

**CARIBOU COUNTY
ORDINANCE 2021-03**

AMENDMENT OF COUNTY CODE TITLES 7, 12, AND 13.

AN ORDINANCE TO AMEND TITLE 7 PUBLIC PROPERTY, PLACES, FACILITIES; TITLE 12 SUBDIVISIONS; TITLE 12 ZONING OF THE CARIBOU COUNTY CODE TO ALLOW A PROCESS TO REQUEST A VARIANCE TO THE MAXIMUM ROAD GRADE STANDARD FOR ROADS AND PRIVATE DRIVEWAYS AND ALSO TO DEFINE DRIVEWAYS WHICH ARE IN SUBDIVISIONS OR CITY AREA OF IMPACT MUST ADHERE TO THE STANDARDS. TO ALLOW AGRICULTURAL LAND SPLITS TO ADHERE TO THE MINOR LAND DIVISION PROCESS, AND REMOVING THE LIMITATION THAT A SPLIT CAN ONLY RESULT IN FOUR TRACTS. ADOPTING CODE TO GOVERN THE USE AND INSTALLATION OF SOLAR ENERGY. CHANGING THE STANDARD THAT ANY LOTS UNDER FIVE (5) ACRES IN SIZE MUST CONNECT TO A COMMUNITY SEWER SYSTEM, AND ANY LOTS FIVE (5) ACRES OR MORE IN SIZE MAY A PRIVATE SEPTIC SYSTEM. TO ALLOW EITHER A FOUNDATION OR OTHER APPROVED ANCHORING SYSTEM FOR THE INSTALLATION OF A MANUFACTURED HOME. CHAPTER 13.12 REMOVING THE TERM “INCLUDING MOBILE HOMES” AS ANOTHER PORTION OF THE CODE DICTATES THAT MOBILE HOMES MAY ONLY BE INSTALLED WITHIN MOBILE HOME PARKS.

Whereas the County Commissioners have received a recommendation from the Planning and Zoning Commission to amend the following portions of the County Code.

NOW THEREFORE, be it ordained by the Board of County Commissioners of the Caribou County, in the State of Idaho, as follows:

SECTION 1: **REPEAL** “13.48.340 Driveways” of the Caribou County Caribou County Code is hereby *repealed* as follows:

REPEAL

~~13.48.340 Driveways (Repealed)~~

~~All driveways shall meet the following standards:~~

- (a) Driveways shall be constructed of an all-weather surface.
- (b) Where the driveway meets a public road, the driveway shall match the construction material of that road up to the right-of-way line.
- (c) Where curb and gutter are used, concrete may be used within the right-of-way.
- (d) Driveways over 150 feet in length shall have a minimum width of 16 feet at all points.
- (e) Driveways over 150 feet in length shall include a fire code-approved turnaround. Such driveways are considered fire apparatus access roads and require approval by the fire suppression district before a building permit may be issued.
- (f) Driveways over 150 feet in length shall not exceed seven percent grade.
- (g) Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, shall be built to standards of CCC 12.36.030.

- (h) No driveway shall be closer than 50 feet from the intersection of the pavement of two public roads unless at least one of the roads is an arterial; if at least one is an arterial, driveways shall be set back at least 150 feet from the intersection.

~~(Ord. No. 2019-02, exh. A(105), 5-13-2019; Ord. No. 2020-01, exh. A(12.34), 1-13-2020)~~

SECTION 2: **AMENDMENT** “13.12.080 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.12.080 Minimum Lot Size

- (a) Minimum lot size for residential uses is 40 acres; density is one dwelling per 40 acres.
- (b) The minimum lot size for all other uses in the agricultural zone is five acres when using a private septic system, ~~2 1/2 when using an extended treatment package system (ETPSs) septic system, and one acre when~~ and anything smaller than five acres must be connected ~~hooked~~ to a community ~~sewer~~ septic system.
- (c) The size of the lot is required to be adequate enough that all functions of the business take place on the property and do not impede ~~upon~~ road rights-of-way or the sight triangle (see CCC 13.48.230).

(Ord. No. 2019-02, exh. A(18), 5-13-2019; Ord. No. 2020-01, exh. A(3.08), 1-13-2020)

SECTION 3: **AMENDMENT** “13.16.080 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.16.080 Minimum Lot Size

- (a) Minimum lot size is 20 acres for a single-family dwelling, density is one dwelling per 20 acres.
- (b) The minimum lot size for all other uses in the low-density residential zone is five acres when using a private septic system, ~~2 1/2 when using an extended treatment package system (ETPSs) septic system, and one acre when~~ anything smaller than five acres must be connected ~~hooked~~ to a community ~~sewer~~ septic system.
- (c) The size of the lot is required to be adequate enough that all functions of the business take place on the property and do not impede ~~upon~~ road rights-of-way or the sight triangle (see CCC 13.48.230).

(Ord. No. 2020-01, exh. A(4.08), 1-13-2020)

SECTION 4: **AMENDMENT** “13.20.080 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.20.080 Minimum Lot Size

- (a) The minimum lot size for all uses in the High-Density Residential zone is five acres when using a private septic system, ~~2.5 acres when using an extended treatment package system (ETPSs) septic system, and half an acre when hooked~~ anything smaller than five acres must be connected to a community sewer septic system.
- (b) The minimum lot size for two-family and multifamily dwellings is the same as subsection (a) of this section except one additional acre is required per additional dwelling unit.

