# Valley County Land Use and Development Ordinance

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1.01 TITLE

AN AMENDED ORDINANCE PROVIDING LAND USE AND DEVELOPMENT REGULATIONS FOR VALLEY COUNTY, IDAHO, CONSIDERING ALL LANDS WITHIN THE JURISDICTION OF THE GOVERNING BOARD AS ONE MULTIPLE USE DISTRICT; SETTING THE AUTHORITY, PURPOSE, SCOPE, AND DEFINITIONS OF TERMS; SETTING STANDARDS AND REVIEW PROCEDURES FOR VARIOUS LAND USES, AND SETTING PERMIT FEES; ESTABLISHING SPECIAL AREAS, AND SIGN STANDARDS; PROVIDING FOR VARIANCES; CREATING AND DEFINING DUTIES OF THE PLANNING AND ZONING COMMISSION AND ZONING STAFF; PROVIDING FOR APPEALS, AMENDMENTS SAVING PROVISION, SEPARABILITY, ENFORCEMENT AND PENALTIES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

The text of this document together with the appropriate maps and appendices shall be known as the "Valley County Land Use and Development Ordinance", hereinafter referred to as the Ordinance or LUDO.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO, THAT REGULATIONS PERTAINING TO LAND USE AND DEVELOPMENT SHALL BE ADOPTED AS HERE SET FORTH.

1.02 AUTHORITY

Authorization for these land use regulations is contained in the "Idaho Planning Act of 1975", Title 67-6501 through 67-6538 with special emphasis on Section 67-6503 providing that "every city and county shall exercise the power conferred by this chapter with regard to the establishment of zoning districts (67-6511), the issuance of special or conditional use permits (67-6512), the regulation of land subdivision development (67-6513 through 67-6514 and also Section 50-1301 through 50-1329 of the "Idaho Code"), the regulations of planned unit developments (67-6515), the adoption of design standards and building criteria (67-6518) and the regulation of land use according to other provisions of Chapter 65 of the "Idaho Code". Further, Valley County declares its intent to comply with Section 67-6508 and 67-6509 by the establishment of this Ordinance based upon a
comprehensive plan. The Standards and Policies of this ordinance, which was originally adopted on November 8, 1982, reviewed and adopted by the Valley County Planning and Zoning Commission on February 20, 1992 adopted by the Valley County Board of Commissioners on April 13, 1992 pursuant to Idaho Code Section 67-6509; have been adopted in accordance with the "Comprehensive Plan" adopted by Resolution of the Board on May 31, 1978, and as amended on June 21, 2001, and revised January 27, 2003, and again on April 10, 2006, with the attitudes of the general public of Valley County as expressed in land use planning workshops conducted prior to the writing and codification of this Ordinance. The Valley County Planning and Zoning Commission has approved and submitted this Ordinance. The Board of Commissioners have reviewed this Ordinance and have found that its review and update does promote the health, safety and general welfare of the people of Valley County as follows:

(a) By protecting the property rights and enhancing the property values.

(b) By ensuring that adequate public facilities and services are provided to the people in a timely manner and at reasonable cost.

(c) By ensuring that the economy of the state and localities is protected and enhanced.

(d) By ensuring that the important environmental features of the state and localities are protected and enhanced.

(e) By encouraging the protection of prime agricultural, forestry, and mining lands for production of food, fiber and minerals.

(f) By encouraging urban and urban-type development within incorporated cities, impact areas and other designated areas.

(g) By avoiding undue concentration of population and overcrowding of land in rural areas.

(h) By ensuring that the development on land is commensurate with physical characteristics of the land.

(i) By protecting life and property in areas subject to natural hazards and disasters.

(j) By protecting fish, wildlife, and recreation resources.

(k) By avoiding undue water and air pollution.

(l) By providing for affordable housing for Valley County residents and workers.

(m) By providing corridors for pathways and alternative transportation.
1.03 PURPOSE

The purpose of this Ordinance is to provide a unified regulatory system for land use in Valley County dependent upon the concentration of development. It is designed to protect and promote the health, safety, and general welfare of present and future inhabitants of the County. The intent of this Ordinance is, as well, to protect both property rights and property values, minimize the adverse impact of development; control the sequence and timing of development; assure that development is maintained properly, requiring for on-site and off-site public facilities or services; discouraging urban sprawl; requiring strict standards for commercial and residential development, including provisions for affordable housing; and encouraging efficient use of land while maintaining the open space and rural feel of the county by encouraging cluster development where appropriate. The Ordinance is further intended to protect the public health, safety, and general welfare by regulating activities and development in hazardous areas.

Standards of this Ordinance additionally intend to encourage well planned development; to improve land records and resource data; to safeguard the interests of the public, adjacent property owners, developers, and purchasers; and, to assure equitable handling of all proposals by providing uniform procedures and standards.

1.04 SCOPE

Regulations of this Ordinance shall apply to all real property, structures or fixtures attached thereto in Valley County outside of any incorporated city or any areas of city impact for which the County has relinquished authority.

The United States of America, the State of Idaho, Valley County and all their respective agencies, boards, departments, institutions, and local special purpose districts, shall comply with this ordinance unless otherwise excepted by law.

In their interpretation and application, the provisions of this Ordinance shall be regarded as the minimum requirement for the protection of public healthy, safety, and general welfare.

No use or development of land is permitted which is in violation of the laws of the County, State of Idaho, or the United States of America.

Whenever a provision of this Ordinance and other provision of this Ordinance, or any provision of any City, State, Federal, or County regulation, resolution, law, rule, or contract contain restrictions covering the same subject matter, the more restrictive requirement or higher standards shall govern.

If any provision of this ordinance shall be in conflict with any other provisions, section or chapter of any other ordinance after said publication, the provisions of this ordinance shall supersede and prevail.

If any one or more of the section, sub-section or any other part of this ordinance is for any
reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect.

If any amendment to this ordinance is for any reason held to be unconstitutional or invalid then the language of ordinance prior to such decision shall remain in full force and effect.

The Clerk of the Board of County Commissioners shall certify to adoption of this Ordinance and cause the same to be published according to law.

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

1.05 ORGANIZATION AND USE OF ORDINANCE

All lands or area of city impact except as may be altered under Idaho Code Sections 67-6525 and 67-6526 in the unincorporated areas of the County, are hereby classed into one multiple use district. The purpose of one land use classification is to grant landowners maximum flexibility in using and developing their properties. This concept is unlike traditional zoning where general categories of land use are separated geographically from each other in order to reduce the occurrence of incompatible uses on adjoining properties. The Multiple Use Concept depends on other methods to ensure compatibility. In Valley County, where existing agricultural and open land uses that protect, retain or enhance the natural beauty and open space characteristics have been established as the desired standard for neighborhood development, it is not necessary to review and evaluate those proposed changes in use which continue similar practices, character and level of activity and are inherently compatible with the agrarian heritage. However, agricultural uses which change the character of the existing neighborhood development, either by practice, intensity or structure shall be reviewed as a Conditional Use. It is also necessary to classify some other land uses as conditional so they can be reviewed and evaluated individually by the Commission and commented upon by neighboring landowners as to this compatibility with existing uses. This Ordinance is organized to first define and set standards procedures for those uses, which are considered inherently compatible, or "permitted" uses. Secondly, to define and set standards and procedures for those uses which are considered "conditional". Finally, the Ordinance defines and sets standards and procedures for special areas, sign standards, cell towers, Planned Unit Developments, and provides guidelines for administration and enforcement.

In using the Ordinance, any person proposing a land use change will need to know the answer to the following questions:

Is the land use proposed a permitted use or a conditional use?

Is the land use proposed within a special area?

What standards and procedures will apply to the proposed use?
Permitted uses within the Multiple Use District are defined in Chapter II. Standards and procedures for permitted uses are also contained in Chapter II. There may be additional standards affecting the proposed use in Chapter IV, Special Areas.

Conditional Uses within the Multiple Use District are defined in Chapter III. There may be additional standards affecting the proposed use in Chapter IV, Special Areas; Chapter VI, Cell Towers; Chapter VII, RV & Trailer Parks (Reserved); or Chapter VIII, Planned Unit Developments.

Conditional Uses within the Multiple Use District are defined in Chapter III. Standards and procedures for conditional uses are also contained in Chapter III. There may be additional standards affecting the proposed use in Chapter IV, Special Areas; Chapter VI, Cell Towers; Chapter VII, RV & Trailer Parks (Reserved); or Chapter VIII, Planned Unit Developments.

Table 1-A is a guide to land use classification and their status as permitted or conditional uses. *(Located at the end of Chapter 1.)*

1.06 RELATED COUNTY ORDINANCES, POLICIES, OR STANDARDS

The following are related documents containing policies, standards, or regulations, which, together with the Ordinance, will control land uses in the County.

"Valley County Building Ordinance of 1976" and Amendments, such as Ordinance No. 99-2 “Valley County Building Code”, as they may be amended from time to time.

"Valley County Flood Damage Prevention Ordinance".

"Valley County Idaho Residential Energy Standards Ordinance".


"Construction Specifications and Standards for Roads and Streets in Valley County, Idaho".

“Community Housing Guidelines” of the Valley/Adams Regional Housing Authority, adopted April 3, 2006, as they may be amended from time to time.

1.07 DEFINITION OF TERMS

Except as defined hereafter, any terms not defined herein shall be given the meaning ordinarily applied to such words as used in zoning terminology.
**Accessory Building:** A subordinate building, the use of the principal building on the same lot.

**Accessory Dwelling Unit (ADU):** Secondary living unit, on a single-family lot. An ADU contains its own kitchen, sleeping area, and bathroom facilities. ADUs can be attached or detached from the primary residential unit. ADUs are subordinate in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, ECHO homes (elder cottage housing opportunities), guest cottages, caretaker cottages, garden cottage, carriage houses, or rental units.

**Act:** The Local Planning Act of 1975 as hereinafter amended set forth in Chapter 65 Title 67 of the Idaho Code.

**Adjacent Landowners:** Any person who has legal ownership of property, as filed in the office of the Valley County Recorder within 300 feet of the boundaries of the parcel or use for which a permit application has been filed. Landowners adjacent to proposed land use changes would be notified in accordance with Section 3.04.06. b. herein.

**Administrative Fees:** The fee charged any applicant for any permit for all reasonable administrative and other costs heretofore or hereafter incurred directly or indirectly by the County in processing the application and monitoring the construction, maintenance, and completion of all or part of the permit.

**Administrator:** The Administrator of the Valley County Land Use and Development Ordinance. (see Staff)

**Affected Person:** Any person having an interest in real property which may be adversely affected by the issuance or denial of a permit, variance, or other action of the staff, Commission, or Board in regard to provisions of this ordinance.

**Affordable Housing:** See “Community Housing”.

**Agricultural Building:** Any building to be used for agricultural purposes, placed on agricultural land of five acres or more, categorized as agricultural by the Valley County Assessor’s office, and which is not intended for human habitation (including pump houses, barns, tool sheds, storage buildings, etc.)

**Agricultural Uses:** Farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, viticulture, vermiculture, animal, poultry, and fish husbandry, as the principal land use and the necessary accessory uses for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, race tracks, slaughter-houses, plants, factories, works for the reduction of animal matter, or commercial poultry, kennels, or feed lots.

**Airport:** A public facility used for the accommodation, servicing, landing, and take-off of aircraft.
Airport Vicinities: An area of land as defined by the F.A.A. and in Chapter IV herein surrounding an airport.

Airstrip: A private facility used for the accommodation, servicing, landing, and take-off of aircraft.

Apartment: A multi-family residential complex; all units are owned by a single person, group of people, or corporation and rented or leased to individuals.

Applicant: Any owner of land or an authorized representative; or an individual or group who has a legal or equitable interest in the land; and, who files an application for a permit, variance, or appeal in accordance with the requirements of this ordinance.

Best Management Practices: The exercise of judgment and care under the circumstances then prevailing, which men of prudence and discretion exercise in the management of their own affairs.

Best management practices for water quality and the improvement thereof is the state of the art practices in engineering, planning, or administration to prevent or reduce runoff pollutants. (See: Handbook of Valley County Stormwater Best Management Practices)

Board: The Valley County Board of County Commissioners.

Bond: A contract between the applicant and the county in which the applicant guarantees that he will perform certain requirements of any permit under this ordinance. The contract shall require the applicant to secure performance of the contract by surety, cash, collateral, or other consideration sufficient to assure either performance or reclamation of any act or acts authorized by the permit. This contract includes but is not limited to performance, reclamation, contractors, material mans, indemnification or other bond assuring the performance of applicant under any permit and the payment of all labor and material in the performance of any work provided to or for the benefit of the applicant under any permit. Any bond would require an A+ Bests rating. In the discretion of the Board, the principals of such a bond may be required to include the real parties in interest such as officers, directors, shareholders or partners.

Building: Any permanent structure over three feet in height built for the shelter or enclosure of persons, livestock, materials, equipment, etc.

Building Official: The Valley County Building Official.

Business: Any retail or wholesale store, professional office, or similar kind of commercial establishment.

CAFO (Concentrated Animal Feeding Operation or Confined Animal Feeding Operations: See definition in I.C. 67-6529C. All CAFO’s are subject to I.C. 67-6529.
Central Sewage Treatment Facility: Any plant, lagoon, or system, other than an approved individual modified septic tank, drain field, or pit privy, for receiving, treating, and disposing of sewage.

Church Buildings or Campgrounds: Any structure or property which is directly used for exempt purposes and is owned by any church which is qualified as an organization exempt from income tax or operated by a body or organization of religious believers for the purpose of practicing their faith.

Cluster Development: A subdivision or other development planned and constructed so as to group structures or lots into relatively concentrated and contiguous areas while providing a unified network, of open space, wooded area, recreational or agricultural land.

Commercial: Any use, which involves the sale of product or services, or receipt of money, goods, or services in trade for the benefit of the use.

Commission: The Valley County Planning and Zoning Commission.

Common Open Space: Common use by all property owners within the subdivision including permanent view sheds, golf courses, conservation easements, or other like uses that also meet the definition of Open Space.

Common Ownership: The joint and simultaneous ownership of a piece of property by the owners of separate parcels or units within a development.

Community Housing: Housing which is restricted as to occupancy, sale price, and or rental rates, according to the “Community Housing Guidelines” of the Valley/Adams Regional Housing Authority and which is intended for purchase, rental, and occupancy by persons and families who are or were employed within Valley County, Adams County, and/or their municipalities.

Community Housing Guidelines: The document which sets out the goals, methods, and standards of the Valley/Adams Regional Housing Authority, as such document may be amended from time to time by the Board of Commissioners of the Housing Authority.

Comprehensive Plan: A compilation of goals, objectives, maps, and other data guiding the physical, social, and economic development, both public and private, of the County and its environs, as defined in the Local Planning Act of 1975, and adopted by resolution of the Valley County Commission or as hereafter amended.

Conditional Use: Any use as defined by this Ordinance which, because of its potential incompatibility with adjacent or traditional uses, is subject to review by the Commission and public comment at a public hearing to best insure compatible land uses.

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

**County Engineer:** A registered professional Engineer in the State of Idaho appointed by the
Board who is responsible for the administration of engineering matters of the county
including public works facilities as ordered by the Board.

**County Surveyor:** The registered professional land surveyor in the State of Idaho appointed
by the Board to check plats, and make surveys, maps, and plats as ordered by the Board.

**Crop Cultivation:** Any act designed to improve and prepare the land or loosen or dig soil
around growing plants for agricultural purposes.

**Crop Harvesting:** Any act done for the gathering of crops of any kind.

**Dedication:** The setting apart of land or interests in land for use by the public: Land
becomes dedicated only when accepted by the Board as public dedication, either by the
passage of a County Ordinance or by entry of a Resolution of approval in the official minute
book of the meeting of the Board.

**Deed Restriction:** A recorded document running with the land, which may, among other
uses, regulate the conditions under which a Community Housing unit may be sold, occupied,
only otherwise utilized.

**Density:** Number of residential lots or dwelling units per acre of land.

**Development:** Any grading, vegetation removal, construction activity, or any other activity
which changes the existing character or use of the land or has any impact on adjoining
properties.

**Development Agreement:** A contract between the applicant and the county to assure
performance of the applicant on any permit and for the payment of any impact fees, bonds,
reimbursement fees, or other duties and obligations of the applicant related to the permit.

**Ditch:** A long narrow excavation dug in the earth for drainage or irrigation.

**Division of Land:** The segregation of one or more parcels of land from a larger tract held in
single or undivided ownership by transferring, or contracting to transfer, title to or possession
of a portion of the tract, or by properly recording a deed or subdivision plat, establishing the
identity of the segregated parcels.

**Dwelling Unit:** The Descriptive unit of measure for determining residential use and density.
It may be single building or part thereof which provides for the full living facilities of one or
more persons. Includes:
a) Single family detached dwelling.
b) Single family attached or clustered multi-unit component such as a duplex or condominium.

c) Mobile home, travel trailer, recreational vehicle or pre-constructed modular unit on a temporary foundation, which meets the above criteria.

**Dwelling Unit Equivalent:** A single building or part thereof that provides for partial living facilities but excludes cooking and laundry facilities within the individual living spaces.

Includes:

a) 1/2 dwelling unit where food preparation and dining facilities are not provided on-site as part of the development and laundry facilities are provided as a service only.

b) 1/3 dwelling unit equivalent where food preparation, dining and laundry services as well as meeting and other public spaces are included on-site as part of the development.

The above shall not exclude a microwave oven, coffee, maker and/or small, under counter refrigerator such as is provided in a hotel/motel application that is not intended for long term continuous stay.

**Easement:** A right to the use of land, other than as a tenant, for a specific purpose by someone other than the owner who holds title to the land.

**Engineer:** A professional Engineer registered in the State of Idaho.

**Equitable Interest:** An interest in land or the structures appurtenant thereto through a deed, contract of sale, or an option to buy.

**Exterior Lighting:** Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Lights that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this Ordinance. Exterior lighting does not include emergency or warning lights on vehicles.

**Evidence:** Any map, table, chart, contract, document, video or audio recording or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained, before the Commission.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a rooming house, club, or hotel.

**Feed Lot:** The operation or maintenance of a commercial stockyard where consigned livestock are fed concentrated feeds, particularly for the purpose of fattening for market. (See CAFO)

**Fees-Impact:** The fees authorized by the State of Idaho statutes for those services provided by the county or other local taxing agencies which would otherwise be funded by tax revenues. The fees shall be reasonably related to, but shall not exceed, the actual cost of the
service rendered. The fee shall be in cash or other consideration that may be negotiated with an applicant.

**Floodplain:** An area of land adjacent to a stream which is subject to special flood hazards defined in County Ordinance 3-90, adopted 08-27-90.

**Fees-Reimbursement:** Any applicant for any permit involving a planned unit development which is residential or multi-use; subdivision; cluster development; condominium; or any other proposed change in use which significantly alters the characteristics of the existing use shall be required to pay a reimbursement fee to the county for all reasonable administrative and other costs heretofore or hereafter incurred directly or indirectly by the County in processing the application and monitoring the construction, maintenance, and completion of all or part of the permit. These fees may be adopted by resolution.

**Final Plat:** A map for recording of real estate interests with the County Recorder prepared by a registered professional land surveyor and conforming to the requirements of the Subdivision Regulations, adopted 04-29-70, as amended.

**Fractional Ownership or Timeshares:** The right to exclusive use of a unit which rotates among participants in a program on a fixed or floating time schedule over a period of years; or operation of a reservation or time-use system among co-Owners of a Unit, regardless of whether or not any co-Owner may later opt out of the system and regardless of whether the reservation or time-use system is recorded or unrecorded, fixed or floating. Unit must have over five owners or participants to be considered as a fractional ownership or timeshare. Relatives shall be considered one owner.

**General Submission:** All maps, reports, certifications, agreements, or other information drawn and submitted in accordance with the requirements of this Ordinance, to permit evaluation of the concept and feasibility of the development. This submission applies to all permit applications. General Submission includes preliminary plat and site plan submissions.

**Glare:** Stray, unshielded light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows or (d) reduction of visual performance.

**Gradient:** Refers to an incline from the horizontal plane which may be expressed as "percent slope" or "slope ratio"; a fifteen percent (15%) slope is equal to a fifteen (15) foot rise within a one hundred (100) foot horizontal distance.

**Halfway House or Home:** Any building used for the purpose of housing persons under the custody of any County or the Idaho State Board of Corrections as a prisoner for the violation of a criminal offense for the purpose of rehabilitation or reintegration into society.

**Health Care Facility:** Means hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, intermediate care facilities kidney disease treatment centers, including freestanding hem dialysis units, ambulatory surgical facilities, birthing centers, community
health centers, health maintenance organizations (HMO), independent laboratories, migrant health centers, public health clinics and freestanding emergency care centers.

Height, Building: The maximum distance, measured vertically at any location within the building footprint, from the lower of existing or finished grade level to a point above that grade level equal to the highest roof or parapet surface of a flat roof or to a point halfway between the eave and ridge or peak of a gable, gambrel, hip, or shed roof.

High Water Line: The line along a stream or other body of water, including reservoirs and canals, below which the water denudes the land of vegetation, or the normal high water level established by engineering design for reservoirs.

Hospital An institution which is primarily engaged in providing to inpatients, by or under the supervision of physicians diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons including hospitals owned and operated by the United States government or its agents or the state or its agents.

Housing Authority: See Valley/Adams Regional Housing Authority.

Impact Fees: See Fees

Improvements: Street pavements, paths, bikeways, sedimentation control facilities, revegetation, curbs, gutters, sidewalks, water systems, sanitary and storm systems, gas lines, electric and telephone lines and appurtenances, street signs, lights, irrigation canals, landscaping, lot corner monuments, and other such items as may be required for compliance with the regulations of this Ordinance.

Industry-Extractive: When mineral deposits and other natural resources are taken out of the ground for use in the business of selling such deposits, or for use in another business, or for use by any department or division of federal, state, county, or municipal government.

Industry-Heavy: Any manufacture, processing, or testing of goods and materials, including the production of power, where the by-products of such use include noise, smoke, odor, glare, gas, vibration, dust, light, or traffic which may have a detrimental effect on neighboring property.

Industry-Light: Warehousing, wholesaling, manufacturing and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself.

Kennel: An enclosure for the commercial or private boarding or breeding of more than three dogs.

Light Pollution: Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the
uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

**Light Trespass:** Light falling on the property of another or the public right-of-way when it is not required to do so.

**Livestock Husbandry:** The raising of livestock except for feed lots, commercial poultry operation or kennel.

**Lot:** A parcel of land shown as an individual unit on the most recent subdivision plat in the County Records.

**Lumber Mill:** The site, equipment, and buildings necessary to saw, plane, or mill tree logs into posts, poles, building logs, lumber, dimensional lumber or similar products.

**Manufactured Home:** See the Valley County Building Code

**Mitigation:** Exactions to counteract impacts on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed use.

**Mobile Home Park:** A parcel of land which has been planned and improved, or which is let, or rented, or used for the placement of two or more mobile homes for non-transient dwelling use.

**Mobile Home Subdivision:** A parcel of land subdivided into lots, each lot individually owned or intended for sale, and utilized as the site for placement of a single mobile home and its facilities.

**Multi-Family Residence:** See Residence

**Nonconforming Use:** Any structure or use of land, which is inconsistent, or not in compliance with the provisions of this Ordinance or an amendment hereto which was in existence on the effective date of this ordinance.

**Occupancy:** The purpose for which a parcel of land, building, structure, or part thereof is used or intended to be used.

**Open Space:** A portion of real property devoid of buildings and other physical improvements, except where accessory to the provision of recreation or fish and wildlife habitat improvements, or any natural break which serves one of the following functions:
  - Provides relief from monotonous building arrangements.
  - Conserve or preserve natural, historic and other amenities with social or cultural value.
  - Maintains the natural water table level or preserves wetlands.
- Roads shall not be considered in open space calculations.

**Original Parcel:** An original parcel of land is hereby defined as a lot or tract as recorded on any plat of record on file in the office of the Valley County Recorder, a tax parcel that existed at the time of adoption of the Subdivision Regulations on 4/29/70, or each 1/16 of a section held in one ownership and of record at the time of the adoption of this Ordinance.

**Overlay, Special Areas:** Areas of land as defined by Chapter IV of this Ordinance as special overlay sub districts, meaning that special standards and restrictions apply in addition to those generally required.

**Owner:** The legal person or persons owning the fee estate or purchasing same under a real estate contract.

**Parcel:** Any unsubdivided land recorded as the property of one individual, or more than one individual, if considered as one interest, but not otherwise defined as a lot.

**Pathway:** Any sidewalk, route, lane, path, corridor, open space, or trail designated to move people by non-motorized means for transportation or recreation. Non-motorized does not include snowmobiles, unless otherwise prohibited.

**Performance Standards:** Land use regulations which control the "effect" rather than the "use" by regulating appearance, design, construction and operations of both on-site and off-site improvements or activities.

**Permit:** An official document or certificate authorizing performance of a specified activity.

**Permitted Use:** Any use as defined by this Ordinance which is not subject to review by the Commission nor which requires a public hearing.

**Planned Unit Development:** See the definition of a PUD in Chapter 8 hereto.

**Plat:** A plan of certain described land prepared in accordance with subdivision or other regulations as an instrument for recording real estate interests with the County Recorder.

**Poultry:** Domestic fowls including but not limited to: chickens, turkeys, ducks, geese, or other fowls intended for household use or family consumption.

**Private Driveway:** A prescribed vehicular access serving a single private property or residence from either a private or public road.

**Private Road:** Any access road located on private property or a road so designated on the subdivision plat and by a recorded declaration that is maintained by a property owners association or corporation in accordance with the specifications of the Subdivision Ordinance.
**Public Road:** Any access road located within a right-of-way dedicated to public use, constructed to County Standards, and approved and accepted by the County Commissioners in accordance with the Subdivision Ordinance, or any access road used by the general public for road purposes and maintained at public expense for a period of five years or more.

**Recreation Business:** Recreation or athletic activities or facilities open to the general public where fees are charged or dues are required for the use of the facility.

**Recreation - Low Density:** Any recreational site, which does not have permanent structures or utilities.

**Recreation - Private Uses:** Non-commercial recreation activities or facilities owned privately or by a non-profit organization intended for the use and enjoyment of the owner or owners.

**Recreational Vehicle Park:** A parcel of land under one ownership which has been planned and improved or which is let or rented or used for the placement of two or more transient recreational vehicles for dwelling purposes. This does not include the recreation use of the parcel by friends and family of the property on a temporary basis.

**Referral Agency:** Any governing body, department, agency, or authorized representative who has jurisdiction over, or a concern about, the use of a parcel of land for which a particular development or activity is being proposed.

**Reimbursement Fees:** Fees - Reimbursement

**Residence - Single Family:** A detached building constructed on a permanent foundation designed to provide complete living facilities for one family and constituting one dwelling unit.

**Residence - Multi Family:** Any building designed to provide complete living facilities for more than one family, or containing more than one separate dwelling unit for sale, rent or lease or any lot or parcel containing more than one dwelling unit.

**Residential Business:** A business owned and operated by the occupant of a residence, located on the same lot or parcel as the residence, which retains the residential character. Restrictions will be applied to ensure the residential character is retained. Restrictions may include:

a) limit on the number of employees working on the premises;
b) limit on working hours;
c) operational requirements to lessen impacts on nearby properties, such as requiring doors and windows to be closed to lessen noise;
d) limit on heavy truck traffic;
e) limit on traffic volume;
f) limit on the total square feet or on the percentage of the total property that can be devoted to business use;
g) limit or prohibition of outdoor storage or display; and,
h) limit on size or bulk of buildings.

