

ZONING ORDINANCE OF CARIBOU COUNTY



**ADOPTED JUNE 29, 2003
REVISED SEPTEMBER 27, 2004
REVISED FEBRUARY 25, 2008**

**ZONING ORDINANCE
OF
CARIBOU COUNTY, IDAHO**

An ordinance providing for the establishment of zoning within Caribou County, Idaho, under the constitution and laws of the State of Idaho: providing for title: providing rules of interpretation: providing for enactment: providing definition of terms used therein: providing for administration: providing for establishment of land use districts and establishing the land uses permitted therein; providing for official zoning maps; providing for official height and area regulations and other performance standards; providing for flood plain overlay; providing for building - zoning permits and variances; providing for building code administration; providing for nonconforming uses; providing for variances and conditional uses; providing for public hearing and rezoning process; providing for enforcement including criminal penalties and civil remedies; providing for re-zoning and providing for an effective date and repealing all ordinances in conflict with this ordinance.

**SO BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF CARIBOU COUNTY, IDAHO AS FOLLOWS:**

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CHAPTER-ONE GENERAL PROVISIONS

1.1 TITLE

This ordinance shall be known as the Zoning Ordinance of Caribou County

1.2 AUTHORITY

This zoning ordinance is adopted pursuant to authority granted by Title 67 Chapter 65 of the Idaho Code and Article 12"Section 2 of the Idaho Constitution, as amended or subsequently recodified.

1.3 PROVIDING FOR THE ESTABLISHMENT OF THE PLANNING AND ZONING COMMISSION

The Commission shall consist of the number of members deemed necessary by the Board. Each member will serve for a period of five(5) years. The Commission membership shall comply with Title 67 Chapter 65 Idaho Code. Appointment of exofficio members and subcommittees shall be the duty of the Chairman of the Board with a majority vote of the remaining governing board. A provision for reimbursement of expenses and a mileage per diem shall be set by resolution ,of the governing board. Motions, decisions or recommendations will not be valid without the presence of a quorum. The staff, secretary, or administrator hired by the governing board to keep the minutes of the meeting of the commission shall report all transactions of the commission to the governing board. The Commission shall publish notice in the local newspaper of public hearings containing a summary of the matter being discussed at the public hearing. Such notice and notice to all political subdivisions providing services to the County, including school districts shall be made at least fifteen(15) days in advance of the hearing. A public service announcement may be made on local radio and television stations serving the County.

1.4 FINDINGS

The governing body of Caribou County Board of Commissioners finds that in order to effectuate the adopted comprehensive plan it is necessary to adopt this ordinance establishing county land use and land capability districts; providing density controls and land coverage limitations; providing for the issuance of permits concerning land uses, structures and land coverage; providing for non-conforming alterations, uses and structures; providing for variance and providing for other matters properly relating thereto.

1.5 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application the provisions of the Ordinance shall be held to be minimum requirements, adopted for the provisions of the public health, safety and general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

1.6 COMBING OF PERMITS

The Commission is hereby required to coordinate with other departments and agencies concerning all permits that may be required in this Ordinance and previously or subsequently adopted County Ordinances. A one-stop permit application and processing concept shall be used with the respective departments and agencies as much as possible for the purpose of reducing errors, misunderstanding, confusion and unnecessary delay for everyone involved.

1.7 SEPARABILITY CLAUSE

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

1.8 REPEAL OF CONFLICTING ORDINANCE-EFFECTIVE DATE

All Ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

1.9 EXCEPTION

The transpiration activities, facilities, services and improvements listed below are not subject to the provisions of the Zoning Ordinance.

1.9.1 Operation maintenance and repair of existing transportation facilities identified in the Transportation Element of the Comprehensive Plan, such as road, bicycle, pedestrian, airport and rail facilities and major regional pipelines and terminals_

1.9.2 Acquisition, dedication or condemnation of right of way authorization of construction, construction of improvements to existing roads identified in the Transportation Element of the Comprehensive Plan including the addition of through travel lanes. dedicated turn lanes. deceleration and acceleration lanes within or adjacent to existing rights-of-way.

1.9.3 Changes in the frequency of transit, rail and airport services.

1.9.4 Improvements oaf existing County road and State highway related facilities such as maintenance, yards, weigh stations and rest areas.

CHAPTER TWO DEFINITIONS

2.0 DEVELOPMENT IN AREAS OF CRITICAL CONCERN

No building permit will be issued in a area of critical concern as defined in the Subdivision Ordinance Article VI, Section E without first proceeding through the application process described in that section

2.1 INTERPRETATION OF TERMS OR WORDS For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred usage.
4. The words "used" or "occupied" include the words "intended", designed or arranged to be used or occupied"
5. The word "lot" includes the words "plot" "parcel" and "tract".

2.2 MEANING OF TERMS OR WORDS

Accessory A use, building or other facility customarily a part of any permitted use that is clearly incidental and secondary to the permitted use and which does not change the character of the permitted use or affect other properties in the vicinity.

Access A legally and physically defined area available and practical for motor vehicle ingress and egress to parcels, areas or tracts of land. In determining practicality, the topography, drainage, potential for erosion and other factors may be considered. The following are types of forms of access:

- a. State Highway: A public road, including its entire right-of-way, under the jurisdiction of the State of Idaho.
- b. County Road: A public road, including its entire right-of way, under the jurisdiction of Caribou County.
- c. City Street: A public road under the jurisdiction of an incorporated city
- d. Private Road: A road which provides access to not more than three lots, parcels, areas or tracts of land zoned Agricultural/Natural Resource and Recreational Residential and has been approved by the County for use as a private road. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not repaired, plowed or otherwise maintained by the County nor can the County contract for its maintenance.
- e. U.S. Forest Service Road: A federally owned easement or right-of-way which provides access to federally owned land.

Administrator An official having knowledge of the principles and notices of zoning who is appointed by the Board to administer this ordinance.

Agriculture As regulated by the Idaho Department of Agriculture, the use of land for farmir:1g, dairying, pasturage, agriculture, horticulture, floriculture, victiculture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided however, that:

- a. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- b. Agriculture does not include the operation or maintenance of feedlots, meatpacking, animal processing plants, and slaughterhouse facilities. Such feedlots, meatpacking, animal processing plants and slaughterhouse facilities must seek a conditional use permit.

Airport Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

Alley Any thoroughfare at least ten (10) feet wide and not more than thirty (30) feet wide which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting properties

Animal Processing Plant a place of business that processes the carcasses or any part of carcasses of any dead, dying, disabled or diseased animals.

Animal Exotic Any animal not considered domestic or farm by any reasonable standard to include animals normally found in the wild or in zoo settings.

Animal Units Animal units shall be as defined in Chapter twenty of this ordinance.

Area of City Impact An area of land within the County surrounding an incorporated City which identifies the area where mutual agreements between the County and the City control residential, commercial and industrial development. Such agreements are defined by companion ordinances adopted by the County and the City. Development permits are issued by the County upon mutual approval.

Batch Plant A facility in which aggregate is combined with other materials that include cement or asphalt to produce a mixture transported to another area for use.

Bed and Breakfast A professionally run facility providing up to six (6) guest bedrooms for temporary overnight accommodations and where the owner-in keeper is resident on the property. A bed and breakfast provides breakfast for overnight guests, but does not provide a restaurant and/or bar. Exterior signage must conform to the provisions listed in Chapter eighteen of this ordinance.

Board The Board of County Commissioners of Caribou County Idaho.

Building Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising signboards or fences.

Building Inspector An official of the County, appointed by the Board to inspect and certify compliance with building codes adopted by the County.

Bulk Storage Activities and uses with associated structures devoted to the storage of products and substances in bulk quantities such as oil, gasoline, building materials, fertilizer and vehicles. Also warehouses for consumer and other products.

CAFO (Confined Animal Feeding Operation) See Chapter Twenty

Campgrounds-Developed Land or premises to be used, let or rented for temporary occupancy by campers traveling by automobile or otherwise, and which contain such facilities as tent sites, bathrooms or other sanitary facilities, piped water installations and parking areas, but not including mobile home or RV parks. Developed campgrounds may include facilities for the temporary placement of camp trailers, recreational vehicles and camping vehicles that are utilized for non-permanent residential uses.

Certificate of Occupancy A certificate issued by the building department to insure that a structure is safe to occupy

Commercial The retail sale or the rental of any consumer article. Commercial entities are listed but not limited to the businesses delineated in Chapter five of this ordinance. An entity generally "is considered commercial when monies are received from the public.

Commission The Planning and Zoning Commission of Caribou County, Idaho, as appointed by the Board.

Communication Tower a tower used as a base for any communications antenna, including but not limited to, antennas for the following: VHF and UHF television, PCS or otherwise wireless telephones, fixed point microwave, lower power television or otherwise wireless communication and common carrier. a communication tower shall not be considered a utility substation for the purposes of this ordinance and must be approved by a conditional use permit under conditions listed in Chapter eight of this ordinance.

Comprehensive Plan Refers to the comprehensive plan for the County officially adopted by the County Commissioners as such.

Conditional Use As part of a zoning ordinance, each governing board may provide, by ordinance adopted, amended or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, as amended, for processing of applications for special use permits. A special use permit may be granted to an applicant if the proposed use is otherwise prohibited by the terms of this ordinance, but may be allowed with conditions under specific provisions of this title and when it is not in conflict with the Plan. A special use permit is not transferable from one parcel of land to another. A special permit application process is delineated in Chapter thirteen of this ordinance.

Contiguous Parcel Any platted parcels of land under the same ownership that touch each other. If parcels are separated or divided by platted roads or highways they shall still be considered contiguous.

Cultural Facilities Uses, and facilities such as libraries, museums, art galleries and auditoriums, zoological gardens, historic sites, and monuments.

Day Use Areas Land or premises, other than outdoor amusement facilities designed to be used by members of the public for a fee or otherwise, for outdoor recreation purposes without overnight usage. Such areas include such uses and facilities as parks, playgrounds, picnic sites, tennis courts, beaches, marinas, athletic fields and golf courses.

Development Agreement A written agreement or a written commitment that affects the use or development of a parcel of property that is the subject of a rezone or development request. A written commitment shall also be known as a development agreement.

District A portion of the unincorporated territory of the County within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted.

Drive-in Establishment An establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of patrons in such manner as to permit the occupants of such vehicles, while remaining therein, to make purchase or receive services.

Dwelling A structure to live in

Dwelling Accessory A dwelling located on the same lot with and of a nature customarily residential and subordinate to and owned by the owner of the principal use.

Dwelling Multi-family a dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.

Dwelling. Rooming House A dwelling or part thereof, other than a hotel, motel, or restaurant, where three (3) or more related persons are paying for meals and/or lodging where cooking and dining facilities are not provided in the individual rooms. This term shall include boarding house, lodging house and dormitory.

Dwelling. Single Family A dwelling consisting of one (1) family dwelling unit only separated from other dwelling units by open space.

Dwelling. Two Family A dwelling consisting of two (2) family dwelling units which may be either attached side by side or one above the other.

Dwelling Unit Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

Easement Authorization by a property owner for the use by another or the public and for a specified purpose of any designated part of his property.

Educational Facilities. Vocational Buildings and other structures and land designed to be used for providing training and hobbies and recreational activities including dance, athletics, boating and the like.

Education Facilities~ General Education Buildings and other structures and land designed to be used for providing general education, including elementary schools, secondary schools, colleges, and universities as approved by the state.

Electric Power Plant Facilities used to generate electrical power

Electrical Substation Facilities for transforming electrical voltages from transmission voltages to lower transmission voltages or to distribution voltages.

Equal Degree of Encroachment A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

Family See "Occupancy"

Feedlot See CAFO

Fire Protection Facilities Public service structures and equipment used for reducing property damage and personal injury from fires or extinguishing fires.

***Flood Plain** A floodplain is defined and controlled through the "Flood Damage Prevention Ordinance of Caribou County. Caribou County has not been mapped for flood plain by FEMA.

Garage Buildings and premises where those activities incidental to maintenance and repair of motorized vehicles are conducted. A filling station is not a repair garage nor a body shop.

Golf Course A tract of land for playing golf, with tees, greens, fairways, hazards etc.

Grazing The feeding of animals on growing foliage.

Health Authority Southeastern District Health Department

Hiking Trails An established path open to the public for the exclusive use of pedestrians.

Historic Sites A parcel of land used to commemorate some event or events in the past.

Home Occupation Any use conducted entirely within a dwelling by the inhabitants thereof which is clearly incidental and secondary to the use or the character thereof and in compliance with Chapter eight of this ordinance.

Hospital See "Medical Facilities"

Hotel or Motel A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a rooming house dwelling.

Industrial. Extractive Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

Industrial. Heavy Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, and which comply with local, state, and federal environmental standards.

Industrial. light Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust and generating little industrial traffic or nuisance.

Junk Yard An outdoor space where junk, waste, discarded or salvaged materials are stored or handled and yards for used building materials and pieces and places or yards for storage of salvaged buildings and structural steel materials and equipment.

Kenel Means any lot or premises or portion thereof, on which three or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.

Land Coverage A man made structure, improvement or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvements or covering. Such structures, improvements and coverings include roofs, surfaces that are paved and asphalt, stone or the like such as roads, streets, sidewalks, driveways, parking lots, tennis courts, patios, and lands so used that the soil will be compacted so as to prevent substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic. A structure, improvement or covering shall not be considered as land coverage if it permits at least seventy five (75) percent of normal precipitation directly to reach the surface of the land underlying it

Lot An area of land occupied or to be occupied by a building or other structure, or to be used in connection with an activity, that is shown as a separately bonded area in a recorded subdivision plat or deed.

Manufactured Home A structure, constructed according to the HUD/FHA manufactured/mobile home construction and safety standards built after July 1, 1976, transportable in one or more sections, which, in the traveling mode, is fourteen body feet or more in width or is forty body feet or more in length or when erected on site, is six hundred or more square feet, and which is built upon a permanent chassis and designed to be used as a dwelling with or without a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained herein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards establish under 42 U.S. C. 5401 et. seq. A manufactured home must meet the sighting conditions as specified in Performance Standards listed in Chapter eight and the Idaho Manufactured Housing Standard.

Marina a commercial facility providing for needs of boaters

Meat Packing Plant A place of business where animals are slaughtered and/or their meat is prepared for market.

Medical Facilities Buildings and uses related to the treatment and prevention of human disease, including hospitals, clinics, convalescent homes and nursing homes.

Mineral Extraction The process of obtaining specific materials from the ground.

Mobile Home A transportable structure which is at least 10 body feet in width and 40 body feet in length, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. No mobile home may be placed on a single family lot within the County after the effective date of this ordinance unless it meets the rehabilitation standards as specified in Title 44 of the Idaho Code and also meets the sighting standards of a manufactured home as stated in Chapter eight and the Idaho Manufactured Housing Standard. Mobile homes do not include recreational vehicles.

Manufactured/Mobile Home Park Any site or tract of land under single ownership, upon which two (2) or more mobile home habitations are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Motor Speedway A track for racing motorized vehicles

Motorcycle Trails Trails open to the public, for fee or not, for use by motorcyclists.

Non-Conforming Building A building or structure or portion thereof built prior to the effective date hereof of any amendment hereto and conflicting with the provisions of Chapter nine of this ordinance.

Obstruction Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock' gravel, refuse, fill structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retain or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupancy Permit Permit that insures that all regulations and conditions have been met during construction. A occupancy permit is required to occupy the structure.