(Ord. No. 2020-01, exh. A(5.08), 1-13-2020)

SECTION 5: **AMENDMENT** “13.24.080 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.24.080 Minimum Lot Size

The minimum lot size for all uses in the Commercial zone is five acres when using a private septic system, ~~2.5 acres when using an extended treatment package system (ETPSs) septic system, and half an acre when hooked~~ and anything smaller than five acres must be connected to a community sewer septic system.

(Ord. No. 2020-01, exh. A(6.08), 1-13-2020)

SECTION 6: **AMENDMENT** “13.28.070 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.28.070 Minimum Lot Size

The minimum lot size for all other uses in the Light Industrial zone is five acres when using a private septic system, ~~2.5 acres when using an extended treatment package system (ETPSs) septic system, and half an acre when hooked~~ and anything smaller than five acres must be connected to a community sewer septic system.

(Ord. No. 2020-01, exh. A(7.07), 1-13-2020)

SECTION 7: **AMENDMENT** “13.32.070 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.32.070 Minimum Lot Size

The minimum lot size for all uses in the Industrial zone is five acres when using a private septic system, ~~2.5 acres when using an extended treatment package system (ETPSs) septic system, and half an acre when hooked~~ and lots smaller than five acres must be connected to a community ~~sewer~~ septic system.

(Ord. No. 2019-02, exh. A(50), 5-13-2019; Ord. No. 2020-01, exh. A(8.07), 1-13-2020)

SECTION 8: AMENDMENT “13.36.040 Minimum Lot Size” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.36.040 Minimum Lot Size

The minimum lot size for all uses in the Special Lands District is five acres ~~when using a private septic system, 2.5 acres when using an extended treatment package system (ETPSs) septic system, and half an acre when hooked to a community septic system.~~

SECTION 9: ADOPTION “13.48.365 Solar Energy” of the Caribou County Caribou County Code is hereby *added* as follows:

ADOPTION

13.48.365 Solar Energy(*Added*)

(a) Purpose. The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SESs) in Caribou County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state’s energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(b) Definitions.

(1) Solar Energy System (SES) - means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of two system types: Level 1 SES and Level 2 SES.

(2) Level 1 Solar Energy System - Level 1 SESs include the following:

- a. Roof-mounted on any code-compliant structure.
 - b. Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than 1 acre.
 - c. Covering permanent parking lot and other hardscape areas.
 - d. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
 - e. Single panel use is not required to obtain a permit; such as used for livestock wells, illumination of signs, or other small/similar uses.
- (3) Level 2 Solar Energy System - Level 2 SESs are systems that do not satisfy the parameters for a Level 1 Solar Energy System. These systems are not permitted currently in the County as it cannot be determined there is a place for the components to be recycled or discarded when it is time to decommission the facility.

(c) Applicability.

- (1) This ordinance applies to the construction of any new SES within the jurisdiction of Caribou County.
 - (2) An SES established prior to the effective date of this ordinance shall remain exempt:
 - a. Exception: Modifications to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to this ordinance.
 - (3) Maintenance and repair are not subject to this ordinance.
 - (4) This ordinance does not supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to:
 - a. Building/Electrical Permits Required Nothing in this ordinance modifies already established building standards required to construct a SES.
- (d) Permits Required. The type of permit required for an SES are as follows:
- (1) Building permits are required for all SES
- (e) Parcel Line Setbacks. All SESs shall adhere to the setback requirements for residential or commercial use for the zone the they will be located. Setbacks apply to ground mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility. Front setbacks shall be from the Right-of-Way (ROW) edge of the road.
- (f) Height Limitations. The height of systems will be measured from the highest natural grade below each solar panel.
- (1) Roof-mounted systems are subject to the height limits listed within the applicable zone district standards.
 - (2) Ground mounted systems have a height restriction of twenty-feet (20').
- (g) Aviation Notification. The requirements below apply only to systems over half (½) an acre in size:
- (1) A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.
 - (2) The latest version of the Solar Glare Hazard Analysis Tool (SGHAT)11 shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 45 days before starting construction for Level 1 SES. Proof

of delivery of notification and date of delivery shall be submitted with permit application.

(h) Level 1 Solar Energy System Requirements.

- (1) Level 1 SESs are a permitted use in all zones, provided they meet the applicable height, setback, and applicable zone district standards.

SECTION 10: ADOPTION “12.20.030 Division Of Agricultural Zoned Land” of the Caribou County Caribou County Code is hereby *added* as follows:

ADOPTION

12.20.030 Division Of Agricultural Zoned Land(*Added*)

(a) Division of Agricultural Zoned Land.

- (1) The minor land division process shall apply to the division of all Agriculture Zoned land over 40 acres in size.
- (2) The land splits may result in five or more lots, without having to adhere to the subdivision ordinance.
- (3) All other provisions of the minor land division applies.

SECTION 11: AMENDMENT “7.12.630 Design Criteria” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

7.12.630 Design Criteria

(a) General design criteria.

- (1) In cases where the county road design standards are more restrictive, the county standards shall prevail. Any variation from these design guidelines shall be performed by a state-registered professional engineer and approved by the county road and bridge supervisor.
- (2) The road grade can exceed seven percent, up to ten percent, when the road and or driveway design has been performed by a state-registered professional engineer to be passable by emergency vehicles. Any variance to the road grade that exceeds ten percent is subject to petitioning for a formal variance which adheres to the public hearing process outlined in CCC 13.52.060, excluding the requirement that the request must go before the planning and zoning commission. Instead, a single public hearing will be held before the board of county commissioners where the final decision is made by the board of county commissioners.
- (3) Prior to any construction of a roadway, design drawings shall be submitted to the county road and bridge supervisor for review and approval. The design drawings shall address the design criteria set forth in this division and shall include plan and profile views of the proposed roadways. The plans will be shown at a one-inch equals 20-foot or one-inch equals 40-foot horizontal scale and will include minimum two-foot contours. A typical section of the roadway showing, at a minimum, the roadway

width, the depths of materials, the roadside drainage, and the location of the right-of-way will be required. Cross-sections of the roadway at 50-foot or shorter intervals may be required at the discretion of the road and bridge supervisor. The road and bridge supervisor will have 30 days to review the design drawings and provide comment to the applicant.

