

Chapter 1 – Caribou County Zoning Ordinance

1.01 Title.

1.01.01. This title shall be known and cited as the zoning ordinance of Caribou County, Idaho. The ordinance codified in this title replaces and repeals Caribou County Zoning Ordinance adopted February 25th, 2008. It further amends Ordinance 2019-02 and repeals Ordinances 2009-02, Caribou Blue Landing and Blackfoot Harbor Setbacks and Parking and Ordinance 2017-03, Wind Energy.

1.02 Purpose.

1.02.01. The purpose of this title shall be as follows:

- A. To promote and protect the health, safety, comfort and general welfare of the public;
- B. To support and implement the stated goals of the county as expressed in the Comprehensive Plan;
- C. To provide for and protect agricultural lands and sensitive natural resource areas;
- D. To mitigate the effects of incompatible land uses upon adjacent uses;
- E. To provide protection against fire, explosions, hazardous materials, obnoxious fumes, loud noise, and other hazards and nuisances which constitute environmental pollution;
- F. To preserve and enhance the value of land and buildings throughout the county;
- G. To protect and improve the county's quality of life so that the county will be increasingly valued by residents and nonresidents as a desirable place for recreation, living and working.

1.03 Adoption of Comprehensive Plan.

1.03.01. The goals and actions for the 2012 Comprehensive Plan are adopted by resolution, which is on file in the county clerk/recorder's office. Said plan shall be in effect in all unincorporated lands within the jurisdiction of the board of commissioners. The methods of implementing the actions of the plan shall be considered and give direction to the future development of Caribou County, Idaho, which are shown in the adopting ordinance.

1.04 Consistency with Comprehensive Plan.

1.04.01. It is the intent of Caribou County that the zoning ordinance shall be consistent with the Caribou County Comprehensive Plan, and with any supplemental land use and community development policies which may be adopted by the Board of County Commissioners.

1.04.02. In the event the zoning ordinance becomes inconsistent with the Comprehensive Plan or with any supplemental land use and community development policies of the county, by reason of the adoption of a new plan or by amendment of the existing plan or supplemental policies, it is the intent of the Board of County Commissioners that the zoning ordinance be amended within a reasonable time so as to become or remain consistent with the revised or amended Comprehensive Plan and land use and community development policies.

1.04.03. Additionally, it is the intent of the Board of County Commissioners that all amendments to the zoning ordinance shall maintain and enhance the consistency between the zoning ordinance and the Caribou County Comprehensive Plan.

1.05 Applicability.

1.05.01. The zoning ordinance shall apply to all of the unincorporated areas of the county. The use of all land and any buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion or relocation of any building or structure upon the land shall

conform to all regulations applicable to the district in which the land is located except as otherwise provided below. No land, building, structure or premises shall be used for any purpose or in any manner other than as permitted in the district in which such land, building, structure or premises is located except as provided below. The provisions of this title shall be applied to all land, buildings, structures and premises of the unincorporated areas of Caribou County.

1.06 Conflicting provisions.

1.06.01. The zoning ordinance shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations, easements, covenants or agreements, the provisions of these regulations shall control.

1.07 Severability of provisions.

1.07.01. If any section, subsection, sentence, clause or phrase of this title if for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being expressly declared that this title and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

1.08 Definitions - For the purpose of this title, certain words and phrases are defined as follows:

1.08.01. "Accessory use" means a use which is customary, incidental, and subordinate to the primary use or structure on the same parcel of land. See Accessory Uses Sections 12.02.-12.05

1.08.02. "Aesthetics" means the visually pleasing properties of an area relating to its natural state or the built environment, such as reduced visibility of development, consistent bulk and placement limitations including height, and the like.

1.08.03. Agricultural Soils, Prime. "Prime agricultural soils" means land highly suited for the production of food, feed, and other crops. See National Resource Conservation Service standards for location and evaluations.

1.08.04. Agricultural support use" means a use that provides services that directly support agricultural uses on the same property or on adjacent agricultural lands such as:

- A. Production, storage and sale of seeds, feed, and other agricultural produce;
- B. Storage, fabrication and sale of irrigation systems;
- C. Processing of milk products;
- D. Storage, mixing and sale of fertilizers;
- E. Transportation services for hauling on-premises-produced agricultural products;
- F. Repair and sales of farming equipment.

1.08.05. "Anchor store" means a major store which is typically located in a shopping center to attract customers who then typically patronize other shops in the center.

1.08.06. Animal, Domestic. "Domestic animal" means an animal customarily reared as a pet, including dogs, cats, rabbits, fish, etc.,

1.08.07. Animal, Farm. See "livestock."

1.08.08. Animal, Wild. "Wild animal" means an animal that is customarily not reared as a domestic animal or livestock.

1.08.09. "Appurtenance" means a supplemental component, architectural feature, or decoration that has been added to or extends outward from the exterior of a building wall and which is not a primary component of the structure itself, including mechanical equipment, bay windows, radio or television antenna, low decks, open porches, awnings, chimneys, and other similar features.

1.08.10. "Architectural design committee" means a civil committee established by a developer through recorded declarations of covenants which have the authority to perform functions given them by the recorded document. Functions often include reviewing applications in subdivisions, planned unit developments, or master planned communities to ensure that the application complies with the development's codes, covenants, architectural guidelines, and restrictions. Caribou County does not develop or enforce codes, covenants, and/or restrictions whereas those documents are wholly civil agreements between the development and its property owners.

1.08.11. "Area of Impact (AOI)" means that area defined by the city and county ordinances that surrounds a city. In the absence of ordinances Idaho Code defines the area as being one mile beyond a town or city's borders. The AOIs are locations where cities and towns will likely expand and grow into the unincorporated county and may annex property (with willing landowners). (Also see impact area agreement.)

1.08.12. "Attached Housing" means a structure which shares a common wall or walls with another unit. Some examples of attached dwellings are; townhomes, condominiums, row houses, apartment buildings and high-rise residential towers.

1.08.13. "Awning" means a roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a deck, etc., in order to provide protection from the elements.

1.08.14. "Bed and breakfast" means the use of a dwelling as an inn, where the residence remains the primary use.

1.08.15. "Bicycle trail" means a public way, usually ten to twenty (20) feet in width and often surfaced, restricted from motorized or horse travel.

1.08.16. "Billboard" means a sign advertising a facility, product or event not on the site occupied by the sign. Also called "outdoor advertising."

1.08.17. "Board" means Caribou County board of commissioners.

1.08.18. "Boardinghouse" means a building other than an inn where, for compensation, lodging for three or more unrelated people is provided for usually a week or longer. Living quarters in said residence are not provided with separate kitchens.

1.08.19. "Buffer" means a design device to ameliorate or prevent the damaging effects of one kind of land use on another. Buffers may act as acoustic and/or visual screening devices.

1.08.20. Buffer, Landscape. "Landscape buffer" means a natural buffer which creates a desirable use of the land and which provides space, obstructs undesirable views, and reduces impacts of one type of land use on another.

1.08.21. "Build-to line" means the line at which construction of a building façade is to be placed on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade on a street.

1.08.22. "Building" means any structure, either temporary or permanent, having a roof supported by walls.

1.08.23. "Building code" means the latest approved edition of the International Building Code.

1.08.24. "Building site" means a recorded lot or parcel of land occupied or to be occupied by a main building and its accessory buildings, or a specified area within a lot as indicated on a recorded survey or plat.

1.08.25. "Campground" means an area open to the public and operated either by public authority or as a private business where space and certain facilities are provided which may include a convenience store, restrooms, laundry, shower and utilities for accommodation and parking of recreational vehicles, tents and similar uses.

1.08.26. "Canopy tree" means a deciduous tree that grows to a height of thirty (30) feet or more.

1.08.27. "Central mailbox" means a cluster of mailboxes or a large shared mailbox.

1.08.28. "Central sewer" means a sewage and effluent pretreatment facility serving more than one structure, and owned privately or in common by other than a governmental entity.

1.08.29. "Certificate of occupancy" means a statement signed by the building official setting forth that a structure and land may lawfully be employed for specific uses, and certifying that the structure and land meet the requirements of this title and the building code as adopted by the county.

1.08.30. "Commercial agriculture" means a for-profit operation which is devoted to horticulture and/or to the production of livestock, dairy animals, dairy products, fur-bearing animals, fish, crops, nursery stock, fruit, vegetables, forage, grains, bees or apiary products.

1.08.31. "Conditional use" means a land use that would not be appropriate generally, but may be allowed if restrictions can be provided to render the land use compatible with surrounding uses.

1.08.32. "Commission" means Caribou County Planning and Zoning Commission.

1.08.33. "Day care center" means a building originally constructed for nonresidential purposes where children, not children of the operator, are cared for.

1.08.34. "Day care home" means a day care operation conducted in the home of the operator.

1.08.35. "Density" means the number of dwelling units per acre of land. Each zoning district has a specified density.

1.08.36. "Develop" and "development" mean to divide land for purposes other than agriculture; to prepare land for division, building or improvements, including grading, fencing for planned residential lots, road building, or utility placement; to place structures or utilities, fencing for other than agriculture, or roads. Also includes a change in the use of an existing structure or on land; mining or excavation; a material change in the external appearance of a structure or land; placement of accessory buildings; demolition of a structure; deposit of waste or fill on a parcel of land; alteration of a shore, or floodplain of a body of water or riparian area. "Development" does not include maintenance and repair within a right-of-way, external maintenance or improvement of an existing structure, or the use of land for growing plants, crops, trees, and other agricultural or forestry products.

1.08.37. Dwelling, Multiple. "Multiple dwelling" means a building or portion thereof, containing three or more dwelling units.

1.08.38. Dwelling, Single-Family. "Single-family dwelling" means a building or portion thereof, containing a single dwelling unit. The classification "single family dwelling" shall include any group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age-related infirmity. Additionally, resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence. No more than two (2) of such staff shall reside in the dwelling at any one time (as per Idaho Statute 67-6531).

1.08.39. Dwelling, Two-Family or Duplex. "Two-family or duplex dwelling" means a building or portion thereof, containing two dwelling units.

1.08.40. "Dwelling unit" means a building or portion thereof, containing two or more rooms and used for independent living quarters by one family only, with bath and kitchen facilities permanently installed.

1.08.41. "Energy efficiency" means a way of managing and restraining the growth in energy consumption. Something is more energy efficient if it delivers more services for the same energy input, or the same services for less energy input.

1.08.42. Extraction. See "mining."

1.08.43. "Façade" means the front, outer, or principal face of a structure.

1.08.44. "Family" means three or fewer unrelated persons, or two or more persons related by blood, marriage, adoption or custody, living together in a dwelling unit.

1.08.45. "Feedlot" means corrals or holding areas for the impoundment of livestock for market or production of milk, eggs and the like, and not incidental to a farm or ranch livestock operation.

1.08.46. "Floodplain" means an area susceptible to flooding, as designated by the Army Corps of Engineers on Flood Insurance Rate Maps, published by Federal Emergency Management Agency.

1.08.47. Garage, Front-Loaded. "Front-loaded garage" means a garage whose entry faces the same direction as the front of the primary structure.

1.08.48. "Garden center" means a retail business or portion of a retail business devoted to the sale of outdoor plants, as well as garden equipment and tools.

1.08.49. "Gas station, service station, or filling station" means an establishment where motor fuels are sold at retail. Incidental vehicle maintenance and repair is sometimes also conducted on the premises.

1.08.50. "Geographic Information Systems Department" hereafter known as the GIS Department, is the department which oversees the maintenance, management, modification and updates to the all governing maps of the County under the direction of the Planning and Zoning Commission and County Commissioners.

1.08.51. Commission direction or other Commissions containing County authority

1.08.52. "Grandfather right" means the right to continue operating a legal nonconforming use.

1.08.53. "Green court (green space)" means a community gathering space which is open on at least one side and which fronts or is adjacent to a right-of-way or road.

1.08.54. "Hardship" means the proposed use of the property and associated structures in question cannot be established under the requirements of this title, and no other reasonable alternative exists.

1.08.55. "Hazardous materials" means any materials that are considered by the building official or federal Environmental Protection Agency to be hazardous to public health or safety.

1.08.56. Height, Building. "Building height" means the vertical distance from grade plane to the average height of the highest roof surface.

1.08.57. Hog or Pig Farming, Commercial. "Commercial hog or pig farming" means the keeping of more than six adult swine on the premises.

1.08.58. "Home occupation" means a use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, and no more than one additional person and which is clearly

incidental and secondary to residential occupancy and does not change the character thereof. See Section 12.15 for the complete regulations regarding home occupation.

1.08.59. Impact Area, City. "City impact area" means that area surrounding a city, defined by county and city ordinances, and in their absence Idaho Code, as being one mile beyond a city's borders.

1.08.60. "Impact area agreement" means an agreement reached by city and county officials which prescribes which entity's ordinances will apply in the area of city impact area, and how development applications are processed. An impact area agreement is enacted by ordinances by the county and city, the result of which is an ordinance or resolution by both governments. (Also see area of city impact.)

1.08.61. "Important wildlife habitat" is as determined by Idaho Fish and Game. Habitat values change with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time. Soils Survey evaluates the potential of soils for habitat and will also be considered by staff and Commission.

1.08.62. Inn. See "motel, hotel or inn."

1.08.63. "Institutional housing" means housing for certain classes of people such as students, nurses, mentally or physically disabled, and elderly. Such housing does not provide individual kitchens for the residents.

1.08.64. "Junkyard" means any land used for a salvaging operation, including but not limited to the storage or sale of waste paper, rags, scrap metal, discarded materials, and used auto parts. A junkyard includes the collection, dismantlement, storage or salvage of four or more unlicensed or inoperative vehicles. This definition excludes uses established entirely within enclosed buildings, and farm machinery in agricultural zoning districts.

1.08.65. "Kennel" means any place on which more than four dogs and/or more than four cats, of six months in age or older, are kept, or any number of dogs or cats are kept for the purpose of sale, placement, boarding, care or breeding, for which any fee is exchanged.

1.08.66. "Landscaping" means outdoor plants such as trees, grass, shrubs and flowering plants.

1.08.67. "Light pollution" means excessive, misdirected, or obtrusive artificial light which competes with the natural night sky.

1.08.68. "Live/work units" means a single building unit consisting of both a commercial/office and a residential component that is occupied by the same resident(s). The live/work unit shall be the primary dwelling of the occupant. Live/work units typically have the business on the ground level and the living quarters above, alongside, or behind the business. The commercial component of live/work units are intended for use by the occupations such as accountants, architects, artists and photographers, attorneys, computer software and multimedia-related professionals, consultants, engineers, hair stylists, home-based office workers, insurance, real estate and travel agents, one-on-one instructors, limited retail, and similar occupations.

1.08.69. "Livestock" means any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land or the carrying on of any agricultural activity: Agricultural Holdings Act 1986.

1.08.70. "Lot" means the contiguous land in the same ownership which is not divided by any public road right-of-way.

1.08.71. Lot, Corner. "Corner lot" means a lot situated at the intersection of two roads.

1.08.72. "Lot depth" means the distance between the front and rear lot lines, measured along the median between the side lot lines.

1.08.73. Lot Frontage, Reverse. "Reverse lot frontage" means a lot extending between, and having frontage on, an arterial and a minor street, and with vehicular access solely from the latter.

1.08.74. Lot, Interior. "Interior lot" means any lot other than a corner lot.

1.08.75. "Lot line" means the lines bounding a lot.

1.08.76. Lot, Reverse Corner. "Reverse corner lot" means a corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

1.08.77. "Lot width" means the distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

1.08.78. "Manufactured Housing", see Section 12.14.

1.08.79. "Master development plan (MDP)" means the county-approved plan for the development of the entire master planned community. The MDP includes all documents required for approval by the county.

1.08.80. "Master planned community (MPC)" as defined in Chapter 10, MPCs are self-sustaining communities that are larger than seven hundred fifty (750) acres in size and with integrated commercial, recreational, natural, and residential land uses with strong emphases in non-automobile transportation. MPCs are often developed in numerous phases/developments and subdivision and zoning regulations are applied to the project as a whole.

1.08.81. "Mid-block passageway (PASEO)" means those streets, alleys, and non-vehicular ways that provide connectivity to land uses. Mid-block Passageways may consist of private easements or public rights-of-way.

1.08.82. "Minimum landscaped space" means the percentage of lot areas which must be maintained in grass or other living vegetation.

1.08.83. "Mining" means the extraction of sand, gravel, rocks, soil or other material from the land and the removal thereof from the site. For the purposes of this title, mining shall not include the removal of excess materials in accordance with approved plats, or utility and highway construction, normal farming practices, and sod removal. Such uses will be inherently permitted in the agricultural zone if the proposed mine is subject to Federal and State review and has received approval from said governing agencies.

1.08.84. "Motel, hotel or inn" means a building or group of buildings designed mainly to serve travelers and others on a short-term basis.

1.08.85. "Municipal services" means those basic services which are traditionally provided by city governments. Services may include but are not limited to sanitation (sewer and refuse), water, streets, libraries, police, ambulance, and transportation.

1.08.86. "Municipal sewer" means a system of sewer lines and treatment facilities to deliver and treat sewage, developed, serviced and managed by a governmental entity or agency.

1.08.87. "Neighborhood commercial uses" means retail uses and personal services which primarily serve the neighborhood in which they are located, including convenience stores, dry cleaners, bakeries and day care centers.

1.08.88. "Noise park" means an area, track, course, structure or structures, grading and the like devoted to the use of off-road vehicles such as motorcycles, cars, snowmobiles, trucks, carts and the like, either for personal or commercial use.

1.08.89. Nonconforming Uses. See Section 12.19.

1.08.90. Nursery, Wholesale. "Wholesale nursery" means a business which grows and sells living plants primarily to other businesses.

1.08.91. Nursery, Retail. "Retail nursery" means a business which grows and sells living plants primarily to individuals for use inside or outside a residence.

1.08.92. "Nursing home" means a form of institutional housing that is provided with facilities for the boarding and care of the aged and the infirm.

1.08.93. "Open space subdivision" means a division of land which produces individual lots and reserves a specified amount of the original area in perpetually undeveloped or unchanged condition.

1.08.94. "Outdoor storage" means storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

1.08.95. "Overlay zone" means a zone superimposed over another zone or zones allowing for additional uses or restrictions.

1.08.96. Parking Lot, Outdoor Room. "Outdoor room parking lot" means a design element intended to view parking lots as three-dimensional areas and which are created using tree and ground cover plantings and limited parking stalls in each room.

1.08.97. "Performance standards" means regulations providing specific standards for design and/or construction.

1.08.98. "Planned unit development (P.U.D.)" means a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of stages of development. Subdivision and zoning regulations are applied to the project as a whole rather than to individual lots. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of housing and provision of open space. A P.U.D. often includes a mix of residential uses and may also include nonresidential uses that are compatibly and harmoniously incorporated into the unitary design of the project. See Section 13.05 of rules and regulations regarding P.U.D.s.

1.08.99. "Planning and Zoning Administrator" means the Planning and Zoning Administrator or his/her representative.

1.08.100. "Plaza" means a pedestrian gathering space, generally open to the public on a controlled basis and which is typically designed with seating areas, and with a variety of ground-plane finishes such as hard surfaces, lawn, and other landscaping.

1.08.101. "Primary use" means the principal use to which the premises are devoted, and the principal purpose for which the premises exist.

1.08.102. Prime Agricultural Land. See "Agricultural soils, prime."

1.08.103. "Public service facility" means structures and uses essential to fulfilling supportive functions related to the health and well-being of the public, including fire stations, police stations, military training or recruiting facilities, public parks, recreational facilities which are operated on a not-for-profit basis, not-for-profit educational facilities, and administrative offices for public service uses.

1.08.104. "Public utility" means structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, and pumping stations.

1.08.105. "Quarry" A place whence stones are dug for the purpose of being employed in building, making roads, and the like. Which when listed as a permitted use the land owner must submit proof of mineral rights to the Planning and Zoning Administrator in advance of establishing this use. This can include gravel pits, rock quarries, sand and clay pots and other natural resources of commercial value not under state or federal supervision and control. The extent and method of rehabilitation shall be determined in advance of issuing a zoning permit with due consideration given to what is

suitable and compatible with the surrounding area. Upon depletion of the area all temporary buildings and structures except property line fences and structures for the loading, measuring or weighing of salable material in storage shall be entirely removed from the property.

1.08.106. "Quarter-Quarter Section" for the purposes of these provisions, a quarter-quarter section or government lot shall be equivalent to a forty (40) acre parcel.

1.08.107. "Recreational vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling or living quarters, recreational or sporting purposes. The term "recreational vehicle" shall include, but not be limited to travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

1.08.108. "Recreational Vehicle (RV) Park" see "Campground."

1.08.109. "Recycling collection point" means a container for the collection of recyclable materials which are specified on the container.

1.08.110. "Recycling facility" means a building used for the collection, shipping and distributing of used materials, or for the remanufacture of waste materials into another product or form. If materials are stored outside the building, the facility shall be deemed a junkyard.

1.08.111. "Rifle and/or Pistol Range" means a shooting, firing or gun range that is a specialized facility designed for firearms qualifications, training or practice. Any such range will be designed with a backstop, designed to avoid a line of fire that is directed towards any residence or business within two (2) miles. Will provide supervision and security measures during use.

1.08.112. "Right-Of-Way" (R-O-W) is a county easement for public travel on County roadways. The size of a right-of-way is determined by the type of roadway designation such as "Local Road", "Collector Road" and "Arterial Road".

1.08.113. "Riparian areas" and "riparian corridors" mean all lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds and lakes and their margins. Riparian corridors are connected riparian areas; usually serves as a movement route for fish or wildlife.

1.08.114. "Road" means a public or private thoroughfare which affords principal means of access to abutting property.

1.08.115. "Sawmill" also lumber mill is a factory in which logs are sawed into lumber by machine.

1.08.116. "Screening" means earth mounds or berms, sight-obscuring fence and walls, landscaping used singly or in combination to block direct visual access to an object.

1.08.117. "Setback" means the minimum distance between a structure or improvement and a lot line.

1.08.118. "Short-term House Rental" means leasing or renting one's house out for a length of time less than thirty (30) days; such rentals have been known as Airbnb or Vacation Rental by Owner (VRBO).

1.08.119. "Sign" means a lettered board, name, emblem, identification, trade name, trademark, illustration or the like which is affixed to, painted on or represented, directly or indirectly upon a building, structure or land which relates to a person, activity, facility, organization or business located on the premises.

1.08.120. Sign, Blade. "Blade sign" means a sign attached to a building façade, outdoor structure, or other surface perpendicular to the normal flow of traffic.

1.08.121. Sign, Freestanding. "Freestanding sign" means a sign which stands on the ground and is not attached to a building.

1.08.122. Sign, Monument. "Monument sign" means a freestanding sign that is self-supporting in a fixed location and not attached to a building and which has a support structure that has a solid-appearing base constructed of permanent material, such as concrete block or brick.

1.08.123. Sign, Wall. "Wall sign" means a sign attached to or erected on the exterior wall of a building or structure or on a canopy marquee or similar overhang with the exposed face of the sign on a plane approximately parallel to the plane of the exterior wall and extending no more than three feet above the lowest point of the roof of such a building or structure.

1.08.124. "Shooting preserve" means an area used for shooting for which a fee is charged.

1.08.125. "Solar reflectance index" means a measure of the constructed surface's ability to stay cool in the sun by reflecting solar radiation and emitting thermal radiation. It is defined such that a standard black surface (initial solar reflectance 0.05, initial thermal emittance 0.90) has an initial SRI of 0, and a standard white surface (initial solar reflectance 0.80, initial thermal emittance 0.90) has an initial SRI of 100. To calculate the SRI for a given material, obtain its solar reflectance and thermal emittance via the Cool Roof Rating Commission Standard (CRRC-1). SRI is calculated according to ASTM E 1980. Calculation of the aged SRI is based on the aged tested values of solar reflectance and thermal emittance.

1.08.126. Stable, Commercial. "Commercial stable" means a facility where horses are boarded, bred or raised by the occupants of the premises for a fee. Also includes facilities that rent horses for riding. Typical uses include boarding stables or public stables.

1.08.127. Stand, Roadside. "Roadside stand" means a structure used only for the display and sale of locally grown produce with no space for customers within the structure.

1.08.128. "Stepback architecture" means a type of setback design in which step-like recessions are designed as part of the structure's architecture.

1.08.129. "Stream or riparian corridor setback" means the distance from the outer riparian edge of a natural waterway on which structures are prohibited.

1.08.130. "Structure" means anything constructed which requires permanent location above or below the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, bridges or culverts across streams, signs, fences, billboards, tennis courts, swimming pools, satellite dishes, antennas, yard lights, etc.

1.08.131. "Subdivision ordinance" means Caribou County's currently adopted ordinance providing standards and process for the division of land.

1.08.132. "Surface mining operations" means the activities performed on a surface mine in the extraction of minerals from the ground, including the excavating of pits, removal of minerals, disposal of overburden, and the construction of haulage roads, exclusive of exploration operations, except that any exploration operations which, exclusive of exploration roads, (a) result during a period of twelve (12) consecutive months in more than five (5) contiguous acres of newly affected land, or (b) which, exclusive of exploration roads, result during a period of twelve (12) consecutive months in newly affected land consisting of more than ten (10) noncontiguous acres, if such affected land constitutes more than fifteen percent (15%) of the total area of any circular tract which includes such affected land, shall be deemed to be a surface mining operation for the purposes of this chapter.

1.08.133. Travel Trailer. See "recreational vehicle."

1.08.134. Tree Sizes. For evergreens, height is used. For deciduous trees, the diameter of the trunk at a height of one foot above the ground is used.

1.08.135. "Urban heat island" means an urban area that is significantly warmer than its surrounding rural areas due to human activities. Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality.

1.08.136. "Urban service area" means the portion of an area of city impact in which a city's land use ordinances apply as stated in the applicable area of city impact agreement.

1.08.137. "Variance" means a modification of the requirements of this title as to lot size, lot coverage, width, depth, height of structure, setbacks, parking space, or other ordinance provisions affecting the size and shape of a structure or the placement of the structure upon lots, or the size of lots. See Section 13.09.

1.08.138. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (identified and defined by Army Corps of Engineers).

1.08.139. "Wildlife corridor" means the daily or seasonal migration patterns of native animal species.

1.08.140. "Wildlife preserve" means a parcel of land whose primary purpose is a habitat for wild animals, indigenous to Idaho. Wildlife preserves are confined, private areas and do not include state of Idaho wildlife management areas or unconfined lands which are wildlife habitat.

1.08.141. "Wind energy facilities" is defined as an electricity-generating facility consisting of one or more large energy systems under common ownership or operating control that includes substations, met towers, cable/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s). See Section for 12.37 for additional regulations.

1.08.142. "Wind Energy System, Large" means a wind energy system that is used to generate electricity for one or multiple off-site customer(s) and has a tower height of more than sixty-five feet (65'). See Section for 12.37 for additional regulations.

1.08.143. "Wind Energy System, Small" means a wind energy system that is used to generate electricity for private use and has a maximum tower height of sixty-five feet (65'). See Section 12.37 for additional regulations.

1.08.144. "Xeriscaping (xeroscaping)" means a landscaping method which utilizes water-conserving techniques, such as the use of drought-resistant plants, mulch, and efficient irrigation.

1.08.145. "Yard" means the area between any lot line and the setback required therefrom.

1.08.146. Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of the yard being the minimum distance between the front lot line and the part of a building closest to the front lot line, or to the required setback from the street if development is not present.

1.08.147. Yard, Rear. "Rear yard" means a yard extending across the full width of the lot, between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of a main building.

1.08.148. Yard, Side. "Side yard" means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of a main building.

1.08.149. "Zero lot line" means a setback in which structures may be placed up to the edge of the property so as to create more usable space.

1.09 Planning and land development fees.

FEE ITEM	FEE
SUBDIVISION ORD.	
Subdivision Plat (Concept)	\$210.00 plus \$26.00 per lot for 1 to 5; \$10.00 per lot over 5
Planned Unit Development (PUD)	PUD — same as above plus CUP fee \$365.00
Subdivision — Preliminary review	\$210.00 plus \$26.00 per lot for 1 to 5; \$10.00 per lot over 5
Subdivision — Final Plat Check	\$210.00 plus \$26.00 per lot for 1 to 5; \$10.00 per lot over 5
Construction Plan check	\$210.00 plus \$26.00 per lot for 1 to 5; \$10.00 per lot over 5 includes one review and a re-check
Conditional Use Permit	\$365.00
Variance (same as CUP)	\$365.00
Zone Changes	\$630.00
Appeals to the Board of Commissioners	\$145.00 plus cost of transcripts
Vacation (road right of way, subdivision, Easement)	\$420.00
Road construction inspections	\$315 plus \$52 per lot plus actual testing costs re-inspections \$52.00 per hour
Zoning Permit	\$25.00 (will include site clearance)
Site Grading	\$105.00 — when not related to another permit
Addressing Atlas	\$75.00
New Address Application	\$300.00

Chapter 2 Zoning Districts—Establishment.

2.01 Purpose.

2.01.01. In order to separate land uses which are incompatible and to mitigate the effects of land uses which conflict, the county is divided into zoning districts as shown on the official zoning map of the county which is adopted and made a part of this title as though fully set forth in this title. The

zones shown on the official zoning map shall correspond to the zones described in the text of this title. All land within the unincorporated areas of Caribou County shall be subject to the restrictions contained in this title.

2.02 Zoning Districts designated.

2.02.01. To further the purposes stated in this section the following names shall apply to zoning districts created by this title:

District Name	Symbol
Agricultural	AG
Low Density Residential	LDR
High Density Residential	HDR
Commercial General	CG
Light Industrial and Warehouse	LIW
Industrial	IN
Special lands	SL
Master Planned Community	MPC

2.02.02. All overlay zoning maps and boundary descriptions are generated by the County GIS Department unless otherwise noted or permitted by other applicable law. The GIS Department develops, maintains and updates the maps under the Planning and Zoning Commission direction or other Commissions containing County authority.

2.03 Zoning map requirements and district boundaries.

2.03.01. The official zoning map shall serve as the true record of zoning district boundaries and shall bear the signatures of the Board of County Commissioners. Signed originals of the official zoning map shall be kept on file in the office of the county clerk and department of Planning and Zoning Department. Zoning district boundaries shall conform as closely as possible to surface features such as roads, alleys, streams, and ridge lines or valley bottoms or to legal boundaries such as lot lines, subdivision boundaries, property lines, and government survey boundaries.

2.03.02. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map the following shall apply.

2.03.03. Where district boundaries are indicated as approximately following the centerline of street lines, highway right-of-way lines, streams, lakes or other bodies of water the centerline shall be construed to be such boundary.

2.03.04. Where district boundaries are so indicated that they approximately follow lot, block, section or section quarter lines such lines shall be construed to be said boundaries.

2.03.05. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given such dimensions shall be determined by the County GIS Department.

2.03.06. Where a location is in question as to which zoning district it falls into, the GIS Department shall determine the corresponding district by cause of geographically referencing the location in the County geographical information system.

2.03.07. Should disagreements arise concerning district boundary interpretations made by the planning staff, the question may be submitted in writing to the Board of County Commissioners for a final decision.

Chapter 3 - AGRICULTURAL DISTRICT (AG)

3.01 Purpose.

3.01.01. The purpose of the Agricultural (AG) district is to preserve commercial agriculture as a viable permanent land use and a significant economic activity within the county.

