairy, Non CAFO Category	AU	X	X	X	X	C	C	X	X	X
Feed Lots/Stock Yards-Non CAFO	AA	X	X	X	X	C	C	X	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Fence, All, Barbed Wire, Electric, or Other*	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Fireworks Stand, Seasonal or Temporary	X	X	X	AU	AU	C	C	X	X	C
Fish Propagation	AU	X	X	X	X	AA	AA	X	X	X
Flea Market, Outdoor	C	X	X	AU	AU	X	X	C	X	C
Food Store, Convenience	C	C	C	AU	AU	X	X	C	X	C
Food Store, Deli	C	C	C	AU	AU	X	X	C	X	C
Food Processing and Packaging Plant	X	X	X	X	X	AU	AU	X	X	X
Foster Home, Group*	AA	AA	AA	AU	X	X	X	C	X	X
Foundry Small or Accessory*	C	X	X	X	C	C	C	C	X	X
Freight or Truck Terminal*	X	X	X	X	X	AU	AU	X	X	X
Frozen Food Lockers	X	X	X	C	AU	AU	AU	C	X	X
Fuel Cell Operation*	X	X	X	X	X	AU	AU	X	X	C
Fuel or Flammable Material Storage*	X	X	X	X	C	AU	AU	X	X	X
Fuel Sales and/or Service Stations*	C	C	X	AU	AU	AU	AU	X	X	C
Furniture Refinishing	AA	X	X	X	AA	AU	AU	C	X	C
G										
Golf Course*	AU	AU	AU	X	X	X	X	C	X	X
Golf Course, Miniature*	C	C	C	C	AU	X	X	C	X	C
Grain Storage And/or Elevator*	C	X	X	X	X	AA	AA	X	X	X
Greenhouse Operation	AU	X	C	X	X	X	X	X	X	X
Gym or Health Spa	C	C	C	AU	AU	X	X	C	C	C
H										
Hazardous Materials Storage or Handling*	X	X	X	X	X	AA	AA	X	X	X
Heavy Equipment Sales and/or Service*	X	X	X	X	AU	AU	AU	C	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Highway Maintenance Shop	AU	AU	AU	AU	AU	AU	AU	X	X	X
Home Occupation*	AA	AA	AA	AA	X	X	X	AA	AA	AA
Hospitals*	C	C	X	X	AU	X	X	X	X	X
Hotel, Motel*	C	C	X	X	AU	X	X	C	X	C
Hunt Club, Resort	C	C	X	X	X	X	X	X	X	X
I										
Incinerators	X	X	X	X	X	X	AA	X	X	X
Industrial/Manufacturing Facility, Heavy	X	X	X	X	X	X	AU	X	X	X
Industrial/Manufacturing Facility, Light	X	X	X	X	X	AU	X	C	X	X
J										
Junk Yard or Automobile Wrecking Yard*	X	X	X	X	X	C	C	X	X	X
K										
Kennel, Commercial*	C	X	X	X	X	AA	AA	C	X	X
Kennel, Hobby*	AA	AA	AA	AA	X	X	X	AA	AA	X
Kennel, Rescue*	AA	AA	AA	AA	X	X	X	AA	AA	X
L										
Laboratory, Medical, Dental, or Optical	C	C	X	AU	AU	AU	AU	C	X	C
Landfill*	C	X	X	X	X	C	C	X	X	X
Laundromat*	C	C	X	AU	AU	X	X	C	X	C
Laundry-Commercial Plant	X	X	X	C	C	X	X	X	X	X
Lumber Processing	C	X	X	X	X	AA	AA	C	X	X
Lumber Yard - Retail/Wholesale	C	X	X	X	C	AU	AU	C	X	C
M										
Machine Shop	X	X	X	X	X	AU	AU	C	X	X
Manufacture or Processing of Hazardous Chemicals or Gasses*	X	X	X	X	X	X	AA	X	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Manufactured Home Park*	C	C	C	X	X	X	X	X	X	X
Marina, Boat Moorage	C	C	C	C	X	X	X	X	X	X
Mixed-Use Development	C	C	AU	C	C	X	X	X	X	X
Mortuary*	C	X	X	C	AU	C	C	X	X	C
N										
Nursery, Retail*	C	C	X	C	AU	X	X	X	X	C
Nursery, Wholesale*	C	C	X	X	AU	X	X	X	X	C
Nursing Home or Facility*		C	C	C	C	X	X	X	X	X
O										
Office Building	C	C	X	AU	AU	X	X	X	X	C
Office, Temporary Construction*	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
Outdoor Storage Facility*	C	C	X	C	AU	AU	AU	C	X	C
P										
Package and Letter Delivery/Shipping Service*	X	X	X	AU	AU	AU	AU	X	X	C
Park, Public	AU	AU	AU	C	C	X	X	X	X	X
Parking Lot/Garage or Facility, Commercial	X	X	X	C	AU	C	C	C	X	X
Personal Business or Professional Service	C	C	X	AU	AU	X	X	X	X	C
Petroleum Storage	C	X	X	X	X	C	C	X	X	X
Pistol Range	C	X	X	X	X	X	AU	X	X	X
Pit, Mine, or Quarry*	C	X	X	X	X	C	C	X	X	X
Portable Classroom*	C	C	C	C	C	X	X	C	X	C
Printing, Blue Printing or Copy Service	X	X	X	AU	AU	AU	AU	C	X	C
Printing, Off-Set, Press, or Similar	X	X	X	AU	AU	AU	AU	C	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Processing Plant for Agricultural or Dairy Products*	C	X	X	X	C	C	C	X	X	X
Public Address System, Outdoor*	C	X	X	X	C	AU	AU	C	X	X
Public or Quasi Public Use*	C	C	C	C	C	C	C	C	X	C
Public Storage	C	X	X	X	AU	AU	AU	C	X	C
Public Agency Utility Yard or Shop	C	X	X	X	AU	C	C	C	X	C
R										
Race Track, Animal or Vehicle*	C	C	X	X	C	C	C	C	X	X
Railroad Switching Yard*	C	X	X	X	X	AU	AU	C	X	X
Recreation Facilities (Outdoor)	C	C	C	C	X	X	X	X	X	X
Recreational Vehicle Park*	C	C	X	X	C	X	X	C	X	X
Recreational Vehicle Sales or Service*	X	X	X	X	AU	AU	AU	C	X	C
Recycling Collection Containers, Small*	X	AA	C	AA	AU	AU	AU	C	X	C
Recycling Plant or Processing Center*	C	X	X	X	C	C	C	C	X	X
Residential Care Facility*	C	C	C	AU	X	X	X	X	X	X
Research and Development Facility	X	X	X	X	AU	AU	AU	C	X	C
Restaurant or Eating Place*	C	C	X	AU	AU	X	X	C	X	C
Retail, Big Box*	C	X	X	X	AU	X	X	C	X	X
Retail, Non-Big Box*	C	X	X	AU	AU	C	C	X	X	C
Roadside Produce Stand or Other*	AA	AA	AA	AA	AA	X	X	X	AA	AA
Rodeo Arenas	C	C	X	X	AU	X	X	C	X	X
Rooming/Boarding/Halfway House	C	C	C	AU	C	X	X	X	X	X
S										
Sanitary Landfill*	C	X	X	X	X	C	C	X	X	X
Sawmill or Planing Mill*	C	X	X	X	X	AU	AU	C	X	X
Schools, Public and Private*	AU	AU	AU	C	X	X	X	X	X	C
Service Station	C	C	C	AU	AU	C	C	C	X	C

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Shooting Range*	C	X	X	X	X	AU	AU	X	X	X
Slaughterhouse*	C	X	X	X	X	AU	AU	X	X	X
Soil or Water Remediation Site*	C	C	C	C	C	AU	AU	C	X	X
Solid Waste Facilities*	C	X	X	X	X	C	C	X	X	X
Solid Waste Disposal Facilities/Landfill*	C	X	X	X	X	C	C	X	X	X
Solid Waste Processing Facility*	C	X	X	X	X	C	C	X	X	X
Solid Waste Transfer Facility*	C	X	X	X	X	C	C	X	X	X
Stable/Riding Arena/ School, Commercial*	C	C	X	X	X	C	C	C	C	C
Storage Facility, Self Service*	C	X	X	C	AU	AU	AU	X	X	C
Swimming Pool, Private or Public*	AU/C	AU/C	AU/C	C	C	X	X	C	X	AU/C
Subdivision, Commercial*	X	X	X	C	C	X	X	X	X	C
Subdivision, Residential*	C	C	C	X	X	X	X	C	X	X
Subdivision, Industrial*	X	X	X	X	X	C	C	X	X	X
T										
Temporary Living Quarters	AA	AA	AA	AA	X	X	X	X	X	X
Tower, Antenna or Structure, Commercial*	C	C	C	C	C	AA	AA	C	C	C
Tower, Antenna or Structure, Private*	AA	AA	AA	C	C	AA	AA	C	C	C
Tower Collocation*	AA	AA	AA	AA	AA	AA	AA	AA	X	X
Transit Facility*	X	X	X	C	AU	AU	AU	C	X	C
Trap or Skeet Club*	C	C	X	X	X	AU	AU	X	X	X
Truck and Tractor Repair	C	X	X	X	X	AU	AU	C	X	C
Truck and Trailer Stop and/or Wash*	X	X	X	X	AU	C	C	C	X	C
V										
Vehicle Impound Yard*	C	X	X	C	C	AU	AU	C	X	C

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Vehicle Repair and Service Shops*	C	C	C	AU	AU	AU	AU	C	X	C
Vehicle Sales, Service, Storage, Rental*	X	X	X	X	AU	AU	AU	C	X	C
Vehicle, Hobby*	AA/C	AA/C	AA/C	X	X	X	X	X	C	X
W										
Waste Tire Storage Facility*	C	X	X	X	X	C	C	X	X	X
Winery*	AU	AU	X	X	X	X	X	C	C	C
Wireless Communication Facility*	C	C	C	C	C	C	C	X	X	C
Wrecking Yard	C	X	X	C	C	C	C	C	X	X
Z										
Zoo or Zoo Type Animals	C	C	X	X	C	C	C	C	X	X

* Indicates other requirements may apply

Section 7-2-27: Zoning Setbacks, Bulk and Coverage Compliance:

A. Regulations for Each Zoning District: As set forth by this Chapter and Title, excluding Planned Community, Planned Unit Development, and Planned Unit Development Districts, Table 7-2-27 (A), (B), and (C) indicates the minimum regulations for each zoning district.

B. Other Regulations for Each Zoning District:

1. Single-family dwellings in any zone shall comply with the development standards shown in this Chapter and Title.
2. Minimum lot size may be larger in size than those required by this Chapter as listed in Table 7-2-27 (A), (B), and (C) as required by the Central District Health Department.
3. Height of structures in the PAZ and ABHZ zone shall be regulated or required by the FAA and/or Military requirements.
4. A Planned Community, Planned Unit Developments, and Planned Unit Development Districts have the ability to establish site-specific uses, setbacks, bulk, and coverage among other requirements and controls.
5. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and other easements when considered necessary as determined by the Director. Easements, where considered necessary be centered on the interior property lines. Said easements shall have a minimum width of ten (10') feet or greater as determined by the Director. All property lines fronting a public or private road, street or prescriptive easement shall be ten (10') feet in width from the exterior of the property line.
6. No structure or portion of a structure (i.e.: roof overhang) shall extend into any setback areas, except as provided by this Chapter or Ordinance
7. All subdivisions and land parcel splits shall provide road easement and access for connectivity and to aid in facilitating future public and/or private access to adjoining properties and developable areas as required by the Director, Commission, or Board.

C. Building Setbacks Exemptions

1. Parcels of record with the Elmore County Assessor prior to January 20, 1994 that are less than 5.00 acres in size, within a platted subdivision or

considered Rifle Lots. These parcels of record are subject to minimum setbacks standards of Table 10-9-1.

2. Cluster Subdivision as defined by this Ordinance.
3. Subdivisions as approved by the Commission and/or Board.

Table 7-2-27 (A)
Agricultural and Residential Zoning Districts
CONTROLS FOR RESIDENTIAL DEVELOPMENT BY DISTRICT

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
Ag	20	20	10	20	40 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ⁽²⁾ /80 ⁽³⁾
Rec ⁽¹⁾	20	20	15	20	10 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ⁽²⁾
RR/MU ⁽¹⁾	20	20	30	20	5 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ⁽²⁾

Controls for Mixed Use and Multi-Family Development

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Ag	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rec ⁽¹⁾	30	30	30	30	10 Ac.	80	300	N/A	35/70 ⁽²⁾
RR/MU ⁽¹⁾	30	30	30	30	5 Ac.	80	200	N/A	35/70 ⁽²⁾

⁽¹⁾ The Director may approve alternate widths to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.

⁽²⁾ Seventy (70) foot maximum height for church spire or steeple, belfry, or cupolas only.

⁽³⁾ Ag structure can go to 80'.

⁽⁴⁾ Minimum lot sizes may be reduced due to approval of a Conditional Use Permit for a cluster subdivision development or Farm Development Right. Overlay zones may have alternate minimum lot sizes.

The Director has the authority to use the City of Mountain Home residential setbacks in a platted subdivision in the Area of City Impact (ACI).

Table 7-2-27 (B)
Other Zoning Districts Not Adjacent to Residential Uses or Districts
Controls for Commercial, Office or Industrial Development By District

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
C1	20	10	10	10	0 ⁽²⁾	N/A	30	N/A	45
C2	20	10	10	10	0 ⁽²⁾	N/A	30	N/A	80
M1	20	10	10	10	0 ⁽²⁾	80	30	N/A	80
M2	20	10	10	10	0 ⁽²⁾	80	30	N/A	80
PAZ	20	10	10	10	0 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ABHZ	20	10	10	10	320 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ACZ	20	10	10	10	5 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾

⁽¹⁾ The maximum height allowed may be reduced or restricted based on surrounding airport operations with input from local, State, Federal and military aviation officials.

⁽²⁾ The lot size shall be appropriately sized and configuration to meet setback requirements and to provide for required off-street parking.

⁽³⁾ The Director may approve alternate width to depth ratios based on parcel configurations, but long "rifle lots shall be prohibited.

Table 7-2-27 (C)
Other Zoning Districts Not Adjacent To Residential Uses or Districts
Controls for Multi-Family or Mixed-Use Development By District

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
C1	20	20	20	20	Multi-Family 5 Acres Mixed Use – 10 Acres	N/A	30	N/A	45
C2	20	20	20	20	Multi-Family 10 Acres Mixed Use – 15 Acres	N/A	30	N/A	80
M 1	20	40	40	20	N/A	80	30	N/A	80
M 2	20	40	40	20	0 ⁽²⁾	80	30	N/A	80
PAZ	20	20	20	20	0 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ABHZ	20	20	20	20	320 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ACZ	20	20	20	20	5 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾

⁽¹⁾ The maximum height allowed may be reduced or restricted based on surrounding airport operations with input from local, State, Federal and military aviation officials.

⁽²⁾ The lot size shall be appropriately sized and configuration to meet setback requirements and to provide for required off-street parking.

⁽³⁾ The Director may approve alternate width to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.

Section 7-2-28: Other Dimensional Standards and Requirements:

A. Minimum Area and Dimension Requirements: No property size, yard, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required. If a dimension is already less than the minimum required by this Ordinance, said area or dimension shall not be further reduced. This provision shall not apply to non-buildable properties or lots including, but not limited to, landscape lots, lots for private roads, drainage facilities, pump stations, metering stations and transmission/distribution substations.

B. Setbacks:

1. Approved signs shall be exempt from the setback requirements in compliance with this Chapter and Ordinance.
2. Setbacks for corner lots shall be determined as follows:
 - a. The front yard setback shall be required along the property line where the dwelling fronts the right-of-way or where the driveway enters the property, whichever is more consistent with existing development patterns as determined by the Director.
 - b. The side yard setbacks shall be provided along the side street property line as applicable to the roadway classification and along the remaining property line (rear or interior side) as applicable.
 - c. The rear yard setback shall be provided either along the interior side property line or rear property line, opposite the front yard setback.

C. Required Yards: The required front, side, and rear yards shall not be occupied by any use or structure except fencing, landscaping, off street parking, drives, streets, signs, lighting, and/or certain architectural features as detailed below:

1. Where the required setback is greater than ten (10') feet:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two and one-half (2 ½') feet into the required yard; and
 - b. Fire escapes may project a distance not exceeding four point five (4.5') feet into the required yard; and

- c. Bay windows, balconies, and chimneys may project a distance not exceeding three (3') feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located; and

2. Where the required setback is ten (10') feet or less:

- a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding one (1') foot into the required yard.
- b. Fire escapes may project a distance not exceeding two (2') feet into the required yard.
- c. Bay windows, balconies, and chimneys may project a distance not exceeding two (2') feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located.

3. Where the side yard setback is twenty (20') feet or less:

- a. The parking of vehicles, boat, or other recreational vehicles shall be prohibited in the side yard setback area where not screened by a six (6') foot fence and where the height of any vehicle, boat, or recreational vehicle exceeds ten (10') feet in height as measured from the existing grade in a straight horizontal line.

D. Height Limit Exceptions:

- 1. The maximum height limitations set forth in the applicable base zone shall not apply to the following architectural features: church spire or steeple, belfry, or cupola. Such architectural features shall have a maximum height limit of seventy (70') feet. The maximum height may be reduced or restricted based on surrounding airport operations with input from local, State, and Federal and military aviation officials.
 - a. Exceeding the maximum height limitations set forth in the applicable base zone shall require a conditional use application and approval as listed below:
 - 1.) Amateur radio antenna; and
 - 2.) Windmill; and
 - 3.) Water tower; and
 - 4.) Fire and hose tower; and

- 5.) Observation tower; and
 - 6.) Communication facilities including paging facility, cellular phone facility, cellular tower, television tower, bridge tower, or other commercial or personal tower and/or antenna structure.
 - 7.) Wind Turbine / Tower for Electricity Generating Facilities
- b. The following are exempt from the conditional use application and approval requirement:
- 1.) Public communication facilities utilized for emergency services such as but not limited to emergency 911, ambulance, fire, and law enforcement.

Section 7-2-29: Zone Boundaries:

- A. Unless otherwise defined on the zoning maps, district boundaries shall be lot lines, the centerlines of streets and alleys, highway right of way lines, the centerline between the two (2) main tracks of any railroad line, extended quarter section, half section or section lines, contour lines, municipal corporate boundaries, center lines or banks of streambeds or other bodies of water or noticeable points of change in natural landforms.
- B. Where district boundaries appear approximately parallel to the centerlines or street lines of streets or parallel to the centerlines or right of way of highways, such lines shall in fact constitute the boundaries on the Official Zoning Map. If no distance is indicated, the boundary shall be determined by the use of the scale shown on the Official Zoning Map.
- C. Where district boundaries appear to follow lot lines, such lot lines shall constitute boundaries.
- D. The boundary determination for any floodplain is explained in the Floodplain section of this Title. Where revisions to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps cause land to be removed from the boundaries of the Floodplain, as defined in this Chapter and Ordinance, that land shall be included within the boundary of the adjacent zoning district. The Director shall make the final determination of the zoning district.

Section 7-2-30: Interpretation of Boundaries:

The Director, in consultation with the County Engineer or his/her designated representative, shall have the authority to interpret zoning and overlay district boundaries in accordance with this Chapter and Ordinance. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where the boundary of a district follows a railroad line

or river, such boundary shall be deemed to be located in the middle of the tracks or river. Interpretation by the Director may be appealed to the Commission and/or Board according to the procedures and time requirements of this Ordinance.

Section 7-2-31: Classification of Vacated Streets or Alleys:

Whenever a street is vacated and that street has not been given a zone classification, the land of the vacated street shall have the same zone classification as the land adjacent or abutting land owned or on the same side of the center line of former street to whom such land reverts or in whom said land becomes vested by operation of law.

Section 7-2-32: Zoning Maps:

- A. Official Zoning Maps: The boundaries of the zoning districts described in this Chapter are hereby established as shown on the Official Zoning Maps of the unincorporated territory of Elmore County, Idaho. These Official Zoning Maps, approximately twenty-four (24") inches by thirty-six (36") inches (24" X 36") in size, are located in the Director's office in the Land Use and Building Department, Mountain Home, Idaho, and are hereby adopted by reference thereto.
- B. Upon adoption of Elmore County Zoning and Development Ordinance, wherein the revised Flood Insurance Study and Flood Insurance Rate Maps effective date October 1, 1994, are duly adopted by the County.

Section 7-2-33: Zoning Compliance:

- A. The regulations for each district set forth by this Chapter and Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall be erected or altered to:
 - 1. Provide for greater height or bulk; and/or
 - 2. Accommodate or house a greater number of families; and/or
 - 3. Occupy a greater percentage of lot area; and/or
 - 4. Having narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any manner be contrary to the provisions of this Chapter and Title; and/or
 - 5. Without the necessary building permits showing compliance and conformity with all of the regulations herein specified for the district in which it is located; and/or

6. No yard or lot existing at the time of passage of this Chapter and Title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter and Title shall meet at least the minimum requirements set forth herein.

Section 7-2-34: Overlay Districts Established:

- A. The overlay districts described in this Chapter and Title are superimposed over the underlying districts.
- B. Within the area thereby defined, the provisions of each particular overlay district shall be supplemental to the underlying district. Unless otherwise stated, the uses permitted within each overlay district are in addition to those specified for the underlying district. Unless otherwise stated, the base density established for the underlying district shall apply also within each overlay district.
- C. A use that is allowed in the underlying base zone may be prohibited subject to the regulations of an overlay district. With the exception of Planned Communities, Planned Unit Developments, Planned Unit Development Districts which may be allowed. Cluster Development may also be allowed per the requirements of this Title. A lagoon system may be allowed for an interim period with Commission approval for a specific period, not to exceed twenty-four (24) months if the applicant provides a bond in compliance with this Title to remove the lagoon system and for the installation of the MBR or SBR system prior to the expiration period granted by the Commission. The Commission may also consider wastewater treatment systems other than the MBR or SBR systems provided the proposed systems are similar in design, water quality output or further advance wastewater treatment systems through technological advances. A community water system shall also be required. Where a property is subject to the regulations of more than one overlay district as outlined in this Chapter, the requirements of an overlay district shall not be waived or modified unless specifically authorized through procedures set forth in this Chapter and Ordinance.