**Residential Development:** A platted subdivision with more than one lot.

**Respite Care Center:** Respite Care Center means any facility designated to provide twenty-four (24) hour respite care for more than three (3) physically or mentally disabled or handicapped individuals, but not as a continuous living arrangement.

**Restrictive Covenants:** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. Restrictive Covenants are enforceable by the county if used during the conditional use permit process to show compliance with required standards in this ordinance, the Subdivision Regulations, or any other Valley County ordinance. Valley County will not be an enforcer of covenants unless there is a violation of any of the adopted ordinances. If portions of the CCR’s that were used to show compliance with the LUDO were changed, those changes must be approved by Staff.

**Right-of-Way:** A strip of land dedicated or reserved for use as a public street, private street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, trails, pathways, or for another special use.

**RS 2477 Rights-of-Way:** The rights to cross property to go to and from another parcel, the right of way may be a specific grant of land or an “easement,” which is a right to pass across another’s land. The easement is itself a real property interest, which has historically been described as a highway and/or an Rs 2477. The legal definition of “highway” means not only the often traveled and sometime maintained roads, but also other kinds of public ways including carriage-ways, bridle-ways, footways, trails, bridges, and even railroads, canals, ferries, and rivers.

**Runway:** any existing or planned, paved surface or turf-covered area of an airport which is specifically designed and used or planned to be used for the landing and-or taking off of an aircraft.

**School Buildings:** Any building used by an educational institution or organization, including public, private, or parochial academic schools accredited or licensed by the State Department of Education.

**Setback:** The required distance between every structure and all lot lines on the lot on which structures are located, the required clear distance between structures, or the required distance between structures and features such as water bodies. Setbacks are measured from the eave or furthest protuberance.

**Shall:** The word "shall" is mandatory.

**Shelter Home:** means a building or any facility, however named, operated on either a profit
or nonprofit basis, for the purpose of providing a home with necessary supervision and facilities for three (3) or more persons not related to the owner who are unable to care for themselves.

**Site Plan:** An Engineering or Architectural drawing of existing and planned conditions to facilitate review and approval of an application before the Commission and to guide construction of improvements.

**Site Standards:** Land use regulations, which control the location, density, or arrangement of structures, utilities, and other site improvements on a parcel of land.

**Skyglow:** The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one’s ability to view the night sky.

**Slope:** Refers to an incline from the horizontal plane which may be expressed as "percent slope", "slope ratio" or "gradient", a fifteen percent (15%) slope is equal to fifteen (15) foot rise within a one-hundred (100) foot horizontal distance.

**Special Areas:** Land areas defined by Chapter IV of this Ordinance and elsewhere in these definitions or mapped on the County's Land Use Maps as special overlay sub districts, meaning that special regulations apply in addition to those generally required.

**Staff:** Personnel employed by the County to administer this Ordinance.

**Storage:** The safekeeping of personal property in any structure.

**Street or Road:** Any private or publicly dedicated way which provides a principal means of access to abutting property. The terms "street" and "road" are interchangeable throughout this Ordinance.

**Structure:** That which is built or constructed; an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner.

**Subdivider:** An individual, firm, or group who undertakes the subdividing of a lot, tract, or parcel of land for the purpose of transfer of ownership or building development, and including dedication of streets or lot lines.

**Surveyor:** A professional land surveyor registered in the State of Idaho.

**Temporary Use:** Any use not more than 30 days in duration and related to a specific project or occasion.

**Tract:** Any unsubdivided land recorded as the property of one individual, or more than one individual, if considered as one interest, but not otherwise defined as a lot.
**Undue Hardship:** Special conditions as a result of the geographic characteristics of the site depriving the Applicant of rights commonly enjoyed by other property owners under the same terms of this Ordinance, but not merely a matter of convenience or profit.

**Utilities:** All water supply, drainage, sewer, gas, electrical, telephone, telegraph, television and other communications lines, and related features.

**Valley/Adams Regional Housing Authority:** A public corporate body created by Valley and Adams Counties and the municipalities therein which advises the Counties and Municipalities on policies relating to Community Housing and which administers and/or regulates the development, resale, rental, and occupancy of such housing.

**Variance:** A grant of relief from certain provisions of this Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in undue hardship upon the owner as distinguished from a mere inconvenience or inability to receive greater profit.

**Wetlands:** Those areas that are within the definition of wetlands as defined by the Environmental Protection Agency and within the jurisdiction of the Corps of Engineers.

**Winter Opacity:** Refers to the amount of wall space, or whatever feature is being screened, that will remain visible from adjoining properties through a mass of tree and shrub branches during the winter season.

**Wood Processing Plant:** The site, equipment, and buildings necessary to convert wood into chips or fibers, or fibers into byproducts such as paper, plywood and particleboard, or to extract byproducts from wood fibers. The manufacturing process that converts wood fibers into pellets for solid fuel heating shall not be considered a wood processing plant.
TABLE 1-A
LAND USE CLASSIFICATION
PERMITTED AND CONTROLLED USES

<table>
<thead>
<tr>
<th>PERMITTED USE</th>
<th>CONDITIONAL USE</th>
<th>USE DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Agricultural uses which protect, retain, or enhance the natural beauty and open space characteristics or which continue in similar practices, character, and level of activity for neighborhood development.</td>
</tr>
</tbody>
</table>

1. Agricultural Uses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>a. Crop cultivation and harvesting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>b. Land conservation or clearing</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>c. Livestock husbandry except commercial feed lot (CAFO), poultry, or kennels</td>
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<tr>
<td></td>
<td></td>
<td>d. Plant husbandry</td>
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<tr>
<td></td>
<td></td>
<td>e. Storage of equipment and products</td>
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<tr>
<td></td>
<td></td>
<td>f. Warehousing of equipment and products</td>
</tr>
<tr>
<td></td>
<td></td>
<td>g. Accessory structures to permitted uses: barn, shed, etc.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>h. Irrigation, drainage, &amp; water management or storage facilities</td>
</tr>
</tbody>
</table>

2. Residential Uses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>a. Single family residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>b. Mobile home for single family residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. Subdivision for single family residence</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>d. Subdivision for single family mobile home residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>e. Mobile home or recreational vehicle</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>f. Condominium, townhouse, or other multi-family residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>g. Subdivision for multi-family residence</td>
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<tr>
<td></td>
<td></td>
<td>h. Planned Unit Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>i. Accessory Dwelling Units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>j. Multiple residence on one parcel</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>k. Fractional Ownership / Timeshare</td>
</tr>
</tbody>
</table>

3. Civic or Community Service Uses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>a. Church buildings</th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>b. Church campgrounds</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. School buildings, public or private</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>d. Hospitals, Respite Care Centers, health care facilities, or In-Patient Treatment Facility</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>e. Shelter Care, half-way homes, and other similar rehabilitation facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>f. Fraternal or benevolent society buildings</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>g. Governmental administration buildings</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>h. Equipment or materials storage yards</td>
</tr>
</tbody>
</table>

LUDO
Page 19
<table>
<thead>
<tr>
<th>PERMITTED USE</th>
<th>CONDITIONAL USE</th>
<th>USE DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>i.</td>
<td>Public utility distribution or collection lines</td>
</tr>
<tr>
<td>X</td>
<td>j.</td>
<td>Public utility supply, transfer, or relay facilities including administration</td>
</tr>
<tr>
<td>X</td>
<td>k.</td>
<td>Fairgrounds, campgrounds, and similar outdoor recreation centers or facilities owned or operated by a public agency</td>
</tr>
<tr>
<td>X</td>
<td>l.</td>
<td>Retirement homes or centers (Rate as Residential Multi-family)</td>
</tr>
<tr>
<td>X</td>
<td>m.</td>
<td>Cemeteries, public or private</td>
</tr>
<tr>
<td>X</td>
<td>n.</td>
<td>Sanitary landfill for solid waste disposal</td>
</tr>
<tr>
<td>X</td>
<td>o.</td>
<td>Central sewage treatment facilities</td>
</tr>
<tr>
<td>X</td>
<td>p.</td>
<td>Fire Station</td>
</tr>
<tr>
<td>X</td>
<td>q.</td>
<td>Jail or penal institution</td>
</tr>
<tr>
<td>X</td>
<td>r.</td>
<td>Parks</td>
</tr>
<tr>
<td>X</td>
<td>s.</td>
<td>Museums</td>
</tr>
<tr>
<td>X</td>
<td>t.</td>
<td>Wireless telecommunications towers and antennas</td>
</tr>
</tbody>
</table>

4. Private Recreation Uses

| X | a. | Country club |
| X | b. | Riding stable or academy |
| X | c. | Dude ranch and facilities |
| X | d. | Golf course or driving range & facilities |
| X | e. | Campgrounds and facilities (includes tent camps) |
| X | f. | Race track or rodeo arena |
| X | g. | Athletic field |
| X | h. | Wilderness survival or camping training centers and facilities |
| X | i. | Boat docks for single family residence |
| X | j. | Boat docks or marina for community use |
| X | k. | Rifle, archer, trap, or skeet range |

5. Commercial Uses

a. Neighborhood business

<p>| X | 1. | Grocery store |
| X | 2. | Department store (single only) |
| X | 3. | Drug store |
| X | 4. | Restaurant (inside seating only) |
| X | 5. | Laundry mat or cleaners |
| X | 6. | Repair business |
| X | 7. | Other convenience type businesses which serve daily need in a local vicinity (excluding any business which exclusively serves liquor) |</p>
<table>
<thead>
<tr>
<th>PERMITTED USE</th>
<th>CONDITIONAL USE</th>
<th>USE DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Residential business</td>
<td></td>
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<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Service business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 1. Gasoline and service station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 2. Restaurant (inside and outside seating or service)</td>
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<td></td>
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<tr>
<td>X 3. Motel, hotel, apartments, resort, Bed &amp; Breakfast, or lodge</td>
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<tr>
<td>X 4. Other Service businesses</td>
<td></td>
<td></td>
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<tr>
<td>d. Area business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 1. Auto sales, service, storage and rental</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 2. Bank or financial institution</td>
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<td></td>
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<tr>
<td>X 3. Building materials, retail or wholesale.</td>
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<tr>
<td>X 4. Drive-in restaurant</td>
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<tr>
<td>X 5. Furniture and-or appliance shop</td>
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<td></td>
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<tr>
<td>X 6. Shopping Center (two or more separate stores)</td>
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<td></td>
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<tr>
<td>X 7. Office building</td>
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<td></td>
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<tr>
<td>X 8. Mini-warehouse storage</td>
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<td></td>
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<td>X 9. Veterinary clinic</td>
<td></td>
<td></td>
</tr>
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<td>X 10. Auto wrecking yard</td>
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<tr>
<td>X 11. Salvage yard or storage</td>
<td></td>
<td></td>
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<tr>
<td>X 12. Commercial agricultural business, i.e., feed lots, CAFO’s, kennels, or poultry</td>
<td></td>
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<tr>
<td>X 13. Any agricultural use which changes the character of existing neighborhood development by practice, intensity or structure</td>
<td></td>
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</tr>
<tr>
<td>X 14. Indoor theaters, gymnasiums, recreation centers, swimming pools, bowling alleys, skating rinks, &amp; similar activities housed in one or more buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Recreation business</td>
<td></td>
<td></td>
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<tr>
<td>X 1. Riding stable or academy</td>
<td></td>
<td></td>
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<tr>
<td>X 2. Dude ranch and facilities</td>
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<tr>
<td>X 3. Golf course or driving range and facilities</td>
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<tr>
<td>X 4. Campgrounds and facilities (includes tent camps)</td>
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<td></td>
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<tr>
<td>X 5. Race track or rodeo arena</td>
<td></td>
<td></td>
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<tr>
<td>X 6. Ski area, lodge and related facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 7. Wilderness survival or camping training centers and facilities</td>
<td></td>
<td></td>
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<tr>
<td>X 8. Boat docks or marina</td>
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<td></td>
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<tr>
<td>X 9. Outdoor Theater-Drive In</td>
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<tr>
<td>X 10. Rifle, archery, trap, or skeet range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 11. Miniature golf course or amusement park</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6. Industrial Uses

   a. Light industry
      X 1. Professional, administrative, or general business office
      X 2. Experimental or testing laboratories
      X 3. Any enclosed manufacturing, packing, or warehousing facility, except meat packing plants

   b. Heavy industry
      X 1. Asphalt or concrete batch plant
      X 2. Chemical manufacturing plant
      X 3. Food processing plant
      X 4. Slaughter house or meat packing
      X 5. Lumber mill
      X 6. Wood processing plant
      X 7. Other facilities housing processing and fabrication operations
      X 8. Rock Processing Plant including screening and crushing

   c. Extractive industry uses
      X 1. Mineral extraction regulated by State or Federal agencies
      X 2. Gravel and other building or landscape materials
      X 3. Geothermal energy development for public use
      X 4. Mineral extractions not regulated by State or Federal agencies

7. Temporary Uses

   X a. Roadside stand
   X b. Christmas tree lot for retail sale
   X c. Construction trailer, field office, and other similar uses for approved uses

Note: The above listing is intended to serve as an aid to identify permitted and conditional uses. More detailed information about a specific use and the standards and procedures related thereto may be found in Chapter II Permitted Uses, Chapter III Conditional Uses, Chapter IV Special Areas, Chapter VI Cell Tower, Chapter VII RV and Trailer Parks (Reserved), and Chapter VIII Planned Unit Developments.
Chapter Two
PERMITTED USES

2.01 General

2.02 Policy

2.03 Standards

2.03.01 Lot Area

2.03.02 Setbacks

2.03.03 Buildings

2.03.04 Site Improvements

2.03.05 Impact Report

2.04 Procedures

2.05 Limitations to Certain Permitted Uses

2.06 Variances

2.07 Accessory Dwelling Units

Table II-A Permitted Uses and Standards

2.01 GENERAL

This chapter contains standards and procedures for those uses which are likely to be compatible with existing land uses in the Multiple Use District of Valley County and therefore review by the Commission and public is not necessary.

Permitted uses are listed in Table I-A and in Table II-A of this document. If land use is proposed which is not provided for within Table I-A, its status as a permitted or conditional use shall be determined by the Planning & Zoning Commission based upon its similarity and dissimilarity to uses that are listed, particularly with respect to its visual attributes, its demand for public services and facilities, and its external impacts or imposition upon adjacent properties (the latter determined with regard to the permitted uses on that adjacent property).

2.02 POLICY

The Comprehensive Plan states that "planning be instituted to preserve the open characteristics and scenic beauty of the County". And an objective stated therein is to "preserve agricultural land for farming and allow nonfarm development in rural areas only when it does not interfere with the productive and profitable level of agriculture".

This section of the Ordinance is intended to fulfill those goals and objectives of the Comprehensive Plan by:

- Defining those uses, which are agricultural in nature or inherently compatible therewith.

- Recognizing those uses as the standard by which other uses are compared for compatibility.
• Protecting those areas from encroachment by non-compatible uses.

• Allowing those uses to be pursued without unnecessary regulation.

• Providing certain standards and procedures, which are intended to upgrade or enhance the permitted use.

The interpretation of the standards and procedures herein shall be to encourage the expansion and improvement of permitted uses.

2.03 STANDARDS

2.03.01 LOT AREA

The minimum lot size and configuration for all permitted uses shall be at least sufficient to accommodate water supply facilities, sewer disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, open areas, accessory structures, and setbacks as required by provisions of this section.

However, in no case shall a single family residence be located on a lot split from a platted lot or on a parcel of land divided from an original parcel without platting that is less than one acre in area where individual sewage disposal and individual water supply system are proposed. Where either a central water supply system or a central sewage collection and disposal system, or both, is available such lots or parcels shall be not less than 20,000 square feet in area. The minimum areas stated in this paragraph do not apply to original parcels.

2.03.02 SETBACKS

a. The setbacks for all buildings exceeding three feet in height shall be in accordance with Table II-A.

b. All buildings shall be setback one hundred (100) feet from the right-of-way line of Highway 55 unless a more restrictive setback is required within other sections of this ordinance.

c. All residential buildings shall be setback at least thirty (30) feet from high water lines and ditches. All other buildings shall be setback at least one hundred (100) feet from high water lines and ditches.

d. Front yard shall be determined by the structure establishing the principal use on the property and the access street or road.

e. No other structures may encroach on the yards determined for the structure establishing the principal use.

f. Setbacks shall be measured horizontally, on a perpendicular to the property line, to the
nearest corner or projections, or overhangs.

g. The minimum front or rear yard setbacks may be adjusted to allow a proposed principal use building to conform with the average setback of existing similar buildings on adjoining properties within the same block, however, no setback may be less than 7.5 feet.

h. Minimum rear yard setbacks for those lots having a common boundary line with Bureau of Reclamation property surrounding Cascade reservoir are 7.5 feet but may not be less than that provided for in Section 2.03.02 (c) herein.

2.03.03 BUILDINGS

All buildings or structures to be set on a permanent foundation and exceeding 120 square feet in roof area are subject to the provisions of "County Building Code Ordinance" 1-76 and 2-77 and 4-88.

Building Permits are required and may be obtained from the Valley County Building Department. Building heights, shapes, floor areas, and construction materials in permitted uses shall be unlimited by this Ordinance except for the provisions of the "Building Code Ordinance" and Table II-A herein.

2.03.04 SITE IMPROVEMENTS

No site improvements beyond those required by the provisions of Table II-A, the "Building Code Ordinance", or other regulations are required for a Permitted Use except that all land surfaces not used for roads, buildings, and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping. The minimum street frontage requirement shown in Table II-A does not apply to original parcels.

Construction of wells for individual water supply or irrigation is regulated by the Department of Water Resources. The location of wells for individual water supply may be limited by the Central District Health Department.

Construction and location of individual sewer systems is regulated by The Idaho Department of Health and Welfare and enforced locally by the Central District Health Department. Lot areas greater than the minimum required herein may be required to assure proper installations.

Driveway approaches to any access road shall be designed and constructed in accordance with the "Building Code Ordinance" and the "Construction Specifications and Standards for Roads and Streets in Valley County, Idaho".

Construction of ranch ponds or water retention areas, that are over five feet in depth and greater in area than one acre, will require an excavation permit. Excavation permits can be issued by the Administrator and will include the following information: start date,
completion date within up to six months, property description, size of pond, use of pond, plans for mitigating fugitive dust, revegetation plan to return the area surrounding the pond to natural conditions, intentions for stockpiling or removing excess material, and list of other permits obtained. The Administrator may determine that a conditional use permit is required for an extractive industrial use.

Best management practices should be used for surface water management for permanent management and during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. Water should be retained on-site or directed to drainage easements, natural drainages, or rights-of-way. Water should not be directed onto adjoining properties.

A Conditional Use Permit required prior to obtaining a building permit for more than one dwelling unit on a lot or parcel including but not limited to guest houses, rental units, and multi-family dwellings, unless specifically approved by this ordinance.

2.03.05 IMPACT REPORT

No impact report is required for a Permitted Use.

2.04 PROCEDURES

Permitted Uses not requiring a building permit may be pursued and enjoyed at the pleasure of the property owner. Building permits may be obtained upon application and compliance with "County Building Code Ordinances".

2.05 LIMITATION TO CERTAIN PERMITTED USES

Commercial kennels and poultry production for non-family and non-household are Conditional Uses. (See Chapter III; Commercial Uses, Area Business.)

Feeding, salting, or watering cattle within a public road right-of-way is prohibited. A Feed Lot for the purpose of preparing consigned animals for market is a Conditional Use. (See Chapter III; Commercial Uses, Area Business).

2.06 VARIANCES

Variances with respect to lot size, setbacks, parking space, height of buildings or other provisions of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots, and other land use requirements may be granted by the Commission and Board. Procedures and conditions for obtaining a variance are contained in Section 3.04.10.

2.07 ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) as defined in Chapter 1 of this Ordinance, shall be a
permitted use in all zones within Valley County subject to the following conditions:

1. The ADU must meet all requirements of the Idaho Central District Health Department with respect to the provision of individual potable water and sewage disposal facilities, or have a permit from an approved central sewage treatment facility. Issuance of a permit for the ADU must not adversely impact others within the neighborhood from obtaining a permit for septic, sewer, or well if the neighbor has not constructed their first residence on their neighboring lot.

2. The square footage of the ADU may not exceed the lesser of 1,000 square feet or 50% of the square footage of the primary structure, excluding open storage areas, garages, and carports.

3. The ADU may be attached to the primary structure, the garage, or be free-standing, and shall be subject to the same setback requirements as the primary structure.

4. The ADU must be provided with at least one parking space which is in addition to those required for any other structure on the property.

5. The ADU must utilize design elements of the primary structure in order to maintain consistency and clearly signify its subordinate relationship to the primary structure. These elements may include roof pitches, siding, structure shape and placement, etc. The exterior appearance of the structure must be compatible with the primary structure. The Administrator shall determine whether this condition has been satisfied. The property owner shall be responsible to provide adequate information with the building permit submittal to determine if design elements satisfy requirements.

6. The ADU cannot be used as a commercial or bed & breakfast use without a conditional use permit.

7. If used as a rental property, an ADU must be rented for a minimum of 30 days (not as a weekly or daily rental).

8. ADUs are permitted only when one of the primary structures on the property is owner-occupied. Owner-occupied structure does not need to be the primary residence. Ownership cannot be fractional or timeshare ownerships.

9. ADUs will not be allowed in subdivisions where specifically prohibited by the CCRs.

10. The Administrator shall notify property owners within 300’. Objections to the application must be written and received by the Planning and Zoning Administrator within 10 working days. Objections must give specific grounds and facts upon which the objection is based.
Anyone who files objections which are not deemed by the Planning and Zoning Administrator to be sufficient to warrant a conditional use permit will be promptly notified of that determination. If there are no objections within ten working days, the accessory dwelling unit will be a permitted use.
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<th>Use Description</th>
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Chapter Three
CONDITIONAL USES

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Table III-A Conditional Uses and Related Standards
Chart of Routing Procedures for Conditional Use Permit

3.01 GENERAL

This chapter contains standards and procedures for those uses, which are likely to be incompatible with permitted uses in the Multiple Use District of Valley County and therefore are subject to review and evaluation by the Commission and the public. Conditional Uses may be allowed only after proper application, review, approval, and mitigation of impacts through conformance with the conditions of approval.

Conditional Uses are listed in Table I-A and in Table III-A. If a land use is proposed which is not provided for within Table I-A, its status as a permitted or a conditional use shall be determined by the Planning & Zoning Commission based upon its similarity and dissimilarity
to uses that are listed, particularly with respect to its visual attributes, its demand for public services and facilities, including its impact on the demand for affordable housing for the workforce within the county, and its external impacts or imposition upon adjacent properties (the latter determined with regard to the permitted uses on that adjacent property).

When a conditional use permit has previously been issued on a specific site, the conditional use permit can be transferred to the new use upon showing the following: The new business is in the same category in Table I-A as the conditional use. It will cause no additional imposition upon adjacent properties based upon its similarity and dissimilarity in regards to visual attributes (including outside storage), its demand for public services and facilities, traffic, additional structures, adequate sewer/septic, and other external impacts. The Administrator will determine the transferability of the conditional use permit subject to the property owner’s right to appeal to the Commission. The new property owner shall comply with the conditions of approval of the previously approved conditional use permit. A new conditional use permit will be issued and recorded.

3.02 POLICY

The Comprehensive Plan states in part that the rural atmosphere of the valleys be protected, that recreation should be encouraged, and that the economic value of privately owned land be increased.

This section of the Ordinance is intended to fulfill those goals and objectives by:

- Defining those uses, which are not inherently compatible with the permitted uses, defined in Chapter II herein.
- Limiting the impact of Conditional Uses through standards and procedures.
- Allowing Conditional Uses in areas and to standards that will increase the value of privately owned property without undue adverse impact on the environment, adjoining properties, or governmental services and where consistent with the County Comprehensive Plan. In order to achieve these goals, the maintenance of agricultural uses and low density development will be more acceptable located on the valley floor; higher density development will be more acceptable adjacent to the valley perimeter; commercial and industrial development will be more acceptable in commercial hubs, villages, or near existing established incorporated communities with similar characteristics and infrastructure to serve the more intense land use needs.

The interpretation of the standards and procedures herein shall be to encourage Conditional Uses where, in the opinion of the Commission, non-compatible aspects can be satisfactorily mitigated through development agreements for the costs to service providers, provision for Community Housing, site selection, application of technology, design, construction techniques, topography, landscaping and structure location.
3.03 STANDARDS

The provisions of this section shall apply to the various buildings and uses designated herein as Conditional Uses.

3.03.01 LOT AREAS - GENERAL

a. Minimum lot or parcel sizes are specified herein under the site and development standards for the specific use in sections 3.03.09 through 3.03.13.

b. The minimum lot size and configuration for any use shall be at least sufficient to accommodate water supply facilities, sewage disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, open areas, accessory structures, and setbacks in accordance with provisions herein. All lots shall have a reasonable building site and access to that site.

c. All lots or parcels for Conditional Uses shall have direct frontage along a public or private road with minimum frontage distance as specified in the site or development standards for the specific use.

3.03.02 SETBACKS - GENERAL

a. The setbacks for all structures exceeding three feet in height are specified herein under the site and development standards for the specific use.

b. All structures shall be setback one hundred (100) feet from a right-of-way line of Highway 55 unless a more restrictive setback is required within other sections of this ordinance.

c. All residential buildings shall be setback at least thirty (30) feet from high water lines. All other buildings shall be setback at least one-hundred (100) feet from high water lines.

d. Front yards shall be determined by the structure establishing the principal use on the property and the location of the access street or road.

e. No other structure may encroach on the yards determined for the structure establishing principal use.

f. All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

3.03.03 BUILDINGS - GENERAL

a. All buildings or structures to be set on a permanent foundation and exceeding 120 square
feet in roof area are subject to the provisions of "County Building Code Ordinance" 1-76, 2-77, 4-88, and 99-2, or any subsequent updates or adoptions. Compliance with the provisions of said ordinance shall be a condition of approval of the Conditional Use Permit.

b. Building permits are required and may be obtained from the Valley County Building Department after the Conditional Use Permit is issued. The Building Department will assist the zoning department by imposing pertinent conditions of approval on the building permit.

c. Building height, shape, floor area, construction material, and location on the property may be regulated herein under the site and development standards for the specific use as well as by provisions of the "Building Code".

3.03.04 SITE IMPROVEMENTS - GENERAL

a. Grading

Grading to prepare a site for a conditional use or grading, vegetable removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A Conditional Use Permit is required prior to the start of such an activity.

Grading for bona-fide agricultural activities, timber harvest, and similar permitted uses herein are exempt from this section.

Grading within flood-prone areas is regulated by provisions of Section 4.02 herein and the Flood Damage Prevention Ordinance No. 3-90. A permit, if required, shall be a part of the Conditional Use Permit.

Grading or disturbance of wetlands is subject to approval of the U.S. Corps of Engineers under the Federal Clean Water Act. The federal permit, if required, shall be part of the Conditional Use Permit.

The Conditional Use Permit Application shall include a site-grading plan, or preliminary site-grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the County Engineer and the Soil Conservation District. The information received from the County Engineer, the Soil Conservation District, and other agencies regarding the site-grading plan shall be considered by the Planning and Zoning Commission and/or the Board of County Commissioners in preparing the Conditions of Approval or Reasons for Denial of the applications.
For subdivisions, preliminary site grading plans and storm water management plans must be presented for review and approval by the Commission as part of the conditional use permit application for subdivisions. However, prior to construction of infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the Valley County Engineer.

All land surfaces not used for roads, buildings, and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.

Prior to issuance of building permits. The administrator must receive a certification from the developer’s engineer verifying that the storm water management plan has been implemented according to approved plans.

b. Roads and Driveways.