3.02 Characteristics of Land ~~in this district.~~

3.02.01. The agricultural designation is to be applied to land which includes prime farmland, and which has not been divided into small agriculturally unusable parcels. The Agricultural Zone is not intended to accommodate nonagricultural development. Factors to be considered in designating land for agricultural districts should include, but not be necessarily limited to the amount of prime farmland in the area, existing lot sizes and land uses in the area and the character of surrounding land uses.

3.03 Permitted uses.

3.03.01. With staff review and approval of site plan (Section 13.03), permitted uses in the Agricultural district include:

- A. Detached single-family dwellings including mobile homes 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

3.04 Uses conditionally permitted.

3.04.01. The following land uses may be conditionally permitted in the Agricultural district subject to conditions established in this section and elsewhere in this title:

- A. All nonresidential uses permitted as conditional uses in the High-Density Residential district;
- B. Bed and breakfast facilities Rendering, butchering, slaughter, skinning or processing of animals;
- C. Campground/Recreational Vehicle (RV) Park
- D. Feed lot;
- E. Zoo;
- F. Wildlife preserves;
- G. Sawmill;
- H. Shooting preserve;
- I. State-licensed day care homes or centers with seven or more client children;

3.04.02. Divisions of Agriculturally zoned land for residential use. - Land in the agricultural district may be divided for residential use in the following manner:

- A. One dwelling unit shall be permitted for each forty (40) acres of land in a single ownership.
- B. Building lots shall be created by following the requirements set out in the subdivision ordinance of Caribou County, as amended.
- C. Subdivision, as defined in the Caribou County Subdivision Ordinance, shall be permitted in the agricultural district.

3.05 Subdividing in the Agricultural zone.

3.05.01. Subdivision shall have a single access, built to county standards, to a county-maintained road.

3.05.02. The recorded plat must include all the land used to determine the number of lots, and all but the permitted lots be restricted from residential development.

3.05.03. All other requirements and standards of the Subdivision Ordinance shall apply. Example: A one hundred twenty (120) acre tract could result in a three-lot subdivision designed according to the criteria in the Sub-Division ordinance. All but the individual lots would serve as the open space with no additional open space required.

3.05.04. These regulations are to be regarded as limitations on the overall density of development in the Agricultural Zone, not as minimum building site or minimum lot size requirements.

3.05.05. No more than four non-farm and/or farm dwellings or a combination thereof may be placed in the same quarter-quarter section.*

3.06 Farmhouse Land Split

3.06.01. It is recognized that many farmers and or ranchers desire to split the farmhouse from the larger farming operation. This section establishes the requirements for such land splits.

3.06.02. For houses built prior to May 13, 2019 in the Agricultural zone a one-time land division to separate the farmhouse from the farm is allowed when it meets the following requirements:

- A. The house was built or building permit applied for prior to May 13, 2019 when the Caribou County Zoning Ordinance was adopted.
- B. The minimum lot size for the farmhouse after the split must be a minimum of two (2) acres.
- C. The entirety of the farmhouse septic and leach field must be on the resulting lot for the farmhouse.
- D. When the resulting land division will still grant direct access to a public road or an easement granting access to the property from a public road for both the farmhouse lot and the farm land.
- E. Utilities must be established and utility easements honored that are in existence.

3.06.03. To apply for a Farmhouse Land Split an application with proposed land division plan must be submitted to the Planning and Zoning Administrator for review.

3.06.04. Upon approval from the Administrator the applicant may proceed with the survey to divide the land and have the resulting survey recorded.

3.07 Building Bulk and Placement Standards

3.07.01. This table of building bulk and placement standards are measured from the Right-of-Way edge of the road and the side and rear property lines

3.07.02. The following table sets forth building bulk and placement standards for the agricultural district:

AGRICULTURAL DISTRICT
Minimum Setbacks (feet)

	From Local Road R-O-W	From Arterial or Collector Road R-O- W	Rear Yard	Side Yard
Permitted Uses:				
Single-family residence	40	50	30	20
Residential accessory structures	40	50	15	20
Structures and accessory structures for commercial agriculture and farm animals	100	100	100	100

3.07.03. Riparian Setbacks.

- A. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou County Office of Planning and Zoning Department, as well as any other recognized jurisdiction.

3.07.04. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

3.08 Minimum Lot Size

3.08.01. Minimum lot size for residential uses is forty (40) acres; density is one dwelling per forty (40) acres.

3.08.02. The minimum lot size for all other uses in the Agricultural Zone is five-acres (5) when using a private septic system, two and one-half acres (2.5) when using a nitrate reducing septic system, and one-acre (1) when hooked to a community septic system.

3.08.03. 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 Right-of-Ways or the Site Triangle, see Section 12.23.

Chapter 4 LOW-DENSITY RESIDENTIAL DISTRICT (LDR)

4.01 Purpose.

4.01.01. The Low-Density Residential (LDR) zoning district is established to provide low density, single-family residential areas in rural settings. LDR districts require lot sizes or sufficient open space to maintain a semi-rural setting.

4.02 Characteristics of Land.

4.02.01. The Low-Density Residential designation is to be applied to existing neighborhoods with larger, rural-sized lots, and for areas of underdeveloped land which will serve as buffer areas between agriculture districts and urbanizing areas. Factors to be considered in designating land for LDR districts should include, but not be limited to, availability of county services and roads, types of surrounding land uses, and suitability of land to safely handle individual well and sewage systems on lots five acres or more in size, or higher densities with central or municipal water and sewer systems.

4.03 Uses Permitted.

4.03.01. With staff review and approval of site plan, see Section 13.03, permitted uses in the LDR district include:

- A. Single-family dwellings;
- B. Accessory buildings, structures and uses which are customarily incidental to residential uses;
- C. Golf courses;
- D. Churches;
- E. Commercial agricultural uses for use on the premises, buildings, and structures, except hog farms, feed lots, and agricultural support uses;
- F. Home occupations as defined in this title;
- G. Livestock on one acre or more of land;
- H. Livestock pens or runs located a minimum distance of fifty (50) feet from a neighboring house, or the minimum setback for a residence if no house yet exists;
- I. Private, noncommercial recreational facilities;
- J. Public service facilities;
- K. State licensed day care for up to six client children at any one time in the day care operator's primary residence or a day care center;

L. Wind Energy System, Small;

4.04 Uses Conditionally Permitted.

4.04.01. The following land uses may be permitted conditionally in the LDR district subject to conditions established in this section and elsewhere in this title:

- A. Public utility installations, not including business offices, repair or storage facilities;
- B. State-licensed day care for more than six client children at any one time to a maximum of twenty (20) children in the day care operator's primary residence; licensed day care for over twenty (20) children may be conditionally permitted in a structure which was not initially constructed for residential purposes;
- C. Cemeteries;
- D. Institutional housing;
- E. Multifamily dwellings;
- F. Bed and breakfast facilities;
- G. Additional conditional uses to be determined by Planning and Zoning Commission.

4.05 Parking standards.

4.05.01. All residential development shall meet the parking standards set forth in the High-Density Residential district, Section 5.05 inclusive.

4.06 Subdividing in the Low-Density Residential district.

4.06.01. The following methods of subdividing are permitted in the LDR zone:

- A. Open space designed subdivision (see design standards of subdivision ordinance) with density of one dwelling to 5 acres. Open space designed subdivisions are required in the LDR zone if one or more of the following apply:
 - 01. A proposed subdivision's average net lot size is less than five acres,
 - 02. If the proposed subdivision includes important wildlife habitat;
- B. Conventional with a 10-acre minimum lot size if individual well or septic systems are used. Such subdivisions are prohibited from further division;
- C. Planned unit development provided that municipal water and sewer are provided and limited to locations within Area of Impact (AOI); density may be up to one dwelling per one-half acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development.
 - 01. Minimum size for a planned unit development in the LDR district shall be ten acres and the maximum size is one hundred (100) lots or dwelling units and one hundred (100) acres.
- D. All subdivisions on a city boundary may apply to be annexed into that city which has designated that land to be within its area of city impact; in the event the city declines in writing to annex the development, the county shall hear the application in accordance with its area of impact agreement with the city, or Idaho Code shall apply if none exists.

4.07 Building bulk and placement standards.

4.07.01. This table of building bulk and placement standards are measured from the Right-of-Way edge of the road and the side and rear property lines.

4.07.02. The following table sets forth building bulk and placement standards for the Low-Density Residential district.

LOW DENSITY RESIDENTIAL DISTRICT
Minimum Setbacks (feet)

	From Local Road R-O-W	From Arterial or Collector R-O-W	Rear Yard	Side Yard	Maximum Structure Ht. (ft.)
Single-family residence	30	50	30	10	35
Two-family residence	30	50	30	10	35
Accessory structures	30	50	20 ^(a)	20 ^(a)	35
Agricultural and Farm Animal Structures and Accessory Structures	100	100	50	50	35
Non-residential buildings	30	50	20 ^(b)	20 ^(b)	35

A. Or height of structure, whichever is greater.

B. Or height of building, whichever is greater.

4.07.03. Riparian Setbacks. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou, as well as any other recognized jurisdiction

4.07.04. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

4.08 Minimum lot size

4.08.01. Minimum lot size is twenty (20) acres for a single-family dwelling, density is one dwelling per twenty (20) acres.

4.08.02. The minimum lot size for all other uses in the Low-Density Residential Zone is five-acres (5) when using a private septic system, two and one-half acres (2.5) when using a nitrate reducing septic system, and one-acre (1) when hooked to a community septic system.

4.08.03. 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 Right-of-Ways or the Site Triangle, see Section 12.23.

Chapter 5 HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

5.01 Purpose.

5.01.01. The High-Density Residential (HDR) zoning district is established to provide small (two and a half (2.5) acre or less) residential estates on municipal sewage treatment facilities and/or water systems, or larger lot development where sewer effluent and water systems can be provided. The

HDR district is located on the boundaries of the county's cities where municipal services are expected to be extended, and usually within a city's area of impact.

5.02 Characteristics of Land.

5.02.01. The High-Density Residential designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the Comprehensive Plan. Factors to be considered in designating land for High Density Residential districts should include, but not be limited to, availability of county services and roads, surrounding land uses, the suitability of the land for extension of municipal services.

5.03 Uses permitted.

5.03.01. Uses permitted in the High-Density Residential district shall be as follows:

- A. Single-family dwellings;
- B. Duplexes;
- C. Accessory buildings, structures and uses which are customarily incidental to residential uses;
- D. Churches;
- E. Golf courses;
- F. Home occupations as defined in this title;
- G. Livestock on one acre or more of land;
- H. Livestock pens or runs located a minimum distance of fifty (50) feet from a neighboring house, or the minimum setback for a residence if no house yet exists;
- I. Private, noncommercial recreational facilities;
- J. Public service facilities;
- K. State licensed day care for up to six client children at any one time in the day care operator's primary residence or a day care center;
- L. Wind Energy System, Small;

5.04 Uses Conditionally Permitted.

5.04.01. The following land uses may be permitted conditionally in the High-Density Residential district subject to conditions established elsewhere in this title:

- A. Public utility installations, not including business offices, repair or storage facilities;
- B. State-licensed day care for more than six client children at any one time to a maximum of twenty (20) children in the day care operator's primary residence; licensed day care for over twenty (20) children may be conditionally permitted in a structure which was not initially constructed for residential purposes;
- C. Bed and breakfast facilities
- D. Cemeteries;
- E. Institutional housing;
- F. Multifamily dwellings.

G. Additional conditional uses to be determined by Planning and Zoning Commission.

5.05 Parking Standards.

5.05.01. Parking spaces for residential uses within the High-Density Residential district shall be required in accord with the standards established by this section.

5.05.02. Developers of residential structures shall provide parking spaces as required by the following table:

Table Parking Spaces Required Per Unit

Number of Bedrooms/Unit	Dwelling Units/Structure (read across)			
	1	2	3—6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

*Applies to congregate parking for apartments in the High-Density Residential district. Attached single-family units on individual lots shall provide parking in accord with standards for single-family dwellings.

5.05.03. All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially zoned property line.

5.05.04. Landscaping for congregate parking lots in the High-Density Residential district shall contain at least one and one-half inch caliper tree per fifty (50) square feet for all required landscaping within the bounds of the parking lot.

5.05.05. Any trash collection or storage facilities for multifamily residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.

5.05.06. Congregate parking lots shall be located behind the front setback line of the buildings they serve.

5.05.07. Congregate parking lots shall have direct driveway access to a public or private road.

5.05.08. Parking lots shall be maintained in a dust-free condition.

5.05.09. Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.

5.05.10. Parking spaces shall have an effective width of nine feet and an effective length of eighteen (18) feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well-integrated with off-site traffic flow.

5.06 Subdividing in the High-Density Residential District.

5.06.01. The following methods of subdividing are permitted in the HDR zone:

A. Conventional Subdivision.

01. Within a city's area of impact – if there is an AOI agreement between the County and City the requirements will default to those rules which govern in the agreement. If there is not an AOI agreement, a minimum lot size of five acres is required where septic tank and drain field sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots may be as small as two and one-half (2.5) if they utilize private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of Soda Springs sewage treatment facility. Lot sizes may be as small as a half-acre (.5) when connected to a community septic system.

02. Outside a city's area of impact, a lot size of two and one-half 2.5 acres may be proposed for on-site sewage disposal when a nitrate reducing septic system is utilized and where soil type, distance to ground water and other factors are adequate to prevent ground or surface water contamination.

B. Planned Unit Development (PUD) provided that municipal water and sewer is provided and limited to locations within Area of Impact (AOI); density may be up to one dwelling per half (.5) acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development.

01. Developments for uses other than residential and neighborhood commercial shall not be permitted in the HDR district.

02. The increased density allowed in a PUD shall be offset by provision of common open space equal to at least ten percent of the net developed area of the project. The open space shall be usable ground.

03. Minimum size for a PUD in the HDR district shall be ten acres and the maximum size is one hundred (100) lots or dwelling units and one hundred (100) acres.

C. All subdivisions on a city boundary may be annexed into that city which has designated that land to be within its area of city impact; in the event the city declines, in writing, to annex the development, the county shall hear the application in accordance with its area of impact agreement with the city, or Idaho Code shall apply if none exists.

5.06.02. Developments for uses other than residential and neighborhood commercial shall not be permitted in the HDR district.

5.07 Building bulk and placement standards.

5.07.01. This table of building bulk and placement standards are measured from the Right-of-Way edge of the road and the side and rear property lines.

5.07.02. The following table sets forth building bulk and placement standards for the High-Density Residential district:

HIGH DENSITY RESIDENTIAL DISTRICT
Minimum Setbacks (feet)

	From Local Road R-O-W	From Arterial or Collector R-O-W	Rear Yard	Side Yard	Maximum Structure Ht. (ft.)
Single- and Two-Family Residences	30	50	20	10	35
Residential accessory structures	30	50	20 ^(a)	10 ^(a)	35
Non-residential buildings	30	50	20 ^(b)	20 ^(b)	35
Agricultural and Farm Animal Structures	30	50	30	30	35

A. Or height of building, whichever is greater.

B. Or height of structure, whichever is greater.

5.07.03. Riparian Setbacks. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou County Office of Planning and Zoning Department, as well as any other recognized jurisdiction.

5.07.04. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

5.08 Minimum Lot Size

5.08.01. The minimum lot size is five acres with standard septic systems

5.08.02. The minimum lot size is two and one-half acres (2.5) with a nitrate reducing septic system

5.08.03. The minimum lot size is one-half acre (.5) when connected to Community Water and Central Sewer System

5.08.04. The minimum lot size for two-family and multi-family dwellings is the same as sections 5.08.01.-5.08.03 except one additional acre is required per additional dwelling unit.

5.09 Additional regulations for the Caribou Blue Landing and Blackfoot Harbor Subdivisions

5.09.01. Front Yard Setbacks

A. All buildings and structures within the Caribou Blue Landing Subdivision and the Blackfoot Harbor Subdivision located in Caribou County, Idaho, shall be located and set back a minimum distance of twenty-five (25) feet from the edge of a surveyed road right-of-way measured at right angles from the road right-of-way. When the true edge of the road right-of-way is unsurveyed or cannot otherwise be determined, the building or structure shall be located a

distance of twenty-five (25) feet from the edge of the road plus one-half of the width of the road right-of-way.

5.09.02. Side-Yard and Rear-Yard Setbacks

A. All buildings and structures located within said subdivisions shall also be set back a minimum distance of five (5) feet from any side property line and ten (10) feet from any rear property line.

5.09.03. High-Water Line Setback

A. If any lot adjoins the Blackfoot Reservoir or Dike Lake, the setback shall be not less than ten (10) feet from the high-water line of the body of water on which the lot is located.

5.09.04. Owners, occupants, and applicants for building permits within said subdivisions shall comply with all federal, state, and local laws or ordinances in the construction or placement of any structure upon their property.

5.09.05. Health Department Requirements

A. All buildings or structures located within the Caribou Blue Landing and Blackfoot Harbor Subdivisions shall comply with the minimum setback requirements of the Southeastern District Health Department.

5.09.06. Restrictive Covenants

A. In addition, thereto, if either of said subdivisions is subject to restrictive covenants which require greater setbacks than that required by this ordinance, the applicant for a building permit shall comply with the setback requirements of said restrictive covenants.

5.09.07. Visibility

A. For the Caribou Blue Landing and Blackfoot Harbor Subdivisions, that area included within a triangle with two legs each being the roadway right-of-way line for fifty (50) feet back from the point of intersection of two intersecting right-of-way lines and third leg the line connecting the points on the roadway right-of-way lines fifty (50) feet from the point of intersection of the two intersecting right-of-way lines. Within the site set back triangle no visual obstruction shall be erected, placed, planted, allowed to grow or allowed to remain over a height of two and one half (2½) feet.

5.09.08. Roadway Parking Restrictions

A. For safety of subdivision occupants, for motorists, and to facilitate winter and summer maintenance of roads within the Caribou Blue Landing and Blackfoot Harbor Subdivisions and the ability of emergency service to access said subdivisions, no vehicles, trailers, recreational vehicles, boats, or other type of vehicle or obstruction shall be placed, parked, stored, or permitted to remain on any road right-of-way within said subdivisions.

Chapter 6 COMMERCIAL GENERAL DISTRICT (CG)

6.01 Purpose.

6.01.01. The commercial general district is established to provide a location for commercial enterprise to serve the needs of the household consumer throughout the community. Design of the district shall focus on accommodating multi-modal transportation. A further purpose of this district shall be the provision of a complete variety of household goods and services in close proximity to one another.

6.02 Characteristics of Land.

6.02.01. The commercial general district should be located with direct access to roads which are capable of carrying the traffic generated by the uses permitted in this zoning district. The intent of application of such a zone shall be to encourage the concentration of consumer business activities in locations where the resulting activity can be managed properly. Conversion of any land to these uses should be accompanied by plans to accommodate these uses in terms of public improvements, transportation and other facilities.

6.02.02. Proposed business developments should be zoned CG if they are determined to be suitable for extensive commercial retail development in the community's future. Approval of an application or designation of CG should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned CG shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

6.03 Uses permitted.

6.03.01. The following uses shall be permitted in the CG district:

- A. Retailing businesses for general household merchandise;
- B. Personal service businesses which provide household services as well as personal care services;
- C. Indoor recreation facilities;
- D. Wind Energy System, Small;

6.03.02. Professional and Business Offices. Uses which fall into this category shall include, but not be limited to the following:

- 01. Advertising agencies;
- 02. Amusement enterprises;
- 03. Animal feed sales;
- 04. Antique dealers;
- 05. Arts and craft supply;
- 06. Auction halls;
- 07. Auto electric repair;
- 08. Auto rental business;
- 09. Auto repair (mechanical) and trailer repair (mechanical) when conducted fully within an enclosed building;
- 10. Auto sales and leasing business;
- 11. Automobile parts store;
- 12. Banquet rooms and reception halls;
- 13. Bars;
- 14. Bed and breakfast facilities
- 15. Blueprinting or photocopying business;

16. Business offices;
17. Campgrounds;
18. Car wash facilities;
19. Catering establishments;
20. Ceramics business;
21. Computer sales;
22. Cycle sales and service;
23. Drive-in establishments;
24. Dry cleaners and laundries;
25. Employment agencies;
26. Floor materials;
27. Frozen food locker;
28. Furniture and appliance stores;
29. Galleries — art;
30. Gas stations;
31. Glass sales;
32. Home appliance repair;
33. Home heating and air-conditioning dealers and service;
34. Home improvement;
35. Household cleaning business;
36. Kennels;
37. Liquor stores;
38. Mini storage;
39. Motels and hotels;
40. Paint or home improvement stores;
41. Pest control business;
42. Printing, excepting book publisher;
43. Professional offices;
44. Recreational Vehicle (RV) Park
45. Repair shop — small appliances;
46. Residential remodeling contractors;
47. Restaurants;
48. Secondhand household goods stores;
49. Shoe store, shoe repair;
50. Sporting goods sales;

- 51. Tailor shop;
- 52. Theaters, drive-in or fixed seat;
- 53. Tire stores;
- 54. Tobacco shops;
- 55. Travel agencies;
- 56. Truck sales of trucks weighing less than two and one-half tons;
- 57. Public utility and public service facility.

6.03.03. Because no list of uses can be complete, decisions on specific uses will be rendered by the Planning and Zoning Department office with appeal to the Planning and Zoning Commission available to the applicant.

6.04 Uses conditionally permitted.

6.04.01. The following uses shall be eligible for consideration as conditional uses:

- A. Wholesale businesses providing service or products to the household consumer on premises;
- B. Residential uses
- C. Uses as set forth in Chapter 11 – Uses Regulation Summary.

6.05 Performance standards.

6.05.01. Performance standards in a CG district shall be as follows:

- A. Landscaping shall be installed in accord with standards for commercial landscaping found elsewhere in this title. Landscaped buffer areas at least fifty (50) feet wide shall be provided along common boundaries with residentially zoned land and shall meet the requirements of Section 12.31.
- B. Pedestrian and bicycle facilities shall be provided on all sites except where the applicant can show that they are not, and will not be, needed.
- C. All setback areas shall be landscaped to the standards set forth in this title. Variation from the established standards may be granted for good cause, by the office of Planning and Zoning Department.

6.06 Planned unit developments.

6.06.01. Planned unit developments may be proposed in the CG district for uses permitted within the district provided that municipal water and sewer is provided and limited to locations within Area of Impact (AOI).

6.06.02. Exceptions to specific terms of the CG district as they directly affect building bulk and placement or intensity of building use may be considered within the context of a planned unit development as defined by this title. Planned unit development net density may be up to seven times greater than that which is permitted in the commercial general district for a single-family dwelling. Only the uses listed above as permitted or permitted by conditional use permit shall be permitted in a planned unit development in this district.

6.06.03. Minimum size for a planned unit development in the CG district shall be five acres. Exceptions to this standard shall be treated as a variance concerning building bulk of placement. Maximum size is twenty-five (25) acres and maximum one hundred seventy-five (175) lots or dwelling units.

6.06.04. Planned unit developments on a city boundary may be annexed into that city which has designated that land to be within its area of impact. In the event the city declines in writing to annex the development, the county shall hear the application in accordance with its area of impact agreement with the city, or Idaho Code shall apply if none exists.

6.07 Building bulk and placement standards.

6.07.01. This table of building bulk and placement standards are measured from the Right-of-Way edge of the road and the side and rear property lines.

6.07.02. The following table sets forth building bulk and placement standards for the commercial general district:

COMMERCIAL GENERAL DISTRICT Minimum Setbacks (feet)

	From Local Road R-O- W	From Arterial or Collector R-O-W	Rear Yard	Side Yard	Maximum Structure Height	Minimum % Landscaped	Maximum Freestanding Sign Height (ft.)
Permitted Uses:							
Non-residential uses as listed in CG District	10	50	Bldg. Code	Bldg. Code	35	5%	25
Parking lots	10	50	—	—	N/A	5%	5
Accessory buildings	10	50	Bldg. Code	Bldg. Code	15	—	N/A
Residential uses (a)	25	50	20	7	35	—	N/A

A. Or as determined by Planning and Zoning Commission for conditional use permit.

6.07.03. Riparian Setbacks. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou County Office of Planning and Zoning Department, as well as any other recognized jurisdiction.

6.07.04. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

6.08 Minimum Lot Size

6.08.01. One acre minimum lot area; larger sizes may be required by the health department.

Chapter 7 LIGHT INDUSTRIAL AND WHOLESALE DISTRICT (LIW)

7.01 Purpose.

7.01.01. The light industrial and wholesale district is established to provide a location for light manufacturing, and for wholesale businesses and warehouses to provide supplies and storage space for the business sector of the community. Design features should emphasize accommodation of large trucks, the presence of rail trackage, and the materials handling space required by commercial suppliers. The district's purpose shall be to facilitate the conduct of commerce among businesses while minimizing the effects of such activities on the surrounding land uses. Its purpose shall also be to provide for businesses which sell bulky products or require outdoor storage or sales lots.

7.02 Characteristics of Land

7.02.01. The light industrial and wholesale district should be located with ready access to truck routes and possible railroad sidings. Locations should be chosen to minimize impacts upon or hazards to nearby residential areas. Accommodations should be made for large trucks and related commercial activity. Land for this use should be relatively flat and free of natural hazards such as flooding or unstable soil. Locations should also be chosen based upon their ability to be screened from potentially affected residential uses. Convenience to commercial consumers should be taken into account when locating the light industrial and wholesale zone.

7.03 Uses permitted.

7.03.01. The following uses shall be permitted in the LIW district subject to the conditions found elsewhere in this title:

- A. Advertising billboards (outdoor advertising);
- B. Agricultural support;
- C. Auto body, auto towing, and auto repair;
- D. Auto parts rebuilding;
- E. Auto sales and service;
- F. Beer and wine distributor;
- G. Blacksmith;
- H. Boat sales;
- I. Bookbindery;
- J. Cabinetmaking;
- K. Chemical distribution;
- L. Coal dealer;
- M. Commercial building contractor;
- N. Commercial heating-cooling and mechanical contractor;
- O. Component assembly;
- P. Concrete contractor;
- Q. Construction equipment sales and service;
- R. Construction products supply;

S. Dry cleaning shop;
T. Electric motor remanufactures;
U. Engine rebuilding;
V. Excavation contractor;
W. Farm equipment sales;
X. Fencing contractor;
Y. Firewood sales;
Z. Food Distributor;
AA. Freight terminals;
BB. Gas stations;
CC. General warehousing;
DD. Household furnishing movers;
EE. - Industrial equipment sales;
FF. Industrial product supply;
GG. Insulation contractor;
HH. Kennels;
II. Landscape contractor;
JJ. Lumber yards;
KK. Machine shop;
LL. Masonry supply business;
MM. Manufactured housing sales lots;
NN. Mini storage warehousing;
OO. - Painting contractor;
PP. Petroleum bulk plant;
QQ. Produce wholesalers;
RR. Public service;
SS. Pump and well-drilling contractor;
TT. Recycling facility;
UU. Repair uses;
VV. Road contractors;
WW. Roofing contractors;
XX. Sawmill
YY. Sign contractors;
ZZ. Truck mechanical and body repair;
AAA. Truck sales and service;

Uses as listed in LIW district	10	50	Bldg. Code	Bldg. Code	35	5%*
Parking lots	10	50	—	—	5	5%*
Accessory buildings	10	50	Bldg. Code	Bldg. Code	N/A	—

* See Section 7.05.

7.06.03. Riparian Setbacks. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou County Office of Planning and Zoning Department, as well as any other recognized jurisdiction.

7.06.04. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

7.07 Minimum Lot Size

7.07.01. There is not a minimum lot size standard. However,

7.07.02. 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 Right-of-Ways or the Site Triangle, see Section 12.23.

Chapter 8 INDUSTRIAL DISTRICT (I)

8.01 Purpose.

8.01.01. The industrial district is established to provide the necessary lands within the community for manufacturing, processing raw materials, and using processes and equipment which are most significant in their effect upon the senses. The district is intended to accommodate trucks and rail facilities with minimal adverse impact upon the transportation system of the county. Space should be adequate to facilitate the movement of large equipment and to maintain adequate separation from uses which might be affected by the sight, smell, sound, dust, erosion or the like, of manufacturing or processing uses. Location of the industrial zone shall facilitate the introduction of raw materials and movement of finished products.

8.02 Characteristics of Land.

8.02.01. The industrial district should be located adjacent to truck routes and/or railroad switching facilities which are convenient to transportation routes. Transportation system capacities should be adequate to handle employee trips as well as those associated with the production aspects of the industry. Although all appropriate national, state and local regulations concerning the external effects of industrial activity must be observed, industrial zone locations should be chosen with such natural environmental factors as drainage patterns, prevailing wind directions and geologic hazards in mind in order to minimize the effects upon surrounding uses and the community as a whole.

8.03 Uses permitted.

8.03.01. The following uses shall be permitted in the industrial district subject to conditions found elsewhere in this title:

A. Agricultural support;

- B. Manufacturing, processing, fabricating;
- C. Public utility and public service facility;
- D. Railroad yards and facilities;
- E. Sawmill;
- F. Uses permitted in the Light Industrial and Warehouse district;

8.04 Uses conditionally permitted.

8.04.01. The following land uses shall be eligible for consideration as conditional uses in the industrial district:

- A. Junkyards;
- B. Mining;
- C. Refining;
- D. Feed lot;
- E. Commercial incinerator;

8.05 Industrial performance requirements.

8.05.01. Industrial performance requirements shall be as follows:

- A. Industrial uses shall comply with appropriate local, state and federal environmental regulations. It shall be the responsibility of the industrial land use to minimize the effects of its activities on nearby uses.
- B. An industrial district shall not share a common boundary with residentially zoned lands unless the line demarcates a substantial difference in elevation or other natural or man-made barrier which can separate the effects of these potentially incompatible zoning districts. At a minimum, such districts shall be separated by a street or equivalent barrier plus vegetative buffer per Section 12.31. Exceptions to the preceding conditions may be granted only after the completion of a public hearing and an evaluation of any special circumstances by the Planning and Zoning Commission and the board of commissioners. Landscaped buffer areas of greater width may be required where appropriate.
- C. Any proposed use shall meet Idaho air and water quality standards.
- D. All phases of industrial development shall meet all state and county standards.

8.06 Table of building bulk and placement standards.

8.06.01. This table of building bulk and placement standards are measured from the Right-of-Way edge of the road and the side and rear property lines.

8.06.02. The following table sets forth the required building bulk and placement standards for the industrial district:

INDUSTRIAL DISTRICT
Minimum Setbacks (feet)

	From Any Road R-O-W	Rear Yard	Side Yard	Maximum Freestanding Sign Height	Minimum % Landscaped

Permitted Uses:					
Uses as listed in industrial district	10	Bldg. Code	Bldg. Code	35	5%*
Parking lots for permitted uses	10	—	—	5	5%*
Accessory buildings	10	Bldg. Code	Bldg. Code	N/A	N/A

8.06.01. Riparian Setbacks. All structures shall be one hundred (100) feet from any stream or riparian area, with the exception of approved culverts which comply with all requirements of the Caribou County, as well as any other recognized jurisdiction.

8.06.02. All setbacks are subject to the Site Triangle restrictions in Section 12.23 of this Code.

8.07 Minimum Lot Size

8.07.01. There is not a minimum lot size standard.

8.07.02. 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 Right-of-Ways or the Site Triangle, see Section 12.23.

