

**COMMISSIONERS MINUTES  
SEPTEMBER 10, 2012**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan. Also present were Civil Attorney Buzz Grant, Clerk Barbara Steele and Deputy Clerk Shelley Hooper.

Motion by Wootan, second by Hofer, to add to the agenda and discuss Title II Funds with Bob Baker.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Mr. Baker has received applications from Glens Ferry Highway District for a project and wants to get the funds allocated properly. Discussion followed.

Beth Bresnahan, Growth & Development Department, appeared to discuss a project she is doing for her Master's Degree. Ms. Bresnahan is in the process of obtaining her Master's Degree in Human Resource and Development. One of the requirements for her class is to develop a survey on employee satisfaction and to issue the survey to the employees. The results of the survey will only be seen by Ms. Bresnahan and she would like permission from the Board to distribute her survey. The Board approved the class project.

Motion by Shaw, second by Hofer, to approve the minutes for August 27, 2012, August 30, 2012 and September 5, 2012.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to approve the expenses in the amount of \$400,979.98.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to approve the payroll for August 2012 in the amount of \$429,006.28.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of \$1,763.49. Hiler Brothers - \$1,055.30, Mountain Home News - \$65.25, Intermountain Communications - \$528.03 and Norco \$114.91

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to approve the Pest Abatement District Expenses in the amount of \$5,032.31. Mountain Home News - \$76.50, Stephenson Computer Consulting - \$1,314.51, Dave Humphreys - \$15.82, Elmore County - \$3,357.03, Idaho Wrecker Sales - \$159.00, Mountain Home Auto Parts - \$4.45 and Les Schwab - \$105.00.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to approve the Recorder's Office Report, Clerk's Bail Bond Report and the Treasurer's Office Report for the record only.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to approve the letters of support to the Idaho Congressional Delegation Team for acquiring water rights at Mountain Home Air Force Base.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Wootan, second by Hofer, to approve the tax cancellations No. 1169 Southwestern Idaho Co-op Housing Authority - \$16,782.60, No. 1170 Elmore County - \$2,378.80, No. 1171 Elmore County - \$1,066.14, No. 1172 Hawks Construction, Clayton Hawks \$2.03 and No. 1173 Gregory Hunt \$1,514.00.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to approve the Certificates of Residency for Austin Franklin Griswold, Madison Leigh Kean, Aubree L. Ogaard, Symone Adara Payne, Osvaldo Rubi, Kelly J. Chung-Yuen, Crystal N. Gehrt, Kelsey Jo Holloway and Amanda L. Raines.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to nominate Steve Rule for the Capital Crimes Defense Fund Board for District 3.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

The costs of the Trinity Ridge Fire were discussed.

Motion by Shaw, second by Wootan, to approve Resolution No. 491-12 Fifth Extension of the Declaration of Local Disaster Emergency for the Trinity Ridge Fire.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

**ELMORE COUNTY**

**FIFTH EXTENSION OF DECLARATION OF LOCAL DISASTER  
EMERGENCY**

**RESOLUTION NO. 491-12**

**AT A MEETING OF THE BOARD OF ELMORE COUNTY (the “County”) COMMISSIONERS (the “Board”), STATE OF IDAHO, ON THE 10<sup>TH</sup> DAY OF SEPTEMBER 2012, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED, TO WIT;**

**WHEREAS**, the Board, on August 9, 2012, passed Resolution No. 481-12 (“Initial Declaration”) declaring a state of local disaster emergency regarding the wild fire located in the County, referred to as the Trinity Ridge Fire; and

**WHEREAS**, the declaration of local disaster emergency under Idaho Code is §46-1011(1), is limited in duration to seven days unless it is continued or renewed for a period in excess of seven days with the consent of the governing board of the political subdivision; and

**WHEREAS**, the Initial Declaration ran from August 9, 2012 through August 16, 2012; and

**WHEREAS**, the Board, on August 13, 2012, passed Resolution No. 483-12 (“First Extension”) extending the declaration of local disaster from August 16, 2012 through August 23, 2012; and

**WHEREAS**, the Board, on August 20, 2012, passed Resolution No. 485-12 (“Second Extension”) extending the declaration of local disaster from August 23, 2012 through August 30, 2012; and

**WHEREAS**, the Board on August 27, 2012, passed Resolution No. 486-12 (“Third Extension”) extending the declaration of local disaster from August 30, 2012 through September 6, 2012; and

**WHEREAS**, the Board on September 6, 2012, passed Resolution No. 490-12 (“Fourth Extension”) extending the declaration of local disaster from September 6, 2012 through September 13, 2012; and

**WHEREAS**, the Board desires to extend the declaration of local disaster emergency from September 13, 2012 through September 20, 2012; and

**WHEREAS**, the Board, pursuant to Idaho Code §46-1011, has the authority to declare a state of local disaster emergency regarding the County; and

**WHEREAS**, the Board has determined that the wild fire located in the County, commonly known and referred to as the Trinity Ridge Fire, is a local disaster emergency; and

**WHEREAS**, a local disaster emergency exists in the County and the County requires state emergency assistance to supplement local efforts to protect life and property and to activate the response and recovery aspects of any and all applicable local or intergovernmental disaster emergency plans and to authorize the furnishing of aid and assistance thereunder; and

**WHEREAS**, the Board requests that the Governor of the State of Idaho, together with the other appropriate state officials, along with other appropriate federal officials, to make such declarations, and provide such assistance within County as required and allowed by law.

**NOW, THEREFORE, BE IT RESOLVED**, that Elmore County Board of Commissioners does hereby declare, pursuant to Idaho Code §46-1011, that a local disaster emergency exists in Elmore County, Idaho; and

**BE IT FURTHER RESOLVED**, that the Governor of the State of Idaho be advised of this local disaster emergency and is requested to take all action available for the amelioration of the above described local disaster emergency; and

**BE IT FURTHER RESOLVED**, that the Elmore County Recorder be directed to properly file this Resolution pursuant to Idaho Code Section 46-1011 and that the Elmore County Clerk provide prompt and general publicity of this declaration.

**BE IT FURTHER RESOLVED**, that this Resolution shall remain in effect for seven days, unless it is extended by the Elmore County Board of Commissioners.

Approved as a Resolution of the Elmore County Board of Commissioners effective on this 10<sup>th</sup> day of September 2012.