Open Space An area substantially open to the sky that may be on the same lot with a building. The area may include, along with natural environmental features, water area, swimming pools, tennis courts, and any other recreational facilities that the Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

Organized Recreation Camp Land or premises containing structures designed to be used for organized camping.

Original Parcel of Land A deeded tract of land existing as of April 11, 1983, as recorded in the office of the County Clerk.

Outdoor Amusement Facilities Outdoor amusement facilities are those that characteristically contain a high proportion of structures, improvements, and land coverage in relation to uncovered land, machines and other devices, and are designed to be used by a large number of persons in relation to land area.

Outdoor Recreation Uses and facilities pertaining to recreation activities that are carried on primarily outside of structures.

Outdoor Recreation Concessions Uses and facilities ancillary to outdoor recreation uses, such as gasoline pumps at piers and marinas, and boat rental and food and beverage facilities at public beaches.

Overlay A concept in which a superimposed area indicated by a map defines an area in which special restrictions or requirements are deemed necessary.

Pack Station A building or corral for the shelter of animals used to carry luggage or other loads.

Parcel An area of land owned by a person

Parking Lot A parcel of land used for the parking of motor vehicles.

Parking Space, off Street For the purpose of this ordinance an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way in compliance with chapter seventeen of this ordinance.

Performance Bond or Surety Bond A financial guarantee by sub divider or developer with the County in the amount of 110% of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement paid to the Caribou County Clerk and Recorder.

Permit Any document that is required

Person An individual, partnership, corporation, business, association, or group of individuals and any government entity.

Planned Unit Development An area of land in which a variety of residential, commercial, recreational and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with more flexible standards such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Private Recreation Areas Land or premises designed to be used exclusively by owners and renters of single family dwelling units and their guests and occupants of tourist dwelling units or multi-person dwellings, that contain such facilities as tennis courts, playfields, swimming pools, clubhouses, bathing beaches and piers.

Professional Offices Offices and related spaces used for professional services such as provided by medical practitioners, lawyers, architects, engineers and similar professions.

Public Service Facility The erection, construction, alteration, operation, or maintenance of building, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public governmental agency, including the furnishing of electrical, gas, rail, transport, communication, public water and sewage services.

Quarry Buildings, structures, and land used for the removal of rock, sand, gravel, soil, aggregates and the like for sale or for use in connection with development activity elsewhere.

Recreational Vehicle A vehicular type unit primarily designed as temporary living quarters, which is less than 10 body feet in width and is less than 40 body feet in length for recreational camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are; travel trailers, camping trailers, truck campers, fifth wheel camper and motor home.

Recreational Vehicle lot A parcel of ground in a recreational vehicle park intended to be rented as a place to park a recreational vehicle for temporary dwelling purposes.

Recreational Vehicle Park A tract of ground under unified ownership developed for the purpose of providing rental space for parking of recreational vehicles on individual spaces within its confines.

Religious Facility A parcel of land with or without structures used for conduct and ritual to express belief in a divine or superhuman power.

Research Activities Research, development and testing related to such fields as chemical; pharmaceutical, medical, electrical, transportation and engineering.

Resource Management Agriculture Uses and facilities for the utilization of natural resources such as forest products removal, grazing and mineral extraction.

Riding Trails An established path open to the public for the use of equestrian riders.

Right-Of-Way A strip of land taken or dedicated for use of as a public way, In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

Road (see tables 2.1 and 2.2) A right-of-way that provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "road" also includes the terms highway, thoroughfare, parkway, lane avenue, boulevard, place and other such terms.

- a) Alley-a minor road providing secondary access at the back or side of a property otherwise abutting a street.
- b) Local-a road which has the primary purpose of providing access to abutting properties.
- c) Collector-a road providing for traffic movement within neighborhoods of the County and between major and local roads and for direct access to abutting property.
- d) Arterial-a general term including expressways and major arterial roads, and interstate or County highways having regional continuity.
- e) Private-(see table 2.2)a road that is not accepted for public use or maintenance that provides vehicular and pedestrian access. All private roads shall be constructed according to table 2.1 before being accepted as dedicated roads by the County.
- f) It is a violation of this ordinance to block or gate use of any platted subdivision roadway constructed for motor vehicles.

Road Any public or private way that provides ingress to or egress from property by means of motor vehicle but may also support other modes of travel including bicycling and walking. "Roads" include but are not limited to:

- a. Ways described as avenues, boulevards, highways, lanes, roadways, roads, streets throughways, alleys and other similar terms.
- b) Road related structures such as tunnels, culverts, or similar structures and c. Structures that provide for continuity of the roadway such as bridges.

Road Classification As shown in the Transportation Element of the Comprehensive Plan. Roads are classified as "arterial", "collector", or "local" consistent with their principle function.

Roadside Stand A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

Sand, Gravel, and Road Fill Extractions The process of obtaining sand, gravel, or other road fill materials from the ground. The process may include rock crushing and grading rocks to size.

Service Stations Buildings and premises where gasoline, oil, and other motor vehicle accessories may be supplied and dispensed at retail and where other sales and minor motor vehicle maintenance may be performed.

Set Back Line A line established by this ordinance generally parallel with and measured from the lot line, or where appropriate, from the center line of a road defining the limits of a yard in which no building or structure may be located above ground except as may be provided in said ordinance.

Sewage Lift Station A pump or other device used to lift materials from drains or sewers that may include human or animal waste.

Sewage Treatment Facilities Structures and/or devices used to treat material from the drains and sewers which may contain animal or human waste.

Sidewalk That portion of the road right-of-way outside of the roadway that is improved for the use of pedestrian traffic.

Sign Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. All signs must be in compliance with Chapter Eighteen of this ordinance and the Idaho Transportation Department regulations.

- A) Sign On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- b) Sign Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- C) Sign Illuminated: Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.
- d) Sign Light-Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- e. Sign Projecting: Any sign which projects from the exterior of a building.

Skiing Facilities Uses and facilities pertaining to skiing including but not limited to, runs, towlines, cables, cars, warming huts, caretaking quarters, day lodges, shops for sale and rental of skiing equipment, ski pro shop, first aid stations, ski school assembly and instruction areas, and lounges and associated eating and drinking establishments, but not including residential or tourist residential uses and facilities.

Slaughterhouse A place of business where animals are butchered for food purposes.

Snowmobile Trails Trails open to the public, for fee or not, for use by people on snowmobiles.

Soil Class A method of analyzing the value of land for agricultural purposes developed by the Soil Conservation Service. Soil is grouped into classes based on its limitations such as soil thickness, steepness, water holding capacity, erode ability, length of growing season and soil texture.

Solid Waste Transfer Sites Parcels of land used for moving trash, garbage, etc., not in liquid form, from one container to another.

Stable A building that shelters horses used for commercial purposes.

Story That part of a building between the surface of a floor and ceiling immediately above it.

Street See Road

Structure Anything constructed or built or any edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner. Any piece of work that prevents seventy five percent(75%) of the natural rain and sunlight from reaching the ground.

Subdivision The result of an act of dividing a lot, tract, or parcel of land into two or more parts for the purpose of transfer of ownership, use, or development. However this definition shall not apply to any of the following.

a) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below minimum zoning requirements and does not change the original number of lots

in any block of the recorded plat.

b) An allocation of land in the settlement of an estate of a descendant or a court decree for the distribution of property.

c. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.

d) Widening of existing streets

e. The acquisition of street right-of-ways by public agency in conformance with the Comprehensive Plan.

f) The exchange of land for the purpose of straight-ending property boundaries which does not result in change of the present land usage.

Transportation Facility Buildings, structures, and land used for such purposes as bus terminals, railroad stations, and motor vehicle freight terminals, including airports or heliports.

Use The specific purposes for which land or a building is designated, arranged, intended, or is or may be occupied or maintained.

Utilities. Overhead and Underground Electrical power transmission lines, telephone lines, and any other pipes or conduit and appurtenances used for the transmission of gas, water, sewage, or any other substance.

Variance A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, bulk and placement, width, depth, front yard, rear yard, setback, parking space, height of buildings or other ordinance provision affecting the size or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to any applicant only upon showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest in accordance with standards set forth in Chapter Fourteen.

Veterinary Animal Hospital or Clinic A place used for the care, grooming, diagnosis and treatment of sick, ailing, inform, or injured animals, and those who are in need of medical or surgical attention and observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

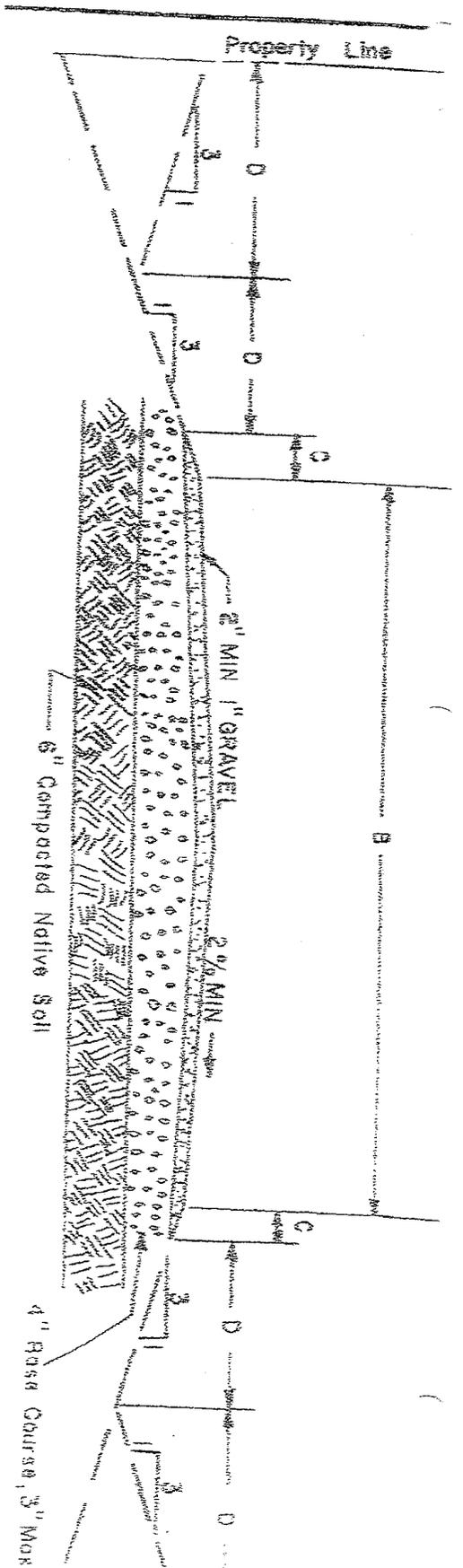
Visual Obstruction Anything that reduces the ability of people to see clearly, *particularly in relation* to drivers at intersection.

Walkway a public way, four(4) feet or more in width, for pedestrian use only, whether or not along the side of the road.

Water Crossing of Diversion Structure Any structure designed to alter or cross any stream, river, or other body of water, excluding irrigation ditches.

Water and Waste Water Treatment Plants A structure used to process water so that it is for human consumption, or to process waste water, not including human or *animal* wastes, to improve its quality.

Wrecking Yards A parcel of land used for the dismantling or wrecking of *two(2)* or more used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially *dismantled*, obsolete, or wrecked vehicles or their parts.



SPECIFICATIONS FOR A PRIVATE ROAD

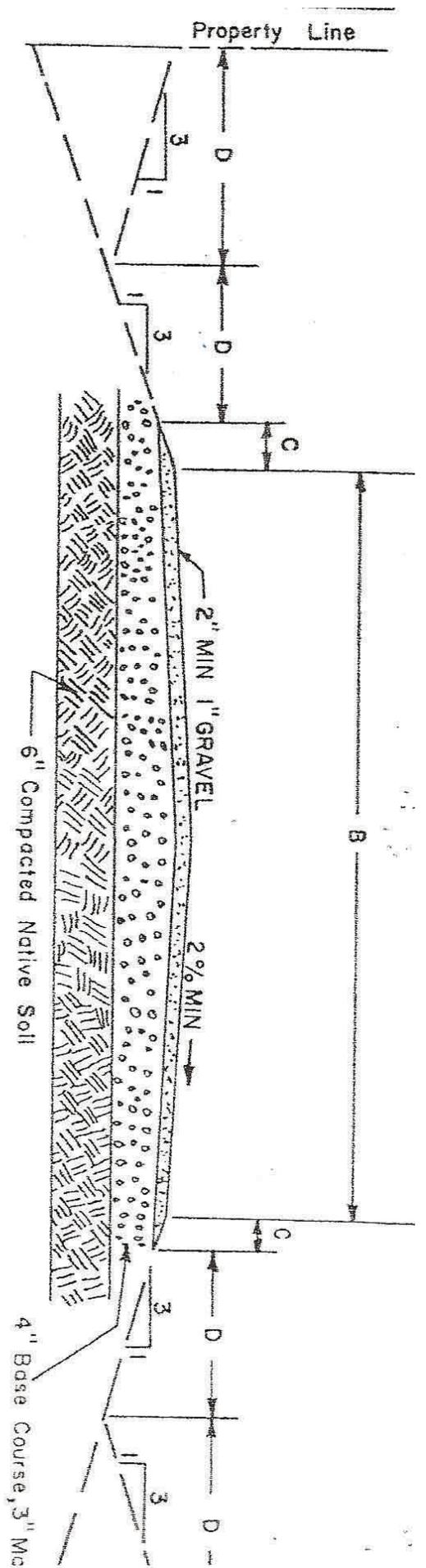
- A. Min easement width 50 ft
 - B. Min surface width 16 ft
 - C. Min Shoulder 2 ft
 - D. Side slope of shoulder 3:1
- Slope of surface & shoulder 2%
- Maximum Grade 7%
- Type of surface Bituminous or gravel

*Roads that do not meet these specs will not be eligible for a building permit

* The 2" surface may be omitted upon approval.

TYPICAL PRIVATE ROAD SECTION

TABLE 2.2



TYPE OF ROAD	COLLECTOR	LOCAL ROAD	STREET
A—Min. Right Of Way	80'	60'	50'
B—Min. Surface Width	26'	24'	24'
C—Min. Shoulder	2'	2'	2'
D—Side Slope Of Shoulder	3:1	3:1	3:1
Slope Of Surface & Shoulder	2%	2%	2%
Maximum Grade	6%*	7%*	7%*
Type Of Surface	Bituminous or Gravel	Bituminous or Gravel	Bituminous or Gravel

*Roads With Greater Slope Are Subject To Approval & Review By COUNTY COMMISSIONERS

PRELIMINARY

TYPICAL COUNTY ROAD SECTION

TABLE 2.1

CHAPTER THREE ZONING DISTRICTS AND OVERLAYS

3.1 INTENT The following zoning districts are hereby established. For the interpretation of this ordinance, seven(7) zoning districts and two overlays have been formulated to realize the general purposes as set forth in this ordinance. The overlays provide for additional requirements in those areas of the districts that they occur. In addition the specific purpose of each zoning district shall be as stated.

3.2 ZONING DISTRICTS

3.2.1 AGRICULTURE NATURAL RESOURCE (ANR) The purpose of this district is to maintain agricultural land and that land with natural resources including range, farming and forestry lands. One and two family dwellings are permitted in this district on one acre lots with a density of one lot per one hundred twenty(120) acres. Industrial or commercial occupancies are not allowed in this district.