Chapter 9 SPECIAL LANDS DISTRICT (SL)

9.01 Purpose.

9.01.01. This district includes all State of Idaho and Federal land including specially controlled land, such as Forest Service and Bureau of Land Management lands, as well as the Fort Hall Indian Reservation.

9.02 Permitted uses.

9.02.01. Permitted uses in the SL district include:

A. Fort Hall Indian Reservation:

01. Agriculture,
02. Residential,
03. Commercial,
04. Warehouse and wholesale,
05. Industrial;

B. U.S Forest Service and BLM lands:

01. Agriculture,
02. Mining,
03. Outdoor recreational,
04. Residential;

C. Idaho State Land:

- 01. Agriculture,
- 02. Mining,
- 03. Outdoor recreational,
- 04. Residential housing;
- 05. State determines permitted uses on state-owned lands.

9.02.02. Applications for new land uses.

A. The basic uses of the land shall be presented to the county for their review and acceptance by the proper agency. Once uses have been established, all allowable uses shall be permitted via a permit through the assigned agency. Any changes in approved uses shall require review and approval by the county.

Chapter 10 MASTER PLANNED COMMUNITY (MPC) ZONE

10.01 Purpose.

10.01.01. The intent of this zone is to create self-sustaining new communities with integrated commercial, recreational, natural, and residential land uses, and in which specific provision is made for non-automobile modes to access employment, shopping, and recreational facilities. These communities provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. This zone will ensure development plans better suited to the environments in which the development is to be located. The zone includes higher performance requirements than the conventional requirements found elsewhere in this code. Particular emphasis is placed on community design and aesthetic values.

10.02 Characteristics of land in this district.

10.02.01. The master planned community (MPC) zone is established to provide a zoning district to be used in approved locations for new communities within the county. Said communities will mix and integrate land uses that are typically separated in single-use zoning districts. The MPC district may be located near the boundaries of the county's cities where municipal services may be extended, in other areas wherein new municipal services may be provided, or a combination of the above.

10.03 Zone establishment.

10.03.01. No parcel(s) in Caribou County shall be zoned as an MPC district until such time that the Board of County Commissioners approve a master development plan (MDP) for the community and rezone the subject property.

10.03.02. Because of the unique nature and characteristics of an MPC, this section, unless otherwise stated, shall govern the establishment of MPC zoning districts, the uses and performance criteria therein, and the process by which MPC developments and phases are created.

10.03.03. In consideration of the broad design latitude given to MPC developers, the Planning and Zoning Commission and the Board of County Commissioners reserve wide discretionary powers in judging the concepts incorporated into specific MPC development designs. Consistency with the goals and policies of the Comprehensive Plan of the county shall be emphasized in MPCs. For purposes of establishing an MPC district, the procedure shall be as contained within this section and shall be exempt from the requirements of Chapter 13.

10.04 Process for approval of a Master Development Plan

10.04.01. Pre-Application Conference. Prior to a master development plan and rezone request being presented for consideration for approval, the developer or their designee shall have met with the county engineer, Planning and Zoning Administrator, supervisor of the highway department or their designees, and any other county or non-county agencies, as determined necessary by the director and obtained a checklist of items required in order to be placed on the Planning and Zoning Commission's agenda. This checklist shall include submittal requirements for the master development plan review, and other items deemed necessary by staff. Because all tracts of land in the county vary in geography and geology, this list may vary from area to area.

A. Submittal Requirements. The applicant shall provide one electronic copy of each of the following to the county engineer, at least ten business days prior to the pre-development conference:

01. A legal description of the proposed subdivision to the quarter-quarter section.

02. A topographic map of the proposed development area.

03. A narrative indicating the basic concept of the proposed project including estimated number of lots, population build-out, types of land uses, source of water, type of sewage and wastewater treatment systems, how the proposal will meet requirements of county ordinances, and the estimated time of completion for the entire development.

04. Approximate location of accesses to a collector or arterial road.

05. Completed application form.

a. The proposed community name shall be reviewed by the county engineer. A name shall not duplicate or resemble the name of any other subdivision in Caribou County. The county shall maintain a permanent record of all subdivisions. When a name has been accepted by the county for the subdivision of a particular tract of land, the subdivider shall place that name upon each submittal of the proposed subdivision. Neither the name nor the area of land for which the name was issued shall thereafter be changed or altered in any manner unless and until a new name has been accepted by the county.

B. On-Site Review. County personnel and those from other non-county agencies as deemed necessary by the county engineer, will meet applicant on the site to review road access placements and connections to existing roads or streets, public access to public lands, potential problem lot locations, and the ability of the development to meet county ordinance standards. Staff will send written comments to applicant within fourteen (14) business days of the on-site meeting concerning the site's ability to meet county standards and listing possible areas of concern. Areas of concern which may require additional studies to be submitted at the applicant's expense, may include but are not limited to, nutrient-pathogen and groundwater transportation studies which indicate availability and quality of water, adequacy of water delivery system design, and maintenance.

10.04.02. Master Development Plan Application and Agency Review.

A. Submittal Requirements. Developer shall submit review fees as established by the board and one electronic copy of the following items to the County Planning and Zoning Department. Once staff review has commenced, fees shall be nonrefundable:

01. Completed application.

02. Legal description of the property and a map (to the quarter-quarter) showing said property.

03. General sketch(es) (with north arrows and scales) showing:

- a. Proposed general uses of the property and present zoning, if applicable.
- b. Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.
- c. Depiction of projected stages of the development according to phasing plan.
- d. Map and table indicating approximate locations of each bubble/pod of development and the proposed land uses and densities therein.
- e. Existing locations and types of vegetation.
- f. Ownership and land use of proposed development.
- g. Connectivity drawing showing road, bike and walking path, and trails systems.

04. Detailed written narrative indicating the concept of the proposed project including:

- a. Estimated number of lots.
- b. Estimated population build-out and demographic information.
- c. Source of water.
- d. Type of sewage and wastewater treatment systems.
- e. How the development intends to meet requirements of county ordinances.
- f. Description of proposed types of land uses.
- g. Description of how the developer intends to account for traffic impacts at each stage of the development.

05. Proposal for annexation by a city or incorporation as its own city, if applicable.

06. Environmental assessment may be required by the county which addresses those areas of concern as identified by the county engineer from the conditions listed below (subsections a-f) regardless of the size of the proposed development. The assessment shall be prepared by an individual qualified to perform such work as determined by the county engineer when any of the following conditions apply:

- a. Inclusion of wetlands, streams, or floodplains.
- b. Land which may have been used previously as an industrial site or which has a history of pollution.
- c. Land which may be subject to sliding, slumping, or movement of any sort.
- d. Land identified as important wildlife habitat.
- e. Land which may have historical or anthropological artifacts.
- f. Other land which is deemed by the county to be sensitive to development.

07. Development Agreement. The details of the agreement shall be negotiated between the Planning and Zoning Commission and the county commissioners as an application progress.

08. Economic Development Analysis. An analysis of the economic base of the areas, including employment, industries, economies, jobs, and income levels. Analysis shall be performed by an individual who is qualified to perform such work and who demonstrates experience in community development, land use, and land development feasibility, as determined by the director. The analysis shall include at minimum:

- a. An analysis of the economic base of the area, including, employment, industries, economies, jobs, and income levels. The analysis shall include at a minimum;
- b. A written assessment demonstrating that the planned community is reasonably supported by economic and market conditions in Caribou County. This assessment shall include conceptual information about the following:

- b.i Projected dwelling unit counts, build out/absorption and occupancy in the context of regional growth trends, identified demographic trends and competing development;
- b.ii Likely residential product types and price ranges in current dollars suitable for development within the planned community as a function of planned community location and physical features, anticipated market conditions, and likely demographics as identified in the population section of the planned community Comprehensive Plan;
- b.iii Planned commercial buildings/gross space, if any, and anticipated build out/absorption in the context of regional growth trends, residential development at the planned community, and locational features including transportation and access; and
- b.iv Planned industrial building/gross space, if any, and anticipated build out/absorption in the context of regional growth trends, industrial land utilizing industry trends, and proximate infrastructure

- c. Fiscal Impact Analysis. Analysis shall be performed by a professional economist who demonstrates experience in community development, land use, and land development feasibility, as determined by the director. The analysis shall be a comprehensive evaluation of the fiscal impacts that the proposed development could have on county services which analyzes all of at least the following:

- c.i Cost to the county, broken down by department, to provide additional services to the development as a whole and as each proposed phase progresses.
- c.ii Cost to political subdivisions within Caribou County, which would service the proposed development, to provide additional services to the development as a whole and as each proposed phase progresses.
- c.iii Estimated long-term homeowner obligations from homeowner assessments and/or special tax districts.
- c.iv How the developer's proposal would mitigate fiscal and economic impacts resulting from the development.

B. Notice Procedures. Within ten working days, the director and designated staff shall review the submittal to ensure completeness. If the Director determines that the submittal is complete, he/she shall provide notices in the following manner:

01. Agency and Utility Notice. Within five working days after determining that the submittal is complete, the director shall post the submittal documents on the department's website and provide written notice of the application and a summary with a request for agency and utility review and comment. Agencies shall be asked to provide written comments to the director within fourteen (14) days from the date that notice was sent. Agencies and utilities which shall be afforded notice include:

- a. All municipalities within the county.
- b. Southeastern Idaho Public Health District.

- c. Fire district serving the location.
- d. Sheriff's department.
- e. School district(s) affected by the development.
- f. Idaho Transportation Department.
- g. Affected highway jurisdiction.
- h. Idaho Fish and Game.
- i. Idaho Department of Water Resources.
- j. Idaho Department of Environmental Quality.
- k. Idaho Department of Agriculture.
- l. Power, electric, and gas utilities serving the area.
- m. Caribou County Road and Bridge Department.
- n. Bureau of Land Management.
- o. US Forest Service.
- p. Army Corps of Engineers.
- q. Environmental Protection Agency.
- r. USDA Natural Resources Conservation District.
- s. Other agencies as deemed necessary by staff or upon request by agency.

C. Staff Review of Comments. After the deadline for receipt of comments, staff shall have ten working days to review the submitted comments. If upon review the staff finds that additional information or studies are required, staff shall send written correspondence to the applicant stating said fact and that the application shall be placed on hold until the information is submitted and reviewed. If upon review of the comments staff determines that no further information is required, application shall be scheduled for the next available regular Planning and Zoning Commission public hearing.

10.04.03. Public Hearing

A. Procedure. Master development plan and rezone approval shall be based upon the aforementioned submittal requirements. Approval of a master development plan does not grant an applicant the authority to permanently alter the landscape in any way, shape, or form. Approval of a master development plan and rezone shall not be a determination of site suitability for development; a more comprehensive evaluation shall be given at individual phase stages of the subdivision process.

01. Master Development Plan and Rezoning request shall be heard according to the following procedures: Section 13.10 Public Hearings, agendas shall also be sent at least fifteen (15) days before the hearing to all agencies listed in Section 10.04.02(B.01) of this title.

B. Review Criteria. In addition to those findings required by Section 13.10.02, a master development plan may be recommended to the Board of County Commissioners only if the Commission finds that it satisfies each the following criteria:

01. The proposed master development plan is in conformance with the Caribou County Comprehensive Plan; is in conformance with all applicable provisions of this title, other county ordinances, and Idaho Code.

- 02. The proposed property is physically suitable for the type and proposed density of development and conforms to zone standards.
 - 03. The proposed plan conforms to applicable transportation plans including vehicle, pedestrian, and bike.
 - 04. The soil and topography are suitable for the proposed tentative plan.
 - 05. The proposed plan accounts for wildlife considerations.
 - 06. The proposed timing of the total project and intervals between phases is deemed sufficient.
 - 07. The proposed schedule for construction of improvements in phases is deemed sufficient.
 - 08. The proposed sequence of phases is deemed sufficient.
 - 09. The proposed master development plan map for the total project showing phases, approximate location of lots, streets and other improvements at build-out appears to be sufficient and desirable.
 - 10. The effects of the development on any political subdivision providing public services, including school districts, have been addressed by the applicant and shall therefore not result in demonstrable adverse impacts upon the delivery of services of said public service providers.
- C. Conditions. The Commission or Board of County Commissioners may place conditions upon a master development plan which enable the plan to meet criteria for approval. If the developer accepts those conditions, the developer may then proceed with individual phases according to the subdivision ordinance.

10.05 Time limits.

- 10.05.01. Approved master development plans shall run with the land in perpetuity unless otherwise agreed to in a development agreement.

10.06 Minimum service standards.

- 10.06.01. Each MPC shall provide all of the following minimum service standards. Additional standards may be recommended by the Planning and Zoning Commission, and shall be required if deemed necessary by the Board of County Commissioners:
 - A. Electricity shall be provided to every developable lot.
 - B. Telephone shall be provided to every developable lot.
 - C. Drinking water shall be provided to every developable lot and provided by a municipality, private water company regulated by the Idaho Public Utilities commissioner, or a water district pursuant to Idaho Code. The drinking water system shall comply with all federal, state, and local regulations.
 - D. Wastewater treatment and reuse service, or connection to an existing system, shall be provided to every developable lot within the MPC by a municipality, a private sewer company, or sewer district established under Idaho Code.
 - E. Schools.
 - F. Sufficient land shall be incorporated into the land use plan for elementary, middle, and high school educational facilities, including school bus stops, to serve the planned community according to the applicable school district standard.

01. Where practicable, elementary schools shall be located within one and one-half miles of fifty (50) percent of the projected elementary-aged residents of the community.

G. Transportation.

01. Level of service on all public roadways shall be determined by the entity having jurisdiction over the roadways (e.g., Caribou County Highway Department, Downey-Swan Lake Highway District, and ITD).

02. To ensure adequate emergency egress, every MPC shall have at least two means of egress able to handle traffic as each phase progresses. A graveled emergency access road may suffice as one means of egress for the purposes of this requirement if recommended by the county engineer.

H. Open Space.

01. A minimum of twenty (20) percent of the total gross area of the MPC is required to be preserved as open space. This open space may be dedicated to a public entity, if such dedication is mutually agreeable.

02. All natural and developed open space shall be accessible to the public and shall be created and evidenced by recorded easements and plat notes, or other recorded instruments.

03. Open space development standards are found in Section 10.11.05. of this title.

10.07 General standards.

10.07.01. In addition to those standards required by other federal, state, and county laws and ordinances, each MPC shall be held to the following standards:

A. Internal roadway network and connectivity to existing regional transportation systems shall be designed to conform to applicable Idaho Transportation Department, County, or other highway district/department standards and policies.

B. Internal trail and pathway networks shall be designed to connect to existing and planned regional networks, as applicable, to increase connectivity and access to broader trail systems.

C. Each MPC district shall demonstrate careful integration with the existing natural and developed environments around it.

D. The minimum area of an MPC shall be seven hundred fifty (750) acres.

E. The minimum area of any proposed phase or development pod within an MPC zoned area shall be five acres.

F. There shall be no minimum lot area in any MPC zone except as established with development approval using approved densities as a guide. Parcels shall be of sufficient size to assure compliance with building setbacks, water and sewage systems, landscaping (including snow storage and on-site water retention), access, parking, and walkability standards.

G. The overall gross density of an MPC shall not exceed three dwelling units per acre. A range of residential densities and housing opportunities, but in no case shall individual residential neighborhood phases exceed twenty (20) dwelling units per acre.

10.08 Minimum of three best practice designs.

10.08.01. Each MPC shall select a minimum of three best practices from the list below to implement into the development. Alternative best practices may be approved upon review of the Planning and Zoning Administrator. Best practice design options include:

A. Reduction of Crime Through Landscaping.

01. Where practicable, crime prevention through environmental design (CPTED) principles may be used in the design and layout of buildings, streets, accesses and open space areas. An acceptable CPTED design will promote natural surveillance, access control, territorial reinforcement, sense of ownership, and proper management/maintenance.

02. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two to three feet and trees with a proper ground clearance of six to eight feet above walkways and sidewalks and eight to ten feet above vehicular travel and parking lanes.

03. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance.

04. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls (except retaining walls) are not permitted adjacent to streets, pedestrian corridors, parking areas, and open space amenities. Symbolic barriers, such as a low-lying fence/wall, landscaping and signage may be used, as appropriate, to discourage crime and to promote safety through natural access control. Street side building entrances and extensive windows, with balconies, decks, or landscape terraces, and other architectural features are encouraged to promote "eyes on the street."

B. Reduction of Urban Heat Island Effects.

01. design plan shall be submitted demonstrating that the MPC shall be constructed with roof materials, driveways, and parking lot coatings which have a high solar reflectance index.

C. Water-wise Landscaping (Xeriscaping).

01. Design plan shall be submitted demonstrating that vegetation throughout the MPC shall be such that are known to be drought resistant and to thrive at the elevation of the proposed development.

D. Community-wide Energy Efficiency.

01. Layout and orientation of the MPC shall be such that the ability for the community to increase active (such as for photovoltaic cells) and passive solar energy (natural lighting or direct solar heating through walls and windows) is maximized.

02. Where practicable, floor plans should be oriented toward the Sun, with strategic window placement where practice to enable frequently used rooms, such as kitchens and living rooms, to benefit from proper solar energy. Garages, laundry rooms, and other less frequently used areas should be situated at the northern part of structures where practical.

03. Consideration of the topography and local wind patterns shall be given when considering lot layout and structure placement.

E. Low Impact Development/Green Infrastructure.

01. Where practicable, low impact development/green infrastructure LID/GI principles should be followed. LID/GI is an approach to water management that protects, restores, or mimics the natural water cycle. The Environmental Protection Agency's Managing Wet Weather with Green Infrastructure Municipal Handbook or the Low Impact Design Center Low-Impact Development Design Strategies — An Integrated Design Approach may be used as a basis of design. Incorporation of green infrastructure design principles includes, but is not limited to:

- a. Rain gardens.
- b. Urban forestry.
- c. Permeable pavements.
- d. Wetland restoration/preservation.
- e. Water harvesting.

10.09 Uses permitted.

10.09.01. The following uses shall be permitted in the MPC district and where permitted by the approved master development plan, subject to conditions found elsewhere in this title. Decisions on uses not specified herein shall be rendered by the Planning and Zoning Department office with appeal to the Planning and Zoning Commission available to the applicant.

- A. Accessory buildings, structures which are customarily incidental to residential uses.
- B. Accessory dwelling units within single-family structures.
- C. Administration and business offices.
- D. Agriculture without livestock.
- E. Auto parts and accessories.
- F. Auto wash.
- G. Auto repair
- H. Auto sales and services.
- I. Banks, credit unions, financial institutions.
- J. Bed and breakfast facility (under six bedrooms).
- K. Boat and RV sales and services.
- L. Business services.
- M. Childcare not requiring state licensure.
- N. Commercial construction contractors.
- O. Dry cleaning shop.
- P. Educational facilities.
- Q. Gas station.
- R. Golf courses.
- S. Health and fitness center.
- T. Home occupations.
- U. Hotels, motels, bed and breakfast inns, and similar lodging.
- V. Household pets in compliance with county requirements.
- W. Medical and dental offices or clinics. Multi-family dwellings, including duplexes/twin homes, varied and integrated with adjacent uses.
- X. Nursery.
- Y. Outdoor entertainment.

- Z. Parks and open space.
- AA. Personal services.
- BB. Professional offices.
- CC. Public Service Facilities.
- DD. Recreational facilities.
- EE. Religious assembly.
- FF. Residential facility for disabled persons as required by law.
- GG. Residential use above the first floor of commercial or office use.
- HH. Restaurants.
- II. Retail sales and services.
- JJ. Schools, academic.
- KK. Senior housing, including independent living, assisted living, memory care, and long-term care facilities.
- LL. Single-family dwellings.
- MM. State-licensed daycare facility for up to six client children at any one time in the daycare operator's primary residence or a daycare center.
- NN. Storage facilities.
- OO. Temporary uses established for a limited time to accommodate necessary construction activities.
- PP. Temporary uses as permitted elsewhere in this title.

10.10 Uses conditionally permitted.

10.10.01. The following land uses may be permitted conditionally in the MPC district and where permitted by the approved master development plan, subject to conditions established elsewhere in this title. The locations and designs of all conditionally permitted uses may be more strictly controlled by the MDP. Where the MDP has not specified further control on conditional uses, decisions on specific uses will be rendered by the Planning and Zoning Department office with appeal to the Planning and Zoning Commission available to the applicant.

- A. Kennel, fully indoor.
- B. Live/work units.
- C. Public buildings such as sewer plants, substations, pumping stations, and temporary tree farms, gravel pits, and asphalt and concrete batch plants.
- D. Research facilities.
- E. State-licensed daycare for more than six client children at any one time and up to a maximum of twenty (20) children if in the daycare operator's primary residence.
- F. Utility transmission line.
- G. Utility installations, including wireless facilities.
- H. Zoo.

10.11 Development standards.

10.11.01. The following standards apply specifically to development in MPC zoning districts, in addition to general standards provided in the zoning and subdivision ordinances:

A. Building Placement and Massing.

01. Setbacks. Building facades for non-residential development may be required to abut street edges and their identified "build-to lines." Building facades adjacent to streets should be zero feet to five feet from the street side (typically the inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by county planning staff. Street edge setback variations may be used when an activity related to pedestrian use is maintained, (e.g., special landscaping, outside restaurant seating). Recessed plazas, courtyards, and trellises are encouraged but not required.

02. Zero lot line side setbacks with attached structures, in compliance with the international building code (IBC) may be required, except for necessary driveway access, pedestrian access, open space, and landscape areas. Unless otherwise approved by the planning zoning commission, rear yards and the rear of buildings shall not directly abut streets.

03. Building Orientation and Access. The buildings and entrances of all retail, civic, and office buildings shall front onto streets (or approved private driveways designed as streets), with the exception of center block residences (which still must front green courts and pedestrian ways) and anchor stores greater than forty thousand (40,000) square feet in size. The latter may be considered for "side fronting" design.

04. Secondary entries are encouraged and may be required at the rear of street-facing buildings. Where possible, "like land uses" shall face "like land uses" or open space, i.e., retail across the street from retail, townhomes from townhomes, etc. Loading docks and service areas must be screened from streets and adjacent properties through architectural design and/or landscaping. Anchor store entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via midblock passageways or "paseos" connected to the street.

05. Building Height. Buildings shall have a minimum and maximum number of stories based upon building type and land use. Building height that may be expressed in feet is to be measured in accordance with the county's adopted ordinances and standards. Buildings of height greater than allowed may be approved by the planning zoning commission on a limited basis, subject to size, scale, topography, and uniqueness of the development, i.e., rooftop gardens. Approved structures with additional height may be required to employ suitable "step back" architecture and other architectural features which encourage a more walkable "village" feel at street level.

B. Buildings within the "Town Center" or commercially-designated area of the MPC and within the balance of the MCP zoning district shall have a minimum and maximum building height as indicated by building type and land use, as shown below.

Land Use	Commercial	Office	Vertical Mixed Use	Condos/Apartments	Townhomes	Public/ Quasi-Public
Min. building height	One story ^{01.}	One story ^{01.}	Two stories	Two stories	Two stories	One story ^{01.}

Max. building height inside "Town Center"	Four stories ^{02.}	Four stories ⁰²	Four stories ^{02.}	Four stories ^{02.}	Three stories	Four stories ^{02.}
Max. building height balance of MPC	Two stories	Two stories	Three stories ^{02.}	Three stories ^{02.}	Three stories ^{02.}	Two stories

01. Vertical architectural elements may be required that make the buildings appear greater than one story, particularly within the designated town center.

02. "Step back" architecture may be required adjacent to streets and pedestrian ways in order to enhance pedestrian comfort.

10.11.02. Land Use Impact and Buffering.

A. Where separation is desirable, landscape buffers are preferred over fences and walls. A visually open look is encouraged, but not required, between compatible uses. When used, fences or walls shall be compatible in color, texture, and design in relationship to building materials. Fencing may be controlled or prohibited within the MDP as a design feature.

10.11.03. Architectural Design and Materials.

A. Each MPC district shall provide for and maintain an architectural design committee to ensure that the treatment of building mass, materials and exterior appurtenances create aesthetically pleasing structures and a site that is in character with, and in proportion to, other surrounding buildings, while still providing diversity in design and neighborhood identity. The committee shall review and approve all themes and colors prior to development permit application submittals to ensure compliance with the approved master development plan.

B. A consistent architectural theme with colors from the natural environment is encouraged to help buildings blend with existing surroundings. Building styles shall be compatible with existing buildings within the respective neighborhood.

C. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial or mixed-use buildings shall be designed with contrasting ground floor architectural articulation in order to enhance street activity and walkability.

D. Windows, display windows, doors, and arcades must make up at least seventy (70) percent of street facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are discouraged at street level.

E. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground, roof or other areas.

F. Plans for significant exterior modifications to any existing approved structures must be submitted to the county planning staff for zoning clearance and must meet the same requirements as all other structures within the development.

10.11.04. Signage.

A. Proper design and placement of signs and their lighting shall be compatible with land uses and structures. Permitted signs within the MPC zone shall be in compliance with this title, except that freestanding and off-premises signs are discouraged. Billboards shall not be permitted. Wall signs, blade signs, and window signs, approved as part of an overall sign theme, are encouraged.

B. Monument signs and directional signs are discouraged. Where approved, monument signs must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., "Pebble Village," "Creek Plaza"). All other lettering shall be no taller than four inches in height. The maximum height of the sign shall be four feet for the portion containing general copy, with an overall maximum height of six feet above sidewalk grade. For community identity purposes, the top two feet of the sign shall be utilized to identify the name of the development or center.

C. Monument signs shall be constructed with materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the county.

10.11.05. Open Space.

A. Open space shall be provided within or adjacent to each neighborhood, complementing the size, scale, nature, and proximity of other accessible open space amenities in the area.

01. Approved open space may include, but is not limited to: commons, parks, landscaped plazas, outdoor dining, courtyards, conservation of land in its natural state, sensitive area protection, wildlife habitat, manmade landscape features or focal points, fountains, waterfalls, other water features, golf courses, greenbelts, sidewalks within open space areas, trail systems and connections, playgrounds, pavilions, picnic areas, and sustainable agriculture. A "village green" commons area may be required within the community town center or other significant activity area.

a. Efforts should be made to create an integrated and interconnected network of accessible open space. Areas proposed as open space shall be permanently restricted through a permanent open space notation on the plat.

02. Construction materials used within open space areas shall be related to the materials of adjacent buildings. Design and texture shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting, as appropriate.

03. Areas of environmental concern or interest may be required to be preserved, (e.g., drainages, steep slopes, significant vegetation, connections to trail systems, and water features). Unless otherwise specified through dedication, special agreement, or understanding with the County, all open space areas shall be maintained by property owners or property associations.

10.11.06. Outdoor Lighting. The lighting of streets, pedestrian areas, parking lots, and active open space is required. Streetlights shall conform to an approved theme and shall encourage a "village" feel, a pedestrian scale, and walking safety. Lighting shall comply with requirements of Section 12.27.

10.11.07. Streets and Pedestrian Ways.

A. Streets. Private streets are discouraged. Gated communities are not permitted.

01. While any street dedication should be shown on recorded plats, the actual effective date of said dedication may be delayed through an appropriate legal instrument, as approved by the county.

B. Sidewalks and Walkways. The design of pedestrian ways may include a solitary meandering pathway or trail, a "pedestrian street," and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon scale, the type of project being proposed, and by the way uses are integrated.

01. An eleven (11) foot cross section, with a six-foot park strip and a five-foot sidewalk, is a standard. Alternate park strips and/or sidewalks widths may be approved depending upon the proposed land uses and the desired effect. All streets shall have sidewalks and curbside streetscape, except as may be necessary because of topography. However, portions of MPCs may be built without sidewalks if dedicated bicycle and other pedestrian access is provided by separated or integrated pathway systems, to be designed and approved in consultation with the county planning staff.

C. Sidewalk/Walkway Materials and Street Furniture. Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity. In "vertical mixed use" and other more urban areas, sidewalk adjustments may be required in order to enhance street and land use connectivity. Portions of the park strip may be paved to accommodate street furniture, leaving appropriately sized tree wells for street trees.

01. Street furniture, including, but not limited to benches, trash receptacles, artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of the block face and area land uses. Street furniture requirements shall include an overall design theme for compatibility.

D. Crosswalks. Extensive use of crosswalks shall be incorporated within the community at key intersections, mid-blocks as needed, within parking lots, or other desirable pedestrian routes. Crosswalks shall be so configured to be a design feature of the development, (e.g., multiple painted lines, pavers, edges, and other methods of emphasizing pedestrian use versus auto use).

01. Crosswalk paving materials matching sidewalk materials are encouraged to further enhance the pedestrian realm. Bulb outs and other pedestrian design features shall be used to shorten walking distances across open pavement in key pedestrian locations. As needed, gaps in planted medians shall be used in association with pedestrian crossings to encourage walking and to act as a "refuge" for crossing pedestrians.

E. Master Planned Mobility System. All MPCs shall comprehensively integrate a bicycle/pedestrian mobility network that connects all nodes of the MPC with excellent non-automobile mobility infrastructure. The network shall provide multiple ways of accessing community amenities, and shall connect to public lands and planned regional trails where possible. Based upon land use and the level of demand, bicycle pathways along major corridors, and associated bicycle parking shall be provided in appropriate locations (e.g., visible from storefronts and entrances to office buildings and multi-family residential structures).

F. Driveways shall meet standards of Section 12.34.

G. Lots. Each lot shall contain a satisfactory building site which is related to topography and allows delivery of the minimum service standards as found in Section 13.04.

01. Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.

02. Lot Location in Relation to Street or Road. All lots must front upon an approved road, street or auto court, or upon a community green space.

03. Reverse Frontage. Lots in residential subdivisions shall have primary vehicle access to an interior subdivision road or street, where practical given topographic constraints. Overall, no more than twenty (20) percent of dwelling unit vehicle accesses shall front onto an arterial or collector street.

10.11.08. Other Forms of Transportation.

A. All forms of transportation shall be considered within and without project developments with the intent to improve convenience and reduce vehicle trips, including auto, transit, bicycle, and pedestrian. Access connections shall be required where deemed appropriate to provide circulation or access to churches, schools, playgrounds, open space, shopping centers, transportation, and other community facilities.

B. Appropriate bus turnouts, shelters, stops and other transit options shall be coordinated and planned as part of the development review process.

10.11.09. Parking Areas. Parking areas shall be designed to comply with requirements of Section 12.13. Due to the unique nature of MPCs and where appropriate, on-street parking shall be provided adjacent to developments, and may be used, in whole or part, to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design, adjoining land uses, and width of the street.

10.11.10. Environmental Concerns.

A. Wildlife and wildlife habitat protection will be coordinated with the Idaho Department of Fish and Game. It is the intent that wildlife protection will be an amenity for MPCs with such habitats. Wildlife feeding patterns and wildlife corridors will be taken into account in planning developments, and where possible, integrated into proposed open space preservation areas.

B. Vegetation, Soil, and Erosion Controls. All development greater than one acre will require a construction general permit through the Environmental Protection Agency.

01. Cuts and fills shall be allowed for road grading and access subject to proper slope control, retaining walls, easements, and re-vegetation, as necessary.

02. Service and Storage Areas. Loading and refuse collection areas must be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened through landscaping and architectural design.

C. Buildings and site improvements must be designed to properly accommodate loading and unloading and refuse collection, with such being discouraged on streets. Screen walls/enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris free condition.

D. Except for approved and screened, recreational vehicle storage lots associated with a residential use, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings.