Section 7-2-35: Mayfield Overlay District:

Residents of Mayfield have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to have clustered developments and manage land use development consistent with community values. The Elmore County Zoning and Development Regulations include a CDO provision specifically for the community of Mayfield. Please refer to the Elmore County Zoning map for the Mayfield CDO boundaries. The Mayfield CDO provides a minimum lot size of ten (10) acres as shown in Table 7-2-135

Table 7-2-35 Mayfield Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Mayfield	10 Acre minimum Lot	10 Acre Minimum Lot Size with the opportunity to cluster new developments with one acre lots based on one dwelling unit per 10 acres base density.

Section 7-2-36: Oasis Overlay District:

Residents of Oasis have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning and Development Regulations include a CDO provision specifically for the community of Oasis. Please refer to the Elmore County Zoning map for the Oasis CDO boundaries. The Oasis CDO provides a larger minimum lot size of five (5) acres and therefore as shown in Table 7-2-36.

Table 7-2-36 Oasis Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Oasis	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-21: Tipanuk Overlay District:

Residents of Tipanuk have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Development Regulations includes a CDO provision specifically for the community of Tipanuk. Please refer to the Elmore County Zoning map for the Tipanuk CDO boundaries. The Tipanuk CDO provides a larger minimum lot size of five (5) acres as shown in Table 7-2-37.

Table 7-2-37 Tipanuk Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Tipanuk	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-38: North Mountain Home Aquifer Recharge Overlay District:

- A. The City of Mountain Home and residents of the North Mountain Home Aquifer Recharge area have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Ordinance includes a CDO provision specifically for the community north of Mountain Home. Please refer to the Elmore County Zoning map for the North Mountain Home CDO boundaries. The North Mountain Home CDO provides a minimum lot size of five (5) acres as shown in Table 7-2-38.
- B. Technical studies shall be required for all proposed development with densities greater than one (1) dwelling unit per five (5) acres or as directed by the Elmore County Planning and Zoning Commission. However, Elmore County reserves the right to have final determination in this matter. All subdivision and any residential development with a density greater than one (1) dwelling unit per five (5) acres must be connected to an approved central sewer system as a condition of approval. Development requests will be processed through the conditional use review procedures.
- C. No development shall be allowed if there is any potential for adverse impacts to ground or surface water or which would increase or contribute surface drainage to the Mountain Home Reservoir as identified through a technical study where such negative impacts cannot be mitigated or eliminated.

Table 7-2-38 North Mountain Home Ground Water Aquifer Recharge Area Overlay District		
Community Area	Lot Size Requirement	Development Requirement
North Mountain Home	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-39: Chattin Flats Overlay District:

Residents of Chattin Flats have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Development Regulations includes a CDO provision specifically for the community of Chattin Flats. Please refer to the Elmore County Zoning map for the Chattin Flats CDO boundaries. The Chattin Flats CDO provides a minimum lot size of ten (10) acres as shown in Table 7-2-39.

Table 7-2-39 Chattin Flats Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Chattin Flats	10 Acre minimum Lot	10 Acre Minimum Lot Size

Section 7-2-40: Recreation District:

Residents of Atlanta, Prairie, Fall Creek, Pine and Featherville have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. This overlay does not apply to Planned Communities. The Elmore County Zoning Ordinance includes a CDO provision specifically for the communities of Atlanta, Prairie, Fall Creek, Pine and Featherville. Please refer to the Elmore County Zoning map for the Recreation Overlay CDO boundaries. The Recreation CDO provides a mix of land uses oriented to tourism and recreation development as shown in Table 7-2-40 and therefore supplements the County's agriculture zoning within these communities, subject to approval through the Conditional Use.

Table 7-2-40 Recreation Community Development Overlay (CDO)		
Community Area	Lot Size Requirement	Development Requirement
Recreation	Ag Zoning	Resort and Recreation Land Uses and related Developments by CUP, PC, PUD, or PUDD

Section 7-2-41: Area of Critical Concern Overlay District:

- A. Residents of Elmore County have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development within the Boise River drainage areas consistent with community values. These are areas with unique environmental qualities that need environmental protection. Development within this area is allowed; however, to ensure that it is compatible, requirements may be made such as environmental assessments and technical studies. The Elmore County Zoning Ordinance includes a CDO provision specifically for areas along the Boise River. Please refer to the Elmore County Zoning map for the Area of Critical Concern Overlay boundaries. The Area of Critical Concern Overlay provides a special land use review process and therefore supplements the county's agriculture zoning within these areas, as shown in Table 7-2-41, subject to approval through the Conditional Use Permit.
- B. In reviewing any proposed development requests in the Area of Critical Concern (ACC), the Director, , Commission or Board will follow these development standards:
1. Proposed land use must demonstrate a compatibility with the natural surrounding environment; and
 2. Technical studies, funded by the applicant, may be required at the discretion of the Director, Commission or Board to identify impacts and to determine the feasibility of the proposed use; and
 3. Agriculture and ranching operations may be developed or expanded. Natural and scenic environment should be protected; and
 4. Single-family dwellings and all structures must be built to fit into the natural terrain with little or no gouging of hillsides or altering of the landscape. Grading of roads that are used as access to property will be kept to a minimum to prevent erosion and the destruction of scenic value.
 5. Structures and fences, other than agricultural, shall have a setback of one hundred (100') feet from the Boise River floodway boundary.
 6. Development shall minimize the disturbance of natural vegetation within the Boise River floodway.
 7. Development within the Boise River floodway shall incorporate landscaping in all unpaved areas where the natural vegetation has been disturbed or removed.
 8. In addition to the requirements of this Chapter, and of the Ordinance, parking areas shall have a minimum five (5') foot wide screen between the parking area and the Boise River. Screening materials shall be as set forth in this Chapter.

- 9. Additional screening of uses as viewed from the Boise River floodway may be required consistent with the purpose of this Chapter.
- C. Home Occupations shall only be allowed through a Conditional Use Permit and approval.
- D. Historic areas in and around the Atlanta and Rocky Bar shall be protected.
- E. Subdivisions shall not be allowed if there is a significant impact to historical features.
- F. One single-family dwelling per mining claim or lot of record shall be allowed provided there is no impact or alteration to any historical features.
- G. Historical character shall be maintained as much as possible.
- H. Mining in the area may be allowed subject to Idaho DEQ and Federal EPA standards if historical features are not impacted.
- I. All development shall comply with the Subdivision and other requirements of this Chapter and Title as applicable.
- J. Conditional Use Permits are required for all uses unless otherwise indicated in the Elmore County Land Use Table contained in this Chapter.

Table 7-2-41 Area of Critical Concern Community Development Overlay (CDO)		
Community Area	Lot Size Requirement	Development Requirement
Boise River Drainage Areas	Ag Zoning	All Development by CUP, PC, PUD, or PUDD.

Section 7-2-42: General Standards Pertaining To Specific Land Uses and Specific Types of Developments or Improvements:

Sections 7-2-43 through Section 7-2-227 provide additional or specific requirements for specific land uses and development as applicable.

Section 7-2-43: Accessory Structure:

- A. General Standards:

1. A principal permitted dwelling with a valid certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, shall be present on the subject property.
2. The structure shall not be used as an additional dwelling, except as provided for by this Ordinance.
3. The structure shall not be used for commercial or industrial purposes, or to store commercial vehicles except as provided for by this Ordinance.
4. All accessory structures shall be included in the maximum coverage calculations for a particular property.

B. Location Standards: The location of accessory structures shall be restricted as follows:

1. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.
2. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.
3. Accessory structures located in the front yard shall not block the view of the main entrance to the principal permitted dwelling.

C. Size Standards: The size of accessory structures shall be restricted as follows:

1. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500') square feet, whichever is less.

D. Height Standards: The height of an accessory structure shall be restricted as follows:

1. An accessory structure shall not exceed a height of the principal dwelling or twenty- four (24') feet, whichever is less restrictive.
2. In a residential base zone, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal permitted dwelling, shall not exceed the height of the principal permitted dwelling.

E. Design Standards:

1. All accessory structures shall meet all of the following design standards:

- a. The roofing and finish materials shall be similar in color to the principal permitted dwelling; and
 - b. The roof shall have a similar pitch to that of the principal permitted dwelling.
2. Accessory structures equal to or greater than one thousand five hundred (1,500') square feet, located in residential base zone, in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal permitted dwelling, shall meet the following additional standards:
 - a. The accessory structure shall portray the architectural character of the principal permitted dwelling.

Section 7-2-44: Adult Entertainment Establishment:

- A. Separations: In recognition of Idaho Statute § 67-6533, the following distance separations shall be required:
 1. No adult entertainment establishment shall be located within two thousand five hundred (2,500') feet of any school, church or place of worship as herein defined.
- B. Signs:
 1. All adult entertainment establishments shall comply with the regulations of this Title. Further, signs for adult entertainment establishments shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to "adult entertainment" as herein defined.
 2. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted". The sign shall be no less than 0.5 square feet and no greater than one square foot in area. Such sign shall not require administrative approval as set forth in the "Sign Regulations" of this Title.

Section 7-2-45: Advertising Signs and Structures:

There are no additional standards or requirements for this use.

Section 7-2-46: Agricultural Protection Areas:

Please refer to Title 7 Chapter 19 for this use specific standards and requirements.

Section 7-2-47: Agricultural Structure:

- A. The structure shall be located on a "farm" as herein defined in this Title.

- B. The structure shall be exclusively for agricultural uses.
- C. The structure shall comply with the dimensional standards for the applicable base and overlay districts.
- D. The applicant shall obtain a zoning approval prior to construction; however, the structure shall be exempt from requirements of a building permit, however, an Agricultural Exempt permit is required.

Section 7-2-47a: Agriculture Use (Routine or Standard):

The use shall be conducted on a "farm" as herein defined in this Title. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

Section 7-2-48: Aircraft landing Field, Private:

- A. Prior to application, the applicant or owner shall receive airspace approval from the federal aviation administration.
- B. The runway design shall comply with the design and construction standards and recommendations in the federal aviation administration handbook Title "Airport Design" advisory circular 150/5300-13.
- C. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
 - 1. Federal Aviation Administration.
 - 2. Idaho Transportation Department (Bureau of Aeronautics).
 - 3. Idaho Military Division-National Guard.
 - 4. The City of Mountain Home and Glenns Ferry airport officials.
- D. Any accessory uses including, but not limited to, fuel storage areas, structures or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be included on the master site plan for the aircraft landing field.
- E. As applicable, the applicant shall obtain written approval for fuel tanks from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.
- F. The aircraft landing field shall not be located within the Snake River natural area birds of prey and canyon preservation as noted on the Comprehensive Plan

Generalized Future Land Use Map or within the Snake River Birds of Prey National Conservation Area.

Section 7-2-49: Airpark Subdivision:

There are no additional standards or requirements for this use.

Section 7-2-50: Airport, Private/Public:

- A. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
1. Federal Aviation Administration.
 2. Idaho Transportation Department (Bureau of Aeronautics).
 3. Idaho Military Division-National Guard.
 4. The US Department of Defense
 5. City of Mountain Home airport.
 6. City of Glens Ferry airport.
- B. The proposed airport shall meet the design standards of the Federal Aviation Administration for the particular class or field.

Section 7-2-51: Amusement or Recreation Facility, Indoor:

There are no additional standards or requirements for this use.

Section 7-2-52: Amusement or Recreation Facility, Outdoor:

- A. General Standards:
1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred (100') feet from all abutting residential districts.
 2. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of this Title.
 3. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to nine thirty o'clock (9:30) P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented concluding before ten

o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event. All normal school related activities, sporting or otherwise shall be exempt from this requirement.

B. Drive-In Theater:

1. The projection screen shall not be located nearer than fifty (50') feet from any public street, shall not be visible from a public street, and shall not be located nearer than three hundred (300') feet from a residential district.
2. The site shall have access from a principal or minor arterial. Vehicle stacking lanes shall be available on the property, but outside the theater entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
3. A six (6') foot sight obscuring fence, wall, or screen shall be included in the landscape plan for all property lines abutting a residential district.
4. No central loudspeakers shall be permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.
5. Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.

C. Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

D. Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-53: Animal Boarding With Outside Runs:

- A. A six hundred (600') foot separation shall be maintained between the area and structures where animals are housed and any property line.
- B. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
- C. Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six (6') foot fence or wall. Electronic fences shall not be used as the sole method of restraining animals. In residential districts, visual screening shall be required to buffer adjacent land uses

- D. If located within airport influence area, the animals shall not spend more than two (2) hours each day outside a structure as set forth in this Title.
- E. Five (5%) percent of the building floor area, excluding the kennel area, may be used for related retail sales.
- F. A grooming facility is allowed, but not to occupy more than thirty-five (35%) percent of the building floor area, excluding the kennel area.

Section 7-2-54: Animal Clinic, Grooming:

There are no additional standards or requirements for this use.

Section 7-2-55: Animal Clinic, Hospital, or Veterinary Office:

The facility shall comply with all County, State and Federal regulations relative to such use.

Section 7-2-56: Aquatic and Hydroponics' Farming:

There are no additional standards or requirements for this use.

Section 7-2-57: Archery Range, Indoors:

There are no additional standards or requirements for this use.

Section 7-2-58: Archery Range, Outdoors:

There are no additional standards or requirements for this use.

Section 7-2-59: Asphalt or Concrete Plant:

- A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an Agricultural district.
- B. Any structure or equipment shall be a minimum of one thousand (1,000') feet from any dwelling other than the dwelling of the owner or caretaker of the subject property.
- C. Outdoor storage areas shall comply with this Title.

Section 7-2-60: Assisted Living, Hospice:

There are no additional standards or requirements for this use.

Section 7-2-61: Auction Establishment:

- A. Outdoor livestock and merchandise auctions shall be allowed in the Agricultural districts. In all other districts, only outdoor merchandise auctions shall be allowed. See this Chapter for indoor auctions.
- B. A three hundred (300') foot separation shall be maintained between the area and structures where animals are housed and any residential district. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the area or structure in which the animals are housed shall not allow sound or odors to be transmitted to the residential district.
- C. Outdoor storage areas shall comply with this Chapter.

Section 7-2-62: Baking or Bakery Goods:

There are no additional standards or requirements for this use.

Section 7-2-63: Banks-Savings-Loans and other Financial Institutions:

There are no additional standards or requirements for this use.

Section 7-2-64: Bar Brew Pub, Lounge, or Nightclub:

- A. The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. The bar, brew pub, or nightclub shall not be located within one thousand (1,000) feet of a church or school property.
- C. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except as provided for in the "Temporary Use", regulations of this Chapter and Ordinance.

Section 7-2-65: Bed and Breakfast Establishment:

- A. The minimum property size for a bed and breakfast establishment shall be one (1) acre.
- B. Any such facility shall be an owner occupied dwelling. For the purposes of this Subsection, an "owner" shall be defined as a person with a fifty percent (50%) or greater interest in the bed and breakfast establishment.
- C. If remodeling an existing structure, the exterior appearance of the structure shall be that of a single-family dwelling. Fire escapes and other features may be added to

protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.

- D. No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).
- E. The maximum stay shall be two (2) weeks for any guest.
- F. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms may not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens.
- G. Only business signs referring solely to a principal permitted use of the bed and breakfast are permitted pursuant to this Title.

Section 7-2-66: Beverage Bottling Plant:

There are no additional standards or requirements for this use.

Section 7-2-67: Bowling Alley

There are no additional standards or requirements for this use.

Section 7-2-68: Brewery or Distillery:

The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

Section 7-2-69: Business College-Trade School:

There are no additional standards or requirements for this use.

Section 7-2-70: Cabinet Manufacturing:

There are no additional standards or requirements for this use.

Section 7-2-71: Campground Public or Private:

- A. Access: The campground site shall have access from a principal or minor arterial.
- B. Design Standards:

1. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
 2. A fifty (50') foot landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries abutting private property shall require a landscape setback of fifty (50') feet with protective fencing.
 3. A three hundred (300') foot separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
 4. Any outdoor speaker system associated with the campground shall comply with the noise regulations of this Title.
- C. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
1. Such uses shall be restricted in their use to occupants of the campground.
 2. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
 3. The structures enclosing such uses shall not be located closer than one hundred (100') feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.
- D. Use of Spaces and Maximum Stay: Tents or temporary shelter arrangements or devices including recreational vehicles may use Spaces. The maximum stay shall be fourteen (14) calendar days for any guest.

Section 7-2-72: Car Wash:

- A. All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.
- B. If within a commercial district, a car wash facility shall be allowed as an accessory use to a gasoline or diesel fuel sales facility. The car wash facility shall be limited in capacity to a single vehicle.
- C. A one hundred (100') foot separation shall be maintained between any car wash facility and any residential district.
- D. Any outdoor speaker system associated with the car wash shall comply with the noise regulations of this Title.

- E. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.

Section 7-2-73: Cemetery:

- A. For the purposes of this Subsection, the term "structures" shall include, but not be limited to, mausoleum, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred (100') feet from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the applicable base zone.
- B. Graves and monuments shall not be located within fifteen (15') feet from any property line.
- C. All cemeteries shall be platted according to the regulations of Title 10, Chapter 1.
- D. If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accordance with Idaho Statute § 27-401

Section 7-2-74: Chemical Manufacturing:

There are no additional standards or requirements for this use.

Section 7-2-75: Chemical Storage:

There are no additional standards or requirements for this use.

Section 7-2-76: Child and Adult Daycare Facility:

- A. General Standards for Childcare and Adult Daycare Facility:
 - 1. There shall be a minimum of thirty-five (35') square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
 - 2. On site vehicle pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.
 - 3. The decision-making body shall specify the maximum number of allowable clients as a condition of approval, based on health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.

4. The decision-making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision-making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.
5. The use shall comply with the flood hazard overlay as set forth in this Title.
6. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

B. Additional Standards for Child Daycare Facility:

1. The applicant or owner shall secure and maintain a basic daycare license from the state of Idaho Department of Health and Welfare Family and Children's Services Division.
2. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100') square feet/child criteria.
 - a. All outdoor play areas shall be completely enclosed by minimum six (6) foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
 - b. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
3. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.

Section 7-2-77: Church:

Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Section 7-2-78: Cleaning, Commercial Laundry:

There are no additional standards or requirements for this use.

Section 7-2-79: Clinic, Medical, Non Animal:

There are no additional standards or requirements for this use.

Section 7-2-80: Club, Lodge, or Social Hall:

- A. All structures shall meet the minimum required setbacks for the applicable base zone, or a minimum setback of thirty-five (35') feet from any public street and twenty-five (25') feet from any other property line, whichever is greater.
- B. Any food service shall be approved by the Central District Health Department.

Section 7-2-81: Cold Storage Plant, Non-Ag:

There are no additional standards or requirements for this use.

Section 7-2-82: Composting Facility Commercial:

- A. The use shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of commercial composting facilities including, but not limited to, Federal, State, and local statutes, rules, and/or Titles.
- B. Grass composting shall only be allowed when the applicant can demonstrate that the use will not cause undue adverse impacts on surrounding properties.
- C. All structures, outdoor storage areas, or any areas where compost is stored shall be located a minimum of one hundred (100') feet from any residential district and shall meet the standards (outdoor storage) of this Chapter.
- D. For the purposes of this Subsection, compost material shall not be considered a fertilizer, and shall not be restricted by "Outdoor Storage of Chemicals and Fertilizers", of this Title.
- E. The site for the composting facility shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-83: Concrete Batch Plant:

There are no additional standards or requirements for this use.

Section 7-2-84: Contractor's Yard:

- A. All structures or outdoor storage areas shall be located a minimum of one hundred (100') feet from any residential district.

- B. Outdoor storage areas shall comply with this Chapter.
- C. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined in this Title.

Section 7-2-85: Crematory:

- A. The applicant or owner shall obtain written approval from the State of Idaho Division of Environmental Quality.
- B. A crematory, whether lying within or without the limits of a cemetery, shall be a minimum of one hundred (100') feet from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.
- C. The site for the crematory shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-86: Dairy (CAFO Non-Permit Category):

Dairy shall meet the requirements of the applicable health department, DEQ and Idaho Department of Agriculture.

Section 7-2-87: Dairy (CAFO Permit Category):

Additional standards found in Chapter 34 of this Title.

Section 7-2-88: Dairy Products Processing:

Development shall meet the requirements of the applicable health department, DEQ and Idaho Department of Agriculture.

Section 7-2-89: Dance, Music, voice Studio:

There are no additional standards or requirements for this use.

Section 7-2-90: Dangerous or Protected Animals:

The owner or caretaker of dangerous or protected animals shall comply with all State and/or Federal regulations regarding the maintaining, raising, harboring, possession, training, or boarding of such animals.

Section 7-2-91: Daycare Home, Group:

- A. The applicant or owner shall secure and maintain a basic daycare certification from the State of Idaho Department of Health and Welfare Family and Children's Services Division.
- B. If the proposed group daycare home results in more than ten (10) persons occupying a dwelling at any one time, the applicant shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title
- C. Off street parking shall be provided as outlined in this Title, in addition to the required off-street parking for the dwelling.
- D. There shall be an off-street client pick up area in addition to the required off-street parking for the dwelling. On arterial or collector streets, a circular driveway or an off-street turnaround (which does not involve any space from a required off-street parking space) shall be provided for the client pick up area.
- E. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
- F. All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
- G. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
- H. Hours of client pick up and/or drop off shall be set by Administrative Approval or Conditional Use Permit.
- I. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

Section 7-2-92: Drive-In Theater:

There are no additional standards or requirements for this use.