3.2.2 HIGH DENSITY RESIDENTIAL (HDR) The purpose of this district is to permit the establishment of high density residential development without creating a subdivision. One and two family dwellings are permitted on ten acre lots with a density of one lot for every ten acres with a maximum of ten lots. One and two family dwellings are permitted on 1/2 acre lots if connected to city utilities. No industrial or commercial occupancies are allowed in this zone.

3.2.3 HIGH DENSITY SUBDIVISION(HDS) The purpose of this district is to permit the establishment of single family dwellings on five(5) acre lots or less with the establishment of a subdivision and connected to a common well or septic system supporting all lots or connected to city services.

3.2.4 LOW DENSITY RESIDENTIAL(LDR) The purpose of this district is to permit one and two family dwellings on one acre lots with a density of one lot per forty(40) acres. Industrial and commercial uses may be allowed in this zone by resolution of the Planning and Zoning Commission.

3.2.5 LOW DENSITY RESIDENTIAL SUBDIVISION(LDRS) The purpose of this district is allow development of one and two family dwellings on five(5) or more acres per lot within an established subdivision.

3.2.6 COMMERCIAL(C) The purpose of this district is to assure an adequate amount of suitable land for light industrial and commercial activities. This district would encourage the development of a manufacturing and wholesale business establishment which is usually a controlled operation, relatively clean, quiet and free of objectionable or hazardous element such as smoke, noise, odor or dust; operating within enclosed structures and generating little traffic. Residential development will be permitted in this zone by complying with section 3.2.2 and by resolution of the Planning and Zoning Commission.

3.2.7 INDUSTRIAL(I) The purpose of this district is to assure an adequate amount of suitable land for heavy industry, and to ensure that new or expanding industries will develop in areas suitable for that use. No residential development will be permitted in the industrial zone. Agriculture is permitted until industrial uses are developed.

3.2.8 DISPLACED PROPERTY Residential development is allowed on property separated from larger properties and rendered unfit for the same use as the larger property because of separation caused by highways, canals, railroads, creeks, rivers, lakes or other landmarks. Approval of development on these parcels will be by resolution of the Planning and Zoning Commission.

3.3 ZONING OVERLAYS

3.3.1 Flood Plain Overlay (FP) The purpose of this overlay is to guide development within the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows and to minimize the expense and inconvenience to the individual property owners and general public through flooding. Dwellings may not be permitted in the FP overlay zone according to the County flood plain overlay map. Uses permitted in this overlay zone are generally associated with open spaces, recreational and agricultural land use and shall not hinder the movement of floodwaters. There is no FEMA designation map for the county.

3.3.2 Area of City Impact (CI) Areas of city impact will be designated by an agreement between the incorporated city and the county. These areas are outside the municipal boundaries of the incorporated cities in which future development may cause an impact on the city. This overlay may contain special rules or regulations agreed upon by the city and the county.

3.3.3 landslide

3.3.4 Wild Land Interface

3.3.5 HISTORIC DISTRICTS PURPOSE

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
- b. safeguard each district's historic, aesthetic and cultural heritage as embodied and reflected in such landmarks and properties.

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 The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use.

n. Restoration 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 Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs.

q. View shed That surface area within a defined geographical area visible by the public from a designated viewing location(s) within a historic district.

3.3.5.1 CHESTERFIELD HISTORIC DISTRICT

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.

3.3.5.1.1 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

Map and description see chapter 4 of this ordinance.

3.3.5.1.2 REGULATIONS

a. The following actions are permitted without the approval of the Board

- 1) Ordinary maintenance and repair
- 2) Interior restoration rehabilitation and stabilization in compliance with the US Secretary of the Interior's Standards and Guidelines for Historic Buildings.
- 3) Exterior preservation, reconstruction, stabilization, and/or restoration in compliance with the US Secretary of the Interior's Standards and Guidelines for Historic Buildings.
- 4) The relocation of historically significant structures as approved by the Chesterfield Board of Trustees.
- 5) 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.

- 1) Exterior stabilization that changes the appearance of a structure
- 2) Construction of storage structures restricted to one 8x 10 single story detached structure per residence with the issuance of a building permit.
- 3) Construction of outhouses, restricted to one 4' x 4' single story structure per residence.
- 4) Relocation of outhouses or storage units.
- 5) Excavation of any kind
- 6) Reconstruction of attached structures known to have been an integral part of the existing primary structure.
- 7) Reconstruction of a structure that existed on the effective date of this ordinance that was subsequently destroyed by reason beyond human control.
8. Reconstruction of any structure not in existence on the effective date of this ordinance.
9. 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 3.3.5.1.5.

- 1) Erection of new structures other than as provided for in section 3.3.5.1.2.b(2)&(3).
- 2) 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.

3) 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.

EXCEPTION: Watchman's and/or volunteers as sanctioned by the Chesterfield Foundation Board of Trustees.

d. The following actions are required

- 1) General upkeep of the structures and grounds so as to eliminate health and safety hazards.
- 2) Maintain property in a manner consistent with the historical nature and the aesthetics of the area.

3.3.5.1.3 BUILDING PERMIT APPLICATION

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.

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 3.3.5.1.5 of this ordinance.

3.3.5.1.4 REVIEW CRITERIA

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:

- a. The purpose and intent of Section 3.3.5(Historic Districts)
- b. The degree to which the proposed work may destroy or alter the appearance of a structure or lot.
- c. 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.
- d. The compatibility of the building materials with the aesthetic and structural appearance of the historic district,
- e. The compatibility of the proposed design to the significant characteristics of the structure.
- f. 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. Theses changes may have acquired significance in their own right and this significance shall be recognized and respected.
- g. 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.
- h. 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.

3.3.5.1.5 VARIANCE

a. The Board may grant a variance.

A variance is a modification of the regulations of section 3.3.5.1

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 county clerk.

The clerk shall distribute one(1) copy of such application to each member of the planning and zoning commission. 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. Within seven(7)business days of placing the matter on the agenda of the Board, the clerk 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.

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 dated, time and location of the hearing and that the application for variance and the building permit application can be viewed at the clerk's office.

The county clerk 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.

b. 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.

3.3.5.1.6 MISCELLANEOUS PROVISIONS

a. 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.

b. Any person aggrieved by a decision of the Board shall have the right to appeal as may be otherwise provided by law.

3.3.5.2 HENRY HISTORIC DISTRICT

3.3.6 HISTORIC VIEWSHED DISTRICT PURPOSE:

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:

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).

3.3.6.1 CHESTERFIELD HISTORIC VIEWSHED DISTRICT

The Chesterfield Historic Viewshed District is defined as the real property within:

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

Map and legal description (See Chapter 4)

3.3.6.1.1 REGULATIONS

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.

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.

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.

Existing Structures:

All structures approved prior to the effective date of this ordinance shall not be subject to the requirements of Section 3.3.6.

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 3.3.6.

3.3.6.1.2 GENERAL PROVISIONS

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:

(1) The highest point of the proposed structure is located more than 25 vertical feet below a major or minor ridgeline;

(2) 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).

(3) 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);

(4) 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);

(5) The project lighting, including exterior lighting, has been designed to minimize visibility and glare;

(6) The exterior color treatment of the structure will be earth-tone designed to blend with the colors of the surrounding vegetation, and landforms;

(7) Exterior windows and trim are non-reflective;

(8) Roof angles and composition are designed to conform to existing landforms and landscape; and

(9) 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).

3.3.6.2 HENRY HISTORIC VIEWSHED DISTRICT

3.3.6.2.1 REGULATIONS

3.3.6.2.2 GENERAL PROVISIONS

3.3.6.3 SODA SPRINGS TOWNSITE VIEWSHED DISTRICT

3.3.6.3.1 REGULATIONS

3.3.6.3.2 GENERAL PROVISIONS

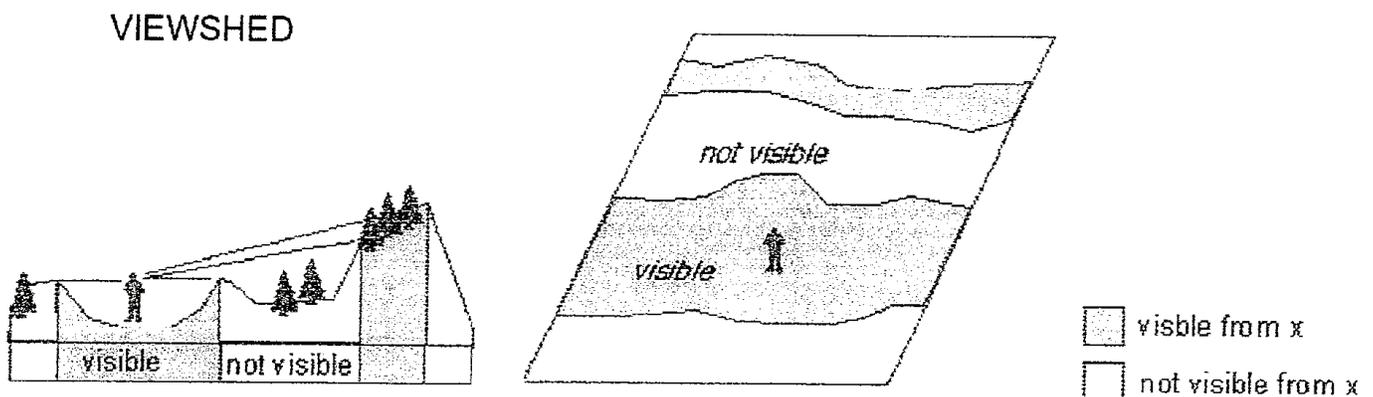
VIEWSHED

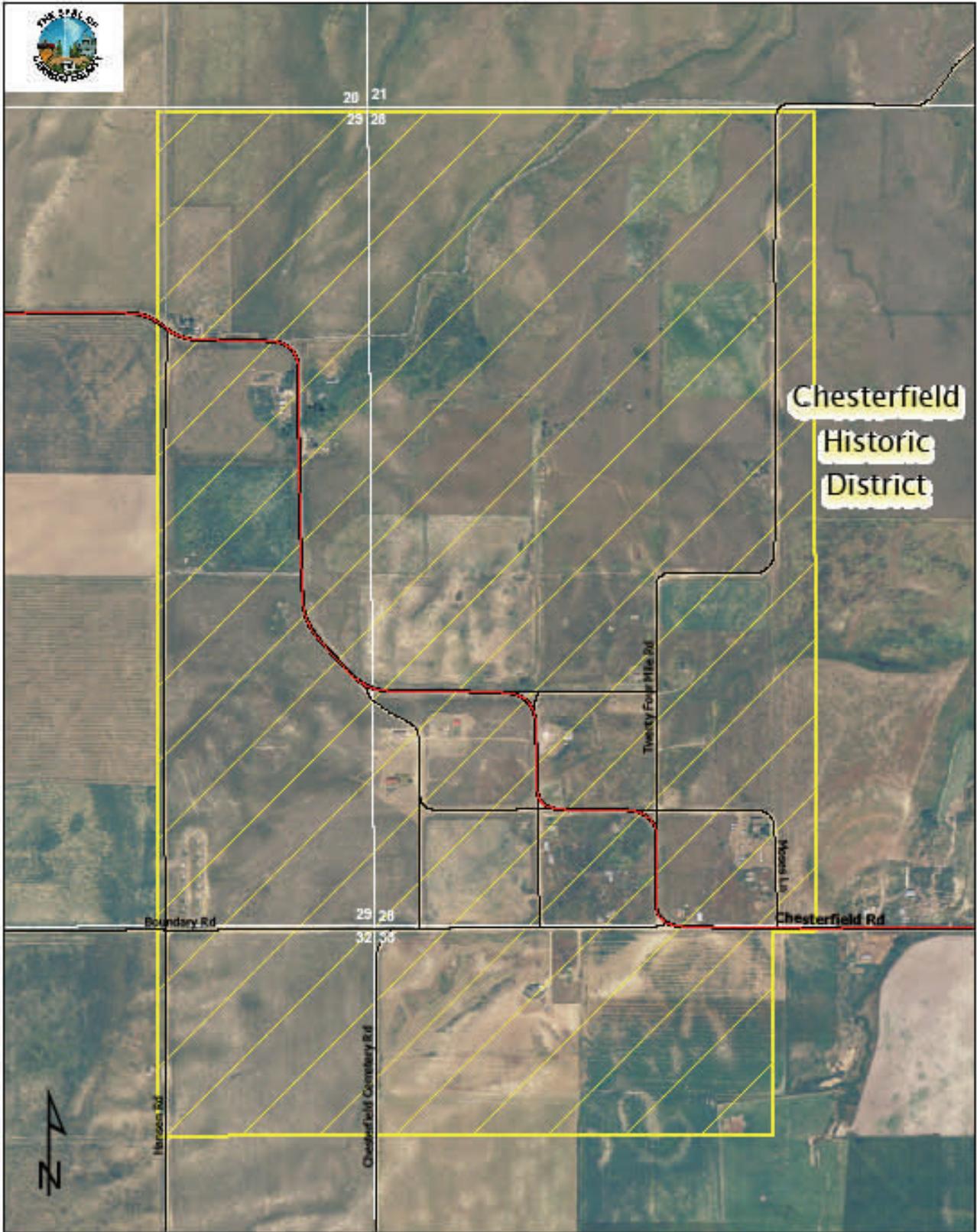
"Viewshed" is a recently coined term used to indicate the entire area an individual can see from a given point. Being able to determine the viewshed and how it could be altered is of particular use to park planners and landscape architects.

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.