10.11.11. Utilities. Utility companies shall coordinate utility infrastructure location and grouping to create minimal impact on site design. While electrical transmission lines may be located above ground with approval from the Board of County Commissioners, all other utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed, and no pole or other support structure therefore shall be erected, altered or replaced, upon any lot (outside of any building) above the surface of the ground except for hoses and movable pipes used for irrigation or other purpose during construction. Utility lines shall be kept out of the public right-of-way except for crossings.

A. Utility boxes shall be grouped together where possible and screened with vegetation or other appropriate method. Such facilities shall be sensitively placed so as to not detract from street aesthetics and pedestrian design. Gas meters and electric service meters and panels shall be located on the sides of buildings or otherwise screened from public view.

10.12 Specific residential design requirements.

10.12.01. Depending upon the size and scale of mixed-use projects, residential dwellings shall comprise more than one land use type, fulfilling housing needs with an assortment of housing options.

10.12.02. Building setbacks for multi-family residential dwellings shall be determined at the time of site plan review. Where possible, multi-family development shall front onto streets or open space with appropriate walkable elements, including building entrances facing the street, sidewalks, and parks trips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design. The following standards shall be required for multi-family residential development:

- A. Properly designed off-street surface parking lots hidden from streets.
- B. Dwelling and garage gables facing streets and alleys.
- C. Covered entrance porches.
- D. Building entry sidewalks that connect directly to street sidewalks.
- E. Variety of building sizes, shapes and building heights.
- F. Open space and recreational amenities compatible with project scale and the market.

10.12.03. The following standards for multi-family residential development are encouraged but not required:

- A. Multi-level structures.
- B. Dormers and/or shutters, and other architectural window treatments.
- C. Street side balconies/decks.
- D. Surface parking designed in a linear fashion to better resemble a public street design.
- E. Front-loaded garage units. Where front-loaded garages are approved, they are encouraged to be designed to be subservient (set back at least five feet from the front line of the dwelling) to the architecture of the residential structure.

10.12.04. Single-family residential dwellings, unless fronting onto a "green court," shall have variable front yard setbacks measured from the covered porch to the edge of the curb. Front-loaded garages should be subservient to the dwelling and shall not have a setback less than eighteen (18) feet to the edge of the sidewalk. In no case shall the front yard setback be less than fifteen (15) feet between livable space and the edge of sidewalk. Side and rear setbacks shall be determined at the time of site plan review based upon acceptable subdivision layout and design. The following standards shall be required for single-family residential development:

- A. Dwelling and garage gables, hips, sheds, or other stylized roof features facing streets and alleys.
- B. Covered, open-front porches are required on all single-family detached units, and shall be at least six feet in width.
- C. Building entry sidewalks that connect directly to street sidewalk or pathway.

D. The following standards for single-family residential development are encouraged but not required:

01. Subservient garages, i.e., rear loaded with alley access, front loaded detached or attached but set back from the front line of the livable area or porch of the home, side entry attached, or a combination of the above.
02. Mix of one- and two-story dwellings.
03. Side street balconies/decks.
04. Wraparound porches, particularly on corner lots.

Chapter 11 USE REGULATIONS SUMMARY

11.01 Use regulations summary.

11.01.01. Please refer to the text for permitted uses in each zone. Where text and chart may differ, the text will prevail. Because no list can be complete, the planning and development director shall decide the status of a use. That decision may be appealed to the Planning and Zoning Commission as set forth in Section 13.07.

11.01.02. This is intended for reference purposes only.

11.01.03. All site plans require approval in accordance with Section 13.03.

11.01.04. The following is the summary of abbreviations:

P = Permitted by staff with site plan approval;

D = Permitted as part of a planned unit development

C = Permitted by conditional use permit

N = Not permitted

	AG	LDR	HDR	CG	LIW	IN
Residential Uses:						
Attached housing — three or more dwelling units	N	D	P	C	N	N
Boardinghouse (see inn or hotel)	C	P	P	C	N	N
Duplex	N	P	P	C	N	N
Institutional residential	C	C	C	C	N	N
Mobile home parks	N	D	D	N	N	N
Residential planned unit development	N	P	P	N	N	N
Single-family residential (detached)	P	P	P	C	N	N
Nonresidential Uses:						

	AG	LDR	HDR	CG	LIW	IN
Administration and business offices	N	N	N	P	P	P
Airport/heliport, private	C	C	C	C	C	C
Auto parts and accessories	N	N	N	P	P	P
Auto parts, used and/or rebuilding	N	N	N	N	P	P
Auto salvage (junkyard)	N	N	N	N	N	C
Auto wash	N	N	N	P	P	P
Auto body repair, auto towing	N	N	N	N	P	P
Automotive repair	N	N	N	P	P	P
Automotive sales	N	N	N	P	P	P
Bed and breakfast facilities:						
Under six bedrooms	P	P	P	P	N	N
Bed and breakfast facilities six or more bedrooms	C	C	C	P	N	N
Billboards (outdoor/adv.)	N	N	N	N	P	P
Boat sales	N	N	N	C	P	P
Boat service	N	N	N	C	P	P
Building contractor	N	N	N	P	P	P
Building maintenance service	N	N	N	P	P	P
Building material sales	N	N	N	P	P	P
Bulk storage of fuel or chemicals	N	N	N	P	P	P
Cabinet making	N	N	N	P	P	P
Campground	C	N	N	P	N	N
Cemetery	C	C	C	N	N	N
Circuses or carnivals, temp	P	N	N	P	P	P

	AG	LDR	HDR	CG	LIW	IN
Cocktail lounge or bar	N	N	N	P	N	N
Commercial building contractor	N	N	N	P	P	P
Commercial heating, cooling contractor	N	N	N	P	P	P
Commercial livestock	P	P	N	N	N	N
Commercial off-street parking	N	N	N	P	P	P
Component assembly	N	N	N	N	P	P
Concrete contractor	N	N	N	N	P	P
Construction products supply	N	N	N	N	P	P
Construction sales, service	N	N	N	P	P	P
Consumer repair service	N	N	N	P	P	P
Crop production	P	P	P	P	P	P
Day care center						
One to six children	P	P	P	P	N	N
Seven+ children	C	C	C	C	C	N
Day care home						
One to six children	P	P	P	P	N	N
Seven + children	C	C	C	P	N	N
Dry cleaning central plant	N	N	N	N	P	P
Dry cleaning shop	N	N	N	P	P	N
Excavation contractor	N	N	N	N	P	P
Explosives, storage or manufacture	C	N	N	N	C	P
Farm and domestic animals for single-family recreation, consumption or education	P	P	P	P	P	P
Farm equipment sales	C	N	N	N	P	P

	AG	LDR	HDR	CG	LIW	IN
Feed lots	C	N	N	N	N	C
Financial service	N	N	N	P	P	P
Fire station	P	P	P	P	P	P
Food processing	C	N	N	N	P	P
Freight terminal	N	N	N	N	P	P
Gas station	N	N	N	P	P	P
Golf course	C	P	P	C	N	N
Greenhouse, commercial	P	N	N	P	P	P
Hog farms	C	N	N	N	N	N
Home improvement store	N	N	N	P	P	P
Hotel and motel	N	N	N	P	P	P
Household cleaning business	N	N	N	P	P	P
Indoor entertainment, sports and recreation	N	N	N	P	C	N
Industrial equipment sales	N	N	N	N	P	P
Insulation contractor	N	N	N	P	P	P
Junkyards	N	N	N	N	N	C
Kennels:						
Fully indoors	P	P	P	P	P	P
Outdoors	P	N	N	N	P	P
Landscape contractor	N	N	N	P	P	P
Machine shop	N	N	N	N	P	P
Manufacturing, processing, fabricating	N	N	N	N	P	P
Masonry supply	N	N	N	N	P	P

	AG	LDR	HDR	CG	LIW	IN
Mini storage	N	N	N	P	P	P
Mining	C*	N	N	N	C	C
Mobile home and/or RV sales	N	N	N	C	P	P
Noise park	C	N	N	N	C	P
Retail	N	N	N	P	P	P
Wholesale	P	N	N	P	P	P
Outdoor for pay entertainment, sports and recreation	P	N	N	C	N	N
Outdoor shooting range	C	N	N	N	C	C
Park	P	P	P	P	N	N
Professional offices	N	N	N	P	C	N
Pump and well drilling contractor	N	N	N	N	P	P
Public service facility	P	P	P	P	P	P
Quarry	C	N	N	C	P	P
Railroad car/vehicle bed (as storage)	C	N	N	N	P	P
Recycling bin for collection	N	P	P	P	P	P
Recycling facility	N	N	N	N	P	P
Recreational vehicle (RV) park	C	N	N	P	N	N
Refining	N	N	N	N	C	C
Religious assembly	P	P	P	P	P	P
Research facilities	N	N	N	C	P	P
Residential remodeling contractor	N	N	N	P	P	P
Restaurant	N	N	N	P	P	P
Retail store	N	N	N	P	C	N

	AG	LDR	HDR	CG	LIW	IN
Road contractor	N	N	N	N	P	P
Schools:						
Academic	P	P	P	P	C	N
Vocational	C	N	N	P	P	P
Saw Mill	C	N	N	N	P	P
Shooting preserves	C	N	N	N	N	N
Short-Term House Rentals	C	C	C	P	N	N
Sign contractor	P	P	P	C	N	N
Stables, commercial	P	P	N	N	N	N
Truck sales	N	N	N	P	P	P
Truck service	N	N	N	P	P	P
Truck stop	N	N	N	C	P	P
Utilities transmission line	P	P	P	C	N	N
Utility installations	P	C	C	P	P	P
Veterinary services	C	C	N	P	P	P
Warehousing and distribution	N	N	N	P	P	P
Wholesale business	N	N	N	P	P	P
Wildlife preserve	C	N	N	N	N	N
Zoo	C	N	N	N	N	N

*Permitted when subject to State and Federal permitting requirements

Chapter 12 GENERAL REGULATIONS

12.01 Applicability.

12.01.01. This chapter shall be known as the general regulations. These regulations apply to all districts and uses, except as specifically provided herein, in addition to other provisions of the zoning ordinance.

12.02 Accessory Uses

12.02.01. Authorization.

A. Except as otherwise expressly provided or limited by this title, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this article shall be determined by the Planning and Zoning Administrator pursuant to his or her authority to interpret the provisions of this title.

12.02.02. Zoning Permit required.

A. No accessory use or structure shall be established or constructed unless a zoning permit evidencing the compliance of such use or structure with the provisions of this section and other applicable provisions of this title shall have first been issued in accordance with Section 13.02.

12.02.03. Use limitations. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

A. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.

B. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

12.02.04. Residential accessory uses and buildings shall be:

A. Permitted after or concurrent with the development of the primary use: a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence except one personal storage building may be permitted on a residential lot in the agricultural, Low Density Residential and High Density Residential zoning districts prior to the issuance of a permit for the residence provided that a residential development right has been established.

01. A personal storage building of no more than one thousand four hundred (1,400) square feet in size may be permitted by staff in accordance with the site plan review procedure. The applicant shall prepare a detailed site plan of the proposal and demonstrate that the proposed layout meets all requirements of the zoning ordinance.

02. A personal storage building over one thousand four hundred (1,400) square feet in size will require site plan review and approval by the Planning and Zoning Commission as a business item. Property owners within a three hundred (300) foot radius shall be notified within at least seven days of the public meeting.

B. Compatible in design with the primary use; that is, garages, storage buildings and shops will look like residential garages, sheds, etc., not industrial or commercial. Compatibility will be determined following application site plan review.

C. The total area of structures on a lot, including the principal building, shall not exceed thirty-five (35) percent of the total lot area.

D. The maximum height of the accessory structure shall be as shown in the district bulk and placement tables.

12.03 Accessory use regulations for commercial stables.

12.03.01. The following minimum setbacks shall be provided:

A. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of seventy-five (75) feet from any street or nonresidential lot line and one hundred (100) feet from any residential lot line, in order to minimize odor and nuisance problems.

B. Manure piles shall be stored, removed and/or applied in accordance with health department regulations; however, manure shall not be applied on land that is closer than one hundred (100) feet to a residential lot line.

12.04 Accessory use regulations for private swimming pools and tennis courts.

12.04.01. Pools and courts, including but not limited to aprons, walls and equipment rooms, shall not protrude into any required setback.

12.04.02. Pools shall be fenced or otherwise protected against intrusion.

12.04.03. Pools shall not be operated as a business or a private club, unless they are part of a planned unit development or otherwise permitted by the zoning ordinance.

12.05 Residence for commercial caretaker or watchman.

12.05.01. One single-family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any agricultural, commercial or industrial use such as kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.

12.05.02. The standards applicable to a commercial caretaker's residence shall not differ from those imposed by this title on any other housing unit of the same type, except the minimum lot size requirement.

12.06 Temporary dwelling for dependent persons.

12.06.01. Upon written request of the owner of the affected property and for which this is a request for their personal situation, the Board of Caribou County Commissioners may allow the placement of one temporary dwelling in excess of that permitted within the property's zoning designation contingent that other building and zoning requirements are met. The applicant's request must explain why the existing dwelling on the property is inadequate for the care of a dependent person, must establish that the dependency is the result of the physical or health needs of the dependent, and that other provisions of this title will not allow the placement of the additional dwelling on the affected property.

12.06.02. If the Board of Caribou County Commissioners finds that the request meets these standards and the dwelling is required to provide regular care for the dependent person, the Board of Caribou County Commissioners may grant the applicant's request upon the condition that the approval must be reconsidered annually. For annual renewal of the temporary dwelling, the Board of Caribou County Commissioners must find that the facts supporting original approval still exist.

12.06.03. Building or installation permits and compliance with setbacks are required for temporary dwellings. Dwellings approved under the provisions of this section shall be no further than one hundred (100) feet from the existing residence. If it is physically impractical to locate the home within one hundred (100) feet of the existing residence and the applicant can provide proof of this to the planning department, the distance to the new temporary home may exceed the one hundred (100) foot limit, but the new home must be located as close as is physically practical to the existing residence.

12.07 Temporary Existing Dwellings.

12.07.01. Upon receipt of a complete application, in any zone that allows for residential dwellings, the Planning & Zoning Administrator shall issue a temporary use permit for an existing dwelling if the he/she finds that all the following conditions and requirements are met:

- A. A building permit is issued concurrently for a one-family dwelling to replace the existing dwelling on the same parcel of land.
- B. A bond in the amount of \$20,000.00 is posted with the Planning & Zoning Administrator to ensure that the property owner removes the existing residential structure and demolition debris and brings the demolition site to a finished grade equivalent to the surrounding grade.
Exception: The Zoning Administrator may refund the bond when the subject former dwelling structure is not demolished upon finding the building: (1) meets all current setback standards; (2) will not be used for human occupancy; (3) will have a use, such as an agricultural shed, which is a permitted use in the zone; (4) meets the currently adopted state building code standards for an unoccupied building; (5) has had all residential occupancy facilities removed including plumbing and fixtures for sinks, toilets, tubs, and showers; wiring, plumbing and fixtures for stoves, refrigerators, and food preparation counters; and wiring, plumbing and fixtures for water heaters and furnaces.
- C. The existing dwelling must be demolished within thirty (30) days from the date of the issuance of the Certificate of Occupancy, unless an exception has been approved as per Subsection (B) above. An extension of the ninety-day period may be made by the Zoning Administrator when unusual weather or other conditions exist.

12.08 Accessory cottage dwelling.

12.08.01. The intent of this section of the title is to enable the placement of one accessory housing unit, either attached or separate from an existing principal dwelling, on parcels that are not eligible for additional new dwelling permits, provided that such accessory housing is not rented or occupied for gain. Accessory cottage dwellings shall be limited to the Low Density Residential and High Density Residential, ~~and recreation~~ zoning districts and shall be permitted with staff review and approval of the site plan. In the event there is a conflict with any other adopted codes, such as the building code, the more restrictive shall apply. The following minimum requirements shall apply to accessory cottage dwellings:

- A. One accessory cottage dwelling is permitted on parcels within the Low Density Residential and High-Density Residential zoning districts provided the building bulk and placement standards and all other provisions related to residential buildings are met.
- B. The accessory cottage dwelling shall not be rented or occupied for gain.
- C. The accessory cottage dwelling shall be installed as real property with a permanent foundation.
- D. Septic system and domestic water supply for an accessory cottage dwelling shall be inspected and approved by the appropriate agency.
- E. The maximum separation between the principal dwelling and the accessory cottage dwelling shall be one hundred (100) feet unless it is physically impractical to do so, in which case it must be located as close as is physically practical to the principal dwelling.
- F. The accessory cottage dwelling shall use the same driveway approach and address.

G. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory cottage dwelling shall forevermore be tied to the principal building and shall not be separated or put on its own parcel for sale or any other purpose.

12.09 Temporary Uses

12.09.01. Authorization.

A. Temporary uses are permitted only as expressly provided in this article. Temporary uses not set forth herein may be considered on an individual basis by the Planning and Zoning Administrator. Appeals of the Planning and Zoning Administrator's decision may be made to the Planning and Zoning Commission.

12.09.02. Zoning permit required.

A. No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this article and other applicable provisions of this title shall have first been issued.

12.09.03. Particular temporary uses permitted.

A. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this title:

01. Carnival or circus, fireworks stands:

- a. Permitted in any CG, LIW, or IN districts
- b. Maximum length of permit shall be fifteen (15) days,
- c. No structure or equipment within five hundred (500) feet of any residential property line;

02. Christmas tree sales:

- a. Permitted in any district,
- b. Maximum length of permit for display and open-lot sales shall be forty-five (45) days;

03. Contractor's office and construction equipment sheds:

- a. Permitted in any district where use is incidental construction project,
- b. Maximum length of permit shall be one year,
- c. Office or shed shall be removed upon completion of construction project;

04. Events of public interest:

- a. Permitted in any district, except HDR and LDR,
- b. Events may include but are not limited to outdoor concerts, auctions, snowmobile events, and the like;

05. Real estate sales office:

- a. Permitted in any district for any new subdivision approved in accordance with Caribou County subdivision regulations. A model home or mobile home may be used as a temporary sales office,
- b. Maximum length of permit shall be one year,
- c. The Planning and Zoning Commission may grant one-year extensions for cause,
- d. Office shall be removed upon expiration of the permit;

06. Religious tent meeting:

- a. Permitted in any district,
- b. Maximum length of permit shall be thirty (30) days;

07. Seasonal sale of farm produce:

- a. Permitted in A, LDR and HDR, districts on parcels having a minimum area of one acre and a minimum road frontage of one hundred (100) feet,
- b. If the site is used for growing a minimum of fifty (50) percent of the farm produce sold, the owner or operator of the site may import a maximum of five farm produce products not grown on the site for seasonal sale.
- c. If the site has a minimum area of four acres and a minimum road frontage of three hundred (300) feet, the owner or operator of the site may import a maximum of ten farm products not grown on the site for seasonal sale,
- d. Maximum length of permit shall be for six months of each calendar year,
- e. Sales area, including the produce stands, shall be set back a minimum of thirty (30) feet from the nearest right-of-way of any street or highway. Entrances and exits to the parking lot shall conform to restrictions set forth in Caribou County's design standards for public roads;

08. Horse show or exhibition: Permitted for any commercial or private stable for special events, including but not limited to shows, exhibitions and contests;

09. Tent theater:

- a. Permitted in any district, except HDR,
- b. Maximum length of permit shall be one month per calendar year.

12.10 Other temporary uses.

12.10.01. Proposed temporary uses not specified in Section 12.09 shall only be permitted if they meet the following requirements:

- A. They cannot cause traffic congestion;
- B. There must be adequate off-street parking space provided for the use;
- C. They cannot disrupt the tranquility or character of a residential neighborhood;
- D. The maximum length of permit is six months in any one calendar year;
- E. They must meet all building bulk and placement standards required of permanent uses in each zone.

12.11 Additional regulations.

12.11.01. All temporary uses shall be subject to the following:

- A. Documentation must be provided from the health department that adequate arrangements for temporary sanitary facilities have been ensured, except where not deemed necessary by the planning and zoning director.
- B. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
- C. All uses shall be confined to the dates specified in the permit.

D. Hours of operation shall be confined to those specified in the permit.

E. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within thirty (30) days after the closing event. A performance bond for a minimum of twenty-five thousand dollars (\$25,000.00) shall be posted or a signed contract with a disposal firm shall be required as a part of the application for a zoning certificate to ensure that the premises will be cleared of all debris during and after the event.

F. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.

G. Traffic control arrangements required by the Caribou County sheriff's department in the vicinity of major intersections shall be arranged by the applicant.

H. Proof of insurance for the temporary use shall be provided to the Planning and Zoning Administrator by the applicant for all uses except the following:

- 01. Construction office;
- 02. Real estate sales office;
- 03. Seasonal sale of farm produce;
- 04. Recreational vehicle permitted in Section 12.14.07(A.03).

12.12 Temporary Use of Occupied Recreational Vehicle

12.12.01. One occupied travel trailer may be placed on a lot in any zone for a period of time not to exceed one hundred and twenty (120) days within any calendar year. Violation of the one hundred and twenty (120) day limitation shall be deemed a violation and subject to the fines and penalties as outlined in this ordinance.

12.12.02. Recreational Vehicles can be stored on one's property un-occupied without restriction.

12.13 Off-Street Parking Requirements

12.13.01. Parking requirements—Applicability.

12.13.02. The standards set forth in this article shall apply to the construction and use of buildings and land respectively as outlined below:

Condition	Status
New construction	Fully applicable
Replacement of conforming use	No change required
Replacement of nonconforming use	Proportionate compliance*
Expansion of existing use	Proportionate compliance*
Occupancy of existing structure	Proportionate compliance*
Exchange of conforming use	Proportionate compliance*

* Proportionate compliance is a requirement that the marginal difference in the parking requirement must be met to the extent that the use or area is changed.

12.13.03. Parking requirements generally

A. Every building or portion of a building hereafter erected shall be provided with permanently maintained off-street parking spaces as provided in this article. The parking spaces shall remain available for the use of building occupants or customers for the duration of the building occupancy. The terms of parking utilization shall be disclosed by a land owner at the time of the building and zoning permit request and shall be made part of any permit issued in accord with the terms of this title.

12.13.04. Parking lot design requirements. Lots for parking six or more cars, in all but the residential zones, shall conform to the standards established by this section. The office of Planning and Zoning Department may make minor modification in the standards contained in this section to avert unreasonable practical difficulties resulting from literal application of the requirements of this section. Variation from the stated standard by five percent or more shall require a variance as described in Section 13.09. The following requirements shall apply to all required parking lots for six or more cars in all zoning districts except residential.

A. Lots shall be designed to facilitate convenient traffic circulation on-site and at junctions of public streets and parking lot circulation lanes.

B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.

C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right-of-way.

D. Parking spaces shall have a nine-foot effective width and an eighteen (18) foot length, and an eight-foot effective width and sixteen (16) foot effective length for compact car spaces.

E. When the Planning and Zoning Administrator deems it necessary, parking lots shall be equipped with appropriate drainage control measures to minimize the effects of stormwater on public drainage systems. Drainage plans shall be submitted to the Planning and Zoning Administrator upon request.

F. Parking lot areas shall be maintained in a dust-free condition.

G. Parking lot landscaping areas shall be protected from damage by vehicles.

H. Handicapped parking spaces shall be provided in all parking lots of twenty-five (25) spaces or more. Handicapped parking spaces shall be provided in locations which are most convenient to building entrances. Handicapped parking spaces shall be 1.5 times as wide as normal parking spaces. The ratio of handicapped to regular parking spaces shall be determined by the Americans with Disabilities Act as amended.

I. Parking lot placement shall comply with standards set forth in each respective zone standards.

J. Size and location of directional signs shall be subject to approval of the office of Planning and Zoning Department.

K. Lighting of parking lots shall be accomplished in a manner which complies with Section 12.27, lighting, and does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic and shall not intrude upon adjacent land uses. Parking areas shall be designed to avoid conflict with nearby vehicle traffic.

L. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Planning and Zoning Department.

M. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight proof hedge unless waived for cause by Planning and Zoning Department.

N. Signs which identify parking lot usage terms and conditions may be required by Planning and Zoning Department.

12.13.05. Joint use of parking facilities.

A. The shared use of parking facilities by occupancies which have complementary times of use may be permitted by the office of Planning and Zoning Department. Planning and Zoning Department may require alternative plans prior to approving a joint-use agreement and a guarantee of performance should the joint-use agreement appear temporary in nature. A grant of permission for joint use of parking facilities may be conditional by Planning and Zoning Department based upon circumstances surrounding the uses involved. Written agreements must be in place between the parties sharing parking before approval may be granted for a joint parking agreement. Appeals from the Planning and Zoning Department decision may be made directly to the Planning and Zoning Commission.

12.13.06. Parking standards for land uses.

A. Parking spaces shall be provided for all land uses governed by this title. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Planning and Zoning Department prior to issuance of a zoning permit.

B. In parking areas where up to thirty (30) spaces are required, all spaces shall be full-sized spaces. For uses requiring from thirty-one (31) to one hundred (100) spaces, fifteen (15) percent of the spaces may be sized for compact cars. For uses requiring over one hundred (100) spaces, thirty (30) percent of the spaces to be provided may be sized for compact cars. In all instances, compact car spaces shall be prominently identified as such by a clearly legible method of marking.

C. The following table sets forth the parking space requirements for land uses within the jurisdiction of this title:

Use	Unit of Measure for which One Space is Required
Business and professional offices (nonmedical)	250 sq. feet
Hotels & Motels (including kitchenette units)	unit
Bowling alley	250 sq. feet
Church, mortuary	200 sq. feet
Restaurants, bars, food establishments providing on-premises service	200 sq. feet
Consumer goods, retail, personal service shops, business offices not providing customer services on the premises	250 sq. feet
Shopping centers	300 sq. feet

Medical and dental offices	200 sq. feet
Motor vehicle, machinery sales and wholesale equipment stores	600 sq. feet
Sanitariums, children's homes, nursing homes, elderly housing complexes, group homes	Bed
Hospital	One-half bed
Manufacturing uses, warehouses, wholesale bakeries, commercial printers	As determined by site plan review
Schools, elementary	One-half classroom
Auditorium, sports arenas, stadiums, theaters	4 seats
Schools (for students of driving age)	One-fifth classroom

D. Uses Not Listed in Code. When a land use is not listed in the table in subsection C of this section, the parking space requirements shall be determined by the office of Planning and Zoning Department based upon comparison with similar uses and evaluation of possible parking demand associated with the use contemplated. The decision of Planning and Zoning Department may be appealed to the Planning and Zoning Commission in matters of parking space requirements.

12.13.07. Parking lot landscaping.

A. Parking lot landscaping shall be provided where required by this title. It shall be maintained in a growing and healthful condition from the date of building occupancy. A sprinkling system shall be provided for all lots for more than thirty (30) cars. All nursery stock shall be healthy. Deciduous trees shall be at least one inch in caliper. Evergreen trees shall be at least three feet in height. Shrubs shall be five gallons in size.

B. In commercial general zones, and for commercial general uses in MU zones, interior parking lot landscaping shall cover at least five percent of the total parking lot area for lots with fifteen (15) or more parking spaces. One shade tree of at least one and one-half inch caliper shall be planted for every one hundred fifty (150) square feet of the interior lot landscaping. All land in the area designated for landscaping shall be covered by growing plants. Rocks and other nonliving materials may be used only for accent in landscaping areas. Plans showing location, size and type of plant materials for landscaping in parking areas shall be provided when application is made for a building permit.

12.14 Manufactured Housing

12.14.01. Applicability - This article shall apply to the use and placement of all manufactured housing outside mobile home parks.

12.14.02. Definition. - Manufactured housing is 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:

- A. 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;
- B. Shall be anchored to a permanent perimeter foundation in a manner that conforms to the building code and is approved by the county building official;
- C. 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;
- D. Shall have a pitched roof constructed to withstand minimum snow loads for its placement area as determined by the building code. Pitch of the roof shall be a maximum of fifty-five (55) degrees inside angle. The roof shall be finished with materials which give the appearance of a roof on a site-built house.

12.14.03. Residential use.

- A. 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 Section 12.14.02 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.

12.14.04. Permitted nonresidential use.

- A. Manufactured housing as defined in Section 12.14.02 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.

12.14.05. Other applicable regulations.

- A. All other requirements and standards of this title, and those of the Idaho Division of Building Safety, shall apply. Where a conflict exists, the more restrictive requirement shall apply.

12.14.06. Agricultural zone.

- A. Manufactured housing units not meeting standards in Section 12.14.02 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 or his or her discretion. Minimum requirements for a design deviation are:

- 01. The manufactured home site shall be screened on four sides at the property line or at one hundred (100) feet from the manufactured home, whichever is shorter. The screening will comply with standards set forth in Section 12.17, 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.
- 02. 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.
- 03. Other requirements may be imposed which will promote aesthetics and protect neighboring land values.
- 04. The manufactured home, if manufactured prior to 1977, shall be certified as rehabilitated according to Idaho Code Title 44 Chapter 25.

12.14.07. Temporary use.

A. 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.

01. 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.

02. 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 one hundred eighty (180) days.

03. Within no more than twelve (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 or she 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.

12.15 Home Occupations

12.15.01. Purpose.

A. Home occupations are commercial activities permitted in zones where the principal uses are not commercial. Permitting home occupations introduces flexibility into the zoning ordinance by allowing people to conduct a business from their home. In order to ensure that the business activity does not change the character of a residential neighborhood or interfere with the pursuit of the principal uses permitted in the zone, limitations are placed on the scope and intensity of the business activity. The following provisions are intended to further that purpose.

12.15.02. Conditions of use. Home occupations shall be permitted in A, LDR and HDR zoning districts subject to the conditions set forth as follows:

A. Business activity must be secondary to primary use of a dwelling and must not consume over six hundred (600) square feet or twenty (20) percent of the gross floor area of the dwelling, whichever is less.

B. The limited business activity shall not change the character of the dwelling.

C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust or debris. The accessory building must comply with the definition of residential accessory buildings in this code.

D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.

E. Where a home occupation serves as an office for a business using heavy equipment or substantial accessory business inventory, no such equipment or inventory materials shall remain or be stored upon the site in question for more than twelve (12) hours unless it is fully enclosed by a building or solid fence deemed satisfactory by the planning and zoning director. No hazardous materials shall be stored on the property.

- F. A home occupation shall not use mechanical or electrical equipment of a heavier nature than is typical for household use.
- G. A home occupation shall not place any display in a yard or window which would indicate a business is being conducted at the address.
- H. A sign for a home occupation shall not exceed four square feet in size, shall be flat-mounted on the dwelling, and shall not be directly illuminated. Signs on business vehicles, regardless of their storage location, shall not display the address of the home occupation.
- I. Only one home occupation business-related vehicle may be kept at the residence overnight. It shall be no larger than a one-ton nominal rating.
- J. Activities on-site shall be conducted no earlier than eight a.m. or later than nine p.m.
- K. Activities associated with a home occupation should not cause more than incidental on-street parking.
- L. No more than one nonresident of the household shall work on-site in a home occupation.