**ELMORE COUNTY COMMISSIONERS**

**/S/ ARLEN O. SHAW, Chairman**

**/S/ ALBERT HOFER, Commissioner**

**/S/ WESLEY R. WOOTAN, Commissioner**

**ATTEST: /S/ BARBARA STEELE, Clerk**

Motion by Wootan, second by Hofer, to approve the Memorandum of Understanding with Idaho Department of Lands for the Fall Creek and Prairie HFT Projects.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to approve the Idaho Bureau of Homeland Security EMPG Grant Renewal.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to approve the Finding of Fact and Conclusion of Law on the Gregory Hunt Tax Appeal.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to approve the Finding of Fact and Conclusion of Law on indigent case K-05-12-02.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Wootan, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss a personnel issue. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Regular session resumed. No decision was made as a result of the Executive Session.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Reconsideration on case K-07-12-01. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

A Hearing of Reconsideration was held on case K-07-12-01. Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper, Social Services Director Marianne Bate and the applicant’s spouse. Questions were asked and answered and the hearing was closed.

The following decision was made as a result of the Executive Session: The Board will take the matter under advisement.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Regular session resumed. The following decisions were made as a result of the Executive Session:

K-08-12-01 Motion by Wootan, second by Hofer, to approve with reimbursement order of \$150.00 per month and 50% of Federal and State tax refunds as payment.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -RECUSED                      Motion carried and so ordered.**

K-08-12-15 Motion by Wootan, second by Hofer, to deny as the application was filed with the wrong county. Elmore County is not the county of residence.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE                              Motion carried and so ordered.**

A short recess was taken. Regular session resumed.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold an Appeal of Reimbursement Order Hearing on case K-06-12-05. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE                              Motion carried and so ordered.**

A Hearing of Reconsideration was held on case K-06-12-05. Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper, Social Services Director Marianne Bate, the applicant and the applicant’s spouse. Questions were asked and answered and the hearing was closed.

The following decision was made as a result of the Executive Session:

K-06-12-05 Motion by Wootan, second by Hofer, to reduce the monthly reimbursement to \$75.00 and 50% of Federal and State income tax refunds as payment.



**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to adjourn for lunch and a jail inspection.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Regular session resumed.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Reconsideration on case K-05-12-04. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

A Hearing of Reconsideration was held on case K-05-12-04. Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper and Social Services Director Marianne Bate. Attorney Michael Hague, representing Elmore Medical Center and the applicant were present via speaker phone. Questions were asked and answered and the hearing was closed.

The following decision was made as a result of the Executive Session: The hearing on case K-05-12-04 will be continued until September 17, 2012 at 10:00am.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Reconsideration on case K-05-12-01. Roll call vote was taken.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

A Hearing of Reconsideration was held on case K-05-12-01. Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper and Social Services Director Marianne Bate. Questions were asked and answered and the hearing was closed.

The following decision was made as a result of the Executive Session:

K-05-12-01 Motion by Shaw, second by Hofer, to approve with a reimbursement order of \$20.00 and 50% of Federal and State income tax returns as payment.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Alan Christy, Growth & Development Director, appeared to discuss an issue regarding a private air strip in Oasis. Residents neighboring the airstrip are calling in and complaining that the planes are flying low over their property and are wondering what can be done about it. Mr. Christy and Commissioner Wootan will discuss the matter with Sheriff Rick Layher.

Assessor Ron Fisher appeared to reviewed Property Tax Exemption Forms.

Motion by Shaw, second by Hofer, to approve the Property Tax Exemption Form for Christine Farnsworth for parcel # RPA01581003042A, reinstate the Homeowner's Exemption for 2011 and 2012 and refund \$1,006.77 for tax year 2011.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Motion by Shaw, second by Hofer, to approve the Property Tax Exemption Form for Saint Vincent De Paul Thrift Store for parcel # RPA3S06E253875A.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Steve Dye, Juvenile Probation Director, appeared to discuss his Community Service Supervisor position. Currently, the position is a contracted service, but will now be changed so that it will be a county hired position instead of a contracted position. Discussion followed.

Motion by Shaw, second by Wootan, to approve the Clerk’s estimate for the number of ballots to order for the November 6, 2012 General Election.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

A Public Hearing was held regarding the Burn Ban Ordinance. No public was present.

Motion by Shaw, second by Wootan, to approve the Burn Ban Ordinance No. 2012-02

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

**ORDINANCE NO. 2012-02**

**OPEN FIRE BAN AND BURN PERMIT ORDINANCE**

AN ORDINANCE PROVIDING A PROCEDURE TO BAN OPEN FIRES WITHIN ELMORE COUNTY, PROVIDING A PROCEDURE FOR FUTURE IMPLEMENTATION OF OPEN FIRE BANS WHEN NEEDED; IMPLEMENTATION OF AN OPEN BURNING PERMIT SYSTEM; PROVIDING FOR A VIOLATION OF THE ORDINANCE TO BE A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS (\$1,000.00) OR IMPRISONMENT OF UP TO SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT; PROVIDING FOR CIVIL LIABILITY FOR COST OF CONTAINMENT AND DAMAGES CAUSED BY VIOLATION.

**WHEREAS**, the Elmore County Board of Commissioners (the “Board”) values the lives and safety of Elmore County (the “County”) residents and takes such matters affecting the same very serious;

**WHEREAS**, the Board finds, and recognizes that it is common knowledge, that from time to time there exists an extreme or severe danger and threat of forest fires, grassfires, and wildfires due to dry weather and vegetation conditions in the County and that fires have routinely or periodically occurred during dry weather conditions in the County causing property damage and risk of loss of life;

**WHEREAS**, wildfires constitute a real threat to life and property in the County;

**WHEREAS**, the Board wants to take such actions as are necessary to preserve property and the safety of residents within the County;

**WHEREAS**, from time to time the Board will find it necessary to prohibit Open Fires, as defined herein;

**WHEREAS**, the Board finds that this ordinance is necessary for the preservation of the public health and safety for the reasons set forth herein;

**WHEREAS**, the Board finds that implementation of the procedures regarding bans on Open Fires and the implementation of a burn permit system will reduce the danger and likelihood of forest fires, grassfires, and wildfires in the County;

**WHEREAS**, the County Sheriff's Office is the appropriate agency to enforce violations of Open Fire bans imposed by this Ordinance and to manage the burn permit system, in the County, to the extent the same is not located within a Fire Protection District;

**WHEREAS**, pursuant to Idaho Code § 31-828, boards of county commissioners have the power and authority “[t]o do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government;” and

**WHEREAS**, the Board hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of inhabitants of the County, and that it is in the best interests of the people of the County and their property that the Board create a procedure for invoking future Open Fire bans and a burn permit system when conditions warrant.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Elmore County, Idaho, the following Ordinance be passed and take effect as follows:

**Section 1: Short Title and Purpose:** This Ordinance shall be known and cited as the Open Fire Ban and Burn Permit Ordinance. The purpose of this Ordinance is to ban Open Fires, as defined herein, and to implement an open burning permit system, in all Unincorporated Areas of the County Outside Fire Protection Districts to lessen the danger fires in those areas.