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, 22Feb1997)



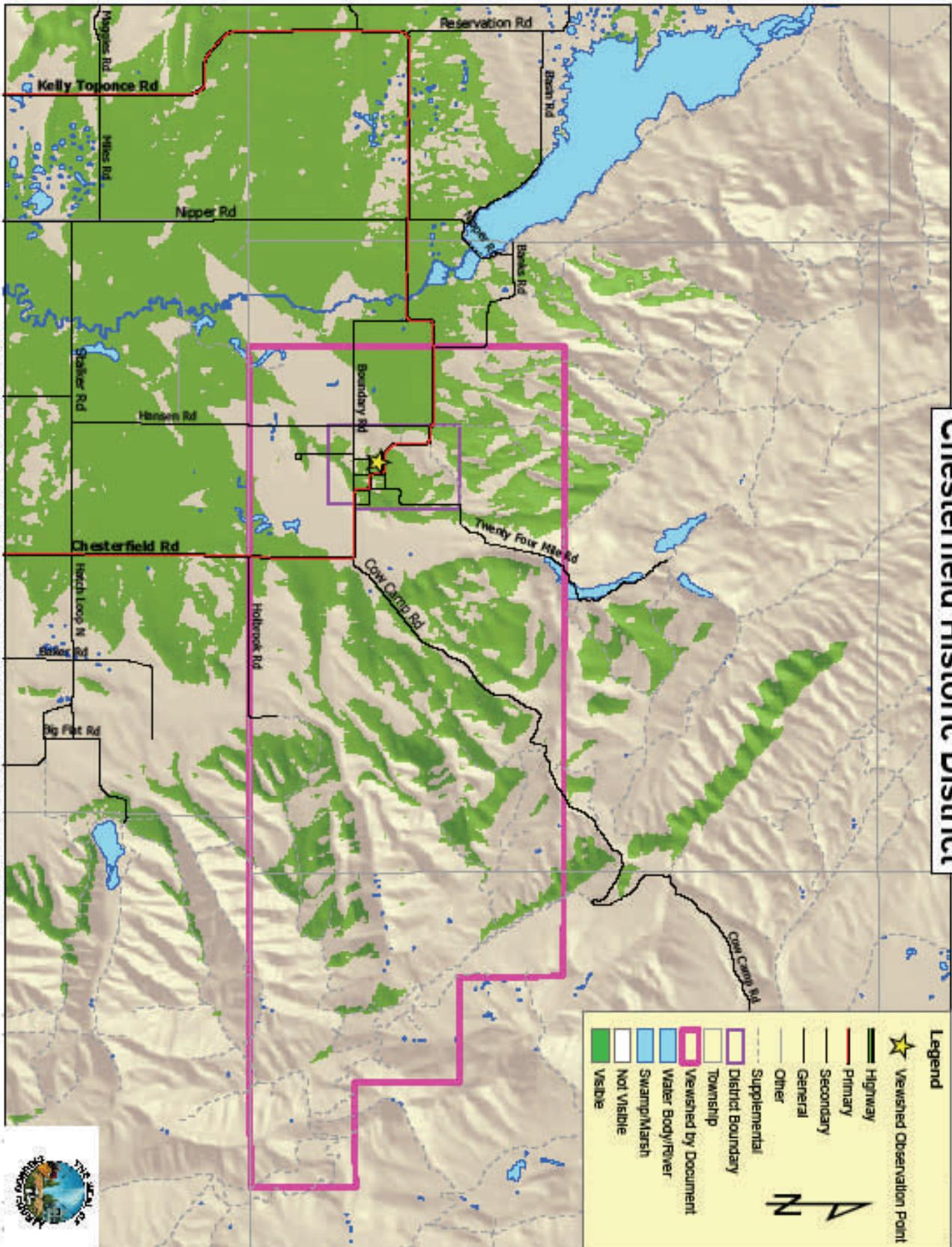


**Chesterfield
Historic
District**

Chesterfield Historic District Boundary

Chesterfield Historic District

Planning Map



Calculated Viewshed based on 3 meters above ground level at the Social Hall.



CHAPTER FOUR PROVISIONS FOR OFFICIAL ZONING MAP

4.1 OFFICIAL ZONING MAP The official Zoning Map together with all explanatory matter thereon are hereby adopted as part of this Ordinance and establish the boundaries of the zoning districts and overlays.

4.1.1 COUNTY GIS DEPARTMENT 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.

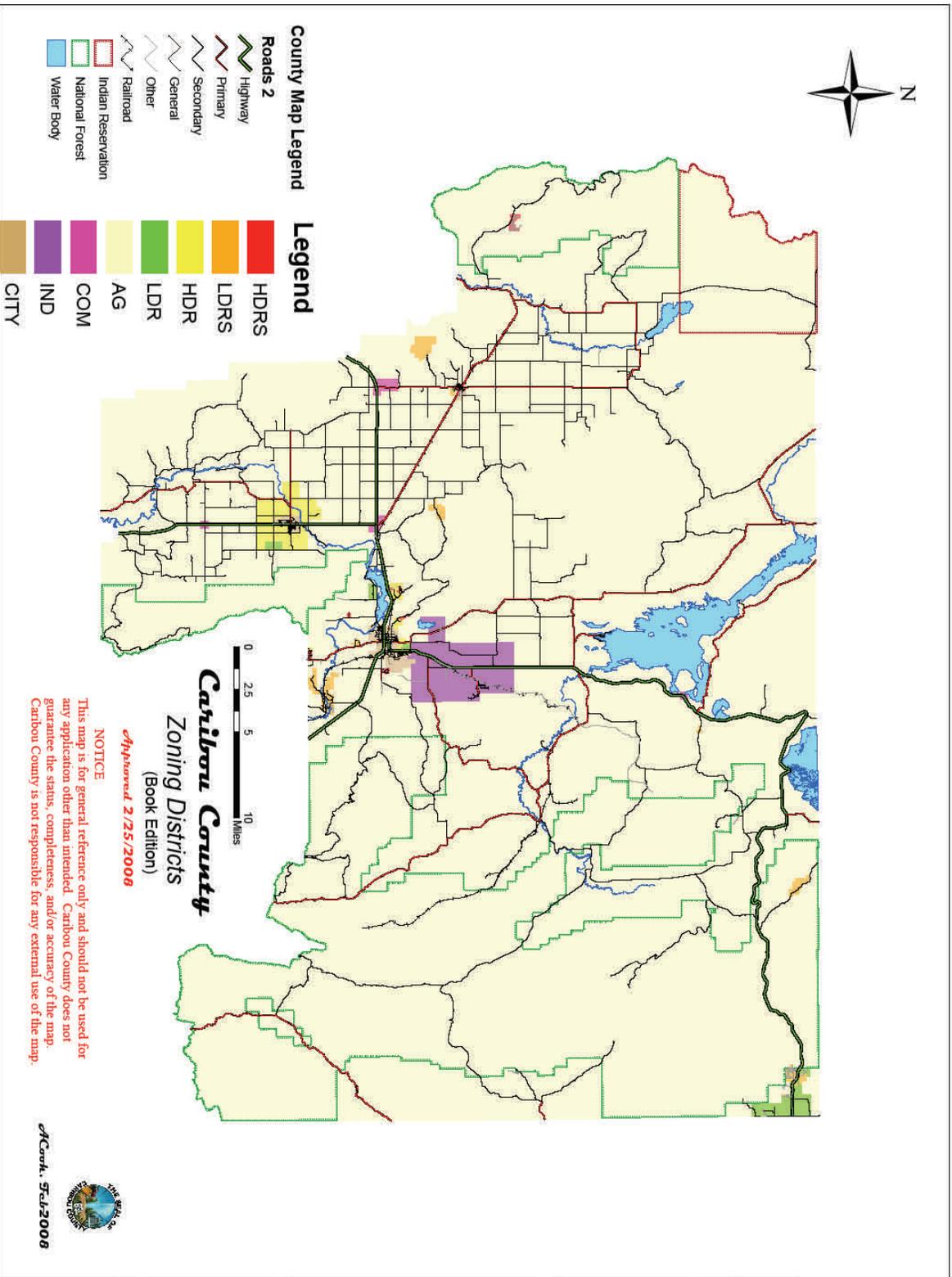
4.2 INTERPRETATION OF DISTRICT BOUNDARIES Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map the following shall apply.

4.2.1 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.

4.2.2 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.

4.2.3 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.

4.2.4 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.



- County Map Legend**
- Roads 2
 - Highway
 - Primary
 - Secondary
 - General
 - Other
 - Railroad
 - Indian Reservation
 - National Forest
 - Water Body

- Legend**
- HDRS
 - LDRS
 - HDR
 - LDR
 - AG
 - COM
 - IND
 - CITY

NOTICE
This map is for general reference only and should not be used for any application other than intended. Caribou County does not guarantee the status, completeness, and/or accuracy of the map. Caribou County is not responsible for any external use of the map.

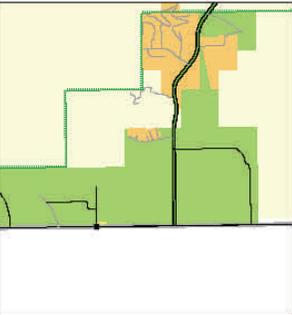
Approved 2/25/2008



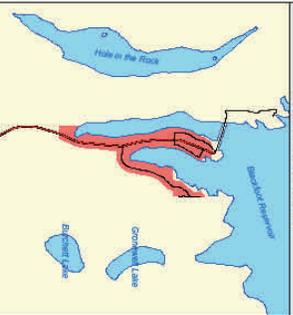
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Map Details

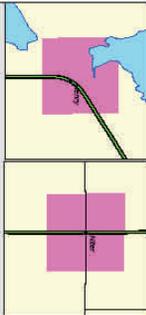
Freedom Detail



Dike Detail



Shenoy Detail



Miles Detail



Ropeck's Sliver Detail



CHAPTER FIVE DISTRICT REGULATIONS

5.1 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS The official schedule of district regulations is divided into two(2) land use groups; Residential and non residential. Because no list can be complete, the Planning and Zoning Commission will decide the status of any use that is not specifically mentioned. The chart is intended for reference purposes only.

5.2 USE REGULATIONS SUMMARY

P=Permitted by staff with site plan approval: conditions may be imposed

D=Determined by Planning and Zoning Commission decision

C=Permitted by conditional use permit

If nothing appears in a column the use is not permitted

RESIDENTIAL USES	ANR	HDR	LDR	COM	I
Single Family Dwelling	P	P	P		
Multi- Family Dwelling	C	P	P		
Accessory Dwelling	C	C	C		
Mobile Home Park		C			
Hotel/Motel		C			
Duplex	P	P	P		
Institutional Residential		C		C	
Planned unit development		C	C		
NON RESIDENTIAL USES					
Airport/public or private					
Includes runways	C		C	C	C
Animals exotic	C				
Auto Salvage					C
Batch Plants				P	P
Bed and Breakfast		C	C	C	
Bulk Storage	C			P	P
Campground	C	C	C		
Commercial	D		C	P	C
Communication Facilities	C			P	P
Day Care		C	C	C	
Day Use Area	C	C	C		
Excavation Contractor				P	P
Electrical Power Plants	C			P	P
Electrical Substations	C			P	P
Electrical Transmission Lines	C	C	C	P	P
Feed Lots	C				
Golf Course	C		C	C	C
Greenhouse/Commercial	P			P	
Grain Silo/Elevator	P			P	P
Hog Farm	C				
Indoor Arena	C		C	C	
Indoor Entertainment	P	P	P	P	
Junkyards				C	C
Kennels	C			C	
Machine Shop	D		D	P	P

	ANR	HDR	LDR	COM	I
Manufacturing/Fabrication	D			P	P
Motorcycle trails	C				
Sales/Dealerships	D	D	D	C	
Motor speedway	C			C	C
Noise Park	C				
Outdoor Shooting Range	C			C	
Outdoor Entertainment	C			C	
Outfitters	C			C	
Recycling Facilities	C			C	P
Recreational Vehicle Park	C	C	C		
Road Contractor	D			P	P
Religious Facilities	D	P	P		
Roads/Bridges	D			P	P
Schools	D	P	P	P	
Sand and Gravel Extractions	C			P	P
Stables/Commercial	D	D	D	P	
Snowmobile Trails	P			P	
Skiing Facilities	C		D	D	
Sewage Lift Station	P	D	D	P	P
Solid Waste Transfer Sites	P			P	P
Truck Stop	D			P	
Transportation Facilities	C		C	P	P
Warehousing and Distribution	C		D	P	P
Veterinarian	P		P	P	
Wildlife Preserve	P	P	P		

CHAPTER SIX ADDRESSING

6.1 PURPOSE 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.

6.1.2 AUTHORITY Caribou County will retain its authority to address within the interior boundary of the County excluding any incorporated city areas.

6.1.3 MANAGEMENT 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.

6.1.3.1 REGULAR ACTIONS

- 1) Assignment of new addresses
- 2) Determining "addressable locations"
- 3) Maintain record of all addresses and any activity relative to their management.
- 4) Maintain address system information including street names, address ranges and postal communities.
5. Maintain compliance with the United States Postal Service Standards and 9-1-1 database standards.
6. Troubleshoot problems and provide suggestions for potential corrective actions.

6.1.4 CONFLICT RESOLUTION 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.

6.1.5 IMPACT ZONE 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.

6.2 ADDRESSING STANDARD AND PRIORITY

6.2.1 USPS ADDRESSING STANDARDS AND GUIDELINES 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.

6.2.2 PRIORITY There are multiple tasks and operations that are dependant 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.

1. 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
2. Address system logics and integrity 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.
3. Mailing service 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.

6.3 ADDRESSING DOMAIN

6.3.1 ADDRESSABLE LOCATIONS 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.

1. 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.

2. 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.

3. 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.

4. Significant Location Any location that presents a level of importance to the community or emergency responders.

6.3.2 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.

6.3.3 NON ADDRESSABLE LOCATIONS Addressing will not be performed in which the location is not clearly identifiable or addressing poses conflict to the addressing system.

6.3.4 STREET NAMING 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.

6.3.4.1 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

6.3.4.2 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

1. If multiple locations are situated along the access and are a significant distance from the main roadway.
2. If the access or roadway exceeds 1/2 of a mile. (Length will be calculated by the GIS Department)
3. 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.

6.4 ADDRESS METHODOLOGY

6.4.1 ADDRESS SYSTEM 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.

6.4.1.1 NUMBER INTERVAL 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.

6.4.1.2 STREET RANGES 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.

6.4.1.3 NUMBER SEQUENCE DIRECTION Street ranges increase as they extend north and east

6.4.1.4 ODD/EVEN SIDE 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.

6.4.1.5 OLD METHODOLOGY 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.

6.4.2 ADDRESS ASSIGNMENT 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.

6.4.2.1 LOCATION ACCESS 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.

6.4.2.2 LOCATION MARKING 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.

6.5 SUBDIVISION ADDRESSING

6.5.1 APPROVAL PROCESS 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. 6.5.2

PLATS The developer is to provide a copy of both the preliminary and final plats to the GIS department.

6.5.3 STREET NETWORKING 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.

6.5.4 OTHER CONDITIONS Subdivision developers must meet all conditions of the addressing ordinance before approval by the Address Manager can be given.

6.6 SIGNAGE

6.6.1 LOCATION MARKERS 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.

6.6.2 STREET SIGNS 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.

6.6.3 DESTRUCTION OF SIGNAGE 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.

6.7 EMERGENCY RESPONSE

6.7.1 CAD & 911 DATABASES 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 SEVEN
OFFICIAL HEIGHT AND AREA REGULATIONS**

DISTRICT	MAXIMUM HEIGHT	(minimum)_LOT SIZE	LAND COVER- AGE
ANR	no limitation	one acre	30%
HDR	35 feet	one acre*	30%
LDR	35 feet	one acre	30%
COM	no limitation	1/2 acre**	no Limitation **
	no limitation	one acre**	30%

* If central water and sewer are provided and approved by the Health Department and/or the appropriate jurisdiction 1/2 acre lots are allowed

** Must install approved and adequate storm water facilities

CHAPTER EIGHT PERFORMANCE STANDARDS

8.1 LIMITATIONS ON HEIGHT No building or other structure erected in any land use district shall have a height greater than that specified in Chapter seven, except that the Board, by conditional use permit may authorize a greater height to the extent that the Caribou County Board of Commissioners determines that:

8.1.1 Provisions have been made for protection from fire hazards and against aviation accidents

8.1.2 Consideration has been given to the protection of view and to the character of the neighborhood

8.1.3 Proper provision has been made for light and air and such greater height will better promote the protection of the environment in the area.

The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

Building height shall be a vertical distance from the grade to the highest point of the coping of a flat roof or to the peak line of a mansard roof or to the average of the finished ground level at the center of all walls of a building.

8.2 SETBACK REQUIREMENTS All buildings and structures shall be set back a minimum distance of ten (10) feet from any side property line and twenty(20) feet from the rear property line. Set backs shall be measured at right angles from the property line.