12.16 Fences in Nonagricultural Zoning Districts

12.16.01. Applicability—Regulations generally. The following regulations shall apply to fences constructed within all zones except agricultural zones:

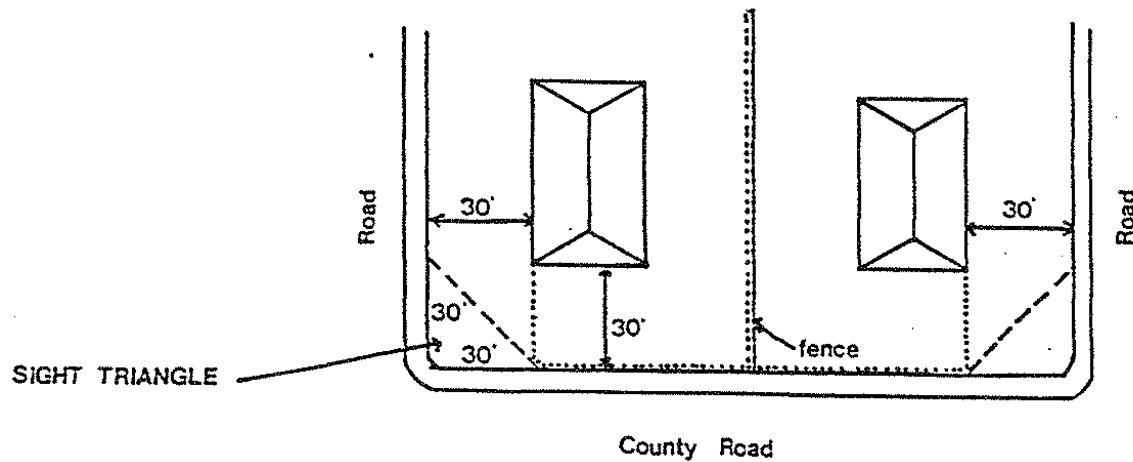
- A. All electrical fences shall be UL [tm] approved.
- B. No solid fence greater than three feet in height may be constructed within the required front setback.
- C. The following additional regulations shall specifically apply to corner lots within the county:
 - 01. No solid fence or walled enclosure greater than three feet in height shall be constructed from the corner of an intersection (intersection of legal right-of-way lines) in each direction for a distance equal to the required setback, nor may any structure, hedge, shrub, tree or other growth be permitted which is over three feet in height within the triangular area so bounded.
 - 02. If the rear lot line of the corner lot abuts a side property line of a lot facing the side road, the side building setback for the corner lot shall apply to any solid fence greater than four feet in height.
 - 03. The diagrams set out in Section 12.16.03 demonstrating fence limitations on corner lots are adopted and made a part of this title.

12.16.02. Exceptions.

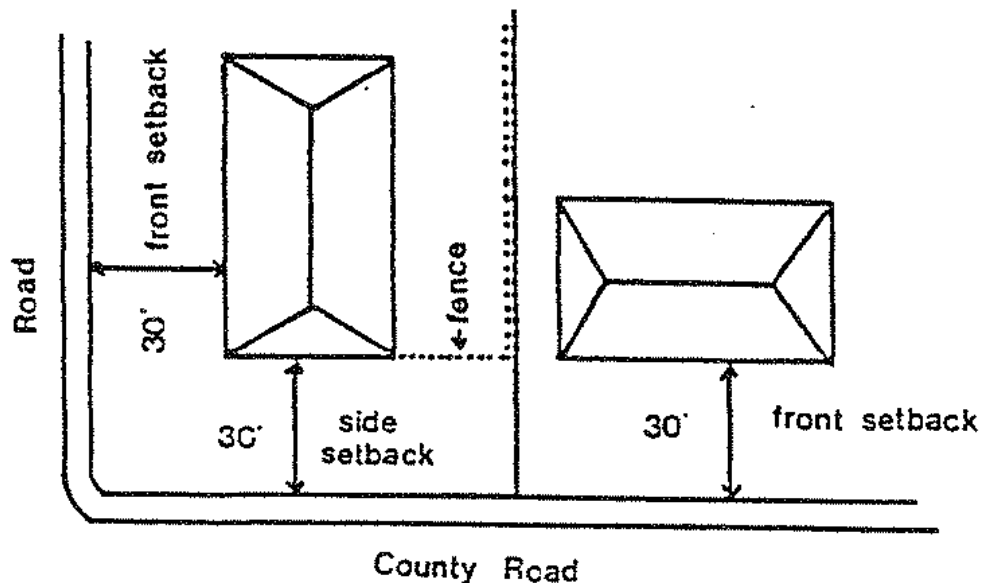
- A. Exceptions to these regulations may be considered by the Planning and Zoning Administrator and may be approved upon a showing that the proposed fence will not create traffic problems for the general public or any neighboring property owner, and will not be incompatible with the neighborhood where erected.

12.16.03. Diagrams of fence locations.

- A. The following depicts permitted fence locations (for a solid fence over three feet in height) on residential corner lots which are back-to-back with neither building fronting on the side roads, where both roads are local roads:



B. The following depicts permitted fence locations (for a solid fence up to seven feet in height) on a corner lot where the rear lot line of the corner lot borders a lot on which a building faces the side street.



C. Arterial or collector roads: increase the thirty (30) feet to fifty (50) feet.

12.17 Screening Requirements

12.17.01. Screening meeting the minimum standards of Section 12.17.02 shall be provided by the following uses when located on sites as identified below:

- A. Manufactured homes not meeting the standards in Section 12.14.02, mobile home parks, multiple-family development, and institutional housing. Each use shall provide screening at the property line when abutting any residential district or existing single-family residential uses;
- B. Nonresidential uses except agriculture. Each use shall provide screening at the property line where abutting any residential district or existing residential uses.

12.17.02. Screening standards.

- A. All fence and screening materials and design require a zoning permit.

B. Screening shall be provided by installation and maintenance thereafter of a visual screen or buffer of one of the following types:

01. A berm or solid wood or masonry fence or wall at least six feet in height;
02. A hedge-like screen of trees or shrubs capable of attaining a minimum height of six feet within three years. Said plant materials shall be planted closely together enough to form a branch-to-branch site-obscuring buffer within five years. The Planning and Zoning Administrator shall approve all plant material used for screening;
03. All such trees or shrubs shall be watered and maintained in a healthy, growing condition and shall be replaced with living plant materials of similar size and type if they die.

12.18 Agricultural Operations

12.18.01. Agricultural operations generally.

A. All farms and ranches in existence upon the effective date of the ordinance codified in this title shall be permitted uses. However, all regulations contained herein and other county ordinances in effect shall apply to all changes of the farming and ranching operation which will cause it to become more intensive. The person who effects any change in an agricultural operation, not located in an A district, that the Planning and Zoning Administrator deems an intensification of use, shall be required to obtain a zoning permit for a minor change, or a conditional use permit for a major change. The Planning and Zoning Administrator shall determine whether a change is minor or major. Setback and other regulations shall apply to farming operations just as they do to urban developments.

B. Commercial farm operations may include necessary accessory uses for treating, storing or processing farm market products; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activity.

C. The board of commissioners may require any farm operation not located in the agricultural district to secure a conditional use permit to continue said operations in the event of the following:

01. A nuisance on a farm is adjacent to or within two hundred (200) feet of any property line and may be detrimental to living conditions by emitting noise, odor, vibrations, hazards to safety, and the like. Idaho Code Right to Farm Act shall apply to this section;
02. The farm operations are so intensive as to constitute an industrial-type use consisting of the compounding, processing and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial-type operation that cannot normally be terminated as can a typical farming operation. Excessive trucking operations shall be considered an intensive use.

12.19 Nonconforming Uses

12.19.01. Purpose.

A. The purpose of these requirements is to keep to a minimum the negative impacts of nonconforming uses on surrounding permitted uses, and to eliminate those nonconforming uses which are most detrimental to the health, safety and welfare of persons living in residential zoning districts.

12.19.02. Requirements generally.

A. Unless otherwise set forth in this title, legally established uses which were in existence prior to the adoption of the ordinance codified in this title shall be permitted to remain, substantially

unchanged, as long as their operation is not discontinued for a period of time greater than twelve (12) months.

B. Permits to expand existing and/or operating nonconforming uses by up to fifty (50) percent in land and/or building area may be sought through the conditional use permit process regardless of the underlying zone. Cumulative expansion of fifty (50) percent or greater shall not be permitted. Expansion of nonconforming uses by conditional use permit shall be allowed only when the use in existence can be made sufficiently compatible with its surroundings and if its expansion in its current location is consistent with the goals of the Comprehensive Plan. Interior remodeling which does not change the nature or extent of a nonconforming use is permitted. Any modification which will affect site development of a nonconforming use, e.g. parking spaces, traffic circulation, accesses, landscaping removal, etc., shall require a conditional use permit application.

C. A nonconforming use may only be changed to a use permitted in the district in which it is located, except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, and provided such change is approved by the Planning and Zoning Administrator. Once changed to a conforming use, no building or land shall be permitted to be changed to a nonconforming use.

D. The Planning and Zoning Administrator may allow a change of one nonconforming use to another nonconforming use only upon determination that the proposed new use will be less detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Planning and Zoning Administrator shall take into consideration, among other things: traffic generated; nuisance characteristics such as emission of noise, dust, smoke, fire hazards; and hours and manner of operation.

E. The applicant or adjacent property owners may appeal the Planning and Zoning Administrator's decision to the Planning and Zoning Commission.

12.19.03. Nonconforming buildings and structures.

A. Buildings or structures lawfully existing on the effective date of the ordinance codified in this title or any amendment thereto, may be maintained although such buildings or structures do not conform to the dimensional standards of this title.

B. No such building or structure shall be structurally altered or improved beyond normal maintenance and safety standards.

C. Any expansion of a nonconforming use or building housing a nonconforming use shall only be permitted by a conditional use permit.

D. Any building or structure which is nonconforming only because it cannot meet the setback requirements of the zoning district may be altered or improved provided such alteration or improvements do not increase any existing substandard dimension.

12.19.04. Substandard lots.

A. Substandard lots are defined as those created without subdivision review or minor land division approval. Substandard lots created before May 13th, 2019, may be developed provided the lot owner receives a sewer permit from the district health department and meets at least one of the following criteria:

01. That all other development standards in this title are met, and that the lot complies with current minimum area, width, and depth requirements; or
02. That the lot maintained the same legal description since February 25, 2008.

12.20 Miscellaneous Provisions

12.20.01. Performance standards applied to expansion and modification of conforming uses.

A. For land uses which are lawfully in existence at the time of adoption of the ordinance codified in this title and are considered to conform to its terms regulating use, any expansion and/or substantial modification of the use shall require compliance with the performance standards in this title in relation to the degree of expansion or modification which is undertaken. Alteration of existing conditions which are potentially hazardous to adjacent uses may be required by Planning and Zoning Department in the course of considering plans for expansion or substantial modification of an existing conforming use.

12.20.02. Storage of hazardous materials.

A. All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline (other than in gasoline stations), liquid fertilizer, chemicals or similar materials shall require approval of the appropriate regulatory agency so that the county will have assurance that fire, explosion, or air, water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. The county shall require the construction of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity. No nuclear materials or fuels shall be stored or used in Caribou County without Department of Energy and EPA approval, and a conditional use permit granted after the applicant proves beyond a reasonable doubt that such storage or use will never be hazardous to the health and safety of present and future residents of southeastern Idaho.

12.20.03. Explosives.

A. No activities involving the storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the Board of County Commissioners in designated industrial districts or by conditional use as allowed in the Agricultural zone. Such materials shall include, but not be limited to, all primary explosives, such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitroglycerine, blasting explosives such as dynamite.

B. Use of explosives in conjunction with development may be permitted by the board after applicant has consulted with county engineer, road and bridge supervisor and county risk management office. Such use must have the approval of the board or its designee prior to use.

12.20.04. Junkyards. The purpose of the requirements for junkyards is to minimize the negative impact of junkyards on the public health, safety and welfare by damaging the environment, or by reducing property values and the quality of life in the county.

A. The site plan required pursuant to Section 13.03 shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel and other storage.

B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within forty (40) feet of any road right-of-way.

C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.

D. All hazardous materials shall be stored in a safe manner and, where required, shall not be permitted until after the issuance of a permit for such storage.

E. Screening. All materials shall be screened by a solid eight to twelve (12) foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms, provided said trees or shrubs are of a type that is capable of forming a dense, hedge-like screen. Said plant materials may only be used if they are approved by the Planning and Zoning Administrator. The approved trees or shrubs shall be large enough to attain a height of at least eight feet within three years after they are planted. Said trees or shrubs shall be spaced closely together enough to achieve branch-to-branch coverage within five years. Said plant materials shall be watered and maintained in a healthy, growing condition, and shall be replaced with living plant materials of similar size and type if they die.

F. The owners of land that is lawfully used as a junkyard, either as a permitted use or as a legal nonconforming use, shall have erected fencing to constrict or limit the view by the general public. The fencing shall comply with the screening requirements of subsection E of this section.

12.21 Storage of inoperative or unlicensed vehicles in LDR and HDR zones.

12.21.01. All inoperative or unlicensed vehicles that are kept outdoors shall be placed to the rear of the front wall of the principal building on a parcel of land. Said vehicles shall be concealed from view by neighboring property owners, to the greatest feasible extent. Said concealment shall be in the form of fencing or screening that is approved by the Planning and Zoning Administrator.

12.22 Traffic control and access management.

12.22.01. All uses in all zones: Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall, in all cases, be forward moving with no backing into roads.

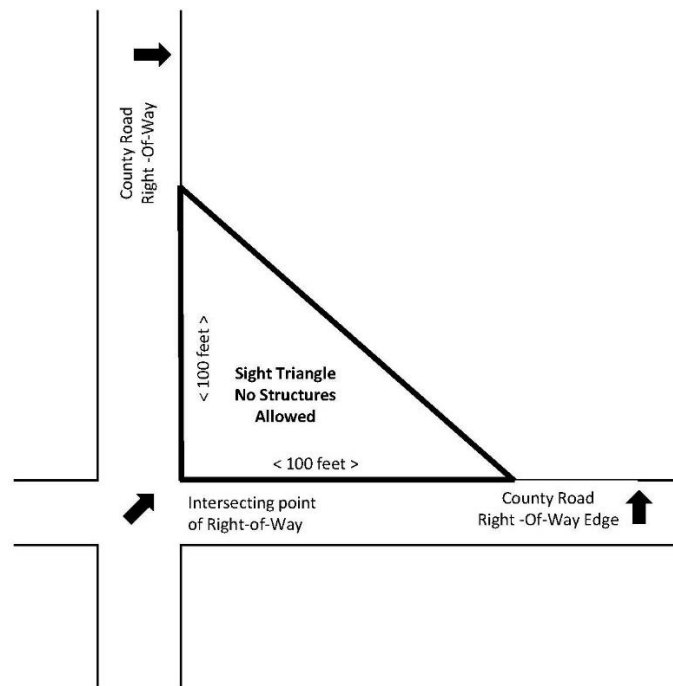
12.23 Sight Triangle

12.23.01. In order to prevent obstruction of visibility at road intersections, site setback triangles are hereby imposed upon the land at each point of each road right-of-way intersection as follows:

A. On any corner lot, nothing shall be placed or allowed to grow over a height of three feet in such a manner as to materially impede vision within the setback dimensions of the roads. This restriction shall also apply to the planting of trees and shrubbery and to yard grades that result in elevations that impede vision within the sight triangle.

B. Setbacks shall be measured from the Right-Of-Way line ~~lot line~~. Where two collector and/or arterial roads intersect, the sight triangle becomes fifty (50) feet, where collector or arterial to local road, the triangle shall be thirty (40) feet on the local road side and fifty (50) feet on the collector or arterial side. In the Agricultural and Industrial Zones the site triangle shall be measured one hundred feet (100') both directions from the intersecting point of the rights-of-way, regardless of the road designations.

C. Diagram depicting how a site triangle is measured:



12.24 Auto body and repair services.

12.24.01. Inoperative vehicles, or vehicles in various stages of repair, and vehicle parts shall be stored or parked in an area screened from view by the public and adjacent uses, by a wall or solid fence. All repairs shall be accomplished inside the structure. Said structure shall meet requirements of the building code.

12.25 Gas stations.

12.25.01. All services except fuel sales shall be performed within a completely enclosed building.

12.25.02. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely visually screened from the view of the public and neighboring residences.

12.26 Billboards.

12.26.01. May be indirectly illuminated; neon, back-lighting panels and the like are not permitted. Maximum height shall be thirty-five (35) feet including structure and face. Maximum area of sign face shall be two hundred (200) square feet. Billboards will have a setback of at least ten feet from any road's right-of-way. Staff and/or Commission will have the option of imposing other restrictions upon site review. All permits for billboards shall comply with state regulations at a minimum, without regard to location.

12.27 Lighting.

12.27.01. The purpose of lighting standards is to protect the health, safety, and general welfare of the public, improve travel conditions by reducing glare, and develop lighting practices to reduce light pollution and conserve energy without decreasing safety, utility, or security.

12.27.02. Standards. The following standards shall apply to all private land uses in all zoning districts:

- A. All lights shall be shielded in such a way as to direct all light toward the earth's surface and away from reflective surfaces.
- B. All lights shall be shielded in such a way as to direct light away from all adjacent properties, especially those developed with residential uses.
- C. Any canopy structure used at a business location shall have recessed lights with diffusers that do not extend below the surface of the canopy.
- D. Lighting in residential, residential/commercial/professional, and mixed-use zoning districts shall not exceed fifteen (15) feet in height, thirty (30) feet in height in commercial zoning districts, and forty-five (45) feet in height in industrial zoning districts. In commercial zoning districts, lights on poles shall be no taller than the building whose area they illuminate or as detailed above, measured from grade to top of the structure, whichever is shorter. Lighting heights in MPCs and PUDs shall be determined by surrounding uses in accordance with heights previously discussed (e.g., Lighting surrounded by residential uses shall be limited to fifteen (15) feet and lighting surrounded by commercial uses shall be limited to thirty (30) feet.
- E. Any luminaire on a pole, stand, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
- F. All fixtures must meet building codes as adopted by the county.
- G. Any facilities that require floodlighting shall arrange the lights in such a way that they do not shine toward roadways, adjacent properties, or directly into the night sky.
- H. Following recommendation by the ~~county office~~ and Planning and Zoning Department and approval by the reviewing board, installation of streetlights may be required and the cost of such shall be the developer's responsibility. Lighting of streets in urban developments with densities greater than two units per acre may be required.
- I. Plans to limit lighting hours and conserve energy are encouraged.
- J. The lighting of parking lots, pedestrian areas, and active open space is required.

12.27.03. Plan Review. Plans for original installation or changes in lighting shall be submitted for all proposed developments, except single-family and two-family dwellings. The plans shall contain the following information for review and approval by planning staff:

- A. Location on the premises, height, and dimensions of proposed fixtures, lamps, supports, reflectors, and other related devices.

12.27.04. Street lighting plans, whether for public or private roadways, if required shall be submitted with subdivision plats.

12.28 Other.

12.28.01. Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least twenty-five (25) feet from any lot line.

12.28.02. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the district in which they are located.

12.28.03. Any outdoor display of vehicles for sale or storage shall be at least ten feet from any road right-of-way line.

12.28.04. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least twenty (20) feet from any road right-of-way.

12.28.05. No more than one single-family house or duplex shall be permanently constructed on each building site except as set forth in in this title.

12.29 Exceptions to minimum setback requirements.

12.29.01. The following structures may be allowed to project into, or be constructed in any minimum required setback area as follows: awnings and canopies, not to exceed three feet; bay windows, not to exceed two feet; clotheslines, driveways, fences, walls and hedges may be constructed or placed in minimum setback areas, provided their installation does not violate any other provision of this title.

12.30 Drainage ways.

12.30.01. Where a lot is traversed by a watercourse, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the site plan shall so indicate.

12.30.02. Alteration. Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this title, and a plan is submitted to and approved by the county engineer. Such plans shall insure that storage capacity and flow is not degraded.

12.31 Buffer yard area.

12.31.01. Residential and other types of development may conflict with existing or planned development. The following are minimum buffers and may be increased where deemed appropriate by the Planning and Zoning Administrator:

Use or Zone	Buffer Yard Width (feet)
Agriculture, present use or zone	20
Forestry	Fire break at least twenty (20) feet wide or as set by Commission
Residential, existing or zoned	0
Commercial or retail, zone or use	50
Indoor recreation	50
Institutional residential	50
Outdoor recreation	50

Agricultural support	30
Office and professional uses, existing	30
Public service	40
Road service	40
Commercial recreation	40
Light industry	50
Extraction, junkyard, or heavy industrial	75

12.32 Resource and natural features protection development restrictions.

12.32.01. The following natural features shall be restricted to development, including roads, as follows:

Feature	Percent Restricted
Lakes, ponds, watercourses	100
Wetlands and riparian areas	100
Floodways	90
	(Floodplain ordinance also applies)
Slopes (15 to 30%)	80
Steep slopes (over 30%)	95

12.32.02. All development shall require identification of any environmental or natural features described above, and shall meet the standards of environmental protection as set forth below: Site alterations, regrading, filling, and clearing or planting vegetation prior to approval of the development permit shall be a violation of this title.

12.32.03. Wetlands and Riparian Areas.

A. All such areas shall remain as permanent open space, except as noted in subsection C of this section.

B. Wetlands shall not be filled nor dredged.

C. Permitted Uses. The following buildings or structures may be permitted within wetlands. Permits are required from the Army Corps of Engineers and Idaho Department of Water Resources, in addition to a county zoning permit.

D. Boat launching ramps, boat, piers, bridge and bridge approaches, marinas, picnic shelter, and stormwater detention facilities, provided that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year storm event. Evidence of this certification shall be presented as precondition to issuance of a zoning certificate;

E. Boat houses, boat buildings, and accessory structures (except boat or motor repair buildings) associated with uses permitted in subsection D of this section, provided that a licensed engineer certifies that such structures are designed to allow free entrance of floodwater and to withstand structurally the forces exerted by the 100-year flood event at that location, and conformance with the county flood damage control ordinance. Evidence of this certification shall be presented as a precondition to issuance of a zoning certificate.

12.32.04. Steep Slopes. In areas of steep slopes, the following standards shall apply:

A. Fifteen (15) percent to less than thirty (30) percent slope: No more than twenty (20) percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to National Resource Conservation Service (NRCS) standards.

B. More than thirty (30) percent slope: No more than five percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards.

C. Buildings are not permitted on slopes of twenty (20) percent or greater.

12.32.05. Lakes and Ponds. All such areas shall be permanent open space. No development or diverting of these bodies of water shall be permitted. Filling shall not be permitted.

12.32.06. Shorelines of Lakes, Ponds, Rivers. No structures, animal runs or enclosures, or septic drain fields are permitted within one hundred (100) feet of the riparian area surrounding a body of water.

12.32.07. Important Agricultural Soils. In the agriculture zoning district at least ninety (90) to ninety-five (95) percent of all such areas shall remain as permanent open space. Accessory farm structures (i.e., barns, silos) shall be permitted in the open space. This is to preserve and protect the important agricultural soils, crop lands and grazing areas of the county. Also, see NRCS definition of "important agricultural soils."

12.33 Stormwater runoff.

12.33.01. On-Site Detention and Limitation of Stormwater Runoff. No development shall cause downstream property owners, watercourses, channels or conduits to receive stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition.

12.33.02. Inspection of Facilities. The county engineer and/or building official may inspect drainage facilities while under construction. If facilities are not constructed according to approved plans, the county has the explicit authority to compel compliance and require correction, including suspension of building permits, or by enforcement of this title.

12.34 Driveways.

12.34.01. 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 one hundred fifty (150) feet in length shall have a minimum width of sixteen (16) feet at all points.
- E. Driveways over one hundred fifty (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 one hundred fifty (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 Section 9.03 of the Subdivision Ordinance.
- H. No driveway shall be closer than fifty (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 setback at least one hundred fifty (150) feet from the intersection.

12.35 Signs (except billboards).

12.35.01. No signs are allowed in any zone, unless otherwise authorized by the zone, without an approved administrative decision with the following exceptions:

A. Nonilluminated Signs. The following types of signs, when not illuminated, do not require an administrative decision:

- 01. Signs related to home occupations in accordance with Section 12.15.
- 02. Directional or information signs bearing no advertising message located within a parcel, and signs not exceeding four square feet in area erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and similar features or facilities.
- 03. Any sign which is visible only from the parcel on which it is located.
- 04. Campaign signs, provided they are removed within seven days after the election.
- 05. Property signs advertising the availability of property for sale, lease, or rent, but shall not be greater than thirty-two (32) square feet.
- 06. Home Signs. An accessory sign or nameplate announcing the names of the owners or occupants of the premises.
- 07. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building.
- 08. Signs placed by a public utility showing the location of underground facilities.
- 09. Traffic or other county signs, signs required to be mentioned by law, railroad crossing signs, legal notices and such temporary emergency or non-advertising signs as may be authorized by the board.

B. Agricultural and Recreational Zone. Signs for any allowed or approved use not exceeding thirty-two (32) square feet in area and not exceeding ten feet in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard.

C. General Commercial, Light Industrial Wholesale, Multiple Use, and Industrial Zones. For commercial and industrial uses, the area of the sign shall not exceed sixty-four (64) square feet and shall not exceed ten feet in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard.

12.35.02. No sign shall be placed on a highway district right-of-way unless authorized by the highway district having jurisdiction.

12.35.03. All signs must be placed so as not to impair vision by oncoming traffic.

12.35.04. All signs shall be maintained in good order and repair. If damaged, it shall be repaired or removed from the premises within thirty (30) days of notice from director.

12.35.05. If lighted, sign lighting shall comply with Section 12.27 of this title.

12.35.06. A building permit for a sign may be required upon review by the building official, or if the sign is over six feet in height and permanently affixed to the ground.

12.35.07. Standards for signs that require an administrative decision:

A. Application and Administrative Requirements. A site plan and letter of intent shall be submitted to the office of Planning and Zoning Department for review together with all appropriate fees as established by the adopted fee schedule. Once review has commenced, fees shall be non-refundable.

B. Notifications. Upon acceptance of an application, staff shall provide notification of the sign application by mail to the owners of parcels within three hundred (300) feet of the external boundaries of the parcel on which the sign will be located and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed sign. Staff shall also provide notice to the appropriate highway district for comment.

C. Comments. The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the sign request. In considering comments, the Director shall evaluate whether such comments adequately demonstrate that the sign would be reasonably compatible with the surrounding vicinity.

D. Approval shall be at the Discretion of the Director. The director shall consider all of the application materials as well as all comments received relating to the application and the uses of the surrounding properties in the determination of the compatibility of the proposed sign. The burden is on the applicant to show compatibility. The director may require conditions that are necessary to make the sign compatible with the surrounding vicinity.

E. Notice of Decision. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

F. Appeal by Affected Person. Any affected person who is aggrieved by the Director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with Section 13.07.

12.36 Communication Towers

12.36.01. This section provides the regulations for the placement, use or modification of any wireless communication facility.

A. Agricultural Zones - New freestanding and lattice towers are allowed by conditional use permit. Wireless communication facilities attached to utility poles, existing towers or facades

attached to buildings and structures are also permitted subject to a conditional Use permit and the provisions of this section.

B. Wireless communication towers are prohibited in Low Density Residential and High-Density Residential zones.

12.36.02. Definitions

A. Co-Location: The use of a single support system on the ground by more than one carrier or several support systems on an existing building or structure by more than one carrier.

B. Facades Mounted: Directly attached or affixed to the elevation of a building, tank, or other structure.

C. Lattice Tower: A structure that consists of a network of crossed metal braces forming a tower that is usually triangular or square.

D. Master Development Plan: A plan showing a carrier's expected network of wireless communication facilities within the County.

E. Utility Pole: A telephone, power, light, cable television or flagpole. Light poles shall include street, stadium and security light poles.

F. Wireless Communication Facility: A unstaffed facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, tower or similar structures supporting the equipment. equipment buildings, shelters, cabinets and other facilities.

12.36.03. Preferred Locations and Facility Types - A master development plan is to be created prior to any wireless communication facility permit request, based upon engineering constraints (including frequency clashes) and desired areas of service.

A. Wireless communication facilities shall be located on a master development plan in the following priority order:

01. Co-location on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section
02. Publicly owned property
03. Other non-residential building or vacant no-residential zoned land

B. The developer shall provide proof of legal year around access to the property from a public road at the time of making application for the tower location.

C. Facility types are preferred in the following priority order:

01. Roof mounted
02. Facade mounted
03. Utility pole mounted
04. Freestanding

12.36.04. Co-Location is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Co-location of a wireless communication facility shall require notification of the County Planning and Zoning Commission.

12.36.05. New Freestanding Towers - No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed

wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

- A. An RF engineering analysis of all utility poles regardless of height and of all towers or structures thirty-five (35) feet in height or higher within a 1320-foot radius of the proposed wireless communication facility site.
- B. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are unreasonable.

12.36.06. Prohibited or Restricted

- A. Communication towers are prohibited in the HDR zones
- B. Interference with County or City and public safety communication systems and/or television or radio broadcast is prohibited.
- C. Freestanding towers within residential~~l~~ zoned areas are prohibited.
- D. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

12.36.07. Application Procedure for New Towers - The County shall be the granting authority for wireless communication facilities co-locating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communication facilities shall require a Conditional Use Permit. An application for a Conditional Use Permit application for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all Conditional Use Permits:

- A. A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses and zoning.
- B. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.
- C. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the County, including the service area of each wireless communication facility.
- D. Evidence demonstrating the unavailability of co-location, as set forth above.
- E. Certification from the applicant's engineer that co-location of additional antennas for at least one additional provider is possible on the proposed pole and signed and notarized statement by the applicant agreeing to accommodate co-location of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate no to exceed one-half of the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen years at a reasonable interest rate not to exceed the Dow Jones 20 year bond index as published in the Wall Street Journal 30 days prior to the lease date, plus one half the land lease. The maximum monthly lease rate shall be included in the application.
- F. A lease agreement with the landholder that allows other providers to locate equipment on the subject property and provides that if the provider fails to remove the wireless communication facility and equipment within one-hundred-eighty (180) days of its discontinued use the responsibility for removal shall belong to the landholder.

12.36.08. Standards for design, placement, maintenance and abandonment of facilities are as follows:

A. Roof mounted wireless communication facilities may extend above the highest portion of the roof, including parapet walls, a distance equal to its distance to the nearest exterior. "all. Roof mounted wireless communication facilities shall be set back from the edge of the building the height of the antenna and support system. Lighting of the antennas or support structures shall be prohibited except as required by the FAA.

B. Facade mounted wireless communication facilities may not exceed five feet above the facade to which it is attached. Maximum projection of eighteen (18) inches is allowed but may not encroach in the public right-of-way. The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

C. Freestanding towers shall not exceed one hundred (100) feet in height measured from the ground unless otherwise approved by the Planning and Zoning Commission. Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty-five (125%) percent of the tower height as measured from the ground. Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.

D. The antenna shall be either fully concealed within the tower or face mounted (not to exceed eighteen (18) inches from the face of the tower). Standoffs and amps platforms are prohibited.

E. Landscaping and screening may be required in an A zone to be installed to visually screen the support structure and above ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either a screening wall or fence surrounded by a five foot (5) wide planter or a ten foot (10) wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

F. All facilities and landscaping shall be properly maintained at all times

G. Upon abandonment or discontinuation of use the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use and restore the site to its original condition. The carrier shall prove to the County, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The County shall be named as an obligee in the bond and must approve the bonding company.

H. Construction that considerably degrades the scenic quality of a pristine area by its location of high visibility shall not be permitted. Degradation of scenic quality is to be reasonably prevented.