- (b) *Roadway classification.* All roadways within the county are classified in accordance with the appropriate federal highway administration legislation. All streets and highways are functionally classified as arterials, collectors, or local roads. A description of the functional classification categories is included in the county transportation plan, along with a functional classification system map showing which roads carry such classifications. A map showing the functional classifications can also be obtained from the state transportation department.

- (c) *Public roadway right-of-way.*

- (1) The recommended width of the public roadway right-of-way for each classification is as shown in table 1 of this section. Additional right-of-way width may be required in the north county (Ashton and Island Park) area to allow for storage of plowed snow.

TABLE 1. RECOMMENDED RIGHT-OF-WAY WIDTHS

<i>Type of Roadway</i>	<i>Minimum Width of Public Right-of-Way*</i>
Arterials	Subject to state requirements
Collectors	70—100 feet
Local roads	60—80 feet
Subdivision roads	50—70 feet
Private roads	20 feet, subject to increased width at owner's expense if it becomes a public road
Note: *Additional widths may be required for higher traffic corridors or accommodation of extreme cut or fill sections. Fences should be constructed at least five feet beyond the toe of the slope to prevent damage to the fence from plowed snow.	

- (2) All intersections of highway right-of-way lines at street and highway intersections and at cul-de-sac bulbs shall be connected by a curve having a minimum radius of 20 feet. See figures 1 and 2 of this section.
- (3) Cul-de-sacs shall have a minimum right-of-way of a 65-foot radius with additional highway right-of-way as needed to accommodate unusual cut and fill sections. The road surface (asphalt or gravel) within the cul-de-sac shall have a minimum 50-foot radius, with at least 15 feet of right-of-way beyond the edge of the road surface for drainage, signs, snow removal, maintenance activities and placement of utilities. A standard cul-de-sac layout is shown in figure 1 of this section.
- (d) *Right-of-way permit.* A right-of-way permit issued by the county road and bridge department is required for any construction activity within the public right-of-way of any roadway maintained by the county. This pertains to activities such as placement of utilities, service lines, private approaches or irrigation facilities. The county reserves the right to require boring of the roadway, rather than trenching through the existing pavement, when trenching may compromise the integrity of the road surface.

- (1) When the right-of-way is at least 70 feet in width, utilities will be granted the following easements within the public right-of-way:

- a. Dry utilities will be granted a five-foot easement adjacent to and within the right-of-way lines. The following will be considered a "dry" utility: electricity, gas, communications and other utilities that do not transport water. Power and gas utilities are not to be placed within the same five-foot utility easement.
 - b. Wet utilities will be granted a three-foot easement adjacent to the outside edge of the shoulder. The following will be considered a "wet" utility: water, sanitary sewer, storm sewer and steam. Water and sewer utilities are not to be placed within the same three-foot utility easement. Potable water and sewer lines must maintain a minimum separation of ten feet.
- (2) When the right-of-way is less than 70 feet in width, all new above-ground utilities must be constructed at least 15 feet from the shoulder of the road or 24 feet from the centerline, whichever is greater and still within the right-of-way. Underground dry utilities should be placed near (within four feet of) the right-of-way line rather than along the shoulder, so the lines are not disturbed or paved over if the road is widened. The minimum width of the right-of-way of existing county roads is prescribed to be 50 feet, but many existing county road rights-of-way are 60 or 66 feet wide.