Section 7-2-93: Drive-Up Window Service:

- A. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.
- B. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. The stacking lane shall not be located within ten (10') feet of any residential district.
- C. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of this Ordinance.

Section 7-2-94: Drug and Alcohol Treatment Facility:

The owner of the facility shall secure and maintain a license from the State of Idaho Department of Health and Welfare Mental Health and Substance Abuse Division.

Section 7-2-95: Dude Ranch:

There are no additional standards or requirements for this use.

Section 7-2-96: Dwelling Unit, Accessory:

- A. This Section provides standards for an accessory dwelling unit (ADU) to be added to a single-family dwelling, or as a detached ADU. The purpose of accessory dwelling units is to provide more affordable housing; provide additional density with minimal costs and disruption to existing neighborhoods. A house with an accessory dwelling unit is similar to that of a duplex, but can be distinguished from a duplex because of its less intense use, smaller size and that the principle dwelling with and attached ADU must retain the appearance of a single-family dwelling.
- B. Process: ADUs are reviewed as administrative applications. ADU application shall be submitted to the Director on the forms provided by Land Use and Building with the appropriate fee. The Director shall review the application and either approve or deny the application based on the required findings.
 - 1. Upon receiving tentative approval, the applicant shall have ninety (90) days to complete all required conditions.
 - 2. Upon completing all required conditions, the applicant/owner shall submit a letter to the Director prior to the expiration date of the tentative approval that all conditions have been satisfied. The applicant shall submit proof with the letter that all conditions have been satisfied.

3. Upon verifying the submitted documents, the Director shall submit a final approval letter, subject to conditions and compliance with the terms contained in the final approval letter.
- C. Applicability: An ADU may be rented and no more than one (1) ADU shall be allowed on a legal lot or parcel of record located in any zoning district except industrial or commercial where they are prohibited, unless residential uses are allowed through a use exception.
- D. Standards and Findings: ADUs shall be subject to specific standards and approval herein contained in Subsection 7-9-3. The Director shall make the following findings prior to granting tentative approval of an ADU and the ADU shall comply with the following requirements and Findings:
1. That the ADU shall not be larger than nine hundred (900') square feet; and
 2. That the ADU shall not contain more than two bedrooms; and
 3. That the accessory dwelling unit shall be created through one of the following:
 - a. An internal conversion of an existing living area, basement or attic; or
 - b. The conversion of a garage, where the required parking can be sited legally elsewhere on the property; or
 - c. Through an addition to the primary dwelling unit; or
 - d. Through an addition to an accessory structure such as a detached garage or shop; or
 - e. Through the construction of a new single-family detached house with an internal or detached accessory dwelling unit; or
 - f. The construction of a detached accessory unit; or
 - g. The conversion of an existing detached accessory structure; or
 - h. Through an addition of a manufactured home on the property.
 4. That the ADU meets all of the dimensional requirements of the underlying zoning classification as well as the provisions of the Elmore County Building Code; and
 5. That the design of the ADU is compatible with the existing neighborhood by taking into account height, bulk, and site location; and

6. That the design of the ADU incorporated the materials, colors and a design motif of the principal dwelling and that the proposed design is compatible with and complements the architectural theme and style of the principle dwelling unit; and
7. The primary and the ADU shall be designed to portray the character of a single-family dwelling. Only one entrance to the structure may be located on the front building elevation of the house unless multiple entrances are already in existence; and
8. That one parking space is provided for the ADU in addition to the existing minimum parking requirement for the primary dwelling. The driveway apron (driveway space within the front yard setback) may be utilized for this requirement.

E. Noticing Requirements: Noticing of the proposed ADU shall be required. The applicant shall notify all adjacent property owners within three hundred (300') feet abutting the subject property where the proposed ADU is to be sited. For the purpose of this Chapter, abutting is defined as any portion of the subject property boundary sharing a common boundary or reference point with an abutting property even if separated by a barrier, public or private right-of-way or any other conveyance. For notification purposes, the applicant/owner shall indicate that an ADU application is pending, the location of the ADU on the subject property, the proposed use and size. The applicant shall provide proof of noticing by either of the following methods:

1. The applicant/owner shall send certified letters (notice) to all adjacent property owners and provide notice of the proposed ADU; or
2. Meet individually or as a group with the adjoining property owners in which each one owner, if jointly owned shall sign a statement indicating that:

“[Insert owner’s name] have been notified of the proposed ADU application, the location of the ADU on the subject property, and the proposed use and size. By signing this statement I’m only indicating that I have been notified. My signature does not indicate my support or opposition, only notification.”

[Property owner’s signature]

3. Any input from adjacent property owners should be considered in the design and siting of an accessory dwelling unit in order to maintain privacy between adjacent housing units.

F. Final Approval and Noticing: Prior to receiving final approval the applicant shall:

1. Submit a letter requesting final approval in compliance with Title 7, Chapter 2 Subsection 7-2-80; and
2. Prior to issuing a final approval letter, the Director shall notice all property owners and residents within three-hundred (300') feet of the subject property, of the final decision of the Director and of their right to appeal the Director's decision in pursuant this Title.
3. The Director or Building Department shall not issue any building permits for the development or construction of the ADU, or conservation of any accessory structure to an ADU until the appeal period as expired in accordance with this Title.

Section 7-2-97: Dwelling, Additional Farm:

- A. The additional farm dwelling shall be located on a "farm" as herein defined in this Title.
- B. No more than one permanent additional dwelling (including, but not limited to, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.
- C. The additional farm dwelling shall be occupied by households where at least one individual performs a "substantial amount of work" (as herein defined) on the farm.
- D. The location of the additional farm dwelling shall be:
 1. On an existing or previously abandoned farmstead; or
 2. Not on prime agricultural land as herein defined. If such alternatives are not available, the farthest extent of the additional farm dwelling shall be located within one hundred (100') feet of the existing farm dwelling. The additional farm dwelling shall not conflict with existing or proposed wastewater treatment systems.
- E. The applicant shall demonstrate the need for the additional farm dwelling based on characteristics of the farm and/or farm operation. Such characteristics shall include, but are not limited to:
 1. The size of the entire farm including all other property used for such farm operation within the immediate area.
 2. The types of farm crops and acreage for each type.
 3. The operational requirements for the particular farm activity.

4. The number of other permanent or temporary dwellings on the farm.
5. The numbers of owners/employees/workers on the farm (including permanent and seasonal).

Section 7-2-98: Dwelling, Additional Farm Seasonal:

- A. The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.
- B. All dwellings or dormitories within the facility shall have adequate sewage facilities as provided for in this Title. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups. The applicant or owner shall provide written documentation that the Central District Health Department has approved the proposed wastewater system, and the state of Idaho Division of Environmental Quality has approved the water supply.
- C. Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.
- D. No structure shall be closer than one hundred (100') feet from an abutting property within a residential district. No structure shall be closer than ten (10') feet from any other structure.
- E. Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.
- F. If the applicant and/or owner are found to be in violation of any of the standards listed in this Section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation

Section 7-2-99: Dwelling, Caretaker:

- A. The caretaker dwelling is needed to house the owner or the owner's employee of an approved use.
- B. Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.
- C. No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, accessory dwelling unit, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.

Section 7-2-100: Dwelling, Multifamily:

There are no additional standards or requirements for this use.

Section 7-2-101: Dwelling, Single Family:

There are no additional standards or requirements for this use.

Section 7-2-102: Dwelling, Duplex:

There are no additional standards or requirements for this use.

Section 7-2-103: Electrical Generating Facilities:

- A. Additional standards or requirements for this use. Certain types of electricity generation facilities are permitted as conditional uses in zones as specified in Title 7, Chapter 2, Table 7-2-27 (B) and must adhere to the following conditions:
1. The facility shall use only natural gas, solar cells, water (hydroelectric) or wind power to produce electricity for sale. The use of diesel fuel is allowed only for emergency generation of electricity for fire suppression or winding down turbines.
 2. The owner or operator of the facility shall show compliance with all applicable Idaho Public Utility, and Federal Agency rules and regulations before receiving a zoning permit and shall operate the facility in conformance with those same regulations.
 3. Facility improvements shall be at least 2,500 feet away from any residence existing at the time of the application for permit. This distance shall be measured from the centerline of the power producing turbine to the closest edge of the residence. The distance may be shortened if the applicant applies for and is granted a waiver using the standards and procedures contained in this ordinance. A distance waiver shall be granted by the Commission provided, the owner(s) of affected residence(s) waive, in writing, the two thousand five hundred (2,500') foot setback requirements. If such waiver(s) are submitted to the Administrator for each residence within the two thousand five hundred (2,500') foot setback no variance approval shall be required.
 4. Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of affected property waive in writing the 58Db noise requirement.

5. The applicant, with its building permit application, shall submit and thereafter follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.
6. The applicant shall demonstrate and maintain an adequate fire protection and fire-fighting capacity, including entering into an agreement with a public firefighting agency when the applicant's project is within the jurisdiction of such an agency.
7. Before a zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local newspaper and by mail to property owners within one (1) mile of the proposed facility.
8. The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.
9. Towers and structures that seek to exceed the building height restrictions from Table 7-2-28 (D) must be compatible with the flight operations of MHAFFB and the City of Mountain Home and Glenns Ferry public airport operations. The proposed plan should be coordinated and approved by local, state, federal and military aviation officials.
10. Towers and height variances shall not be granted within 5 miles of Mountain Home AFB or along depicted flight corridors.
11. Within the Mountain Home or Glenns Ferry airport influence areas overlay district, the height limits on the tower or facility structures shall be as required by the Code of Federal Regulations 14 CFR 77.
12. Notification distance shall be increased at the discretion of the Director to accommodate for visual impacts.

Section 7-2-104: Electrical Appliance and Repair Shop

There are no additional standards or requirements for this use.

Section 7-2-105: Energy Production (≤ 25 KW), Home Use:

A. Additional standards or requirements for this use.

1. Operation of the facility shall not result in any noise louder than 58 decibels at any property line. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver

provided the owner(s) of affected property waive in writing the 58Db noise requirement.

2. The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Section 7-2-106: Energy Production Facilities:

A. Additional general standards or requirements for this use.

1. Prior to receiving final approval and zoning approval, the owner or operator of an Energy Production Facility shall show compliance with all applicable Idaho Public Utility and Federal Agency rules and regulations and shall operate the facility in conformance with those same regulations.
2. Facility improvements shall be at least two thousand five hundred (2,500') feet away from any existing residential dwelling at the time of the application for permit. This distance shall be measured from the centerline of the main power production turbine (support equipment, outbuildings, offices, etc. shall be excluded) to the closest edge of the residence.
3. The applicant shall demonstrate and maintain an adequate fire protection and firefighting capacity, including entering into an agreement with a public firefighting agency when the applicant's project is within the jurisdiction of such an agency.
4. Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of all affected property waive in writing the 58Db noise requirement.
5. The Administrator shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.
6. The applicant, with its building permit application, shall submit and therefore follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.
7. Before zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local newspaper and by mail to property owners within one (1) mile of the proposed facility.

8. Public notification shall be increased at the discretion of the Director to accommodate notification for all potential impacts.

B. Biomass:

1. The applicant shall identify the specific location and type of all fuel sources for the biomass facility and the method of gathering and delivering the fuel to the site.
2. Mass burn facilities shall not use waste containing hazardous materials as a fuel source. The applicant shall provide a plan for the handling and disposal of hazardous materials that may be contained in the waste products.

C. Geothermal:

1. Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute an Energy Production Facility.

Section 7-2-107: Equipment Rental-Sales Yard Including Farm Equipment:

There are no additional standards or requirements for this use.

Section 7-2-108: Explosive Manufacturing or Storage:

The following standards apply to explosive manufacturing or storage as a non-accessory use. This Section shall not apply to gasoline fueling stations or research and development facilities.

- A. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. The facility shall be enclosed by an eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours. See also (fence, barbed wire, electric wire, or other) requirements of this Chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

E. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-109: Extended-Care Facility:

There are no additional standards or requirements for this use.

Section 7-2-110: Fairgrounds:

There are no additional standards or requirements for this use.

Section 7-2-111: Farm, Ranch or Dairy, Non CAFO Category:

There are no additional standards or requirements for this use.

Section 7-2-112: Feed Lots and Stock Yards, NON CAFO Category:

There are no additional standards or requirements for this use.

Section 7-2-113: Fence; Barbed Wire, Electric Wire or Other:

- A. No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the "clear vision triangle", as defined herein, requirements at a street intersection.
- B. Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:
 - 1. The property is a "farm", as herein defined in this Title; or
 - 2. The property is in the agriculture base zones; or
 - 3. The property has a livestock confinement facility; or
 - 4. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.
- C. No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of seven (7') feet unless approved by a variance by the Board or as part of an approved use. Any fence over seven (7') feet in height shall also require a building permit with construction drawings prepared by a Qualified and licensed engineer or architect.
- D. Where any sight-obscuring fence or wall is required by this Ordinance to protect adjacent properties, said fence or wall shall be kept free from advertising and graffiti and maintained in good repair.

- E. Security fencing that is not associated with an agricultural use or a livestock confinement facility shall only be used as the top section of the fencing and shall be a minimum of seven (7') feet above grade

Section 7-2-114: Fireworks Stand, Seasonal or Temporary:

There are no additional standards or requirements for this use.

Section 7-2-115: Fish Propagation:

There are no additional standards or requirements for this use.

Section 7-2-116: Flea Market, Outdoor:

There are no additional standards or requirements for this use.

Section 7-2-117: Food Processing and Packaging Plant:

There are no additional standards or requirements for this use.

Section 7-2-118: Food Store, Convenience

There are no additional standards or requirements for this use.

Section 7-2-119: Food Store, Deli

There are no additional standards or requirements for this use.

Section 7-2-120: Foster Home, Group:

- A. Off-street parking shall be provided as per this Title, in addition to the required off-street parking for the dwelling.
- B. If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title.
- C. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
- D. All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.

- E. The proposed use shall be properly located and designed to protect the health, safety, and welfare of the children.
- F. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
- G. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-121: Foundry Small or Accessory:

All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.

Section 7-2-122: Freight or Truck Terminal:

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- B. The use shall be located a minimum of three hundred (300') feet from any residential district and a minimum of one thousand (1,000') feet from any hospital.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with this Chapter.
- D. Installation of underground fuel tanks shall require written approval from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.

Section 7-2-123: Frozen Food Lockers:

There are no additional standards or requirements for this use.

Section 7-2-124: Fuel Cell:

The use shall not be a "power plant" as defined in this Title.

Section 7-2-125: Fuel, Flammable Material Storage:

The following standards apply to flammable substance storage as a non-accessory use. This Section shall not apply to gasoline fueling stations or research and development facilities.

- A. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. The facility shall be enclosed by an eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours. See also (fence, barbed wire, electric wire, or other) of this Chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-126: Fuel Sales, Service Station:

- A. When allowed as an accessory use; gasoline or diesel fuel sales facilities shall not occupy more than twenty-five (25%) percent of the subject property.
- B. Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho Department of Water Resources and the appropriate fire authority.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.
- D. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty-five (35') feet from any public street. There shall be a minimum setback of twenty-five (25') feet from any residential district.
- E. The total height of any overhead canopy or weather protection device shall not exceed twenty (20') feet.
- F. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.

- G. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline or diesel fuel sales facility.

Section 7-2-127: Furniture Refinishing:

There are no additional standards or requirements for this use.

Section 7-2-128: Golf Course:

- A. To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Statute § 23-903.
- B. Accessory sales and rental of golf equipment shall be allowed.
- C. The golf driving range shall be designed to protect abutting property and roadways from golf balls. See this Chapter for non-accessory driving ranges.
- D. All other accessory structures to the golf course shall not be located within one hundred (100') feet of an abutting property within a residential district. No outdoor recreation area associated with the country club shall be located within fifty (50') feet of any property line. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.
- E. Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of this Title.

Section 7-2-129: Golf Course, Miniature

- A. Any outdoor speaker system associated with the miniature golf course shall comply with the noise regulations of this Title.
- B. Any outdoor lighting system associated with the miniature golf course shall comply with the lighting regulations of this Title.

Section 7-2-130: Grain Storage Elevator:

The applicant shall provide written documentation that the appropriate fire authority has approved the design and location of the grain elevator.

Section 7-2-131: Greenhouse Operation:

There are no additional standards or requirements for this use.

Section 7-2-132: Gym or Health Spa:

There are no additional standards or requirements for this use.

Section 7-2-133: Hazardous Material Storage or Handling:

The storage of any hazardous materials, as defined by Ordinance 40 Code of Federal Regulations part 261, or subsequent amendments there to, shall require a list of those materials to be submitted to the Elmore County Sheriff's Office, the Elmore County Emergency Medical Services, the Land Use and Building Department, the applicable Fire District, and the Elmore County Emergency Management Office, prior to issuance of zoning approval.

Section 7-2-134: Heavy Equipment Sales or Service:

- A. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- B. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- C. Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road.

Section 7-2-135: Highway Maintenance Shop

There are no additional standards or requirements for this use.

Section 7-2-136: Home Occupation:

A. General Standards:

- 1. In no way shall the home occupation cause the premises to differ from its residential character in the appearance, lighting, signs, or in the emission of noise, fumes, odors, vibrations, or electrical interference.
- 2. Except as provided in this title, the home occupation shall be conducted entirely in the dwelling, and not more than twenty-five (25%) percent of the floor area, excluding garages, storage attics, and unfinished basements of said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it shall not reduce the required off-street parking below the standard established for that district.

3. No activity connected to the home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in any detached accessory structure.
4. The home occupation shall not involve the use of more than one commercial vehicle.
5. The home occupation shall not receive more than two (2) pickups per day.
6. Signs shall comply with this Title.

B. Home Occupation Involving Customers and/or Clients:

1. The home occupation shall be conducted by the inhabitants of the dwelling and no more than one nonresident employee shall be permitted. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.
2. No retail sales shall be permitted from the dwelling except the sale of:
 - a. Services or items produced or fabricated on the premises as a result of the home occupation; or
 - b. Products related to the home occupation.
3. Off street parking shall be provided as per this Title, in addition to the required off-street parking for the dwelling.
4. All visits by clients and/or customers shall occur between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
5. Group instruction may be permitted for swimming if limited to no more than five (5) students at one time. The use of an outdoor swimming pool shall meet the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-137: Hospital:

- A. The use shall have frontage on an arterial street.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.
- D. No hospital shall be located within one thousand (1,000') feet of the following uses:

1. Explosive manufacturing or storage; or
2. A livestock confinement facility with three hundred one (301) or more animal units; or
3. A flammable substance storage facility; or
4. A foundry; or
5. A freight and truck terminal; or
6. A facility that manufactures or processes hazardous chemicals; or
7. A power plant; or
8. A processing plant for agricultural and dairy products; or
9. A slaughterhouse; or
10. A soil or water remediation facility; or

Section 7-2-138: Hotel or Motel:

- A. No structure or driveway shall be located within one hundred (100') feet of a property line abutting a residential district.
- B. Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this Title.
- C. No outdoor recreation area associated with the hotel or motel shall be within one hundred (100') feet of a residential district. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-139: Hunt Club, Resort:

There are no additional standards or requirements for this use.

Section 7-2-140: Incinerators:

There are no additional standards or requirements for this use.

Section 7-2-141: Industrial/Manufacturing Facility, Heavy:

A facility that manufactures, processes, and tests good and materials predominately from extracted or raw materials, or a use engaged in storage of such materials shall be considered a heavy industrial/manufacturing facility.

Section 7-2-142 Industrial/Manufacturing Facility, Light:

A facility that manufactures, processes, and tests 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 shall be considered a light industrial/manufacturing facility.

Section 7-2-143: Junkyard or Automobile Wrecking Yard:

A. Screening:

1. Outdoor storage areas shall comply with this Chapter. The fence or wall and screening materials shall be a minimum of ten (10') feet in height.
2. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:

1. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district.
2. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.
3. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.
4. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand (1,000') feet of the nearest edge of the right of way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined in this Title. See Idaho Statute § 40-313.

5. The use shall comply with the flood hazard overlay as set forth in this Title.
6. The applicant shall submit review comments from the Idaho Division of Environmental Quality with the conditional use permit application.

Section 7-2-144: Kennel, Commercial:

- A. The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.
- B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance, public health hazard and to reduce noise and odor.
- C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in this Chapter.

Section 7-2-145: Kennel, Hobby:

- A. Other than exempted by this section, a maximum of six (6) dogs shall be allowed as a hobby kennel. For the purposes of this Section, a litter of puppies together with the mother shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog. Farming, ranching or agricultural operations, working/service dogs shall be exempt from this Section indicate the kennel and dogs are located on a legitimate farm, ranch, or agricultural operation and such dogs are use in the activities of such operations.
- B. Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and a minimum of fifty (50') feet from any property line. In residential areas, all dogs shall be housed indoors during the night.
- C. The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

Section 7-2-146: Kennel, Rescue:

- A. The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.
- B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance, public health hazard and to reduce noise and odor.
- C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in this Chapter.

Section 7-2-147: Laboratory-Medical-Dental Optical:

There are no additional standards or requirements for this use.

Section 7-2-148: Landfill:

- A. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-149: Laundromat:

If abutting a residential district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

Section 7-2-150: Laundry-Commercial Plant:

There are no additional standards or requirements for this use.

Section 7-2-151: Lumber Processing:

There are no additional standards or requirements for this use.

Section 7-2-152: Lumber Yard - Retail/Wholesale:

There are no additional standards or requirements for this use.

Section 7-2-153: Machine Shop:

There are no additional standards or requirements for this use.

Section 7-2-154: Manufacture or Processing Of Hazardous Chemicals or Gases:

The following standards shall apply to the manufacture or processing of hazardous chemicals or gases as a principal permitted use. The standards shall not apply to research and development facilities.