12.37 Wind Energy

12.37.01. Purpose:

- A. Oversee the permitting of wind energy systems.
- B. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system.
- C. Ensure that the important environmental features in Caribou County are protected.

12.37.02. Definitions:

- A. "Owner" shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
- B. "Rotor diameter" means the cross-section dimension of the circle swept by the rotating blades.
- C. "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- D. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
- E. "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the towers.

12.37.03. Standards.

- A. Small Wind Energy Systems shall be a permitted use in all zoning districts with parcels containing two (2) acres or larger subject to the following:
 - 01. One Small wind energy system may be installed for the first two (2) acres and one for each additional two (2) acres per parcel.
- B. Large Wind Energy Systems shall be prohibited in all zoning districts within Caribou County.
- C. Setbacks. The tower shall be set back a distance equal to its total height from:
 - 01. Any public road right of ways.
 - 02. Any overhead utility lines.
 - 03. All property lines.
- D. Access.
 - 01. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - 02. The tower shall be designed and installed so as not to provide step bolts of a ladder readily accessible to the public for a minimum height of eight feet (8') above the ground.
- E. Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- F. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- G. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless other colors or finishes (Colors that blend with the natural landscape or background) approved by the Caribou County Planning and Zoning Administrator.
- H. Signs. All signs, other than the manufacturer's or installer's identification, appropriate with a small wind energy system visible from any public road shall be prohibited.
- I. Code Compliance. A small wind energy system including the tower shall comply with all applicable local construction codes and state/ National electrical codes.
- J. Utility notification and interconnection. Small Wind Energy Systems that connect to the electric utility shall comply with rules for interconnecting distribution generation facilities. No Wind Energy System shall be installed without a written statement with signature and date from the utility company indicating they have been informed of the customer's intent to install an

interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

K. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.

L. Sound. Residential wind energy systems shall not exceed 60 DBA, as measured at the property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

12.37.04. Permit Requirements.

A. A permit shall be required for the installation of a Wind Energy System. The following documentation is to be submitted for a permit:

01. Two Plot Plans which include the following:

- a. Property lines and dimensions of the property.
- b. Location, dimensions, and types of existing structures on the property.
- c. Location of the proposed wind system tower.
- d. Public roads contiguous with the property.
- e. Any overhead utility lines.
- f. Septic, well, drain field, and replacement area.

02. Engineered wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).

03. Two sets of engineered foundation blueprints or drawings (cross section).

04. Two sets of engineered Tower blueprints or drawings.

05. Recorded warranty deed showing ownership of property (or a letter of approval lease agreement from the property owner if different than the applicant).

06. The application for a permit for a Large or Small Wind Energy System must be accompanied by the proper fees.

07. Expiration. A permit issued pursuant to this ordinance shall expire if:

- a. The wind energy system is not installed and functioning within 24- months from the date the permit is issued; or,
- b. The wind energy system is out of service or otherwise unused for a continuous 12-month period.

12.37.05. Permit Procedure for Small Wind Energy Systems and Meteorological Towers.

A. An owner or applicant shall submit the required documentation to the Planning and Zoning Administrator when applying for a small wind energy system or meteorological tower.

B. The Planning and Zoning Administrator shall rule on the application and, if approved, issue the permit within thirty (30) business days of the date the application was submitted to the building department unless additional information is requested by the Building Inspector to complete the plan review process; and the wind energy system materials meet the requirements of this ordinance.

C. When the permit is issued the Building Inspector will return a copy of the stamped/signed sets of the plot plan, and engineered foundation and tower drawings.

D. The owner/ applicant shall conspicuously post the permit number on the premises so as to be visible to the public at all times until construction or installation of the wind energy system is complete and the final inspection has been approved.

12.37.06. Abandonment.

A. A wind energy system that is out of service for a continuous 12-month period may be deemed to have been abandoned. The Building Inspector may issue a notice of abandonment to the owner of the wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice date. The Building Inspector shall withdraw the notice of abandonment and notify the owner that the notice of abandonment has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

B. If the wind energy system is determined to be abandoned, the owner shall remove the wind energy system at the owner's sole expense within three (3) months of the notice date of the notice of abandonment. If the owner fails to remove the wind energy system, the Building Inspector may pursue a legal action to have the wind energy system removed at the owner's expense.

12.37.07. Violations.

A. It is unlawful for any person to construct, install, or operate a wind energy system or wind energy facility that is not in compliance with:

01. This ordinance.
02. Other County Ordinances/ Building Codes, or State and Federal requirements.
03. Any condition contained in a permit issued pursuant to this ordinance.
04. Wind energy systems installed prior to the adoption of this ordinance are exempt from the requirements of this ordinance, except for the provisions of Section 12.37.06 of this ordinance regarding abandonment.

12.37.08. Administration and Enforcement.

A. This shall be administered by the Planning and Zoning Administrator, Building Inspector, or designee.

B. The Planning and Zoning Administrator, Building Inspector or designee may enter any property for which a permit has been issued under this ordinance to conduct inspections to determine whether the conditions stated in the permit or this ordinance have been met.

C. The Planning and Zoning Administrator or Building Inspector may issue orders to abate any violation of this ordinance.

D. The Planning and Zoning Administrator or Building Inspector may refer any violation of this ordinance to legal counsel for enforcement.

12.38 Confined Animal Feeding Operations (CAFO)

12.38.01. Purpose

A. The purpose of the CAFO regulations is to ensure that these types of agricultural operations are appropriately placed and protected in Caribou County.

12.38.02. Definitions

A. "Confined Animal Feeding Operations (CAFO)" is a lot or facility where the following conditions are met:

01. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 120 consecutive days or more in a twelve-month period
 02. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.
 03. The lot or facility is designed to confine or actually does confine an equivalent of five hundred (500) animal units or more. Two or more concentrated animal feeding operations under common ownership are considered for the purposes of this definition to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of waste.
- B. "Affected Person" is a person or legal entity owning property or residing within one and one half (1/12) mile of the CAFO or a resident or real property owner of Caribou County which will be materially affected in their health, safety or property rights by the CAFO. Affected person shall also include Caribou County acting by and through the County, the Commission or the Board.
- C. "Animal Unit" means a unit of measurement for any animal feeding operation. To calculate the number of animal units multiply the number of animals in the CAFO by the animal equivalency factor as presented in the Animal Unit Chart, see Section 12.38.15.
- D. "Applicant" is any person or legal entity initiating an application for any action or provision authorized under this title.
- E. "CAFO Site Advisory Team" is comprised of representatives of the Idaho State Department of Agriculture, Idaho Department of Environmental Quality and Idaho Department of Water Resources who review a site proposed for a CAFO, determine environmental risks and submit a suitability determination to the County. The department of agriculture shall serve as a lead agency for the team.
01. "Environmental risk" shall mean that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the determination report.
 02. "Suitability determination" shall mean that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risks and sets forth any possible mitigation of risk.
- F. "Maximum Contaminant Level (MCL)" as defined in the Idaho Department of Health and Welfare's Water Quality Standards and Wastewater Treatment Requirements.
- G. "One Time Animal Unit Capacity" is the maximum number of animal units present at the CAFO at any specific moment in time.
- H. "Registrant" is the owner or operator of a CAFO in existence at the passage of this ordinance who registers with the County and provides the information required under this title.
- I. "Waste" is the presence of manure or materials that have come in contact with manure. Such contaminated materials can be solids such as bedding, water used in the operation of a feedlot or dairy, or water from any source that has come in contact with manure.
- J. "Waste Treatment System" is the process, area or mechanism employed for the retention, storage, treatment, distribution and application of waste. All waste storage holding and treatment areas such as lagoons, separation ponds and waste application systems shall be designed and constructed using an Idaho licensed engineer's plans designed for each specific facility and location.

12.38.03. Existing CAFOs

A. Within eighteen (18) months from the effective date of this ordinance any person or entity operating a CAFO existing as of said effective date shall file a registration notice with the County. The registration notice shall include the following where applicable:

01. Name, address and telephone number of the registrant
02. Legal description of the CAFO
03. Existing Use
04. One time maximum number capacity of animal units
05. Zoning district
06. A site plan showing the following
 - a. Dimensions, size and location of existing improvements on the CAFO
 - b. Property lines, setbacks and acreage
 - c. Feed storage areas
 - d. Confinement areas
 - e. Wells
 - f. Dead animal storage
07. A written description of the waste treatment system
08. Water rights permits or license from the State of Idaho
09. Other information as required by the Commission

B. The Commission shall review each registration notice and determine if it is complete and if the information provided is accurate.

C. If the Commission determines the registration notice is complete and the information provided is accurate the Commission shall provide the registrant with written notification that the registration notice has been accepted and recorded with the County.

D. The registrant shall provide the complete items or the correct information to the County if the registration is to be accepted. If such action occurs, the Commission shall deem the registration notice accepted and shall record it as such in the official records of the Planning and Zoning Office.

E. The Commission shall provide the registrant with written notification of such action within twenty (20) working days of the determination.

F. Registrant notices which have been accepted and recorded by the Commission shall allow the continued operation of an existing CAFO as described in the registration and shall be transferable in the same manner as a sighting permit for so long as the CAFO remains in operation.

12.38.04. Sighting Permit Required

A. The following actions require a Sighting Permit prior to commencement:

01. Construction of improvements to operate a new CAFO
02. An increase in the number of animal units authorized in an existing CAFO sighting permit or registration notice.
03. A change of location or capacity of an existing waste treatment system

B. Repairs to existing improvements that do not result in a change to location or capacity and do not result in a violation of applicable law, regulations or any existing permit will not require a siting permit.

C. The ownership of sighting permits of CAFOs permitted under this title may be transferred. The County shall be given notice of the transfer of the sighting permits setting forth the date of the transfer and the name and mailing address of the party to whom the permit is being transferred. However sighting permits are attached to the location for which they are granted and may not be transferred to any other location.

D. CAFOs that have previously registered with the County or have obtained a sighting or conditional use permit need not re-apply under this title.

12.38.05. Contents of Application for a Siting Permit

A. Each application for a sighting permit shall contain the following:

01. Legal description and address of the proposed CAFO
02. The name and address of the applicant
03. The one-time animal unit capacity of the operation
04. The type of animals to be confined
05. Evidence that a valid water right exists or a specific plan by the applicant showing steps he will take to obtain a valid water right. Such a plan shall identify permits that will be bought and transferred or new permits for which the applicant shall apply. A performance bond equal to 110% of the improvements that will be made.
06. A map including surface contours, soil depths and types, size and location of natural drainage points of the CAFO site obtained from the USDA Natural Resource Conservation Service (NRCS) or other comparable source. Changes to the existing contours shall be shown on a separate contour map prepared by an engineer or surveyor licensed in the State of Idaho.
07. A complete site plan of the CAFO site that is legible and prepared by a licensed engineer, architect, USDA Natural Resource Conservation Service agent, the Idaho Department of Agriculture or County Extension Service Agent. Scale shall be as required for clarity. The site plan shall include the following information which is within one and one half (1 1/2) mile distance of the proposed operation:
 - a. Building locations
 - b. Waste storage facilities
 - c. General areas for land application
 - d. Flood zones or flood data for the facility site and land application sites
 - e. Private domestic wells
 - f. Community domestic wells
 - g. Irrigation wells
 - h. Existing monitoring and injection wells
 - i. Irrigation canals and laterals
 - j. Rivers, streams, springs and reservoirs
 - k. Designated wetlands

l. Dead animal storage

m. Feed Storage area

n. Both planned and existing facilities and areas shall be included in the maps.

08. A waste system design plan for solid and liquid waste that meets all State of Idaho and Federal requirements and is approved by the responsible agency. If the responsible agency does not require a waste system the applicant must state such on plans.

09. Characterization of the proposed operation and any land application site to include the following information:

a. Annual Precipitation

b. Soil Characteristics

10. Hydrological factors to include the following

a. Depth to first water yielding zone

b. Depth first encountered water

c. Direction of ground water movement and gradient

d. Sources and estimates of recharge

e. Seasonal variations in water level and recharge characteristics

f. Susceptibility to contamination

g. Ground water/surface water relationships

11. Quality Data to include:

a. Micro-organisms (bacteria or single cell)

b. Nutrients

c. Pharmaceuticals and organic compounds

12. Written comment on and approval of the filed site plans from the applicable highway district.

13. Any other information required by the Commission.

14. A fee shall be submitted with the application in an amount set by resolution of the Board of County Commissioners.

15. The Commission may excuse the applicant from providing any specific required information if the applicant can substantiate to the Commission that the information is not available for a specific site and that the applicant is not able to obtain or generate the information. In such instances the applicant is required to provide the best information available.

12.38.06. Site Advisory Team

A. Upon the request of the Board of County Commissioners, the director of the Department of Agriculture shall form and chair a site advisory team specific to the request of the County. The director of the Department of Environmental Quality and the director of the Department of Water Resources shall provide full cooperation in the formation of the site advisory team.

B. The CAFO site advisory team shall review the information provided by the County and shall visit the site as may be necessary in the judgment of the team.

C. Within thirty (30) days of receiving the request for a suitability determination by the Board of County Commissioners, the CAFO site advisory team shall issue a written suitability determination and provide a copy in writing to the Board of County Commissioners that requested the review.

D. Any director responsible for carrying out the purposes of this act may adopt administrative rules necessary or helpful to carry out those purposes.

E. Any director responsible for carrying out the purposes of this act may enter into contracts, agreements, memorandums and other arrangements with federal, state and local agencies to carry out the purposes of this act.

12.38.07. Process of Notice and Application Hearing

A. The Planning and Zoning Administrator shall review the application for completeness. Upon determining that the same is complete the Administrator will forward the application onto the Commission and they may require the applicant to submit the above information to the Idaho State CAFO Sighting Advisory Group, or similar agency.

B. If the Administrator determines the application is not complete, he/she shall inform the applicant so in writing within twenty (20) days of such determination.

C. The Commission shall conduct a minimum of one public hearing.

01. The hearing shall be advertised and conducted according to the requirements of Section 13.06 Public Hearings of this ordinance.

02. Notice shall also be provided by first class mail to property owners within one and one half (1/12) miles of the CAFO and any person that has made written request to the County for notice.

03. Signs declaring a public hearing shall be physically posted with attached notice of the public hearing at the external boundaries of the site at least fifteen (15) days prior to the hearing.

D. At the public hearing the Commission shall review the application based upon the criteria of this chapter and shall make a recommendation to the Board for approval, conditional approval or denial of the permit.

E. The Board, within a reasonable period of time shall notice and hold a public hearing in the same manner as the Commission. The Board shall approve, conditionally approve or deny the application.

12.38.08. Criteria for Approval

A. Prior to approval of a sighting permit for a CAFO the Commission must find that the new CAFO meets the following requirements:

B. General Requirements for approval are as follows:

01. All CAFOs must be within an area zoned Agriculture or Industrial

02. All CAFOs shall be located a minimum one and one half (1/12) miles outside the defined area of city impact of any incorporated municipality within Caribou County. Swine CAFOs shall be located a minimum of two (2) miles outside any city area of impact.

03. The CAFO must comply with and not be in violation of any federal, state or local law.

04. The owner or operator shall not have begun construction of new improvements for a CAFO upon land to be used as a CAFO prior to application for permit.

05. All CAFOs must meet the "best management practices" standards as set by the Department of Agriculture.

C. The following waste management requirements must be met:

01. All CAFOs shall follow and be in compliance with any nutrient management plan required by any state or federal agency.

02. The waste treatment system shall not be located or operated closer than one half (1/2) mile from a residence belonging to someone other than the applicant or be located within one half (1/2) mile from property lines, provided such setback may be lessened if the owner of the residence consents in writing to a lesser set back.

03. The setbacks contained herein shall not apply to the application of liquid or solid waste. Except liquid waste from a swine facility shall not be land applied within one (1) mile of a residence not part of the CAFO operation or owned, occupied or leased by the owner of the CAFO operation. Provided such setback may be lessened if the owner and occupant of residence consent in writing to a lesser setback.

04. No waste treatment system shall be located and/or operated closer than five hundred (500) feet from a domestic well.

05. The waste treatment system shall have a one hundred (100) foot setback from the public right-of-way.

06. A CAFO shall be in compliance with all environmental regulations, requirements and permits imposed by state or federal law or any regulatory agency.

07. Aquaculture CAFOs are exempt from the waste treatment system setbacks except for the storage of solid waste on land.

08. There shall be no conveyance or transportation of liquid waste by open ditch.

D. The following is required for water quality:

01. Operation of the CAFO will not cause, either alone or in conjunction with other causes, contamination of ground water and drinking water beyond MCLs.

02. There will be no discharge of pollutants into surface or ground water except as permitted by the appropriate state and federal agency with jurisdiction.

03. The applicant must have water of sufficient amount and type to adequately supply the proposed CAFO or present a plan showing steps he will take to obtain a water right. Such plan should identify permits which will be bought and transferred or new permits for which the applicant shall apply. A performance bond equal to 110% of the improvements that will be made.

E. The site setbacks are outline as follows:

01. Each existing or proposed CAFO shall have a one and one half (1 1/2) mile radius from the edges of the CAFO improvements (barn, feed stalls and/or yard, corrals, feed containment structures or areas waste lagoon and track/motor vehicle parking and circulations) called a sphere of influence.

02. Within this sphere of influence are those properties most affected by the sights, sounds, smells and other potential effects of the CAFO. The sphere of influence of a proposed new CAFO may overlap the sphere of another CAFO provided that generally no existing dwelling, not associated with a CAFO, whether existing, under construction, or permitted shall be within more than two (2) CAFO spheres. Provided, that the sphere of influence for the swine facility that qualifies as a CAFO shall be two (2) miles.

03. Corrals shall have a one hundred (100) foot setback from a public right-of-way.

04. All feed storage areas shall have a one hundred (100) foot setback from a public right-of-way and existing residences.

05. Lights from CAFOs shall be placed and shielded to prevent the light source from becoming a nuisance or hazard outside the property lines of the CAFO.

06. No CAFO improvements shall be located within one and one-half (1 ½) mile of a residence of a platted subdivision as of the effective date of this ordinance. If, however, the subdivision has been platted for three (3) years or more and has not been built, the one and one-half (1 ½) mile setback shall not be applied to that subdivision. Residential subdivisions proposed after the effective date of this ordinance shall be located no closer than one and one-half (1 1/2) miles to any existing CAFO improvements.

07. Aquaculture CAFOs are exempt from the setbacks contained herein except for the storage of solid waste on the land.

12.38.09. Grant or Denial of Sighting Permit

A. If the Board finds that the applicant has shown that the proposed CAFO meets the criteria set forth herein, the Board may grant the special use permit requested.

B. If the Board does not find that the applicant has shown that the proposed CAFO meets the criteria set forth herein, the Board shall not grant the sighting permit. In making such decision, the Board may rely on information and recommendations received from the State of Idaho CAFO sighting advisory group or any other similar group.

12.38.10. Variance

A. A variance can be sought to the setbacks contained in this title by making a written request for a variance at the time of the filing of the application for the siting permit. A variance is a modification of the requirements of the ordinance as to the setbacks.

B. A variance shall not be considered a right or special privilege but shall be granted to an applicant only upon his showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.

C. Prior to granting a variance notice and opportunity to be heard shall be provided to property owners joining the parcel under consideration and to those persons who have previously requested a notice. The procedure considering a variance shall follow the provisions as set out in the Caribou County Planning and Zoning ordinance for variances. However, if the variance is sought with the initial application for a CAFO, the variance application may be heard at the CAFO hearing, provided that notice of hearing states that the applicant is requesting a variance for the title requirements and specifying the nature of the variance.

D. If construction is not commenced within one (1) year of issuance of the sighting permit, the applicant must appear before the Commission to show cause why construction has not commenced.

E. If construction of the CAFO is not completed with two (2) years of issuance of the sighting permit, the Commission may revoke the permit. Once revoked, the applicant may reapply. Reapplication shall be governed by statutes, regulations and ordinance in effect at the date of application.

12.38.11. Occupancy Certificate Required

A. Prior to use of the expanded facilities of an existing CAFO or occupation of a new CAFO by livestock, fish or birds, an occupancy certificate is required.

12.38.12. Process for Occupancy Certificate

A. After approval of the sighting permit the permit owner shall notify the County when construction starts. Additionally, if construction of a liquid waste lagoon commences after the initial commencement of construction notice, the permit owner shall provide the County with separate notice of the lagoon construction commencement.

B. Inspection of the construction progress of the facilities authorized by the permit shall occur at regular intervals. In addition, inspections may be done when requested by the permit owner. The inspection shall be performed by the Building Inspector.

01. The Building Inspector shall have authority to issue and post on the premises of the CAFO a stop work order for that portion of the CAFO in violation of the terms of the permit. All work specified in the order must stop after posting the order. The permit owner may appeal such an order to the Commission.

C. After completion of the construction of the facilities authorized by the permit, or any approved change requests or non-compliance corrections, and receipt of proof by the County that all required permits have been obtained, the County shall issue an occupancy certificate to the permit owner. The certificate shall certify that all facilities have been inspected and conform with the terms of the permit, with approved changes and the permit owner is fully authorized to occupy and operate the CAFO facilities.

D. If the County denies issuance of an occupancy certificate, such denial shall be in writing and may be appealed to the Commission. Such an appeal must be filed with the Planning and Zoning Office within twenty (20) days of the issuance of the denial.

E. Any applicant or affected person who has appeared before the Board in person or in writing and is aggrieved by a decision of the Board shall have a right to appeal to the District Court. Appeals shall be governed and processed in accordance with the provisions of the County Zoning Ordinance.

12.38.13. Changes of Facilities

A. If the permit owner desires to make changes in the proposed facilities authorized under the permit, the permit owner shall present a written change request to the County. The change request will be on a form provided by the County and will contain such information as the County deems appropriate. The request must clearly specify the change and provide an explanation or justification for the change. The County shall respond to the applicant within five (5) business days of the application for change. If the County determines the requested change is minimal and not material, the County may grant the change request.

B. If the County determines that the permit owner desires to make changes to the proposed facilities that may violate the terms and conditions of the sighting permit, or result in material change to the project, the County shall forward the written change request to the Commission within five (5) business days of receiving the application for change. The Commission after notice and hearing as required for an original application, shall apply the same criteria for granting of an original application. If the application for change is granted, an amended special use permit shall be issued.

C. If the change request is denied by the Commission, the permit owner may appeal the denial to the Board. The appeals shall be governed and processed in accordance with the provisions of the Caribou County Planning and Zoning Ordinance.

12.38.14. Enforcement

A. Violations of any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor as defined by Idaho Code 18-113, and is

punishable by up to six (6) months in jail and up to a three hundred (\$300.00) dollar fine or both. Each 24-hr. period the violation exists constitutes a separate offense.

B. If the County receives a signed written complaint of alleged noncompliance with the terms of a sighting permit, the County shall give notice of the complaint to the permit owner and shall determine the validity of the complaint within ten (10) business days of its receipt. During that time, the permit owner can submit rebuttal evidence to the County concerning the complaint. Written notice of the County's decision to the Commission within twenty (20) days of the date of the County's determination. If no appeal is filed, the correction must be completed within thirty (30) days of the date of the County's written determination unless a written extension has been granted by the County. If a longer period of time is needed to make the corrections the applicant can request longer extension from the Commission.

C. In the event any affected person alleges that the CAFO no longer meets the criteria set forth herein and in the occupancy certificate the affected person may initiate a contested case before the Board as governed by Chapter 52, Title 67, Idaho Code, Idaho's Administrative Procedure Act. The Board shall conduct a hearing in accordance with the provisions of Chapter 52, Title 67, Idaho Code.

D. Following the hearing the Board may:

01. Find in favor of the CAFO

02. Find in favor of the complaint and:

- a. Revoke the occupancy certificate
- b. Suspend the occupancy certificate for a definite period
- c. Modify the occupancy certificate
- d. Provide conditions upon the occupancy certificate

03. The Board may at any time take immediate action to protect the public in accordance with the process set forth in Idaho's Administrative Procedure Act, specifically Idaho Code 67-5247.

12.38.15. Animal Unit Chart

ANIMAL TYPES		FACTOR	# of Animals to Activate CAFO Rules
	DAIRY CATTLE		
Milking and dry cows		1.4	357
Heifers (2 years and older)		1	500
Heifers (1 to 2 years old)		0.7	1250
Calves (3 months to 1 year)		0.4	2000
Calves (under 3 months)		0.25	2000
	BEEF CATTLE & BISON		
Bull (each)		1.4	375
Steers/Cows (over 800 lbs.)		1	500
Steers/Cows (600-800 lbs.)		0.6	833
Calves (under 600 lbs.)		0.4	1250
	SWINE		

Pigs (55 lbs. to market)	1	500
Pigs (up to 55 lbs.)	0.5	1000
Sows (each)	1	500
Boars (each)	1	500
	SHEEP	
(each)	.15	3330
	HORSE	
(each)	1	500
	FISH	
500 lbs.	1	250,000 lbs.
	CHICKENS	
Layers	0.1	5000
Broilers	0.1	5000
	MINK	
(each)	0.5	1000
	SPECIES NOT IDENTIFIED	
(350 LBS)	1	500

Chapter 13 ADMINISTRATION AND ENFORCEMENT

13.01 General Provisions

13.01.01. Planning and Zoning Administrator.

A. The position of Planning and Zoning Administrator is established. The Planning and Zoning Administrator shall be appointed by the Board of County Commissioners and shall serve at their pleasure. He or she shall receive such compensation as determined by the Board of County Commissioners.

B. The Planning and Zoning Administrator shall direct and administer the activities of the planning and zoning department. He or she, or his or her designee, shall administer the provisions of this title and shall have all of the administrative powers connected therewith, which are not specifically assigned to some other officer or body. The Planning and Zoning Administrator shall have no power to vary or waive ordinance requirements except where such discretion is given by specific provisions in this title.

13.01.02. Planning and Zoning Commission.

A. Establishment. To fulfill the purposes of this title there is created a Planning and Zoning Commission to consider the use of land and development of community facilities within the county and to advise the Board of County Commissioners in such matters. The Planning and Zoning Commission shall carry out the duties specified in Title 67, Chapter 65, of the Idaho Code and such other responsibilities as shall be assigned by this title and other ordinances.

B. Membership. The Planning and Zoning Commission shall consist of five members. Members shall be selected according to provisions of Idaho Code Chapter 67-6504 and shall serve with compensation as passed by resolution of the County Commissioners including reimbursement for expenses incurred in the course of carrying out commission duties.

C. Term of Office. The term of office of the Planning and Zoning Commission members shall be four years with the following exceptions:

01. When it becomes necessary to fill an unexpired term of office, the appointment shall be for the time remaining in the unexpired term.

02. Members with four or more absences from scheduled meetings in any calendar year period may be removed from the Planning and Zoning Commission. An unexcused absence is one for which a member has not notified the planning department at least six hours in advance of the meeting.

03. Members may be removed from the Planning and Zoning Commission for cause by a majority vote of the Board of County Commissioners.

04. No member shall serve more than two full consecutive terms without specific concurrence by two-thirds of the governing board.

05. Commission members shall have resided in the county for at least four years prior to their appointment and must remain a resident of the county during service on the Commission. Not more than one-third of the members of the Commission may reside within an incorporated city of one thousand five hundred (1,500) or more population in the county. At least one-half of the members of the Commission shall reside outside the boundaries of any city's area of impact to comply with Idaho Code Chapter 67-6504 as amended.

D. Ex Officio Clerk. The Planning and Zoning Administrator shall serve as the ex officio Planning and Zoning Administrator and shall oversee the keeping of records of all matters considered by the Planning and Zoning Commission.

E. Time of Meetings. The Planning and Zoning Commission shall adopt a meeting schedule for the calendar year and regular meetings shall be held in accordance with the adopted schedule; provided, however, that cancellation of a meeting or suspension of meetings for a period of time shall be permissible provided that one regular meeting shall be held each month for at least nine months in a calendar year. Such cancellation or suspension shall be for cause and shall require the approval of a majority of the voting membership. Additional meetings may be scheduled upon the request of the Planning and Zoning Commission's chairperson or by a majority vote of the Planning and Zoning Commission membership directing the Planning and Zoning Administrator to provide proper notice of a special meeting.

F. Meetings—Notice of Special Meetings Required. No official business may be conducted at any special meeting unless advance notice is given prior to the meeting. Notice shall be provided by publication in the paper of record stating date, time, location and subject matter of the special meeting. Notice of special meetings shall be provided to the Planning and Zoning Commission in accordance with the planning Commission by-laws. The Commission may hold informal work sessions for educational purposes or to clarify issues of concern. No official action or no final decision may be made at an informal work session. Notice of an informal work session shall be given in accordance with Idaho Code.

G. Meetings—Rules of Procedure. The Planning and Zoning Commission shall adopt rules of procedure for the conduct of its business. Such rules shall be available to the public from the office of Planning and Zoning Department. The rules of procedure of the commission may not supersede the procedural requirements of either this title or Idaho Code where applicable.

H. Powers and Duties of the Planning and Zoning Commission.

01. The Planning and Zoning Commission shall choose a chairperson and vice-chairperson by majority vote at the first regular meeting of each calendar year.

02. The Planning and Zoning Commission shall conduct all public hearings required by this title and the Idaho Code relating to the responsibilities of a Planning and Zoning Commission.

03. It shall be the duty of the Planning and Zoning Commission to recommend or make suggestions to the Board of County Commissioners, for:

- a. The adoption of coordinated plans for the physical development of the county and for the formation of zoning districts;
- b. Make recommendations concerning the layout, width, extension and location of roads, highways and walkways for the proper management of vehicular and pedestrian traffic;
- c. Make recommendations concerning appropriate population densities and development of land within the jurisdiction of the county;
- d. Make recommendations concerning the future growth, development and beautification of the county with respect to its public buildings, roads, parks, grounds and lands consistent with population projections for the county;
- e. To promote the health, safety and general welfare of residents of the county;
- f. To cooperate with other appointed boards to further the general welfare of the public;
- g. To review and make decisions and recommendations concerning subdivision activity within the jurisdiction of the county;
- h. To review and provide recommendations concerning amendments to the zoning ordinance and other land-use ordinances of the county to the Board of County Commissioners;
- i. To review and make decisions on applications for special permits and exceptions from land use ordinances.
- j. Make recommendations concerning the form, contents and enforcement of land use and development ordinances in order to carry out the purposes of the Comprehensive Plan.

04. The Planning and Zoning Commission shall also be empowered to conduct such studies or surveys as are necessary to carry out its duties regarding the planning program of the county and to advise the Board of County Commissioners in matters of community development and planning.

05. The Planning and Zoning Commission shall meet annually with the Board of County Commissioners during the first three months of the calendar year to discuss matters relating to community development and planning.

06. All activities undertaken by the Planning and Zoning Commission shall be consistent with budgetary appropriations established by the Board of County Commissioners for Planning and Zoning Commission activities.

07. The Planning and Zoning Commission shall assume such additional powers and duties not listed in this section as may be assigned them by the Board of County Commissioners or state authorities.

I. Punishment of offenses

01. The Planning and Zoning Administrator or his/her designee, shall be the enforcement officer of this title. Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this title and upon conviction of violation or failure to comply thereafter will be charged with a misdemeanor violation, and upon conviction thereof shall be subject to a fine of up one-thousand dollars (\$1,000.00) or imprisonment for a period not exceeding six months, or both.

02. When the violator has not previously been convicted of a violation of this title an initial violation of this title shall be punishable by a fine of \$100 per day for each day during which such illegal use of any building, structure, or land continues.