FIGURE 1 — Standard Cul-De-Sac Layout

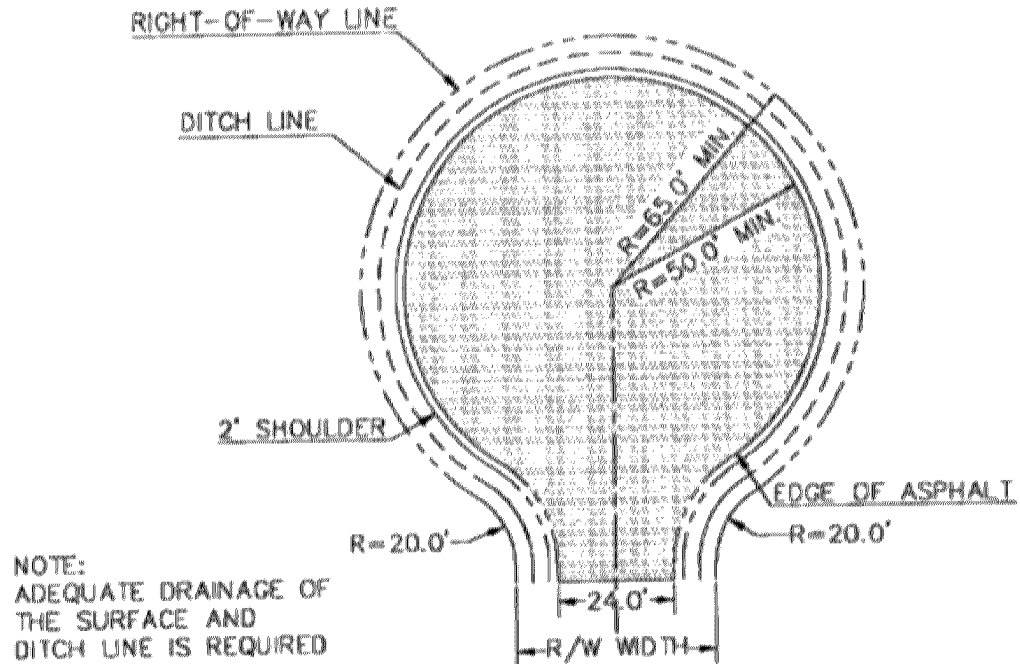
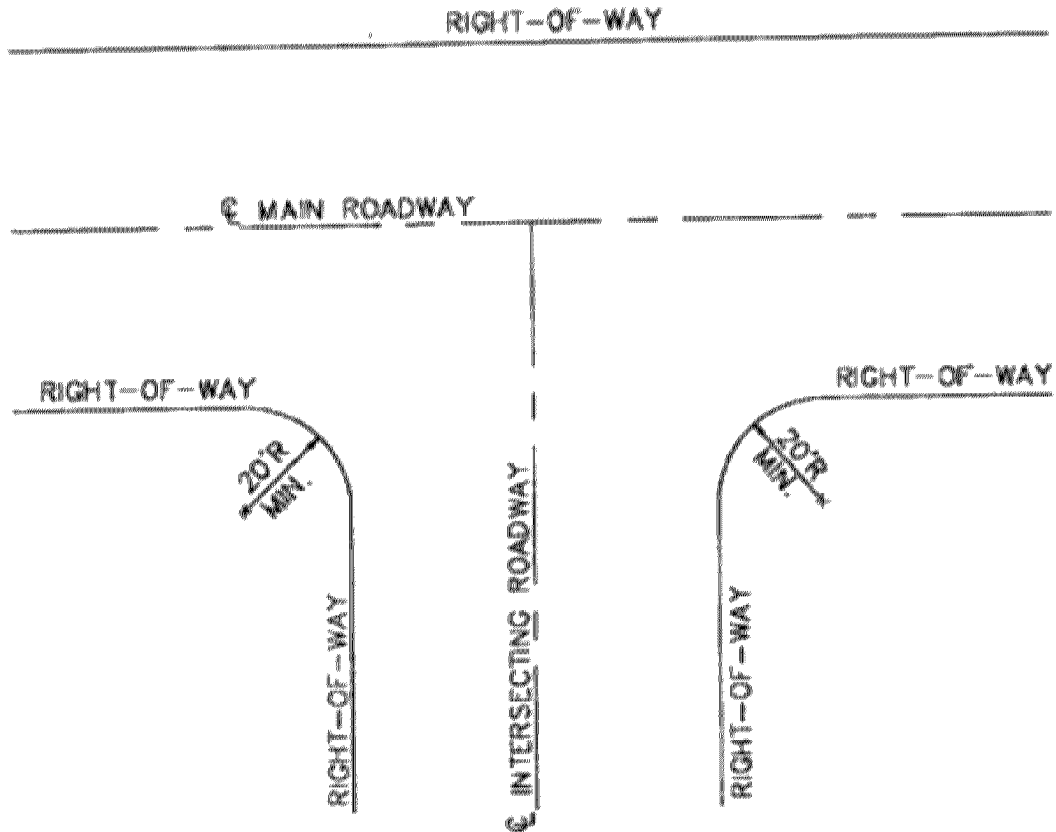


FIGURE 2 — Right-of-Way Intersections



- (3) The entire required right-of-way may not need to be cleared. Grading should be confined to the area necessary for construction of a properly drained road surface and to provide a clear zone for safety. Where a road passes through timber or brushy vegetation that creates a wildfire hazard, the entire right-of-way shall be treated as a fuel reduction area where trees or brush are thinned to a density where crowns do not overlap or touch and ladder fuels are removed. Construction slash shall be removed from the right-of-way along with other fuels.

(e) *Alignment.*

- (1) Table 2 of this section shows the minimum and maximum values for various parameters used in alignment design criteria for the three functional classes of roadways.

TABLE 2. GEOMETRIC DESIGN CRITERIA

<i>Design Parameter</i>	<i>Arterials</i>	<i>Collectors</i>	<i>Local Roads</i>
Vertical grades*	Min. 0.5% Max. 6%	Min. 0.5% Max. 7.6%	Min. 0.5% Max. 8.7%***
Horizontal curvature	Max. 7°	Max. 11.5°	Max. 25°
Minimum radius** (with superelevation)	340 ft. at 35 mph 1,330 ft. at 60 mph	340 ft. at 35 mph 833 ft. at 50 mph	154 ft. at 25 mph** 643 ft. at 45 mph
Design speed	35—60 mph	35—50 mph	25—45 mph
Superelevation	Max. 0.06 ft. per ft.	Max. 0.06 ft. per ft.	Max 0.06 ft. per ft.
Angles of intersection	85—95°	85—95°	85—95°
Notes: *Roadways constructed using curb and gutter sections may have a minimum grade of 0.35 percent. **Radius measured to centerline of roadway. 25 m should be limited to four percent superelevation. ***May be increased to ten percent with special attention to maintenance consequences.			