All buildings and structures shall be set back a minimum distance of fifty(50) feet from the edge of a surveyed road right of way and eighty(80) feet from the center of all un-surveyed roads and private roads measured at right angles. Hay and potato storage buildings are required to be set back an additional (50) feet from all roads as described in this section.

8.3 VISIBILITY 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: That area included within a triangle with two legs each being the highway right-of-way line for one hundred (100) feet back from the point of intersection of two intersecting right-of-way lines and third leg being the line connecting the points on the highway right-of-way lines one hundred (100) 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 be allowed to remain between a height of two and one-half(2 1/2) feet and ten(10) feet above the center line grades of the intersecting roads.

8.4 BUILDING CODES For the health and safety of the residents of the County, all buildings and structures shall comply with the current adopted edition of the International Building Code

8.5 PROVISIONS FOR UNIQUE LAND USES Certain unique land uses pose special problems that may have detrimental influence on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this Ordinance.

8.5.1 Accessory Building Will not be located in any required front yard area and will not be located closer than ten (10) feet from any side or rear property line.

8.5.2 Animal Clinic, Animal Hospital, Veterinarian Office and Kennel Will be located at least three hundred(300) feet from any residence, including hotels and motels, except for the owners residence. The Planning and Zoning Commission or staff may modify these requirements if the animals are completely housed in sound proof structures that completely screen them from view of the abutting residential property. Will comply with all state and local regulation relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

8.5.3 BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE GROUND AND FOR RESALE Will be located at least three hundred(300) feet from any residential zone, residence, hotel motel, except for the owners residence or other dwellings. Will be erected subject to the approval of the proper permit and the Planning and Zoning Commission and Board of County Commissioners.

8.5.4 CHEMICALS, PESTICIDES AND FERTILIZER STORAGE AND MANUFACTURE Will have proper fire protection, storage area, handling and disposal facilities as approved by the County Fire Department and comply with State and Federal regulations.

8.5.5 CONTRACTORS YARD The portion of a premise devoted to the storage and maintenance of construction equipment and materials will have a screening fence around areas utilized for storage of equipment. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no commercial or industrial uses.

8.5.6 FILLING, GRADING, LAGONING, DREDGING OR OTHER EARTHMOVING ACTIVITY Will result in the least amount of bare ground exposed for the shortest period of time feasible. Will provide temporary ground cover such as mulch. Will use inversion silting basins, terraces or other methods of to trap sediment. Will provide lagooning in such a manner as to avoid creation of the fish trap conditions. Will not restrict a floodway, channel or natural drainage way. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial water courses to prevent erosion or soil failure. Will not have below-grade excavation for drainage ways within fifty(5) feet of any lot line or public right-of-way. Will restore topsoil or loam to a depth of not less than four(4) inches. Will implement best management practices at all times.

8.5.7 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.

8.5.8 HOME OCCUPATION

8.5.8.1 Not more than one person other than members of the family residing on the premises shall be engaged in such occupation.

8.5.8.2 The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five(25%) of floor area of the dwelling unit shall be used in the operation of the home occupation.

8.5.8.3 There shall be no change in the outside appearance of the building or premises or other visible evidence of the operation of such home occupation other than one(l) sign, not exceeding four(4) square feet in area, non-illuminated and mounted flat against the wall of the principal building.

8.5.8.4 Total residential and business motor vehicle travel to and from the dwelling shall not exceed an average of fifteen(15) trips per day during a five-day period. Each departure from and each arrival at the dwelling shall be counted as a separate trip_ Said occupation shall require no additional parking space.

8.5.8.5No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.

8.5.8.6 The occupation shall be conducted entirely within the dwelling

8.5.9 RIFLE AND PISTOL RANGE Will be designed with a backstop. Will be 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.

8.5.10 SANITARY LANDFILL Will conform to time limits for daily operation. Private landfills will provide bond to insure compliance with the provision of the conditional use permit.

8.5.11 SCHOOLS Safe access routes will be provided to and from schools. Coordinated recreation areas in or around the school areas will be provided. Open space areas in or around the school area will be provided. Provisions will be made for sidewalks, bike paths, greenways and other alternate transportation routes. Designated turnout and transportation routes will be provided. All features and amenities possible will be provided to ensure the safety of school children.

8.6 COMMUNICATION TOWERS

8.6.1 DEFINITIONS

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.

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

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

Master Development Plan: A plan showing a carriers expected network of wireless communication facilities within the County.

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

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.

8.6.2 REGULATIONS The placement, use or modification of any wireless communication facility is subject to the provisions of this section.

8.6.2.1 A 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.

8.6.2.2 HDR and HDRS Zones Wireless communication towers are prohibited.

8.6.2.3 PREFERRED LOCATIONS AND FACILITY TYPES A master development plan IS 10 be created prior to any wireless communication facility permit request, based upon engineering constraints(including frequency clashes) and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order

- 1) 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
- 2) Publicly owned property
- 3) Other non-residential building or vacant no-residential zoned land
- 4) 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.

Facility types are preferred in the following priority order

- 1) Roof mounted
- 2) Facade mounted
- 3) Utility pole mounted
- 4) Freestanding

8.6.2.4 CO-Location 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.

8.6.2.5 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:-- ..

1. A 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.
2. 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:

8.6.2.6 PROHIBITED OR RESTRICTED

- 1) Communication towers are prohibited in HDR and HORS zones
2. Interference with County or City and public safety communication systems and/or television or radio broadcast is prohibited.
- 3) Freestanding towers within residential! zoned areas are prohibited.
4. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

8.6.3 APPLICATION PROCEDURE 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 from the Planning and Zoning Commission. 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.

8.6.3.1 A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses and zoning. **8.6.3.2** 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.

8.6.3.3 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.

8.6.3.4 Evidence demonstrating the unavailability of co-location, as set forth above.

8.6.3.5 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.

8.6.3.6 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 on hundred eighty(180) days of its discontinued use the responsibility for removal shall belong to the landholder.

8.6.4 STANDARDS

8.6.4.1 ROOF MOUNTED 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.

8.6.4.2 FACADE MOUNTED 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

8.6.4.3 FREE STANDING 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.

8.6.4.4 ATTACHMENT 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.

8.6.4.5 LANDSCAPING 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 wass 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.

8.6.4.6 MAINTENANCE All facilities and landscaping shall be properly maintained at all times

8.6.5 ABANDONMENT 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 proved 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.

8.6.6 RIDGELINE AND VIEW SHED AREAS Construction that considerable 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.

CHAPTER NINE NON-CONFORMING USES, STRUCTURES AND ALTERATIONS USE

9.1 Any use lawfully occupying a building or land at the effective date of this ordinance or of subsequent amendments there to which does not conform to the regulations for the district in which it is located shall be deemed to be a non-conforming use and may be continued. Maintenance and minor repairs necessary to keep a nonconforming use in sound condition during such continuance shall be permitted.

9.2 A nonconforming building may be enlarged or extended only if thereafter the entire building is devoted to a conforming use.

9.3 No building partially occupied by a non-conforming use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such non-conforming use.

9.4 No non-conforming use may be enlarged or extended in such a way as to occupy any required open space or any land beyond the boundaries of the lot on which it existed at the effective date of this ordinance nor may any such non-conforming use displace any conforming use in the same building or on the same parcel.

9.5 Any non-conforming building destroyed by fire or other calamity to an extent of fifty(50) percent or more of the appraised value may not be restored unless such restoration shall make the building a conforming building and any intended use shall be a conforming use, providing nothing in this ordinance shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire or other calamity to the extent of less than fifty (50) percent provided that such restoration is started within one (1) calendar year and diligently prosecuted to completion. If it is not rebuilt the building must be removed from the property.

9.6 If nonuse continues for a period of one(1) year or longer the County shall require that the owner declare his intention in writing with respect to the continued nonuse within thirty(30) days of the receipt of the request. If the owner elects to continue the nonuse he shall notify the county in writing of his intention and shall post the property with notice of intent to continue the nonuse. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection his right to use such improvements in the future for their designed purpose shall continue notwithstanding any change in the zoning of the property.

9.7 The property owner may voluntarily elect to withdraw the use by filing with the Planning and Zoning Office an affidavit of withdrawn use. If the property is redesigned for a different use the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

9.8 For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

9.9 The provisions of this section shall not be construed to prohibit the County from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

CHAPTER TEN MOBILE HOME AND RECREATIONAL VEHICLE PARKS

10.1 Mobile home parks and recreational vehicle parks will be allowed in the County by following proper permitting procedure and the requirements of this chapter.

10.2 DEFINITIONS The following definitions have been created for the purpose of defining the text of this chapter:

Accessory Parking Area: An area set aside for the parking and storage of vehicles and mobile units accessory to every day life. Such units may include but are not limited to motor homes, travel trailers, pickup campers, boats and other similar items.

Amenities: The improvements of a development other than necessary utilities or rights of way, which are installed to provide recreation and other similar benefits for residents of a development.

Board: The Board of Caribou County Commissioners

Building: Any structure built for the support, shelter or enclosure of persons, animals, or property of any kind upon real property.

Building Code: The current adopted edition of the International Building Code in force within the County.

Buffer Zone: The area immediately abutting the property line of any mobile home park, which is intended to provide a buffer between dissimilar land uses.

Carport: A shelter over off street parking space which does not have fully enclosed sides

Commission: The Caribou County Planning and Zoning Commission

Flood Hazard Area: An area designated by the County Building Department to be an unsafe or hazardous area for construction due to periodic or historic flooding.

Mobile Home: A transportable structure which is at least ten (10) feet in body width and forty(40) feet in body length, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Mobile Home. Double Wide. Triple Wide: A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Mobile Home Lot: A parcel of ground in a mobile home park intended to be leased or rented as a place to park a mobile home for dwelling purposes.

Mobile Home Park: A tract of ground under unified ownership developed for the purpose of providing rental space for parking mobile homes on individual spaces within it's confines.

Person: Any individual, firm, trust, partnership, association or corporation whether tenant, owner, lessee, licensee, permittee, agency, heirs or assigns.

Playground Area: A parcel of ground having recreational equipment and open space to be used for leisure activities of park residents. This term applies only to mobile home parks which remain under single ownership.

Permitted Use: A use for which a permit may rightfully be granted provided performance standards are met.

Record: The act of formally registering an instrument, plat, or other legal document with the Caribou County recorder.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters which is less than ten (10) feet in body width and less than forty(40) feet in body length for recreational camping or traveling use which either has it's own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, camping trailers, truck campers, fifth wheel campers and motor homes.

Recreational Vehicle Lot: A parcel of land in a recreation vehicle park intended to be rented as a place to park a recreational vehicle for temporary dwelling purposes.

Recreational Vehicle Park: A tract of land under unified ownership developed for the purpose of providing rental space for parking of recreational vehicles on individual spaces within it's confines

Space Number: The number assigned to each mobile home park for identification purposes.

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

Service Building: An accessory structure intended for storage of items used in site and building maintenance or overflow from the storage space inside a mobile home.

Street Lighting: Illumination of the public right of way by lights placed along the edge of the traveled way to protect the public safety.

Utilities: Basic public service facilities such as water lines, sewer lines, natural gas lines, electric power lines, telephone wires and community television antenna lines.

10.3 FILING APPLICATION AND PRELIMINARY PLANS All persons desiring to develop a mobile home or recreational vehicle park shall submit the following to the Commission during a regular scheduled meeting.

10.3.1 APPLICATION

1. Name and address of applicant and developer and names of principal professional personnel involved in the plan preparation.

2) Location and legal description of the mobile home or recreational vehicle park.

3) Area of proposed development in acres and square feet.

4) Percentage of total area to be set aside for use in common or recreation.

5) Number of spaces or lots intended for development.

6. Approximate population of development when completed. **10.3.2 PRELIMINARY PLAN**

1) The area and dimensions of the tract of land and name identification

2) the number, location and size of all mobile home or recreational vehicle lots.

3) The location of water and sewer lines and riser pipes.

4) The location and width of roadways, walkways and easements.

5) Plans and specifications of the water supply, refuse and sewer disposal facilities.

6. Plans and specifications of all buildings constructed or to be constructed within the mobile home or recreational vehicle park.

7. The locations and details of lighting, electrical systems, gas lines, telephone lines and all other similar utilities of intended services to the park.

8) All plans and specifications to indicate distances, depths, setbacks and separations 9. Double frontage lots backing on streets shall be prohibited from using exterior roadways as entrances or exit purposes

10) All lot dimensions are to be shown on all lot lines.

11. Exterior boundaries of plat drawings must be tied to at least two County or U.S. Geological Survey Monuments.

12) All lots are to be numbered by progressive numbers in each block assembly.

13. Hazards, flood hazard areas or facilities that may impair safety of people and the precaution taken to protect their safety.

14. All plats shall be drawn to a scale of one inch to one hundred feet or larger.

10.4 REVIEW BEFORE COMMISSION The Commission shall review the application and the preliminary plan for completeness and compliance with the provisions of this chapter. If the application and preliminary plan are satisfactory the Commission shall schedule a public hearing during the next regular scheduled meeting. Notice shall be published in the local newspaper of general circulation. Adjoining property owners owning property within 300 feet of the park will be notified by mail of the plan and of the public hearing. After the public hearing the Commission shall recommend approval, disapproval or table the project for more deliberation or information.

10.5 REVIEW BY BOARD If the Commission recommends approval of the application and the plan, both will be presented to the Board at their next regular scheduled meeting. Upon receipt of the application, preliminary plan and recommendation of the Commission, the Board shall review the same within thirty(30) days after receipt. The Board shall approve or disapprove the application and preliminary plan. If approval for the application and preliminary plan is give by the Board, said approval shall be effective for a period of one (l) year. If substantial construction has not been initiated within the period on one (l) year after approval by the Board, the approval of the application, preliminary plan and final plans shall be considered null and void and the developer shall again make application should he so desire to continue with the development.

10.6 FINAL PLAN Upon approval of the preliminary plan the developer and applicant shall cause the proposed development to be surveyed and a final plan prepared in accordance with the preliminary plan as approved. The final plan shall contain all information and be drawn to scale as required for preliminary plans under the previous sections an shall further contain all such other information as required at the hearing held by the Commission and the Board as to the preliminary plans. The preliminary and final plans shall be prepared by a registered professional engineer or registered land surveyor within the State of Idaho. Certification of the final plan shall be made by the registered engineer or surveyor prior to the acceptance by the Board.

10.6.1 The final plan shall be drawn in India ink on linen plastic or other non shrinking material on a sheet of 18 inches by 24 inches in size.

10.6.2 Copies of the final plan shall be reproduced in the form of blue line or black line print on white background.

10.6.3 Upon completion of the final plan the developer shall cause the same to be submitted to the Board. Upon receipt of the final plan the Board shall cause the same to be reviewed within thirty(30) days after receipt of the same and shall approve, disapprove, or cause the same to be returned to the developer for corrections or additions. Upon acceptance of the final plan, the final plan shall be filed in the office of the County Recorder of Caribou County Idaho.

10.6.4 No possession or occupancy of the mobile home or recreational vehicle park shall be allowed until all necessary improvements as set out in this ordinance and final plan shall have been fully constructed and completed. All improvements and construction shall be completed within one(1) year from the date of approval of the final plan.