03. A violation of this title constituting a misdemeanor shall be punishable by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding one-thousand dollars (\$1,000.00) or both incarceration and fine as determined by a court of competent jurisdiction.

04. The fine amounts set forth above for infraction offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(c) or any other provision of law. The fines amount set forth for a misdemeanor offense shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(b) or any other provision of law.

05. Each day on which any violation occurs may be deemed a separate offense.

J. Civil enforcement.

01. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises; and these remedies may be in place of the other penalties described in this section.

13.02 Permits

13.02.01. Zoning permits.

A. No development permitted by this title, including accessory and temporary uses, shall be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used, occupied or altered with respect to its use after the effective date of the ordinance codified in this title, until a zoning permit has been secured from the Planning and Zoning Administrator. A zoning permit is not required for remodeling or repairs of structures, providing said remodeling or repair will not enlarge the structure or use, or lead to a change of use. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance or regulation in compliance with all of the terms of this title.

B. The Planning and Zoning Administrator shall not issue a zoning permits until all of the requirements of this title have been satisfied.

C. The procedure for making application for a permit shall be the same as the site plan review procedure where applicable.

13.02.02. Building permits.

A. The construction, alteration, repair or removal of any structure or the use of any structure or land as provided in this title or as restricted thereby, shall not be commenced, continued, or

otherwise carried out without first securing a written permit for same from the building official of the county. The permit shall be displayed and made available to any officer of the county.

13.02.03. Building and zoning permits issued concurrently.

A. When a building permit and zoning permit are required for any construction, the permits shall be issued concurrently.

13.02.04. Permits required for electrical connection.

A. No person may apply for or use electrical service in any newly placed or built structure without first securing a building permit for the construction or placement of the structure.

B. No person or corporation shall furnish electrical service or power to any structure without first securing the number of the building permit for the structure to which the electrical service is to be furnished.

C. The term "structure" as used in this section shall mean one of the following:

01. Any new building to which electrical service has not been previously furnished;

02. Any manufactured or mobile home to which electrical service has not been previously furnished at the present site of said mobile home.

D. In an instance where the building official determines that a structure is exempt from the requirements of the building code and therefore, no building permit is required, a zoning permit number shall be issued. In an instance where the Planning and Zoning Administrator determines that no zoning permit is required, a waiver number shall be issued.

13.03 Site Plans

13.03.01. Site plan review—Purpose.

A. The site plan review procedure is established as part of this title to further the protection of the health, safety and general welfare through the detailed review of site plans for new developments, substantial remodels, changes of use of existing buildings, and additions to existing buildings. The purpose of the process shall be to minimize and, where possible, to eliminate conflicts between the establishment of new or different land uses and adjacent lands or affected public facilities.

13.03.02. Land development subject to site plan review.

A. Site plan review shall apply to the following zones and uses:

01. All uses in commercial and industrial zones;

02. All changes in use for existing buildings in commercial and industrial zones;

03. All residential uses in whatever zone they occur;

04. All churches, schools, and other public or quasi-public uses which, by their nature, have a considerable effect upon their external environment;

05. All development brought before the Planning and Zoning Commission.

B. For all uses listed above, a site plan review shall be a necessary condition precedent to issuance of building and/or zoning permits, or a certificate of occupancy.

13.03.03. Information required.

A. When a site plan approval is required, the owner or owners of the tract of land in question shall submit to the Planning and Zoning Department office a site plan of the area to be developed containing the following information:

01. Site plan drawn to scale, when deemed appropriate;
02. Lot, building, parking area, etc. dimension;
03. Diagram of all buildings, existing and proposed;
04. Location and type of walls, fences and landscaping;
05. Vehicular, pedestrian and service access;
06. Off-street parking facilities, including number of spaces, ingress, egress and traffic pattern;
07. Signs and lighting including location, size, height and method of illumination;
08. Outdoor storage activities (location and type);
09. Location of solid waste collection and disposal facilities;
10. Location of any bulk facilities for bulk storage of hazardous materials (see Section 12.20);
11. Road right-of-way dimensions, current easements, and necessary dedications of right-of-way or easements;
12. Size and location of water service and sanitary sewer discharge lines; locations of connections to public lines if applicable;
13. Diagram of methods used for control of on-site stormwater (when requested);
14. Other such data as may be requested by Planning and Zoning Department to determine the effect of the development on surrounding property;
15. Proposed buffer from adjacent properties;
16. Proposed maintenance methods for living landscaping;
17. Contours depicting current site topography and final site topography (when requested);
18. Any additional information that may be pertinent to an individual situation.

B. If the Planning and Zoning Administrator determines that some of the information required in subsection A of this section is unnecessary for a particular use in a particular situation, he/she may allow the applicant not to provide the information.

13.03.04. Planning and Zoning Department review.

A. The Planning and Zoning Department office shall review a site plan within five days of receiving the plan, provided it contains required information as specified in Section 13.03.03. The office shall review all aspects of the submitted site plan and either approve with stipulations necessary to protect the public interest or reject it for cause. Changes required by Planning and Zoning Department shall be incorporated into the site plan, which is submitted for issuance of a zoning permit. Stipulations to the site plan shall be made on the face of the submitted plan unless the applicant desires a written list of required changes, in which case such a list shall be provided within three days of the request for same. A zoning permit shall not be issued until the site plan and proposed use satisfy all the requirements of this title.

13.03.05. Appeal of decision.

A. An applicant denied a zoning permit or site plan approval may appeal the Planning and Zoning Administrator's decision within fourteen (14) days of delivery of the decision to the applicant.

B. The Planning and Zoning Commission shall review the Planning and Zoning Administrator's findings, and the applicant's arguments as a business item and reach a decision to uphold, reverse, modify or return the Planning and Zoning Administrator's decision for further findings.

C. The Planning and Zoning Commission's decision may be appealed to the board of Caribou County commissioners within fourteen (14) days of delivery of the decision to the applicant.

D. The Board of County Commissioners shall review the Planning and Zoning Commission's findings and the appellant's arguments and reach a final decision to uphold, reverse, modify or return the Planning and Zoning Commission's decision for further findings.

E. Appeals shall be filed in writing in the Planning and Zoning Department office.

F. Delivery of the decision shall mean the date of hand delivery or the date of mailing of the decision to the applicant.

13.03.06. Power to provide additional construction conditions.

A. Planning and Zoning Department may require, upon examination of the proposed site plan and statement of just cause, additional conditions of construction prior to the issuance of a zoning permit or building permit. Such conditions may include:

01. Additional building setbacks when it is found that the setbacks required by law are inadequate by reason of interference with utility or other easements; obstruction of traffic view; potential interference with the orderly extension of roads, or utility lines; existing geological hazards, or any combination of the foregoing;

02. A limitation on building height when it is found that any geological hazard exists which would create any safety hazard if the site plan proposal were approved or when it is found that occupancy of a building of the height proposed could not be supported by existing or contemplated utilities;

03. Walls, fences, buffer planting and screening devices when it is found that such are required for reasons of safety or the control of noise or other external effects;

04. Off-site improvements in public rights-of-way adjacent to subject property when it is found that the site plan proposal might otherwise produce obvious traffic hazards or otherwise harmful, hazardous or obnoxious effects on such right-of-way;

05. Limits on traffic circulation and vehicular access when it is found that such are required for reasons of safety or the control of sound or other pollution;

06. Limitations on signs and lighting when it is found that proposed signs and lighting would constitute an aesthetic nuisance or any potential safety hazard;

07. Any change which may be necessary for reasons of safety, public health and comfort, or the promotion of the general welfare; provided, Planning and Zoning Department, when requiring any change under this subsection, shall specify in detail the precise nature of any factor or factors which are considered to require changes in the site plan proposal.

13.03.07. Agreement with the office of Planning and Zoning Department.

A. If the permit applicant agrees to comply with Planning and Zoning Department findings, the applicant shall submit a modified site plan with his or her building permit and zoning permit application. Copies of the approved site plan shall be retained by the department of Planning and Zoning Department to be checked through building construction and when application is made for a certificate of occupancy.

13.03.08. Revision of an approved site plan.

A. If the permittee, under the terms of this title, desires to alter the various details of an approved site plan, the permittee shall follow the procedures for approval of a new site plan. Failure to do so will result in placement of a stop-work order on the project.

13.03.09. Compliance.

A. No building permit or zoning permit shall be issued for any building or use for which site plan review is required unless site plan approval has been obtained. No occupancy shall be permitted or certificate of occupancy issued unless the terms and details of an approved site plan are met. The Planning and Zoning Administrator or his/her representative shall conduct an as-built inspection to verify compliance and shall notify the Building Inspector so he/she may sign off on a certificate of occupancy if terms are satisfactorily met.

13.04 Certificate of Occupancy

13.04.01. No structure shall be occupied or used in whole or in part until a certificate of occupancy has been issued by the Building Inspector after confirming with Planning and Zoning department that the building or use complies with all zoning requirements of this title.

13.04.02. No permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the health department's approval shall be issued until said approval has been issued by the health department.

13.04.03. The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this title and all other applicable regulations.

13.05 Planned Unit Developments

13.05.01. Policy and purpose.

A. This article shall set forth the policy and general standards to apply to planned unit developments as defined in this title.

B. The regulations contained in this article are intended to allow greater flexibility in the formulation of development plans which will fit better with the environment in which the development is to be placed than would be the case under conventional development requirements found elsewhere in this title. Particular emphasis is to be placed on architectural design and aesthetic values.

C. In consideration of the broad design latitude given to developers of planned unit developments, the Planning and Zoning Commission and Board of County Commissioners reserve wide discretionary powers in judging the concepts incorporated into specific planned unit development design. Emphasized in the exercise of this judgment shall be consistency with the goals and policies of the Comprehensive Plan of the county.

13.05.02. Procedures.

A. The applicant for planned unit development approval shall submit an application which complies with standards adopted by ordinance of the Board of County Commissioners pursuant to the terms of this title. Procedures to be followed shall be the same as those used for a conditional use permit if only residential development is proposed, and shall comply with procedural requirements for a zone change when any commercial land use is proposed in a residential zone.

13.05.03. Ownership or unitary control.

A. A planned unit development shall be in one ownership or under singular management control through the entire planning and development stage to ensure that development can be accomplished as planned. The county may require documentation of unitary control as it deems necessary.

13.05.04. Minimum area.

A. The minimum area required for a planned unit development shall be five acres, unless otherwise specified in this title and the maximum area is one hundred (100) acres ~~unless~~.

13.05.05. Sketch plan—Initial review.

A. A sketch plan of the planned unit development proposal shall be reviewed at a joint meeting of the Planning and Zoning Commission and the Board of County Commissioners before the proposal can be submitted to the Planning and Zoning Commission for public hearing. The purpose of the meeting shall be to make the prospective developer of a project aware of concerns which might affect the proposed development.

13.05.06. Compliance with subdivision requirements.

A. Any planned unit development which contemplates subdivision activity shall comply in all respects with the procedural and substantive requirements established by the subdivision ordinance of the county.

13.05.07. Area for common use—Residential use.

A. All planned unit developments which have a residential component shall provide open space for use-in-common equal to ten percent of the gross area committed to residential use.

13.05.08. Integration required.

A. In the design process, paramount effort shall be made to fit a planned unit development proposal with the natural and developed environment around it. Of particular significance in this regard is maintenance of traffic circulation patterns.

13.05.09. Performance standards.

A. The Board of County Commissioners, upon receipt of a recommendation from the Planning and Zoning Commission, shall adopt such design and performance standards as may be necessary to direct conformity with the goals and objectives of this section. The standards may be adopted by ordinance of the Board of County Commissioners.

13.05.10. Building code compliance required.

A. Although building placement requirements in this title may be accepted in the planned unit development process, terms of the building code concerning building construction and building separation shall be complied within their entirety.

13.05.11. Mobile home parks.

A. Mobile home parks shall be developed as planned unit developments in conformity with the density requirements for the area involved. All requirements applicable to other planned unit developments shall govern the development of mobile home parks.

13.06 Public Hearings

13.06.01. Policy and purpose.

A. Any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may petition the Planning and Zoning Commission for all processes requiring public hearings. The applicant shall provide such information as may be required by the Planning

and Zoning Commission in the form desired and outlined in the re, at least thirty (30) calendar days in advance of a regularly scheduled meeting of the Planning and Zoning Commission. Upon receipt of all materials required to complete the application, the Planning and Zoning Administrator shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this title.

13.06.02. Concurrent applications.

A. Application for a conditional use permit and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a rezoning. The Planning and Zoning Commission and the County Commissioners may hold the public hearing on the rezoning and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the date of the County Commissioners decision on the conditional use permit application shall be deemed to be the same as the effective date by the Board of County Commissioners of an ordinance changing the zone boundaries.

13.06.03. Time Limits

A. The Planning and Zoning Commission shall complete the public hearing within forty-five (45) calendar days of its initiation. A formal recommendation on each request shall be transmitted to the Board of County Commissioners within forty-five (45) calendar days of the completion of the public hearing. Extension of these time limits may be accomplished with consent of the applicant.

B. Public hearings before the Planning and Zoning Commission shall provide opportunities for all interested parties to testify in support of their points of view in accord with procedures and rules established by the Planning and Zoning Commission. Written testimony may be accepted prior to a public hearing, during the public hearing, or until the Planning and Zoning Commission deems the public hearing closed. The Planning and Zoning Commission may vote to authorize the submission of appropriate written testimony for up to ten days following the conclusion of a public hearing. Final recommendations shall not be made until all testimony, oral or written, has been received by the Planning and Zoning Commission. If a public hearing has been closed, additional public comment shall be received only after appropriate notice is provided in accord with the Idaho Code requirements and standards established by this title.

13.06.04. Transmission of records to Board of County Commissioners for determination.

A. The Planning and Zoning Administrator shall compile the records of the Planning and Zoning Commission concerning the request and transmit them to the Board of County Commissioners. An additional public hearing shall be scheduled before the Board of County Commissioners. The Board of County Commissioners shall consider the record compiled by the Planning and Zoning Commission and additional testimony submitted during the Board of County Commissioners' public hearing process. The Board of County Commissioners' procedure for accepting testimony at public hearings shall be consistent with standards established for the Planning and Zoning Commission. The Board of County Commissioners shall conclude actions on a zoning district boundary change within forty-five (45) days of the completion of public hearings on the question.

B. The recommendation of the Planning and Zoning Commission to the Board of County Commissioners, and final decision of the Board of County Commissioners, respectively, shall be stated in the form of a formal findings of facts and conclusions which shall be adopted by a majority of members taking part in deliberations on the request. This document shall list facts taken into account in arriving at a recommendation or decision, and shall state the conclusions drawn from the facts, specifically as they concern the goals and policies of the Comprehensive Plan and this title.

13.06.05. Notices of public hearing.

- A. Notice of public hearing shall be provided in accord with requirements of the Idaho Code and such other standards as this title may require.
- B. Notices of public hearing will be mailed to all land owners within 1,500 feet of the property boundary or a minimum of the 25 closest land owners, whichever is more. Where the names of land owners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.
- C. Names of parties to receive notice concerning applications made pursuant to provisions of this title shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant.
- D. Notices of public hearing shall be prepared and mailed under supervision of the Planning and Zoning Administrator.
- E. Should notice be alleged to be defective, the allegations shall be reviewed by the Planning and Zoning Administrator, prosecuting attorney and presiding officer of the body scheduled to conduct the hearing to determine the nature of the alleged problem and its potential effect upon the proceedings.
- F. Appeals concerning adequacy of notice may be made from the decision of the aforementioned committee to the entire membership of the Board of County Commissioners or Planning and Zoning Commission involved.

13.06.06. Records maintained.

- A. The respective clerks of the Board of County Commissioners and Planning and Zoning Commission holding public hearings pursuant to this title or Title 67, Chapter 65, Idaho Code, shall maintain records of the proceedings in the following manner:
 - 01. Transcribable verbatim recordings of the proceedings shall be maintained for three years from the date of the hearing. At the expiration of the three-year period, the recordings may be discarded after consultation with the county prosecuting attorney. Originals of written submittal to the hearing record and copies of applications shall be maintained for three years from the date of the hearing. At the expiration of the three-year period, the written documents may be discarded after consultation with the county prosecuting attorney.
 - 02. Minutes which catalog the occurrences at the public hearing shall be maintained as required by pertinent sections of the Idaho Code.

13.06.07. Order of public hearing events.

- A. Public hearings held to consider permit applications and rezoning shall follow the order of events set forth below. These procedures may be modified for other types of hearings such as those held to consider planning matters, ordinances or amendments to ordinances:
 - 01. A presentation is made by the applicant;
 - 02. An explanation of the subject of the hearing is presented by the planning and development service staff;
 - 03. Testimony is given by the audience in favor of the proposal. Questioning of the participants, and rebuttals are entertained by the Planning and Zoning Commission or Board of County Commissioners;
 - 04. Testimony is given by the audience against the proposal;
 - 05. The applicant may rebut the arguments offered by the opposition;

06. The Planning and Zoning Commission or Board of County Commissioners discusses the hearing subject; they may direct questions to the staff, applicant and audience during this stage of the hearing process;
 07. The hearing is closed to oral testimony from the applicant and audience;
 08. The hearing process is concluded.
- 13.06.08. Time limitations on hearing testimony.
- A. The presiding officer may limit the time allotted to presentation of oral testimony in a public hearing. The allocation of time shall provide for a reasonable opportunity for proponents and opponents of an issue to be heard.
- 13.06.09. Standards for oral testimony.
- A. Oral testimony made at a public hearing shall comply with the following standards:
 01. It must directly address the subject at hand;
 02. It must not be repetitious with other entries into the record;
 03. It must not be personally malicious;
 04. It must comply with time restrictions established by the presiding officer.
 05. If oral testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony out of order and require it to cease.
- 13.06.10. Standards for written testimony.
- A. Written testimony to be admitted at a public hearing shall comply with the following standards:
 01. It must include the signature and address of the submitter;
 02. It must address the issue at hand;
 03. It must not be personally malicious;
 04. It may be submitted at the public hearing; the presiding officer may require an oral reading of such written testimony if deemed beneficial or if requested by a party interested in the proceedings.
 05. If written testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony inadmissible.
- 13.06.11. Written response to questions raised at the hearing.
- A. Where discretionary written response is permitted by the provisions of this title, parties to a public hearing may be allowed or requested by the Planning and Zoning Commission or Board of County Commissioners to submit written responses to questions raised at the public hearing after the hearing has been closed to oral comment.
 - B. Such written comment shall conform to the following standards:
 01. The response or comment must be specifically requested by the presiding officer;
 02. The response must directly address the inquiry raised by the presiding officer;
 03. The response must be submitted to the clerk of the affected Board of County Commissioners, or Planning and Zoning Commission, in compliance with the time limits established by this title or the presiding officer.
- 13.06.12. Copies of official record—Availability.

A. Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties, if requested, for the usual charges for research and duplication made by the county.

13.06.13. Overrule of rulings by majority vote.

A. All rulings made by the presiding officer of any board conducting a public hearing may be overruled upon a majority vote of the board members present.

13.07 Appeals of Planning and Zoning Commission's Decisions.

13.07.01. The Board of County Commissioners shall serve as the decision-making body for appeals of decisions of the Planning and Zoning Commission. The Planning and Zoning Commission's decision may be appealed to the Board of County Commissioners by the applicant or any other aggrieved person within ten days after the date on which the decision is made. Notice of the appeal shall be filed with the Planning and Zoning Administrator.

13.07.02. A transcript of the Planning and Zoning Commission's consideration of the request shall be provided by the county at the expense of the appellant. The Board of County Commissioners shall determine the fee per page to be charged for transcripts. The appellant shall pay the estimated cost of the transcript to the county in advance, and be refunded money or owe additional money when the transcript has been prepared, and the actual cost determined.

13.07.03. Not more than thirty (30) days following the preparation of transcripts, the Board of County Commissioners shall meet to consider the appeal. The hearing shall not be a public hearing, but shall be open to the public. The hearing shall be an "on the record review." During the hearing, county staff shall be available to present the application and answer questions; however, comments will not be received from the audience. The Board of County Commissioners shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Zoning Commission in rendering their decision. Any applicant or other affected person may request a reconsideration of the board of county commissioner's decision.

13.07.04. Reconsideration of a decision of the Board of County Commissioners.

A. Any applicant or any other affected person may request a reconsideration of the board of county commissioner's decision within fourteen (14) days. The reconsideration request must be in writing and must identify the specific deficiencies in the decision. The Board of County Commissioners shall provide a written decision to the applicant or affected person within sixty (60) days of receipt of the reconsideration request or the request is deemed denied. For purposes of judicial review, the decision of the Board of County Commissioners is not considered final unless the process for reconsideration as set forth in this title and in Idaho Code has been followed. Any applicant or affect person seeking judicial review must first request reconsideration of the decision.

13.07.05. Application fees.

A. Fees may be required by the Board of County Commissioners for the review of any application for a land use related request.

13.07.06. Conflict of interest.

A. Members of the Board of County Commissioners shall be strictly bound by all applicable laws relating to conflict of interest. The Planning and Zoning Commission and county staff shall indicate any potential conflicts of interest they might have in a case, and if significant conflicts are identified, affected parties shall withdraw from activity in the case. In such events, appropriate substitutes shall be named by the chairperson of the Board of County Commissioners.

13.08 Conditional Uses

13.08.01. Purpose.

A. A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the Comprehensive Plan. The allowance of a conditional use is discretionary with the County Commissioners and may be granted only in the best interests of the general public. The applicant for a conditional use permit shall carry the burden of proof in showing that the proposed use does not conflict with the spirit or purpose of the Comprehensive Plan of the county and the standards for conditional use permits set forth in this title.

13.08.02. Jurisdiction.

A. The Planning and Zoning Administrator shall be responsible for administration of the conditional use procedure, the Planning and Zoning Commission shall be responsible for review, evaluation of the application and forward their findings to the County Commissioners whom shall take action on all applications for a conditional use permit and grant final approval.

13.08.03. Application and fee.

A. Application for a conditional use permit shall be filed with the Planning and Zoning Administrator at least thirty (30) days prior to the public hearing. The application shall include the following:

01. Name and address of the owner and applicant;
02. Address and legal description of the property;
03. If the applicant is not the legal owner of the property, a written statement signed by the owner that the applicant is the authorized agent of the owner of the property;
04. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities;
05. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan,
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, watercourses, drainage features and location and size of existing and proposed roads and 100-year flood plains,
 - c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites,
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting,

- e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements,
- f. For sites with an average slope greater than ten percent, a plan showing existing and proposed topography and grading and proposed erosion control measures,
- g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made,
- h. Any applicable fee established by the Board of County Commissioners.

13.08.04. Public hearing and notice.

A. Public hearings and notice are subject to those requirements outlined in Section 13.06. of this ordinance.

13.08.05. Standards for approving a conditional use permit.

A. The Planning and Zoning Commission may grant a conditional use permit if it makes affirmative findings of fact on each of the following standards:

- 01. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district;
- 02. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use;
- 03. The proposed use would not damage the public health, safety or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity;
- 04. The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the county;
- 05. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

13.08.06. Conditions of approval.

A. Upon the granting of a conditional use permit, conditions may be attached to a permit including, but not limited to, those:

- 01. Minimizing adverse impact on other developments, such as:
 - a. Requirements for special yards, open space, buffers, fences, walls and screening,
 - b. Requirements for installation and maintenance of landscaping and erosion control measures,
 - c. Requirements for road improvements and dedications,
 - d. Regulations of signs,
 - e. Regulation of hours or other characteristics of operation,
 - f. Establishment of development schedules or time limits for performance or completion;
- 02. Controlling the sequence and timing of development;
- 03. Controlling the duration of development;
- 04. Assuring that development is maintained properly;
- 05. Designating the exact location and nature of development;

- 06. Requiring the provision for on-site or off-site public facilities or services;
- 07. Requiring more restrictive standards than those generally required in an ordinance;
- 08. Imposing other conditions that the Planning and Zoning Commission deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure compliance with the standards listed in Section 13.08.05.

13.08.07. Effective date of conditional use permit.

- A. The decision of the County Commissioners shall be effective ten days after the date on which decision is announced unless an appeal has been filed pursuant to Section 13.07.

13.08.08. Lapse of a conditional use permit.

- A. Unless a longer time shall be specifically established as a condition of approval, a conditional use permit shall lapse and shall become void six months following the date on which such permit became effective, unless prior to expiration a building permit and zoning permit are issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use.

- B. A conditional use permit subject to lapse may be renewed by the Planning and Zoning Commission for an additional period of six months provided that prior to the expiration date, a written request for renewal is filed with the Planning and Zoning Administrator.

13.08.09. Modification of conditional use permit.

- A. Sections 13.08.01-13.08.07 shall apply to an application for modification, expansion, or other changes in a conditional use permit, provided that minor revisions or modifications may be approved by the director if he/she determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 13.08.05.

13.08.10. Suspension and revocation.

- A. Upon violation of any applicable provision of this title, or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended upon notification to the owner of a use or property subject to a conditional use permit.

- B. The County Commissioners shall hold a public hearing within forty (40) days of such notification, in accordance with Section 13.06, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition.

- C. The decision of the County Commissioners to revoke a conditional use permit shall be effective immediately.

13.08.11. New applications.

- A. Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

13.08.12. Approval to run with the land.

- A. A conditional use permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

13.08.13. Pre-existing conditional use permits.

A. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of an amended conditional use permit, provided that alterations not exceeding two thousand five hundred dollars (\$2,500.00) in value as determined by the building official shall be permitted without the granting of an amended conditional use permit. The procedure for obtaining an amended conditional use permit shall be the same as for obtaining a conditional use permit.

B. A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, to a greater extent than fifty (50) percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the building inspector and shall be based on the minimum cost of construction in compliance with the building code.

13.09 Variances

13.09.01. Purpose.

A. A variance shall not be considered a right but may be granted to an applicant upon a showing of undue hardship related to physical characteristics of the site, and then only if the proposal is not in conflict with the public interest.

13.09.02. Variance Application Process

A. Application for a variance shall be filed by the owner of the subject property with the Planning and Zoning Administrator at least thirty (30) days prior to the public hearing. The application shall include the information necessary to enable the planning and zoning department to make a complete analysis of the variance request.

B. The Planning and Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

C. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

D. Public hearing notice and action by the Planning and Zoning Commission and County Commissioners.

13.09.03. Public hearing notice.

A. Public hearings and notice and action by the Planning and Zoning Commission and the County Commissioners are subject to those requirements outlined in Article VI of this ordinance.

13.09.04. Action by the planning and development council.

A. The planning and development council shall act upon the application within forty-five (45) days following the close of the public hearing on a variance. The planning and development council may grant a variance as the variance was applied for or in modified form, or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the planning and development council may prescribe.

13.09.05. Standards.

A. The Planning and Zoning Commission may grant a variance if it makes affirmative findings of fact on each of the following standards:

- 01. The applicant has shown that there is no reasonable alternative;
- 02. The variance is not in conflict with the public interest;
- 03. The variance will not adversely affect adjacent property;
- 04. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.

13.09.06. Effective date of variance.

A. A decision of the County Commissioners on a variance shall be effective ten days after the date on which action is announced unless an appeal has been filed with the board of commissioners.

13.09.07. Appeal to Board of County Commissioners.

A. The appeal procedure is the same as the procedure in Section 13.07.

13.09.08. Lapse of variance.

A. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse one year following the date on which the variance is issued, unless prior to the expiration of the one year, a building permit and a zoning permit are issued.

B. A variance subject to lapse may be renewed by the Planning and Zoning Commission for an additional period of one year, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Zoning Commission.

C. The Planning and Zoning Commission may grant or deny an application for renewal upon a showing by the applicant that circumstances beyond his or her control caused the delay.

13.09.09. Suspension and revocation.

A. Upon violation of any applicable provision of this title or, if granted subject to conditions, upon failure to comply with conditions, a variance shall be suspended upon notification to the owner of the use or property subject to the variance.

B. The Planning and Zoning Commission shall hold a public hearing within forty (40) days of such notification, in accord with Section 13.06, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the variance or take such action as may be necessary to ensure compliance with the regulation, general provision or condition.

13.09.10. Minor variances and procedures.

A. A minor variance may be approved by the Planning and Zoning Administrator subject to the following limitations:

- 01. A minor variance may not reduce a requirement by more than ten percent of its original standard, except in situations where proposed building additions would conform to established setbacks.
- 02. The applicant shall furnish the Planning and Zoning Administrator with written consent from abutting property owners before the director approves a minor variance.
- 03. If a minor variance request is denied, the applicant may appeal by proceeding through the regular variance process.

13.10 Zone Amendments

13.10.01. Procedures for making application for a zoning amendment also called a zoning district boundary change.

A. Either representatives of the county or any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may petition the Planning and Zoning Commission for a zone amendment, also known as a zoning district boundary change (rezoning). The applicant for a district boundary change shall provide such information as may be required by the Planning and Zoning Commission in the form desired, at least thirty (30) calendar days in advance of a regularly scheduled meeting of the Planning and Zoning Commission. Upon receipt of all materials required to complete the application, the Planning and Zoning Administrator shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this title.

13.10.02. Conditions for approval

A. Resubmission of application. Changes in zoning district boundaries may be approved only if they are consistent with the goals and policies adopted in the county Comprehensive Plan. Zone changes may be achieved only by passage of an ordinance modifying the official zoning map of the county. The ordinance shall be accompanied by a map depicting the change to be made. Rezoning applications which have been rejected may not be refiled for twelve (12) months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.

B. The Planning and Zoning Commission may grant recommend approval of a rezoning request and the County Commissioners can approve a request if it makes affirmative findings of fact on each of the following standards:

01. The uses allowed in the proposed district would be compatible with surrounding uses;
02. The proposed zoning district would not adversely affect the surrounding neighborhood's stability and property values;
03. The applicant has shown that there is a need for the proposed zoning district in the county or at the proposed location;
04. The public cost resulting from the change in land use would not be excessive when compared with the public benefit derived from the change in land use;
05. Adequate public services, utilities and facilities would be available to serve the changed land use;
06. The proposed zoning district would not allow uses that would be detrimental to the environment of the immediate neighborhood;
07. The requested change would be in accordance with the goals and policies of the county Comprehensive Plan.

13.11 Development Agreements

13.11.01. Purpose

A. The purpose of a development agreement is to provide a means to allow the Board to place conditions and/or restrictions on a rezone or other development to mitigate the impact of the rezone or development and to provide a means for delineating the commitments, obligations and responsibilities of the parties (government agencies, developers, individuals etc. involved).

13.11.02. Applicability

A. As a condition of rezoning or development, at any time during any stages of the development process, a development agreement may be requested by the Board, recommended by the Commission or it may be requested by the developer.

13.11.03. Agreement Proposal

A. In the event a development agreement is submitted or in the event a development agreement is deemed appropriate by the Commission during or after a public hearing the reasons for proposing the use of a development agreement or a proposed development agreement shall be forwarded to the Board with the Commissioner's findings and recommendation.

13.11.04. Recommendation

A. In the event the Board makes a finding that a development agreement would be in the best interest of the County, but where no development agreement was recommended by the Commission and presented to the Board, the Board shall remand the matter back to the Commission with instructions that a development agreement be prepared and that it contain such terms as are in the best interest of the County and the developer, that it be made a part of the public hearing process and that it be included in the Commission's recommendations.