1. Roads for public dedication and maintenance shall be designed and constructed in accordance with the "Subdivision Ordinance" and in accordance with "Construction Specifications and Standards for Roads and Streets in Valley County, Idaho".

2. Residential Developments, Civic or Community Service Uses, and Commercial Uses shall have at least two access roads or driveways to a public street wherever practicable.

3. Private roads shall meet the provisions of the Valley County Subdivision Ordinance and any policies adopted by the Board of County Commissioners.

4. Cattle guards shall not be installed in public roads within residential developments.

5. Access to Highway 55 shall be limited at all locations and may be prohibited where other access is available. An access permit from the Idaho Transportation Department may be required.

c. Parking and Off Street Loading Facilities.

1. The site plan for a Conditional Use Permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including fire trucks and refuse collection trucks, snow storage, and drainage.

2. Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established, after the effective date of this Ordinance; unless, the Commission or the Board determines that the proposed parking is adequate.

3. The minimum number of spaces required is specified herein under the site and development standards for the specific use.
4. Parking Space, Maneuvering Area, and Aisle Dimensions:

All parking spaces and on-site vehicular circulation areas shall comply with the following minimum sizes. *(See Parking Diagram at end of Chapter)*

A. Parking Area Dimensions:

1. Minimum size parking spaces shall measure 8'6"x18'.
2. All parallel parking spaces shall measure a minimum of 8'6"x22'.
3. Recreational Vehicle parking spaces shall measure a minimum of 10'x24'.

B. End Parking Space Maneuvering:

A three-foot wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.

C. Vehicle Overhang:

1. Recreational Vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.

2. Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percent of lot to be landscaped.

3. Standard size parking spaces are allowed to overhang sidewalks only where the sidewalk is a minimum of 6' in width.

4. Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten (10) feet wide nor more than forty (40) feet wide that extends onto the private property at least 20 feet beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter streets in a forward direction.

5. All driveways shall be designed and constructed in accordance with Valley County Approach Policies.

6. Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust-free durable material.

7. Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.
8. Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four (4) feet in height.

9. No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.

10. Off-street loading facilities shall be provided separately from parking spaces for commercial, industrial, and institutional uses. The facilities shall be adequate to provide loading and unloading without obstruction to the street or parking areas.

11. Parking areas and off-street loading facilities shall be maintained in good order, clear of debris, and shall not be used for any other use that interferes with or limits the intended use.

12. Only indirect lighting may be used to illuminate a parking area. See other lighting regulations in Section 3.03.06.b herein.

d. Landscaping.

PART I.: PURPOSE AND GENERAL REGULATIONS

A. Introduction:

This section provides standards for landscaping, walls, screening devices and lighting so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance as well as screening from view any and all uses, which may be unattractive to public view. Landscaping materials, including ground covers, shrubs and trees not only improve appearance, but also facilitate control of erosion, reduction of dust and glare, and visually soften building masses. Additionally, walls and screening devices allow for separation and aid in buffering incongruous and intense activities. Used together, landscaping, walls, screening devices and lighting help insure privacy, aid in promoting logical land development and enhance property values.

The County encourages the use of low water plant material in such a way that a lush appearance is presented. Plant material that is high in pollen production is discouraged. Also, extreme care should be exercised when using plants that are known to be poisonous. Noxious weeds shall not be used.

Plants should be placed in such a way as to maximize survivability (i.e., low water-use plants should not be placed in drainage ways, and the use of frost-tender plants should be limited to accent locations, not primary focal points).

B. Definitions:
1. **Landscaping:** The combination of elements such as trees, shrubs, ground covers, vines, and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment. Public art, water features, plazas, patios, decorative courtyards and lighting may also be considered landscape elements. Other paved surfaces are not included in the minimum requirements.

2. **Landscape Plan:** A plan drawn to scale, showing elements such as trees, shrubs, ground covers, vines, sculpture, walls, lighting, water features, walkways and other organic and inorganic materials. The plan shall include a plant list, indicating the size, quantity location and name, of all plant material to be used.

3. **Conceptual Landscape Plan:** Same as a Landscape Plan as defined above except that shrubs, ground cover and vines may be indicated by size, quantity, name and general locations on the site.

4. **Screening Device:** Any structure intended to fully conceal an activity, element or mechanical equipment from view, adjacent uses, properties or streets.

5. **Site Plan:** A plan drawn to scale, showing all the uses proposed for a specific property. The plan shall show all dimensions, buildings, structures, sign locations, off-street parking, loading spaces, points of ingress and egress, all walls, refuse containers, walkways, all ultimate rights-of-way, (measured to the center lines of streets, and alleys), a location map, complete site data and any additional information which may be necessary to clearly define the intended use and property lines.

6. **Maintenance:** Shall include the repair, painting, trimming, pruning, watering and other on-going activities that are associated with providing an attractive site appearance.

7. **Public Art:** Objects such as sculpture, water feature(s) or other multi-dimensional design that would be viewed by the general public as an attractive amenity in private development. Said object(s) to be located in spaces visible and/or accessible to the public in general so as to be enjoyed by the community at large, and are not to be a business logo.

C. **General Regulations:**

(See attached Landscaping diagrams at end of Chapter.)

1. The provisions of this section shall apply to all new buildings, all new uses of land, and any addition to existing buildings and uses requiring a Conditional Use Permit. Maintenance requirements of this section shall apply to all sites and uses where a conditional use permit was issued.

2. The approved site plan and landscape plan shall be a part of the conditional use
permit.

3. Prior to issuance of an Occupancy Permit, the walls, screening devices and lighting shall be installed in accordance with the approved construction plans.

In lieu of the installation of plant material or public art prior to issuance of an Occupancy Permit, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the plant material or public art within six months may be accepted by the Administrator. Failure to install the material in the six month time period shall result in the forfeiture of the deposit or bond, and deemed to be a violation of this Section of the Ordinance.

4. No person, firm or corporation shall strip, excavate or remove top soil nor shall they berm up soil on a site, except to accommodate an approved building, building addition or facilitate necessary and approved site improvements. This section does not apply to sites where permitted uses exist or are proposed.

5. Any landscape areas in the public right-of-way shall meet these requirements. A permit is required prior to any work.

6. Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.

7. Naturally occurring vegetation in good condition and conforming with the goals for landscaping herein can be included as essential parts of the plan. The boundary of groves or masses of trees can be shown on the plan in lieu of showing the location of each individual tree.

D. Maintenance:

1. The landscape areas on-site as well as in the right-of-way, shall be maintained by the owner or owner's association (should the property be subdivided) or the lessee of the site. Any areas designated and intended for the purposes of on-site water retention shall be maintained and reserved for that specific purpose. Any alteration or deterioration of those areas shall be considered a violation of this and any applicable Ordinance.

2. Any plant material that does not survive shall be replaced within thirty (30) days of its demise.

3. The removal or destruction of landscape material previously approved by the County shall constitute a violation of this Ordinance. Replacement of landscape material shall be of like size as that which was removed or destroyed.

4. Landscaping, irrigation systems, walls, screening devices, curbing and lighting shall be reasonably maintained in accordance with the approved site and/or
landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered.

5. Modifications and/or removal of existing landscaping shall require prior approval.

6. The lack of maintenance shall constitute a violation of the Zoning Ordinance.

7. Sight obscuring landscape features such as hedges shall be maintained in such a manner that vision necessary for safe operation of motor vehicles or bicycles along or entering public roadways is not obstructed.

PART II.: LANDSCAPING

A. Standards of Design:

1. Each site to be developed under a Conditional Use Permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:

a. Each site for a proposed Multi-Family use shall have a minimum of thirty percent (30%) of the net site/lot area in landscaping.

b. Each site for proposed Service/Commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.

c. Each site for a proposed Industrial use shall have a minimum of ten percent (10%) of the net site in landscaping.

d. In addition to the minimum on-site landscaping, there shall be landscaping in the entire area of the right-of-way, between street property line and back of street curb, road, back slope, or fill slope except for approved driveways, walkways, bike paths, and snow storage areas.

2. Future commercial and industrial development sites shall be landscaped in the first phase of construction.

3. Fifteen (15) gallon size trees (of a non-deciduous variety) fifteen (15) feet on center shall be planted along any property lines of parcels developed for multi-family, commercial, office, or industrial uses which are adjacent to or separated by an alley from a multi-family residential development. Minimum width of landscape buffer shall be six (6) feet clear. For commercial/industrial users of over 50,000 square feet, see No. 5 below.

4. Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single family residential development, such trees shall be planted at ten (10) feet on center, with every other tree being a minimum twenty-four (24) inch box size.
5. Where a commercial, office or industrial user of over 50,000 square feet building area is located adjacent to a residence, the landscape buffer described in No. 3 above shall be increased to fifteen (15) feet (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen (15) feet on center, staggered for maximum effect in buffering the two uses.

6. Trees shall be required along all street frontages according to the following criteria:
   
a. A minimum of one (1) tree shall be planted for every twenty-five (25) feet of lineal street frontage. The trees may be grouped or planted in groves;

b. Fifty percent (50%) shall be 24" box size or larger with the balance being minimum fifteen (15) gallon size;

c. The trees selected shall be compatible with the overall site and landscape plan, as well as adjacent sites.

7. All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" in this Section. Plant sizes to be accordance with Nurseryman Association Standards;

8. All on-site water retention areas, other than paved surfaces shall be entirely landscaped and shall comply with the following criteria:
   
a. The retention areas shall not occupy more than 67% of the on-site street frontage landscape area;

b. All retention areas shall maintain slopes no steeper than 3:1;

9. All mounding and berming shall have slopes no steeper than 3:1.

10. A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be 1-gallon size plants at a maximum three (3) feet on center.

11. Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate, or shall be from native stock.

   **e. Fencing:**

1. Fencing may be substituted for planting screens subject to the approval of the Staff and the Commission.
2. Fencing shall be installed to provide separation or screening as specified in the site or
development standards for the specific use. A sight-obscuring fence required by the
Commission for any conditional use shall be stained or painted a single solid color,
shall not be used for advertising and shall be maintained in good repair.

3. If livestock are allowed in a residential development then fencing shall be installed to
keep livestock out of public street rights-of-way. Cattle guards shall not be installed
in public roads within residential developments.

4. Fencing shall be installed to secure against random entry into hazardous area or
operations.

5. Fence construction and materials shall be in accordance with commonly accepted
good practice to produce a neat appearing durable fence. The location, height, and
materials used for constructing a fence shall be approved by the Commission and
specified in the conditional use permit. Fences required for any conditional use shall
be maintained in good repair.

6. Where a Conditional Use adjoins an Agricultural Use where animal grazing is known
to occur for more than 30 consecutive days per year, the permittee shall cause a fence
to be constructed so as to prevent the animals from entering the use area. The
permittee shall provide for the maintenance of said fence through covenants,
association documents, agreement(s) with the adjoining owner(s), or other form
acceptable to the Commission prior to approval of the permit so that there is
reasonable assurance that the fence will be maintained in functional condition so long
as the conflicting uses continue.

7. Sight-obscuring fences, hedges, walls, lattice-work, or screens shall not be constructed
in such a manner that vision necessary for safe operation of motor vehicles or
bicycles on or entering public roadways is obstructed.

f. Utilities:

1. All lots or parcels for, or within Conditional Uses, shall be provided, or shall have
direct access to, utility services including telephone, electrical power, water supply,
and sewage disposal.

2. Central water supply and sewage systems serving three (3) or more separate users
shall meet the requirements of design, operation, and maintenance for central water
and sewage systems in the "Subdivision Ordinance".

3. Probability of water supply, as referred to in (1) above, can be shown by well logs in
general area or by a determination of a professional engineer, hydrologist, or soil
scientist.

4. If individual septic systems are proposed to show compliance with sewage disposal
requirements in (1) above, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.

5. Easements or rights-of-way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the "Subdivision Ordinance".

6. A Utility Plan showing the schedule of construction or installation of proposed utilities shall be a part of the Conditional Use Permit.

3.03.05 IMPACT REPORT

a. An impact report shall be required for all proposed Conditional Uses.

b. The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:

1. Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.

2. Provision for the mitigation of impacts on housing affordability and provision for Community Housing as part of the project. Include written review/recommendation from the Valley/Adams Regional Housing Authority.

3. Noise and vibration levels that exist and compare to those that will be added during construction, normal activities, and special activities. Include indoor and outdoor, day and night variations.

4. Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.

5. Particulate emissions to the air including smoke, dust, chemicals, gasses or fumes, etc. both existing and what may be added by the proposed uses.

6. Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wet lands, flood prone areas and potential changes. Identify existing ground water and surface water quality and potential changes due to this proposal.

7. Fire, explosion, and other hazards existing and proposed. Identify how activities on
neighboring property may affect the proposed use.

8. Removal of existing vegetation or effects thereon including disturbance of wet lands, general stability of soils, slopes, and embankments and the potential for sedimentation of disturbed soils.

9. Include practices that will be used to stabilize soils and restore or replace vegetation.

10. Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping.

11. Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.

12. Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the affect of shadows from new features on neighboring property.

13. Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.

14. Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.

15. Approximation of costs for additional public services, facilities, and other economic impacts.

16. State how the proposed development will impact existing developments providing the same or similar products or services.

17. State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource. Describe the process in detail and describe the impacts of each part.

18. What will be the impacts of a project abandoned at partial completion?

19. Number of residential dwelling units, other buildings and building sites, and square footage or gross non-residential floor space to be available.

20. Stages of development in geographic terms and proposed construction time schedule.
21. Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or non-residential floor space in order to insure compatibility with adjacent land use and development.

3.03.06 PERFORMANCE STANDARDS - GENERAL

a. Noise.

1. The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

2. The above specified noise level for daytime hours (7:00 a.m. to 9:00 p.m.) shall not apply to Industry-Extractive and Industry-Heavy land uses specifically related to extracting and processing gravel and other building or landscape materials including excavation, screening, classifying, crushing, stockpiling, and/or hauling of said materials from site approved by the County for said purposes that are located outside the North Fork of the Payette River Drainage of the County.

3. The noise emanating from any residential, recreational, or commercial airstrip or airport will be considered in the conditional use permit process. The FAA will be consulted.

b. Lighting.

Purpose - These regulations are intended to establish standards that insure minimal light pollution, reduce glare, increase energy conservation, and maintain the quality of Valley County's physical and aesthetic character.

Applicability - These standards shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for:

1. buildings and structures 
2. recreational areas 
3. parking lot lighting 
4. landscape lighting 
5. signage 
6. other outdoor lighting

Standards:

1. All exterior lighting shall be designed, located and lamped in order to prevent:
   • Over lighting or excessive lighting;
• Energy waste;
• Glare;
• Light trespass;
• Skyglow.

2. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

3. Recreational facilities such as baseball, softball, soccer, volleyball or football fields; driving ranges; outdoor arenas and amphitheaters, ski trails, or other outdoor field recreation facilities are exempt from height restrictions provided the lights are used only while the field is in use.

4. All other outdoor lighting shall meet the following standards:
   
a. The height of any light fixture or illumination source shall not exceed twenty (20) feet.

b. All lighting or illumination units or sources shall be hooded or shielded in a downward direction so they do not produce glare or cause light trespass on any adjacent lot or real property as depicted in Figures 1 and 2 (located at the back of the chapter).

c. Lights or illumination units shall not direct light, either directly or through a reflecting device, upon any adjacent lot or real property. Lighting should not illuminate the sky or reflect off adjacent water bodies or produce glare or cause light trespass on any adjacent lot or real property.

d. External lighting of the face of signs shall be placed above the sign and shielded or below the sign and directed in a manner that the illumination source shall not be visible from any adjacent lot or real property. Sign lighting shall not reflect or glare beyond the face of the sign and immediately below the sign. See Chapter 5 for further regulation of signs.

5. All outdoor lights used for parking areas, walkways, and similar uses mounted on poles eight feet or greater in height shall be directed downward. The light source shall be shielded so that it will not produce glare or cause light trespass on any adjacent lot or real property.

6. Searchlights shall only be operated for special events or grand openings for a maximum of one week. Searchlights shall not be operated on residential or agricultural property.

7. The installation of mercury vapor lamps is hereby prohibited.
8. Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted. This section shall not be construed so as to prohibit the flashing porch light signal used only while emergency services are responding to a call for assistance at the property or holiday lights.

9. Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, Acetylene Torch-Cutting, or similar processes shall be performed so as not to be seen from any point beyond the property line. Exceptions will be made for necessary repairs to equipment.

10. Sensor activated lights, provided:
   a. It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way;
   b. It is set to only go on when activated and to go off within five minutes after activation has ceased;
   c. It shall not be triggered by activity off the property.

11. Lighting of radio, communication and navigation towers along with power lines and power poles; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting.

12. All applications for a conditional use permit shall include an outdoor lighting plan for the entire site, which indicates how the above standards are to be met. The approved permit shall be a part of the conditional use permit and/or the building permit.

c. Electrical Interference.

   Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical, electronic, and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses.

d. Emissions.

   The emission of obnoxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases.

   Dust created by an industrial, commercial, or recreational operation shall not be exhausted or wasted into the air. All operations shall be subject to the standards in Appendix C – Fugitive Dust. State air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the Conditional Use Permit at the discretion of the Commission.

   Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.
e. **Dust.**

Dust and other types of air pollution borne by the wind from such sources as storage areas and roads, shall be minimized by appropriate landscaping, paving, oiling, watering on a scheduled basis, or other acceptable means.

Dust created by any approved operation shall not be exhausted or wasted into the air. The standards in Appendix C – Fugitive Dust along with State air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the Conditional Use Permit at the discretion of the Commission.

f. **Open Storage.**

All storage shall be located within an area not closer than twenty (20) feet from the street right-of-way line and shall be enclosed with a heavy wire or board fence not less than six (6) feet high, or by plantings the same height. Lumber, coal, or other combustible material will be fully accessible to fire trucks at all times. Open storage of toxic or hazardous materials shall not be allowed.

g. **Fire Protection.**

Provisions must be made to implement pre-fire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

h. **Community Housing.**

All residential developments, PUDs, and Subdivisions shall provide on-site Community Housing units at the ratio of not less than one unit per each ten total permitted dwelling units or platted lots. All Community Housing units must conform to the regulations set out in Appendix D of this ordinance.

Subject to the approval of the Commission, which shall consider the recommendation of the VARHA, and only according to the procedures set out in Appendix D hereto, these units may be provided in alternate locations and/or fees may be paid “in-lieu” of provision of these units.

Developments shall provide Community Housing according to the following formula:

<table>
<thead>
<tr>
<th>Density per Gross Acre</th>
<th>Community Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 Unit</td>
<td>10%</td>
</tr>
<tr>
<td>1.00 – 1.24</td>
<td>11%</td>
</tr>
<tr>
<td>1.25 - 1.49</td>
<td>12%</td>
</tr>
<tr>
<td>1.50 - 1.74</td>
<td>13%</td>
</tr>
</tbody>
</table>
There shall be a family deferral for land owners who give a portion of their land to immediate family members, up to a maximum of 5 lots per land owner. Lots gifted to family members shall be restricted for resale for at least 5 years. If any lot is sold to an unrelated party prior to 5 years from date of recordation the family member holding title to said lot shall, at the date of such sale, comply with Community Housing requirements calculated as of the date of the original subdivision. Lots gifted to family members shall be recorded with a deed restriction describing this process.

Other permitted and conditional uses, including commercial and industrial uses, will be required to include Community Housing should the Commission determine that the use creates a demand for such housing which should be mitigated. In such instances and subject to the approval of the Commission, which shall consider the recommendation of the VARHA, and only according to the procedures set out in Appendix D, hereto, these units may be provided in alternate locations and/or fees may be paid “in-lieu” of provision of these units.

All Community Housing shall be priced (on the average, according to the procedures set out in Appendix D) to serve households with incomes not exceeding 80% of the median income for Valley County.

3.03.07 BONDS AND FEE

Dependent on the impact report and the compatibility rating as well as the applicant proposed site improvements and structure to be used or constructed, the Administrator may recommend bonds; a Development Agreement; reimbursement fees or impact fee of the applicant. The Board shall have the option of exclusively dealing with the issues of bonds, reimbursement fees, and/or application fees, in the case of developments, which are deemed by the Board to be large enough in scale to have significant impact on County services and infrastructure. In such case, pursuant to the direction of the Board, the Commission shall defer such matters to the Board.

The Commission or Administrator shall have discretion as an inherent condition of the permit to impose and collect fees from the applicant for the cost of monitoring and enforcement of standards.

3.03.08 THIS SECTION NOT USED

3.03.09 RESIDENTIAL USES

Residential uses requiring a Conditional Use permit shall meet the following site or development standards.

Subdivisions of land shall also comply with the standards of the "Subdivision Regulations for
Valley County, Idaho" adopted April 29, 1970 and as revised hereafter.

Developments accommodating mobile homes, motor homes or recreational vehicles shall also comply with the standards of the "Minimum Standards and Criteria for Approval of Development and Operation of Mobile Home Subdivisions and Parks, Travel Trailer Courts and Parks" adopted May 12, 1971 and as revised hereafter.

Planned Unit Developments, condominiums, and multi-family residential developments shall be platted in accordance with the regulations of this chapter, the "Subdivision Ordinance", or as may be approved in accordance with Chapter 8 as a planned unit development prior to the sale or transfer of title to any lot, parcel, or unit.

a. **Minimum Lot Area.**

1. The equivalent minimum lot area shall be unlimited herein except for provisions of Section 2.03.01, Section 3.03.01 b., the "Subdivision Ordinance", the "Mobile Home Standards", Table III-A herein, paragraph e. of this section, and paragraph 2 herein.

2. New subdivisions must be compatible with existing or proposed surrounding land uses (See Appendix A).

New subdivisions for single-family residences and multi-family residences shall provide the following minimum lot sizes:

- An average lot size of two acres where individual sewage disposal and individual water supply systems are proposed except participants in the Community Housing program may have an average lot size of 1.6 acres;
- 20,000 square feet where a central water supply system and individual sewage disposal systems are proposed;
- 12,000 square feet where a central sewage collection and disposal system and individual wells are proposed;
- 8,000 square feet where both central systems are proposed.

These minimum lot sizes may not be used to exceed the density limitation of paragraph e. of this section for any development plans.

Lot sizes within new Planned Unit Developments may vary from these minimum because of reduced setbacks or other consideration in accordance with the provisions of Chapter 8. In subdivisions where the amount of Community Housing provided exceeds the requirements of Section 3.03.06, required lot sizes may be reduced (provided that the conditions of all other sections of this ordinance, and state and federal requirements, are met) by an amount equivalent to offset the number of lots in excess of those required under Section 3.03.06.

3. Frontage on a public or private road shall not be less than thirty (30) feet for each lot or parcel. The lot width at the front building setback line shall not be less than ninety
(90) feet. A P.U.D., Condominium, or other cluster development may contain lots without frontage on a road and widths less than ninety (90) feet in accordance with the approved development plan or plat.

b. Minimum Setbacks.

The minimum building setbacks shall be thirty (30) feet from front, rear, and side street property lines and fifteen (15) feet from all side property lines. Setbacks for mobile homes in Subdivisions or Parks shall be in accordance with the "Mobile Home Standards". A P.U.D., Condominium or other cluster development may include zero lot line development and other reduced setbacks in accordance with the approved development plan or plat.

c. Maximum Building Height and Floor Area.

1. Building heights, except or may be modified by a P.U.D., shall not exceed thirty-five (35) feet above the lower of existing or finished grade.

2. The building size or floor area, except as may be modified by a P.U.D. shall not exceed the limitations of Section 3.03.01 and 3.03.03.

3. No structure or combination of structures, except as may be modified by a P.U.D., may cover more than forty (40%) percent of the lot or parcel.

d. Site Improvement.

1. Two off-street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.

2. All utility lines, including service lines, that are to be located within the limits of the improved roadway in new residential developments must be installed prior to placing the leveling course material.

e. Density.

The density of any residential development or use requiring a conditional use permit shall not exceed 2.5 dwelling units per acre except for planned unit developments. Developments which provide Community Housing at the rate set out in Section 3.03.06.h may increase density from 2.5 dwelling units per acre to 3 dwelling units per acre. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights-of-way on the perimeter of the development and public lands may not be included in the density computation.

In subdivisions where the amount of Community Housing provided exceeds the requirements of Section 3.03.06, density may be increased (provided that the
conditions of all other sections of this ordinance, and state and federal requirements, are met) by an amount equivalent to offset the number of lots in excess of those required under Section 3.03.06.h.

3.03.10 CIVIC OR COMMUNITY SERVICE USES

Civic or Community service uses shall meet the following site or development standards.

a. Minimum Lot Areas.

1. Hospitals, sanitariums, retirement homes, government administration buildings, cemeteries, and similar uses shall be located on lots or parcels of minimum area as computed from Section 3.03.01 (b) but shall not be less than one (1.0) acres.

2. Sanitary landfills for solid waste disposal sites shall be in accordance with Federal and State standards and not be less than five (5) acres. Central sewage treatment facility sites shall not be less than two (2) acres. This minimum area does not apply to undesignated sewage treatment facilities.

3. Other uses in this category shall occur on sites of an area sufficient to accommodate the use, associated activities or uses, and to adequately contain adverse impacts.

4. Frontage along a public or private road shall not be less than seventy-five (75) feet.

b. Minimum Setbacks.

1. The minimum building setbacks shall be fifty (50) feet from front, rear, and side street property lines and thirty (30) feet from side property lines except the minimum setbacks for cemeteries shall be thirty (30) feet from front and side street property lines, ten (10) feet from side property lines and fifteen (15) feet from rear property lines. Central sewage treatment facilities shall be setback at least 100 feet from any property line.

2. Sanitary landfill sites shall be not less than 1000 feet from residential developments, other civic or community service uses, or commercial uses. Central sewage treatment facilities shall be not less than 300 feet from the above listed uses.

c. Maximum Building Heights and Floor Area.

1. Building heights shall not exceed thirty-five (35) feet above the lower of the existing or finished grade. The building size or floor area may not exceed the limitations of Section 3.03.01 and 3.03.03.

2. No structure or combination of structures may cover more than forty percent (40%) of the lot.
d. Site Improvements.

1. Parking spaces shall be provided at the rate of one per 250 square feet of floor area as applicable where buildings are a part of the use or as determined by the Commission.

3.03.11 PRIVATE RECREATION USES

Private recreation uses requiring a Conditional Use permit shall meet the following site or development standards.

a. Minimum Lot Area.

1. The minimum area for any use in this category shall be sufficient to accommodate the use, associated activities or uses, and to adequately contain adverse impacts.

2. Frontage along a public or private road shall not be required.

b. Minimum Setbacks.

The minimum building setbacks shall be fifty (50) feet from front, rear, and side street property lines, and thirty (30) feet from side property lines.

c. Maximum Building Heights and Floor Areas.

1. The maximum building height shall be 35 feet.

2. Maximum floor areas shall not exceed the limitations of Section 3.03.01 and 3.03.03.

3. No building or combination of buildings may cover more than one percent (1%) of the lot or parcel.

d. Site Improvements.

1. Parking spaces shall be provided at the rate of one (1) per every four (4) persons of total occupancy or attendance.

3.03.12 COMMERCIAL USES

Commercial uses requiring a Conditional Use permit shall meet the following site or development standards, except as may be modified by a PUD.

a. Minimum Lot Area.

1. The minimum lot area shall be unlimited herein except for provisions of Section 3.03.01 (b) and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy-five (75) feet for each lot or parcel.

3. No frontage is required for recreation business.

b. Minimum Setbacks.

1. The minimum setbacks for neighborhood businesses shall be thirty (30) feet from front, rear, and side street property lines and ten (10) feet from all side property lines.

2. The minimum setbacks for service and recreation businesses shall be fifty (50) feet from rear, front, and side street property lines and thirty (30) feet from side property lines.