However the Board may extend said period for one(1) year upon the showing of just cause by the developer. If the developer desires to have any occupancy of a portion of the mobile home park or recreational vehicle parked prior to its full completion then the developer shall post bond as security for the completion of all park improvements including but not limited to landscaping, road improvements, pedestrian ways, curbs, gutters, road surfacing, water and sewer lines, electrical utility lines and common facilities as shown on the final plan and as is required by this ordinance. Said bond shall be in an amount equal to one hundred and ten percent (110%) of the estimated cost of the improvements as determined by the Board. Upon the posting of a bond satisfactory in form and amount to the Board for completion of such improvements, occupancy may be granted upon a partially constructed completed and developed mobile home park or recreational vehicle park. Any and all estimates of completion and cost shall be submitted to the Board for its approval. At least fifty percent(50%) of the contiguous spaces shall be completed and proper bond posted before any occupancy shall be permitted.

10.6.5 The duration of any bond or other assurance of completing the improvements and development of mobile home or recreational vehicle parks shall be for a period of two (2) years from the date of approval of the development by the Board. An extension of time may be allowed by Board upon application by the developer, provided such application is submitted at least sixty(60) days prior to the expiration of the bond and provided the issuer of the bond is willing to extend the time of the assurance. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within the time limitation, the Board may declare the bond or other assurance forfeited and the Board may install or cause to be installed the required improvements using the proceeds from the bonds or other assurances to defray the expense thereof. The Board shall not be responsible for the cost of completing said improvements.

10.6.6 The developer shall be responsible for the quality of all materials and workmanship. All streets, utility and other improvements shall be inspected by the Board or its designee who shall make final inspection of the improvements. If the improvements do not meet the standards and plans the developer shall be obligated to correct the improvements and complete the installation to meet all such plans and to be approved by the Board. Upon the Board's approval of the installation or improvements the bond or other assurance shall be released and exonerated.

10.6.7 All maintenance of private drives, including but not limited to, utilities, drainage, streets and snow removal, shall be the responsibility of the owner, and all such utilities, roadways and easements shall be kept in a good state of repair. If the developer or owner should fail to maintain said utilities or streets in a good state of repair the Board may cause the same to be repaired, replaced or otherwise maintained at the developer's or owners expense.

10.6.8 Upon approval by the Board of a completed park, a conditional use permit will be issued to the owner. Conditions may be stated on the permit such as the permit being renewed annually after an inspection by the County Building Department. The fee for the permit will be reflected by publication fees, inspector fees, and all other fees accumulated during the approval process. The annual fee may be subject to change according to the degree of inspection and changes or corrections of conditions required before the new permit may be issued.

10.7 APPLICATION TO EXISTING TRAILER COURTS OR RECREATIONAL VEHICLE PARKS A mobile home park or recreational vehicle park lawfully in existence and used prior to adoption of this ordinance, may continue to be used and exist subject to the ordinance, rules, and regulations in force with respect thereto prior to the adoption of this ordinance and this ordinance shall apply to mobile home and recreational vehicle parks which come into use or existence after the adoption hereof, except that

10.7.1 When the use or existence of a recreational or mobile home park governed by the ordinance rules and regulations in effect prior to the passage of this ordinance affects the health, morals, safety or public welfare of the citizens of the County, then the Board shall cause such condition or conditions to be abated or further use denied.

10.7.2 If the use or existence of a recreational or mobile home park excepted from the provisions of this ordinance, is abandoned or denied for a period of six (6) months or more, then thereafter such recreational or mobile home park shall comply with the provisions of this ordinance as though it had come into being after its adoption.

10.7.3 Any alterations, additions or improvements to existing recreational or mobile home parks shall comply with the provisions of this ordinance.

10.7.4 No change or alteration in the plot plan shall be made without first making a written application for such change or alteration to the board and receiving a written permit therefrom.

10.8 MOBILE HOMES AND RECREATIONAL VEHICLES PROHIBITED OUTSIDE OF PARKS No occupied mobile home or recreational vehicle shall be parked outside of a licensed mobile home or recreational vehicle park, except as provided herein:

10.8.1 Emergency or temporary stopping or parking within the County is permitted subject to regulations or limitations imposed by the traffic and parking regulations and ordinances of the County and State of Idaho.

10.8.2 One (1) unoccupied mobile home or recreational vehicle may be stored by the owner on the rear one half of a residential lot. The unoccupied unit shall be parked so as to comply with established building lines, setback requirements and separations of the particular zone in which the unit is parked. In any event the unit will not be closer than four (4) feet to a property line.

10.8.3 These provisions shall not apply to or affect new or used mobile homes and recreational vehicles which are for sale and which are stored or placed on mobile home or recreational vehicle sales lots that have been established and which are otherwise subject to the required building and zoning provisions and ordinances of the County.

10.8.4 The placement of mobile homes on privately owned lots for dwelling purposes where permitted by the Caribou County Zoning Ordinance.

10.8.5 The placement of recreational vehicles in parks designated for that purpose where permitted by federal, State or County authority.

10.9 MOBILE HOME PARK STANDARDS

10.9.1 Each planned mobile home development shall contain a minimum of twenty five (25) development units.

10.9.2 No more than forty percent (40%) of any lot or place shall be covered by a mobile home nor shall more than forty-five percent (45%) of any lot or space be covered by any structure or structures including the mobile home. Buffer area shall not be included in this calculation.

10.9.3 The mobile home park owner shall insure that all mobile homes placed within the mobile home park shall within thirty (30) days of their installation be completely skirted with a material harmonious in color and texture with the exterior of the mobile home.

10.9.4 All mobile home parks shall have interior streets. All lots within a mobile home park shall have access to and abut upon an interior street. No mobile home lot shall have vehicular access to a public street, except via the interior street within the mobile home development. The interior street shall be designed for vehicular traffic, shall be constructed and maintained according to this ordinance, not dedicated to the public, and shall provide access to and abut upon all spaces within the mobile home park, and shall allow access upon to a public street.

10.9.5 The general layout of a mobile home park shall provide adequate circulation space within its confines and integrate with any existing or planned street pattern in the general area of the development. Public street dedication may be required if needed to provide proper integration with existing or planned streets.

10.9.6 MINIMUM REQUIREMENTS FOR EACH MOBILE HOME LOT

minimum width40 feet

minimum area..... 3600 square feet

minimum parking area a paved or concrete space of not less than 400 square feet

minimum front set back from interior park streets10 feet

minimum side yard setback from interior park street· .. 10 feet

minimum space between mobile homes···· .. 15 feet

minimum rear yard ..7.5 feet

minimum accessory patio area120 square feet The accessory patio is to be constructed of concrete or masonry material to a minimum thickness of four (4) inches.

10.9.7 UTILITIES The park shall be equipped with a system acceptable to the board and to the Southeastern District Health Department or other public authority of the State, in a form that will make them readily useable by conventional mobile homes. All utilities shall be underground and shall meet a minimum standard.

10.9.7.1 All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the Board, shall be adequately vented and shall have water tight joints.

10.9.7.2 Each mobile home stand shall be provided with at least a four inch diameter sewer riser pipe. The riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.

10.9.7.3 The sewer connection shall have a slope of at least one fourth (1/ 4) inch per foot. provided that the total distance shall not exceed 12 feet. The sewer connection shall consist of one pipe line only without any branch fittings. All sewer connections shall have water tight joints

10.9.7.4 All materials used for sewer connections shall be rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

10.9.7.5 The riser shall be protected within a concrete curb or by a concrete collar at least three inches thick and extending 12 inches from the riser in all directions. The finished grade shall be sloped to divert surface drainage away from the connection. The riser shall be protected from heaving and thawing by backfilling the trench with sand from the trench bottom to an elevation suitable to support the protective collar. The sewer connection shall be equipped with couplings that will assure tight joints at the mobile home and at the drain. The risers shall be plugged when the mobile home does not occupy the space.

10.9.7.6 All plumbing within each mobile home and all plumbing within the mobile home park shall comply with the standards of the State of Idaho

10.9.7.7 The water distribution system shall be so designed and maintained to provide a pressure of not less than 20 pounds per square inch under normal operating conditions at the service building and other locations requiring potable water supply and be of the size required by the State of Idaho.

10.9.7.8 Fire hydrants shall be required to maintain standards of fire protection not more than 500 feet from any mobile home.

10.9.7.9 Individual water· riser pipes and connections shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.

10.9.7.10 Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

10.9.7.11 A water shut off valve below the frost line shall be provided near the water riser pipe on each mobile home.

10.9.7.12 Underground stop and waste valves shall be installed on each water service.

10.9.8 ACCESSORY STRUCTURES The occupant of any space in a mobile home park may erect or install accessory structures such as patio covers, storage building or cabanas provided such structures shall be incombustible and harmonious in design with the mobile home to which they belong. They shall in no instance violate the minimum space and setback requirements herein contained

10.9.9 STREETS AND ROADS All interior park streets shall be at least 40 feet in width with cement curbs and gutters in accordance with specifications as prescribed by the County, and which shall be part of a street system which feeds directly into a public street or highway. The maximum length of a cul-de-sac street shall be 400 feet and the minimum radius of the turning circle at the end of a cul-de-sac shall be 50 feet. Streets shall have at least six (6) inches of sub base, two (2) inches prepared base, and two and one-half (2 1/2) inches of plant mix hot asphalt material

10.9.10 ELECTRICAL DISTRIBUTION SYSTEM

10.9.10.1 Every park shall contain an electric wiring system consisting of wiring, fixture, equipment and appurtenances which shall be installed and maintained in accordance with the Electrical Code of the State of Idaho and such other regulations governing electrical distribution systems.

10.9.10.2 Individual electrical connections shall conform to the requirements of the electric code of the State of Idaho. Each mobile home shall have its own electric service and no park permittee shall distribute electricity.

10.9.10.3 The design and layout of the mobile home park will provide free access to meters, electrical devices, wiring for inspection, meter reading and other purposes associated with the distribution of electrical energy.

10.9.11 RECREATIONAL AREA A common recreation area properly landscaped, leveled and developed shall be provided for each park. In no case shall such area be less than four (4%) percent of the total area of the mobile home park. If the area requirement is to be met by small parks dispersed through the mobile home park, no single park area shall contain less than 6800 square feet.

10.9.12 DRAINAGE AND GRADE The grades of streets and roadways shall at no place in the park exceed seven(7%) percent. The entire area shall be adequately drained and stable. Storm drainage facilities shall be provided as required by the Board.

10.9.13 SIDEWALKS Pedestrian walkways, four(4) feet in width and constructed according to specifications as prescribed by the County shall be provided along the street frontage of all mobile home spaces and on the street frontage of all recreation and accessory areas.

10.9.14 RECREATIONAL VEHICLE STORAGE Each park shall contain an area set aside for parking recreational vehicles. Said area shall be fenced and contain 200 square feet for each mobile home space to be provided in the park.

10.9.15 SCREENING The periphery of every mobile home park shall have sight proof screening from adjacent private property and, at the discretion of the board, screening may be required adjacent to the public right-of-way. All screening shall be maintained in a good state of repair.

10.9.16 SUPERVISION An office shall be maintained on the park premises which allows residents to contact the park management at all times of the day.

10.9.17 LIGHTING Interior street lighting shall be provided which illuminates to an intensity of 1.5 foot candles at all places on the roadway.

10.9.18 SPACE NUMBERING Each space in any mobile home park shall be marked with its proper space number in a manner that will provide conspicuous identification for public safety personnel. Each numbering shall be subject to approval by the Board.

10.9.19 DOMESTIC ANIMALS OR PETS RESTRICTED No domestic animals or house pets shall be allowed to run at large or commit any nuisances within the limits of a mobile home park and the owners of said animals shall be subject to the penalty provisions of this ordinance for violation of the same.

10.9.20 LICENSE TRANSFER Any and all licenses or permits issued hereunder shall be personal to the licensee and be non-transferable without the written consent of the Board first being obtained.

10.9.21 SIGNS The Board may order the erection of any necessary vehicular and pedestrian control and regulatory signs within the park and owner shall immediately comply at his own expense.

10.10 STANDARDS FOR RECREATIONAL VEHICLE PARKS

10.10.1 LOCATION RELATIVE TO STREETS Recreational vehicle parks shall be located within at least sixty(60) feet of primary frontage on a public roadway of at least fifty(50) feet in width. Access to and from the park shall be directly onto the primary frontage street.

10.10.2 DRAINAGE All recreational vehicle parks shall be located in areas that are adequately drained and have substantially stable soils. Adequate storm drainage facilities shall be provided.

10.10.3 RECREATION AND PLAY AREA Recreation and common play area for the park shall be provided equivalent to 5% of the gross park area, and shall consist of well-kept lawn with both scattered trees and open spaces.

10.10.4 SIZE No recreational vehicle park shall contain less than 2.5 acres or 25 spaces, whichever requirement is less restrictive.

10.10.5 SPACES SIZE AND ORIENTATION Spaces for parking recreational vehicles shall be designated on a park map. Each space shall be located in such a manner as to facilitate maneuvers by vehicles larger than typical passenger cars. Spaces shall contain no less than 1500 square feet with a minimum 25 feet width and 60 feet length.

10.10.6 PARKING Each designated space shall contain enough room to park one vehicle in addition to the recreational vehicle. In addition to this the park shall contain additional surfaced parking area in the ratio of one space for each 5 recreational vehicle spaces in the park. Recreational vehicles placed in parks shall maintain the following distances from the reference points:

From rear space boundary10 feet

From any other recreational vehicle 15 feet

From any side line of space7.5 feet

10.10.7 WATER All recreational vehicle parks shall have adequate water and sewage facilities as approved by the Board and the State of Idaho.

10.10.8 SEWER Each park shall have a dump station for the emptying of the recreational vehicles holding tanks. This station shall directly empty into the sanitary sewer system of the recreational vehicle park and shall have sanitary safeguards that comply with State law and local ordinance. Where individual spaces have sewage hook ups they shall conform in all respects to State law and local ordinance.

10.10.9 SOLID WASTE DISPOSAL Provisions shall be made within the park for proper covered receptacles for the disposal of solid waste. The details and plans for this system shall require the approval of the Southeast District Health Department Official and the Board.

10.10.10 ELECTRICITY All spaces having electrical hook-ups shall have such in accordance with the terms of the Electrical Code and regulations of the State of Idaho. Compliance will be determined by the State of Idaho.

10.10.11 PLUMBING All plumbing of facilities within a recreational vehicle park shall be completed in accordance with the laws and regulations of the State of Idaho.

10.10.12 PLACEMENT OF UTILITIES All utilities shall be placed underground and located at depths sufficient to assure proper safety and sustained service. Where physical restrictions do not make it impossible, electric service lines shall be placed at the rear of the spaces for recreational vehicles.

10.10.13 STREETS Interior streets shall remain privately owned and maintained. To maintain the safety and convenience of the public, all streets shall meet the following standards:

Minimum width .. 30 feet

Minimum surface ... 6 inches of sub-base, 2 inches prepared base, and two and one-half inches of plant mix, hot asphalt material

Maximum grade .. 7%

10.10.14 PERSONAL SERVICE FACILITY Each park shall provide at least one (1) personal service building constructed of permanent material which can be easily cleaned and shall contain the following facilities. The following guide-lines are to be followed in constructing such a facility:

1. The structure shall be well ventilated and have a floor of concrete or similar material slightly sloped toward a central floor drain.

2. The structure or structures shall have facilities in the following number:

Toilets 1 unit per sex, per six spaces

Showers 1 unit per sex, per fifteen spaces

Lavatories .. at least two per sex, per fifteen spaces. Each shall be provided with paper towels and dispensable soap

A dressing room of at least 25 square feet shall be provided for each combination shower facility and lavatory.