- A. All structures shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. All hazardous chemicals or gases shall be stored and/or used within an enclosed structure.
- C. The facility shall be enclosed by a minimum eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours.

- D. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- E. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- F. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-155: Manufactured Home Park:

- A. Density: The maximum density of a manufactured home park shall not exceed the maximum density of the corresponding base zone.
- B. Use Standards:
 - 1. Accessory uses shall be in conformance with the accessory uses of the corresponding base zone.
 - 2. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.
 - 3. A recreational center and clubhouse may be allowed for the use of park residents. (Any sale, manufacturing, or distribution of alcoholic beverages shall require approval for a bar; brew pub, or nightclub as set forth in this Title.)
 - 4. Manufactured home parks shall accommodate only manufactured homes not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.
 - 5. Manufactured home parks approved subject to the regulations of this Section may be expanded or altered after approval is obtained from the decision-making body. The application, filed by the owner or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.
- C. Manufactured Home Space Design Standards:

1. No manufactured home space shall contain less than two thousand (2,000') square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000') square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.
 2. No manufactured home space shall be less than thirty (30') feet in width and/or depth.
 3. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.
 4. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten (10%) percent of the individual space, but in no case, shall such area be less than three hundred (300') square feet nor required to be more than five hundred (500') square feet. The minimum dimension of such area shall not be less than fifteen (15') feet.
- D. Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:
1. The following construction standards apply to all drives in manufactured home parks:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the manufactured home park.
 - b. Drives shall have rolled concrete curb and gutter Sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be a minimum of thirty (30') feet wide from back of curb to back of curb. The entire width of the drive shall be improved.
 - d. Drive slope to or from centerline (perpendicular to the drive centerline) shall be a minimum of two (2%) percent and runoff shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include two-point five (2.5") inches of asphalt plant mix paving on top of the base course of six (6") inches of compacted crushed gravel no larger than one-point five (1.5") inch. Compaction shall be to ninety (90%) percent of maximum density at optimum moisture. All soft or unstable subgrade material shall be removed before the base course is placed. Where the subgrade has an R-value of less than sixty (60), the base course thickness and asphalt thickness shall be designed by a professional

engineer registered in the State of Idaho, and the design approved by the County Engineer. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the County Engineer.

- f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.
 - g. The maximum allowable grade shall be ten (10%) percent slope.
 - h. The minimum centerline curve radius shall be fifty (50') feet.
 - i. The minimum curb radius at intersections shall be twenty (20') feet.
2. The county engineer may approve, or recommend approval of, alternative drive designs when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Title and shall not be detrimental to public health, safety, and welfare.
 3. Sidewalks shall be constructed along one side of the drive and constructed to the standards for local streets in the most current edition of the development policy manual as adopted by the applicable Highway District.

E. Park Design Standards:

1. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in Title 7, Chapter 2, Subsection 7-2-1545(D) of this Section. Parking areas for accessory uses shall be paved in a like manner. For the purposes of this Section, off-street parking spaces shall mean off-drive parking spaces.
2. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations of this Title.
3. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.
 - a. A minimum of one hundred (100') square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of manufactured home spaces, shall be less than two thousand five hundred (2,500') square feet.
 - b. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty-six (36") inch barrier. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.

4. All manufactured home parks shall comply with the Americans with Disabilities Act accessibility guidelines.
5. Manufactured home parks shall provide a side and rear yard of a minimum of twenty (20') feet.
 - a. Where the neighboring property is in a residential base zone, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - b. Where the neighboring property is in an agricultural, commercial, or industrial base zone such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.

F. Screening: The following standards shall be in addition to the landscaping and screening standards in this Title.

1. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
2. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.
3. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened from view of park residents.

G. Manufactured Home Placement Standards:

1. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the Elmore County Building Code as set forth in this Title.
2. Trailer hitches shall not project beyond the manufactured home space.
3. The minimum distance between a manufactured home (exclusive of trailer hitches) and:
 - a. Any other manufactured home shall be fifteen (15') feet.
 - b. Any structure shall be ten (10') feet.

- c. Any property line (excluding manufactured home space boundaries) shall be equal to or greater than the required setback for the base zone.
 - d. Any public street shall be equal to the required setback for the base zone.
 - e. Any common drive or walkway shall be five (5') feet.
4. Not more than sixty (60%) percent of a manufactured home space may be occupied by a manufactured home and any other accessory structures.
- H. Where a manufactured home abuts any district without a manufactured home designation that does not have an intervening street, alley, or other permanent open space a minimum of twenty (20') feet in width, a yard of twenty (20') feet in minimum dimension shall be provided.
- 1. Where the neighboring district is residential, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - 2. Where the neighboring district is Agricultural, commercial, or industrial, such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- I. Along the perimeter of a manufactured home district, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
- J. Subdivision of property within a manufactured home park shall be approved by the Board, subject to the regulations of this Title.
- K. Manufactured home parks shall meet the standards listed in this Chapter.

Section 7-2-156: Marina, Boat Moorage:

There are no additional standards or requirements for this use.

Section 7-2-157: Mortuary:

A mortuary may be allowed as an accessory use to a cemetery when located within a fire district and where fire flow is available.

Section 7-2-158: Nursery, Retail:

- A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50') feet of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

- B. Outdoor storage areas for materials shall comply with this Chapter. The following nursery materials shall be exempt from this requirement:
 - 1. Growing plants in ground or in containers; and
 - 2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six (6') feet in height.
- C. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- D. Additional standards for retail nursery within a residential district or adjoining a residential district:
 - 1. All proposed lighting shall comply with the provisions of this Title.
 - 2. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred (100') feet from any property line.
 - 3. No aerial spraying of the property shall be allowed.
- F. Retail nurseries in the rural residential and mixed-use district shall also comply with the following:
 - 1. The total amount of enclosed retail space shall not exceed five thousand (5,000') square feet. Greenhouses (as defined by this Title) shall not be considered retail space.
 - 2. The property shall have frontage to an arterial street.

Section 7-2-159: Nursery, Wholesale:

- A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50') feet of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
- B. Outdoor storage areas for materials shall comply with this Chapter. The following nursery materials shall be exempt from this requirement:
 - 1. Growing plants in ground or in containers; and
 - 2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six (6') feet in height.
- C. Any outdoor speaker system associated with the nursery shall comply with the noise regulations of this Title.

- D. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- E. Additional standards for wholesale nursery within a residential district or adjoining a residential district:
 - 1. All proposed lighting shall comply with the provisions of this Title.
 - 2. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred (100') feet from any property line.
 - 3. No aerial spraying of the property shall be allowed.

Section 7-2-160: Nursing Home or Facility:

- A. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho Department of Health and Welfare facility standards division.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents only.
- C. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-161: Office Building:

There are no additional standards or requirements for this use.

Section 7-2-162: Office, Temporary Construction:

Any offices or accessory structures shall be removed from the property within thirty (30) calendar days of completion of the construction project.

Section 7-2-163: Outdoor Storage Facility:

- A. Screening: Outdoor storage areas shall be screened according to the regulations of this Title. As required by this Title, outdoor storage of chemicals and/or fertilizers shall be prohibited.
- B. Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
- C. Use of Site: Use of the site shall not constitute a "pit, mine, or quarry" or "contractor's yard" as herein defined in this Title.

- D. Prohibited Uses: The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined in this Title.
- E. Compliance: The use shall comply with the flood hazard overlay as set forth in this Title.
- F. Additional Standards for Outdoor Storage as an Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:
 - 1. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
 - 2. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
 - 3. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
 - 4. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

Section 7-2-164: Package and Letter Delivery/Shipping Service:

- A. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty (20') feet of a residential district unless a six (6') foot sound reduction wall is provided.
- B. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with this Chapter.

Section 7-2-165: Personal, Business, or Professional Service:

There are no additional standards or requirements for this use.

Section 7-2-166: Park, Public:

There are no additional standards or requirements for this use.

Section 7-2-167: Parking Lot, Garage or Facility

There are no additional standards or requirements for this use.

Section 7-2-168: Petroleum Storage

Additional standards and requirements are found in section 7-2-113.

Section 7-2-169: Pistol Range

Additional standards and requirements are found in section 7-2-197.

Section 7-2-170: Pit, Mine, or Quarry:

All pits, quarry, or mine shall be reviewed as a conditional use.

A. General Use Standards:

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.
2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, quarry, or mine in an industrial or Agricultural district. See standards in this Chapter.
3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.
4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards of this Chapter. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.
5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.
6. The pit, quarry, or mine shall comply with the regulations this Title, if applicable.
7. For any pit, mine, or quarry requiring an administrative or conditional use approval, the Director shall notify all property owners within one thousand (1,000') feet of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the Director.
8. In accordance with this Title, the storage and/or disposal of solid waste on the proposed site shall be prohibited.

9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

B. General Design and Reclamation Standards:

1. The applicant shall provide documentation (from the appropriate agency) that the proposed pit, quarry, or mine operation and reclamation plan comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a pit, quarry, or mine where the excavation area results in a pond, the following standards shall apply:
 - a. The extraction areas shall be designed to create a meandering edge.
 - b. The applicant shall provide written documentation from Idaho Fish and Game that the proposed pond is designed to create viable fish and/or wildlife habitat.
 - c. The applicant shall provide documentation from central district health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
 - d. For the purposes of this Section, a "pond" shall be defined as any pit, quarry, or mine area where the rehabilitation plan results in an area that contains water to within six (6') feet of the surface year-round.
3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet the requirements of "Minimum Plant Size Standards", of this Title.
4. The applicant or owner shall comply with all requirements of "Best Management Practices for Mining in Idaho" published by the Idaho Department of Lands.

C. Standards for Temporary Use Approval:

1. The property has not received previous approval for a pit, quarry, or mine as a temporary use.
2. The maximum area of the extraction site shall be six (6) acres.
3. The proposed extraction activities shall be completed within five (5) years.
4. The pit, quarry, or mine shall meet the standards in Subsections 7-2-170 (A) and (B) of this Section.
5. Stockpiles shall be a maximum of fifteen (15') feet in height.

6. All extraction and hauling activities shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
7. Haul roads shall not pass through existing residential neighborhoods. For the purpose of this Subsection C, the term "residential neighborhood" shall be any residential subdivision development at a density of one or more units per acre. This standard shall not apply to a pit, quarry, or mine that is located in rural residential and mixed-use base zone.

D. Additional standards for a pit, quarry, or mine located in a rural residential and mixed-use base zone:

1. The maximum extraction area shall be limited to the equivalent of the maximum allowed coverage of this Title.
2. Stockpiles shall be a maximum of six (6') feet in height.
3. No rock crushing shall be done on site.
4. The proposed extraction activities shall be completed within one year.

E. Standards for Conditional Use Approval:

1. The pit, quarry, or mine shall meet the standards in Subsections 7-2-170 (A) and (B) of this Section.
2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.
3. Rock crushing may be allowed as an accessory use.
4. The applicant shall show the extraction and reclamation-phasing plan on the master site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended, whichever occurs first.
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the Commission shall review the status of the pit, quarry, or mine after two-point five (2.5) years and consider amendments or additions to the approval.

Section 7-2-171: Portable Classroom:

Portable classrooms that are not indicated on an approved conditional use shall require administrative approval. If the proposed use cannot meet all of the following specific use standards, the use shall require conditional use approval:

- A. A school site shall be allowed a maximum of three (3) portable classrooms as an accessory use with administrative approval; no limit shall be enforced with conditional use approval.
- B. The portable classroom shall not be located in the front yard of the principal school structure.
- C. The portable classroom shall not be located in any required yard.
- D. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-172: Printing, Blueprinting or Copy:

There are no additional standards or requirements for this use.

Section 7-2-173: Printing, Off-Set, Press, or Similar:

There are no additional standards or requirements for this use.

Section 7-2-174: Processing Plants for Agricultural or Dairy Products:

- A. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. The application materials shall include written documentation that the proposed facility meets any applicable Federal, State, or local standards regarding such use including, but not limited to, those of the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, and Idaho Department of Water Resources.

Section 7-2-175: Public Address System, Outdoor:

Outdoor public-address systems or speakers for nonresidential uses shall only be allowed within the commercial and industrial districts, or as part of an approved master

site plan, accessory use, or conditional use. The outdoor public-address system shall comply with the noise regulations of this Title.

Section 7-2-176: Public or Quasi-Public Use:

- A. **Minimum Setbacks; Compatibility:** All structures shall meet the minimum required setbacks for the applicable base zone, except within a residential district where there shall be a minimum setback of thirty-five (35') feet from any public street and twenty-five (25') feet from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.
- B. **Public Recreation Facilities:** The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.
- C. **Storm Drainage and Storm Detention Facilities:** A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of this Title shall not apply.
- D. **Underground Utilities:** Underground utilities within an easement or within a public street right of way shall not require additional approval.
- E. **Power Distribution Facilities:**
 - 1. Electric distribution lines shall be principal permitted uses.
 - 2. Electric sub transmission lines shall be principal permitted uses.
 - 3. Electric transmission lines and substations shall require conditional use approval.
 - 4. All electric transmission, sub transmission, and distribution line rights of way shall be exempt from the landscaping regulations of this Ordinance.
 - 5. Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in this Ordinance.
 - 6. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.
 - 7. All wire fences, metal structures, and metal objects shall be grounded as required by this Title.

- F. Correctional Facilities: Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:
1. No structure or outdoor recreation area shall be located within one thousand (1,000') feet of a property line that abuts a residential district.
 2. No structure or outdoor recreation area shall be located within one thousand (1,000') feet of a public or private school, daycare center, or church.

Section 7-2-177: Public Storage:

There are no additional standards or requirements for this use.

Section 7-2-178: Public Agency Utility Yard or Shop:

There are no additional standards or requirements for this use.

Section 7-2-179: Racetrack, Animal or Vehicle:

- A. If the racetrack provides animal Boarding; such facilities shall be subject to the regulations of "Animal Boarding with outside Runs", of this Chapter. If the racetrack provides horse Boarding, such facilities shall be subject to the regulations in "Stable or Riding Arena, Commercial", of this Chapter.
- B. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district.
- C. Any outdoor speaker system associated with the racetrack shall comply with the noise regulations of this Ordinance.
- D. Lighted facilities shall maintain a three hundred (300') foot setback from any property line abutting a residential district and shall comply with the lighting standards set forth in this Ordinance. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to offsite improvements, and physical obstructions.
- E. Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the Central District Health Department and the applicable fire authority.

Section 7-2-180: Railroad Switching Yard:

All structures shall be located a minimum of one hundred (100') feet from any residential district. No outdoor storage of material shall be permitted.

Section 7-2-181: Recreation Facilities (Outdoor):

There are no additional standards or requirements for this use.

Section 7-2-182: Recreational Vehicle Park:

- A. Use of Spaces: Spaces may be used by recreation vehicles, tents, or other shelter arrangements or devices.
- B. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational facilities, caretaker dwelling, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
 - 1. Such uses shall be restricted in their use to occupants of the park.
 - 2. The structures housing such uses shall not be located closer than one hundred (100') feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the park.
- C. Design Standards:
 - 1. The park shall have direct access to a collector or arterial street. No entrance or exit shall be permitted which moves traffic from the park through a residential district.
 - 2. Internal drives shall meet the drive standards required for a manufactured home park
 - 3. The applicant shall indicate the specific location of each proposed space on the master site plan.
 - a. All recreational vehicle spaces shall have an all-weather surface and be drained to prevent standing water.
 - b. Spaces shall be a minimum size of one thousand five hundred (1,500') square feet.
 - c. Recreational vehicles shall not be located closer than ten (10') feet to any other recreational vehicle, structure, manufactured home, public street, or property line.

- d. Recreational vehicle spaces shall not be located in any required off-street parking space or required yard.
- 4. Any outdoor speaker system associated with the recreational vehicle park shall comply with the noise regulations of this Title.
- 5. A dump station for discharging wastewater-holding tanks shall be provided unless each space is equipped with a sewer connection. Such discharge facilities shall be approved by the Central District Health Department.

Section 7-2-183: Recreational Vehicle Sales or Service:

- A. The use shall not constitute a junkyard.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in this Title.

Section 7-2-184: Recycling Collection Center, Small:

- A. Outdoor storage areas shall comply with this Chapter. No storage, excluding truck trailers, shall be visible above the required screening material.
- B. Except for after hour's donation containers, no unsorted material shall be stored outdoors.
- C. Any container provided for after hour's donation of recyclable materials shall be a minimum of fifty (50') feet from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-185: Recycling Plant or Processing Facility:

- A. Outdoor storage areas shall comply with this Chapter. No storage, excluding truck trailers, shall be visible above the required screening material.
- B. Except for after hour's donation containers, no unsorted material shall be stored outdoors.
- C. Any container provided for after hour's donation of recyclable materials shall be a minimum of fifty (50') feet from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-186: Research and Development Facility:

There are no additional standards or requirements for this use.

Section 7-2-187: Residential Care Facility:

- A. The owner of the facility shall secure and maintain a license from the Idaho Department of Health and Welfare, facility standards division.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents and/or staff only.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-188: Restaurant or Eating Place:

- A. In a commercial district, no additional standards are required for this specific use except as provided in Subsection 7-2-188 (B).
- B. An eating-place within an industrial district completely enclosed within the structure housing the industrial use, and owned or operated by the industrial use shall be subject to the following regulations:

1. The eating-place completely enclosed within the structure housing the industrial use, and owned or operated by the industrial use, shall not qualify as a "restaurant" as herein defined in this title.
2. If located on the ground level, the gross square footage of the area devoted to the eating-place shall not exceed twenty-five percent (25%) of the gross floor area on the ground level.
3. The eating-place shall be completely enclosed within the structure housing the industrial use.
4. No sign advertising the eating-place shall be visible from a public right of way or private road.

Section 7-2-189: Retail, Big Box:

- A. Retail sales facility exceeding ten thousand (10,000') square feet in size or occupies more than twenty-five (25%) percent of the gross floor area of the approved use.
- B. Big Box retail shall provide ten (10%) percent more off-street parking spaces and accessible parking spaced than required by this Title.
- C. Big Box retail shall be located on an arterial street.

Section 7-2-190: Retail, Non-Big Box:

Accessory retail sales shall be allowed for an approved commercial or industrial use. The area devoted to retail sales shall not occupy more than twenty-five (25%) percent of the gross floor area of the approved use. Unless otherwise permitted in this Title or as a condition of approval.

Section 7-2-191: Roadside Produce Stand or Other:

- A. The roadside produce stand shall be located on a "farm" or as herein defined in this Title.
- B. The stand shall sell produce that is grown on the site or on neighboring properties.
- C. Sales shall be conducted on a temporary or seasonal basis.
- D. Access to the roadside produce stand shall be from a roadway and shall be approved by the applicable highway district.
- E. Off street parking shall be provided as per this Title.

- F. Roadside produce stands that do not meet these standards must apply for temporary use approval for a seasonal stand.

Section 7-2-192 Rodeo Arenas:

There are no additional standards or requirements for this use.

Section 7-2-193: Rooming/Boarding/Halfway House:

There are no additional standards or requirements for this use.

Section 7-2-194: Sawmill Or Planing Mill:

- A. The use shall be conducted within an enclosed structure.
- B. There shall be a one thousand (1,000') foot separation from the mill structure and any residential district.
- C. Outdoor storage areas shall comply with this Chapter and Ordinance.

Section 7-2-195: Service Station:

There are no additional standards or requirements for this use.

Section 7-2-196: School, Public or Private:

- A. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education.
- B. Locations for public school sites shall be determined in conformance with the applicable Comprehensive Plan. The following location criteria shall apply unless in conflict with the applicable Comprehensive Plan:
 - 1. Elementary schools shall take access off a local street.
 - 2. Middle schools, junior high schools, and senior high schools shall take access off a designated arterial or urban collector street.
 - 3. No elementary, middle, or junior high schools shall abut a commercial or industrial district.
 - 4. No school shall be located in a floodplain or adjacent to a hazardous land use.
- C. All structures shall meet a minimum setback of forty (40') feet from any public street and thirty (30') feet from any other property line.

- D. Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed.

Section 7-2-197: Shooting Range:

- A. Written Approval: The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms.

B. Outdoor Range:

1. The proposed use shall be within an agricultural district, but outside the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Comprehensive Plan.
2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
3. The range shall be designed and located so no ammunition travels off site.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

C. Indoor Range:

1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty-five (25%) percent of the gross floor area on the ground level.
3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid Federal Firearms License from the Bureau of Alcohol, Tobacco, And Firearms.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

- D. Alternative Development Proposal: The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to public health, safety, and welfare.

Section 7-2-198: Slaughterhouse:

- A. The slaughterhouse facility shall be located in an agriculture, light industrial or heavy industrial zone.
- B. The slaughterhouse facility shall be in compliance with all environmental regulations, requirements and permits imposed by state or federal law or any regulatory agencies;
- C. The location of Animal Waste Management Systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by any regulatory agencies and this Ordinance.
- D. All buildings, feed storage areas, feed bunks or feed racks shall be setback a minimum of one hundred (100') feet from property lines and public rights of way.
- E. Lights shall be placed and shielded to direct the light source down and inside the property lines of the facility. All direct glare from the facility lights shall be contained within the facility area.
- F. No new slaughterhouse facility area shall be approved and/or located within a minimum of one and one quarter miles of a parcel of property in a residential zone or a platted, approved or developed subdivision or an unincorporated townsite.
- G. The animal waste management system shall not be located or operated closer than a minimum of one thousand three hundred twenty (1,320') feet from an existing residence belonging to someone other than the Applicant, or be located and/or operated closer than a minimum of one hundred (100') feet from property lines.
- H. No animal waste management system shall be located and/or operated closer than a minimum of five hundred (500') feet from a well.
- I. No animal waste management system shall be located closer than a minimum of three hundred (300') feet from a public right of way.
- J. No new slaughterhouse facility area shall be approved and/or located within a minimum of one and one-half (1 ½) miles of the Snake and/or Boise Rivers or within a floodplain as set out on the most recent Federal Emergency Management Agency Flood Insurance Rate Map for Elmore County.
- K. Live animal storage shall comply with all state of Idaho regulations and this title.
- L. A slaughterhouse facility area shall not be located within any aquifer recharge area or Community Development Overlay as adopted and defined by the Comprehensive Plan Land Use Map or this Title.