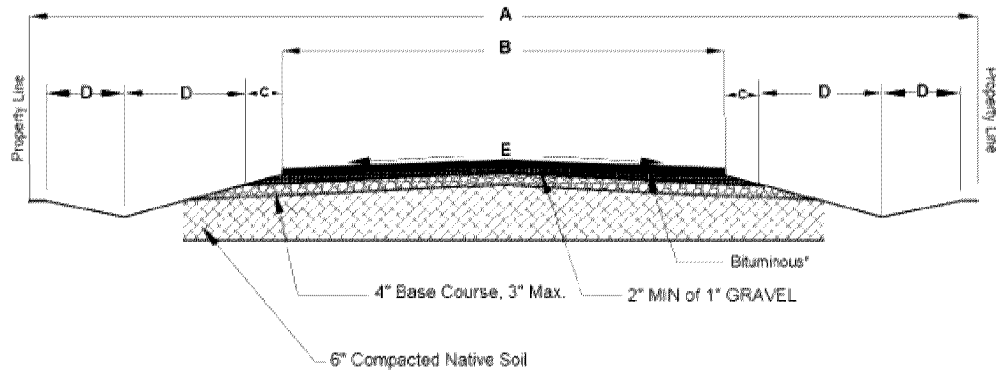
- (2) All approaches shall be, for local roads, a minimum of 125 feet from any intersection, measured from the intersection right-of-way to the edge of the approach; 155 feet for collector roads; and 200 feet for arterial roads. These distances may be increased based on factors such as type of facility and amount of traffic expected to be generated. ~~Private approaches may be a minimum of 50 feet apart.~~ The distance between private approaches will be at the discretion of the road and bridge supervisor and take into consideration the road classification, size, speed limit, visibility and other factors. The road and bridge supervisor can require shared approaches and or frontage roads for new development.

- (3) One-way streets are not allowed by these roadway standards.
- (4) Clear sight triangles on approaches and intersections from a stop condition shall be unobstructed along both directions of the road as outlined in the zoning ordinance, set forth in CCC title 13.
- (5) No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above the grade of the adjoining roads shall be permitted within a clear sight triangle.
- (6) No on- or off-street parking shall be permitted within a clear sight triangle.
- (7) No trees will be permitted within a clear sight triangle. Tree branches that overhang into the clear sight triangle must be removed to a height of at least 12 feet above the centerline grade of the adjoining roads.
- (8) Mailbox turnouts shall be constructed in accordance with guidelines adopted by the county.

(f) *Roadway cross-section.*

- (1) The typical roadway details are shown in figure 3 of this section, including the cross-section characteristics required for roadways within the county. Additional lanes shall be a minimum of 12 feet wide, unless specifically approved by the county road and bridge supervisor. Roadways that are or will be maintained by the county may be wider than 30 feet. The width of county-maintained roadways will be determined by the county road and bridge supervisor on a case-by-case basis.

Figure 3 - ROAD STANDARD DIAGRAM



<i>Type of Road</i>	<i>Collector</i>	<i>Local</i>	<i>Subdivision Road</i>	<i>Private Road</i>	<i>Private Lane</i>
A – Min. Right-of-Way Width	70'-100'	60'-80'	50'-70'	50'-70'	20'
B – Min. Surface Width	26'	24'	24'	24'	16'
C – Min. Shoulder Width	3'	3'	3'	2'	2'
D – Side Slope of Shoulder, Slope of Surface & Shoulder	3:1	3:1	3:1	3:1	3:1
Maximum Grade **	6.7%	7%	7%	7%	7%
Type of Surface Required	Bituminous	Bituminous	Bituminous	Gravel or Bituminous	Gravel or Bituminous

- (2) A minimum subbase depth of four inches of pit run gravel at a width of 30 feet, compacted to 95 percent of standard density, is required on all roads. The pit run gravel should be placed in layers not exceeding nine inches and compacted between layers. The county road and bridge supervisor reserves the right to require more than four inches of subbase depth based on knowledge of the soils at the location of the proposed project.
- (3) A four-inch depth of compacted three-fourths-inch crushed gravel is required over the subbase.
- (4) If asphalt is required, the pavement shall be a minimum 24 feet wide with a minimum depth of 2.5 inches. New roads that intersect with an existing paved road will be required to be paved to the right-of-way line of the existing road, with a minimum 30-foot radius at the intersection. All asphalt shall meet or exceed the county pavement mix requirements. A copy of the mix design can be obtained from the county road and bridge department. A certified material testing

company shall conduct asphalt mix design, temperature, and compaction tests. Copies of the test results shall be sent to the county road and bridge supervisor.

- (5) If curb and gutter is installed, it shall be constructed according to the requirements of the current edition of the Idaho Standards for Road and Bridge Construction (ISPWC). The county road and bridge supervisor shall review and approve of the type of curb to be used prior to construction. (See also subsection (g)(7) of this section).
- (6) Grade at intersections: The first ten feet on all access approaches shall have a decline of three percent in slope (measured from the edge of pavement or the shoulder of a gravel road); the next 50 feet can be either an incline or a decline of no more than three percent.
- (7) The roadway cross-section outside the traveled way and inside the public right-of-way shall follow the general guidelines outlined in figure 3 above.

(g) *Drainage.*

- (1) *All* drainage facilities for new roadway construction shall be designed in partnership with the county road and bridge supervisor in conjunction with the roadway plans, prior to commencing construction. The design storm return period shall be a ten-year, six-hour storm and meet the winter and spring runoff needs. Any disruption of the normal drainage pattern of the area to be developed must have special consideration to accommodate future drainage.
- (2) All roadside drainage ditches shall be a minimum depth of 30 inches, measured from the edge of the road surface shoulder. Drainage ditches shall be reseeded after construction with a seed mixture which is appropriate for the area, as recommended by the local natural resource conservation service (NRCS) office.
- (3) Culverts used for drainage purposes should be of corrugated steel, aluminum, or concrete with the thickness and cover over the top of the pipe being in conformance with table 3 of this section (other types of materials must be approved by the county road and bridge supervisor).