3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than 1000 feet from any residential development, civic or community service use, or other non-compatible commercial use unless the impacts are adequately mitigated by implementation of standards as approved by the Commission. The setbacks will be determined in relation to impact mitigation.

c. Maximum Building Height and Floor Area.

1. Building heights shall not exceed thirty-five (35) feet above the lower of the existing or finished grade.

2. The building size or floor area shall not exceed the limitations of Section 3.03.01 and 3.03.03 and the "Building Code Ordinance".

3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.

d. Site Improvements.

1. Where commercial uses are proposed on a lot or parcel having frontage on Highway 55 and a side street the access shall be limited to the side street.

2. Parking spaces for neighborhood and area businesses shall be provided at the rate of one (1) plus one (1) per each 250 square feet of floor area.

3. Parking spaces for service businesses shall be provided as follows:

   Gas and Service Stations - one for each two gas pumps and two for each
service bay.

Restaurant - one for each 200 square feet of gross floor area.

Motel, hotel, etc. - one per sleeping room plus one for each two employees.

Other service business - to be determined by Staff.

4. Parking spaces for recreation businesses shall be provided at the rate of one (1) per each four (4) occupants or as determined by the Commission.

e. Community Housing.

The Valley/Adams Regional Housing Authority may make a recommendation to the Commission that the proposed use creates a need which should be mitigated by the provision of Community Housing units. The Commission shall consider such recommendation and may require that such units shall be provided in a number or amount sufficient to mitigate all or a portion of the need so created. Utilization of second floor space for Community Housing is recommended. Where appropriate, parking requirements may be reduced at the discretion of the Commission, to account for day time commercial use and night time residential use of the same space.

3.03.13 INDUSTRIAL USES

Industrial uses requiring a Conditional Use permit shall meet the following site or development standards.

a. Minimum Lot Area.

1. The minimum lot area shall be adequate to accommodate the use, associated activities or use, and to adequately contain adverse impacts.

2. The minimum frontage along a public or private road shall not be less than seventy-five (75) feet.

b. Minimum Setbacks.

1. The minimum building setbacks for light industrial uses shall be fifty (50) feet from front, rear, and side street property lines and thirty (30) feet from side property lines.

2. The minimum building or use setbacks for heavy industrial uses shall be 150 feet from front and side street property lines, 100 feet from rear property lines, and 75 feet from side property lines. Heavy industrial uses shall be located not less than 1000 feet from any residential development, civic, or community service use, or commercial use unless the impacts are adequately mitigated by implementation of standards as approved by the Commission. The setbacks will be determined in relation to impact.
mitigation.

The current use of vacant adjacent property shall be presumed to be its highest and best permitted use.

The above specified minimum building or use setbacks and the setback from any residential development, civic or community service use, or commercial use shall not apply to those Heavy Industrial land uses specifically related to processing gravel and other building or landscape materials including screening, classifying, and/or crushing said materials at sites approved by the County for said purposes that are located outside the North Fork of the Payette River Drainage of Valley County and the duration of the processing is less than 30 days per calendar year.

The above specified minimum setback from any residential development, civic or community service use, or commercial use shall not apply to those Extractive Industry uses specifically related to gravel and other building or landscape materials including excavation, stockpiling, and/or hauling said materials at sites approved by the County for said purposes that are located outside the North Fork of the Payette River Drainage of Valley County.

3. The minimum building setbacks for Extractive Industry Uses shall be thirty (30) feet from front, rear, and side street property lines and ten (10) feet from side property lines. Extractive Industry uses shall be located not less than 1000 feet from any residential development, civic or community service use, or commercial use unless the impacts are adequately mitigated by implementation of standards as approved by the Commission. The setbacks will be determined in relation to impact mitigation. The extractive use shall be setback at least ten (10) feet from all property lines unless the adjacent land use is permitted as an extractive industry and there is an agreement that is approved by the county engineer between the two property owners to excavate to the property line.

c. Maximum Building Height and Floor Area.

1. Building heights shall not exceed forty-five (45) feet for light industrial uses, and shall be unlimited herein for extractive industry uses. Building heights for heavy industrial uses shall not exceed forty-five (45) feet.

2. The building size or floor area shall not exceed the limitations of Section 3.03.01 and 3.03.03.

3. No building or combination of buildings may cover more than forty percent (40%) of a lot for light industrial uses and thirty percent (30%) of a lot for heavy industrial uses.

d. Site Improvements.
1. Applications for extractive industry uses proposing excavations exceeding fifteen (15) feet below the average surface grade shall include an operations plan and a final reclamation plan according to guidelines in e. Extractive Industry Requirements in the following section.

2. Fencing shall be installed in heavy industrial and extractive industry uses where hazardous conditions or operations are proposed. The fencing shall be adequate in height and construction to secure against random entry into such areas.

3. Parking spaces shall be provided at the rate of one plus one per 250 square feet of floor area where applicable for light industrial uses. And one plus one per 400 square feet of floor area for heavy industrial uses. In any event the parking area shall be adequate to provide parking for employees and visitors.

e. Extractive Industrial Requirement

The operation and final reclamation plan for a proposed new extraction operation where excavations exceeding five (5) feet in depth are proposed shall be submitted with an application for a Conditional Use permit and shall contain the following:

1. Location of the site and its area in acres. Location of the proposed extraction. Show setbacks from each property line to the use limits.

2. Existing contour lines at not more than five (5) foot intervals.

3. Proposed contour lines after extraction is complete. Maximum slope on excavations may be vertical but maximum abandoned slope shall not exceed 1-1/2:1. An abandoned slope is where the resource is exhausted or where excavation will be abandoned for a period of one (1) year or longer. Reclaimed slopes shall be stabilized by seeding.

4. Where water will fill the abandoned pit the sides may be left vertical except the perimeter shall be graded to a 5:1 slope or flatter to a depth at least ten (10) feet below the high water level.

5. Indicate an approximate total volume to be extracted, approximate annual removal, and estimated life of operation. The Conditional Use permit shall be void and final reclamation will have been completed by the date specified. A new Conditional Use permit shall be required to continue the operation.

6. Indicate private and public roads that will be used including intended destination of the extracted materials and maximum trips per day. Indicate normal hours of operation.

7. Indicate equipment type and number that will be used in connection with the operation including excavation, processing, handling, or delivering. Show locations...
of permanent or semi-permanent equipment including parking areas.

8. Indicate incidental structures such as offices, tool sheds, storage sheds, fuels, etc..

9. Indicate method of sanitary provision for employees, water supply, solid waste disposal, telephone, electrical power, and other utilities.

10. If dewatering is required indicate location, method, point of discharge, and estimated volume. If discharge is to a stream, river, lake, or reservoir provide approval of the Department of Water Resources.

11. If material is to be hauled to fill the site, indicate where and how it will be demolition or excavation wastes shall constitute a sanitary landfill and a separate Conditional Use Permit shall be required. No materials that would potentially adversely affect the quality of the permanent water table may be placed in the excavation.

12. Indicate the method of securing the site including gates and fencing.

f. Community Housing.

The Valley/Adams Regional Housing Authority may make a recommendation to the Commission that the proposed use creates a need which should be mitigated by the provision of Community Housing units. The Commission shall consider such recommendation and may require that such units shall be provided in a number or amount sufficient to mitigate all or a portion of the need so created. Utilization of second floor space for Community Housing is recommended. Where appropriate, parking requirements may be reduced at the discretion of the Commission, to account for day time commercial or industrial use and night time residential use of the same space.

3.04 PROCEDURES

   (See Chart of Routing Procedures for Conditional Use Permit at back of Chapter)

3.04.01 PRE-APPLICATION CONFERENCE

a. Prior to the formal filing of an application, the applicant shall confer with the Administrator or staff to obtain proper forms, information, and guidance.

b. The applicant shall familiarize himself with the Standards of the Ordinance, the goals and objectives of the Comprehensive Plan, and review procedure and submittal requirements, which will affect the proposal.

c. The pre-application conference may include a meeting at the proposed site and other investigations deemed necessary by the Administrator or staff.

d. Pre-application "Work Sessions" between the applicant and the Commission or Board of Commissioners may be deemed necessary by the Administrator and agreed to by the
parties. While others may attend these sessions, they may not participate, unless invited, and only may comment at public hearings. Work sessions shall be advertised the same as a public hearing in accordance with provisions of this ordinance.

e. If the Administrator anticipates that Community Housing will be a required component of the proposal, the applicant will be advised to meet with the Valley/Adams Regional Housing Authority prior to submittal of the application. In such case, a letter of review/recommendation from the VARHA shall be a required component of the application.

3.04.02 APPLICATION FORM

a. All applications for Conditional Use permits shall be filed with the fee with the Administrator or staff on forms prescribed by the Commission at least forty-five (45) days prior to the hearing at which it is to be considered. The Administrator may set applications on an agenda if received prior to the notice deadline of thirty (30) days prior to the hearing it is to be considered if the application can be determined to be complete. Ten (10) copies of each item comprising the application shall be submitted.

b. All applications shall be filed by a person or firm holding a legal or equitable interest in the property to be considered. A letter from an agency who administers public land authorizing review of public lands for a permit will meet the requirements. An authorized agent may present the application to the Administrator or staff and the Commission.

c. All applications must contain a summary detailing how the proposed project meets the goals and objectives outlined in the Valley County Comprehensive Plan. This summary shall follow the chapter by chapter format of the Comprehensive Plan and must address any relevant issues.

d. The names, addresses, and telephone numbers of the applicant, owner, and agent shall be included on the application. The applicant or owner shall sign the application form.

e. An application shall be accompanied by notes disclosing the following:

   Solid waste disposal methods.
   An estimated timetable for construction.
   The names and addresses of property owners within 300 feet.
   Impact report.
   A legal description of the property.

f. An application shall be accompanied by plans clearly and accurately disclosing sufficient information for the Administrator or staff and the Commission to review the application as follows:

   1. Natural features of the site including slope, drainage, rock outcrops, soils
classification, vegetative cover, etc.. A topographic survey map, aerial photograph, or copy of a U.S.G.S. map to appropriate scale may be used to indicate these and the following features.

2. Boundaries of the property and adjoining parcels with a list of property owners within 300’.

3. Existing uses of the property, uses of the adjoining parcels, and the proposed use. Where more than one use is proposed then indicate the boundary of each use.

4. Boundaries of special areas. (See Chapter IV)

5. Total acreage and area of each use.

6. Existing or proposed access roads and utility access easements. Indicate width, type, and condition of surfacing material on existing roads.

7. Proposed on-site streets, walks, paths, and utility easements including construction standards, width, and type of dedication.

8. Proposed parking area locations, dimensions, and construction standards.


10. Existing and proposed structures.

11. Existing and proposed utilities including electricity, telephone, gas, storm sewers, sanitary sewers, and potable water

12. Method, location and type of sanitary waste collection and treatment facilities.

13. Existing irrigation and drainage systems and any proposed alterations, improvements, extensions or new construction. Also indicate whether the property is in an existing District or Association. Also indicate the storm water management plan.

14. Any proposed fencing, site screening, and landscaping and provision for maintenance.

15. Open space and provisions for their use, preservation, and maintenance.

16. A letter of review/recommendation from the Valley/Adams Regional Housing Authority shall be submitted with all residential subdivision and residential PUD applications. This letter may also be required in commercial and/or industrial applications where Community Housing will be a component of the proposed development.
g. Applications and procedures for all subdivisions and planned unit developments shall also be in accordance with the "Subdivision Regulations for Valley County, Idaho" adopted April 29, 1970, and subsequent amendments. Approval of a Conditional Use Permit shall be a requirement for such developments and said approval shall be deemed approval for the preliminary plat. Approval of the Conditional Use Permit can be reviewed and decided upon independently or simultaneously with concept approval for a planned unit development or the planned unit development approval.

h. The application fee for Conditional Use permits or requests for a variance shall be set by resolution of the Valley County Board of Commissioners. The fee for a Conditional Use Permit shall be in addition to other fees, charges, or assessments. The schedule of fees shall be available at the Commission office.

i. The Administrator or staff shall sign and date the application upon acceptance thereof. The application will be officially accepted only after it has been completed and submitted along with the required plans, notes, and fees as set by the Valley County Board of Commissioners.

3.04.03 APPLICATION REVIEW

Within fifteen (15) days of reviewing the application, the Administrator or staff, acting as an agent for and in behalf of the Commission, shall notify the applicant that the plans and general submission materials do or do not meet the objectives of these regulations.

a. If the evaluation is negative, the Administrator or staff shall notify the reasons for such evaluation. The applicant may.

1. Withdraw the application and receive a refund of all but fifteen dollars ($15.00) of the fee, or

2. Revise the application to mitigate the negative aspects and/or prepare an impact report in accordance with Section 3.03.05 and re-submit for further review, or

3. Request the Administrator or staff to proceed with the application so that the application can be reviewed by the Commission.

b. If the evaluation is affirmative the Administrator or staff shall proceed with the review.

3.04.04 NOTICE TO AGENCIES

Thirty (30) days prior to the public hearing date, the Administrator or staff shall notify other governmental or administrative agencies that the application has been received. The notice shall include copies of the application or a brief description of the proposed use. The purposes of the notice will be to alert the agency of a proposed use that may affect matters within their jurisdiction or to obtain comments relying on the expertise within that agency to
provide information helpful to the Commission's review of the application. The agencies that may be notified include, but are not limited to the following:

a. Local Agencies.

1. Cities
2. Fire Departments
3. Sheriff’s Department
4. School Administration
5. Assessor
6. County Engineer
7. County Building Official
8. Prosecuting Attorney
9. Irrigation or Drainage Districts.
10. Water or Sewer District
12. Valley Soil & Water Conservation District
13. Utilities (Electric, Telephone, Cable)
14. Valley/Adams Regional Housing Authority
15. Valley County Pathways Committee

b. State Agencies.

1. Water Resources
2. Environmental
3. Transportation.
4. Commerce and Labor
5. Fish & Wildlife
6. Department of Lands
7. Southern Idaho Timber Protective Association

c. Federal Agencies

1. Forest Service
2. Department of Housing and Urban Development
3. U.S. Bureau of Reclamation
4. Army Corp of Engineers

The comments received from the Agencies may be used by the Commission and staff to evaluate items in the Impact Report, the Compatibility rating, preparing the conditions of approval or reasons for denial of the application. When permits are required by other agencies for all or parts of the application, evidence of the permit and compliance with the provisions of the permit shall be a condition of the Conditional Use Permit. Such permits include but are not necessarily limited to: building permits, individual sewage, electrical permits, and similar permits to construct specific parts of a project. Other permits more technical in nature or greater in scope may be required before the Conditional Use Permit is
issued, as determined by the Commission or the Board. Such permits include but are not
necessarily limited to: Permits to use public lands; permits to construct central sewage
treatment facilities; permits to alter wetlands; permits to construct in flood prone areas; and
in other situations where the review and issuance of the permit will assure the Commission
that the proposal is technically feasible.

3.04.05 COMPATIBILITY RATING AND ADMINISTRATOR OR STAFF REPORT

a. Prior to the public hearing the Staff shall have prepared a report to the Commission
relating the following:

   The essential parts of the application and proposed use.
   An evaluation of the proposed use in regards to the Comprehensive Plan.
   An evaluation of the proposed use in regard to provisions herein or in other pertinent
   ordinances.
   Additional questions and proposed conditions of approval.

b. The Administrator or staff shall evaluate the compatibility of the proposed use in
   accordance with the guidelines in the appendix hereto. A copy of the report and the
   compatibility rating shall be sent to the applicant and-or his agent and to members of
   the Commission.

c. The Commission is encouraged to view the site so long as they verify their location is the
   correct site by demonstration of a sign being posted by Staff.

3.04.06 SETTING THE HEARING DATE AND PUBLIC NOTICE

a. The application shall be placed on the agenda of the earliest regular meeting of the
   Commission where proper advertising and notice can be given. The agenda shall be
   posted at the Valley County Courthouse.

b. A notice to adjoining property owners within 300’ and the public relating a brief
   description of the proposed use and the date, time, and place for the hearing will be
   posted by the Administrator or staff not less than ten (10) days before the hearing.
   Posting shall include direct mail to adjoining owners and advertising in a newspaper of
   general circulation in the County at least fifteen (15) days prior to the hearing. The site
   of the application shall be posted at least one week prior to the hearing. Agencies shall
   be noticed thirty (30) days prior to the hearing.

3.04.07 COMMISSION AND PUBLIC HEARING

a. The Commission shall consider the application at the date, time and place specified in the
   advertisement in accordance with the agenda prepared by the Administrator or staff and in
   accordance with the rules, procedures, and by-laws adopted by the Commission.

b. The Commission shall grant an application when a preponderance of the evidence
presented to the commission establishes:

1. The application and the proposed project is consistent with Land Use and Development Ordinance and the Valley County Comprehensive Plan;

2. The proposed project, by its Compatibility rating, is shown not to have any unreasonable negative impacts on adjacent property if all the terms of the application and/or terms of applicable Development Agreements are satisfied;

3. The proposed project will not place any unreasonable burden on the public infrastructure. In the case of an application for a PUD, and, if directed by the Board, the Commission shall be entitled to defer the presentation of evidence regarding and decisions regarding this item to the Board.

c. The Commission may table the application to a future specified date when:

   1. Testimony during the public hearing provides conflicting information.

   2. When new information or questions are raised that, in the opinion of the Commission, should be studied by the Administrator or staff.

   3. When a legal opinion or counsel is needed.

   4. When additional information is needed from the applicant.

d. The Commission may approve the application as propose or with conditions stipulated by the Administrator or staff and-or the Commission. The Commission's approval of a Conditional Use Permit for Planned Unit Development shall be a recommendation to the Board of County Commissioners who will consider the item at a public hearing.

3.04.08 CONDITIONAL USE PERMIT ISSUED

a. The Administrator or staff shall prepare minutes of the proceedings for each hearing including the action taken by the Commission and forward copies to the member of the Commission, the clerk of the Board, and the applicant with ten (10) days after the meeting.

b. Upon recommendation of the Commission, the Administrator or staff shall issue a conditional use permit on forms prescribed by the Commission.

   1. The approval shall be for a period of (1) year from the date of the hearing after which time the approval will expire and be null and void unless the applicant has substantially complied with the provisions thereof or has applied for an extension of time; or the Commission has approved a phasing plan for a longer period.

   2. The Commission may approve extensions for increments of one (1) year upon proper
application prior to the expiration of the previous approval.

3. Applications for extensions shall be re-evaluated and the fee for a new application charged as set by the Valley County Board of Commissioners. The application shall summarize the original plan and explain what has yet to be completed, with a completion date. The application shall contain an updated list of adjoining property owners and be noticed in the same manner as a new application. With the extension impacts can be reevaluated and mitigated with the addition of new conditions of approval.

4. Conditional Use Permits will not be issued until ten (10) days after the hearing and, in the event an appeal to the Board is filed within the ten (10) days limitation, the permit will not be issued until after a decision by the Board.

5. When the Commission's decision is subject to Board approval, as for Planned Unit Developments, the Conditional Use Permit will not be issued until after the Board's decision.

6. The permit shall accurately describe the approved use and any conditions placed on the approval by the Commission including the time for completion of the work. Occupancy of any part or portion of the approved use shall not be allowed until all the improvements required to meet the conditions of approval and related laws and regulations have been satisfactorily completed. Occupancy may be allowed for a completed portion of the project upon the posting of a surety for completing the improvements required in the conditions of approval. The procedure and form of surety shall be in accordance with Section 415 of the "Subdivision Ordinance".

7. Record the Conditional Use permit when issued.

c. Appeals may be filed in writing by any interested party with the Administrator. An appeal of a Commission decision on a Conditional Use Permit will clearly state the decision being appealed, the nature of the appeal, and how the decision of the Commission was not consistent with the preponderance of the evidence presented. Appeals shall also comply with and be heard in accordance with Section 3.04.12 herein.

d. If an applicant fails to appeal a denial within ten (10) days of the date of the hearing, then a re-submittal may not be made for a period of one (1) year from the hearing date unless substantial modifications are made so that the Administrator or staff may consider the re-submittal a new application.

3.04.09 APPLICATION AND REVIEW FOR FINAL PLAT

The form of application and procedure for review shall be in accordance with the Subdivision Regulations for Valley County, Idaho", adopted April 29, 1970, and subsequently amended.

3.04.10 VARIANCES
a. Conditions

Pursuant to "Idaho Code", Section 67-6516, the Commission shall be empowered to grant variances relaxing or modifying the requirements of this Ordinance with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this Ordinance affecting the size or shape of a structure upon lots, and other land use requirements of this Ordinance. In the case of a PUD involving variations from the requirements of this Ordinance, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with Conditional Use Permit applications.

b. Application

A variance may be granted to an Applicant only upon a showing of undue hardship as a result of characteristics of the site.

2. A written application for a variance shall be submitted to the Administrator or staff containing:

a) Description of the nature of the variance requested.

b) A narrative statement and graphic material demonstrating

c) That special conditions and circumstances exist which are not a result from any action of the Applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures.

d) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

e) A site plan showing the location of the variance and the special characteristics of the site.

f) A list of adjoining property owners within 300’ of the site.

g) The fee set by resolution of the Board shall accompany the application for a variance.

c. Procedure.

An application for a variance shall be reviewed by the Administrator or staff and the Commission in accordance with section 3.04.11 herein. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, on-site, and the public in accordance with section 3.04.06.b.

d. Granting of a Variance.
1. Variance may be granted if the Commission makes specific findings of fact based directly on the particular evidence in the application, which support conclusions that the above conditions have been met by the applicant.

2. Within ten (10) days after a decision has been rendered, the Administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.

3. The Commission's decision shall be a recommendation to the Board.

4. The clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular meeting of the Board.

5. The Board shall consider and act upon the Commission's recommendations by the following the procedures outlined in section 3.04.11. However, if the Commission’s recommendation is unanimous and there is no opposition to approval of the variance than the Board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.

6. A permit for the variance may be issued by the Administrator or staff only after approval by the Board.

3.04.11 CONDUCT OF HEARINGS

The Administrator or staff or Board which conducts public hearings under this title shall conduct said hearings in conformity which the following standards. At all such hearings:

a. A sign-in roster shall be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

b. The chair of the meeting shall conduct the hearing in accordance with the rules adopted March 10, 1993, and amendments thereto.

c. A transcribable record shall be taken and maintained.

d. The chair shall call upon the Administrator or staff to make a preliminary presentation of facts not to exceed twenty minutes in length.

e. Following the close of the presentation of facts by Administrator or staff, the Chair shall invite the applicant to make a presentation of evidence to the Commission or Board.

f. Every document referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be offered into the record. Every exhibit offered shall be marked and entered into the record of the proceeding. Such exhibits shall be maintained in the County Planning Department during the appeal period.
Exhibits offered may be made conditions of approval.

g. After the Administrator or staff presentation and testimony by the applicant the Chair shall open the hearing for public testimony and shall invite the public to address the Commission or Board in the order of names found on the signing roster. If in the opinion of the Chair the number of persons testifying is so large as to unduly delay the process of the hearing, the Chair may limit public testimony to three minutes for each member of the public. Except five minutes may be granted to representatives of groups. The public hearing may be continued upon motion to a date certain, which shall be announced to the public there assembled.

h. All persons testifying before the Commission or Board shall state, for the record, their full name and address.

i. Members of the Commission or Board or its legal representative may question any person who testified at any time or may, upon a majority of the members present, further testimony.

j. Before the close of the public testimony, the Chair shall ask if any persons attending the hearing who did not sign the roster wish to be heard and any such person shall be given the opportunity to testify.

k. At the close of public testimony the Chair shall solicit comments from Administrator or staff for additional testimony or clarifications as result of the testimony given. After comments from Administrator or staff, the applicant or appellant shall be given an opportunity to address final comments to the Commission or Board. If new information is presented by the applicant, the public shall have a chance to address that specific information.

l. After all testimony, the Chair shall declare the public hearing closed and shall bring the matter back before the Commission or Board for discussion and action. The discussion and decision may be deferred until another date certain, which shall be then announced to the public there assembled.

m. Following the Commission hearing, if the Commission makes a material change in the proposal, further notice and hearing shall be provided before the Commission gives final approval or forwards the proposal with its recommendation to the Board. For purposes of this Section, a material change shall mean any modification of the proposal, which in the opinion of the Commission, is of such importance that the public interest will be better served by additional notice and public hearing.

n. At any public hearing, the Commission may order the hearing to be continued by publicly announcing the time and place of continuance and no further notice there of shall be required. Failure of the Commission or Board to provide actual notice to each person so entitled shall not render any proceeding hereunder invalid, provided that the County substantially complies with the notice and hearing requirements of this Chapter.
3.04.12 APPEALS

Any Administrative level or Commission level decision may be appealed in accordance with the procedures established herein. All such appeals must be written, accompanied by the fee as set by resolution of the Valley County Board of Commissioners and submitted to the Administrator prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

a. Appeals of Administrative Decisions: Any action of the Administrator on a specific administrative level application or on the general interpretation of the Zoning Ordinance may be appealed as follows:

1. Interpretation of the Zoning Ordinance: Decisions of the Administrator or staff may be appealed to the Planning and Zoning Commission within ten (10) days from the date of such decision by any person aggrieved by such decision. Upon receipt of the appeal, the Administrator or staff shall schedule the appeal before the Commission at the next public meeting following the appeal.

2. Administrator or staff Design Review Decisions: Decisions of the Administrator on design review decisions may be appealed to the Commission with 10 (ten) calendar days from the date of such decision by any person aggrieved by such decision. Upon receipt of such appeal, the Administrator or staff shall schedule the appeal before the Commission at the next public meeting following the appeal.

3. Other Administrative Level Applications: Actions of the Administrator on Administrative level applications, other than design review, may be appealed to the Commission with ten (10) calendar days from the date of the action by the applicant or any aggrieved person. Upon acceptance of the appeal, the Administrator shall establish Commission and shall notify the appealing party, the applicant, all property owners within three hundred feet (300') of the property, and the public. The Commission, in reviewing the Administrator's decision, may impose additional or different conditions and limitations.

Appeals of Commission Decisions:

1. Any decision of the Commission may be appealed to the Board by the applicant, any aggrieved person or the Administrator. The appeal shall be filed with the Administrator before 5:00 p.m. of the tenth (10th) calendar day after the written decision or determination of the Commission has been made.

2. The Administrator shall ascertain that the procedural requirements have been met and notify the Board of the appeal.
3. The clerk, upon notice of an appeal of a decision by the Commission, shall set the item on the agenda of the Board at the earliest possible regular meeting of the Board.


5. An appeal may not be withdrawn without the approval of the Board.

6. All pertinent information in the planning and zoning file shall be forwarded to the Board for review.

7. The Board shall hold a public hearing to review the Commission's proceedings and decisions and may obtain additional information from the Administrator or staff, the applicant, the appellant, or the public.