13.11.05. Content

A. A request for a development agreement shall be in addition to an application for annexation or rezone. A request for a development agreement shall contain the following:

B. An affidavit by the property owner, if the owner is not the same as the applicant, agreeing that the property subject to the rezone may be subject to a binding agreement.

C. USE The specific use or uses of the property affected by the development agreement.

D. The concept plan, which shall include, but not be limited to:

E. Three (3) at least (18" x 24") site plans and one 8 1/2" x 11" drawing showing:

01. Existing structure(s) that will remain labeled as to existing and proposed uses.
02. Building footprint(s) height, number of stories, proposed uses (office, retail, restaurant), and square footage of proposed structure. If residential, overall density and number of dwelling units per building.
03. North arrow
04. Scale
05. Property boundaries
06. Names of applicant, owners if different than applicant preparer and project
07. Size of project
08. Existing vegetation
09. Existing and proposed grades for hillside developments
10. Parking areas with total number of parking spaces
11. Locations and widths of right of way, easements, canals, ditches and property lines
12. Drainage features
13. Conceptual landscape plan
14. Interior streets and access streets

F. The time period for which the agreement is to be valid

G. A statement that failure to comply with all of the commitments in the approved development agreement shall be deemed a consent to rezone the property to its preexisting state or to the preexisting zone.

H. If the development agreement is being requested by the applicant as opposed to having been required by the Board or by the Commission a statement must be included wherein the applicant agrees that all time limits set forth by the code are waived

I. Any proposed phasing schedule

13.11.06. Process of Approval

A. Whenever a development agreement is requested or proposed the Planning and Zoning staff will work with the applicant to prepare the agreement.

B. In addition to the information required in the subsections of this chapter, any additional uses may be addressed. Those issues may include, but not be limited to, density, site design, mitigation of impact on surrounding neighborhoods, appearance, provision of utilities, public services or public facilities, and any use restrictions.

C. The Commission shall hold a public hearing to consider the proposed development agreement simultaneously with its hearing to consider the requested rezone or other development request.

D. After its hearing the Commission shall make a recommendation to the Board and in its recommendation, it may recommend approval or denial of the development agreement or it may recommend additional terms, conditions, duties or obligations which should be covered by the agreement.

E. After the Board receives the recommendation from the Commission the Board shall hold a public hearing on the proposed development agreement.

F. After conducting its public hearing and considering the recommendation of the Commission the Board shall approve, deny or modify the agreement as the Board in its discretion deems necessary.

G. After approval by the board a development agreement may be modified only by the permission of the Board and after complying with the notice requirements as set forth in Idaho Code section 67-6509.

H. Once approved development agreements shall be recorded in the office of the County Recorder and shall affect upon adoption of the amendment of the Zoning Ordinance or approval of a subdivision or other development.

I. Development agreements shall be binding upon the owner or developer and the Board as set out in Idaho Code section 67-6511-A.

13.11.07. Termination of Agreement

A. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the owner or developer or any successor or assignee thereof to fulfill any of the requirements of the development agreement within a reasonable time, within the time set in the agreement or upon the failure of the owner or developer or their successors or assigns, to act in the manner agreed upon, and after complying with the notice and hearing requirements as set forth in Idaho Code section 67-6509.

13.11.08. Subsequent Owners

A. Each subsequent owner, any successor or assignee, or any person who shall thereafter acquire an interest in the property, shall take that interest subject to the terms and conditions which are set out in the development agreement and they shall conform to and abide by the terms and conditions of that agreement.

13.11.09. Board Obligation

A. By permitting or requesting a development agreement the Board does not obligate itself to adopt any proposed zoning ordinance or approve any development. The Board is obligated once they have signed the agreement.

13.11.10. Written Consent

A. A written development agreement shall be deemed written consent to rezone the affected property and the commitment of the owner or development or any successor or assignee to comply with the conditions imposed by the development agreement.

13.11.11. Violation and Enforcement

A. Development agreements may be enforced by any person through any means permitted by law. That relief shall include, but not necessarily be limited to, specific performance, injunctive relief, or through the criminal process for violation of any provision of this ordinance or the Subdivision Ordinance as outlined in by the County and provided for in Idaho State Code section 67-6527.

13.11.12. Developer as Applicant

A. A developer shall be considered the applicant in any development agreement. In the event that a developer consists of more than one person or entity, all persons who will be engaged in the development shall be bounded by the agreement.

13.11.13. Other Agreements, Terms and Conditions

A. In addition to a development agreement as set forth above, the Board may enter into agreements that require certain terms and conditions to be complied with as a condition of the subdivision approval. One of the terms of any agreement may be that in the event a developer does not comply with the agreement, subdivision approval may be withdrawn.

Chapter 14 - ADDRESSING

14.01 Purpose.

14.01.01. Addressing provides a standard means of locating key places for the purpose of providing mailing and emergency services and defining an orderly means to reference a location.

14.02 Authority

14.02.01. Caribou County will retain its authority to address within the interior boundary of the County excluding any incorporated city areas.

14.03 Management

14.03.01. The GIS department manages the County's addressing and database. The GIS department is responsible for maintaining an orderly system which meets applicable standards. This includes any necessary publishing that help both the County and the general public identify or determine Characteristics of the County's addressing.

14.04 Regular Actions

- 14.04.01. Assignment of new addresses
- 14.04.02. Determining "addressable locations"
- 14.04.03. Maintain record of all addresses and any activity relative to their management.
- 14.04.04. Maintain address system information including street names, address ranges and postal communities.
- 14.04.05. Maintain compliance with the United States Postal Service Standards and 9-1-1 database standards.
- 14.04.06. Troubleshoot problems and provide suggestions for potential corrective actions.

14.05 Conflict Resolution

14.05.01. Address conflicts are instances where a significant error exists and the correction of that error will impact the public. Issues regarding addressing conflicts will be taken to the Planning and Zoning Commission for review. The GIS department will provide them with information about potential correction actions and consequences. The Planning and Zoning Commission will then give the GIS department a direction of action to carry out. The Planning and Zoning Commission and the GIS department will keep the Board of County Commissioners informed of all conflicts and resolutions. In the event the Planning and Zoning Commission is unable to arrive at a solution, the matter will be forwarded to the Board of County Commissioners.

14.06 131. Impact Zone

14.06.01. Whereas Caribou County provides road and emergency services to these areas they will manage and administrate all addressing in the impact zone. Opportunity will be given to the corresponding city for input when addressing in the impact zone.

14.07 Addressing Standard and Priority

14.07.01. United States Parcel Service guidelines serve as a basis of standard for all operations which are dependent upon addressing. All addressing must meet these standards and guidelines. Any address or street which does not meet these standards will be considered invalid and put into review of the address manager.

14.08 Addressing Priority

14.08.01. There are multiple tasks and operations that are dependent on addressing. The following is a list in order of importance from highest to lowest. Items which have been identified as high importance will be given consideration over a lower item.

- A. E9-1-1 Database integrity and emergency response It is critical for the protection of lives and property that 9-1-1 and emergency services be taken into consideration during all addressing activities.
- B. Address System Logics and Integrity. ~~132.5-~~ The address system is the framework that defines the logical address system. The most logical method to address may not be used if it compromises a higher priority.
- C. Mailing service is important by does not generally affect the safety of lives and property. The County will accommodate to the efficiency of the mailing service only when higher priorities are met. Certain actions may cause some disruption in a locations' mail delivery. These disruptions will be kept at the most minimal level where possible but may not be avoidable.

14.09 Addressing Domain

14.09.01. A location will be considered addressable if it corresponds to any of the conditions identified in any portion of this section. It is mandatory for a location containing any portion of these conditions to have an address.

A. Phone Service - Any location which has phone service will be given an address. The service only needs to be available and does not have to be activated. Phone service which is used for data transmission and does not have any voice transmission ability will not be addressed unless the location meets other addressable criteria.

B. Structure - A structure is defined as any enclosed dwelling used to occupy one or more persons regardless of occupancy duration and/or frequency. This includes mobile homes and utility buildings. Outbuildings will be referenced by the primary address location unless the address manager determines secondary designations are needed or the location is significant enough to be given a primary address.

C. Recreational - Any location which is used for recreation and/or entertainment such as marinas, campgrounds, public parks and entertainment parks will be given an address. The site does not have to contain any structures and may be comprised of only land or non-enclosed improvements.

D. Significant Location - Any location that presents a level of importance to the community or emergency responders.

14.09.02. Priority Locations - In the event of a conflict due to an address system error, locations where a permanent residence or business resides will be given priority over all others.

14.09.03. Non-Addressable Locations - Addressing will not be performed in which the location is not clearly identifiable or addressing poses conflict to the addressing system.

14.10 Street Naming

14.10.01. The address manager will assign street names and ranges for all roadways which are critical to the County's addressing system, 9-1-1 system and/or emergency service. All street names (including private streets) must be approved by the MSAG Coordinator before use.

A. Public Streets - A public street is any street in which the owner or right-of-way holder is governmentally based. Public street names will be determined by the County and formatted to meet USPS and 911 standards.

B. Private Streets or Access - In some instances the address manager may accomplish addressing using a privately-owned street or access. For addressing purposes these are referred to as private lanes. Private lane addressing will be performed under the following conditions:

01. If multiple locations are situated along the access and are a significant distance from the main roadway.

02. If the access or roadway exceeds 1/2 of a mile. (Length will be calculated by the GIS Department)

03. If the location being addressed cannot be identified from the main roadway. The right-of-way holder will be given the opportunity to name the street. If multiple right-of-way holders exist and a name agreement cannot be reached the County will choose the street name. The street name must be approved by the address manager and MSAG coordinator.

14.11 Address Methodology

14.11.01. Address System

A. Addressing is accomplished through the use of a grid system. The grid is composed of guide meridians and parallels which contain predefined numbers. Streets which run primarily north/south utilize numbers from the parallels. Streets which run primarily east/west utilize numbers from the meridians.

14.11.02. Number Interval

A. The grid system provides for 100 addresses per mile which allows for 50 addresses per each side of the street. Thus, there is an address possible every 52.8 feet or 1/100th of a mile.

14.11.03. Street Ranges

A. Street number ranges are determined by the meridian or parallel number at the beginning of the street and the street's length. A Street's length is calculated in miles and multiplied by 100. The result is added to the beginning number of the street which produces a range of possible address numbers. Example: a street beginning at 1000 and being 1.5 miles in length would have an address range of 1000-1150.

14.11.04. Number Sequence Direction

A. Street ranges increase as they extend north and east.

14.11.05. Odd/Even Side

A. Odd numbers will exist on the south and west sides of a street and even on the east and north. Note that meandering streets can vary.

14.12 Old Methodology

14.12.01. Addressing methods prior to 2003 are different than those being utilized after 2003. The older method defined number ranges for a street by its beginning and ending points on the grid rather than the streets length. This method is sufficient for streets which travel in cardinal directions; however, this does not maintain the 100 addresses per mile for meandering streets. Some addressing was corrected where it was absolutely necessary. There still exists some addressing which is based on older assignment methods. Older methods of addressing may be utilized in some areas.

14.13 Address assignment.

14.13.01. Once a request for an address is given to the Address Manager, he or she will decide how to determine the geographic location in which the address will correspond. Typically, the location will be determined onsite using a GPS receiver. In some instances, the location can be identified using ortho imagery in GIS.

14.13.02. Location access.

A. The owner of the location must be willing to provide and allow access to the location being addressed. An address will not be given if access is denied.

14.13.03. Location marking.

A. The location must be physically marked or flagged for address requests which correspond to future buildings. This can be done either by marking the corners or center of the prospective structure. Addresses corresponding to structures will not be assigned without the marking present.

14.14 Subdivision Addressing

14.14.01. Approval process.

A. It is recommended that the developer discuss road networking intentions with the GIS department prior to generating any field or plat work. All subdivision plats including preliminaries must be reviewed by the Address Manager prior to approval of the plat.

14.14.02. Plats.

A. The developer is to provide a copy of both the preliminary and final plats to the GIS department.

14.14.03. Street networking.

A. The layout of the streets in conjunction with the lots will be reviewed. The Address Manager may deny approval of the subdivision if he/she determines the networking to be incompatible with the County's addressing system. Any subdivision which imposes addressing conflict to the existing addressing system will be denied approval.

14.14.04. Other conditions.

A. Subdivision developers must meet all conditions of the addressing ordinance before approval by the Address Manager can be given.

14.15 Signage

14.15.01. Location markers.

A. Address location will be marked with white numbers with a reflective green background. Number heights must be three (3) inches in height. Caribou County will provide the initial marker and post, thereafter it is the location owner's responsibility to maintain the marker. Fees for address assignment, post installation and replacement will be set by resolution of the Board.

14.15.02. Street signs.

A. All public roads will be marked with a sign which contains a reflective green background with white lettering. Private lanes will be marked with a reflective red background with white lettering. Public roads with restriction and access to public land will be marked a reflective blue background with white lettering. This is done to identify the road for commuters. The initial signage for private lanes will be done by Caribou County, thereafter the right-of-way holder is responsible for maintaining the signage. No signs will be placed similar in color to any addressing signage. Fees for replacement of these signs will be set by resolution of the Board of County Commissioners.

14.15.03. Destruction of signage.

A. Any individual who intentionally destroys, defaces or removes an address marker or street sign will be subject to a \$300 dollar fine and imprisonment in the County jail for a period not to exceed six months or both fine and imprisonment. Each day the signage is missing will constitute a separate offense. The individual will also be responsible for the cost incurred in replacing or repairing the signage.

14.16 Emergency Response

14.16.01. CAD & 911 Databases

A. The County's 911 system is comprised of two database parts, telephone records (ANI/ALI) and the geo base used for the computer aided dispatch software. Addressing shall be compliant with standards and maintained database integrity.

Chapter 15 HISTORIC DISTRICTS

15.01 Purpose

15.01.01. It is hereby declared that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interest of the health, prosperity and welfare of the people of Caribou County. Therefore, this section is intended to:

A. Accomplish, within our historic districts, the protection, enhancement and perpetuation of improvements and landscape features of the landmarks and properties which represent distinctive elements of cultural, social, economic, political and architectural history and safeguard each district's historic, aesthetic and cultural heritage as embodied and reflected in such landmarks and properties.

15.01.02. Definitions - For the purpose of this section the following terms are defined:

- A. "Aesthetics" Dealing with the nature of the beautiful and with judgments concerning beauty.
- B. "Block" a ten (10) acre parcel of land as platted within the Chesterfield Historic Town site.
- C. "Lot" two & one half (2 1/2) acre parcel of land contained within a block as platted within the Chesterfield Historic Town site. Four (4) lots make one (1) block.
- D. "Dwelling" a place of residence.
- E. "Historic District" Real property that is associated with events that have made a significant contribution to the broad patterns of our history, with the lives of persons significant in our past, and embodies the distinctive characteristics of a type, period, or method of construction.
- F. "Historical Nature" a particular character or atmosphere pertaining to the district's noteworthy past.
- G. "New Structure" any structure not in existence on the date of this ordinance.
- H. "Ordinary maintenance and repair" any work for which a building permit or any other permit is not required and where the purpose of such work is stabilization such work will not appreciably change the exterior appearance of the structure.
- I. "Outbuildings Structure" built for storage and purposes other than residency.
- J. "Porch" an attached structure, covered or uncovered, without exterior walls.
- K. "Preservation" Any action taken to prevent further deterioration or damage to an item or structure while maintaining that item or structure in its present condition.
- L. "Reconstruction" the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period in time.
- M. "Rehabilitation" is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use.
- N. "Restoration" is the process of returning an item or structure to its appearance at any given point in time. This can include the reconstruction of a vanished feature or the removal of features added at a later point in time.
- O. "Stabilization" a protection technique applied to structures to prevent further deterioration.
- P. "Structure" is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs.
- Q. "View shed" is the surface area within a defined geographical area visible by the public from a designated viewing location(s) within a historic district.

15.02 Chesterfield Historic District

15.02.01. The Caribou County Chesterfield Historic District (CHD) lies within the federally designated Chesterfield Historic District which is listed on the National Register of historical places. The Chesterfield Town site was originally platted and surveyed in 1883 and subsequently surveyed in 1921 by Frank Maxwell and Thomas Bates, US Cadastral Engineers. Restoration of the CHD encompasses a historical time period prior to 1920.

15.02.02. LEGAL DESCRIPTION - The CHD is defined as the real property within the E2NE4, E2SE4 S29 T6S R39E; W2 S28 T6S R39E; W270' E2 S28 T6S R39E; N2NW4 S33 T6S R39E; NE4NE4 S32 T6S R39E;

15.02.03. The following is a boundary map of the Chesterfield Historic District:



Chesterfield Historic District Boundary

Regulations

A. The following actions are permitted without the approval of the Board:

01. Ordinary maintenance and repair
02. Interior restoration rehabilitation and stabilization in compliance with the US Secretary of the Interior's Standards and Guidelines for Historic Buildings.
03. Exterior preservation, reconstruction, stabilization, and/or restoration in compliance with the US Secretary of the Interior's Standards and Guidelines for Historic Buildings.

04. The relocation of historically significant structures as approved by the Chesterfield Board of Trustees.

05. Use of fuel tanks for utility purposes.

B. The following actions may be permitted upon approval of the Board and/or the obtaining of a permit from the Building Department:

01. Exterior stabilization that changes the appearance of a structure.

02. Construction of storage structures restricted to one 8x 10 single story detached structure per residence with the issuance of a building permit.

03. Construction of outhouses, restricted to one 4' x 4' single story structure per residence.

04. Relocation of outhouses or storage units.

05. Excavation of any kind.

06. Reconstruction of attached structures known to have been an integral part of the existing primary structure.

07. Reconstruction of a structure that existed on the effective date of this ordinance that was subsequently destroyed by reason beyond human control.

08. Reconstruction of any structure not in existence on the effective date of this ordinance.

09. Domestic wells as allowed by IDVWR (Idaho Department of Water Resources).

C. The following are expressly prohibited under the section except by variance as provided in Section 15.02.05.B:

01. Erection of new structures other than as provided for in section 15.02.05.B. (2) & (3).

02. Moving, changing or demolition of any structure except when deemed necessary by the Board in the exercise of police powers or for health or safety reasons. EXCEPTION: The removal or relocation of structures built after the CHD designated time period as approved by the Chesterfield Board of Trustees and the Caribou County Building Department.

03. Residential occupancy, either temporary or permanent, in mobile homes, tents or other outbuildings with violates the adopted County Building Codes. Casual use by campers, motor homes etc. is allowed, but the time of use may not exceed seven (7) continuous days.

04. There is exception for watchman's and/or volunteers as sanctioned by the Chesterfield Foundation Board of Trustees.

D. The following actions are required:

01. General upkeep of the structures and grounds so as to eliminate health and safety hazards.

02. Maintain property in a manner consistent with the historical nature and the aesthetics of the area.

15.02.04. Building Permit Application

A. Applicants shall submit a complete building permit application with all requirements to the Caribou County Clerk, who shall copy and distribute one copy to each member of the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, solicit input from the Chesterfield Foundation Board of Trustees and submit their recommendation to the Board.

B. When the application is approved the Board will direct the County Building Inspector to issue a permit. If an application is not approved, the Board shall send written notification to the applicant. Appeals shall be in conformance with the Idaho Administrative Procedures Act. An appeal shall not preclude the filing of an application for variance as provided in Section 15.02.05.B of this ordinance.

15.02.05. Review Criteria

A. During review of a building permit application by the Planning and Zoning Commission, the Chesterfield Foundation Board of Trustees and the Board, the following criteria will be considered:

01. The purpose and intent of Section 15.01.01
02. The degree to which the proposed work may destroy or alter the appearance of a structure or lot.
03. The degree to which the proposed work would serve to isolate the structure from its historical archaeological or architectural surroundings or would introduce visual, audible, vibratory or polluting elements that are out of character with the resource and its settings or that adversely affects the physical integrity of the historic district.
04. The compatibility of the building materials with the aesthetic and structural appearance of the historic district.
05. The compatibility of the proposed design to the significant characteristics of the structure.
06. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
07. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with concern for integrity of the district.
08. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on evidence rather than on conjectural designs or the availability of different elements from other building structures.

B. The Board may grant a variance. A variance is a modification of the regulations of section 15.01.01.

01. An applicant for a variance must submit a written application including the names and addresses of all persons owning property adjacent to the proposed variance parcel together with one (1) complete building permit application with all plans and specifications to the Planning and Zoning Administrator.
02. The Planning and Zoning Administrator shall distribute one (1) copy of such application to each member of the Planning and Zoning Commission.
03. The Planning and Zoning Commission shall review the applications and solicit input from the Chesterfield Foundation Board of Trustees and submit their recommendation to the Board.
04. Within seven (7) business days of placing the matter on the agenda of the Board, the Planning and Zoning Administrator shall notify the applicant, the Chesterfield Foundation

board President, and the Planning and Zoning Commission, the date, time and location of the hearing before the Board.

05. The county clerk shall also, within seven (7) business days of placing the matter on the agenda of the Board, notify owners of adjacent property by registered U.S. mail of the date, time and location of the hearing and that the application for variance and the building permit application can be viewed at the Planning and Zoning Administrator's office.

06. The Planning and Zoning Administrator shall cause to be published once a week for two (2) consecutive weeks in a newspaper of general circulation the same information required to be given to the adjacent property owners.

07. A variance under this section may be granted only upon a showing by the applicant of undue hardship because of the characteristics of the site or the original structure and that the variance is not in conflict with the public interest and that the variance is in keeping with the purpose and intent of this section.

C. Miscellaneous Provisions

01. Any citizen may file with the Board formal, written complaints concerning alleged violations of this section. Upon receipt by the Board of such a complaint charging any property owner, resident or occupant of the area covered by this section with violation of any provision of this section, the Board may schedule a mediation hearing to consider such complaint.

02. Any person aggrieved by a decision of the Board shall have the right to appeal as may be otherwise provided by law.

15.03 Henry Historic District -Reserved

15.04 Historic Viewshed District

15.04.01. The purpose is to protect and enhance the natural historic landscape surrounding a Historic District with a broader goal of ensuring the preservation of the views to these resources. The Historic Viewshed District will assist in directing development in a manner that maintains the identity, image, and historical qualities of the Historic District. It is intended that these regulations accomplish the following:

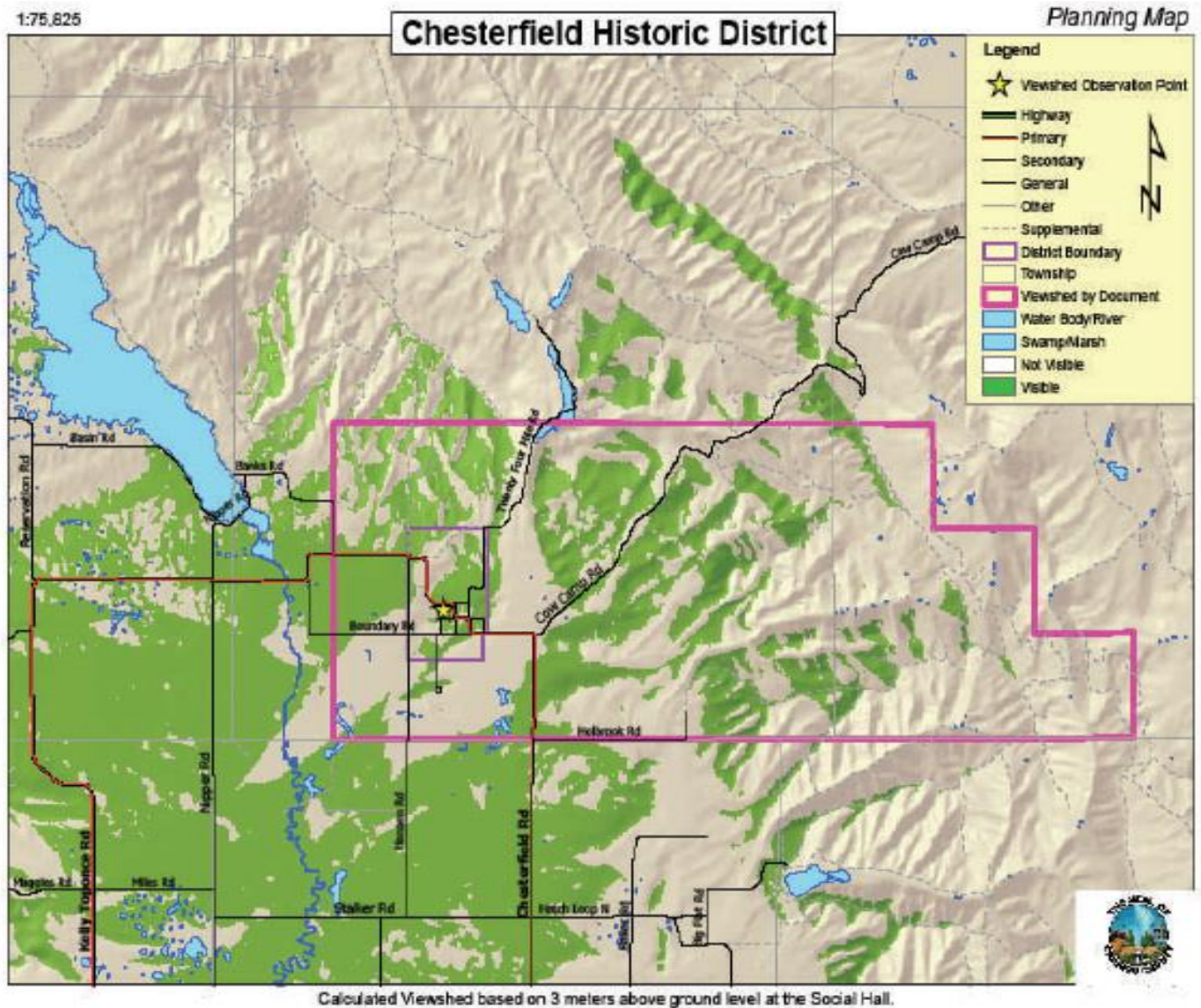
A. Provide development standards to minimize the impact of excavation and man-made structures on views of existing land forms, unique geologic features, major and minor ridgelines, existing landscape features and open space as seen from designated view site(s) in the Historic District; and Minimize cut and fill, earth moving, road grading operations and other such man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and Promote architecture and designs that are compatible with the Historic District and hillside terrain and minimize visual impact from the Historic District site(s).

15.05 Chesterfield Historic Viewshed District

15.05.01. The Chesterfield Historic Viewshed District is defined as the real property within:

A. 820,21,22,23,24,25,26,27,28,29,32,33,34,35,36 T6S R39E, S19,29,30,31,32,33 T6S R40E

B. Map and legal description



15.05.02. Regulations

A. The regulations contained in this section apply to all development proposed within the Chesterfield Historic Viewshed District as shown on the official Zoning Map for Caribou County. The Viewshed shall be designated 'VS' Zoning.

B. Grading or excavation activities - No permit shall be issued to authorize any grading or earth moving activity, including new driveways, roads or other access, if such earthmoving or grading would occur on slopes of 15% or more.

C. New Structures - No building permit, erosion control plan for structural development or grading permit for any new structure shall be issued if the structure is located on a slope of 25% or more or located on any minor or major ridge line. New permitted structures shall be screened from view from the Historic District by natural vegetation, landscaping, architectural design and color tone.

D. Existing Structures - All structures approved prior to the effective date of this ordinance shall not be subject to the requirements of Section 15.05.

E. Visibility Determination - If the Chesterfield Foundation Board of Trustees and the Planning and Zoning Commission determine that the project cannot be viewed from the designated viewing site(s) located within the Historic District, the project shall not be subject to the requirements of Section 15.05.

15.05.03. General Provisions

A. Criteria: The Planning and Zoning Commission may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements. A project shall meet the following conditions:

01. The highest point of the proposed structure is located more than 25 vertical feet below a major or minor ridgeline;

02. The project as designed and sited meets the following standards:

a. The maximum residential structure floor area, including all floors is 2,000 square feet or less and the maximum accessory structures floor area, including all floors, is a combined total of 1,000 square feet or less

b. The structure height is 34 feet or less as measured from finished grade along 50% or more of the longest wall as viewed from the Historic District viewing site(s).

c. The improvement(s) including any required earthmoving or grading associated with the structure shall minimize removal of existing vegetation with emphasis on preserving mature trees. A detailed landscaping plan shall be prepared showing the location and replacement of trees and vegetation in a manner which screens the improvements from substantial views from the Historic District viewing site(s);

d. A significant portion of on-site vegetation has been retained and landscaping will be installed and designed to naturally screen the project from the Historic District viewing site(s);

e. The project lighting, including exterior lighting, has been designed to minimize visibility and glare;

f. The exterior color treatment of the structure will be earth-tone designed to blend with the colors of the surrounding vegetation, and landforms;

g. Exterior windows and trim are non-reflective;

h. Roof angles and composition are designed to conform to existing landforms and landscape; and

i. The project shall be sited and designed to reduce its visual impact on the views of the ridgelines, historic sites and unique topographic features as viewed from the Historic District viewing site(s).

15.06 Henry Historic Viewshed District - Reserved

15.06.01. Regulations - Reserved

15.06.02. General Provisions - Reserved

15.07 Soda Springs Townsite Viewshed District - Reserved

15.07.01. Regulations - Reserved

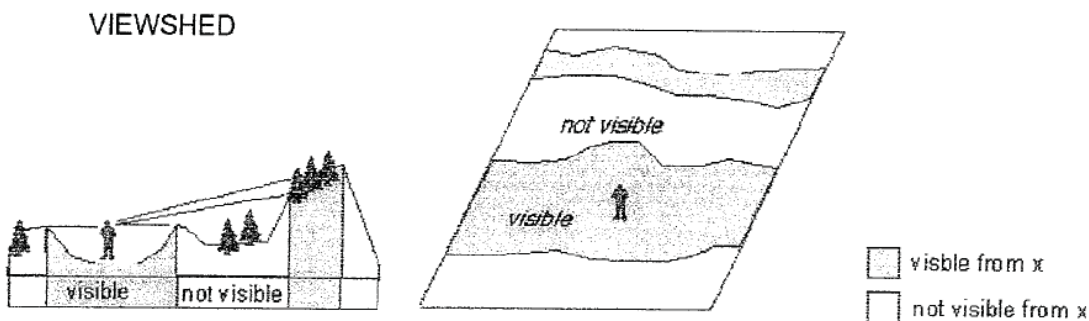
15.07.02. General Provisions - Reserved

15.08 Viewshed

15.08.01. "Viewshed" is a recently coined term used to indicate the entire area an individual can see from a given point. Being able to determine the viewshed and how it could be altered is of particular use to park planners and landscape architects. Viewsheds are characterized by establishing visibility between locations. Locations forming the viewshed of an area are connected by straight rays in three-dimensional space to the location of the 'viewer' or set of viewers.

15.08.02. Connectivity is precluded by topographic relief and surface objects forming absolute barriers. If more than one viewer is designated, individual locations within the viewshed may be assigned a value indicating the number or density of visual connections. (Institute of Water Research, Michigan State University, 22 Feb 1997)

15.08.03. Viewshed Diagram



Chapter 16 STATUTORY REFERENCES FOR IDAHO COUNTIES

16.01.01. 134.1.1. The statutory references listed below refer the code user to state statutes applicable to Idaho counties. They are up to date through the 2018 Second Regular Session of the 64th Legislature.

16.01.02. Subdivisions

16.01.03. Local planning

16.01.04. I.C. § 67-6501 et seq.

16.01.05. Zoning

16.01.06. Local planning and zoning

16.01.07. I.C. § 67-6501 et seq.