TABLE 3. CULVERT REQUIREMENTS

<i>Diameter (Inches)</i>	<i>Steel Thickness (Inches)**</i>	<i>Aluminum Thickness (Inches)</i>	<i>Concrete Class*</i>	<i>Cover Required** (Inches)</i>
12—36	0.064	0.060	V	12 minimum
Notes: *Other classes of concrete pipe may be used if proper cover is provided in accordance with the manufacturer's recommendations. **Using corrugated metal pipe with 2? inches by one-half-inch corrugations. Culverts or multiple installations larger than 36 inches in diameter, pipe arch culverts, or any structure under extreme fills shall require special consideration to meet requirements for minimum cover and other parameters.				

- (4) Culverts across the roadways shall be a minimum of 15 inches diameter or the size necessary to convey the design volume of water, whichever is greater. Culverts under approach roads or driveways shall have a minimum diameter of 12 inches (or the size

necessary), a minimum length of 30 feet, and shall meet the requirements of subsection (g)(3) of this section.

- (5) All necessary drainage easements for accommodating drainage structures shall be shown and recorded on the plans or subdivision plat as a part of the approved plans or final plat. Drainage easements necessary for draining stormwater across private property shall be shown on the plans or final plat and recorded with the county recorder, either on or with the final plat, or if there is no final plat then by a letter from the applicant describing the areas containing the easements, such as lots or blocks, and recorded with the county recorder.
- (6) Disruption of natural drainage ditches and subsequent use of the roadway drainage ditch to convey the natural drainage is prohibited. Highway drainage ditches shall not be used for conveying irrigation water of any type. All new irrigation facilities shall be constructed and maintained outside the public road right-of-way, or outside of a private road easement.
- (7) Roadways having a centerline grade greater than six percent, and which are located in areas with erosive soils (defined as moderate to very severe soil ratings in the erosion hazard (road, trail) portion of the National Cooperative Soil Survey, published by the NRCS), shall require a hydraulic analysis be performed that addresses erosion potential within the drainage ditches or shall include additional culvert crossings (in the range of one every 300 feet to 500 feet) to reduce the distance of overland flow within the roadside ditches.

(h) Driveways. Driveways in subdivisions or within city area-of-impacts shall meet the following standards:

- (1) Driveways shall be constructed of an all-weather surface.
- (2) Where the driveway meets a public road, the driveway shall match the construction material of that road up to the right-of-way line.
- (3) Where curb and gutter are used, concrete may be used within the right-of-way.
- (4) Driveways over 150 feet in length shall have a minimum width of 16 feet at all points.
- (5) Driveways over 150 feet in length shall include a fire code-approved turnaround. Such driveways are considered fire apparatus access roads and require approval by the fire suppression district before a building permit may be issued.
- (6) Driveways over 150 feet in length shall not exceed seven percent grade, or ten percent grade if it is engineered to be passable by emergency vehicles.
- (7) Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, shall be built to standards of CCC 12.36.030.
- (8) No driveway shall be closer than those distances indicated in CCC 7.12.630(e)(2).
- (9) Driveways which are not within a platted subdivision or city area of impact may be exempt from these standards when the landowner signs an affidavit of understanding that failure to construct a driveway to the aforementioned standards can result in emergency services being unable to access the property.

(i) Structures.

- (1) Bridge structures shall be designed by a state-registered professional engineer.
- (2) The minimum width of a bridge structure from the face to face of curb or the face to face of the guardrail or bridge rail shall be the full width of the approach roadway including pavement width and shoulder width, plus one foot eight inches on each side, for a total additional width of three feet four inches.
- (3) There shall be a minimum 50-foot long, 90-degree approach to all bridges.
- (4) The vertical clearance above waterways shall be two feet above the 50-year flood, and the 100-year flood must pass beneath the bridge. The road and bridge supervisor will require a hydraulic analysis and drawings including slope and cross-sections of the waterway prior to approval of the bridge. The vertical clearance over other roadway

surfaces shall be a minimum of 16 feet. Ice flow conditions can affect clearance and shall be taken into consideration by the bridge designer.

- (5) Any crossing over a canal must be approved by the canal company as to type of structure, clearance and/or other criteria determined to be pertinent by the canal company.
- (6) Only structures of steel, steel and concrete, or treated wood shall be used. Approval of structures using other materials will be considered and approved or disapproved by the county road and bridge supervisor on a case-by-case basis.
- (7) Retaining walls should be reinforced concrete, bin walls, reinforced earth, or concrete crib walls. Approval of retaining walls using other materials will be considered and approved or disapproved by the county road and bridge supervisor on a case-by-case basis. All retaining wall structures shall be designed by a state-registered professional engineer and shall be approved by the county road and bridge supervisor prior to their construction.
- (8) A developer may be required to install a bridge rather than a culvert on any natural watercourse on the recommendation of the state fish and game department and approved by the county road and bridge supervisor, where such action is required to protect the fishery.

(j) *Signage.*

- (1) All traffic control devices (signing, pavement markings, and traffic signals) shall be shown on the design plans. The traffic control devices and their application shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) as adopted in the state. All signs shall be installed by the applicant prior to the acceptance of the project by the county road and bridge supervisor.
- (2) All temporary traffic control shall conform to the MUTCD, latest edition.
- (3) Road name signs shall utilize one of the following colors based on the road use type:
 - a. Red: private lane, not for public use;
 - b. Blue: public access; however, not maintained by the county;
 - c. Green: public road and maintained by the county.

(k) *Guardrail.*

- (1) Guardrails may be necessary in certain areas depending upon the need for protection of the traveling public. The county road and bridge supervisor reserves the right to determine the need for guardrails under each separate circumstance.
- (2) The type of guardrail to be installed shall be determined for each project based on need, location and maintenance considerations.