8. The Board may sustain, deny, amend or modify the decision of the Commission. The decision of the Board is final and need not be referred back to the Commission except the Board may elect to refer the matter to the Commission with specific instructions.
### Table III-A

**Standards for Conditional Uses**

<table>
<thead>
<tr>
<th>Use Description</th>
<th>building setbacks, ft.</th>
<th>min. lot area</th>
<th>max % lot cover</th>
<th>min. strt. fmt.</th>
<th>max. bldg. ht.</th>
<th>minimum parking spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>front</td>
<td>side</td>
<td>s.str.</td>
<td>rear</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1. Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Subdivision, s.f. res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Subdivision, m.h. - s.f. res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Mobile home or r.v. park</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>d. Condo, twnhse, or m.f. res.</td>
<td>30</td>
<td>15</td>
<td>30</td>
<td>30</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>e. Subdivision for multi-family</td>
<td></td>
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<td>f. Planned unit development</td>
<td></td>
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<tr>
<td><strong>2. Civic or Commercial Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Retirement home or center</td>
<td>50</td>
<td>30</td>
<td>50</td>
<td>50</td>
<td>1</td>
<td>40</td>
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<tr>
<td>b. Cemetery</td>
<td>30</td>
<td>10</td>
<td>30</td>
<td>15</td>
<td>1</td>
<td>75</td>
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<tr>
<td>c. Sanitary landfill</td>
<td>50</td>
<td>30</td>
<td>50</td>
<td>50</td>
<td>5</td>
<td>35</td>
</tr>
<tr>
<td>d. Central sewage treatment</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>2</td>
<td>35</td>
</tr>
<tr>
<td><strong>3. Private Recreation Uses</strong></td>
<td></td>
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<tr>
<td><strong>4. Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Neighborhood business</td>
<td>30</td>
<td>10</td>
<td>30</td>
<td>30</td>
<td>40</td>
<td>75</td>
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<td>b. Service business</td>
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<td>30</td>
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<td>c. Area business</td>
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<td>10</td>
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<td>30</td>
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<td>d. Recreation business</td>
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<td>30</td>
<td>50</td>
<td>50</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td><strong>5. Industrial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>a. Light industry</td>
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<td>30</td>
<td>50</td>
<td>50</td>
<td>35</td>
<td>75</td>
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<tr>
<td>b. Heavy industry</td>
<td>150</td>
<td>75</td>
<td>150</td>
<td>100</td>
<td>30</td>
<td>75</td>
</tr>
<tr>
<td>c. Extractive industry</td>
<td>30</td>
<td>10</td>
<td>30</td>
<td>30</td>
<td>35</td>
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### PARKING AREA DIMENSION CHART

<table>
<thead>
<tr>
<th>PARKING ANGLE</th>
<th>CURB LENGTH</th>
<th>STALL DEPTH</th>
<th>ASILE WIDTH</th>
<th>BAY WIDTH</th>
<th>STRIPE LENGTH</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>L °</td>
<td>C</td>
<td>D1</td>
<td>D2</td>
<td>A1</td>
</tr>
<tr>
<td></td>
<td>90 °</td>
<td>86&quot;</td>
<td>18'</td>
<td>36'</td>
<td>23'</td>
</tr>
<tr>
<td>STANDARD VEHICLE</td>
<td>60 °</td>
<td>10'</td>
<td>20'</td>
<td>36'</td>
<td>17'</td>
</tr>
<tr>
<td></td>
<td>45 °</td>
<td>12'</td>
<td>18'6&quot;</td>
<td>32'</td>
<td>13'</td>
</tr>
<tr>
<td></td>
<td>30 °</td>
<td>17'</td>
<td>16'6&quot;</td>
<td>26'</td>
<td>12'</td>
</tr>
<tr>
<td></td>
<td>0°</td>
<td>22'</td>
<td>8'6&quot;</td>
<td>17'</td>
<td>12'</td>
</tr>
<tr>
<td>RECREATIONAL SPACE</td>
<td>90 °</td>
<td>10'</td>
<td>24'</td>
<td>48'</td>
<td>24'</td>
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<tr>
<td></td>
<td>60 °</td>
<td>11'6&quot;</td>
<td>26'</td>
<td>46'</td>
<td>22'</td>
</tr>
<tr>
<td></td>
<td>45 °</td>
<td>14'</td>
<td>24&quot;</td>
<td>41'</td>
<td>20'</td>
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For larger trees (24" box, 2 1/2" caliper and over) a ground linked guying system with turnbuckles may be required.
What is a True Full Cutoff Outdoor Lighting Fixture?

Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.

Same fixture as above mounted incorrectly – defeating the horizontal mounting design. The fixture now produces direct glare and can also produce unlight at steeper mounting angles.

Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.
85° Full Cut-Off Fixture

Partially Shielded (translucent shade - bulb not visible)

Shielded

Unshielded with Opaque Top (less than 375 lumens)

Angle of Flood Light with External Shielding

Directional Flood Light
Routing Procedures for Conditional Uses

1. Pre-application conference
2. Application
3. Administrative Review
   a. Denial
   b. Approval
4. Notice to Agencies
5. Compatibility Rating
6. Public Notice
7. Commission & Public Hearing
   a. Denial
   b. Table & Time Specified
   c. Approval
8. Conditional Use Permit Issued
   a. Appeal by Applicant
   b. Appeal by Interested Party
9. Board of Hearings of Appeals, Variances, & PUD's
   a. Denial
   b. Table, Time Specified
   c. Approval
Chapter Four
SPECIAL AREAS

4.01 General
4.01.01 Special Areas
4.01.02 Maps of Special Areas
4.01.03 Special Area Boundaries and Overlaps
4.02 Flood-Prone Areas
4.02.01 Purpose
4.02.02 Areas of Application
4.02.03 Permitted Uses
4.02.04 Standards
4.03 Airport Vicinities
4.03.01 Cascade Airport Overlay District
4.03.02 McCall Airport Overlay District
4.04 Historical Overlay Districts
4.04.01 Roseberry Townsite Historical Overlay District
4.05 Wellhead Protection

4.01 GENERAL

This chapter defines and contains standards and procedures for Special Areas and the use and development of lands therein. The purpose of designating Special Areas with greater restrictions is to fulfill the intent of the Comprehensive Plan, protect persons and property from potentially hazardous conditions, indirectly minimize property taxes which may be used to repair such damages, and to minimize the destruction of resources which are economically, ecologically, and-or socially important to Valley County. Since the guidelines for uses in Special Areas are supplementary to other regulations, the Special Areas are also called Overlay Districts.

4.01.01 SPECIAL AREAS

The following are herein recognized as Special Areas:

a. **Flood-prone Areas**: Refer to Section 4.02.

b. **Airport Vicinities**: Refer to Section 4.03.

4.01.02 MAPS OF SPECIAL AREAS

a. The boundaries of the Special Areas have been generally indicated on maps, which are on file at the County Courthouse.

b. The Flood-prone Areas have been indicated on the 7.5 minute series topographic maps published and prepared by the Department of the Interior Geological Survey and on the
"Flood Insurance Rate Map for Valley County Idaho" prepared by Federal Emergency Management Agency.

c. The Airport Vicinity for the McCall Airport is currently being studied.

4.01.03 SPECIAL AREA BOUNDARIES AND OVERLAPS

a. The interpretation of the precise location of an Overlay District boundary may be aided by the definition of the Special Area in Chapter I, supplementary mapping or data obtained by the County or provided by an applicant disclosing greater detail of the pertinent features of the Special Area, and onsite inspection of the site by the staff.

b. Wherever two or more Special Areas overlap, all applicable standards shall apply. When standards conflict or are otherwise incompatible, the more restrictive shall apply.

4.02 FLOOD PRONE AREAS

4.02.01 PURPOSE

The purpose of this overlay district is to protect the health and safety of the public, and to minimize damage to property and fragile ecologies by preventing surface and ground water pollution and loss and destruction from flooding and siltation.

4.02.02 AREAS OF APPLICATION

The standards and procedures for flood-prone areas shall apply to those lands which are subject to special flood hazard as defined in County Ordinance 3-90. The flood prone areas generally lie along major drainage channels. A large percentage of these areas are fully saturated seasonally or continuously.

Certain flood prone areas have been identified on "Flood Insurance Rate Map For Valley County, Idaho" prepared by the Federal Emergency Management Agency. The maps are available in the County Engineer's Office.

4.02.03 PERMITTED USES

The following are permitted uses within flood-prone areas:

a. Agricultural and open space uses except structures for enclosing animals.

b. Residential uses when the lot is located within a subdivision plat recorded prior to June 25, 1992; there is no portion of the lot where the structures can be located outside the identified flood prone area; and, the structures comply with the applicable standards in sub-Section 4.02.04 herein.

c. Civic or Community Service uses except structures, shelters, sewage treatment facilities,
cemeteries, or sanitary landfills.

d. Private or Commercial Recreation uses except structures or shelters for human occupancy or for enclosing animals.

e. Industrial uses except structures and the storage of chemicals, petroleum products, and similar products which are water soluble or floatable. Wood processing plants without structures may be permitted uses.

f. Temporary uses where the season of use does not correspond to the flood season.

g. Structures established prior to June 25, 1992, that are destroyed or damaged by extraordinary events such as fire, earthquakes, etc. may be replaced within 18 months of the event.

h. Uses not listed above, such as residential and commercial uses, except for open space and infrastructure for uses with a conditional use permit, shall not be allowed in flood-prone areas.

4.02.04 STANDARDS

a. **Excavation or Fills.**

   1. Excavation or fills shall be allowed only for a public or private road crossing the flood plain from one side to the other on a direct route and for uses permitted in Section 4.02.03.

   2. Embankments resulting from such excavation or fills shall be protected against erosion by riprap, vegetative cover, bulkheading, or other acceptable means.

   3. Excavation or fills shall not alter or restrict channel flow unless a permit has been obtained from the State Department of Water Resources.

   4. Excavation or fills shall comply with the provisions of the Flood Damage Prevention Ordinance No. 3-90.

b. **Structures.**

   1. Structures shall be limited by Section 4.02.03 and shall generally be restricted to bridges, culverts, or drainage, irrigation, or flood control devices.

   2. Structure crossing or providing crossing of flood-prone areas shall be sized to accommodate channel flows of an intensity equal to that of a 100 year return period.

   3. Structures located within 300 feet of a flood-prone area shall be set on foundations not less than two (2) feet above the elevation determined for the flood intensity equal
4. Structures shall not alter or restrict channel flow unless a permit has been obtained from the State Department of Water Resources.

5. All improvements to be located within an identified flood prone area, including all uses allowed in Section 4.02.03, shall also comply with provisions of the Flood Damage Prevention Ordinance No. 3-90. However no structure will be deemed permitted by this ordinance merely because it is discussed in that ordinance (No.3-90).

c. **Storage of Material and Equipment.**

1. Material and equipment not subject to major damage by floods may be stored within flood-prone areas.

2. Materials subject to potential damage by floods including buoyant items may be stored temporarily but must be removed upon general warning of flood conditions.

3. Materials that are subject to potential damage by flood and which would be environmentally degrading if such damage occurred, such as fuels and other petroleum products, chemicals, liquids, radioactive materials, water solubles, and similar materials, shall not be stored within flood-prone areas.

### 4.03 AIRPORT VICINITIES

#### 4.03.01 CASCADE AIRPORT OVERLAY DISTRICT

**a. Purpose**

The purpose of this Overlay District is to avoid airport hazards, protect the lives and property of airport users and occupants of the land within the airport vicinities, and to prevent destruction and impairment of the utility of the Cascade Airport and the public investment therein.

**b. Boundary Description**

The Cascade Airport Vicinity Overlay District is comprised of all the lands underlying the various zones described herein. These zones have been plotted on maps on file in the Planning and Zoning Office. Where these zones are located within the City of Cascade, regulations of that governing entity shall apply.

1. **Primary Zone**

   The primary Zone is coincident with Primary Surface and is centered longitudinally on the runway. When the runway has a specially prepared hard surface, the primary
surface extends 200 feet beyond each end of that hard surface; when the runway has no specially prepared hard surface, the primary surface ends at each end of the runway. The Primary Zone is 250 feet wide and the elevation of any point thereon is the same elevations as that of the nearest point on the runway centerline. The airport elevation is 4739 feet above mean sea level. It is the intent of this ordinance for the zones described herein to automatically extend in accordance with the descriptions herein upon extension or hard surfacing of the runway.

2. Runway Visual Approach Zone

An imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface shall be the same width and elevation as, and coincides with, each end of the Primary Surface. The approach surface shall incline outward and upward at a slope of 20:1. The approach surface shall expand uniformly to width of 1250 feet and extend horizontally 5,000 feet.

3. Transitional Zones

An imaginary surface extending outward and upward at right angles to the runway centerline and centerline extended at a slope of 7:1 from the side of the primary surface and from the sides of the approach surface until they intersect the horizontal surface of the Horizontal Zone.

An imaginary horizontal surface 150 feet above the established airport elevation, 4889 feet above mean sea level, the perimeter of which is constructed by swinging acres of 5,000 foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The Horizontal Zone does not include the Primary, Approach, or Transitional Zones.

4. Conical Zone

An imaginary conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet measured radially outward from the periphery of the horizontal surface.

d. Prohibited Uses, Permitted and Conditional Uses, and Standards

1. Except as otherwise provided in this Ordinance, and as necessary and incidental to airport operations, no structures or tree shall be constructed, altered, maintained or allowed to grow in any airspace zone described herein so as to project above any of the imaginary airspace surfaces described in said subsection.

2. No use shall be made of any land or water underlying any of the airspace zones, as defined in the previous subsection, which creates or causes interference with the
operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport impairs visibility in the vicinity of the airport, create bird strike hazards, or otherwise endangers the landing taking off, or maneuvering of aircraft intending to use the airport.

3. Safety Zone A

Building and temporary structures and any use which will create, attract or otherwise bring together an assembly of persons shall be prohibited in Safety Zone A. Only the following uses shall be permitted so long as no part of the use conflicts with other provisions of this Ordinance: Table 1-A, Uses 1.a - d inclusive, 1.h, 3.h, 3.i, 3.j, 3.m, 3.n, 3.o, and 6.c.

4. Safety Zone B

Residential Density in Safety Zone B shall be a minimum of one (1) unit per five (5) acres and no more than then (10%) percent of the parcel shall be developed. Each recreational, commercial and industrial use shall have a minimum lot size of two (2) acres and no more than twenty (20%) percent of any parcel shall be developed. No use shall be allowed which is designed for more than fifteen (15) inhabitants, employees, shoppers and/or spectators to occupy the site at any one time. Prohibited uses in Zone B include: Table 1-A, Uses 2.e,2.f,3.a-f inclusive, 3.1,5.c2 & .d, and 5.e.9.

5. Safety Zone C

Uses in this zone are subject only to the general standards of paragraphs 1. and 2. of this subsection.

6. Grant of Aviation Easements

No building permit or Conditional Use Permit may be issued for any tract of land underlying any of the Safety Zones described herein until and unless a Grant of Aviation Easement for the parcel of land described in the application been accepted by the City of Cascade. The Grant of Easement shall be on forms provided by the County Planning and Zoning Commission.

4.03.02 MCCALL AIRPORT OVERLAY DISTRICT

This section is reserved for future needs. When the plan for the McCall airport has been adopted, this section may be used to incorporate similar standards for development of lands within that airport vicinity.

4.03.03 DONNELLY AIRPORT OVERLAY DISTRICT
This section is reserved for future needs. When the plan for the Donnelly airport has been adopted, this section may be used to incorporate similar standards for development of lands within that airport vicinity.

4.04 HISTORICAL OVERLAY DISTRICTS

4.04.01 Roseberry Townsite Historical Overlay District

4.04.01.a PURPOSE

The purpose of this Overlay District is to protect the Roseberry Townsite from encroachment of uses that are not compatible with the long range plans and goals of the Long Valley Preservation Society (LVPS). The LVPS’s plans are to preserve the heritage of Valley County, to save the memories before they disappear, and to provide historical education to the public. The LVPS’s goals are to preserve historical uses and structures within the townsite. Implementation of these plans and goals are socially important to Valley County.

4.04.01.b AREAS OF APPLICATION

The standards and procedures for the Roseberry Townsite Historical Overlay District apply to designated properties which are contained within the original townsite of Roseberry, Idaho, in addition to land three hundred feet beyond all external boundaries of the original townsite. The Historical Overlay District is depicted on a map dated February 15, 1999, and is on file in the Planning and Zoning Office. Designated properties are as follows:

1) Property owned by the LVPS at the time of adoption of this ordinance.
2) Future LVPS land acquisitions.
3) Private property within the Historical Overlay District boundaries, if it has been requested in writing by the owner of the property to be designated as such.
4) Once any of the property is designated as encumbered by the Historical Overlay it cannot be removed.

4.04.01.c PERMITTED USES

The following are permitted uses on designated properties within the Historical Overlay District:

- Agricultural and open space uses.
- Single family residential uses.
- Historical buildings owned by the LVPS and sited on LVPS property that are placed for the enjoyment of the public as part of the museum complex so long as they have a building permit.
- Other uses permitted by a conditional use permit through the Valley County Planning and Zoning Commission.
- Periodic public recreation functions sponsored by the LVPS so long as they have administrative approval from the Valley County Road Department, Valley County Planning and Zoning Department, and the Valley County Sheriff’s Department. The functions must also comply with Central District
Health Department requirements. These functions may not violate any state or federal statutes.

4.04.01.d PROHIBITED USES
The following uses are prohibited on designated properties within the Historical Overlay District:

- Fast Food Establishments (drive throughs)
- Storage Units
- Strip Malls
- Industrial Uses
- Transfer Stations
- Amusement Parks
- Large Businesses
- Mobile Home/Trailer Parks
- Motocross Tracks
- Recreational Events after 10:00 p.m.

4.04.01.e STANDARDS

a. All structures must be permitted by the Valley County Building Department.
b. All structures must comply with the Valley County setbacks or be constructed to maintain the established setback with adjoining properties or properties in the same block.
c. All new structures must comply with approved design guidelines.
d. All sign structures must be permitted by the Valley County Planning and Zoning Department in accordance with the approved design guidelines.

4.04.01.f HISTORICAL OVERLAY BOARD AND DESIGN GUIDELINES

a. Formation: The Historical Overlay Board will be formed by the LVPS Board that is composed of at least three LVPS board members and two private land holders within the Historical Overlay District.
b. Duties:
   1) The Historical Overlay Board will review conditional use permit applications for compliance with the Design Guidelines and make recommendations to the Commission within 30 days of the receipt of notification.
   2) The Historical Overlay Board will review building permit applications for compliance with the Design Guidelines and make recommendations to the Planning and Zoning Administrator within 30 days of the receipt of notification.

a. Design Guidelines: The following design guidelines will apply to designated properties only.
   1) Buildings: Buildings are to be in character with existing buildings and the height shall not exceed the Arling House. If buildings are to be closer than 6 feet between the structures, a firewall must be constructed.
   2) Signs: Signs shall be permitted by the Valley County Planning and Zoning Department. Signs shall be painted and in character with
Roseberry in the early 1900’s. Signs shall not be neon, billboards, or
lighted and must comply with Chapter 5 of the Valley County Land Use
and Development Ordinance.

4.05 WELLHEAD PROTECTION OVERLAY DISTRICT

4.05.01. Short title and purpose

a. This ordinance shall be known as the “Wellhead Protection Overlay District.”

b. It is the purpose of this ordinance to promote the public health, safety, and
general welfare, and to minimize public and private losses due to
contamination of the public water supply, to maximize ground water
protection/pollution abatement control procedures, and minimize land use
restrictions that:

1) Protect human life and health;

2) Minimize expenditures of public money for costly pollution remediation
projects;

3) Minimize regulations on land use;

4) Minimize business interruptions;

5) Insure that the public is provided with a safe potable water supply now
and for future generations.

4.05.02. Definitions  When used in this ordinance the following words and phrases shall
have the meanings given in this section:

a. Community Water System  A public water system that serves at least fifteen
(15) service connections used by year-round residents or regularly serves at
least twenty-five (25) year-round residents.

b. Facilities  Refers to any person, business, or corporation dealing with toxic
or hazardous wastes or handling toxic and hazardous wastes within the
Wellhead Protection Overlay District and specific zone.

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

1) Cause or significantly contribute to an increase in mortality or an
increase in serious irreversible or incapacitating reversible illness; or
2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

3) Any material or substance designated as a hazardous or toxic substance by the United States of America acting through the Environmental Protection Agency or any successor agency, Section 101 (14 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 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.

d. Non-Community Water System A public water system that is not a community water supply.

e. 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 (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such a system, and (2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a “community water system” or a “non-community water system”.

f. Sanitary Landfill A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earthen cover thereon.

g. Time of Travel Districts (TOT) Is the time required for a contaminant to reasonably move in the ground from a specific point to a well. The area over which contaminants will typically travel during a specified period in a specified type of aquifer, as defined by Table #1.

h. Wellhead Protection Overlay District A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous Component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system, as defined in 4.04.02 d.

i. Wellhead The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
j. **Overlay Wellhead Protection District**  Overlay wellhead protection districts are delineated using a calculated fixed radius based upon pertinent hydrogeologic data, described in Table #1.

k. **Wellhead Protection Overlay District I**  A minimum fixed radius extending no less than fifty feet (50 feet) radially from the wellhead supplying potable water to Valley County public water supplies.

l. **Wellhead Protection Overlay District II**  A three-year time of travel district (TOT) as determined from Table #1.

m. **Wellhead Protection Overlay District III**  A six-year time of travel district (TOT) as determined from Table #1.

**4.05.03. Establishment of Wellhead Protection Overlay District**

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the six-year TOT district around public water supplies for wells in Valley County. It is further established that these areas be composed of three districts (3 districts), Wellhead Protection Overlay District I, Wellhead Protection Overlay District II, and Wellhead Protection Overlay District III, as they are defined in 4.04.02. of this Ordinance.

**4.05.04. Restrictions within Zone I of the Wellhead Protection Area**

The following uses or conditions, including but not limited to, shall be and are hereby prohibited within Zone I of the Wellhead Protection Overlay District.

a. Surface use or storage of hazardous material, expressly including herbicide and pesticide applications to the soils, ground water, or surface water.

b. Sanitary landfills

c. Hazardous waste disposal sites

d. Underground storage tanks

e. Sanitary sewer lines

f. Underground injection wells

g. All other facilities involving the collection, handling, manufacture, use, storage, transfer, or disposal of any solid or liquid material or waste having a potentially hazardous impact on ground water quality

h. Disposal of waste oil, oil filters, tires, and all other petroleum products.

i. Septic tanks and drainfields
4.05.05. **Permitted Uses**  Permitted uses within Zone I shall be limited to necessary wellhead equipment, wellhead facility buildings, water storage tanks, and approved landscaping.

4.05.06. **Permitted Uses Within Zone II and Zone III**  The following uses may be permitted within Zone II and Zone III of the wellhead protection area.

a. Most uses will not be restricted as long as these uses comply with existing ordinances, county, state, and federal regulations pertaining to the discharge of contaminants.

4.05.07  **Requirements for Facilities Existing Within the Wellhead Protection Areas**

a. Upon request of the Planning and Zoning Staff, facilities shall provide copies of all federal, state, and local facility operation approvals already in existence.

4.05.08  **Restrictions Within Zone II of The Wellhead Protection Area**

The following uses or conditions, including but not limited to, shall be and are hereby prohibited with Zone II of the wellhead protection areas whether or not such use or condition may otherwise be ordinarily included as part of a use permitted under Section 4.04.06 of this ordinance.

a. Sanitary landfills

b. Animal feed lots

c. Hazardous waste disposal sites

d. Underground injection wells

e. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer of disposal of any solid or liquid material or waste having potentially hazardous impact on ground water.

f. Existing sewer lines shall not fall below one hundred feet (100’) of a wellhead or upon installation of new sanitary system, sewer lines shall not fall below one hundred and fifty feet (150’) of a wellhead

g. Existing septic tanks or drain fields shall not fall below one hundred feet (100’) of a wellhead and new installation of septic tanks or drain fields shall not fall within two hundred feet (200’) of a wellhead

h. Auto, repair or auto painting facilities and/or junk or salvage yard

i. Disposal of waste oil, oil filters, tires, and all other petroleum products.
4.05.09. **Restrictions Within Zone III of the Wellhead Protection Area**

The following uses or conditions, including but not limited to, shall be and are prohibited within Zone III of the wellhead protection area, whether or not such use or condition may otherwise be ordinarily included as part of a use permitted under Section 4.04.06 of this ordinance:

a. Sanitary landfills

b. Hazardous waste disposal sites

c. Land use activities posing an inordinate hazard or potential threat to existing ground water quality as deemed by the Planning and Zoning commission and the Board of County Commissioners during review process of applications.

4.05.10. **Requirements for New Wells**

Prior to the development of new wells for the purpose of supplying potable water to any public community water system, the proposed well site will be delineated in accordance with Section 4.04.03 of this ordinance using anticipated yields to determine time of travel zones. The delineated areas will then be inventoried for potential contaminant sources and the proposed site evaluated as to the potential adverse impact to the well site.

4.05.11. **Administration**

The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing Land Use and Development Ordinance of Valley County, as the same is presently enacted or may from time to time be amended.

This ordinance has two (2) attachments. First, is an inventory map with known public drinking water supplies, per gallon a minute capacity, and overlay zones. The second attachment is the calculated fixed radii of major aquifers in Idaho. The overlays are determined and reviewed to new applications for compliance with the provisions of this ordinance.

4.05.12 **Enforcement**

It shall be unlawful for any person, corporation, or business to occupy or use the land within the area designated in the Wellhead Protection Overlay District of Zone I, II, and III contrary to, or in violation of, any of the provisions of this ordinance.

Any person, corporation, or business violating any of the provisions of this ordinance shall be handled as any other Planning and Zoning violation as provided for in Chapter Nine of the Valley County Land Use and Development
Ordinance. This may include civil and/or criminal penalties, fines, and imprisonment.

→ Maps and Tables will be provided in the Planning and Zoning Office.
Chapter Five
SIGN STANDARDS

- 5.01 Title
- 5.02 Purpose
- 5.03 Scope
- 5.04 Definitions of Terms
- 5.05 Exemptions
- 5.06 Procedure
- 5.07 Standards
- 5.08 Land Use Standard for Signage
- 5.09 Existing Nonconforming Signs
- 5.10 Enforcement
- 5.11 Fees

5.01 TITLE

Adopted as an ordinance relating to the amending of the Valley County Land Use and Development Ordinance to amend Chapter Five and adopt this ordinance titled Sign Standards.

5.02 PURPOSE

The purpose of this Chapter is to provide maximum visibility for safety purposes along roadways, maintain unobstructed views at intersections and prevent undue distractions to vehicle operators by preventing confusion at or near traffic signs and signals and along corridors.

It is also the intent of this Chapter to preserve the rural character by not allowing flashing, shiny plastics, reader boards or outsize billboards but to encourage artistic design and creativity through simple effective signage. Therefore, the intent of this Chapter is to promote rural character and not a city center appearance in the open valleys and open corridor areas while allowing a village appearance in designated areas. Furthermore, the intent of this Chapter is to require preplanning of select signage and promote artistic license within the same size limit and similar location for less confusion and clutter. Signs meeting this intent will act as a signature block for creative expression but not an advertising billboard. This Chapter contains "Sign Standards" for uniform but creative signage. The pride of ownership and entrepreneurism is encouraged by artistic signage in the community. Residents and tourists will notice the improvements this makes to the general appearance of Valley County.

SECTION 5.03 SCOPE

The scope of this Chapter is to adopt policies and procedures to review signs in the unincorporated portions of Valley County. This document will enable staff to review the erection, design and materials of signs and to promote quality and safety due to a lack of confusion on the roadway.
Compliance with this Chapter will ensure the safe construction of sign structures by regulating the design, quality, construction methods, locations, electrification and maintenance of signs and sign structures not located within a building.

SECTION 5.04 DEFINITION OF TERMS

On-Premise Signs. Any sign or advertising structure that the message identifies the property on which the sign is located, its owner or tenant, or directs attention to an offer for sale, lease or rent of said property, or warns the public as to danger, or trespassing thereon, or directs the public upon said property, or informs the public as to current or proposed use of the property, or recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property.

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

Nonconforming Signs: Any sign, sign structure or use of sign existing before enactment of this Ordinance that does not conform to the standards cited by this Ordinance.