**Section 2: Definitions:** For the purposes of this Ordinance, the following definitions shall apply. Any other words and phrases not defined in this Ordinance shall be given their ordinary, commonly understood and accepted meanings:

**Open Fire:** That definition set forth in the Implementation Resolution, as hereafter defined. In the event the Implementation Resolution does not contain a definition of Open Fire, then for all purposes under the Ordinance or the Implementation Resolution, an Open Fire shall be: any and all outdoor fires, including but not limited to, campfires, warming fires, all explosives, firing of model rockets, discharge of tracer bullets, exploding targets, welding or operating an acetylene or other torch with open flame (other than in an area cleared of all flammable materials and with adequate firefighting equipment immediately available and on hand), the burning of trash and debris and open burning which is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous. The **Open Fire shall not include or apply to:** (i) commercial fireworks within city limits; (ii) wood burning stoves and fireplaces located within an enclosed building(s); (iii) roadside emergency flares used for vehicle safety in a safe and prudent manner with regard to wildfire threat; (iv) recreational fires, as defined in the International Fire Code, shall be permitted so long as they are no closer than 25 feet from any structure and the fuel to be burned is no more than three feet in diameter and no higher than 2 feet in height and contained within a steel or concrete fire ring, barbecue grills located on personal residences when used in a safe and prudent manner with regard to wildfire threat; (v) the prescribed burning of fence rows, irrigation ditches, fields, and farmland when done in a safe and prudent manner with adequate firefighting equipment immediately available and on hand, with the greatest regard and consideration to the wildfire risks; and (vi) burning in farm burn barrels, when used in a safe and prudent manner with regard to wildfire threat.

**Unincorporated Areas of the County Outside Fire Protection Districts:** All public (to the greatest extent allowed by law) and private lands located in the County which are outside the city limits of any city within the County and outside the boundaries of any fire protection district formed pursuant to Title 31, Chapter 14, Idaho Code. This area is depicted on the map attached as **Exhibit A**.

**Section 3:** When this Ordinance is implemented by one or more resolutions of the Board in accordance with the provisions of this Ordinance (“Implementation Resolution”) Open Fires of every kind and type are prohibited on all Unincorporated Areas of the County Outside Fire Protection Districts to the greatest extent permitted by law, unless such prohibition is specifically limited by the terms of the Implementation Resolution. An Open Fire ban shall be in effect in the County, when an Open Fire ban is put in place by the Implementation Resolution and it shall be unlawful and a misdemeanor for any person to violate the terms of the Open Fire ban in Unincorporated Areas of the County Outside Fire Protection Districts during the time periods set forth in the Implementation Resolution. The Implementation Resolution may modify the

definition of Open Fire, Unincorporated Areas of the County Outside Fire Protection Districts or may limited burn restrictions to just certain areas of the County or any other further limitations as set forth in the Implementation Resolution.

The Open Fire ban authorized to be imposed by the terms of this Ordinance shall be implemented by:

- (A) Adoption of the Implementation Resolution by the Board declaring that conditions and circumstances within the County necessitate the imposition of an Open Fire ban to protect the health, safety, and welfare of the public. Such resolution shall specifically state that the resolution is intended to implement the Open Fire ban authorized by this Ordinance; and
- (B) That established evaluation criteria then currently in use by federal, state and local Fire suppression/management agencies for monitoring fuel moistures, fire dangers class, then current impacts on suppression resources, then current fire cause types, weather forecasts and other predictive fire danger may be considered by the Board; and
- (C) The County may consider and, where deemed appropriate by the Board, undertake efforts to advertise and publicize each Open Fire ban implemented by resolution accordance with this Ordinance. Such efforts may include, but are not limited to, any one or more of the following: recording of the resolution in the records of the County Clerk/Recorder, posting of the resolution on the County website, publication of the resolution and notices in one or more newspapers and publications circulated within the County, the erection of signs referring to the Open Fire ban along public thoroughfares and/or in public places within the County, and/or notification sent to fire districts, the Idaho State Department of Lands, the United States Forest Service, the Bureau of Land Management, municipalities and other public agencies informing such agencies of the County Open Fire ban. The failure to undertake any such additional efforts to advertise and publicize the Open Fire ban shall not invalidate or preclude the enforcement of this Ordinance as implemented by any such resolution.

**Section 4:** An Open Fire ban imposed and implemented in accordance with this Ordinance shall commence upon the date set forth in the resolution and shall remain in effect until the date identified in such resolution, if any, or the date of repeal of the resolution by a further resolution of the Board.

**Section 5:** All burning and Open Fires in the County shall at all times be subject to any and all state and federal laws and regulations, including but not limited to air quality and health and safety concerns.

**Section 6:** The County Sheriff ("Sheriff") will implement an "Open Burning Permit System" for the purpose of permitting individuals to safely burn slash, slash piles, forest

management slash, grasses and debris. In collaboration with County Fire Protection Districts, the open burning permit system will provide private property owners education and required procedures for safe slash and debris burning. The County open burning permit system, and the burn permit forms, currently being used and managed by the Sheriff's Office, are hereby adopted as the open burning permit system for the County. The open burning permit system also includes the following additional provisions:

6.1 No person shall conduct any Open Fire or open burning within an Unincorporated Area of the County Outside Fire Protection Districts without obtaining and holding a valid and effective open burning permit, and notifying the Sheriff's Office of any proposed Open Fire, open burning under the open burning permit, and in all other respects complying with the open burning permit system, requirements, and the open burning permit, including but not limited to calling the County Dispatch and where required the State of Idaho, Department of Lands.

6.2 The Sheriff's Office may, in authorizing a burn under an open burning permit, require the person who will be conducting the burn to notify contiguous land owners, of the date, time and location of any burning pursuant to an open burning permit.

6.3 Broadcast burns conducted within federal and state guidelines that have a written prescribed fire plan and agricultural burns are hereby exempted from the open burning permit system.

6.4 Nothing in the County open burning permit system infringes upon or otherwise affects the ability of agricultural producers to conduct burning on their property.

6.5 Provisions or procedures of the open burning permit system may be amended by the Sheriff, with the prior approval of the Board, by motion or resolution.

**Section 7:** The Sheriff and the Sheriff's officers, deputies, designees and agents are authorized by the Board to enforce the prohibition on Open Fires implemented by such resolution(s) adopted as provided in this Ordinance. The Sheriff shall be responsible for the administration of this Ordinance and the implementation and administration of the open burning permit system. All inquiries regarding the current status of Open Fire restrictions and bans in the County should be directed to the Sheriff's Office.