3. Each facility shall have adequate hot water to serve the reasonable needs of a fully occupied park.

10.10.15 FIRE PROTECTION Where not in conflict with other portions of this ordinance, all recreational vehicle parks shall conform to the requirements of the fire regulations of Caribou County.

10.10.16 FUELS Any fuels used in recreational vehicle parks for cooking, heating or other purposes shall be used in accordance with County or State codes adopted to regulate the use of said fuels. Where said codes are in conflict the rule that provides the greatest protection of the public shall apply.

10.10.17 SCREENING AND BUFFER AREA Each recreational vehicle park where it abuts a residential area shall be separated from said residential area by sight proof fence at least 7 feet in height. The park shall be designed so that no recreational vehicle shall be parked within 15 feet of the perimeter of the park or within 20 feet of the edge of the right-of-way of the primary frontage street or streets.

10.10.18 LANDSCAPING Trees, shrubs and grasses of kind and quantity determined sufficient by the Board.

10.10.19 LIGHTING OF ROADWAYS Interior roadways shall be lighted with adequate fixtures to provide a minimum of 0.5 foot candles of illumination at all points on their surface.

10.10.20 REGISTRATION OF SPACEHOLDERS Every owner or operator of a recreational vehicle park shall maintain a register containing a record of all occupants of the spaces and times occupied. The register will be retained for a minimum of three years and shall be open to the Board or its designee. The register shall contain the following information:

1) Names and addresses of occupants of the park

2) The make and license number of motor vehicles and/or mobile homes. 3. The date of arrival and departure of each vehicle

10.10.21 PERMANENT ALTERATION OR CONSTRUCTION There shall be no permanent construction onto or alteration of units placed in recreational vehicle parks. Skirting is not permitted and wheels may removed for temporary repairs only. No flammable materials, rubbish or other materials which might create a nuisance may be stored underneath the floor of a unit parked in a recreational vehicle park.

10.10.22 TELEPHONE Each recreational vehicle park shall have available for 24 hour use a pay telephone placed in a central location.

10.10.23 SUPERVISION A manager or attendant shall be present and available at all times any recreational vehicle park is open serving the public.

10.10.24 SIGNS The board may order the erection of any necessary vehicular and pedestrian control and regulatory signs within the park and the owner shall immediately comply at his own expense.

10.10.25 DOMESTIC ANIMALS OR PETS RESTRICTED No domestic animals or house pets shall be allowed to run at large or commit any nuisance within the limits of a recreational vehicle park and the owners of said animals shall be subject to the penalty provisions of this ordinance for violation of the same.

CHAPTER ELEVEN MANUFACTURED/MOBILE HOME SITING STANDARDS

11.1 Manufactured homes meeting definition requirements of chapter two of this ordinance and the Idaho Manufactured Home Installation Standard may be sited on lots within the County after meeting the requirements of this chapter.

11.2 Manufactured home does not include recreational vehicles

11.3 Said home shall be a least fourteen(14) feet wide with a minimum floor area of nine hundred sixty(960)square feet.

11.4 Roof shall meet sixty(60) pounds per square foot combined live and dead weight snow load requirements of the County. If the home does not meet snow load requirements a Ramada is permitted to be constructed to comply with snow load requirement.

11.5 Shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing materials commonly used on surrounding dwellings.

11.6 Shall have a foundation fascia that is similar in appearance and durability to the masonry foundation of site built dwellings and which encloses the entire space between the structure and the finished grade.

11.7 Shall be permanently affixed and set upon a foundation base having an anchoring system that is totally concealed under the structure. The running gear and hitch shall be removed.

11.8 Shall obtain a building permit from the Caribou County Building Department to insure that the home is placed on site in accordance with the Idaho Manufactured Home Installation Standard.

11.9 The home shall meet all other State of Idaho requirements.

CHAPTER TWELVE PERMITS

12.1 PERMIT REQUIRED Any person, persons, firm or corporation prior to causing or allowing construction, enlargement, alteration, repair, movement, demolition or change of occupancy of any building or structure shall first obtain a permit and comply with the provisions of the currently adopted building code and the provisions of this ordinance. The type of permit required will be determined and issued by the Building Department.

This includes, but not limited to:

1. Zoning permit: Construction or installation exempt from the current adopted building code two hundred (200) square feet or less of floor space, but subject to proper placement. Fee is set by resolution of the Board.
2. Building permit: Required for any construction or installation of any structure two hundred (200) square feet or more of floor space. These permits may also be required for non occupied structures. Compliance with all adopted building codes is required under this permit.
3. Temporary permit: This permit is issued for structures or facilities to be in one place no longer than a one hundred eighty day(180) period. Fee is set by resolution of the Board.
4. Moving permit: Issued for the moving of a structure or mobile home from one place to another.
5. Agricultural exempt permit: Issued for agricultural uses as defined by the building code as an agricultural occupancy.
6. Manufactured/mobile home installation permit. Issued for the installation of a manufactured or mobile home and which must comply with the Idaho Manufactured Housing Standard.
7. Historical building permit: Issued for restoration, construction, repair, improvements, changes of occupancy, demolition or other activity involving historical buildings or structures.
8. Industrial building permit: Issued for certain industrial occupancies. (see section 12.5)

12.2 APPLICATION FOR PERMIT Any person, persons, firm or corporation prior to constructing, enlarging, altering, repairing, moving improving removing, converting, demolishing, or cause or permit the same to be done, before commencing shall obtain and complete the proper permit application, and obtain the proper permit. All information required on the permit application shall be submitted therewith. Said application will be reviewed by the Building Department and upon approval will issue the proper permit with instructions for inspections, changes or allowances set by the building code and county ordinances. Some permit applications may be reviewed by the Planning and Zoning Commission before issuance of the permit.

12.3 PERMIT FEES Permit fees, other than those already established, will be determined by the valuation of the project or actual time and overhead accumulated during the permit approval process. Fees for construction permits of buildings will be determined by the valuation standards set by the International Code Council and the adopted fee schedule(see section 12.4).

12.3.1 BUILDING LOADS All structures required to comply with provisions of this ordinance will comply with the following:

1. Snow Load-50 PSF ground snow load as set by the building code and University of Idaho engineering department.
- 2) Wind load-90 MPH 3 second gust, 75 MPH sustained
- 3) Winter design tem- 0 degrees Fahrenheit
- 4) Seismic zone D-1
5. Frost depth for concrete foundations is 36 inches from bottom of concrete to undisturbed soil surface.

12.4 FEE SCHEDULE

<u>VALUATION</u>	<u>FEE</u>
\$1.00 to \$500.....	\$23.50 plus inspection costs
\$501 to \$2000.....	\$23.50 for the first \$500 plus \$3.05 for each additional \$100
\$2001 to \$25,000.....	\$69.25 for the first \$2000 plus \$14 each additional \$1000
\$25001 to \$50,000.....	\$391.25 for the first \$25000 plus \$10.10 for each additional \$1000
\$50,001 to \$100,000.....	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1000
\$100,001 to \$500,000.....	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000
\$500,001 to \$1,000,000.....	\$3233.75 for the first \$500,000 plus \$4.75 for each additional \$1000
\$1,000,001 and up.....	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000

Each partial \$1000 will be considered as the next \$1000
Hook up fees and impact fees may also apply

12.5 INDUSTRIAL BUILDING PERMITS

12.5.1 Industrial facilities will be required to complete a special permit application supplied by the County Building Department.

12.5.2 Unless specifically exempt under Idaho Law and the current adopted building code all industrial construction in Caribou County shall be subject to the permitting and code requirements of that code. Industry shall apply to the Caribou County Building Department for such a permit or a determination that permitting is not required.

12.5.3 The ultimate decision as to whether a structure is exempt lies with the Caribou County Building Department and the Caribou County Planning and Zoning Commission who is authorized to obtain the documentation necessary to make this determination for any given structure.

12.5.4 The County shall be informed of all construction projects except repair or regular maintenance projects which are undertaken by industry so determination can be made whether the code applies. Repair or maintenance shall not include construction that alters the original footprint of a structure.

12.5.5 The County reserves the right to require that special inspectors or assistance from other agencies be hired by the permit holder and reports from these inspectors or agencies be supplied to the Caribou County Building Department for review.

CHAPTER THIRTEEN CONDITIONAL USE PERMITS

13.1 PROCEDURE FOR CONDITIONAL USE PERMIT A conditional use permit may be granted to an applicant upon fee paid pursuant to schedule as established by resolution of the Board, if the proposed use is otherwise prohibited by the terms of this ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the intent of the plan. A conditional use permit application will expire if not enacted in one(1) year.

13.2 CONTENT OF APPLICATION An application for a conditional use permit shall be filed with the Commission by at least one(1) owner or lessee of property for which such special use is proposed. At a minimum the application shall contain the following information:

- 1) Name, address and telephone number of applicant
- 2) Legal description of the property
- 3) Description of existing use
- 4) Zoning District
- 5) Description of proposed conditional use
6. A plan drawn to scale of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent of this ordinance.
7. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property. A discussion of the general compatibility with adjacent and other properties in the district and the relationship of the proposed use to the Comprehensive Plan.
8. A Land Capability Report may be required by the Commission. The Land Capability Report submitted by the applicant shall contain information concerning the environmental and use capacity of the lands within the proposed development and the probable effects of the proposed land uses and land coverage. With respect to environmental and use capacity the report shall contain detailed information concerning topography and slopes, geologic conditions and hazards, soil properties, capabilities and limitations, surface and ground water conditions, vegetation characteristics and related environmental factors pertinent to the property. With respect to the effects of proposed land uses and land coverage the report shall contain detailed maps and other information concerning grading, planting, re-vegetation, landscaping, drainage and other means proposed to avoid the environmental problems characteristic of the site. A preliminary site plan showing lot lines, roads, and buildings. A statement as to the impact of the proposed uses on educational facilities, fire and recreational facilities and other off-site implications of the proposed uses such as availability of water, power and sewage treatment.

13.3 PUBLIC SITES AND OPEN SPACES Public sites and open spaces shall conform to the following:

1. Public Uses: Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map as authorized in Section 67-6517, Idaho Code, is located in whole or in part within a proposed development, the Commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within a reasonable time period of the date of notice, the public agency may request the governing body to suspend consideration on the permit for sixty five (65) days from the date of the request, however, if an agreement is not reached within sixty five (65) days the Commission shall resume consideration of the Conditional Use Permit application.
2. Natural Features: Existing natural features that add value to residential development and enhance the attractiveness of the community, such as trees, watercourses, historic spots and similar irreplaceable assets, should be preserved in the design and development.

3. Special Developments: In the case of planned unit developments and large-scale developments, the Commission may require sufficient park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development.

13.4 PROCEDURE FOR HEARING, NOTICE Prior to granting a Conditional Use Permit at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing notice of the time and place and a general summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement, Notice shall also be provided to property owners and residents within the land being considered, and any additional area that may be substantially impacted by the proposed conditional use as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient, provided the third notice appears ten (10) days prior to the public hearing.

13.5 ACTION BY THE COMMISSION AND BOARD Within a reasonable amount of time period after the public hearing the Commission shall recommend to the Board its approval, conditional approval, or disapproval of the application as presented. The Board shall consider the same and approve, disapprove or grant conditional approval within a reasonable time period after receipt thereof. Upon granting of a Conditional Use Permit, conditions may be attached to a Conditional Use Permit including but not limited to those:

- 1) Minimizing adverse impact on other development
- 2) Controlling the sequence and time of development
- 3) Controlling the duration of development
- 4) Assuring the development is maintained properly
- 5) Designating the exact location and nature of development
- 6) Requiring the provision for on-site or off-site public facilities or services
7. Requiring more restrictive standards than those generally required in this Ordinance

Prior to recommending a Conditional Use Permit the Commission may request studies from the Planning Staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. A Conditional Use Permit shall not be considered as establishing a binding precedent to grant other Conditional Use Permits. A Conditional Use Permit is non transferable from one parcel of land to another. Upon granting or denying an application the Commission shall specify:

- 1) The Ordinance and standards used in evaluating the application
- 2) The facts and reasons for approval or denial

The actions, if any, the applicant could take to obtain a permit.

CHAPTER FOURTEEN VARIANCE

14.1 PROCEDURE FOR VARIANCE PERMIT The Commission may authorize in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures and buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship. Finally the reason for a variance was not caused by the owner's or previous owner's actions.

14.2 APPLICATION AND STANDARDS FOR VARIANCES A variance from the terms of this Ordinance shall not be granted by the Commission unless and until a written application for a variance is submitted to the Planning and Zoning Commission containing at least but not limited to the following:

- 1) Name, address and telephone number of applicant(s)
- 2) Legal description of property
- 3) Description of nature of variance requested
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That a lateral interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this Ordinance
 - c) That special conditions and circumstances do not result from the actions of the applicant
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

A variance will not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it that support conclusions that the abovementioned standards and conditions have been met by the applicant.

14.3 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS Under no circumstances shall the Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any variance the Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

14.4 PUBLIC HEARING Upon receipt of the application for a variance, the Commission shall hold a public hearing, give public notice in a newspaper and give written notice to adjoining property owners as required for Conditional Use Permits. Affected property owners will be notified as required by Chapter thirteen Section 13.4 Conditional Use Permit.

14.4 ACTION BY THE COMMISSION AND BOARD Within a reasonable time period after the public hearing the Commission shall recommend to the Board approval, conditional approval, or disapproval of the request for variance. The Board shall approve, disapprove, or conditionally approve within a reasonable time period after recommendation by the Commission. Upon granting or denying an application the Board shall specify:

- 1) The Ordinance and standards used in evaluating the application
- 2) The facts and reasons for approval or denial
3. What actions, if any, the application could take to obtain a permit

14.5 NOTIFICATION TO APPLICANT Within ten (10) days after a decision has been rendered, the Board shall provide the applicant with written notice of the action on the request.

CHAPTER FIFTEEN REZONING PROCESS

15.1 GENERAL Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board may, after receipt of recommendation thereon from the Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

15.2 INITIATION OF ZONING AMENDMENTS Amendments to this Ordinance may be initiated in one of the following ways:

- 1) By adoption of a motion by the Commission
- 2) By adoption of a motion by the Board
3. By the filing of an application by a property owner or a person who has existing interest in property within the area to be changed or affected by said amendment..

15.3 CONTENTS OF APPLICATION Applications for amendments to the Official Zoning Map in chapter four of this Ordinance shall contain at least, but not limited to, the following information:

- 1) Name, address, and telephone number of applicant
- 2) Proposed amending ordinance, approved as to form by the Board
- 3) Present land use
- 4) Present zoning district
- 5) Proposed use
- 6) Proposed zoning district
7. A vicinity map at a scale approved by the Board showing property lines, thoroughfares, existing and proposed zoning and such other items as the Board may require.
8. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
9. A statement of how the proposed zone change relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area
10. A fee according to schedule as established by resolution of the Board,

15.4 TRANSMITTAL TO COMMISSION Zoning districts shall be changed in the following manner:

1. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission who shall evaluate the request to determine the extent and nature of the amendment requested.
2. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend and the Board may adopt or reject the Ordinance amendment under the notice and hearing procedures as herein provided
3. If the request is not in accordance with the adopted Comprehensive Plan, the request shall be submitted to the Commission, which shall recommend, and the Board may adopt or reject an amendment to the Comprehensive Plan under the notice and hearing procedures provided in Section 67-6509 Idaho Code. After the Comprehensive Plan has been amended, the Zoning ordinance may be amended as hereinafter provided for.