SECTION 5.05 EXEMPTIONS

Signs exempted from County permit requirements are as follows:

a. Directional or information signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, etc.)

b. Memorial signs or tablets displaying names of buildings and dates of erection when cut into the surface or facade of the building.

c. Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warning of temporary emergencies, construction zones, presence of underground cable, utility signs, and similar signs installed on public property and are owned and maintained by County, State, or Federal agencies or a public utility company.

d. Signs or banners that bear no product advertising and announce nonprofit community or civic events. Such signs or banners shall be removed within seven (7) days following the event.

e. A sign that is visible only from within the parcel on which it is found.

f. Signs to be built within the limits of a municipality.
g. Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (for instance: F.H.A., H.U.D., F.M.H.A., Low Cost Housing, Senior Citizen Center, etc.) and other individuals or firms involved with the construction. This shall not include any advertisement of any product, or signs announcing the character of the building enterprise or the purpose for which the building is intended, or use of the project. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) after the beginning of the intended use of the project.

h. Homeowner locator signs placed at intersections are traditional in Valley County and are allowed if each sign is not more than one (1) square foot per face and the mounting device is located off public road right-of-way. Such signs shall be kept in good repair.

i. Signs advertising the sale, rental, or lease of real property or part of the real property on which the signs are displayed up to a total area of (32) square feet per face. The number of signs shall be limited to one sign per parcel up to and including 40 acres, or not more than one sign per frontage. All such signs shall be confined to the property to which they apply. Such signs shall be removed within fourteen (14) days after the sale, rental or lease. However, permanent signs advertising rental units are not permitted on a permanent basis unless the business has been issued a conditional use permit.

j. Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. Such signs shall be confined to private property and removed within fourteen (14) days after the election for which they were intended.

k. Show window signs in a window display of merchandise when incorporated with such a display.

SECTION 5.06 PROCEDURE

a. Permit Required - A permit is required before any sign regulated by these provisions is displayed or built on any premises in this jurisdiction.

b. Application Form - Applications shall be made on forms provided by the Valley County Planning and Zoning Department. The content of the application shall be as required herein and shall include all of the information needed to complete the application form, supplementary drawings of the sign plan, and any other information needed to complete the application review.

The application shall be accompanied by the fee set forth in Section 5.11.

c. Sign Plan - A sign plan shall be included with the application and shall contain at least the following information:

1. Information Requirements:
   a. Materials to be used in manufacturing and constructing the sign.
b. Sign size, message size or field of lettering, and proportions.

c. Lettering size or graphic style.

d. Design features other than lettering such as symbols, logos, etc.

e. Colors scheme.

f. Lighting, if proposed.

g. Location of each sign on the building(s) and/or property.

2. Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scale may be used.

3. The sign plan shall be a simple layout reviewed for compliance with standards and artistic merit.

4. Artistic merit shall be seen in two categories:

   a. Display skill of handiwork, line work and mechanics.

   b. Exhibit quality and design in signage layout and lettering.

d. Application Review - The sign permit application will be accepted when the completed forms, including a sign plan and fee are submitted to the Planning and Zoning office in person or by mail. The application will be reviewed by office personnel (Staff) within seven (7) working days of acceptance of a complete application. The permit will be either approved or denied based upon compliance with provision herein. If the application is denied, Staff will include a written statement of the specific reasons for denial. The applicant may correct the application and request another review by Staff. The applicant may appeal any action of Staff regarding the review of an application to the Planning and Zoning Commission according to Section 5.10 herein.

e. Permit Issued - When Staff has completed the review of the application and has found that the proposal complies with the provisions herein, Staff will promptly approve the permit. Staff will notify the applicant by phone or mail. The applicant may then construct, build and display the sign and shall notify Staff that the work approved by the permit has been completed.

5.07 STANDARDS

Valley County will regulate the size, amount and location of signage as provided by this Ordinance.

Signs are also discussed in the Comprehensive Plan under the Community Design section of the ordinance.

All signs within the unincorporated areas of Valley County shall conform to the following requirements:
a. No rotating beam, beacon or flashing illumination that may resemble an emergency light shall be used with any sign display. No blinking, rotating or moving parts or components on temporary or permanent signs. Signs shall not have pennants, balloons or portable signs or wheeled trailers.

b. It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety days. If a one time event, the removal of signs shall take place within seven (7) days after the event closure.

c. If a preview sign has been erected for a future use it shall be a business that has received a Conditional Use Permit to operate and meet the provisions of the sign ordinance. If the use is a permitted the preview sign must also meet the sign ordinance requirements.

d. The size shall be not greater than thirty-two square feet per face, for example that of 4' x 8'. Cut-out or molded letters, or advertising when applied to buildings, shall not be greater than thirty-two square feet field on the building. In designated village areas the size can be increased to 48 square feet per face if located a minimum of eighty feet from the center line of the highway, or up to sixty-four square feet if over one hundred thirty feet from the center line of the highway. The area of all signs shall not be greater than 20% of the area of the side of the building where the sign is attached.

e. Permanent signs shall be rural in character and appearance and the materials shall be of wood or stone character or accent. Signs may be painted, sandblasted, carved or constructed by other technically feasible methods. Shiny metal or shiny plastic signs shall not be allowed. Unnatural colors such as neon, fluorescent, etc. shall not be allowed.

f. The design shall incorporate a well-thought out, layout design with clean lines and an uncluttered appearance.

g. The sign construction shall be completed in a workmanlike manner.

h. The message may include service, business, owner name, address, telephone number, a logo, or graphic illustration of the product(s) or service(s) offered.

i. On ground mounted signs, the top of the signs shall be mounted not more than ten (10) feet off the ground. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The total height of the mounting structure shall be no greater than twelve (12) feet. The sign shall be placed a minimum of ten (10) feet from the property line, unless characteristics of the site require less. The intent is to keep the sign within the vision triangle of the motor vehicles. Special attention must be given to the placement of signs near intersecting roads to assure there is not obstruction of vision from any vehicle. Special consideration can be given to the height and placement of the sign when the view of the driver will be blocked i.e. buses or motor homes or is subject to damage from snow removal or road maintenance.
j. No more than three (3) permanent signs may be placed at a given land use. One sign is allowed on the building. One two-way sign or two one-way signs facing each direction is allowed in the land use area.

k. For Commercial Malls or Planned Unit Developments (industrial or commercial or a combination of land use) not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as land use and occupant identification sign. Projecting or a swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.

l. No sign or sign structure, for any purpose other than approved County, State and Federal signs shall be placed upon any County street or highway right-of-way. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.

m. In Valley County, a mixed use district, buffering impacts of signage will still be a Conditional Use Permit process.

n. If placed inside a window, flashing signs must be not less than three hundred (300) feet from any residentially zoned lot. Distance shall refer to the lineal measurement in any direction with relation to the street that the sign faces.

o. At no time shall a sign or portions of it be allowed to project above the roof line of the building on which the sign is mounted.

p. Off-premise or Outdoor Advertising signs are prohibited in the unincorporated areas of Valley County.

q. Signs not regulated by this Section: An application for any sign or advertising display or structure for which no specific regulation appears in this Ordinance shall receive appropriate Planning and Zoning and Building Department staff review as outlined in this chapter and by the Valley County Land Use and Development Ordinance, if not exempt.

r. Signs may be illuminated by shielded or directed light sources and shall comply with Chapter 3, Section 3.03.06 Performance Standards - General, b. Lighting, of the Valley County Land Use and Development Ordinance.

s. Any signs placed along State Highway 55 or Byway 55, a scenic byway, must meet the standards of the Department of Transportation and Valley County.

t. Off-premise directional signs for approved uses, not including subdivisions, can only be located at key intersections in the public right-of-way. The off-premise directional signs can be a maximum of 18” x 30”. They must be placed on 4” x 4” wood posts, the existing signpost, or breakaway steel posts as approved by the road department. The location of the post in the right-of-way and height of the sign will be reviewed on an individual basis. In the event that too many signs are located at an intersection, the
county can require co-location of signs on any of the posts previously approved or may require consolidation of signs in a standardized kiosk. The road department shall approve all off-premise directional signs with regard to public safety, snowplowing, and preservation of the sign.

5.08 LAND USE STANDARD FOR SIGNAGE

a. **Agricultural Use**: One two-way or two one-way identification signs each not to exceed thirty-two square feet per face.

b. **Residential Subdivision entry(s)**: One (1) identification sign at two entries not to exceed thirty-two square feet per face.

c. **Commercial Businesses**: One two-way or two one-way identification signs each not to exceed thirty-two square feet per face or other sign size limitations. When two businesses are located at the same site, additional signage shall be approved as part of the conditional use permit.

d. **Recreation or Forestry Use**: One (1) identification sign, not to exceed thirty-two square feet per face.

e. **Residential Use**: One (1) identification sign, not to exceed six square feet per face, and shall be exempt from permit requirements.

5.09 EXISTING NONCONFORMING SIGNS

A permit will be required for any non-exempt sign existing in the County on June 27, 1994.

If the sign is conforming, a permit shall be issued.

If the sign is nonconforming, a Grandfathered Sign permit shall be issued. This permit shall allow the sign, which was made nonconforming by the adoption of this ordinance, to remain in place and be maintained. The nonconforming elements can not be increased. A sign will no longer be grandfathered if a conditional use permit is required for a change in use.

5.10 ENFORCEMENT

a. The Planning and Zoning Administrator and the Building Official are hereby authorized and furthermore directed to enforce the provisions of this ordinance. Enforcement provided for sign ordinance violations shall be as provided for in Section 9 Enforcement, of the Valley County Land Use and Development Ordinance. The procedure for handling a violation of this Ordinance will be the same as any Planning and Zoning violation.

b. Abandoned Use Signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premise. The owner shall be notified by mail to remove the sign within thirty (30) days or
shall be subject to Section 9 Enforcement, of the Valley County Land Use and Development Ordinance.

5.11 **FEES**  To be set by resolution by the Valley County Board of County Commissioners.
Chapter Six
WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

- 6.01 Purpose
- 6.02 Definitions
- 6.03 Applicability
- 6.04 General Standards
- 6.05 Tower Construction
- 6.06 C.U.P. Application
- 6.07 Additional Technical Requirements
- 6.08 Private Tower or Antenna Structure

6.01 PURPOSE:

The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and other land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; (10) comply with the applicable sections of the Valley County Land Use and Development Ordinance and to be consistent with the Comprehensive Plan.

6.02 DEFINITIONS:

For the purpose of this ordinance, the following terms shall have the meaning ascribed to them below:

Administrator: Personnel employed by the County to administer this ordinance and the Valley County Land Use and Development Ordinance (LUDO).

Alternative tower structure: Means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving apparatus mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless
telecommunications signals or other communication signals.

**Antenna Height:** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Camouflaged:** A telecommunication facility that is disguised, hidden, or integrated with the existing environment and trees so as to be significantly screened from view.

**Cell Site or Site:** A tract or parcel of land that contains telecommunication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless service.

**Co-location:** The placement of additional antennas on an existing transmission tower or structure. Such antennas shall be placed and colored to blend into the architectural detail and coloring of the host telecommunication facility or cell site.

**Conditional Use:** Any use as defined by this Ordinance which, because of its potential incompatibility with adjacent or traditional uses, is subject to review by the Commission and comment at a public hearing to best insure compatible land uses.

**Design:** The appearance of telecommunication facilities, including such features as their materials, colors, and shape.

**Enclosure:** A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

**F.A.A:** The Federal Aviation Administration.

**F.C.C.:** The Federal Communications Commission.

**Fall Zone:** That area that the tower is designed to collapse into.

**Governing Authority:** The Valley County Board of County Commissioners.

**Personal Wireless Service, Personals Wireless Service Facilities, and Facilities:** Used in this Chapter, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c) (7) (C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and other wireless services licensed by the FCC and un-licensed wireless services.

**Preexisting towers and preexisting antennas:** Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long
as such approval is current and not expired.

**Provider**: A corporation, company, association, joint stock company, firm, partnership, sole-proprietorship, limited liability company, other entity or individual which provides telecommunication facilities.

**Security Barrier**: A wall or fence that has the purpose of securing a telecommunication facility from unauthorized entry or trespass.

**Siting Area**: That portion of a lot that contains the transmission tower, related buildings and/or equipment required for the operation of a wireless telecommunication facility.

**Telecommunication Facility**: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.

**Tower**: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses telecommunication facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

### 6.03 APPLICABILITY:

a. The following regulations shall apply to tower structures and associated equipment for the purpose of radio, television, telephone, paging, or satellite reception and/or transmission.

b. A telecommunication facility that meets one of the following standards shall be reviewed as a permitted use. All other telecommunication facilities shall be reviewed as a Conditional Use Permit according to the Land Use and Development Ordinance for Valley County.

1. The proposed telecommunication facility will be located on an existing telecommunication facility and it will not increase the height of the existing structure.

2. The tower or antenna structure does not exceed ten (10) feet in height, is accessory to a permitted or approved use, and the proposed telecommunication facility meets all conditions of the previously approved use.

### 6.04 GENERAL STANDARDS FOR COMMERCIAL TOWER STRUCTURES AND ASSOCIATED EQUIPMENT:

a. The telecommunication facility shall comply with FCC standards regarding radio
frequency (RF) emissions.

b. The telecommunication facility shall have approval from the Federal Aviation Administration and the Chief of the Idaho Bureau of Aeronautics prior to operation.

c. The applicant or owner shall be required to obtain all necessary permits, as may be required under Federal, State or local statutes, regulations, or ordinances including, but not limited to, building permits.

d. The telecommunication facility shall be maintained in compliance with all Federal, State and local regulations and the construction standards set forth herein.

e. The owners, or owner's agent of the telecommunication facility, shall have a continuous obligation to insure the maintenance and upkeep and to prevent the creation of a public nuisance.

6.05 TOWER CONSTRUCTION, HEIGHT, LIGHTING, SETBACKS AND FALL ZONES STANDARDS:

a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA|EIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Supporting Structures", or as hereinafter may be amended.

b. All telecommunication facilities shall be constructed or modified in such a way as to best blend in and be camouflaged with the surrounding environment and, in some circumstances, may not be readily recognized as a wireless telecommunication facility, unless specifically waived in writing by the Board of County Commissioners. Said telecommunication facility 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 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 telecommunication facility. This shall not preclude towers requiring FAA painting and/or lighting and/or marking from meeting those standards.

c. Within the McCall, Donnelly, and Cascade, Airport Overlay Areas, the height limit on the tower or antenna structure shall be as required by the Code of Federal Regulations 14 C.F.R. 77.

d. Lighting shall be consistent with the requirements of the FAA. The FAA lighting requirement shall be met in the least obtrusive manner. Security lighting for the siting area is permitted as long as it is not greater than twenty (20) feet high, downward directed and shielded to prevent illumination at the siting area boundary. Motion detectors on security lighting is recommended.
e. Towers must be designed to allow for future placement of additional antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.

f. All telecommunication facilities and siting areas shall be designed to structurally allow for a minimum co-location of two (2) additional providers.

g. All telecommunication facilities shall not be located within at least one thousand (1,000) feet of State Highway 55, unless located in an existing structure and/or constructed as an alternative tower structure or not visible from the highway. In addition, setbacks shall be equal to the height of the tower plus ten (10) feet from any public road or property line, and a minimum of one-thousand (1,000) feet from the nearest residence, single family subdivision in each direction, unless written consent of residence, lot owners, and building owners is given. This section shall not prohibit the placement of towers on a commercial building(s).

h. Maximum allowable tower height including antennas is one hundred fifty (150) feet. The County may impose stricter height limitations due to obstruction of views or incompatibility with surrounding uses.

i. Every tower shall have a fall zone which 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.

6.06 CONDITIONAL USE PERMIT APPLICATION FOR NEW OR MODIFIED TELECOMMUNICATION FACILITIES:

a. The application materials shall include the following written documentation:

1. A statement of the lot size and location. The minimum lot size allowable shall be one hundred (100) feet by one hundred (100) feet.

2. A description of the need for the proposed telecommunication facility at the proposed location and justification for site selection.

3. Final appearance drawings shall be furnished. The applicant shall also include drawings of all accessory buildings which shall be aesthetically compatible with the
surrounding area.

4. Suitability analysis of the proposed site. The analysis shall include, but is not limited to, the following:

   a. Description of the surrounding area within 1 mile of the subject site including topography which may come from the latest U.S.G.A. maps.

   b. Previously prepared propagation charts showing existing and total 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 to provide total coverage, which shall include:

   c. Written verification that alternative sites within a radius of two (2) miles have been considered and have been determined to be technologically unfeasible or unavailable.

   d. Written analysis demonstrating that the telecommunication facility can not be accommodated on an existing or approved tower within:

      1) A two (2) mile radius for towers with a height over one hundred (100) feet;

      2) A one (1) mile radius for towers with a height over eighty (80) feet, but not more than one hundred (100) feet;

      3) A one-half (1/2) mile radius for towers with a height over fifty (50) feet, but not more than eighty (80) feet; or

      4) A quarter (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 telecommunication facility can not 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 telecommunication facility owner to allow 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 telecommunication facility structure can not 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 can not 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 can not 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 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.

5. A letter of intent committing the telecommunication facility owner and successors to allow the shared use of the telecommunication facility, as required. If additional users agree in writing to meet reasonable terms and conditions for shared use.

6. Proof of a duly recorded legal right of access to the site for the intended purpose. The County may restrict the location and number of access points to the property.

7. 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.

8. Outdoor storage of any supplies or vehicles related to the use of the telecommunication facility is prohibited.

9. No signs, striping, graphics or other attention getting devices are permitted on telecommunication facility except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to the fence at the siting area; number of signs is limited to no more than two.

10. The following landscape standards shall apply:

   a. Existing vegetation at the siting area shall be preserved to the maximum extent possible. In all zones, landscaping shall be placed as required by the relevant sections of the Valley County Land Use and Development Ordinance.

   b. A security barrier shall be installed around each siting area, as approved by the Planning and Zoning Commission. If a fence is installed it shall be not less than six (6) feet in height from the finished grade. Barbed wire may be placed on the top of the fence. Access shall be by locked gate. The applicant shall also provide
the proposed maintenance of the security barrier which shall also be a condition of approval.

11. If any antenna or tower is not operated for a continuous period of six (6) months. It shall be considered abandoned. The owner of such antenna or tower, or property owner, shall remove the same within ninety (90) days. If such antenna or tower is not removed within said ninety (90) days, the County may, at the property owner's expense, remove the antenna or tower and file a lien on the subject property for expenses incurred in removal. If the County is compelled to seek judicial authority to undertake such removal, the reasonable costs and attorney fees incurred by the County in the course of doing so shall constitute a charge against the owner.

6.07 ADDITIONAL TECHNICAL REQUIREMENTS:

a. The following documents must be provided during the application process or as a condition of approval, if the applicant can demonstrate that the burden to provide the document during the application process would justify providing it as a condition of approval:

1. Applicant must provide a FAA Form 7460-1 demonstrating that the FAA has reviewed the proposal and a written approval has been received.

2. 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 two (2) additional users.

3. A report from a qualified and licensed professional engineer that describes the telecommunication 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 telecommunication facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.

4. In case of a conflict with other legal requirements, the most restrictive shall apply to the extent that such requirements do not conflict with the 1996 Telecommunications Act.

6.08 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 structure regulations of this ordinance.

b. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in
height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

c. Accessory structures shall not be located in any required setback yard or on any publicly dedicated easement.

d. An accessory structure located in the rear yard shall not exceed a height of twenty-four (24) feet.

e. Accessory structures in a residential subdivision or rural area shall be architecturally compatible (as defined in this Subsection) with the principal permitted dwelling, if:

1. The accessory structure is located in the side yard, or portion thereof; or

2. The square footage of the footprint of the accessory structure is greater than the square footage of the footprint of the principal permitted dwelling.

f. 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.

Chapter Seven:
Reserved for RV and Trailer Parks
Chapter Eight
PLANNED UNIT DEVELOPMENT REQUIREMENTS

A. DEFINITION

A planned unit development (hereinafter referred to as a PUD) is an area of land controlled by one or more landowners, which is to be developed under a single and comprehensive plan of development. Any mix of residential building types, or a mix of residential commercial, industrial recreational, and agricultural uses may be permitted to provide greater flexibility in land usage. Additional flexibility in development is furnished because setbacks, height, lot size, density, and other site regulations may differ from those normally imposed for similar uses. Residential units and other buildings, if any, may be constructed by either the developer or individual buyers; however, the applicant must be accompanied by plans and other documents sufficient for the Administrator, Staff and Commission to review the application for compliance with the requirements of the ordinance.

B. PURPOSE

The PUD concept allows the site planner to propose the best use and arrangement of development on the parcel of land by reducing the more rigid regulations herein. A PUD is designed so that buildings are clustered together to create open space of common ownership, preserve natural features and landscape character, more efficiently use the site and to minimize development costs by sharing common walls, shortening and narrowing, roads, and concentrating utilities. It is expected that a PUD will provide certain amenities like recreational facilities, landscaping, and natural open spaces for the enjoyment of all owners, employees, etc., and will demonstrate better than average quality of development.

C. CONCEPT APPROVAL

In considering whether to approve a PUD, the Commission shall determine:

1. That the proposed use nets a positive score on the compatibility rating system herein. The compatibility rating shall be computed for the full application as presented to the Commission after revisions requested during any preliminary review or work sessions;

   In the case of PUD's in which the Board determines that it is in the public's interest that the Board deal exclusively with certain of the nine Compatibility Questions contained in Appendix A, then, subject to the Board's direction, the Commission shall not consider such Questions as part of its Compatibility rating of the proposed use.

2. That the proposal works with the characteristics of the site by protecting or highlighting attractive features and by minimizing the impact of development where natural constraints exist;

3. That the proposal's layout promotes the clustering and separation of different kinds of
land uses so that both internal compatibility and common open spaces can be maintained;

4. That the proposal's layout and design provides economics in the provision of roads and other site improvements; and.

5. That it is more desirable to have a PUD than a subdivision or some other singular use and that the PUD is not being proposed simply to bypass or vary the more restrictive standards required of a subdivision, business, industry, or other similar use.

6. That the proposal includes a quality and quantity of Community Housing equal to or exceeding that which would be required in a subdivision and that such Community Housing conforms to the requirements set out in Appendix D of this ordinance.

D. TIME FOR COMPLETION

The proposed development shall be completed within the time specified in the phasing plan. Extensions may be approved by the Commission if it can be shown as necessary, and in the public interest.

E. CHANGES FROM APPROVED PLANS

Changes in building design and layout may be approved by the Commission if it can be shown as being necessary or more desirable.

F. SUBMISSION REQUIREMENTS

In Addition to the items required for a Conditional Use permit, graphic, and written material shall also be submitted regarding:

1. Proposed front, side, and rear setbacks as different from those required under normal standards for like uses and any other changes in similar kinds of standards including, but not limited to, building height, minimum number of parking spaces per unit, street widths, and lot size.

2. Proposed building sites if these are to be indicated without, or in addition to lots, complete with dimensions.

3. Common open space and facilities with conditions for their permanency.

4. Phase of development, to be shown geographically and indicating stages in the construction program and time schedule for progressive completion.

5. An outline of the restrictive covenants expressing key provisions.
6. Plans for maintaining roads, parking, and other areas of circulation, snow removal, and any other necessary upkeep.

7. Plans for surface water management.

8. Any other information deemed necessary by the Commission because of the proposed use.

G. STANDARDS

1. The minimum number of acres that may comprise a PUD is two (2) acres.

2. Streets, utilities, and other site improvements shall be made for their later installation, at the developer's expense prior to recording the plat. Streets shall be constructed in accordance with the minimum standards set forth in Chapter III and all references made therein if they are to be dedicated to the County.

3. It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards, and requirements for various facilities, including but not limited to, roads, alleys, easements, utilities, signs, parking areas, storm drainage, water supply and distribution, and sewage collection and treatment, may be subject to modification form the specifications, standards, and requirements established for subdivisions and like uses in this Ordinance. The Commission may, therefore, at the time of general submission, as requested by the applicant, waive or modify these specifications, standards, and requirements which otherwise shall be applicable.

4. Averaging and transferring densities with the PUD shall be allowed: (1) upon a showing that it fits the concept of a PUD; (2) as long as the overall average residential density is no greater than six (6) dwelling units per gross acre; and (3) only if residential units are to be connected to central water and sewer systems. The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within boundary of the PUD except public lands. It is recognized that the increased residential density of a PUD shall be relationship to the site and structure location, application of technology, design, construction techniques, landscaping and topography.

   a. Community Housing Density Bonus:

   Notwithstanding the maximum density allowance of six units per gross acre stated above, and provided that all other provisions of this paragraph 4 are met, a residential PUD may be developed at a density of up to 12 units per gross acre provided that not less than 40% of the total number of units in the PUD are provided as Community Housing which meets the requirements set out in Appendix D and which is priced to be affordable to households with incomes not exceeding (an average of) 80% of the median income for Valley County.
5. Lot and building setbacks may be decreased below or otherwise altered from the standards of like uses set forth elsewhere in this Ordinance.

6. The maximum height of buildings may be increased above those for like uses mandated elsewhere in this Ordinance in consideration of the following characteristics:
   a. Unreasonable adverse visual effect on adjacent sites of other areas in the immediate vicinity.
   b. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view.
   c. Influence on the general vicinity, with regard to extreme contrast, vistas, and open space.

7. The design and construction standards for parking spaces shall confirm to Section 3.03.04.c. and the number of parking spaces required may be increased or decreased relative to the number mandated for like uses elsewhere in consideration of the following factors:
   a. Estimated number of cars owned by occupants of dwelling units in the PUD.
   b. Parking needs of each specific use.
   c. Varying time period of use whenever joint use of common parking areas is proposed.
   d. Surface parking areas shall not be considered open space for the purposes of paragraph 9 below.

8. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, and access. Private internal streets may be narrower than normally required provided that adequate access for police and fire protection and snow removal equipment is maintained.

9. At least fifty percent (50%) of the total area within the boundary of any residential PUD and twenty percent (20%) of any commercial or industrial PUD shall be devoted to common open space; provided, however, that the Commission may reduce this requirement if they find that such a decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for open space can be met in the proposed development. Each residential unit shall have ready access to common areas and facilities.
10. Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual buildings. The site, design, and construction of all residences shall be planned in such a manner that there is a substantial resemblance of uniformity.

11. It is recognized that the uniqueness of each proposal for a PUD requires that the applicant must make adequate assurances of performance of each phase of the proposal. The Commission may impose any form of bond on those portions of the proposal which will provide common services to the public or users of the PUD as deemed appropriate by the commission under circumstances.

H. OTHER INFORMATION AND DISCLOSURE REQUIREMENTS; THE APPLICANT SHALL DISCLOSE AND PROVIDE THE FOLLOWING:

1. The name, address, telephone number of any owner, equitable interest holder, stockholder, partner, associate, or any other person having a financial interest of 10% or greater in the proposed planned unit development.

2. The method of financing and the cost of improvements that serve the common services of the public and users of the PUD.

3. The cost of the proposed planned unit development.

4. The cost of each phase of the planned unit development.

5. The ratio of the amount of all loans to the value of the property throughout the development of the planned unit development.

6. Plans for housing employees, construction workers, subcontractor, independent contractors or any other person related to or associated with the applicant's buildings, improvement, development or temporary use during and after the proposal.

7. Plans for providing any additional fire protection and emergency medical services which may be necessary during and after construction.

8. Proposals for guarantees that the applicant will complete all those improvements that serve the common services of the public and users of the PUD or that the land will be reclaimed to its condition prior to construction.

9. Plans for any impact fees to be paid by the applicant for the proposal.

10. Plans for minimizing any water runoff created by the buildings, improvement, development or other temporary use of the proposal.