**Section 8:**

8.1 Violations of this Ordinance shall be a misdemeanor and may be prosecuted and upon conviction or confession of guilt thereof shall be punished by a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00) for each violation of this Ordinance. The minimum fine shall be One Hundred and 00/100 Dollars (\$100.00) and the maximum fine shall be One Thousand and 00/100 Dollars (\$1,000.00). It is the intent of this Ordinance that the fine for repeated or multiple violations of an Open Fire ban

implemented as provided herein, or of the burn permit system, by any one person, shall be significantly increased.

8.2 The Sheriff shall have the authority to take a violator or violators into custody for violations of this Ordinance. Criminal prosecution may be brought against a violator under state statutes or under the penalty assessment procedure provided herein.

8.3 Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any federal, state, or local law, rule, order or regulation, and each day during which violation of this Ordinance continues shall be deemed a separate offense.

8.4 When a person is issued a summons and complaint for a violation of this Ordinance, the issuing officer shall have the authority, but not be limited to, to issue a penalty assessment notice pursuant to and authorized by this Ordinance to the person. The penalty assessment notice shall be a summons and complaint, shall identify the alleged offender, shall specify the offense and applicable fine and shall require that the alleged offender pay the fine or appear to answer the charge at a specified time and place. A duplicate copy shall be sent to the Clerk of the County Court. If the person given a penalty assessment notice chooses to acknowledge guilt, he/she may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he/she chooses not to acknowledge his/her guilt, he/she shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he/she was found guilty. Customary court costs may be assessed against him/her in addition to the fine.

8.5 Each violation of any provision of this Ordinance is punishable as follows:

First Violation	A fine of one hundred dollars (\$100.00)
Second Violation	A fine of five hundred dollars (\$500.00)
Third and subsequent violations for each subsequent violation	A fine of one thousand dollars (\$1000.00)

8.6 Additionally for repeat violators in addition to the above listed fines, the violators may be imprisoned in jail of up to six (6) months.

**Section 9:** No dry vegetation, Christmas trees, or any other combustible material may be stored, displayed, sold or otherwise kept within twenty-five (25) feet of any structure.

**Section 10:** In the event the State of Idaho (the “State”), the Bureau of Land Management (“BLM”) or the United States Forest Service (“Forest Service”) have issued burning regulations pertaining to public lands within their respective jurisdictions in the



County, in conflict with this Ordinance, strictest of such rules, regulations of the State, BLM or the Forest Service shall control.

**Section 11:** Any person who willfully or negligently is responsible for the starting or permitting an Open Fire in violation of this Ordinance shall be liable for the costs incurred by federal, state or local agencies or their authorized representatives in controlling or extinguishing the same, as well as damages to life and property arising from such a violation of this Ordinance. The amount of such costs shall be recovered by a civil action prosecuted in the name of the County, those persons damaged or the agency seeking reimbursement. Civil liability provided herein shall be exclusive of, and in addition to, any criminal penalties provided herein.

**Section 12:** Where any provision of this Ordinance conflicts with any other provision of this Ordinance, or any other law or ordinance or the Implementing Resoluton, the more stringent requirement, regulation, restriction or imitation shall apply. Notwithstanding the foregoing, it is the intent of the Board that this Ordinance completely embody all rules, regulations and requirements pertaining to the burn bans for Open Fires within the Unincorporated Areas of the County Outside Fire Protection Districts. Therefore, all prior Resolutions and Ordinances, heretofore adopted by the Board in relation to the matters contained herein, are hereby declared null, void and of no effect as of and for matters occurring after the Effective Date of this Ordinance, except that the County Fireworks Ordinance, Ordinance No. 2007-6 shall not be rescinded by this Ordinance and the Fireworks Ordinance shall remain in full force and effect. To effectuate this purpose, Resolution 477-12 is hereby rescinded as of and for matters occurring after the Effective Date of this Ordinance.

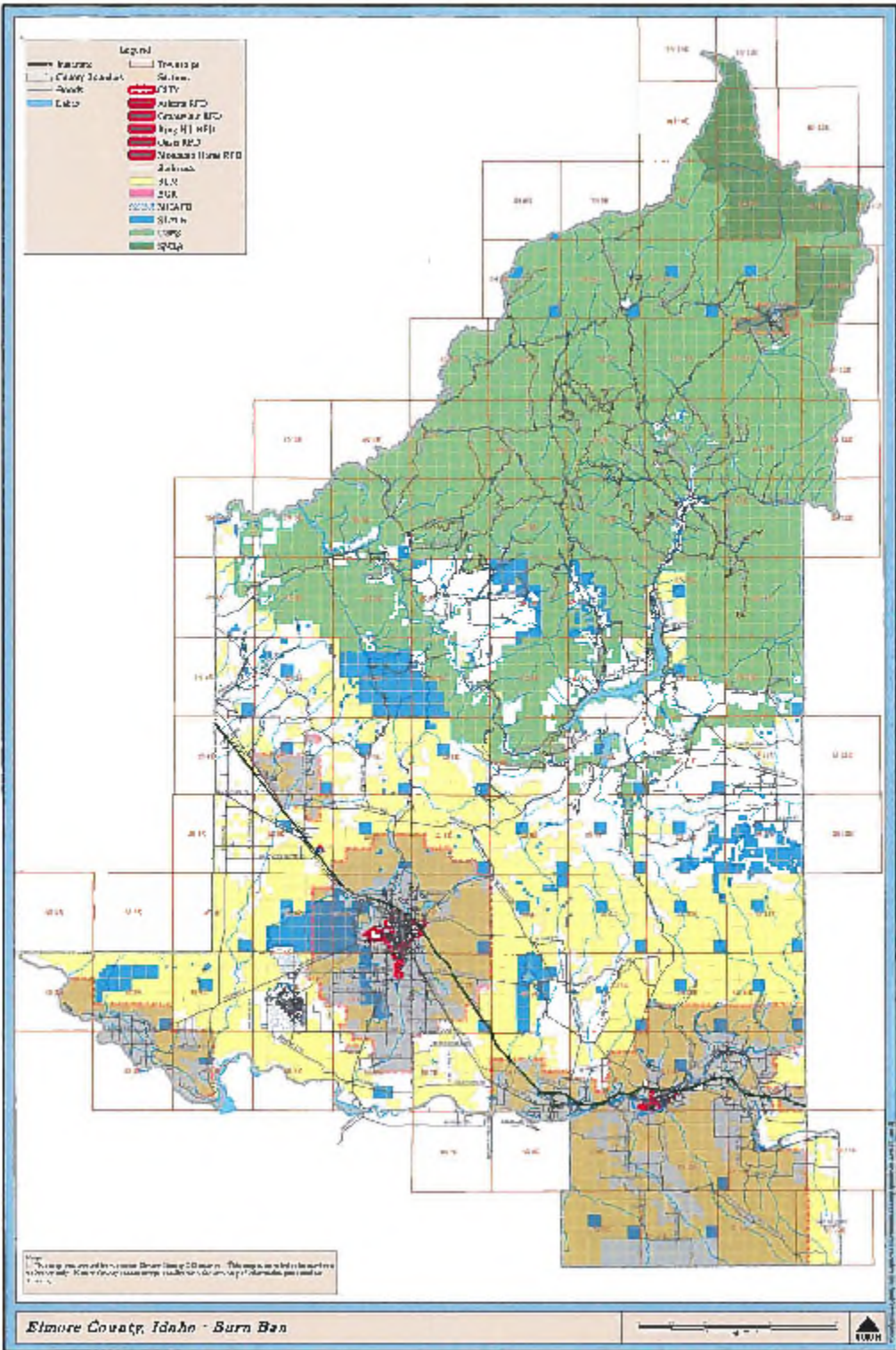
**Section 13:** The discharge or use of fireworks shall be governed by the County Fireworks Ordinance, which ordinance shall remain in full force and effect. Ordinance No. 2007-6.