Section 7-2-199: Soil or Water Remediation:

The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ (existing or in place) remediation of soil and/or water.

- A. The minimum property size shall be forty (40) acres.
- B. The proposed use shall not be located in the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Comprehensive Plan.
- C. The applicant or owner shall obtain written approval from the state of Idaho Division of Environmental Quality. The approval shall make specific reference to the location, substance being treated, and method of treatment, monitoring methods, and the ability of the site to support the proposed use.
- D. The applicant or owner shall obtain written approval from Central District Health Department.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.
- F. All structures shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000) feet from any residential district or approved hospital use.

Section 7-2-200: Solid Waste Facilities

- B. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-201: Solid Waste Disposal Facility/Landfill:

- C. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-202: Solid Waste Processing Facility:

- D. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-203: Solid Waste Transfer Facility:

- A. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-204: Stable/Riding Arena or School Commercial:

- A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:
 - 1. The riding arena is open to the general public, a homeowners' association or a club.
 - 2. The riding arena is for private use, but is enclosed within a structure that exceeds twenty-four (24') feet in height and/or the total area of the structure exceeds two thousand (2,000') square feet.
 - 3. The riding arena can be rented by an individual or group.
 - 4. Spectator seating for more than fifty (50) people is provided at the arena.
 - 5. Retail sales accessory to the stable or riding arena are conducted on site.
 - 6. Group lessons are provided to the general public for a fee.
- B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.
- D. Only off-site catering is permitted, and must be approved by the Central District Health Department.

Section 7-2-205: Storage Facility, Self-Service:

- A. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.
- B. The maximum size of individual storage areas shall be five hundred (500') square feet.
- C. The distance between structures shall be designed to allow a twelve (12') foot travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked nine (9') foot width at the entrance to their storage areas.
- D. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

- E. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty (20') feet of a residential district unless a six (6') foot sound reduction wall is provided.
- F. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- G. Storage of any hazardous materials as defined by Title 40 code of Federal Regulations part 261 or subsequent amendments thereto shall be prohibited.

Section 7-2-206: Subdivision, Commercial

Additional requirements and standards apply for this use. See Title 10, Chapter 1: Subdivision Requirements and Regulations.

Section 7-2-207: Subdivision, Residential

Additional requirements and standards apply for this use. See Title 10, Chapter 1: Subdivision Requirements and Regulations.

Section 7-2-208: Subdivision, Industrial

Additional requirements and standards apply for this use. See Title 10, Chapter 1: Subdivision Requirements and Regulations.

Section 7-2-209: Swimming Pool, Private and Public:

All swimming pools shall be provided with a barrier, which meets the requirements of the Elmore County Building Code as set forth in this Ordinance.

Section 7-2-210: Temporary Living Quarters:

There are no additional standards or requirements for this use.

Section 7-2-211: Tower or Antenna Structure, Commercial:

A. Applicability:

1. The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.
2. A facility that meets one of the following standards shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use.

- a. The proposed tower or antenna structure is located on an existing structure or on the ground and the proposed tower or antenna structure does not exceed thirty-five (35') feet in height.
- b. The tower or antenna structure does not exceed thirty-five (35') feet in height, is accessory to a permitted or approved use, and the proposed facility meets all conditions of the previously approved use.

B. General Standards for Commercial Tower Structures and Associated Equipment:

1. Radio Frequency Emissions: The facility shall comply with FCC standards regarding radio frequency (RF) emissions.
2. Approval Required: The facility shall have approval from the Federal Aviation Administration and the chief of the Idaho Bureau of Aeronautics prior to operation.
3. Additional Approval: The facility shall have approval from the Mountain Home or Glenn's Ferry airport authorities prior to operation. The approval shall include specific reference to the site location, height of the facility, lighting, and issuance of an aviation easement.
4. Permits Required: The applicant or owner shall be required to obtain all necessary permits, as may be required under Federal, State or local statutes, regulations, or Titles including, but not limited to, building permits. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal Aviation Administration.
 - b. Idaho Transportation Department (Bureau of Aeronautics).
 - c. The US Department of Defense.
5. Maintenance of Facility: The facility shall be maintained in compliance with all Federal, State, and local regulations and the construction standards set forth in this Section.
6. Public Nuisance Prohibited: The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance.
7. Outdoor Storage Areas: The proposed facility shall meet the standards for outdoor storage areas in this Chapter.

8. Conditional Use Approval: For any facility requiring conditional use approval, the Director shall notify all property owners within a minimum of one thousand (1,000') feet of any property boundary (or lease boundary lines, if applicable) of the proposed site.
9. Removal: The tower and associated facilities shall be removed within sixty (60) calendar days of cessation of use.
10. Tower Construction, Setback, and Fall Zone Standards:
 - a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 Revision F, "Structural Standards for Steel Antenna Supporting Structures", or as hereinafter may be amended.
 - b. Within the Mountain Home or Glenn's Ferry airport influence areas overlay district, the height limit on the tower or antenna structure shall be as required by the Code of Federal Regulations 14 CFR 77.
 - c. Towers over twenty (20') feet in height must be designed to allow for future arrangements of antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.
 - d. If the tower does not exceed the height limitations of the applicable base zone, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base zone, the tower shall meet the setback requirements of the district or it shall be set back one (1') foot for every ten (10') feet of total tower height from all property lines, whichever is greater.
 - e. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one (1') foot for every ten (10') feet of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.

- f. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base zone and/or Comprehensive Plan. The decision-making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.

C. Application Requirements: The application materials shall include the following written documentation:

1. Suitability Analysis of The Proposed Site: The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area within one mile of the subject site including topography;
 - b. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
2. Signed Lease Agreement: If applicable, relevant portions of a signed lease agreement that requires the applicant to remove the tower and/or associated facilities upon cessation of use.

D. Additional Application Requirements for Facilities That Require a Conditional Use Approval:

1. Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of one additional user if the tower is over twenty (20') feet in height. If the tower is over one hundred ten (110') feet in height, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.
2. A report from a qualified and licensed professional engineer that describes the facility height and design (including a cross Section and elevation); documents the height above grade for the recommended mounting position for co-located antennas and the minimum separation distances between antennas; describes the facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.
3. A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this Title, if additional users agree in writing to meet reasonable terms and conditions for shared use.

4. Written analysis demonstrating that the facility cannot be accommodated on an existing or approved tower within:
 - a. A two (2) mile radius for towers with a height over one hundred ten (110') feet; or
 - b. A one (1) mile radius for towers with a height over eighty (80') feet but not more than one hundred ten (110') feet; or
 - c. A one-half (1/2) mile radius for towers with a height over fifty (50') feet, but not more than eighty (80') feet; or
 - d. A one-fourth (1/4) mile radius for towers with a height of fifty (50') feet or less.
5. It shall be the burden of the applicant to demonstrate that the proposed facility cannot be accommodated on an approved tower or structure within the required search radius due to one or more of the following reasons:
 - a. Unwillingness of a property owner, or tower or facility owner to entertain shared use.
 - b. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - c. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - d. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - e. The proposed co-location with an existing tower or structure would be in violation of a local, state, or federal law.
 - f. Any other unforeseen reasons that make it unfeasible to co-locate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.

6. Towers and structures that seek to exceed the building height restrictions from Table 7-2-27 (A) must be compatible with the flight operations of Mountain Home AFB and the City of Mountain Home and Glenns Ferry public airport operations. The proposed plans should be coordinated and approved by local, state federal and military aviation officials.

Section 7-2-212: Tower or Antenna Structure, Private:

- A. Applicability: The following regulations shall apply to tower structures for the purpose of private radio, television, or satellite reception and antennas for amateur radio. Towers shall not be subject to the accessory structures regulations of this Chapter.

B. General Standards:

1. The tower or antenna structure is only for private, not commercial, use.
2. The tower or antenna structure is accessory to a permitted or approved use.
3. If the tower structure is less than six (6') feet in height and/or does not exceed the height limit for the applicable base zone, it shall not require administrative approval.
4. Any tower over six (6') feet in height shall not be located in the front yard or in any required yard.
5. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal Aviation Administration.
 - b. Idaho Transportation Department (Bureau of Aeronautics).
 - c. The US Department of Defense.
6. An amateur radio tower for a licensed amateur radio operator that exceeds the height limit for structures in the applicable base zone shall require accessory use approval by the Director. The applicant must be a licensed amateur radio operator. Any other tower that exceeds the height limit for structures in the applicable base zone shall require conditional use approval.

C. Tower Construction Standards:

1. Within the Mountain Home or Glenn's Ferry airport influence areas overlay district, the height limit on the tower shall be as required by the Code of Federal Regulations 14 CFR 77.

2. If the tower does not exceed the height limitations of the applicable base zone, the tower shall meet the setback requirements of the district.
3. If the tower exceeds the height limitation of the applicable base zone, the following standards shall apply:
 - a. The tower shall meet the setback requirements of the district or it shall be set back one (1') foot for every ten (10') feet of total tower height from all property lines, whichever is greater.
 - b. The applicant shall submit a report from a qualified and licensed professional engineer and be installed in accordance with the manufacturer's specification's that describes the facility height and design (including a cross section and elevation). The report must include the engineer's stamp and registration number.
 - c. The applicant shall provide a copy of the notice of construction filed with the Federal Aviation Administration (FAA).
 - d. A fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one (1') foot for every ten (10') feet of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.
4. Towers not requiring FAA painting and/or marking shall have either a galvanized finish or shall be painted a non-contrasting blue, gray, or black finish or an alternative color or finish materials may be approved by the Director.

Section 7-2-213: Tower Collocation:

A. Requirements:

1. Signed collocation agreement with tower owner.
2. Signed lease agreement with property owner.

3. Access to the site must be provided.
4. Improvements shall not interfere with existing tower or communication facilities.
5. Improvements must be approved by the Elmore County Building Official to verify structural safety of the tower.

Section 7-2-214: Transit Facility:

The master site plan shall designate sufficient areas to accommodate the maximum number of buses, vans, or other transit vehicles anticipated at any one time. No queuing areas shall be located within the required yards.

Section 7-2-215: Trap or Skeet Club:

A. Written Approval: The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms.

B. Outdoor Range:

1. The proposed use shall be within an agricultural district, but outside the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Comprehensive Plan.
2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
3. The range shall be designed and located so no ammunition travels off site.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

C. Indoor Range:

1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty-five (25%) percent of the gross floor area on the ground level.
3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid Federal Firearms License from the Bureau of Alcohol, Tobacco, And Firearms.

4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

D. Alternative Development Proposal: The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to public health, safety, and welfare.

Section 7-2-216: Truck and Tractor Repair:

There are no additional standards or requirements for this use.

Section 7-2-217 Truck and Tractor Stop or Wash:

- A. The use shall be located on a principal arterial that is within one thousand three hundred twenty (1,320') feet of an interstate interchange.
- B. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- C. Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water resources, and the appropriate fire authority.
- D. If the truck stop has been designated a safe haven facility by the Board for trucks transporting hazardous materials, accessory-sleeping quarters may be allowed.
- E. Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility

Section 7-2-218: Vehicle Impound Yard:

A. Screening:

1. Outdoor storage and outdoor activity areas shall comply with this Chapter. The fence or wall and screening materials shall be a minimum of ten (10') feet in height.
2. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.

3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:

1. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.
2. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is within one thousand (1,000') feet of the nearest edge of the right of way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-219: Vehicle Repair and Service Shops:

- A. The use shall not constitute a "junkyard" as herein defined in this Title.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Compliance with all applicable regulations regarding chemicals, solvents, and the transfer and disposal of such.

Section 7-2-220: Vehicle Sales, Service, Storage, Rental:

- A. The use shall not constitute a junkyard.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.

- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in this Title.

Section 7-2-221: Vehicle, Hobby:

It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:

- A. There shall be no wholesale or retail sale of automotive parts or supplies.
- B. There shall be no commercial restoration, repair, or maintenance of motor vehicles.
- C. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance.
- D. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperable, dismantled, or unregistered motor vehicles shall be stored:
 - 1. In the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six (6') feet in height; or
 - 2. Within a completely enclosed structure.

Section 7-2-222: Veterinary Hospital or Research Facility:

There are no additional standards or requirements for this use.

Section 7-2-223: Waste Tire Storage Facility:

- A. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Section 7-2-224: Winery:

- A. A winery and/or a wine tasting room may be allowed as accessory uses for an agricultural property engaged in growing or cultivating grapes or other fruits from which wine is made. Wine tasting rooms shall not be allowed in an industrial base zone.
- B. The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

- C. Retail sales are limited to wine and related nonfood items when the use is located within an Agricultural district.
- D. A restaurant associated with a winery operation may be permitted as a conditional use in the Agricultural base zones, subject to the following standards:
 - 1. Notwithstanding other provisions of this Title, signs for a restaurant approved as a conditional use shall be regulated through conditions of approval.
 - 2. The restaurant shall be located on the same property as the winery.

Section 7-2-225: Wireless Communication Facility:

There are no additional standards or requirements for this use.

Section 7-2-226: Wrecking Yard:

There are no additional standards or requirements for this use.

Section 7-2-227: Zoo or Zoo Type Animals:

There are no additional standards or requirements for this use.

Exhibit 1 D

CHAPTER 3 – APPLICATION PROCEDURES AND FEES

Sections:

- 7-3-1: Purpose
- 7-3-2: Application Requirements and Fees
- 7-3-3: Neighborhood Meetings
- 7-3-4: Notice to Agencies and Political Subdivisions
- 7-3-5: Notice to Public
- 7-3-6: Decision by the Director
- 7-3-7: Appeals to Commission on Decisions of the Director
- 7-3-8: Building Board
- 7-3-9: Decision by the Commission
- 7-3-10: Appeals to the Board on Decisions of the Commission or Building Board
- 7-3-11: Decision by the Board
- 7-3-12: Reconsideration by the Board
- 7-3-13: Variance
- 7-3-14: Zoning Map Amendment
- 7-3-15: Zoning Text Amendment
- 7-3-16: Comprehensive Plan Amendment
- 7-3-16A: Recommendation by the Agricultural Protection Area Commission and Decision by the Board**
- 7-3-17: Time Extensions
- 7-3-18: Mediation

Section 7-3-1: Purpose:

The purpose of this Chapter is to provide procedures for all zoning and related applications covered by this Ordinance and to amend the Comprehensive Plan.

Section 7-3-2: Application Requirements and Fees:

- A. Pre-application Requirements: All persons desiring to make application for permits shall first schedule a pre-application meeting with the Director. Pre-application meetings are required to ensure proper applications, procedures and notifications are followed. The Director may invite other agencies, political subdivision or affected parties to the pre-application meeting. The Director may determine if any additional pre-application meetings are required.
- B. Application Requirements: All persons making application for permits and other matters herein referred to shall be required to submit to the Director an application on forms provided by the Elmore County Land Use and Building Department (the “Department”) and accompanied by an application fee as set forth in subsection F of

this section. No application shall be considered as accepted by the Director unless it is complete with all required information.

- C. Combining of Applications: Where practical, the Director, Commission, or Board may combine related applications for the convenience of applicants. When State or Federal approval is required the County may require State and Federal approvals prior to accepting applications.
- D. Date of Application Acceptance: The date of acceptance of an application shall be the date of the letter sent by the Department notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Ordinance. No application will be accepted if the property has outstanding or delinquent taxes.
- E. Hearings: A public hearing shall be conducted in accordance with adopted by-laws, Idaho Statute and this Ordinance.
- F. Fees: The Board shall, by resolution, establish fees for all applications, permits or petitions authorized by this Ordinance. The Board shall have the authority to waive, in whole or in part, any fee established by the Board for an application, renewal or request for action filed by any governmental agency or persons when a fee would present an undue hardship.
- G. Tabled applications: Applications that have been tabled for more than one (1) year will be considered withdrawn.
- H. Re-submittal: No application that has been denied by the Director, the Commission, or the Board shall be resubmitted, in the same form for the same use, within one year from the date of denial. The Director may waive the one (1) year requirement and accept a new application, where the subject property is affected by amendments to the applicable Comprehensive Plan or to this Ordinance.

Section 7-3-3: Neighborhood Meetings:

- A. Applicants shall conduct a neighborhood meeting for Comprehensive Plan amendments, variances, conditional uses, Ordinance amendments, expansions or extensions of nonconforming uses, subdivisions or as otherwise required by the Director.
- B. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in this Ordinance of the exterior boundary of the application property and to all registered neighborhood associations and political subdivisions deemed appropriate by the Director. The Department will provide applicants the proper notice list. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices

already required by this Ordinance. Notice of neighborhood meeting must be mailed at least ten (10) days prior to the date of the neighborhood meeting.

- C. The purpose of the neighborhood meeting shall be to review the proposed project.
 - 1. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
 - 2. The meeting shall be held at one of the following locations:
 - a. On the subject property; or
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. At an office space with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place.
- D. The neighborhood meeting shall be conducted prior to submitting the application.
- E. The neighborhood meeting shall not be conducted more than thirty (30) days prior to submitting the application.
- F. The application materials shall include written verification of the neighborhood meeting on the forms provided by the Department.

Section 7-3-4: Notice to Agencies and Political Subdivisions:

- A. The Director shall send a summary of development applications to applicable agencies, as determined by the Director. The notice shall be sent at least fifteen (15) days prior to the public hearing.
- B. The Director shall send a summary of petitions for Comprehensive Plan amendments and applications for Ordinance amendments to applicable agencies and political subdivisions as referenced in Idaho Statute § 67-6509(a). The notice shall be sent at least fifteen (15) days prior to the public hearing.
- C. Applications within an Area of City Impact shall be noticed in accordance with the regulations of this Ordinance.
- D. Applications for development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area will be forwarded to the Idaho Army National Guard for review and comment at least fifteen 15 days prior to a hearing before the Commission.

Section 7-3-5: Notice to Public:

- A. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place and a summary of the application in the official newspaper of general circulation in the County.

- B. Site Notice: At least seven (7) days prior to the public hearing, the Director shall post a notice on the premises of the application, except for Ordinance text amendments or Comprehensive Plan amendments. In the event the property cannot be posted due to access issues or weather closures the Director shall do the following:
 - 1. Post notice on the nearest accessible roads to the site.
 - 2. Post one (1) additional notice in the official newspaper of general circulation in the County.

- C. Radius Notice: At least seven (7) days prior to the public hearing, the Director shall send a notice of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Elmore County Assessor) owning property within three hundred (300') feet of the property being considered. The Director may determine, or other applications provided for in this Ordinance may require, that notices be sent to property owners or purchasers of record whose properties are further than three hundred (300') feet from the external boundaries of the property upon which the application is located.

- D. Alternate Forms of Notice: When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows:
 - 1. Notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation of at least four (4) inches by two (2) columns in size within the County, not less than fifteen (15) days prior to the hearing.
 - 2. Site posting on all external boundaries.

- E. Public Service Announcement: In the case of amendments to this Ordinance and the Comprehensive Plan, the Director shall issue a notice to other newspapers and radio stations serving the jurisdiction for use as a public service announcement prior to the public hearing.

- F. Applicants who propose development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area will be provided the following notice by the Department:

Applicant is advised that the property may be located near a military installation that conducts flight operations, munitions testing, or military operations that may

result in high noise levels, traffic, and dust at all hours of the day throughout the year. Applicant should contact the public affairs office of the nearest military installation to determine whether the property may be impacted by testing or operations at the installation.

Any new deeds resulting from development within five (5) miles of the 115db Mean Noise Line surrounding the Idaho Army National Guard, Orchard Training Range Area shall include the above notice.

Section 7-3-6: Decision by the Director:

- A. Following the acceptance of an application, the Director shall act upon the application. Failure of the Director to act upon an application shall be deemed a denial of the application.
- B. The Director may defer a decision if additional information is required to make a decision. If the application is tabled or deferred for more than one (1) year it shall be considered withdrawn.
- C. The Director may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.
- D. The Director shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute § 67-6519 stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

Section 7-3-7: Appeals to Commission on Decisions of the Director:

- A. Appeal to Commission: Any aggrieved person having an interest in real property which may be adversely affected by a decision of the Director made in interpreting or enforcing this Ordinance, may appeal such a decision to the Commission by filing a written notice of appeal. A written notice shall be made by submitting the appropriate fee and application to the Director within fourteen (14) days of the date of such decision. Appeals shall be based on one of the following:
 - 1. The decision was in violation of constitutional or statutory provisions; or
 - 2. In excess of the statutory authority of the agency; or
 - 3. Made upon unlawful procedure; or
 - 4. Not supported by substantial evidence on the record as a whole; or
 - 5. Arbitrary, capricious, or an abuse of discretion.

- B. Hearing by Commission: The Commission shall hold a public hearing on all appeals from decisions of the Director after notice has been given in accordance with this Ordinance. The public record shall remain open and the Commission may accept new additional material and testimony.
- C. Decision by Commission: After the Public hearing, the Commission shall, enter a written order-affirming, reversing or modifying the Director's decision. The order shall also contain the reasons for the Commission's decision.

Section 7-3-8: Decision by the Building Board:

- A. The Director shall schedule a hearing before the Building Board after the Director accepts an application. Prior to the public hearing, public notice shall be provided as set forth in this Ordinance.
- B. The Building Board shall conduct the public hearing in accordance with the procedures of this Ordinance.
- C. The Building Board may require conditions of approval they deem necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- D. The Building Board shall provide the applicant a written decision in accordance with Idaho Statute §§ 67-6520 and 67-6535 stating the reasons for the decision. Conditions of approval, if any, shall be attached to the written decision.