11. Plans for minimizing the impact solid waste disposal during and after the proposal.
12. Plans for minimizing the impact on fish, wildlife or biotic resources in the general area of the proposal before, during and after the completion of the proposal.

13. Plans for providing for enforcement of security on the site of the proposal.

14. Plans for transporting workers to and from job sites and special traffic control measures for public safety during and after construction.

15. Certain disclosures required by this section will not apply to certain P.U.D.’s because of the uniqueness and small size of the proposal. When disclosures 2, 6, 7, 8, 12, 13, and 14 are either not applicable or not of sufficient importance because the impact of the P.U.D. would be minimal, the applicant shall include a statement showing why the disclosure does not apply. Staff shall make a recommendation to the Commission as to each application, and the Commission shall decide applicable procedure. All P.U.D. applicants shall adequately respond to disclosures 1, 3, 4, 5, 9, 10, and 11.

I. DEVELOPMENT AGREEMENT

Because of the uniqueness of each proposal a PUD may impact county services and/or property which may be mitigated through a Development Agreement. Compensation for these impacts shall be negotiated in work sessions with appropriate county entities and a Development Agreement shall be entered into between the applicant and the county through the Board as additional conditions considered for approval of a PUD.

J. IMPACT FEES

The Commission may recommend to the Board impact fees as authorized by Idaho Code Section 31-870 for any PUD proposal. The Board may implement the impact fees as recommended by the Commission or as it deems necessary for the proposal.

K. REIMBURSEMENT FEES

The applicant shall be required, in addition to the filing fee otherwise imposed to pay a reimbursement fee. The reimbursement fee shall be negotiated by the staff with approval of the Board.

L. PROCESS

The following levels of the PUD can be submitted and reviewed separately or together so long as the progression from Concept Approval to the recordation of the Final Plat is in order.

- Concept Approval
- Planned Unit Development Approval
- Conditional Use Permit/Preliminary Plat Approval
- Final Plat
Chapter Nine
Reserved for Abandoned Car Ordinance or Nuisance Ordinance
Chapter Ten
ADMINISTRATION

- 10.01 Commission
- 10.01.01 Membership
- 10.01.02 Conflict and Ex parte Contact
- 10.01.03 Organization
- 10.01.04 Meetings, Records, and Voting
- 10.01.05 Expenditures and Staff
- 10.01.06 Responsibilities and Duties
- 10.2 Staff and Staff Duties

10.01 COMMISSION

10.01.01 MEMBERSHIP

The Commission shall consist of five (5) voting members, each appointed by the Chairman of the Board of County Commissioners and confirmed by the majority vote of the Board. An appointed member shall have resided in the County for five (5) years prior to the appointment. The Board shall insure that the interests of the entire County are broadly represented on the Commission, and shall select the members without respect to political affiliation. Each member must remain a resident of the County during his service on the Commission. Not more than two (2) of the members may reside within an incorporated city in the County. Each City Council shall have opportunity to submit nominations to the Board for potential members from that City. Each member will serve for a term of three (3) years. Unexpired terms shall be filled in the same manner as the original appointments. Members may be removed for cause, or have their term renewed, by a majority vote of the Board.

10.01.02 CONFLICT OF INTEREST AND EX PARTE CONTACT

a. A member or employee of the Commission shall not participate, without unanimous consent of the remaining Commissioners, in any proceeding or actions when the member or employee (or his employer, business partner, associate, or any person related to him by affinity or consanguinity within the second degree) had economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard, discussed openly and waiver of potential conflict voted upon by the remaining Commissioners.

b. Any action of the Commission in applying the general rules or policies to specific individuals or sites is quasi-judicial, which creates a higher standard of expected conduct. Whenever quasi-judicial issues are presented, both the proponents and opponents are entitled to know of any information presented by the other side. Therefore, the decision must be based only upon the evidence and testimony presented at the formal public hearing. If any information has been presented to a member ex parte, that information should be placed on the record at the hearing.
10.01.03 ORGANIZATION

The Commission shall elect a chairman, and create any additional offices it may deem necessary. The Commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. The Commission shall enact a set bylaws to guide its operation as required in SECTION 67-6504 of the "Idaho Code".

10.01.04 MEETINGS, RECORDS, AND VOTING

At least one (1) regular meeting shall be held each month for not less than nine (9) months a year; additional special or workshop meetings may be scheduled as necessary. All meetings and records shall be open to the public. A record of meetings, hearing, resolutions, studies, findings, permits, and actions taken shall be maintained. All members shall have voting rights; a majority of the members of the Commission shall constitute a quorum.

10.01.05 EXPENDITURES AND STAFF

With approval of the Board, the Commission may receive and expend funds, goods, and services from the Federal, State, or local government agencies, or from civic and private sources, make expenditures within the amounts appropriated by the Board, and hire or appoint non-voting technical advisors.

10.01.06 RESPONSIBILITIES AND DUTIES

The Commission shall hold public meetings, hearing, surveys, etc., to obtain input to the planning process. The Commission may also conduct informational meetings to consult with public officials and agencies civic or professional organizations, etc. As a result of such meetings, the Commission may submit recommendations to the Board concerning the planning process. Further, the Commission shall:

a. Review and approve or deny applications for all Conditional Uses and Variances and hold public hearings.

b. Initiate amendments to the Ordinance and "Comprehensive Plan".

c. Periodically review all privately proposed amendments to this Ordinance and the "Comprehensive Plan", and make recommendations to the Board.

d. Hear and decide alleged violations off the provisions herein.

e. Fulfill the responsibilities and duties of the Commission described in the Subdivision Regulations for Valley County, Idaho", specifically Article VI-Section 605-610.
10.02 STAFF AND STAFF DUTIES

The Board shall appoint qualified personal to administer this Ordinance. The Staff duties include, but are not limited to the following:


b. Inform the news media regarding land use and development matters of public interest, particularly the time and place of public hearings.

c. Prepare the agenda for the meetings of the Commission.

d. Aid applicants in the preparation of required forms and permit applications, help classify uses, review pre-application materials, and explain proper procedures.

e. Certify compliance with the regulations of this Ordinance for all use permits.

f. Analyze the compatibility of all Conditional Uses.

g. Mail necessary submissions to referral agencies and analyze their comments and recommendations.

h. Interpret boundaries of Special Areas.

i. Receive, file, and transmit to the Commission or Board all applications, petitions, transcripts, and other communications on which they must act. Advise the Commission and the Board of pertinent provisions of this Ordinance regarding development proposals.

j. Maintain permanent and current records of all applications, reclassifications, Variances, and Conditional Use Permits, etc. and of the hearings and actions there on.

k. Inspect and make recommendations upon all filed plats.

l. Investigate violations of this Ordinance, and notify, in writing, the person responsible for such violation(s), ordering the action necessary to correct such violation.

m. Be a liaison between the Commission and the Board.
Chapter Eleven
LEGAL APPLICATIONS

- 11.01 Enabling Legislation
- 11.02 Applicability of Ordinance
- 11.03 Amendments
- 11.03.01 Initiation of Amendments
- 11.03.02 Application
- 11.03.03 Procedures
- 11.04 Separability

11.01 ENABLING LEGISLATION

The authority for the preceding provisions including any and all rules regulations, powers, procedures, and processes established thereunder, is provided for under Title 67, "Idaho Code", referred to as the "Local Planning Act of 1975". Further authority is derived from Title 67, Chapter 65, Section 6526 concerning the establishment of areas of city impact.

In complying with the above stated enabling legislation any change, amendment, or repeal in the aforementioned legislation, the same shall have effect on the provisions of this Ordinance, requiring alteration, amendment, or repeal of those provisions necessary to bring this Ordinance, in all of its parts, into conformance with the laws of the State of Idaho. Further, should the Idaho State Legislature at any future time enact and pass other legislation, the same being signed into law, having an impact on this Ordinance or any of its parts, said legislation shall require alteration, amendment, or repeal of those provisions necessary to comply with the laws of the State of Idaho.

11.02 APPLICABILITY OF ORDINANCE

This Ordinance, in all of its parts, shall apply to the use, development, and subdivision of land after the effective date of this Ordinance, and shall not be retroactive on any use or subdivision of land undertaken prior to the aforementioned date of final passage. Building and use permits shall be available on all lots and parcels created prior to final passage of this Ordinance in so far as said lots and parcels were created in conformance with the ordinances then in effect and in so much as the creation of those lots and parcels in on way violates provisions of Section 50-1301 through 50-1329, "Idaho Code", having reference to platting and recordation requirements and procedures or other laws or regulations.

11.03 AMENDMENTS

11.03.01 INITIATION OF AMENDMENTS

a. In recognition of the changing character of land use in Valley County and the necessity for an on-going review and revision process in order to more fully protect the public health, safety, and welfare, this Ordinance may be amended pursuant to the provisions of Section 67-6526 (d) and (e) and Section 67-6509 of the "Idaho Code" Amendments to
this Ordinance may be initiated:

b. By adoption of a motion by the Commission or Board of Valley County or,

c. By the filing of an application by a property owner or a person who has an existing interest in property affected by this Ordinance.

11.03.02 APPLICATION

a. Applications for amendments to this Ordinance shall contain at least the following information:

b. Name, address, and phone number of Applicant

c. Proposed amending ordinance.

d. Present and proposed land use.

e. Vicinity map drawn to scale sufficiently illustrating the property in question and surrounding properties, roads, and geographical features, and including a north arrow, scale, and names of adjacent property owners on the respective parcels, or any other graphic material which may be appropriate.

f. A statement of how the amendment may affect the "Comprehensive Plan", availability of public facilities, and compatibility with the surrounding areas.

g. A List of all property owners and their mailing addresses who are within 300 feet of the external boundaries of any single parcel of property to be affected.

h. A filing fee of Twenty Five Dollars ($25.00). Additional charges for the County's Prosecuting Attorney's time may be added if the amendment is not adopted.

11.03.03 PROCEDURES

a. Upon receipt of an application or upon the formal recommendation of the Commission or Board for an amendment to this Ordinance, notice for and scheduling of a public hearing shall be made within thirty (30) days.

b. Within thirty (30) days after the public hearing the Commission shall recommend action on the amendment to the Board and include their findings and conclusions in writing.

c. The Board shall act on such recommendation within thirty (30) days of its receipt from the Commission. The Board shall make written findings and conclusions. If approved, the amendment shall thereafter be made a part of this Ordinance.
11.04 SEPARABILITY

Where a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, such shall affect only that part so held invalid.
Chapter Twelve
ENFORCEMENT AND PENALTIES

- 12.01 General
- 12.02 Compliance by Issuers of Permits
- 12.03 County Enforcement
- 12.04 Civil Enforcement
- 12.05 Investigations
- 12.06 Penalties

12.01 GENERAL

The enforcement of this Ordinance shall apply equally to each person and property in the similar circumstances.

12.02 COMPLIANCE BY ISSUERS OF PERMITS

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

12.03 COUNTY ENFORCEMENT

Whenever it appears to any person, including but not limited to the Building Inspector, Planning and Zoning Staff, Commission Members, the Board, the Valley County Prosecuting Attorney or Valley County Sheriff that any person is about to engage, in act or practice violating any provisions of this Ordinance, the person shall orally or in writing notify the Administrator or his office. The Administrator with the assistance of staff, the Valley County Sheriff and the Valley County Prosecuting Attorney shall may cause an investigation to be made upon the oral or written request concerning an alleged violation of this ordinance, permit, or other county ordinance, permit, or other county ordinance relating hereto, as the Administrator deems advisable under the circumstances.

a. The Administrator or his staff shall have the authority to:

1. Conduct a program of continuing surveillance and regular or periodic inspection of the potential or actual violation.

2. Enter at all reasonable times upon any private or public property for the purpose of inspecting or investigating to ascertain violations of this act, a permit, or ordinances relating hereto.

b. If an investigation discloses that there is a reasonable basis for believing that a
violation exists, the Administrator or his staff shall follow the following procedure:

1. Issue and serve upon the person alleged to have violated this ordinance a written notice of violation. This notice shall specify the provision of this ordinance, variance or permit which has been violated; the extent and manner in which the ordinance, variance or permit has been violated and the procedure for the person to contest the allegation. The written notice shall be sent by certified mail to the person’s home mailing address and/or business address, or personally served upon the person. A copy of this notice shall also be delivered to the Valley County Prosecuting Attorney.

2. If a hearing is requested by the person in writing within seven (7) days of the service of the notice, then the Administrator shall schedule a settlement conference with said person within seven (7) days from the time that the Administrator has been served with said request for a settlement conference.

3. If the allegations of the violation, as described in the notice, cannot be resolved in the above mentioned settlement conference with the Administrator, the matter shall be submitted for review before the Commission at the next regularly scheduled public hearing. If the matter can be resolved, then the agreement shall be ratified or rejected by the Commission.

4. If the agreement reached by the Administrator in the settlement conference is rejected by the Commission, then a hearing on the notice shall be held at the next regularly scheduled hearing of the Commission.

5. The conduct of the hearing on the notice shall be as set forth in Section 3.04.11.

6. The Administrator shall render the Commission’s decision in writing within seven (7) days from the date of the hearing.

7. After the decision of the Commission, any party may have the right to appeal the decision to the Board.

8. The Board shall have the right to hear the appeal from the Commission in the same manner as set forth in Section 3.04.12.

c. If such preventive or corrective measure is not taken in accordance with the settlement agreement, Commission’s decision, or order of the Board, then the person in violation of said agreement, Commission’s decision or order of the Board shall be liable for a civil penalty not to exceed $1,000.00 per day beginning with the time fixed for the taking of the preventive or corrective, measure set forth in the agreement, Commission’s decision or order of the Board.

d. If the circumstance of the violation of the ordinance, permit or variance constitute an emergency creating conditions of immediate danger to the public health, the Administrator shall immediately notify the Commission, the Board, and the Valley
County Prosecuting Attorney. The Board may institute a civil action for immediate injunction to seek any relief deemed appropriate under the circumstances as well as a civil penalty not to exceed $1,000.00 per day.

e. The Board shall consider in any imposition of a civil penalty the following factors:

1. The nature of the violation.

2. Whether the violation was disclosed to the Administrator or staff prior to its detection.

3. Whether the violation was corrected without Administrator or staff action.

4. The cost of enforcing and investigating the violation.

5. Whether the violation was an isolated occurrence or a multiple offense.

6. Whether there is an undue risk of future violations during the remaining construction phase of the permit.

7. A fine under the circumstances would serve as a deterrent to this person or other persons similarly situated.

8. Whether there were grounds tending to excuse or justify the violation.

9. Whether the person was cooperative and willing to correct the violation.

f. At any stage of the proceedings, any person to whom a notice has been served may waive the formal proceedings and enter into a settlement agreement with approval of the Board.

g. Nothing in this ordinance or this section shall preclude the Board from any other legal or equitable remedy available.

12.04 CIVIL ENFORCEMENT

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint stating the causes and basis thereof. The Administrator shall follow the procedure set forth in Section 12.03. Nothing in this ordinance shall preclude the Board from instituting any causes of action against any person nor for any relief legally or equitably available under the circumstances.

12.05 INVESTIGATIONS

The property involved in an application for any permit or any property subject to the provision of this ordinance is subject to inspection by the Administrator or his staff at all reasonable times for the purpose of inspecting or investigating violations of this ordinance.
12.06 PENALTIES

a. **Criminal Penalties** shall be as follows:

1. Each violation of this ordinance, permit or variance shall be considered a separate violation and each day of a violation shall be a separate violation.

2. Each person whether acting as the principal or agent violating the ordinance or its regulations shall be responsible for the violations criminally as set forth below.

3. Each violation of this ordinance, permit or variance shall be a misdemeanor punishable by a fine or imprisonment or both punishable in accordance with provisions of Idaho Code Section 18-113.

b. **Civil Penalties** shall be as follows:

1. Each violation of this ordinance, permit or variance shall be considered a separate violation and each day of a violation shall be a separate violation.

2. Each person whether acting as the principal or agent violating the ordinance or its regulations shall be responsible for the violations civilly as set forth below.

3. Each violation of this ordinance, permit or variance shall be punishable by a civil penalty not to exceed $1,000.00 per day or per violation whichever is greater.
Appendix A
COMPATIBILITY EVALUATION

GENERAL

One of the primary functions of traditional zoning is to classify land uses so that those, which are not fully compatible or congruous, can be geographically separated from each other. Valley County has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: increased noise, offensive odors, creation of hazards, destruction of a view, water contamination, loss of needed or desired resources, devalue property, or infringe on a desired lifestyle. To ensure that Valley County can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals, which will be incompatible at particular locations, has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner, which is both systematic and consistent.

EVALUATION

All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:

**Plus 2** - assigned for full compatibility (adjacency encouraged)

**Plus 1** - assigned for partial compatibility (adjacency not necessarily encouraged)

0 - assigned if not applicable or neutral

**Minus 1** - assigned for minimal compatibility (adjacency not discouraged)

**Minus 2** - assigned for no compatibility (adjacency not acceptable)

Each response value shall be multiplied by some number, which indicated how important that particular response is relative to all the others. Multipliers shall be any of the following:

X4 - indicated major relative importance

X3 - indicated above average relative importance

X2 - indicates below average relative importance

X1 - indicates minor relative importance

The following matrix shall be utilized, wherever practical, to determine response values for questions one (1) thru three (3). Uses classified and listed in the left hand column and across
the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two intersecting uses. These numbers should not be changed from proposal to proposal except where distinctive uses arise which may present unique compatibility considerations. In determining the response values for questions four (4) thru nine (9) the evaluators shall consider the information contained in the application, the goals and objectives of the “Comprehensive Plan”, the provisions of this and related ordinances, information gained from an actual inspection of the site, and information gathered by the Staff.

TERMS

“Dominant Adjacent Land Use”: 

Any use which is within 300 feet of the use boundary being proposed and

- Comprises at least one-half (1/2) of the adjacent uses and one-quarter (1/4) of the total adjacent area, or

- Where two or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use, or

- In all other situation no dominant land use exists; when this occurs, the response value shall be zero.

“Local Vicinity”:

Land uses within a one (1) to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.

→ **Compatibility Questions and Evaluation:** attached in Appendix A.
→ **Matrix for Rating:** attached in Appendix A.
Compatibility Questions and Evaluation

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<thead>
<tr>
<th>RESPONSE</th>
<th>YES/NO</th>
<th>VALUE</th>
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</thead>
<tbody>
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</tr>
<tr>
<td>(+2/-2)</td>
<td>X 2</td>
<td>I</td>
</tr>
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<tr>
<td>(+2/-2)</td>
<td>X 2</td>
<td>I</td>
</tr>
</tbody>
</table>

**SUB-TOTAL (+)_______**

**SUB-TOTAL (-)_______**

**TOTAL SCORE _______**

The resulting values for each question shall be totaled so that each land use and development proposal receives a single final score.
### Matrix for Rating

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Commercial Uses</th>
<th>Civic or Community Uses</th>
<th>Industrial Uses</th>
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<tr>
<td>7. FPD Res.</td>
<td>8. Retail, Ed &amp; Rehab</td>
<td>13. Landfill or SWP Plant</td>
<td>1. Agriculture</td>
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<td>12. Cemetery</td>
<td>7. FPD Res.</td>
<td>2. FPD Res.</td>
<td>2. FPD Res.</td>
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<td>13. Landfill or SWP Plant</td>
<td>1. Agriculture</td>
<td>7. FPD Res.</td>
<td>2. FPD Res.</td>
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<tr>
<td>1. Agriculture</td>
<td>7. FPD Res.</td>
<td>2. FPD Res.</td>
<td>2. FPD Res.</td>
</tr>
</tbody>
</table>
Appendix B
30% WINTER OPACITY

fig. APNDXB-1

WHENEVER A STRUCTURE EXCEEDING 35 FEET IN HEIGHT IS REQUIRED TO PLANT AT A THIRTY (30%) WINTER OPACITY, IT MEANS THAT APPROX. ONE-THIRD OF A BUILDING'S ELEVATION, WHEN VIEWED FROM ADJACENT PROPERTIES, SHOULD BE HIDDEN BEHIND THE BRANCH STRUCTURE OF PLANTS AFTER THEY HAVE GROWN ABOUT TEN (10) YEARS. THE EXPANSION OF THE SIZES OF PLANTS CAN BE ESTIMATED AT THE TIME OF PLANTING.
Appendix C
FUGITIVE DUST

GENERAL

PURPOSE:

To reduce the amount of particulate matter entrained in the ambient air, or discharged into the ambient air, as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions.

APPLICABILITY:

The provisions of this rule shall apply to any conditional use application capable of generating fugitive dust. These rules specifically apply to quarrying and surface mining operations, or to sand and gravel mining, rock crushing, and aggregate and sand processing operations, provided that a permit has been issued by Valley County, GENERAL PERMIT REQUIREMENTS, for such operations.

EXEMPTIONS:

The provisions of this rule shall not apply to:

1. Agricultural activities conducted and maintained for commercial agricultural purposes.

2. Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency, or to attend to uncontrolled fires.

3. Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.

4. Active operations conducted at solid waste landfills.

5. Active operations with State and Federal lands.

6. Unpaved roads, unless such roads:
   a. Are within and part of a property undergoing development or construction; or:
   b. Are public unpaved roads being constructed or undergoing a maintenance activity.

7. Weed abatement operations, fire hazard abatement, or vegetation clearing for fire defense purposes ordered or conducted by a county department, or any state, county, or municipal fire department, or that is required by local ordinance.
DEFINITIONS

**Active Operations:** Any activity capable of generating fugitive dust, including, but not limited to, earth moving activities, construction – demolition activities, or heavy- and light-duty vehicular movement on disturbed surface areas, including inactive disturbed surface areas, and unpaved roads within a construction or development project.

**Boundary Line:** The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession. This may include all or portions of legal parcels as defined by the Valley County Assessor.

**Bulk Material:** Any material, which can emit dust when stored, disturbed, or handled and is generally un-packed, including sand, gravel, soil, aggregated material less than two inches in length or diameter, and other organic or inorganic particulate matter.

**Disturbed Surface Area:** A portion of the earth’s surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition.

**Dust Suppressants:** Water, hydroscopic material, or non-toxic chemical stabilizers used as a material to reduce fugitive dust emissions.

**Fugitive Dust:** Any solid particulate matter that becomes airborne, without first passing through a stack or duct, directly or indirectly as a result of the activities of man, including the raising and/or keeping of animals.

**Open Storage Pile:** Any accumulation of bulk material with 5 percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area greater than 150 square feet. Silt content level is assumed to be 5 percent or greater unless a person can show otherwise, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent.

**PM10:** Is particulate matter with an aerodynamic smaller than or equal to a nominal 10 microns as measured by an applicable reference test method.

**Silt:** Any aggregate material with a particle size less than 74 micrometers in diameter that passes through No. 200 Sieve.

**Simultaneous Sampling:** The operation of two PM10 samplers in such a manner that one sampler is started within 5 minutes of each other, and each sampler is operated for a consecutive period which must be not less than 290 minutes and not more than 310 minutes.

**Visible Emission:** Visible emissions mean any particle matter that is visually detectable without the air of instruments other than corrective lenses.
STANDARDS

1. **Visible Emissions Not Allowed Beyond Boundary Line**: A person shall not cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area (including disturbances as result of the raising and/or keeping of animals or by vehicle use), such that the presence of such dust remains visible in the atmosphere beyond the boundary line of the emission source.

2. **Visible Emissions From Active Operations**: A person shall not cause or allow fugitive dust by active operations, open storage pile, or a disturbed surface area, such that the fugitive dust is of such opacity as to obscure an observers view to a degree equal to or greater than does smoke as dark or darker in shade as the designated as No. 2 on the Ringelmann Chart (i.e. 40% opacity), as published by the United States Bureau of Mines.

3. **Concentrations Limit**: A person shall not cause or allow PM10 levels to exceed 50 micrograms per cubic meter, 24 hour average, when determined, by simultaneous sampling, as the difference between upwind and downwind samples collected on high-volume particulate matter samplers or other EPA approved equivalent method for PM10 monitoring. Sampling shall be conducted in accordance with the procedures specified in Section E.

ADMINISTRATIVE REQUIREMENTS

1. **Minimum Dust Control Requirements**: The following dust mitigation measures are to be initiated at the start and maintained throughout the duration of the mining construction or grading activity, including any construction or grading for road construction or maintenance:
   
   a. Unpaved areas subject to vehicle traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or paved.
   
   b. The speed of any vehicles and equipment traveling across unpaved areas must be not more than fifteen (15) miles per hour unless the road surface and surrounding area is stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust exceeding Ringelmann 2 or visible emissions from crossing the project boundary line.
   
   c. Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile.
   
   d. Prior to any ground disturbance, including grading, excavating, and land clearing, sufficient water must be applied to the area to be disturbed to prevent emitting dust exceeding Ringelmann 2 and to minimize visible emissions from crossing the boundary line.
e. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked offsite.

f. When wind speeds are high enough to result in dust emissions crossing the boundary line, despite the application of dust mitigation measures, grading and earthmoving operations shall be suspended.

g. No trucks are allowed to transport excavated material offsite unless the trucks are maintained such that no spillage can occur from holes or other openings in the cargo compartments; and loads either;

1) Covered with tarps; or

2) Wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above to top of the cargo compartment.

MONITORING AND RECORD KEEPING

1. Monitoring:

a. Sampling to determine with the particulate matter concentration limit of Section C is only required when deemed necessary by the Valley County Zoning Compliance Officer.

b. The conduct of sampling to demonstrate the compliance with the Standards section may be required, with reasonable notice, of the person discharging emissions, or sampling may be conducted by the County with the costs of sampling, not to exceed actual costs, borne by the person discharging emissions.

c. Samplers shall be operated, maintained and calibrated in accordance with the Federal Regulations (CFR), Part 50, appendix J, or appropriate EPA published documents for the EPA approved equivalent method(s) for PM10.

d. Samplers shall be placed upwind and downwind of key activity areas and as close to the boundary line as feasible, such that the other sources of fugitive dust between the sampler and the boundary line are minimized.

e. Procedures for the conduct of simultaneous sampling to determine compliance with the Standards section, and the reporting of results, shall be approved by Valley County.

2. Record Keeping:

a. Record of Control Implementation: any contractor engaged in any active operation subject to this rule shall maintain records of actions to stabilize surface areas sufficient
to establish location, type and date of treatment. Records shall be maintained and be readily accessible for two (2) years after the date of each entry and shall be provided to the District upon request and shall be open for inspection during unscheduled audits during normal business hours.
Appendix D
COMMUNITY HOUSING POLICIES

DEVELOPMENT OF COMMUNITY HOUSING:

A. Introduction

The number of Community Housing units required in a new subdivision or as part of another type of new development project shall be as set out in the relevant section of the LUDO.

If a “percentage” of Community Housing is required, the calculation shall be based on the number of Community Housing units in the project divided by the total number of units (including Community Housing) in the project.

Community Housing units should be integrated into the subdivision to the greatest degree possible.

In general, the units should be on-site, integrated throughout the project, and from the outside should be indistinguishable from the market rate units.

In general, integration of units into the surrounding development will also dictate that single-family developments will provide single-family Community Housing, condominiums will provide condominium units, land only will provide land only when acceptable by decision makers, etc.

Integration of units, as described above, is always preferred. However, it is understood that, within some developments, there may be compelling reasons to place a lesser number of the required number of Community Housing units on-site and locate a portion of the units elsewhere. This Appendix D provides options for the provision of Community Housing in alternative locations. However, the utilization of such options is permissible ONLY with the prior written approval of the Commission which shall be based upon a recommendation from the Valley/Adams Regional Housing Authority. The justification for such approval must be compelling and the proposed alternative must provide significantly greater community benefit than would be achieved by provision of the units on-site.