**Section 14:** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

**Section 15:** This Ordinance shall be effective upon its passage, approval and publication according to law.

This Ordinance is enacted, approved and adopted by the Elmore County Board of County Commissioners as an ordinance on this 10<sup>th</sup> day of September, 2012.

## **Exhibit A**



Motion by Shaw, second by Hofer, to approve Resolution No. 492-12 Implementation of Burn Ban Ordinance No. 2012-12.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

**RESOLUTION NO. 492-12**

**(Implementation Resolution - Burn Ban Ordinance)**

**On this 10th day of September, 2012, the Elmore County Board of County Commissioners (“Board”) hereby resolves the following:**

**WHEREAS**, the Board values the lives and safety of Elmore County residents and takes such matters affecting the same very serious;

**WHEREAS**, the Board hereby declares that conditions and circumstance within the County now or in the future will necessitate the imposition of an Open Fire ban to protect the health, safety and welfare of the public.

**WHEREAS**, the Board has implemented and passed the Open Fire Ban and Burn Permit Ordinance (Ordinance No. 2012-02) (“Fire Ban Ordinance”) and this resolution shall implement the Open Fire ban, as defined and authorized in the Fire Ban Ordinance;

**WHEREAS**, prior to issuing this Implementation Resolution, the Board may consider established evaluation criteria to predict fire dangers in the County;

**WHEREAS**, many parts of Elmore County are extremely dry and due to current conditions the threat of wild fires is severe;

**WHEREAS**, wildfires constitute a real threat to life and property in Elmore County;

**WHEREAS**, it is commonly known that from time to time there exist an extreme or serious danger and threat of forest fires, grassfires and wildfires due to dry weather and vegetation conditions in Elmore County and that fires have caused property damage and the potential for risk of loss of life;

**WHEREAS**, the Board finds it necessary to prohibit Open Fire, as defined in the Fire Ban Ordinance;

**WHEREAS**, pursuant to Idaho Code § 31-828, boards of county commissioners have the power and authority “[t]o do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.”

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT UPON THE EFFECTIVE DATE OF THIS RESOLUTION:**

From [the date hereof/September 10, 2012] until October 20, 2012, or such earlier date as set forth by the Board, the Board hereby declares a ban on Open Fire, as defined in the Burn Ban Ordinance on Unincorporated Areas of the County Outside Fire Protection Districts. County, also as defined in the Burn Ban Ordinance. County residents and others occupying federal lands in the County shall determine and follow such guidelines as established by the State of Idaho (the “State”), Bureau of Land Management (“BLM”) and the United State Forest Service (“Forest Service”) pertaining to public lands. In the event the State, BLM or the Forest Service have issued burning regulations pertaining to public lands in Elmore County, the rules, regulations of the State, BLM or the Forest Service, shall apply.

This Resolution is dated and is made effective as of this 10th day of September, 2012.

**ELMORE COUNTY COMMISSIONERS**

**/S/ ARLEN O. SHAW, Chairman**

**/S/ ALBERT HOFER, Commissioner**

**/S/ WESLEY R. WOOTAN, Commissioner**

**ATTEST: /S/ BARBARA STEELE, Clerk**

Motion by Shaw, second by Wootan, to close the public hearing regarding the Burn Ban Ordinance.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

Salary increases for the Juvenile Probation Director and a Juvenile Probation Officer were discussed.

Motion by Hofer, second by Shaw, to not have the salary increase retroactive and to approve the 3% increase for the Juvenile Probation Director.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -NAY**  
**so ordered.**

**Motion carried and**

Motion by Wootan to increase the salary of Juvenile Probation Officer Bowden by 3%. Clerk Steele explained that the increase will be more than 3%, as it will be increased to match Juvenile Probation Officer Howley’s salary. Commissioner Wootan rescinded his motion.

Motion by Hofer, second by Shaw, to increase the salary of Juvenile Probation Officer Bowden to match Juvenile Probation Officer Howley.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -NAY**  
**so ordered.**

**Motion carried and**

Starting now, when a newly hired employee has a salary increase issue, it will be the responsibility of the department head to notify the Board that the salary increase issue needs to be discussed.

A short recess was taken. Regular session resumed.

A Public Hearing was held regarding the Ordinance Text Amendment. Present at the hearing were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Alan Christy, Growth & Development Director, Mountain Home Mayor Tom Rist, Economic Development Director Paula Riggs and Larry Jewett of the Rural Fire District.

Mr. Christy reviewed the Staff Report and the required findings for a zoning ordinance amendment.

Mayor Rist spoke on behalf of the City of Mountain Home regarding the amendment to the ordinance. He is in favor of the ordinance and believes that the amendment will be beneficial to the City of Mountain Home in regard to allowing a company to open that will employ several hundred people. Mayor Rist feels the company has complied with all of the requirements, and the ordinance is outdated, so the City of Mountain Home strongly agrees with the amendment.

Chairman Shaw read the required findings for a zoning ordinance amendment, Section 6-3-9.

1. The zoning ordinance amendment complies with the applicable comprehensive plan; and

Staff Response: The Commissioner and Staff could find no conflicts with the adopted comprehensive plan.

Motion by Shaw, second by Wootan, to accept required finding #1, the zoning ordinance amendment complies with the applicable comprehensive plan.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

2. The zoning ordinance amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement; and

Staff Response: The Commissioner and Staff believe the proposed changes comply with the purpose statement for the general agriculture zone in that: “Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in the district.” The proposed changes eliminate conflicting portions of the ordinance and allows for agricultural dependent uses.