(l) *Striping or pavement markings.* The county road and bridge supervisor shall determine pavement marking requirements subject to MUTCD requirements. The color, pattern and dimensions of markings shall be in conformance with the MUTCD, latest edition. Paint quality shall be the same as that used by the state transportation department for their pavement markings.

(m) *Cattle guards.*

- (1) Cattle guards shall be constructed in collaboration with and approved by the road and bridge supervisor.
- (2) Idaho Code, § 40-2310, regulates the installation of cattle guards on local highways and shall be referenced when the question arises. Cattle guards shall be placed on private property when necessary for private approaches. Idaho Code, § 40-203(5), discusses obstruction of the public right-of-way and the misdemeanor offense involved.

(n) *Drawing submittal/approvals.*

- (1) *Improvement drawings.* All improvement drawings submitted for road and bridge checking/approval shall include a copy of the proposed final plat and development

agreement.

- (2) *Plat signing/recording.* Plats shall not be permitted to be signed/recorded until the improvement drawings have been approved and signed by all parties involved.
- (3) *Drawings of record.* Prior to the county road and bridge department issuing a letter of conditional acceptance for subdivisions, the developer's representative/engineering firm shall inspect in detail and amend the improvement drawings to drawings of record. The firm shall then submit said drawings of record with a letter stating the subdivision was constructed to county standards. Inspection reports may be required including compaction testing.
- (4) *Final subdivision guarantee.* All materials and workmanship shall be warranted by the developer/contractor for a minimum period of one year after the date the letter of substantial completion has been officially entered into the county commissioner's minutes. If repairs are required, the contractor shall promptly repair said work, upon written notice from the county and without expense to the county.
- (5) *Final bid documents guarantee.* All materials and workmanship shall be warranted by the developer/contractor for a minimum period of one year after the date the letter of substantial completion has been officially entered into the county commissioners' minutes. If repairs are required, the contractor shall promptly repair said work, upon written notice from the county and without expense to the county. If the contractor fails to proceed with said repair after notice within a period of ten days, the county will require the contractor and his surety be liable for all costs incurred. If emergency repairs are needed, the county may have to make said repairs and the contractor/developer shall pay the cost thereof.

SECTION 12: **AMENDMENT** "7.12.510 Submittal Of Permit" of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

7.12.510 Submittal Of Permit

- (a) Any individual who desires to perform any construction which will require any disturbance to any county roadway, which requires the removal of the roadway surface or county right-of-way, shall, prior to the commencement of any construction, shall submit a permit to the road and bridge supervisor and county commissioners and have said permit approved by the road and bridge supervisor and board of county commissioners prior to the commencement of the construction. The permit shall be as follows:

Permit to Construct Across County Road

The County of Caribou, State of Idaho, grants permission to

_____ (name of permittee), to construct and
place/install a _____ (type of construction),
across/under a Caribou County road according to the most recent official Caribou
County road map located at:

_____. (Please describe the location of construction by section, township, range and location in reference to other roadways or identifying landmarks.)

- (b) The permittee shall install said construction to a depth sufficient so that it will not interfere with the use, maintenance, grading and snow removal by the county on the said road or said road right-of-way. The cost for said permit shall be set by resolution.

If the permittee does disturb the surface of the roadway, said disturbance is not to exceed 36 inches in width or the permittee shall incur an additional fee to be determined by the county commissioners. In addition to the permit fee, if the permittee does disturb the roadway, the county has set by resolution additional fees that will be charged by the road type of gravel, chip sealed or hot mix matted road.

- (c) The permittee shall hold the county harmless from any and all claims or demands of any person or entity whatsoever arising out of said construction or location of said construction underneath the county road or said road right-of-way, or arising out of the maintenance and use of said construction. Said construction shall be located at a minimum depth beneath said right-of-way. (The depth shall be determined by the county road and bridge superintendent.) The county recommends the permittee perform said construction by burrowing beneath the road surface.
- (d) During the construction or during any maintenance of said construction, the permittee shall place adequate barriers, signs, flashing lights, or other warning devices warning of said construction at the construction site so as to prevent injury or damage to any third person or property. The permittee shall be responsible for all damages sustained by the county or the public during the construction across the road. The permittee shall indemnify the county of any liability associated with the construction under this permit.
- (e) The county shall have the right to remove the construction at any time without reimbursement to the permittee when removal of the same is deemed to be necessary or in the best interest of the county. Furthermore, the permittee shall remove said construction described above at any time and upon the request of the county. In the event of future construction, relocation, or realignment of any county right-of-way by the county, the permittee shall, at his own expense, cause said construction to be relocated.
- (f) The county shall not be liable to the permittee, his heirs, successors, or assigns, for damage or destruction of said construction as a result of road repair, road construction, road relocation, snow removal, or by any other means, or for any other reason, and shall not be responsible for the costs of replacement or repair of said construction or the relocation thereof, and the permittee shall be solely responsible for said costs.
- (g) This agreement shall be binding upon the heirs, successors, and assigns of the parties hereto. This permit may not be assigned without the express written permission of the county. This permit is valid for one year from the date of the signing of this document by the county commissioners.