In general, Community Housing should be fully integrated into the market rate units within any given development. This means that Community Housing units should be spread among various floors and various orientations or dispersed among the market-rate lots in a subdivision. However, Valley County recognizes the need of developers to recognize a financial return on their development efforts. Therefore, it is NOT the policy of the county to require that developers provide units on top (penthouse) type floors of multifamily buildings or on those building orientations which provide exceptional views from which the developer could receive a significant return from the sale of a market-rate unit. Additionally, in those projects which contain primarily time-share or fractional-ownership units, the Commission may, based upon a recommendation from the Valley/Adams Regional Housing Authority, allow some grouping of units to foster a sense of community among the full time (Community Housing) residents. In the case of single-family plats, some grouping of Community Housing may be allowed provided that such grouping, in the opinion of the Commission, and based upon a recommendation from the Valley/Adams Regional Housing Authority, furthers the objectives of Valley County’s Community Housing policies.
General locational and design aspects are described in this section. Developers should consult VARHA staff in order to determine specific unit sizes and income categories that should be served by a particular development. These priorities are intended to serve as a guide to VARHA staff, elected and appointed officials, appropriate planning and building department staff, and members of the development community. These parties should remain flexible in their approach to providing affordable Community Housing; however, this flexibility should not be taken to mean that the listed priorities may be ignored or not given due consideration.

B. **Deed Restriction and Initial Pricing**

Community Housing shall be “Deed Restricted” to maintain its affordability. In general, affordability should be maintained in perpetuity. Under the Equity Builder program, affordability will be maintained for a term of years. At the time such housing is placed into the Community Housing inventory, or a building permit is issued for its construction, the Owner shall record with the Valley County Recorder a Deed Restriction document provided and approved by the VAHRA. This document shall provide, among other things, for a maximum appreciation amount (the greater of 4% per annum, the sales price calculated by using the median income calculation effective at the time the sale occurs, or the percentage increase in the CPI over the term of ownership, whichever is greater) which may be realized by each owner upon resale of the property, restrictions on the income levels of persons who may purchase the property, the conditions under which the property may be re-sold, and periodic inspections by the VAHRA to ensure that all conditions of the Deed Restriction are being complied with.

Pricing of Community Housing units shall be structured such that the “average” FOR SALE Community Housing unit in any development will be affordable to an individual or family with an income of **80% of the median** for Valley County. Rental rates will be structured such that the “average” unit in any RENTAL DEVELOPMENT should serve persons at **70% of median** income. Pricing and/or rental rates for specific units shall be at the discretion of the VARHA, provided that the aggregate pricing for all units in a project shall meet the 80% or 70% standard. The VARHA may specify that some individual units be priced to serve lower-income households, and some be priced to serve higher-income households, but the total price or gross total rental rate for all Community Housing units in a development shall be the same as if each unit were priced at the 80% level or rented at the 70% level.

Affordability shall be calculated by utilizing the standards of the U.S. Department of Housing and Urban Development (HUD), which state that housing costs (including utility costs) should not consume more than 30% of a household’s gross income in order for the housing to be considered “affordable”. This 30% standard, together with HUD statistics on median income for Valley County, shall be utilized in setting pricing for all Community Housing.

C. **Location:**

The intent of Valley County’s Community Housing policy is not to build one or two large complexes to accommodate the needs of the area's workforce, but instead to provide for a variety of Community Housing locations throughout the county and to make Community Housing an integral part of each new development as well as an integral part of the community in general. For that reason, each new development which is approved should contain some fraction of Community Housing. This policy should help to ensure that a variety of housing types, in a broad spectrum of locations, will be available as Community Housing.
Community Housing should be constructed with the intent to create, preserve and maintain a sense of community. Within individual developments, the Community Housing component should be scattered throughout the market rate units rather than located in one specific portion of the development. Community Housing units should not be readily identifiable as such, and their residents should be encouraged, through architectural design and community covenants, to mix freely with market-rate homeowners and renters.

D. **Type and Size of Units:**

**Housing and Condominium Subdivisions:**

In general, Community Housing units provided should contain a similar number of bedrooms and be of a similar type (single-family/condo/duplex) as the market-rate units in the project. For instance, if a 20 unit condominium project contains ten two-bedroom units and ten three bedroom units, and the Community Housing requirement is, for example, 20% (or four units), then two of the Community Housing units should contain two bedrooms and the other two should contain three bedrooms.

In general, Community Housing units should be of a similar size as the market-rate units in the same project. However, if market rate units containing a given number of bedrooms are larger than certain maximums, the associated Community Housing need not be correspondingly large.

In cases where the LUDO sets out the required amount of Community Housing based on NUMBER OF UNITS, Developers of Community Housing may choose to calculate required Community Housing unit sizes by either of the following two formulae:

1. Divide the total footage of the market-rate units of each bedroom size by the number of such units

   For Example:

   3 two-bedroom market-rate units of 1200 feet each (x3)  
   plus  
   3 two bedroom market-rate units of 800 feet each (x3)  
   = 6000 total feet  

   6000’ divided by 6 market-rate 2 BR units  
   = 1000’ minimum, two-bedroom Community Housing units.

   Except as provided for in the following paragraphs, however, regardless of the results of calculation method in #1 above, shall units smaller than the following **Minimum Required Size** be acceptable as Community Housing:

   a. Studio 475 Square Feet
   b. One-Bedroom 650 Square Feet
   c. Two-Bedroom 850 Square Feet
d. Three-Bedroom 1000 Square Feet  
e. Four Bedroom 1300 Square Feet.

The minimum net livable square foot requirements may be reduced upon demonstration to the Commission that the development has compensated for the smaller individual unit sizes by provision of a greater overall footage of Community Housing in the development.

In the case of housing provided specifically for employees of a particular business, such as an employer with a large seasonal (or short-term) labor force, the Commission, in consultation with the VARHA may adjust these minimum unit sizes to reflect considerations specific to that business.

2. Build the Default Required Size for the given bedroom type per the following table (This is the maximum size which is required for the given unit type.) Developers of Community Housing are encouraged to exceed these maximums should they so desire:

   a. Studio 600 Square Feet  
   b. One-Bedroom 850 Square Feet  
   c. Two-Bedroom 1100 Square Feet  
   d. Three-Bedroom 1300 Square Feet  
   e. Four Bedroom 1500 Square Feet.

Where the ordinance sets out the required amount of Community Housing based on SQUARE FOOTAGE of the market-rate units, Developers of Community Housing shall submit a proposed unit mix, together with sizes and locations to the VAHRA, which will then provide a recommendation to the Commission as to whether the proposal satisfies the intent of Valley County’s Community Housing policies. The VARHA shall have the option to require changes in this mix based on the then current need for specific Community Housing unit types.

Developers of Community Housing shall submit calculations to the VARHA which justify the unit types and sizes proposed for a given development.

**Land Subdivisions:**

Land-only subdivisions are those in which the developer sells ALL lots within the subdivision to companies or individuals which are NOT affiliated with the ownership of the development entity. Affiliated companies include any ownership structure with any overlap of ownership with the developer. Land Subdivisions shall be required to provide their Community Housing component based on the same formulae outlined in the previous sections (“Location” and “Type and Size of Units”). Land-only subdivisions may provide their required Community Housing on-site, or off-site.
subject to the quantity increase set out below. Land-only subdivisions shall also be required to provide all required Community Housing within 365 days of final plat approval and provide financial guarantees for its completion at final plat approval. If not otherwise set out in the governing municipal ordinance, land-only subdivisions shall provide units of the “Default Required Size” specified above. Unless the developer is able to conclusively prove otherwise to the satisfaction of the Commission, it will be assumed that land subdivisions will be built out with half of the units being 3-Bedroom and the other half being 4-Bedroom, and the Community Housing provided shall be based on that assumption.

In limited situations, it may be acceptable for developers of land subdivisions to donate one or more lots to the VARHA instead of providing completely built Community Housing units. For this option to be acceptable, the developer must demonstrate to the satisfaction of the VARHA and the Commission that the economic benefit of accepting the lot(s) is equal to or greater than the economic benefit of the Community Housing units which would otherwise have been built. If such lots are accepted, The VARHA shall have the option to sell the lot at market, with the proceeds to be placed in the VARHA’s Valley County Housing Reserve Fund (for purchase of other affordable housing), build deed-restricted Community Housing on the lot, re-sell the lot at a discounted price with deed restrictions which ensure future recovery of the discount amount, and that a public purpose is being served by issuance of the discount, or otherwise utilize the property in a manner which furthers the goals and objectives of the County’s Community Housing policies.

A subdivision shall be considered “land only” if no individual partnership, or corporate body which has any ownership interest whatsoever in, or receives any financial return or profit, directly or indirectly, from or as a result of, any ownership interest in the subdivision during the period between the time the subdivision application is submitted to the County until all lots within the subdivision are sold, purchases, constructs, owns during construction, or receives any financial return or profit, directly or indirectly, from the construction of any residential improvements on any lot within the subject subdivision.

E. **Parking:**

Parking requirements for Community Housing shall be based on the municipal code under which any given project is approved. Parking shall be covered or uncovered as per the market-rate units in a project. For instance, a Community Housing unit provided as part of a single-family home development where the market-rate homes have garages should also have a garage. In a condominium project, if covered parking is provided for 70% of the market-rate units, it should be provided for the same percentage of Community Housing units. In Community Housing units provided by land-only subdivisions, each unit shall have a minimum of one covered parking space, unless the CC&Rs of the subdivision require the market-rate homes to have a greater number of covered parking spaces, in which case the greater number shall also be required for the Community Housing.
F. Alternatives to On-Site Community Housing:

The Commission recognizes that there may be some cases where it is impractical to provide the entire required amount of Community Housing On-Site in a new development.

A developer’s desire to create a development of only “high-end” homes shall not be considered a valid reason to place Community Housing off-site since stratification of the region by income levels is not a goal of County policies.

The following programs offer some alternatives to developers who are able to justify to the Commission that the community’s interests can be better served by these alternative methods. **These alternatives are ONLY available in the event that the Commission, upon a recommendation from the VARHA, gives prior written consent:**

**Provision of Community Housing, but at an Alternative Location:**

In the event that a developer is able to provide compelling reasoning for placement of the required Community Housing in a location other than on-site within the new development, the following conditions must be met:

The alternative location must be approved by the Commission, which will consider the recommendation of the VARHA.

The alternative location must be within Valley County and should be within a similar distance to employment centers as the development which generates the Community Housing requirement.

The alternative location must be part of a mixed income development in which Community Housing (or other housing for persons of moderate financial means) is less than 50% of the total number of units.

Community Housing provided off-site shall be provided in an amount equal to 130% of the amount which would have been required had it been provided on-site.

In land-only subdivisions, wherein all Community Housing is provided within the 365 day period specified in Paragraph I, below (Timing of Community Housing Construction), the Community Housing provided off-site shall be provided in an amount equal to 100% of the amount which would have been required on-site. When off-site, housing units must be provided, not just bare lots.
If only a portion of the required Community Housing is off-site, only that portion shall be subject to the 130% factor.

In-Lieu Fee Option:

A development may satisfy the Community Housing requirement by payment of a Community Housing dedication fee (In-lieu Payment Option). This option shall be available ONLY when the applicant can conclusively demonstrate to the satisfaction of the Commission that acceptance of this fee will provide greater benefit to the community, specifically the Community Housing program, than provision of units either on or off site. Any such fees, if allowed, shall be paid within 365 days of the recordation of the final plat and shall, at the date of final plat approval, provide financial guarantees acceptable to the Commission (such as a letter of credit) to ensure payment.

All In-lieu payments shall be made by the applicant to the Valley/Adams Regional Housing Authority and placed in the Housing Reserve Fund administered by the VARHA for Valley County. The In-Lieu fee is based on recent homes sales prices and the prices of currently listed properties. The per-foot fee will be calculated by the VARHA at the time a request for in-lieu payment is received by the VARHA. The calculation method will be as follows:

CALCULATION OF IN-LIEU PAYMENT, BASED ON SQUARE FOOTAGE (OR HOUSING UNITS)

Due to the significant differential in market rate housing prices between properties in the various portions of the county, In-Lieu Fees will be set based upon a market survey by an certified appraiser approved by the VARHA for each project. The cost of this appraisal will be paid, in advance of the survey, by the applicant.

In setting the fee for an individual project, the appraiser will review recent sales and currently listed properties, as well as proposed pricing for new projects where available, and use its best judgment to estimate the differential between comparable market rate and Community Housing unit prices for the market area in which the development is located. Defining the boundaries of this market area will be at the discretion of the VARHA. The VARHA will then apply an adjustment factor of 130% which corresponds to the method adopted by the VARHA for determining the amount of Community Housing which must be provided if the units are “off-site”. A 10% administrative allowance will then be added to that total to cover the costs incurred by the Housing Authority in utilizing the in-lieu fees in the search for, negotiations on, and purchase of actual housing units to replace those which should have been provided by the developer. The result of this calculation shall be presented to the Commission for their use in determining whether a fee will be acceptable for the project in question.

The average pricing of Community Housing units utilized in this analysis will assume that the Community Housing unit which would have otherwise been produced would have served an individual or family at 80% of median income for Valley County and would have been of the type (single-family/duplex/condo) produced by the developer in the development which generates the requirement for Community Housing.
Notes on Calculating Fees:

Community Housing requirements may be specified on a “Per Unit” basis or on a “Per Foot” basis. In order to maintain consistency between projects which may contain units of differing sizes and types, Valley County has adopted the following policy:

When a Community Housing requirement is set out in “number of units” or is based on the number of market rate units in a project, and the developer chooses to pay an In-Lieu fee instead of providing the units on-site, the In-Lieu fee shall be determined by converting the number of units required to an amount of square footage required. This conversion shall be according to the ”Default Unit Size” specified in Part II, Section D.

For Example: If an ordinance requires 2.1 Community Housing units in a ten-unit multi-family project which contains four two-bedroom market-rate units, four three-bedroom market-rate units, and two four-bedroom market-rate units, and the developer wishes to pay an in-lieu fee rather than build the units, the fee would be calculated as follows:

4 x 1100 (default size 2 Br) = 4,400 sq. ft.
4 x 1300 (default size 3 Br) = 5,200 sq. ft
2 x 1500 (default size 4 Br) = 3,000 sq. ft.

Total = 12,600 sq. ft.

The total footage of 12,600 is then multiplied by 21% (which is the 2.1 required Community Housing units divided by 10 market-rate units). This yields a total footage equivalent of 2,646’

This number is then multiplied by the in-lieu fee calculated by the VARHA for the specific market area. For this example, it is assumed that the fee, including the 130% offsite penalty and 10% administrative fee, is $250.00 per square foot.

2,646 x $250.00 = $661,500.00

Theoretically, this amount should be sufficient for the Housing Authority to “buy down” 3.15 market-rate units (the required 2.1 units times 150% for off site) in the same market area to a level at which they can be re-sold as Community Housing.

Fractional Units:

In the event that a development is required to produce a fractional number of Community Housing units (such as .6 or 5.75), the fractional requirement, excluding any whole number portion, may be satisfied by payment of an in-lieu fee. In such cases, the fractional amount shall not be increased by the 130% (off-site) or 10% (administrative) factors set out above.
G. **Equity-Builder Program:**

This program is provided as an alternative to the basic Deed-Restric-tion and is intended to benefit the homeowner by allowing him to participate in the full appreciation of the property purchased. The developer also receives a benefit in that he can, over time, realize the full market value of the home, rather than a lesser Deed-Restricted price based on regional income levels. Furthermore, it is anticipated that the homeowner participating in the program, during the time he owns the property, create sufficient equity to thereafter participate as an equal player in the subsequent purchase of a completely market rate home.

For any specific development, not more than 30% of the required Community Housing may be converted to the Equity-Builder Program.

The VARHA shall determine which homes (at which prices) shall be allowed in the equity-builder program. The overall pricing of homes in the Equity Builder program shall not exceed affordability levels for households earning 120% of Valley County Median Income (and overall pricing for all Community Housing units in a project, inclusive of the Equity Builder units, shall still not exceed affordability levels for households earning 80% of median).

The conversion ratio for regular deed-restricted units to Equity-Builder units is 1.5 : 1 (i.e. for each regular deed-restricted unit deleted from a project, the developer must provide one and one-half Equity-Builder units.)

Homes in this program shall be priced at “market”. All “market” pricing is subject to review and approval by the VARHA and shall be net of broker fees.

The developer shall provide the buyer with a second (subordinate) mortgage which covers the difference between the “market” price of the house and that price at which not more than 30% of the buyer’s income is necessary to pay for the costs of housing (as defined by HUD). Partnerships and other ownership structures which accomplish this same objective will be considered, subject to the approval of the VARHA.

At the first sale which occurs more than 5 years after the date of the initial sale, which date shall be at the sole discretion of the buyer, the second mortgage shall be payable from sale proceeds. In the event that the home is re-sold prior to 5 years from the date of the initial sale, the second mortgage shall remain in place.

In the event that the subsequent sale of the property is at a price higher
than the initial purchase price, the developer may recover “interest” on the second mortgage of up to 6% per annum (but this “interest” shall not exceed 50% of the overall increase in the buyer’s net equity over the term of ownership). The “interest” accrued to-date (but not the principal) may be recovered by developer on a sale occurring prior to the 5 year minimum, provided that this 50% condition is met.

In the event that the developer proposes to provide Equity-Builder units off-site, such units must be provided at the 1.5 : 1 ratio and the 130% off-site penalty will ALSO apply.

Buyers who purchase a home under the Equity-Builder program will thereafter be ineligible for other VARHA programs, including the Equity-Builder. (Buyers may request special review for a waiver of this condition).

In the event that a developer is found to have offered any “incentive” (financial or otherwise) to a buyer in order to induce the buyer to sell a home covered by this program, the developer agrees to forfeit the full amount of said second mortgage to the VARHA. In the event that any buyer agrees to accept any “incentive” from a developer to sell a home covered by this program, the buyer agrees to pay to the VARHA an amount three times the proffered incentive, and will also be barred from future participation in any and all programs of the VARHA. Determination of whether such offer or agreement has occurred shall be at determined by binding arbitration.

Homes offered under this program shall be subject to a deed restriction which lays out the above terms, provides for VARHA administrative oversight and fees, and gives the VARHA the right to review and approve/disapprove any resale transaction to ensure compliance with the terms of the program.

H. Tenancy of Rental Community Housing:

Since rental Community Housing units are owned by parties other than the VARHA, those owners have the right to select any qualifying tenant to rent particular units (subject to federal and state fair housing regulations). The VARHA will make available to these owners at all times a current listing of all applicants who meet the criteria for each type of rental unit. Selection of the tenant will be made by the property owner subject to final verification of the tenant’s application information by the VARHA.

I. Timing of Community Housing Construction:

In general, the construction of Community Housing which is tied to a particular market-rate project should be constructed at the same time as the
market-rate project. The ratio of Community Housing to the overall number of units constructed in a project should not be allowed to fall behind the ratio of Community Housing required overall. For instance, if 10 units of Community Housing are required in a 100 unit project, certificates of occupancy for the 10th market rate unit should not be issued until the certificate of occupancy for the first Community Housing unit has been issued.

In land-only subdivisions, Community Housing units shall be provided within 365 days of final plat approval. Financial guarantees (such as a letter of credit) acceptable to the Commission shall be provided.

J. **Specifications for Construction of Community Housing Units:**

Community Housing units are intended to serve members of the community who provide services to the community and whose continued presence benefits the community. Therefore, Community Housing for these persons should be of sufficiently high quality to encourage these persons to remain in the region for the long term. Community Housing should be energy efficient, of good quality, built to last, and well designed. It should utilize similar design elements as the market-rate housing in the development. Generally, this will require that construction methods and materials be the same as for the market-rate housing, with the primary differences being in interior finish levels. All specifications for Community Housing must be approved by the VARHA prior to construction, and the VARHA shall inspect all Community Housing units after completion to ensure that they have been constructed in accordance with the approved specifications and are of a quality acceptable to the VARHA. Failure to comply with these standards shall be considered a breach of the subdivision approval or development agreement.

A complete list of acceptable specifications is available from the VARHA upon request, but in general, units should be configured as follows:

- Concrete Foundations engineered for the specific structure,
- 2 x 6 Wall Framing
- Insulation which meets or exceeds all requirements of the applicable energy code(s),
- Complete appliance package including self-cleaning range/oven, dishwasher, and refrigerator/freezer (min 18 cu. ft.),
- Good quality cabinetry,
- Countertops of laminate or better material,
- Carpet and vinyl floor coverings (FHA grade or better),
- Masonite or wood interior doors,
- Vinyl or better windows with interior sill and apron.

**MINIMUM BEDROOM & CLOSET DIMENSIONS:**
Regardless of unit type or income category, all bedrooms shall have a minimum interior dimension of 9’ 6” and a minimum interior square footage of 110 square feet. Closets shall have a minimum interior width of 4’ 6” and a minimum interior depth of 2’. Developers are encouraged to design spaces which exceed these minimums.

K. Administrative Fees:

New Projects:

New projects shall be assessed a fee of 3.5% of the total price of all Community Housing units sold or in-lieu fees paid. This fee covers, among other things, initial and subsequent reviews of the project, meetings with developers and public officials, attending public meetings as necessary, and a portion of the administrative costs of the Community Housing program including maintaining and administering lists of potential Buyers. This fee is due to the VARHA at the time final pricing for the Community Housing units within a project is set. If necessary to facilitate project financing, however, the developer may request a deferment of this fee until units are actually sold and may request the escrow agent to deduct the fee from the developer’s sales proceeds for payment directly to the VARHA. Approval of this request shall require approval of the VARHA.

Rental Units:

1/2% of the gross rental receipts for the Community Housing units shall be payable by the property owner to the VARHA within 30 days of the end of each calendar year to cover annual requalification of tenants.

In Lieu Fees:

In the event that the Commissioners and the VARHA agree to accept an in-lieu fee from a developer (as calculated above), 10% of the amount received shall be placed in the VARHA operating fund and the remaining 90% shall be placed in the VARHA’s General Housing Reserve Fund and earmarked for purchase of Community Housing units in Valley County.

Utilization of Administrative Fees:

All administrative fees collected by the VARHA shall be utilized to fund the ongoing operations and administrative costs of the VARHA. If, at any time, the amount of funds collected for administration exceeds the projected operating costs of the VARHA for the following 12 month period, the excess of such funds will be placed in the VARHA’s “General Housing Reserve” fund which is utilized for direct investment in Community Housing programs.
Waiver:

1. Waiver: The Board of County Commissioners may waive strict compliance with some or all of the provisions of this ordinance if the developer demonstrates and the Board finds that compliance with this ordinance will deprive the landowner of all beneficial use of the property.

2. Burden of Proof: The developer shall have the burden of providing economic information or other data and evidence necessary to establish the basis that compliance with the provisions of this ordinance will deprive the landowner of all beneficial use of the property.

3. Timing of Request: The developer must make said demonstration concurrently with the first submittal of an application for the residential subdivision.

4. Timing of Decision: The Board of County Commissioners shall make the determination to waive or maintain the requirements of this section concurrently with the initial decision to approve or deny the proposed residential subdivision.

BUYING, SELLING, OR RENTING COMMUNITY HOUSING:

The purchase and resale process for Community Housing units in Valley County shall be administered by the VARHA according to the Community Housing Guidelines prepared by the VARHA. Administrative fees charged by the VARHA to individual Community Housing owners, regardless of the basis for calculation, shall not exceed 4% of the greater of the purchase or sale price of the home for each owner.

APPENDIX D-1

CALCULATION OF SALES PRICE and/or RENTAL RATES

An Excel spreadsheet which will calculate sale prices and rental rates is available via e-mail to developers considering the development of Community Housing. This spreadsheet is based on the latest income figures and allows users to calculate sale prices using different assumptions with respect to interest rate and/or homeowner fees. To receive a copy, e-mail your request to VARHA@cox.net.

The VARHA has also established an “Occupancy Factor” for each unit type. This “Occupancy Factor” is based on the number of bedrooms in a unit and is used in calculations of sales price and rental rates.

The Median Income for 2005 for a family of 4 in Valley County is: $49,900.00

To adjust for different household sizes the following adjustments to Median income are utilized:
To adjust for different unit configurations the following Occupancy Factors are utilized:

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Assumed Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio Unit</td>
<td>1.0 Persons</td>
</tr>
<tr>
<td>One-Bedroom Unit</td>
<td>1.5 Persons</td>
</tr>
<tr>
<td>Two-Bedroom Unit</td>
<td>2.5 Persons</td>
</tr>
<tr>
<td>Three-Bedroom Unit</td>
<td>4.0 Persons</td>
</tr>
<tr>
<td>Four-Bedroom Unit</td>
<td>5.0 Persons</td>
</tr>
</tbody>
</table>

Maximum Sales Prices and Rental Rates are calculated based upon the federal affordability level of 30% of gross income allocated toward monthly housing costs.

Monthly Housing Cost for OWNERSHIP units includes:
- Principal and interest payments, private mortgage insurance, property tax, insurance, homeowner’s association fees and/or land lease costs and an allowance for utilities.

Monthly Housing Cost for RENTAL units includes:
- Rent, any associated fees, and a utility allowance.

Rather than attempt to establish the actual property tax, utility payments, etc. for each individual unit, the VARHA utilizes a percentage of the Monthly Housing Cost that can be allocated towards payment of mortgage principal and interest or rent. This figure is 85%, inferring that approximately 15% of a monthly housing payment covers the cost of PMI, taxes and insurance, utilities, etc.

The VARHA utilizes the assumption that a purchaser will make a down payment of 3% of the purchase price. This figure is not utilized in rental rate calculations.

Below is an example of how the Maximum Sales Price would be calculated for a 3-Bedroom Unit priced to serve residents at 80% of median income for Valley County.

**ASSUMPTIONS:**
- Size of Unit = 3 Bedroom
- Income Category = 80% of AMI
- Mortgage Factor = 85%
- Occupancy Factor = 4.0
- Median Income Family of 4 = $49,900
- Adjustment to 80% of Median = $39,920
- Land Lease Expense = $0
- Homeowner’s Association Fee = $0
- Down Payment = 3%
- Prevailing Interest Rate = 6.50%
- Mortgage Term/Amortization. = 30 Years
First you must calculate the amount that is available for Monthly Housing Costs using the 30% of income figure:

\[
\text{Monthly Income} = \frac{39,920}{12} = 3,326.67 \\
\text{Utilities and Taxes} = 30\% \times 3,326.67 = 998.00 \\
\text{Allowance for Utilities, Taxes, etc.} = 85\% \times 3,326.67 = 848.30 \\
\text{Mortgage Balance} = 848.30 \times 6.5\% = 55.32 \\
\text{Maximum Sale Price} = \frac{134,210.24}{1.065} = 138,361.07
\]

If the unit is a one-bedroom, rather than a three bedroom, then utilizing the occupancy factor of 1.5 persons shown above, a developer would calculate an adjustment for household income of 0.75 (halfway between the 0.70 for a single person and 0.80 for two persons), and multiply the result by that figure.

RENTAL RATES are calculated in the same fashion without utilizing the down payment or mortgage factors. In the above example, the allowable rental rate for a family of 4 at 70% of median income would be $742.26.

For all Community Housing units, building permit fees, and any other fees charged by Valley County which are based on the value of the land or building, shall be calculated based on the lower of the market value or Community Housing Maximum Sale Price.

The Board of County Commissioners of Valley County hereby approves this ordinance to become effective upon its publication in the Central Idaho Star News.

Approved this ______ day of ______________________, 2006.

______________________________
F. Phillip Davis, Chairman

______________________________
F.W. Eld ATTEST:

______________________________
Thomas W. Kerr Leland G. Heinrich, Clerk