Motion by Shaw, second by Hofer, to accept required finding #2, the zoning ordinance amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**so ordered.**

**Motion carried and**

3. The zoning ordinance amendment shall not be materially detrimental to the public health, safety and welfare; and

Staff Response: Additional regulations are added in section 6-8-196 to insure the proposed changes will not be materially detrimental to the public health, safety and welfare. In addition, staff has received no comments stating the proposed changes will be

detrimental. The proposed regulations for slaughterhouses in section 6-8-196 are similar to the regulations for a CAFO.

Motion by Shaw, second by Wootan, to accept required finding #3, the zoning ordinance amendment shall not be materially detrimental to the public health, safety and welfare.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE** **Motion carried and so ordered.**

4. The zoning ordinance 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 Commission and Staff believe the proposed ordinance amendment will not increase population densities within any portion of Elmore County therefore not creating any additional impacts. In addition, affected agencies will have the option to comment on future conditional use permits, rezones and/or zoning permits that may affect services. The proposed ordinance amendment does not change or allow for any new uses in any of the zones.

Motion by Shaw, second by Wootan, to accept required finding #4, the zoning ordinance 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.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE** **Motion carried and so ordered.**

Motion by Wootan, second by Shaw, to approve Ordinance No. 2012-03 Amending the Elmore County Zoning & Development Ordinance, Title 6, Elmore County Code. The ordinance will be effective upon publication.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE** **Motion carried and so ordered.**

**ORDINANCE NO. 2012-03**

**AN ORDINANCE AMENDING THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6, ELMORE COUNTY CODE TO CLARIFY LAND USE CLASSIFICATIONS, AND REVISING THE DEFINITION OF SLAUGHTERHOUSE AND ELIMINATING THE DEFINITIONS AND USE CLASSIFICATIONS FOR RENDERING PROCESSING PLANT AND MEAT PACKING FACILITY.**

**WHEREAS**, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

**WHEREAS**, the Board of Commissioners of Elmore County (the “Board”) adopted the 2004 Comprehensive Growth and Development Plan on August 9, 2004, which comprehensive plan was subsequently amended on December 3, 2007 and August 17, 2011 (the “Comprehensive Plan”);

**WHEREAS**, the Board adopted the Elmore County Zoning and Development Ordinance on May 13, 2009 as Ordinance 2009-3; which was subsequently amended on December 1, 2010 and August 17, 2011.

**WHEREAS**, the Board amended and restated, in its entirety, the Elmore County Zoning and Development Ordinance on March 21, 2012 (“Existing Zoning Ordinance”).

**WHEREAS**, the Elmore County Growth and Development Department along with the Elmore County Planning and Zoning Commission have proposed certain changes to the Existing Zoning Ordinance as an amendment to the Existing Zoning Ordinance in the form attached hereto on Exhibit A (the “Amendment”), which exhibit is made a part hereof as if fully set forth herein. The Amendment, clarifies land use classifications, and revises the definition of slaughterhouse and eliminates the definitions and use classifications for a rendering processing plant and a meat packing facility.

**WHEREAS**, the Elmore County Planning and Zoning Commission conducted a public hearing on July 18, 2012 and offered a written recommendation of approval to the Board on August 1, 2012 in compliance with both the Local Land Use Planning Act and the Existing Zoning Ordinance for consideration for the adoption of the Amended Elmore County Zoning and Development Ordinance;

**WHEREAS**, The Elmore County Board of Commissioners conducted a public hearing on September 10, 2012 in compliance with both the Local Land Use Planning Act and Zoning Ordinance for consideration in amending the Existing Zoning Ordinance into the Amended Elmore County Zoning and Development Ordinance;



**WHEREAS,** The Elmore County Board of Commissioners has determined the Amendment is not in conflict with the Comprehensive Plan.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:**

**SECTION 1. ADOPTION OF THE AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE:** The Amendment is hereby adopted as an amendment to the Existing Zoning Ordinance. The Existing Zoning Ordinance shall remain in full force and effect as amended by the Amendment.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 10th day of September, 2012.

**ELMORE COUNTY COMMISSIONERS**

**/S/ ARLEN O. SHAW, Chairman**

**/S/ ALBERT HOFER, Commissioner**

**/S/ WESLEY R. WOOTAN, Commissioner**

**ATTEST: /S/ BARBARA STEELE, Clerk**

Exhibit A

[Attach the Amended sections]

**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.

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.

~~MEAT PACKING (COMMERCIAL): A facility which includes the canning, curing, smoking, salting, packing, and/or freezing of meat products; or a facility in which meat products are processed.~~

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.

MILK PROCESSING FACILITY: A facility which includes the processing, canning, curing, packing, and/or freezing of milk or milk products; or a facility in which milk products are processed.

MINE: See definition of Pit, Mine, or Quarry.

MINOR ARTERIAL: See definition of Street, Arterial, and Minor.

RECREATIONAL VEHICLE: A portable structure primarily designed as temporary living accommodation for recreational, camping, and travel use and as defined in Idaho Code section 49-119.

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.

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

**REMEDIATION, IN SITU:** Remediation that occurs on the same site where the contaminated soil or water exists. In SITU remediation does not involve removal or transportation of soil or water off site.

~~**RENDERING PROCESSING PLANT:** An animal processing facility or plant which may include: a) slaughtering, b) meat canning, c) curing, d) smoking, e) salting, f) packing, g) rendering, h) freezing, or other similar establishments in which meat products are so processed for sale to the public and where the inspection of meat, meat byproducts and meat food products are maintained.~~

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

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

**REQUIRED YARD:** See definition of Yard.

~~**SLAUGHTERHOUSE:** An establishment~~ An animal processing facility or plant where animals are ~~any of the following:~~ killed, cured, cooked, processed, packaged, frozen, tanned and/or rendered for commercial sale. A slaughterhouse may include a meatpacking facility as an accessory use.

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

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

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

**SPECIAL EVENTS:** Any temporary event including, but not limited to, picnics, barbecues, holiday events and parties, dances, concerts, bike rides and races, footraces and walks, auctions and sales, bazaars, sales or marketing events, and harvest festivals and events.

**SPECIFIC MASTER PLAN:** Document that describes, in narrative and with maps, an overall development plan and design for an area or precinct or planned community including both present property uses as well as future land development plans, detailed urban design and landscaping, building form, infrastructure and service provision as well as the schedule for capital expenditures.

**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.

**STANDARD SPECIFICATIONS:** Shall be the specifications as specified in this Ordinance or as officially adopted by the County, or applicable agency standards that may be required or accepted by Elmore County.

**START OF CONSTRUCTION:** The date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement, or substantial 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 a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

structure commences, whether or not that work affects the external dimensions of the structure.