(Ord. No. 07-03, § 3, 8-27-2007)

SECTION 13: **AMENDMENT** “13.12.030 Permitted Uses” of the Caribou County Caribou County Code is hereby *amended* as follows:

AMENDMENT

13.12.030 Permitted Uses

With staff review and approval of site plan (CCC 13.52.030), permitted uses in the agricultural district include:

- (a) Detached single-family dwellings ~~including mobile homes~~ as defined by this title;
- (b) Accessory uses which are customarily incidental to residential uses;

- (c) Agricultural uses and buildings and structures customarily incidental to such uses;
- (d) Home occupations as defined in this title;
- (e) Outdoor for-pay recreation uses;
- (f) Agricultural support;
- (g) State-licensed day care homes with up to six client children;
- (h) Public utility installations, not including business offices;
- (i) Commercial stables;
- (j) Kennels;
- (k) Mining;
- (l) Public service facilities;
- (m) Enclosed horse arena for personal and public use;
- (n) Wind energy system, small.

(Ord. No. 2019-02, exh. A(14), 5-13-2019; Ord. No. 2020-01, exh. A(3.03), 1-13-2020)

SECTION 14: **AMENDMENT** “13.48.140 Manufactured Housing” of the Caribou County Caribou County Code is hereby *amended* as follows:

A M E N D M E N T

13.48.140 Manufactured Housing

- (a) *Applicability.* This section shall apply to the use and placement of all manufactured housing outside mobile home parks.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Manufactured housing means housing mass-produced in a factory and designed and constructed for transportation to a site of installation and long-term use when connected to required utilities; constructed on a chassis; and must meet the following standards as originally manufactured:
 - (1) The manufactured housing unit must be certified as meeting the National Manufactured Home Construction and Safety Standards as administered by the U.S. Department of Housing and Urban Development, and built after June 15, 1976;
 - (2) Shall be anchored to a permanent perimeter foundation or in a manner that conforms to the building code and is approved by the county building official;
 - (3) Shall have siding which is characteristic of site-built houses. Such siding includes wood siding, horizontal lapped (clapboard), Masonite, T-111 plywood or wood shakes. Vertical lapped metal siding and other sidings not customarily used on site-built single-family houses is prohibited;
 - (4) Shall have a pitched roof constructed to withstand minimum snow loads for its placement area as determined by the building code. The pitch of the roof shall be a maximum of 55 degrees inside angle. The roof shall be finished with materials which give the appearance of a roof on a site-built house.
- (c) *Residential use.* After obtaining the proper permits, including, but not necessarily limited to, a building permit and zoning permit, a manufactured housing unit meeting the standards in subsection (b) of this section may be placed on a lot and used as a single-family residence permanently or temporarily in any zoning district in which single-family residential uses are permitted. When applying for a zoning permit, the

- applicant shall provide a photo of the manufactured home and evidence that the unit meets the other standards as may be requested by the planning or building official.
- (d) *Permitted nonresidential use.* Manufactured housing as defined in subsection (b) of this section and meeting the standards therein may be permitted in conjunction with permitted nonresidential uses in any zoning district, either as the principal building or as an accessory building.
 - (e) *Other applicable regulations.* All other requirements and standards of this title, and those of the state division of building safety, shall apply. Where a conflict exists, the more restrictive requirement shall apply.
 - (f) *Agricultural zone.* Manufactured housing units not meeting standards in subsection (b) of this section may seek a design deviation regarding siding and roof for placement in the agricultural zone only. The planning and zoning administrator may grant the design deviation at his discretion. Minimum requirements for a design deviation are:
 - (1) The manufactured home site shall be screened on four sides at the property line or at 100 feet from the manufactured home, whichever is shorter. The screening will comply with standards set forth in CCC 13.48.170, and must be in place before an occupancy permit is issued. The land owner may elect to site the manufactured home to take advantage of existing screening. If trees are used as screening, fire suppression and prevention measures must be taken by the owner.
 - (2) If the manufactured home is placed in any city's area of impact, that city's planning official will be invited to make recommendations on the screening or buffering and other placement design details.
 - (3) Other requirements may be imposed which will promote aesthetics and protect neighboring land values.
 - (4) The manufactured home, if manufactured prior to 1977, shall be certified as rehabilitated according to Idaho Code, title 44, ch. 25.
 - (g) *Temporary use.* A manufactured house or a recreational vehicle containing a kitchen and a bathroom may, at the discretion of the planning and zoning administrator, be used as a temporary residence while a permanent site-built residence is under construction, or during rehabilitation due to fire or other natural disaster, if the applicant is able to obtain a building permit for construction of a permanent residence.
 - (1) Separate building and zoning permits shall be required for the temporary unit. Such temporary placements shall not be placed prior to the permanent home having passed the building inspection for the foundation or basement walls.
 - (2) The building permit authorizing the construction of the permanent residence and the permit authorizing the use of the manufactured home as a temporary residence shall become null and void if work on the permanent residence is suspended or abandoned for a period of 180 days.
 - (3) Within no more than 12 months from the date the permit is issued for the temporary residence, the manufactured housing unit or recreational vehicle shall be vacated and removed from the premises and the premises shall be rehabilitated so as to remove all evidence of the prior presence of the manufactured home or recreational vehicle. If, for reasons beyond the applicant's control, he is unable to complete the permanent residence within one year, the planning and zoning commission may grant one one-year extension of the temporary placement.

SECTION 15: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16: EFFECTIVE DATE All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed The rule requiring the reading of this Ordinance on three separate occasions is hereby waived. Therefore, the Ordinance 2021-3 as set forth is hereby adopted. This Ordinance shall be in full force and effect from December 13th, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CARIBOU COUNTY BOARD OF COUNTY COMMISSIONERS DECEMBER 13, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Bryce Somsen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Marty McCullough	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



Mark Mathews, Chairman, Caribou County

Attest

Denise Horsley, County Clerk Caribou County

S. Douglas Wood, County Attorney,
Caribou County