Section 7-3-10: Decision by the Commission:

- A. The Director shall schedule a hearing before the Commission after the Director accepts an application. Prior to the public hearing, public notice shall be provided as set forth in this Ordinance.
- B. The Commission shall conduct the public hearing in accordance with the procedures of this Ordinance. The Commission may continue the hearing if it determines in its discretion that additional hearings are necessary. The Commission, however, must issue a decision or recommendation as is applicable no later than one hundred twenty (120) days after the closing of the public hearing. Failure of the Commission to issue a decision or recommendation shall be deemed a denial or a recommendation of denial of the application.
- C. The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.

- D. The Commission shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute §§ 67-6519 and 67-6535 stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. For applications where the Commission is acting as a recommending body, the Commission shall forward their recommendation to the Board.
- E. For applications where a decision or recommendation from the Commission is required by this Ordinance, the Commission shall file a written report with the Clerk of the Board stating the findings and action taken by the Commission.

Section 7-3-10: Appeals to the Board on Decisions of the Commission or Building Board:

- A. Appeal and Reconsideration: Any affected person aggrieved by a final decision in a bona fide interest in real property may either appeal the decision to the Board and/or request reconsideration by the Commission.
- B. Request for Reconsideration on Commission Decision: Upon request of the applicant or an aggrieved party, the application may be reconsidered by the Commission. Reconsideration before the Commission may be granted for good cause. The Commission shall only consider such reconsideration requests once. Good cause includes but is not limited to:
 - 1. The party requesting reconsideration has new or additional relevant information; and
 - 2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
 - 3. The information was not previously available.
- C. Process for Reconsideration: A request for reconsideration shall include supporting information and may be made at any time prior to the deadline for filing an appeal as provided in this section.
 - 1. A decision by the Commission to deny or approve the reconsideration is not appealable.
 - 2. Reappearance before the Commission shall be on the appropriate application and submitted to the Director with fees as adopted by the Board. This fee shall be refunded if the reconsideration request is denied.
 - 3. The Director will confer with the Commission, if the requested changes would not materially affect the Commission's decision, a reconsideration hearing may be permitted.

4. If the applicant has modified the application, the Commission shall determine if the revised application shall be reconsidered or if a new application is required.
 5. If the reconsideration hearing is granted, the time to appeal and any pending appeal to be heard before the Commission shall be stayed.
 6. The applicant may still exercise applicant's rights to further appeal the Commission's decision to the Board.
 7. If reconsideration is granted and the appeal is withdrawn, any appeal fee shall be refunded in its entirety.
- D. Decision to Appeal: Any person aggrieved by a decision of the Commission may appeal such a decision to the Board by filing a written notice of appeal. Appeals shall be based on one of the following:
1. The decision was in violation of constitutional or statutory provisions; or
 2. In excess of the statutory authority of the agency; or
 3. Made upon unlawful procedure; or
 4. Not supported by substantial evidence on the record as a whole; or
 5. Arbitrary, capricious, or an abuse of discretion.
- E. An appeal shall be made by submitting the appropriate application and fee to the Director fourteen (14) days of the Commission's final action.
- F. Notice of Appeal: The notice of appeal shall state the date and the substance of the decision appealed and the grounds for the appeal.
- G. Hearing by The Board: The Board shall conduct a public hearing in accordance to Idaho Statute and this Ordinance. The Board shall publish a notice specifying the time, date and place of the public hearing for the appeal and stating the subject of the appeal. The notice shall be published once in the newspaper of general circulation at least fifteen (15) days prior to the hearing. In addition, the same notice requirements as were applicable to the Commission hearing, if any, at which the decision being appealed was made shall be met. The public record shall remain open and the Board may receive additional information and testimony. Only the matters set forth in the appeal shall be considered by the Board. The appeal hearing and review shall be a de novo review and hearing, but the Board may consider and incorporate the record and decision from the Commission in its deliberations and decision.

H. Decision by The Board: The Board shall enter an order after the hearing affirming, reversing or modifying the Commission's decision. The order shall contain a statement of the reasons for the Board's decision and shall be served on all parties to the appeal. On its own motion, the Board may, within fourteen (14) days of issuing a written decision, reconsider that decision.

Section 7-3-11: Decision by the Board:

- A. The Director shall schedule a hearing before the Board after the Director accepts an application or after the Commission makes a recommendation (if applicable). Prior to the public hearing, public notice shall be provided as set forth in this Ordinance and State law.
- B. The Board shall conduct the public hearing in accordance with the procedures of this Ordinance.
- C. Following the public hearing, if the Board makes a material change to a Comprehensive Plan amendment application or Ordinance amendment application, further notice and hearing shall be provided in accordance with the regulations of this Ordinance.
- D. The Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for Comprehensive Plan amendments or Ordinance text amendments.
- E. The Board shall provide the applicant written findings of fact and conclusions of law in accordance with Idaho Statute §§ 67-6519 and 67-6535 stating the reasons for the decision. Conditions of approval, if any, shall be attached to the written decision.
- F. Following the approval of a Comprehensive Plan amendment; the Board shall adopt a resolution adopting the amendment to the Comprehensive Plan.
- G. Following the approval of an Ordinance amendment, the Board shall adopt an ordinance and, within thirty (30) days, publish a summary of the ordinance in the official newspaper of general circulation in the County.
- H. All future decisions regarding an application that has been approved or denied by the Board shall have any future decisions regarding the application by the Board.

Section 7-3-12: Reconsideration by the Board:

- A. Request for Reconsideration on Board's Decision: The applicant or an aggrieved party, may file an application for reconsideration by the Board within fourteen (14) days of the Board's final decision in accordance with Idaho Statute § 67-6535(2)(b) and this Ordinance. Reconsideration before the Board may be granted for good

cause. The Board shall only consider such reconsideration requests once. Good cause includes but is not limited to:

1. The party requesting reconsideration has relevant information; and
2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
3. The information was not previously available.

B. Process: A request for reconsideration shall include supporting information and may be made at any time prior to the fourteen (14) day deadline for filing.

1. A decision by the Board to deny or approve the reconsideration is not appealable.
2. Reappearance before the Board shall be made by written request and application to the Director and shall include a fee as adopted by the Board. This fee shall be refunded if the reconsideration is denied.
3. The Director will confer with the Board, if the requested changes would not materially affect the Board's decision, a reconsideration hearing may be permitted.
4. If the applicant has modified the application, the Board shall determine if the revised application shall be reconsidered or if a new application is required.
5. The applicant may still exercise applicant's rights to further appeal the Board's decision.
6. If reconsideration is granted the Board shall schedule, notice and conduct a public hearing in accordance with the requirements of this Ordinance.

Section 7-3-13: Variances:

Certain uses may require additional variance requirements in other sections of the Ordinance.

A. Process:

1. The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a variance; and
2. An application and fees shall be submitted to the Director on forms provided by the Department; and

3. The Commission and Board shall both conduct public hearings in accordance with Idaho Statute and this Ordinance and apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the variance.

B. Standard: The variance shall comply with Idaho Statute § 67-6516.

C. Required Findings: In order to grant a variance, the Board shall make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and
2. The variance relieves an undue hardship due to characteristics of the site; and
3. The variance shall not be detrimental to the public health, safety, and welfare.

Section 7-3-14 Zoning Map Amendments:

A. Zoning Ordinance Map Amendment requests shall be in compliance with this Ordinance and Comprehensive Plan.

B. Process: Zoning Map Amendment requests shall be subject to a public hearing, review, and approval subject to the regulations of this Ordinance. The process shall be as follows:

1. An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
2. A Development Agreement Application and approval may be required for all Zoning Ordinance Map Amendment requests in compliance with this Ordinance.

C. Zoning Ordinance Amendment Initiated by the Board: The Board may propose a Zoning Ordinance Map Amendment in compliance with this Chapter, except that amendments initiated by the Board may not require a Development Agreement.

D. Zoning Map Amendment Standards:

1. The Land Use / Zoning Ordinance Map Amendment Matrix shall identify the zoning districts that would be permissible through a Zoning Ordinance Map Amendment (re-zone) request and approval within each land use designation.
2. Zoning Ordinance Map Amendment (re-zone) requests should be consistent with the Land Use / Zoning Map Amendment Matrix and the Comprehensive Plan where Commercial, Industrial Zones and Residential Zones are not arbitrarily being rezoned without first updating the Elmore County Comprehensive Plan Future Land Use Map.

- E. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the Zoning Ordinance Map Amendment request and Development Agreement. The Board shall make the following findings:
1. The Zoning Ordinance Map Amendment complies with the regulations outlined for this Chapter; and
 2. The Zoning Ordinance Map Amendment shall not be materially detrimental to the public health, safety and welfare; and
 3. The Zoning Ordinance Map Amendment request is in compliance with the Land Use/Zoning Ordinance Map Amendment Matrix; and
 4. The Development Agreement meets the requirements of this Ordinance; and
 5. That the approval by the Board, of a Zoning Ordinance Map Amendment request would not “impede” the normal flow of development; and
1. The Zoning Ordinance Map Amendment is not in conflict with the Comprehensive Plan.
- F. Approval and Reversal of Action: If the Board approves a Zoning Ordinance Map Amendment pursuant to a request, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in Idaho Statute § 67-6511D.
- G. Final approval of a Zoning Ordinance Map Amendment shall be contingent upon an executed and recorded development agreement in compliance with this Chapter and Ordinance, except that amendments initiated by the Board may not require a Development Agreement.
- H. Following the approval of Zoning Ordinance Map Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance and legal description in the official newspaper of general circulation in the County.

**Table 7-3-14
Land Use / Zoning Map Amendment Matrix**

Current Zoning District / Land Use	Ag	Re _c	RR	C1	C2	M1	M2	PAZ	ABHZ	ACZ	PC	PU _D	PUDD
	Zoning Ordinance Map Amendment (Rezone) Opportunities												
General Agriculture/Grazing/Forest (Ag)	-	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓
Recreation / Tourism (Rec)	-	-	✓	✓	✓	-	-	✓	-	-	✓	✓	✓
Rural Residential (RR/MU)	-	-	-	✓	-	-	-	✓	-	-	✓	✓	✓
Neighborhood Commercial (C1)	-	✓	✓	-	✓	-	-	-	-	-	✓	✓	✓
Highway/Interstate Commercial (C2)	-	-	-	✓	-	✓	✓	-	-	-	✓	✓	✓
Light Industrial/Manufacturing (M1)	✓	-	-	-	✓	-	✓	-	-	-	✓	✓	✓
Heavy Industrial/Manufacturing (M2)	✓	-	-	-	✓	✓	-	-	-	-	✓	✓	✓
Public Airport Hazard Zone (PAZ)	✓	✓	✓	-	-	-	-	-	-	-	-	-	-
Air Base Hazard Zone (ABHZ)	-	-	-	-	-	-	-	-	-	-	-	-	-
Air Base Commercial Zone (ACZ)	✓	-	-	✓	✓	-	-	-	-	-	-	-	-
Planned Community (PC)	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development (PUD)	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development District (PUDD)	-	-	-	-	-	-	-	-	-	-	-	-	-

Section 7-3-15: Zoning Ordinance Text Amendments:

A. Process:

1. Zoning Ordinance Text Amendment Initiated by Board: The Board may propose to amend this Ordinance following notice and public hearing procedures in compliance with this Ordinance.
2. Zoning Ordinance Text Amendment Initiated by Property Owner: The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a Zoning Ordinance Text Amendment. An application and fees shall be submitted to the Director on forms provided by the Department.
3. Application: The Commission and Board shall conduct public hearings required by Idaho Statute and this Ordinance. The Board shall apply the findings listed in subsection B of this section to review the Zoning Ordinance Text Amendment.

- B. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the application. In order to grant a Zoning Ordinance Text Amendment, the Board shall make the following findings:
1. The Zoning Ordinance Text Amendment complies with the applicable Comprehensive Plan; and
 2. The Zoning Ordinance Text Amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement; and
 3. The Zoning Ordinance Text Amendment shall not be materially detrimental to the public health, safety, and welfare; and
 4. The Zoning Ordinance Text Amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts.
 5. Following the approval of Zoning Ordinance Text Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance in the official newspaper of general circulation in the County.

Section 7-3-16: Comprehensive Plan Amendment:

- A. Process:
1. Comprehensive Plan Amendment: The Commission shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.
 2. At least fifteen (15) days prior to the hearing, notice of the time and place and summary of the plan to be discussed shall be published in the official newspaper.
 3. A notice may be sent to other papers, radio and television stations as a public service announcement.
 4. Notice will be sent to all political subdivisions providing services within the planning jurisdiction at least fifteen (15) days prior to public hearing.
 5. If the Commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the Board will not conduct a subsequent public hearing concerning the proposed amendment.

6. If the Board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board.
7. Following the approval of a Comprehensive Plan Amendment, the Board shall adopt a resolution adopting the amendment to the Comprehensive Plan.

Section 7-3-16A: Recommendation by the Agricultural Protection Area (APA) Commission and Decision by the Board:

- A. The Director shall schedule a public meeting in accordance with public meeting requirements of this Ordinance with the APA Commission, upon receipt of a completed application within sixty (60) days of receiving the application.
- B. The APA Commission shall review the proposal as outlined in Title 7 Chapter 19 of this Ordinance and make a recommendation to the Board of County Commissioners.
- C. Once the APA Commission makes its recommendation to the Board, the Board shall hold a Public Hearing pursuant to Idaho Code section 67-9706 and this Ordinance.
- D. The Board shall issue its decision within sixty (60) days of APA Commission's recommendation. The Board's decision shall include Findings of Fact, Conclusion of Law, and Order supporting its decision.
- E. If the Board decides to grant APA designation to any land within unincorporated Elmore County, the decision shall result in amending the Future Land Use Map of the Elmore County Comprehensive Plan.
- F. Pursuant to Idaho Code 67-9706(2) if the Board fails to take action on a recommendation by the APA Commission within sixty (60) days of receiving the recommendation, the recommendation of the APA Commission becomes final.
- G. A decision to approve or deny an APA shall be subject to judicial review as outlined in Zoning Ordinance 6-5-7 and Idaho Code 67-9703(2) and 67-6535(2)(b).

Section 7-3-17: Time Extension:

The Director shall review an application for a time extension. The time extension shall commence from the date of expiration of the previous approval, except in the case of an appeal of a Board approval, when the time extension shall commence from the final resolution of such appeal.

A. Process:

1. An application and fees shall be submitted to the Director on forms provided by the Department.

- a. The application shall include a written request indicating the need for a time extension.
 - b. The application shall be prior to expiration date of the original approval.
2. At the discretion of the Director, other agencies may be notified of the time extension request in order to solicit their comments and recommendations for consideration.
 3. The Director shall apply the standards listed in subsection B of this section and the findings listed in subsection C of this section to review the time extension.
 4. The Director may impose additional conditions in an approval of a time extension for an approved development (excluding final plats).

B. Standards:

1. The applicant or owner for an approved development may apply for a one (1) time extension for a period not to exceed one (1) year, unless some other period of time is specified in the application and subsequently approved by the Director, Commission and/or Board.

C. Required Findings:

1. The time extension meets the standards listed in subsection B of this section;
and
2. The applicant and/or owner have adequately justified the need for a time extension.

Section 7-3-18: Mediation:

Any application shall have the option of mediation pursuant to Idaho Statute § 67-6510.

Exhibit 1 E

**TITLE 7
ELMORE COUNTY ZONING
ZONING AND DEVELOPMENT ORDINANCE**

- CHAPTER 1 – ZONING AND DEVELOPMENT ORDINANCE DEFINITIONS**
- CHAPTER 2 – ZONING AND OVERLAY DISTRICTS AND STANDARDS REGULATIONS**
- CHAPTER 3 – APPLICATION PROCEDURES AND FEES**
- CHAPTER 4 – NON-CONFORMING PROPERTY, USE OR STRUCTURE, AND GRANDFATHER RIGHTS**
- CHAPTER 5 – AREAS OF CRITICAL CONCERN AND HILLSIDE DEVELOPMENT REQUIREMENTS**
- CHAPTER 6 – LIGHTING AND SIGN STANDARDS AND PLANS**
- CHAPTER 7 – TEMPORARY USE AND DEVELOPMENT REQUIREMENTS PERTAINING TO TEMPORARY USES**
- CHAPTER 8 – ACCESSORY USES AND REGULATIONS PERTAINING TO ACCESSORY TYPE LAND USES**
- CHAPTER 9 – CONDITIONAL USE PERMITS (CUP) STANDARDS AND REQUIREMENTS**
- CHAPTER 10 – DEVELOPMENT AGREEMENT (DA) STANDARDS AND REQUIREMENTS**
- CHAPTER 11 – SURETY AGREEMENTS AND RELATED REQUIREMENTS**
- CHAPTER 12 – CONFINED ANIMAL FEEDING OPERATIONS (CAFO)**
- CHAPTER 13 – AIRPORT HAZARD ZONES**
- CHAPTER 14 – FAMILY BURIAL GROUNDS**
- CHAPTER 15 – MAYFIELD TOWNSITE PLANNED COMMUNITY**
- CHAPTER 16 – ENFORCEMENT**
- CHAPTER 17 – OIL AND GAS**
- CHAPTER 18 – MAYFIELD SPRINGS PLANNED COMMUNITY**
- CHAPTER 19 – AGRICULTURAL PROTECTION AREAS**

CHAPTER 19 – AGRICULTURAL PROTECTION AREAS

- 7-19-1: Purpose**
- 7-19-2: Designation of Agricultural Protection Area (APA)**
- 7-19-3: Review Process**
- 7-19-4: Enrollment Duration and Review**
- 7-19-5: Expansion or Modification of an APA**
- 7-19-6: Limitation on Regulations**
- 7-19-6: Fees**
- 7-19-7: Enforcement, Prohibitions, and Penalties**
- 7-19-8: Severability**

Section 7-19-1: Purpose

The purpose of this ordinance is to provide for a voluntary process through which agricultural and timber producers of Elmore County may make application to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity.

Section 7-19-2: Designation of APA

An Agriculture Protection Area shall be designated as an “APA” on the Future Land Use Map of the Comprehensive Plan. An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres;
- b) Has been in active agricultural or forest production for the previous three (3) consecutive years consistent with Idaho Code sections 63-604 and 63-1701;
- c) Assessed as agriculture or forest land; and
- d) Located within a zone that allows agricultural uses as identified in Table 7-2-26(A) of this Ordinance.

Landowners wishing to establish an APA must submit an application to the Elmore County Land Use and Building Department on a provided form. At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the landowner;
- b) Proof of land ownership;
- c) A legal description of the parcels, structures, uses, and facilities proposed to be included in the APA;
- d) A map showing the boundaries of the proposed APA and proposed structures, uses, and facilities;
- e) A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA;
- f) The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant’s plan to continue using the land for agricultural or forest purposes;
- g) The stated reasons for seeking an APA designation;
- h) Soil surveys, water rights, and any other relevant environmental assessments as determined by the Department.

Section 7-19-3: Review Process

Upon receipt of a completed application by the Director, the APA commission shall review

the proposal and make a recommendation to the Board of County Commissioners (“Board”) within sixty (60) days of receiving the application. The application shall be evaluated on the following criteria:

- a) The total contiguous acreage of the land is at least five (5) acres in size and has been actively devoted to agricultural or forest production for the last three (3) consecutive years;
- b) Adjacency to an existing area of city impact;
- c) Possible conflict with existing city annexation or development plans or agreements;
- d) Proximity to existing public rights of way;
- e) Proximity to planned transportation corridors or future public rights of way;
- f) Proximity to planned airport expansion or development;
- g) Proximity to planned development with existing entitlements;
- h) Agricultural production capability of the land within the proposed APA; and
- i) Other local impacts relevant to the proposed APA.

Notwithstanding the criteria and review process outlined in this Section, the Board may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, and a review of the land’s APA designation after twenty (20) years.

Once the APA commission makes its recommendation to the board of county commissioners, the Board shall hold a public hearing and issue its decision within 60 days. If the Board fails to take action on the recommendation by the APA Commission within sixty (60) days of receiving such recommendation, the recommendation of the APA Commission becomes final. The Board’s decision shall include findings and facts supporting its decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record the designation of an APA, its date of creation and/or dissolution, a legal description of the area, and any findings and facts with the county recorder within ten (10) days;
- b) Amend county land use planning maps to reflect the boundaries of the APA; and
- c) Notify relevant public officials and agencies of the designation.

Section 7-19-4: Enrollment Duration and Review

Lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation after twenty (20) years must notify the Board in writing, at least ninety (90) days prior to the expiration of the APA, of their desire not to renew the land’s APA designation. APA land designations shall automatically renew if no action is taken by the landowner after the twenty (20) years has expired. The Clerk of the Board shall record the renewal of an APA pursuant to Idaho

Code section 67-9707.

Section 7-19-5: Expansion, Removal, or Termination of an APA

- A. Expansion. Pursuant to Idaho Code section 67-9709, a landowner may add land to an existing APA by filing an application with the Board that follows the same application, review and hearing procedures outlined in this Chapter.
- B. Removal. An owner of land within an APA may remove any or all of the land from the APA by filing a petition for removal with the Board. The Board shall acknowledge such petition for removal in writing. Any removal may not be effective until ten (10) years from the petition for removal date, or upon expiration of the APA designation, whichever is sooner.
- C. Hardship. An owner of land within an APA may remove any or all land from the APA for reasons of hardship as defined in Idaho Code section 67-9703(5). In order to show a hardship, the landowner must show a situation or circumstance over which the landowner in an APA has no control and can then petition for removal for reasons that include but are not limited to:
 - a. An adverse result in litigation against the farm or landowner;
 - b. Death of a close family that would lead to unanticipated financial hardship;
 - c. Significant tax liabilities;
 - d. Bankruptcy due to another person's fraud; or
 - e. Any other illegal activity.