**SUPPLY YARD:** A commercial establishment storing and offering for sale building supplies, steel supplies, heavy equipment, coal, feed and grain, and similar goods.

**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**

~~**TANNERY:** An establishment where animal hides are tanned or otherwise processed.~~

**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 LIGHTING:** See definition of Lighting, Temporary.

**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.

**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.

**TIMESHARE:** See Dwelling, Timeshare.

C. Radius Notice: At least seven (7) calendar 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 Title 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.

1. The following uses shall require notice within one thousand (1,000') feet of the property being considered:
  - a. Adult entertainment establishment;
  - b. Airport or Aircraft landing field;
  - c. Any application located in an Agricultural District;
  - d. Bar, brew pub, or nightclub;
  - e. Explosive manufacturing or storage
  - f. Flammable substance storage;
  - g. Foundry;
  - h. Junkyard or automobile wrecking yard;
  - i. Manufacture or processing of hazardous chemicals or gases;
  - j. ~~Meatpacking facility;~~Reserved;
  - k. Pit, mine, or quarry requiring administrative or conditional use approval;
  - l. Power plant
  - m. Processing plant for agricultural and dairy products;
  - n. Public or quasi-public use - public or private correctional facility;
  - o. Racetrack, vehicle or animal;
  - p. Sanitary landfill, restricted;
  - q. Sawmill or planing mill;
  - r. Slaughterhouse
  - s. Soil or water remediation;
  - t. ~~Tannery;~~Reserved;
  - u. Tower or antenna structure higher than fifteen (15') feet;

- v. Vehicle impound yard;
- w. Or, any other type of land use that the Director feels warrants a one thousand (1,000')-foot radius notice.

- 6-8-127: Highway Maintenance Shop
- 6-8-128: Home Occupation
- 6-8-129: Hospital
- 6-8-130: Hotel or Motel
- 6-8-131: Hunt Club, Resort
- 6-8-132: Incinerators
  
- 6-8-133: Industrial/Manufacturing Facility, Heavy
  
- 6-8-134: Industrial/Manufacturing Facility, Light
  
- 6-8-135: Junkyard or Automobile Wrecking Yard
  
- 6-8-136: Kennel, Commercial
  
- 6-8-137: Kennel, Hobby
  
- 6-8-138: Laboratory-Medical-Dental Optical
  
- 6-8-139: Laundromat
  
- 6-8-140: Laundry-Commercial Plant
  
- 6-8-141: Lumber Processing
  
- 6-8-142: Lumber Yard-Retail/Wholesale
  
- 6-8-143: Machine Shop
  
- 6-8-144: Manufacture or Processing of Hazardous Chemicals or Gases
  
- 6-8-145: Manufactured Home Park
  
- 6-8-146: Manufacturing Facility, Heavy
  
- 6-8-147: Manufacturing Facility, Light
  
- 6-8-148: Marina, Boat Moorage

- 6-8-149: ~~Meat Processing Facility~~ Reserved
- 6-8-150: Mining
- 6-8-151: Mortuary
- 6-8-152: Nursery, Retail
- 6-8-153: Nursery, Wholesale
- 6-8-154: Nursing Home or Facility
- 6-8-155: Office Building
- 6-8-156: Office, Temporary Construction
- 6-8-157: Outdoor Storage
- 6-8-158: Package and Letter Delivery/Shipping Service
- 6-8-159: Personal, Business, or Professional Service
- 6-8-160: Park, Public
- 6-8-161: Parking Lot, Garage or Facility
- 6-8-162: Petroleum Storage
- 6-8-163: Pistol Range
- 6-8-164: Pit, Mine, or Quarry
- 6-8-165: Portable Classroom
- 6-8-166: Printing, Blueprinting or copy
- 6-8-167: Printing, Off-Set, Press or Similar
- 6-8-168: Processing Plants for Agricultural or Dairy Products
- 6-8-169: Public Address System, Outdoor
- 6-8-170: Public or Quasi-Public Use
- 6-8-171: Public Storage



6-8-172: Public Agency Utility Yard or Shop

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**Revision 4**

6-8-173: Racetrack, Animal or Vehicle

6-8-174: Railroad Switching Yard

6-8-175: Recreation Facilities (Outdoor)

6-8-176: Recreational Vehicle Park

6-8-177: Recreational Vehicle Sales or Service

6-8-178: Recycling Collection Center, Small

6-8-179: Recycling Plant or Processing Facility

6-8-180: ~~Rendering Plant, Animal or Other~~ Reserved

6-8-181: Research and Development Facility

6-8-182: Residential Care Facility

6-8-183: Restaurant or Eating Place

6-8-184: Retail, Big Box

6-8-185: Retail, Non-Big Box

6-8-186: Roadside Produce Stand or Other

6-8-187: Rodeo Arenas

6-8-188: Rooming/Boarding/Halfway House

6-8-189: RV & Travel Trailer Parks

6-8-190: RV Sales

6-8-191: Sanitary Landfill

- 6-8-192: Sawmill or Planing Mill
- 6-8-193: Service Station
- 6-8-194: School, Public or Private
- 6-8-195: Shooting Range
- 6-8-196: Slaughterhouse
- 6-8-197: Soil or Water Remediation
- 6-8-198: Stale/Riding Arena or School Commercial
- 6-8-199: Storage Facility, Self-Service
- 6-8-200: Structure Greater Than Ten Thousand Square Feet
- 6-8-201: Subdivision, Commercial
- 6-8-202: Subdivision, Residential
- 6-8-203: Subdivision, Industrial
- 6-8-204: Swimming Pool, Private and Public
- 6-8-205: ~~Fannery~~ Reserved
- 6-8-206: Temporary Living Quarters
- 6-8-207: Tower or Antenna Structure, Commercial
- 6-8-208: Tower or Antenna Structure, Private
- 6-8-209: Tower Collocation
- 6-8-210: Transit Facility
- 6-8-211: Trap or Skeet Club
- 6-8-212: Truck and Tractor Repair
- 6-8-213: Truck and Tractor Stop or Wash
- 6-8-214: Vehicle Impound Yard

6-8-215: Veterinary Hospital or Research Facility

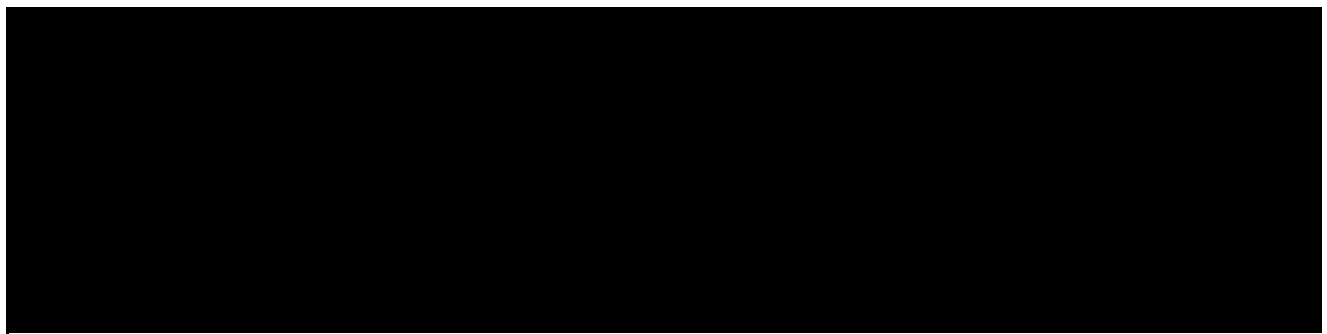
6-8-216: Waste Disposal Facility

6-8-217: Waste Transfer Facilities

6-8-218: Warehouse

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Hospitals*	X	C	X	X	AU	C	X	X	X	X
Hotel, Motel*	X	C	X	X	AU	C	X	C	X	C
Hunt Club, Resort	C	AU	X	X	X	X	X	X	X	X
<b>I</b>										
Incinerators	X	X	X	X	X	X	C	X	X	X
Industrial/Manufacturing Facility, Heavy	X	X	X	X	X	X	C	X	X	X
Industrial/Manufacturing Facility, Light	X	X	X	X	X	AU	C	C	X	X
<b>J</b>										
Junk Yard or Automobile Wrecking Yard*	X	X	X	X	X	C	C	X	X	X
<b>K</b>										
Kennel, Commercial*	C	X	X	X	X	C	X	C	X	X
Kennel, Hobby*	AA	AA	AA	AA	X	X	X	AA	X	X
<b>L</b>										
Laboratory, Medical, Dental, or Optical	X	C	X	X	AU	AU	X	C	X	C

Laundromat*	X	C	X	AU	AU	AU	X	C	X	C
Laundry-Commercial Plant	X	X	X	C	C	AU	C	X	X	X
Lumber Processing	C	X	X	X	X	X	C	C	X	X
Lumber Yard - Retail/Wholesale	C	X	X	X	C	AU	C	C	X	C
<b>M</b>										
Machine Shop	X	X	X	X	X	AU	C	C	X	X
Manufacture or Processing of Hazardous Chemicals or Gasses*	X	X	X	X	X	X	C	X	X	X
Manufactured Home Park*	C	C	C	X	X	X	X	X	X	X
Manufacturing Facility, Heavy	X	X	X	X	X	X	C	X	X	X
Manufacturing Facility, Light	X	X	X	X	C	C	AU	C	X	X
Marina, Boat Moorage	C	AU	C	C	X	C	C	X	X	X
Meat Processing Facility*	C	X	X	X	X	C	AU	C	X	X
Mining	C	X	X	X	X	X	C	X	X	X
Mixed-Use Development	X	C	AU	C	C	X	X	X	X	X



LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Public or Quasi Public Use*	C	C	X	X	C	C	C	C	X	C
Public Storage	C	X	X	X	AU	AU	C	C	X	C

Public Agency Utility Yard or Shop	C	X	X	X	AU	AU	C	C	X	C
<b>R</b>										
Race Track, Animal Or Vehicle*	C	C	X	X	AU	C	X	C	X	X
Railroad Switching Yard*	C	X	X	X	X	AU	C	C	X	X
Recreation Facilities (Outdoor)	C	AU	C	C	AU	C	C	C	X	C
Recreational Vehicle Park*	C	AA	X	X	C	X	X	C	X	X
Recreational Vehicle Sales Or Service*	X	X	X	X	AU	C	X	C	X	C
Recycling Collection Containers, Small*	X	AA	C	AA	AU	AU	C	C	X	C
Recycling Plant Or Processing Center*	C	X	X	X	C	AU	C	C	X	X
<del>Rendering Processing Plant</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>C</del>	<del>X</del>	<del>X</del>	<del>X</del>
Residential Care Facility*	C	C	AU	AU	X	X	X	X	X	X
Research And Development Facility	X	X	X	X	AU	AU	C	C	X	C
Restaurant Or Eating Place*	X	C	X	AU	AU	AU	C	C	X	C
Retail, Big Box*	X	X	X	X	AU	C	X	C	X	X
Retail, Non Big Box*	X	X	X	AU	AU	C	C	X	X	C
Roadside Produce Stand Or Other*	AA	AA	X	AA	AA	AA	X	X	X	C
Rodeo Arenas	C	C	X	X	AU	X	X	C	X	X
Rooming/Boarding/Halfway House	X	C	X	AU	C	X	X	X	X	X
<b>S</b>										
Sanitary Landfill*	C	X	X	X	X	X	C	X	X	X
Sawmill Or Planing Mill*	C	X	X	X	X	AU	C	C	X	X
Schools, Public And Private*	AU	C	AU	C	X	X	X	X	X	C
Service Station	C	C	C	AU	AU	C	C	C	X	C
Shooting Range*	C	X	X	X	X	AU	C	X	X	X
Slaughterhouse*	C	X	X	X	X	AU	C	X	X	X
Soil Or Water Remediation Site*	C	C	C	C	C	AU	C	C	X	X
Stable/Riding Arena Or School, Commercial*	C	AU	X	X	X	C	C	C	C	C

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 6-8-129: 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

11. ~~A tannery.~~

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- A. A facility that does not produce noise, smoke, fumes, dust or any other use that would not pose a severe environmental impact shall be considered a light manufacturing facility. *Section 6-8-148: Marina, Boat Moorage*
- B. There are no additional standards or requirements for this use.

**Section 6-8-149: ~~Meat Processing Facility~~ Reserved:**

- 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 6-8-150: Mining:**

- A. Additional standards are found in section 6-8-164 of this Title.

**Section 6-8-151: Mortuary:**

- A. 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 6-8-152: 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. 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 6-8-179: 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 6-8-180: ~~Rendering Plant, Animal or Other~~ Reserved:**

~~A. There are no additional standards or requirements for this use.~~

**Section 6-8-181: Research and Development Facility:**

A. There are no additional standards or requirements for this use.

**Section 6-8-182: 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.

The Public Hearing was closed.

Motion by Shaw, second by Wootan, to adjourn.

**SHAW..... -AYE**

**HOFER..... -AYE**

**WOOTAN..... -AYE**  
**ordered.**

**Motion carried and so**

**/S/ ARLEN O. SHAW, Chairman**

**ATTEST: /S/ BARBARA STEELE, Clerk**