Section 7-19-6: Limitation on Regulations

- A. Limitation of Restrictions. The Board shall not enact a local law, ordinance, or regulation that would restrict a farm structure or farming practice within the boundaries of the APA, unless such farm structure or farming practice does not comply with generally recognized farming practices or the farm structure or land use is in conflict with the current agricultural land use classification or agricultural zoning designation of the area.
- B. Zoning Designation. The Board shall not change the current agricultural land use classification or agricultural zoning designation for parcels of land within an APA without the permission from the landowner.

Section 7-19-7: Fees

An application fee for inclusion, modification, or termination/removal of an APA shall be required to cover administrative costs of the County in reviewing an application as

established in the Land Use and Building Department's Fee Schedule, including, but not limited to, reviewing materials, conducting public meetings and hearings, processing and recording documents, and updating county land use maps.

Section 7-19-8: Enforcement, Prohibitions, and Penalties

- A. Regulations. Nothing in this Chapter shall prevent the Board from regulating the siting of large confined animal feeding operations and facilities pursuant to Idaho Code section 67-6529, the siting of residential, commercial, manufacturing, industrial, solar energy, or wind energy structures, or other nonagricultural land uses on lands included within the APA.
- B. Nuisance. The Board shall ensure that any of its laws or ordinances that define or prohibit a public nuisance shall exclude APAs from its definition or from any prohibit for any agricultural activity or operation within an APA as long as those agricultural activities or operations follow general recognized farming practices.
- C. Eminent Domain. Elmore County may not condemn for any purpose any land within an APA that is being sued for production agriculture except for expansion or maintenance of an existing highway right-of-way or as granted in Section 14, Article 1, and Section 8, Article XI of the constitution of the state of Idaho.
- D. Enforcement. The Board or acting Code Enforcement Officer shall be responsible for enforcing the provisions of this Ordinance. Any violation of this Ordinance shall be subject to the enforcement provisions of Chapter 16 of this Ordinance.

Section 7-19-9: Severability

If any section, subsection, sentence, clause, or phrase of this Chapter is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter and they shall remain in full force and effect.

Exhibit 2 A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Board of County Commissioners will hold a PUBLIC HEARING at 11:30AM. on Friday, December 20th, 2024, in Elmore County Court House at 150 S 4th E St, Mountain Home, Idaho, to accept testimony and to consider amending the Elmore County Zoning Ordinance Titles 6 and 7. The Board of County Commissioners initiated a Zoning Ordinance Text Amendment for creating language and standards for Agricultural Protection Area and Agricultural Protection Area Commission on Friday, October 18, 2024, Case Number: ZOA-2025-01.

This application may be reviewed before the hearing in the Land Use and Building Department during regular business hours. Any interested person shall be heard at said public hearing and the public is welcome and invited to submit testimony. Anyone who wishes to testify but is unable to attend may submit written testimony before the hearing by sending it to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, Idaho 83647 or email anjeto@elmorecounty.org. Written testimony must be received by 5:00 p.m. on Friday, December 13th, 2024, to be incorporated in the initial staff report packet.

Social media posts are not considered written public testimony. The Elmore County webpage is used for outward communication only. It is not intended as a means for the public to submit testimony on any public hearing matters pending before any Elmore County board or commission. Elmore County's social media is moderated but is not regularly monitored and is not a public forum. Likes, Comments, or Shares posted here are not entered into the record of any public hearing. Public hearing testimony must be either submitted at the public hearing or received in advance of the public hearing by email, mail, or physical delivery.

The Elmore County Board

of Commissioners is responsible for ensuring compliance with the American Disabilities Act (ADA). Any person needing special accommodation to participate in the public hearing should contact the Elmore County ADA Coordinator, Kacey Ramsauer, 24-hours before the Public Hearing at 208-587-2142 ext. 1255, or 520 East 2nd South, Mountain Home, Idaho.

Mitra Mehta-Cooper,
Director
Elmore County
Land Use and
Building Department

First Publication:
December 4, 2024
Second Publication:
December 11, 2024

**12.25
97 Lines**

Kindly review, sign, and send back via email with any edits or inquiries before our deadline at noon on the Friday before the publication date.

Total cost will be 130.95.
If signed proof and prepayment (if required) is not received by deadline, your legal will be unable to run.

Thank you,
Legal Department
Mountain Home News
(208) 587.3331
legaldept@mountainhomenews.com

*Legals cancelled prior to publication will incur a \$10 processing/typesetting fee.

Proofed Date <u>11-26-24</u>
<input type="radio"/> Ok, With Changes
<input checked="" type="radio"/> Ok, No Changes
<input type="radio"/> Re-proof
Proofed by: <u>[Signature]</u>
Please Sign Here

Prepayment Charge

Thank you,
Swana Stokes

Exhibit 3 A



Elmore County Transmittal
Division of Community and Environmental Health

RETURN TO.

Elmore Co
 Land Use &
 Building Dept

Mtn Home

Glens Ferry

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat _____

ZOA - 2025-01

- 1 We have No Objections to this Proposal
- 2 We recommend Denial of this Proposal
- 3 Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal
- 4 We will require more data concerning soil conditions on this Proposal before we can comment
- 5 Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of
 - high seasonal ground water waste flow characteristics
 - bedrock from original grade other _____
- 6 This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters
- 7 This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability
- 8 After written approvals from appropriate entities are submitted we can approve this proposal for
 - central sewage community sewage system community water well
 - interim sewage central water
 - individual sewage individual water
- 9 The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality
 - central sewage community sewage system community water
 - sewage dry lines central water
- 10 This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval
- 11 If restroom facilities are to be installed then a sewage system MUST be installed to meet Idaho State Sewage Regulations
- 12. We will require plans be submitted for a plan review for any
 - food establishment swimming pools or spas child care center
 - beverage establishment grocery store
- 13 Infiltration beds for storm water disposal are considered shallow injection wells An application and fee must be submitted to CDH
- 14 _____

Reviewed By: Brian Cooper

Date: 11/12/24



Land Use and Building Department

520 East 2nd South Street
Mountain Home ID 83647
Phone (208) 587-2142 ext.1255
Fax. (208) 587-2120
www.elmorecounty.org

Mitra Mehta-Cooper
Director

Johnny Hernandez
Building Official

Colton Janousek
Building Inspector

James Roddin
Code Enforcement
Officer

Kacey Ramsauer
Planner

David Abrahamson
Planner

Sandra Nuner
Permit Technician

Alyssa Nieto
Admin Assistant

Date October 30, 2024

To Whom It May Concern

Subject Notice of Public Hearing

Applicant Elmore County, Idaho

Proposal Amendment to Titles 6 and 7 of the Zoning and Development Ordinance

Case Number ZOA-2025-01

Location Countywide

Dear Agency Representative

I am writing to you as a representative of a political subdivision/agency that will be affected by an amendment to Elmore County Zoning and Development Ordinance

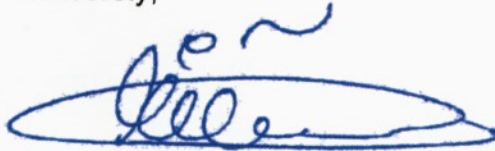
A public hearing will be held before the Elmore County Planning and Zoning Commission at 7 00 p m on Thursday, November 21, 2024 in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho, to accept testimony and to make a recommendation for amending the Elmore County Zoning Ordinance Titles 6 and 7 The Board of County Commissioners initiated a Zoning Ordinance Text Amendment, as required by Idaho State Code Title 67 Chapter 97, for creating language and standards for Agricultural Protection Area and Agricultural Protection Area Commission on Friday October 18, 2024, Case Number ZOA-2025-01, which would include

- 1 Creation of Agricultural Protection Area Commission, Jurisdiction, and Duties to be established in in Zoning Ordinance, Title 6, by the addition of a new Chapter 5, and
- 2 Accompanying zoning and development provisions such as definitions, land use table and districts, application procedures, review timelines, requirements, and fees etc for Agricultural Protection Areas to be included in Title 7 through amendment of Chapters 1, 2 and 3, and
- 3 Guidance on specific use standards for Agricultural Protection Areas in Title 7 through addition of new Chapter 19

A complete draft proposal may be reviewed before the hearing in the Land Use and Building Department ("Department") during regular business hours. This Public Hearing is being conducted in-person. You are welcome to provide verbal testimony at the Public Hearing for this proposal. Any interested person may submit written testimony before the hearing by sending it to the Department at 520 East 2nd South Street, Mountain Home, Idaho 83647. If you want your written testimony to be a part of the staff report packet, it must be received by 5:00 p.m. on Friday, November 15, 2024.

The Elmore County Board of Commissioners is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA). Any person needing special accommodations to participate in the public hearing should contact the Elmore County ADA Coordinator, Kacey Ramsauer, 24 hours prior to the Public Hearing at 208-587-2142 ext. 1254, or via email ada@elmorecounty.org.

Sincerely,



Mitra Mehta-Cooper, AICP CFM
Director, Land Use and Building Department

CC

Atlanta Highway District
Atlanta Fire District
Glenns Ferry Highway District
Glenns Ferry Planning and Zoning
King Hill/Glenns Ferry Rural Fire District
King Hill Domestic Water Association
King Hill Irrigation District
Mountain Home City – Community Development
Mountain Home Highway District
Mountain Home Airforce Base
Mountain Home Rural Fire Protection District
Mountain Home Irrigation District
Oasis Rural Fire District
Elmore County Engineer
Elmore County Surveyor
Elmore County Sheriff
Elmore County Prosecuting Attorney
Elmore County Ambulance Service
Elmore County Surveyor
Elmore County Assessor
Public Hearing Agency Transmittal Zoning Ordinance Amendment

Bureau of Land Management
US Forest Service
Central District Health
Idaho Power
Idaho Department of Agriculture
Idaho Department of Lands
Idaho Department of Fish and Game
Idaho Department of Transportation
Idaho Department of Water Resources
Idaho National Guard
Idaho Office of Energy and Mineral Resources
Idaho State Fire Marshall
Southwest Idaho Rural Development
Federal Emergency Management Agency – District 10

Exhibit 5

ELMORE COUNTY ORDINANCE NO 2024-0

AN ORDINANCE OF ELMORE COUNTY, IDAHO, AMENDING TITLE 7, CHAPTER 1, 2, AND 3; AND ADDING A NEW CHAPTER 5 TO TITLE 6, AND ADDING A NEW CHAPTER 19 TO TITLE 7 (ELMORE COUNTY ZONING), TO CREATE AN ORDINANCE ESTABLISHING AN AGRICULTURAL PROTECTION AREA AND AGRICULTURAL PROTECTION AREA COMMISSION, ESTABLISHING THE AGRICULTURAL AREA COMMISSION'S JURISDICTION AND DUTIES, PROVIDING ACCOMPANYING ZONING AND DEVELOPMENT PROVISIONS SUCH AS NEW DEFINITIONS, LAND USE TABLES, ZONING DISTRICTS, APPLICATION PROCEDURES AND PROCESS, REQUIREMENTS FOR ESTABLISHMENT, AND FEES AND COSTS; SECTION 1, ADOPTION OF ORDINANCE AS SET FORTH BY UNDERLINING AND STRIKETHROUGH, REPEALED SECTIONS AS INDICATED BY SECTION, SUBSECTION, AND PART, AND ALL OTHER SECTIONS, SUBSECTIONS, AND PARTS NOT SHOWN AND REPRESENTED BY ELLIPSES TO REMAIN THE SAME; SECTION 2, ADD NEW CHAPTER 5 TO TITLE 6 TO ESTABLISH THE CREATION OF AN AGRICULTURAL PROTECTION AREA COMMISSION AND SPECIFY THE AGRICULTURAL PROTECTION AREA COMMISSION'S JURISDICTION AND AUTHORITY, MEMBERSHIP AND TERM, ORGANIZATION AND EXPENDITURES, A CLERK OF THE AGRICULTURAL PROTECTION AREA COMMISSION, DISCUSSING CONFLICTS OF INTEREST, MEETINGS HELD BY THE AGRICULTURAL PROTECTION AREA COMMISSION, AND THE APPEAL PROCEDURE FOR DECISIONS BY THE AGRICULTURAL PROTECTION AREA COMMISSION; SECTION 3, AMEND TITLE 7, CHAPTER 1, TO ADD DEFINITIONS FOR AGRICULTURAL PRODUCTION, AGRICULTURAL PROTECTION AREA, AGRICULTURAL PROTECTION AREA COMMISSION, AGRICULTURAL PROTECTION AREA APPLICANT, AND AGRICULTURAL PROTECTION RELATED HARDSHIP; SECTION 4, AMEND TABLE 7-2-26(A) AND TABLE 7-2-26 (B) TO INCLUDE AGRICULTURAL PROTECTION AREA; SECTION 5, AMEND TITLE 7, CHAPTER 3 TO ADD A NEW SECTION 7-3-16A TO OUTLINE PROCEDURAL REQUIREMENTS FOR AGRICULTURAL PROTECTION AREA REVIEW AND APPROVAL; SECTION 6, ADD NEW CHAPTER 19 TO TITLE 7 TO ESTABLISH THE PURPOSE, PROCESS, DURATION, EXPANSION AND MODIFICATION, TERMINATION, ENFORCEMENT AND PROHIBITIONS OF AGRICULTURAL PROTECTION AREAS; SECTION 7, TO CORRECT GRAMMATICAL AND SPELLING ERRORS AND PROVIDE FOR REFORMATTING, RENUMBERING, AND RENAMING OF PROVISIONS WHERE NECESSARY; SECTION 8, SEVERABILITY; SECTION 9, APPROVING THE ORDINANCE SUMMARY; AND SECTION 10 PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and Title 31, Chapter 7 provide authority for the Elmore County Board of Commissioners to adopt ordinances establishing land use standards, procedures, and uses; and

WHEREAS, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, sets forth the procedures for the adoption and amendment of land use codes; and

WHEREAS, Idaho Code §67-6511 provides the procedures and authority for the county to amend its land use regulations; and

WHEREAS, the Elmore County Planning and Zoning Commission held a duly noticed public hearing on September 26, 2024, at which interested persons had the right to be heard per Idaho Code §65-6509; and recommended approval of the amendments to Title 7, Chapters 1, 2, 8, and 9, Title 8, Chapter 3, Title 10, Chapter 8, and to add a new Chapter 5 to Title 8 of the Elmore County Code; and

WHEREAS, during the 2024 legislative session, the Idaho State Legislature enacted House Bill 608, the Agricultural Protection Area Act, adding a new Chapter 97 of Title 67 in Idaho Code; and

WHEREAS, the Agricultural Protection Area Act establishes a new Agricultural Protection Area (“APA”) designation through which farmers, ranchers, and forest landowners may apply to a county to designate their lands for future agricultural use for a minimum of 20 years; and

WHEREAS, pursuant to Idaho Code 67-9704, each county within the state of Idaho is required by January 1, 2025, to adopt an agricultural protection area ordinance and appoint an Agricultural Protection Area Commission to receive, review, and process Agricultural Protection Area applications; and

WHEREAS, the Elmore County Board of Commissioners held a duly noticed public hearing on December 20, 2024, at which interested persons had the right to be heard per Idaho Code §67-6509; and considered the Planning and Zoning Commission’s recommendation of approval of the amendment and approved the proposed amendment; and

WHEREAS, pursuant to Idaho Code §67-6511, the proposed amendment to the land use regulations was evaluated to determine the extent and nature of the amendment request; and

WHEREAS, as required by Idaho Code §67-6511, the governing board has analyzed the proposed changes to the land use regulations to ensure that they are not in conflict with the policies of the adopted comprehensive plan.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF THE COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED, that the following Ordinance is hereby adopted, as follows:

SECTION 1. Adoption of Ordinance: Title 6 and Title 7 of the Elmore County Zoning and Development Ordinance (Ord. 2018-03) are hereby amended as set forth in the

following sections by text to be added as shown by underlining, text to be omitted as shown with strikethrough, repealed sections as indicated by section, subsection, and part, and all other sections, subsections, and parts not shown to remain the same and unaffected by this Ordinance.

SECTION 2. That Title 6, Chapter 5, of the Elmore County Code, shall be and hereby is, enacted to read as follows:

TITLE 6 ADMINISTRATION

CHAPTER 5 – AGRICULTURAL PROTECTION AREA (“APA”) COMMISSION

Sections:

- 6-5-1: Jurisdiction and Authority**
- 6-5-2: Membership and Term**
- 6-5-3: Organization and Expenditures**
- 6-5-4: Clerk of APA Commission**
- 6-5-5: Conflict of Interest**
- 6-5-6: Meetings Conducted by APA Commission**
- 6-5-7: Appeal of APA Commission Recommendation and Board Decision**

Section 6-5-1: Jurisdiction and Authority:

For the purpose of carrying out the provisions of this Ordinance, and Idaho Code Title 67, Chapter 97, an Agricultural Protection Area Commission is hereby created and authorized for Elmore County, Idaho. The Board of County Commissioners (“Board”) has hereby established an Agricultural Protection Area Commission, commonly known as “APA Commission”, for the unincorporated areas of Elmore County.

Section 6-5-2: Membership and Term:

- A. Appointment: The Board shall appoint at least three (3) and no more than five (5) voting members actively employed by or supporting production agriculture in Elmore County representing the following interests, each appointed by the Board and confirmed by the majority vote of the Board:
- Local soil and water conservation district board of supervisors,
 - Local cattlemen’s association board,
 - The county farm bureau board,
 - Irrigation district or water users’ association board, or
 - Grower/commodity association or commission board.

The Board may elect to use members of the Planning and Zoning Commission to serve as the APA Commission, if they meet the aforementioned requirements.

- B. Purpose: The APA Commission shall receive, review, process, and make recommendations to the Board for establishment, amendment or removal of any Agricultural Protection Areas in the unincorporated Elmore County.
- C. Residency: The Board shall ensure that the interests of the entire Elmore County are broadly represented and shall select the members without respect to political affiliation and may receive such mileage and per diem compensation as provided by the Board. The Board shall try to appoint members that are residents of the Elmore County during his/her service on the APA Commission. However, if there are no qualified candidates, the Board may appoint members from surrounding jurisdictions. The members shall be qualified by experience and training in agriculture production and shall not be employees of Elmore County.
- D. Terms: The terms of the members of the APA Commission shall be established by resolution or ordinance, but in no case shall be less than three (3) years or more than six (6) years.

Section 6-5-3: Organization and Expenditures:

A. Organization: The APA Commission shall elect a Chairperson and a Vice Chairperson. The APA Commission may enact a set of bylaws to guide them. The APA Commission shall render all decisions and findings in writing.

B. Expenditures: Expenditures shall be within the amounts appropriated by the Board.

Section 6-5-4: Clerk of APA Commission:

The Land Use and Building Department Director ("Director") shall provide staff support to the APA Commission and that staff shall act as Clerk or Secretary to the Commission, without extra compensation. The Clerk shall keep an accurate record of all proceedings of the APA Commission and shall file a report of all decisions with the Board.

Section 6-5-5: Conflict of Interest:

Idaho Statute § 67-6506 pertaining to conflicts of interest involving elected and appointed officials shall apply to the APA Commission. A member or employee of the Commission shall not participate in any proceeding or actions when the member or employee (or his/her employer, business partner, associate or any person related to him/her by affinity or consanguinity within the second degree) has an economic interest in the proceeding or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard. A knowing violation of this subsection shall be a misdemeanor.

Section 6-5-6: Meetings Conducted by the APA Commission:

- A. As part of its duties, the APA Commission shall provide for meetings and hearings to obtain advice on the agricultural needs of Elmore County. The APA Commission may also conduct informal meetings with public officials and agencies, agricultural professionals, educational professionals, and other organizations to evaluate the agricultural needs of Elmore County.
- B. All meetings of the APA Commission are open to the public. Upon receipt of a completed application for an APA as determined by the Director, the APA Commission shall review the proposal and make a recommendation to the Board within sixty (60) days of receiving the application. The APA Commission shall review applications for inclusion in an APA pursuant to Title 7, Chapter 19 of this Ordinance and make recommendations to the Board regarding such applications.

The application shall be evaluated on the following criteria:

- a) The total contiguous acreage of the land is at least five (5) acres in size and has been in active agricultural or forest production for the last three (3) consecutive years;
- b) Adjacency to an existing area of city impact;
- c) Possible conflict with existing city annexation or development plans or agreements,
- d) Proximity to existing public rights of way,
- e) Proximity to planned transportation corridors or future public rights of way,
- f) Proximity to planned airport expansion or development,
- g) Proximity to planned development with existing entitlements,
- h) Agricultural production capability of the land within the proposed APA, and
- i) Other local impacts relevant to the proposed APA.

Notwithstanding these criteria and review processes outlined in this Ordinance, the Board may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, and a review of the land's APA designation after twenty (20) years. Once the APA Commission makes its recommendation to the Board, the Board shall hold a public hearing pursuant to Idaho Code section 67-6509 and issue its decision within 60 days. The Board's decision shall include Findings of Fact, Conclusion of Law, and Order supporting its decision. Should the Board fail to take final action on a recommendation from the APA Commission within sixty (60) days, the APA Commission's recommendation shall become final.

B. Meetings, Records and Voting: All meetings of the APA Commission shall be held at the call of the Chairperson and at such other times as determined by the Director. The action of the Commission at any meeting may be continued to the next regular meeting without further notice being given. The APA Commission Clerk shall maintain a record of meetings and actions taken by the APA Commission. All APA Commission members shall have voting rights.

C. Quorum: A majority of the appointed members of the APA Commission shall be necessary to constitute a quorum at any meeting.

D. Open to Public: All meetings and records shall be open to the public.

E. Keeping of Minutes: The APA Commission Clerk shall keep minutes of its proceedings, and shall keep records of its examinations, findings, recommendations and all other official actions, and render reports thereof to the Board. The records herein referred to shall be a public record.

F. Written Report: Minutes and Staff Reports shall be kept of every meeting. Whenever the APA Commission meets, a written staff report will be prepared stating the findings for the relevant criteria and standards considered and recommendations with the justification for the decision based on the criteria and standards taken by the APA Commission.

G. Meeting Notices: The APA Commission shall advertise, provide notice, and conduct public meetings in accordance with this Ordinance.

Section 6-5-7: Appeal of the Board Decision:

A. Once a recommendation from the APA Commission has been approved or denied by the Board, a final decision of the Board is subject to judicial review as outlined in Idaho Code section 67-9703(2) and 67-6535(2)(b). All parties wishing to seek judicial review of a decision by the Board regarding an APA must first seek reconsideration of the Board's decision within fourteen (14) days.

SECTION 3. That Chapter 1 (Zoning and Development Ordinance Definitions), Title 7, of the Elmore County Code, shall be amended to include new terms related to agricultural protection areas.

Section 7-1-1: Definitions:

....

AGRICULTURE PRODUCTION: Activities or conditions conducted on land actively devoted to agriculture as defined in sections 67-9703(1), 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

AGRICULTURAL PROTECTION AREA (APA): Specific parcels of land in a designated geographic area voluntarily created under the authority of Title 67, Chapter 97 of Idaho Code, and this Ordinance for the purpose of protecting and preserving agricultural land.

AGRICULTURAL PROTECTION AREA (APA) COMMISSION: The advisory board to the Board of County Commissioners for administration of APAs in Elmore County created pursuant to section 67-9705, Idaho Code and Title 6, Chapter 5 of this Ordinance.

AGRICULTURAL PROTECTION AREA (APA) APPLICANT: Anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

AGRICULTURAL PROTECTION AREA (APA) RELATED HARDSHIP: A situation or circumstance over which a landowner in an APA has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

....

Section 4. That Title 7, Chapter 2 is hereby amended to amend Table 7-2-26(A) and Table 7-2-26(B) to include agricultural protection areas.

Table 7-2-26 (A) Land Use Table Symbols Defined	
SYMBOL	SYMBOL SPECIFICATION
AU	Allowed Use – AU – Building permits and related development permits are required.
AA	Administrative Approval - AA approval is required in addition to Building Permits, APA , and related development permits as applicable.
C	Conditional Use - CU Permit and approval is required in addition to other required applications, Building Permits and related development permits as applicable.
PC	Planned Community - PC Application and approval required in addition to other required applications, Building Permits and related development permits as applicable.
X	Prohibited - Use Prohibited and not allowed in that particular zoning district.

<p>Table 7-2-26 (B)</p> <p>Elmore County Land Use Table</p> <p>Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)</p>
--

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
<i>Agricultural Protection Area</i>	AA*	AA*	AA*	X	X	X	X	X	X	X

....

Section 7-2-46: Agricultural Protection Areas:

Please refer to Title 7 Chapter 19 for this use specific standards and requirements.

Section 7-2-47: Agricultural Structure:

- A. The structure shall be located on a "farm" as herein defined in this Title.
- B. The structure shall be exclusively for agricultural uses.
- C. The structure shall comply with the dimensional standards for the applicable base and overlay districts.
- D. The applicant shall obtain a zoning approval prior to construction; however, the structure shall be exempt from requirements of a building permit, however, an Agricultural Exempt permit is required.

Section 7-2-47a: Agriculture Use (Routine or Standard):

The use shall be conducted on a "farm" as herein defined in this Title. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

Section 5. That Title 7, Chapter 3 is amended to enact a new Section 7-3-16A to outline procedural requirements for agricultural protection area proposal review.

CHAPTER 3 – APPLICATION PROCEDURES AND FEES

....

7-3-16A: Recommendation by the Agricultural Protection Area Commission and Decision by the Board

....

Section 7-3-16A: Recommendation by the Agricultural Protection Area (APA) Commission and Decision by the Board:

- A. The Director shall schedule a public meeting in accordance with public meeting requirements of this Ordinance with the APA Commission, upon receipt of a completed application within sixty (60) days of receiving the application.

B. The APA Commission shall review the proposal as outlined in Title 7 Chapter 19 of this Ordinance and make a recommendation to the Board of County Commissioners.

C. Once the APA Commission makes its recommendation to the Board, the Board shall hold a Public Hearing pursuant to Idaho Code section 67-9706 and this Ordinance.

D. The Board shall issue its decision within sixty (60) days of APA Commission's recommendation. The Board's decision shall include Findings of Fact, Conclusion of Law, and Order supporting its decision.

E. If the Board decides to grant APA designation to any land within unincorporated Elmore County, the decision shall result in amending the Future Land Use Map of the Elmore County Comprehensive Plan.

F. Pursuant to Idaho Code 67-9706(2) if the Board fails to take action on a recommendation by the APA Commission within sixty (60) days of receiving the recommendation, the recommendation of the APA Commission becomes final.

G. A decision to approve or deny an APA shall be subject to judicial review as outlined in Zoning Ordinance 6-5-7 and Idaho Code 67-9703(2) and 67-6535(2)(b).

....

Section 6. That Title 7, is hereby amended to enact a new Chapter 19 to provide additional guidance in establishment, review, and termination of the agricultural protection areas in Elmore County.

....

Chapter 19 – Agricultural Protection Areas

....

Chapter 19 – Agricultural Protection Areas

<u>7-19-1:</u>	<u>Purpose</u>
<u>7-19-2:</u>	<u>Designation of Agricultural Protection Area (APA)</u>
<u>7-19-3:</u>	<u>Review Process</u>
<u>7-19-4:</u>	<u>Enrollment Duration and Review</u>
<u>7-19-5:</u>	<u>Expansion or Modification of an APA</u>
<u>7-19-6:</u>	<u>Limitation on Regulations</u>
<u>7-19-6:</u>	<u>Fees</u>
<u>7-19-7:</u>	<u>Enforcement, Prohibitions, and Penalties</u>
<u>7-19-8:</u>	<u>Severability</u>

Section 7-19-1: Purpose

The purpose of this ordinance is to provide for a voluntary process through which agricultural and timber producers of Elmore County may make application to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity.

Section 7-19-2: Designation of APA

An Agriculture Protection Area shall be designated as an “APA” on the Future Land Use Map of the Comprehensive Plan. An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

- a) At least five (5) contiguous acres;
- b) Has been in active agricultural or forest production for the previous three (3) consecutive years consistent with Idaho Code sections 63-604 and 63-1701;
- c) Assessed as agriculture or forest land; and
- d) Located within a zone that allows agricultural uses as identified in Table 7-2-26(A) of this Ordinance.

Landowners wishing to establish an APA must submit an application to the Elmore County Land Use and Building Department on a provided form. At a minimum, the application shall include the following:

- a) Name, phone number, email, and mailing address of the landowner;
- b) Proof of land ownership;
- c) A legal description of the parcels, structures, uses, and facilities proposed to be included in the APA;
- d) A map showing the boundaries of the proposed APA and proposed structures, uses, and facilities;
- e) A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA;
- f) The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant’s plan to continue using the land for agricultural or forest purposes;
- g) The stated reasons for seeking an APA designation;
- h) Soil surveys, water rights, and any other relevant environmental assessments as determined by the Department.

Section 7-19-3: Review Process

Upon receipt of a completed application by the Director, the APA commission shall review

the proposal and make a recommendation to the Board of County Commissioners (“Board”) within sixty (60) days of receiving the application. The application shall be evaluated on the following criteria:

- j) The total contiguous acreage of the land is at least five (5) acres in size and has been actively devoted to agricultural or forest production for the last three (3) consecutive years;
- k) Adjacency to an existing area of city impact;
- l) Possible conflict with existing city annexation or development plans or agreements;
- m) Proximity to existing public rights of way;
- n) Proximity to planned transportation corridors or future public rights of way;
- o) Proximity to planned airport expansion or development;
- p) Proximity to planned development with existing entitlements;
- q) Agricultural production capability of the land within the proposed APA; and
- r) Other local impacts relevant to the proposed APA.

Notwithstanding the criteria and review process outlined in this Section, the Board may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, and a review of the land’s APA designation after twenty (20) years.

Once the APA commission makes its recommendation to the board of county commissioners, the Board shall hold a public hearing and issue its decision within 60 days. If the Board fails to take action on the recommendation by the APA Commission within sixty (60) days of receiving such recommendation, the recommendation of the APA Commission becomes final. The Board’s decision shall include findings and facts supporting its decision.

Upon making its decision, the Board of County Commissioners shall:

- a) Record the designation of an APA, its date of creation and/or dissolution, a legal description of the area, and any findings and facts with the county recorder within ten (10) days;
- b) Amend county land use planning maps to reflect the boundaries of the APA; and
- c) Notify relevant public officials and agencies of the designation.

Section 7-19-4: Enrollment Duration and Review

Lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation after twenty (20) years must notify the Board in writing, at least ninety (90) days prior to the expiration of the APA, of their desire not to renew the land’s APA designation. APA land designations shall automatically renew if no action is taken by the landowner after the twenty (20) years has expired. The Clerk of the Board shall record the renewal of an APA pursuant to Idaho Code section 67-9707.

Section 7-19-5: Expansion, Removal, or Termination of an APA

- A. Expansion. Pursuant to Idaho Code section 67-9709, a landowner may add land to an existing APA by filing an application with the Board that follows the same application, review and hearing procedures outlined in this Chapter.
- B. Removal. An owner of land within an APA may remove any or all of the land from the APA by filing a petition for removal with the Board. The Board shall acknowledge such petition for removal in writing. Any removal may not be effective until ten (10) years from the petition for removal date, or upon expiration of the APA designation, whichever is sooner.
- C. Hardship. An owner of land within an APA may remove any or all land from the APA for reasons of hardship as defined in Idaho Code section 67-9703(5). In order to show a hardship, the landowner must show a situation or circumstance over which the landowner in an APA has no control and can then petition for removal for reasons that include but are not limited to:
 - a. An adverse result in litigation against the farm or landowner;
 - b. Death of a close family that would lead to unanticipated financial hardship;
 - c. Significant tax liabilities;
 - d. Bankruptcy due to another person's fraud; or
 - e. Any other illegal activity.

Section 7-19-6: Limitation on Regulations

- A. Limitation of Restrictions. The Board shall not enact a local law, ordinance, or regulation that would restrict a farm structure or farming practice within the boundaries of the APA, unless such farm structure or farming practice does not comply with generally recognized farming practices or the farm structure or land use is in conflict with the current agricultural land use classification or agricultural zoning designation of the area.
- B. Zoning Designation. The Board shall not change the current agricultural land use classification or agricultural zoning designation for parcels of land within an APA without the permission from the landowner.

Section 7-19-7: Fees

An application fee for inclusion, modification, or termination/removal of an APA shall be required to cover administrative costs of the County in reviewing an application as established in the Land Use and Building Department's Fee Schedule, including, but not limited to, reviewing materials, conducting public meetings and hearings, processing and

recording documents, and updating county land use maps.

Section 7-19-8: Enforcement, Prohibitions, and Penalties

- A. Regulations. Nothing in this Chapter shall prevent the Board from regulating the siting of large confined animal feeding operations and facilities pursuant to Idaho Code section 67-6529, the siting of residential, commercial, manufacturing, industrial, solar energy, or wind energy structures, or other nonagricultural land uses on lands included within the APA.

- B. Nuisance. The Board shall ensure that any of its laws or ordinances that define or prohibit a public nuisance shall exclude APAs from its definition or from any prohibit for any agricultural activity or operation within an APA as long as those agricultural activities or operations follow general recognized farming practices.

- C. Eminent Domain. Elmore County may not condemn for any purpose any land within an APA that is being sued for production agriculture except for expansion or maintenance of an existing highway right-of-way or as granted in Section 14, Article 1, and Section 8, Article XI of the constitution of the state of Idaho.

- D. Enforcement. The Board or acting Code Enforcement Officer shall be responsible for enforcing the provisions of this Ordinance. Any violation of this Ordinance shall be subject to the enforcement provisions of Chapter 16 of this Ordinance.

Section 7-19-9: Severability

If any section, subsection, sentence, clause, or phrase of this Chapter is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter and they shall remain in full force.

....

Section 7. That this Ordinance is hereby amended to correct grammatical and spelling errors and provide for the reformatting, renumbering, and renaming of provisions where necessary based on the changes herein proposed.

Section 8. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 9. The Summary of the Ordinance as attached hereto as Exhibit A is approved as to both form and content.

Section 10. This Ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for Elmore County, in accordance with the Idaho Code.

This ordinance duly enacted as an ordinance of Elmore County, Idaho on this 20th day of December 2024, upon the following roll call vote:

ROLL CALL:

Board of Elmore County Commissioners

By: _____
FRANKLIN L. CORBUS, Chairman

By: _____
AL HOFER, Commissioner

By: _____
CRYSTAL RODGERS, Commissioner

ATTEST:

Shelley Essl, Elmore County Clerk

The undersigned, _____, in his capacity as Deputy Prosecutor for Elmore County, hereby certifies that he is a legal advisor to Elmore County and has reviewed the attached Summary of Ordinance 2024-_____ of Elmore County, Idaho and has found the same to be true and complete and provides adequate notice to the public.

Dated this _____ day of _____ 2024

Deputy Prosecutor

The undersigned, Shelley Essl, County Clerk, hereby states that the attached Summary of Ordinance No. 2024-____, prepared by the above-named Deputy in the Elmore County Prosecuting Attorney's Office, is true and complete and provides adequate notice to the public.

Dated this _____ day of _____ 2024

Shelley Essl, County Clerk

PUBLISHED: _____

PASSED, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 20th day of December 2024, upon which roll call vote was duly take and said Ordinance duly passed by a unanimous or two thirds vote as an Ordinance of Elmore County, Idaho.

A summary of the Ordinance shall be published in the Mountain Home News within one (1) month after passage.

EXHIBIT "A"

SUMMARY OF ORDINANCE 2024-0 OF ELMORE COUNTY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the Elmore County Board of Commissioners, at the regular meeting of the Board on October 20, 2024, approved, adopted, and enacted that Ordinance No. 2024-0 entitled:

ELMORE COUNTY ORDINANCE NO 2024-0

AN ORDINANCE OF ELMORE COUNTY, IDAHO, AMENDING TITLE 7, CHAPTER 1, 2, AND 3; AND ADDING A NEW CHAPTER 5 TO TITLE 6, AND ADDING A NEW CHAPTER 19 TO TITLE 7 (ELMORE COUNTY ZONING), TO CREATE AN ORDINANCE ESTABLISHING AN AGRICULTURAL PROTECTION AREA AND AGRICULTURAL PROTECTION AREA COMMISSION, ESTABLISHING THE AGRICULTURAL AREA COMMISSION'S JURISDICTION AND DUTIES, PROVIDING ACCOMPANYING ZONING AND DEVELOPMENT PROVISIONS SUCH AS NEW DEFINITIONS, LAND USE TABLES, ZONING DISTRICTS, APPLICATION PROCEDURES AND PROCESS, REQUIREMENTS FOR ESTABLISHMENT, AND FEES AND COSTS; SECTION 1, ADOPTION OF ORDINANCE AS SET FORTH BY UNDERLINING AND STRIKETHROUGH, REPEALED SECTIONS AS INDICATED BY SECTION, SUBSECTION, AND PART, AND ALL OTHER SECTIONS, SUBSECTIONS, AND PARTS NOT SHOWN AND REPRESENTED BY ELLIPSES TO REMAIN THE SAME; SECTION 2, ADD NEW CHAPTER 5 TO TITLE 6 TO ESTABLISH THE CREATION OF AN AGRICULTURAL PROTECTION AREA COMMISSION AND SPECIFY THE AGRICULTURAL PROTECTION AREA COMMISSION'S JURISDICTION AND AUTHORITY, MEMBERSHIP AND TERM, ORGANIZATION AND EXPENDITURES, A CLERK OF THE AGRICULTURAL PROTECTION AREA COMMISSION, DISCUSSING CONFLICTS OF INTEREST, MEETINGS HELD BY THE AGRICULTURAL PROTECTION AREA COMMISSION, AND THE APPEAL PROCEDURE FOR DECISIONS BY THE AGRICULTURAL PROTECTION AREA COMMISSION; SECTION 3, AMEND TITLE 7, CHAPTER 1, TO ADD DEFINITIONS FOR AGRICULTURAL PRODUCTION, AGRICULTURAL PROTECTION AREA, AGRICULTURAL PROTECTION AREA COMMISSION, AGRICULTURAL PROTECTION AREA APPLICANT, AND AGRICULTURAL PROTECTION RELATED HARDSHIP; SECTION 4 AMEND TABLE 7-2-26(A) AND TABLE 7-2-26 (B) TO INCLUDE AGRICULTURAL PROTECTION AREA; SECTION 5, AMEND TITLE 7, CHAPTER 3 TO ADD A NEW SECTION 7-3-16A TO OUTLINE PROCEDURAL REQUIREMENTS FOR AGRICULTURAL PROTECTION AREA REVIEW AND APPROVAL; SECTION 6, ADD NEW CHAPTER 19 TO TITLE 7 TO ESTABLISH THE PURPOSE, PROCESS, DURATION, EXPANSION AND MODIFICATION, TERMINATION, ENFORCEMENT AND PROHIBITIONS OF AGRICULTURAL

PROTECTION AREAS; SECTION 7, TO CORRECT GRAMMATICAL AND SPELLING ERRORS AND PROVIDE FOR REFORMATTING, RENUMBERING, AND RENAMING OF PROVISIONS WHERE NECESSARY; SECTION 9, SEVERABILITY; SECTION 10, APPROVING THE ORDINANCE SUMMARY; AND SECTION 11 PROVIDING AN EFFECTIVE DATE.

The Ordinance contains the sections and principal provisions and procedures set forth in the title describing it above, will be in full force and effect from and after its passage, approval, and publication of the summary of the Ordinance; and approval of this Summary of the Ordinance. A copy of the entire Ordinance is available upon request at the Clerk's Office, Elmore County Courthouse, 150 South 4th East, Suite 3, Mountain Home, Idaho. Office hours are from 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays. A copy may be viewed on the Elmore County website at <https://elmorecounty.org/land-use-and-building-department/>.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, THAT TITLE 6, CHAPTER 5; TITLE 7, CHAPTER 1, 2, 3, AND 19 (ELMORE COUNTY ZONING) BE AMENDED OR ADDED, AS THE CASE MAY BE, CONSISTENT WITH STATE AND FEDERAL REGULATION PRACTICES, TO ADOPT AN ORDINANCE THAT PROVIDES FOR THE APPLICATION PROCESS FOR AGRICULTURAL PROTECTION AREAS AND APPOINTS AN AGRICULTURAL PROTECTION AREA COMMISSION.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

REGULARLY PASSED AND ADOPTED by the Board of County Commissioners of Elmore County, Idaho, on this ____ day of _____, 2024.

ELMORE COUNTY BOARD OF COMMISSIONERS

/S/, FRANKLIN L. CORBUS Chairperson

/S/, ALBERT HOFER Commissioner

/S/, CRYSTAL RODGERS Commissioner

ATTEST: /S/ SHELLEY ESSL, Clerk

1 Publication [Month, Day], 2024

Exhibit 6

RESOLUTION NO. 911-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELMORE COUNTY ESTABLISHING AN AGRICULTURAL PROTECTION AREA COMMISSION PURSUANT TO IDAHO CODE SECTIONS 67-9704; 67-9705; APPOINTING AN INITIAL THREE MEMBERS TO THE AGRICULTURAL PROTECTION AREA COMMISSION ALL OF WHOM ARE ACTIVELY EMPLOYED BY OR SUPPORTING PRODUCTION AGRICULTURE IN ELMORE COUNTY, IDAHO; AUTHORIZING THE CHAIRMAN TO TAKE ACTION AND EXECUTE DOCUMENTS CONSISTENT WITH THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provide authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, during the 2024 legislative session, the Idaho State Legislature enacted House Bill 608, the Agricultural Protection Area Act, adding a new Chapter 97 of Title 67 in Idaho Code;

WHEREAS, pursuant to Idaho Code 67-9704, each county within the state of Idaho is required by January 1, 2025, to adopt an agricultural protection area ordinance and appoint an Agricultural Protection Area Commission to receive, review, and process Agricultural Protection Area applications;

WHEREAS, Idaho Code 67-9705 requires that the Board of Commissioners of Elmore County (“Board”), “shall appoint at least three (3) and no more than five (5) members actively employed by or supporting production agriculture in the county, which members may include representatives from the local soil and water conservation district board of supervisors, the local cattlemen’s association board, the county farm bureau board, an irrigation district or water users association board, or a grower/commodity association or commission board, to serve as the agricultural protection area commission for the county;”

WHEREAS, the Board has determined that certain individuals will initially be appointed to serve on the Agricultural Protection Area Commission, these individuals are:

- 1) Ed Oppendyk,
- 2) Jeff Blanksma, and
- 3) K.C. Duerig

WHEREAS, these individuals are actively employed by or supporting production agriculture in Elmore County representing the following interests, the local soil and water conservation district, the local cattlemen’s association, the county farm bureau, the irrigation district or water users’ association; and the grower/commodity association or commission

WHEREAS, pursuant to Idaho Code 67-9705(2), the Board establishes the initial term of these Commissioners to be three (3) years with the ability to renew their term upon expiration;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY A 3-0 VOTE, the Board hereby establishes the Agricultural Protection Area Commission, and appoints the forgoing individuals to serve and initial term of three (3) years as Commissioners of the Agricultural Protection Area.

DATED this 20th day of December, 2024.

ELMORE COUNTY BOARD OF COMMISSIONERS

Approving:

By: _____
Franklin Corbus, Chairperson

By: _____
Albert Hofer, Commissioner

By: _____
Crystal Rodgers, Commissioner

ATTEST:

Shelley Essl, Elmore County Clerk