15.5 COMMISSION PUBLIC HEARING The Commission shall hold a public hearing and make recommendations or proposed zoning amendments. Zoning amendments may consist of text or map revisions.

15.5.1 ZONING ORDINANCE TEXT AMENDMENT The Commission, prior to recommending a Zoning Ordinance text amendment to the Board, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place, and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Board if the Board will not conduct a subsequent public hearing concerning the proposed change. If the Board will conduct a subsequent public hearing, notice of the Planning and Zoning Commission recommendation shall be included in the notice of public hearing provided by the Board.

15.5.2 ZONING ORDINANCE MAP AMENDMENT The Commission, prior to recommending a Zoning Ordinance Map Amendment that is in accordance with the Comprehensive Plan to the Board, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation with the jurisdiction. Additional notice shall be provided by mail to property owners and residents within the land being considered and property owners within three hundred (300) feet of the land being considered and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents in lieu of the mail notification three (3) notices in the official newspaper or paper of general circulation is sufficient provided the third notice appears not less than ten (10) days prior to the hearing. Following the Commission's hearing if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendations to the Board if the Board will not conduct a subsequent public hearing concerning the proposed change. If the Board will conduct a subsequent public hearing, notice of the Planning and Zoning Commission recommendation shall be included in the notice of public hearing provided by the Board.

15.6 RECOMMENDATION BY COMMISSION Within a reasonable time period after the public hearing of the proposed amendment the Commission shall transmit its recommendation to the Board. The Commission may recommend the amendment be granted as requested or it may recommend the amendment be denied. The Commission shall insure that any favorable recommendations for amendments are in accordance with the Comprehensive Plan established goals and policies.

15.7 ACTION BY THE BOARD The Board, prior to adopting, revising or rejecting the amendment to the Zoning Ordinance as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Board hearing if the Board makes a material change from what was presented at the public hearing further notice and hearing shall be provided before the Board adopts the amendment. Within a reasonable time period after the public hearing of the proposed amendment the Board shall accept the recommendation of the Commission's report unless rejected by a vote of one-half (1/2) plus one of the members. Upon granting or denying an application to amend the Zoning Ordinance the Board shall specify:

- 1) The Ordinance and standards used in evaluating the application
- 2) The facts and reasons for approval or denial
3. The actions, if any, the applicant can take to obtain an amendment

15.8 RESUBMISSION OF APPLICATION No application for reclassification of any property which has been denied by the Board shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same within a period of one year from the date of such final action unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

15.9 ZONING UPON ANNEXATION Prior to annexation of an unincorporated area by a city the Commission shall make a recommendation to the City Planning and Zoning Commission for changes to the Comprehensive Plan and Zoning Ordinance for the unincorporated area.

CHAPTER SIXTEEN DEVELOPMENT AGREEMENTS

16.1 PURPOSE 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).

16.2 APPLICABILITY 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.

16.3 AGREEMENT PROPOSAL 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.

16.4 RECOMMENDATION 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.

16.5 CONTENT 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:

16.5.1 AFFIDAVIT 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

16.5.2 USE The specific use or uses of the property affected by the development agreement.

16.5.3 CONCEPT PLAN The concept plan, which shall include, but not be limited to:

- 1) Three (3) at least (18" x 24") site plans and one 8 1/2" x 11" drawing showing
 - a) Existing structure(s) that will remain labeled as to existing and proposed uses.
 - b. 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.
 - c) North arrow
 - d) Scale
 - e) Property boundaries
 - f) Names of applicant, owners if different than applicant preparer and project
 - g) Size of project
 - h. Existing vegetation
 - i) Existing and proposed grades for hillside developments j. Parking areas with total number of parking spaces
 - k. Locations and widths of right of way, easements, canals, ditches and property lines l. Drainage features
 - m. Conceptual landscape plan
 - N. Interior streets and access streets

16.5.4 TIME PERIOD The time period for which the agreement is to be valid

16.5.5 STATEMENT 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 it preexisting state or to the preexisting zone.

16.5.6 TIME LIMIT 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

16.5.7 PHASING SCHEDULE Any proposed phasing schedule

16.6 PROCESS Whenever a development agreement is requested or proposed the Planning and Zoning staff will work with the applicant to prepare the agreement. 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. 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. 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. After the Board receives the recommendation from the Commission the Board shall hold a public hearing on the proposed development agreement. 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. 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.

16.7 RECORD Development agreements shall be recorded in the office of the County Recorder and shall effect upon adoption of the amendment of the Zoning Ordinance or approval of a subdivision or other development.

16.8 AGREEMENT BINDING Development agreements shall be binding upon the owner or developer and the Board as set out in Idaho Code section 67-6511-A.

16.9 TERMINATION REVERSAL 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 agree upon, and after complying with the notice and hearing requirements as set forth in Idaho Code section 67-6509.

16.10 SUBSEQUENT OWNERS 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.

16.11 BOARD OBLIGATION 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.

16.12 WRITTEN CONSENT 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.

16.13 VIOLATION AND ENFORCEMENT 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.

16.14 DEVELOPER AS APPLICANT 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.

16.15 OTHER AGREEMENTS, TERMS AND CONDITIONS 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 SEVENTEEN PARKING

17.1 GENERAL REQUIREMENTS No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-road parking and loading spaces have been provided in accordance with the provisions of this ordinance.

17.1.2 The provisions of this chapter except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this ordinance.

17.2 STANDARDS

17.2.1 LOCATION OF PARKING SPACES The following regulations shall govern the location of off-street parking spaces and areas:

- a) Parking spaces for all detached residential uses shall be located on the same lot as the use they are intended to serve
- b) Parking spaces for commercial, industrial or institutional use shall be located not more than five hundred (500) feet from the principal use.
- c) Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

17.2.2 LOADING SPACE REQUIREMENTS AND DIMENSIONS Off-street loading spaces for commercial uses may be required by the County

17.2.3 MAINTENANCE The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris

17.2.4 SURFACE The required number of parking and loading spaces as set forth in the section below, Parking Space Requirements, together with driveways, aisles and other circulation areas, shall be improved to County standards for gravel road construction. The surface will be constructed to a standard equal to or better than the public road it adjoins.

17.2.5 DRAINAGE All parking and loading areas shall provide for proper drainage on site of surface water as approved by the County.

17.2.6 LIGHTING Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.

17.2.7 ACCESS Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private road shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private road.

17.2.8 SCREENING/AND OR LANDSCAPING Whenever a parking area screened on any sides adjoin or face other properties, the planting screen shall be not less than four (4) feet and not more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential zone shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Landscaping shall meet all standards a set forth by the County.

17.2.9 WHEEL BLOCKS Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

17.2.10 MINIMUM DISTANCE SETBACKS No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptable designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road, pedestrian walkway or alley right-of-way.

17.2.11 DISABLED VEHICLES The parking of a disabled vehicle within a residential or commercial zone for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

17.2.12 JOINT USE Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap provided that a written agreement approved by the County shall be filed with the application for a building permit.

17.3 Off STREET PARKING DESIGN AND DIMENSIONAL TABLES

	Degrees			
	45	60	90	parallel
A. Width of Parking Space	13'	10'	9'	9'
B. Length of Parking Space	15'	18'	19'	23'
C. Width of Driveway Aisle	13'	17'	25'	12'

17.4 PARKING SPACE REQUIREMENTS For the purpose of this ordinance the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
Residential	
1. Single family or two (2) family dwelling	Two (2) for each unit
2. Apartments, or multi-family dwelling	One and one-half (1½) for each unit
3. Boarding houses, rooming houses, dorm	One (1) for each story and fraternity houses which have sleeping room and/or one (1) for each sleeping rooms, permanent occupant
4. Manufactured home park	Two (2) for each unit
Commercial	
1. Automobile service garages which also provide repair	One (1) for each two (2) gasoline pumps and two (2) for each service bay
2. Hotels, motels	One (1) per each sleeping room each and (2) employees
3. Funeral parlors, mortuaries and similar	One for each four (4) person capacity in the viewing type uses and Chapel areas.
Recreational or Entertainment	
1. Dining rooms, restaurants, taverns	One (1) for each two hundred square feet area in nightclubs, etc., (200 sq ft. of floor area)
2. Bowling Alleys	Four (4) for each alley or for each one hundred (100) sq. ft. of the area used for restaurant, cocktail lounge or similar use
3. Dance floors, skating rinks	One (1) for each one hundred (100) sq. ft. of floor area used for the activity
4. Outdoor swimming pools, public or community or club	One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) sq. ft. floor area used for seating purposes which ever is greater
5. Auditoriums, sports arenas, theaters and similar uses	One (1) for each four (4) seats
6. Retail Stores	One (1) for each two hundred and fifty (250) sq. ft. floor area

<p>7. Banks, financial institutions</p> <p>8. Offices, public or professional administration service building</p> <p>9. All other types of business or commercial uses permitted in any business zone.</p>	<p>One (1) for each two hundred(200) sq.ft. similar uses of floor area.</p> <p>One (1) for each four hundred(400) sq. ft. of floor area.</p> <p>One (1) for each three hundred(300) sq. ft. of floor area.</p>
Institutional	
<p>1. Churches or other places of religious assembly</p> <p>2. Hospitals</p> <p>3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar</p> <p>4. Medical and dental clinics, office and waiting rooms</p> <p>5. Libraries, museums and art galleries</p>	<p>One (1) for each five(5) seats</p> <p>One (1) for each bed</p> <p>One (1) for each two(2) beds</p> <p>One (1) for every two hundred(200) sq. ft. floor area.</p> <p>One (1) for each four hundred(400) sq. ft. floor area</p>
Schools(public, Parochial or Private)	
<p>1. Elementary and Junior High Schools</p> <p>2. High Schools</p> <p>3. Business, technical and trade schools</p> <p>4. College, Universities</p> <p>5. Kindergartens, child care center</p>	<p>Two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly halls.</p> <p>One (1) for every five (5) students and one (1) for each teacher and employee</p> <p>One (1) for each two (2) students</p> <p>One for each four (4) students</p> <p>Two (2) for each classroom but not less than six (6) for the building.</p>
Manufacturing	
<p>1. All types of manufacturing storage</p>	<p>One (1) for every two (2) employees (Except, parcel delivery and freight for which the building is terminal designed) plus one (1) for each motor vehicle used in the business.</p>

CHAPTER EIGHTEEN SIGNS

18.1 DEFINITIONS Advertising structures, signs or displays are defined as any outdoor structure, display, light device, figure, painting, drawing, message, plaque, billboard, or other things that are designed, intended or used to advertise or inform. For simplicity the term "advertising sign" is used in this ordinance. It is not intended to include official notices, notices posted in performing a public duty, directional wording or informational structures required or authorized by law regarding utility facilities or services or official or public structures within its territorial jurisdiction which contain the name of such city or county.

Commercial or industrial activities are those activities generally recognized as commercial or industrial falling within those designated zones, except that none of the following activities shall be considered commercial or industrial:

- 1) Transient or temporary activities
- 2) Activities not visible from the main traveled way
- 3) Activities conducted in a building principally used as a residence
- 4) Railroad tracks and minor sidings

Erect means to construct, build, raise, assemble, place, affix, create, paint, draw or in any other way bring into being or establish, but does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of a sign.

Urban areas means any geographic area within the city limits of any incorporated city
Visible means capable of being seen without visual aid by a person of normal visual acuity.

18.2 LOCATIONS WHERE SIGNS MAY NOT BE ERECTED

1. No private signs may be erected within the highway or county road right-of-way.
2. Adjacent to the right-of-way of any controlled highway or county road, no signs except for On Premise, For Sale, Directional and Official signs may be erected.

Alternative: Only On Premise, For Sale, Directional, Idaho State owned and Caribou County owned signs may be erected in the County except as set forth below.

3. Advertising signs may be erected only in qualifying commercial and industrial zones. They must conform to specific size, lighting and spacing standards even in those areas. They must have and display a Caribou County permit which is issued only when the sign meets all requirements. Agricultural, forestry, grazing, farming and related activities including wayside fresh produce stands may be installed if all conditions of this chapter are met.

18.3 QUALIFYING COMMERCIAL AND INDUSTRIAL ZONES A zoned commercial or industrial area may be considered for a sign site where there is an actual commercial or industrial use. Zoning for the sole purpose of allowing advertising structures or in anticipation of commercial or industrial uses at an uncertain future date is not recognized for the purpose of permitting the erection of advertising signs.

18.4 STANDARDS FOR MAXIMUM ADVERTISING SIGNS The maximum size of advertising displays, including border, trim, cutouts and extensions are:

Maximum area1000 square feet

Maximum height... 30 feet

Maximum length 50 feet

The sign face area is measured by the smallest square, rectangle, triangle, circle or combination of these that includes the entire advertising device including border, trim, cutout and extension, but not supporters and decorative bases.

18.5 STANDARDS FOR USE OF LIGHTING ON ADVERTISING SIGNS An advertising sign cannot be illuminated so that it:

- 1) Interferes with the effectiveness of, or obscures an official traffic sign, device or signal.
2. Is visible from any primary highway or county road and displays red or blinking intermittent light likely to be mistaken for a warning or danger signal.

3. Is of such brilliance and is so positioned as to blind or dazzle the vision of travelers on adjacent highways or county roads.

18.6 STANDARDS FOR SPACING OF SIGNS Spacing of signs on highways or county roads is measured independently along each side of the road. Signs erected by public agencies or on premise signs are not counted in determining compliance with spacing requirement.

The minimum spacing along roads in Caribou County is one hundred (100) feet. However the number of signs cannot exceed the length of the area measured along the centerline of the road divided by two hundred fifty (250) feet, two signs will be permitted at a single location, either double faced, V type, or back to back, but shall be considered one sign for the purpose of spacing requirements. A sign structure may contain one or more advertisements on each face but the maximum area per face cannot exceed one thousand (1000) square feet and be considered one sign for the purpose of spacing regulation.

18.7 SPACING FROM FEATURES OR ACTIVITIES Advertising signs may not be located within five hundred (500) feet of the following activities that are adjacent to the highway.

1. Public parks, public forests and public playgrounds
2. Scenic areas designated as such by any state agency
3. Within five hundred (500) feet of a railroad overpass or highway grade and there is not traffic connection between highways.
4. Within five hundred (500) feet of the point of pavement widening at the entrance or exit to a rest area, weight checking stations, port of entry or any other government operated facility for use by motorists.
5. Where intersections are more than five hundred (500) feet apart, advertising signs are not permitted within one hundred (100) feet from the right-of-way line of the intersecting road unless buildings or structures control cross vision. In such cases advertising signs may be permitted up to and on top of the intervening structures.

Where intersections are 500 feet or less apart advertising signs are permitted a minimum of 50 feet from the right-of-way line of the intersecting road provided all signs between 50 and 100 feet from the intersecting road right-of-way line must have the lower extremities of the display not less than 14 feet above the traveled way of the roads affected by the intersection for visibility under the signs by the road users. Advertising displays are permitted within 100 feet of the intersecting road right-of ways when the buildings or structures control cross vision but such displays must not be located so as to cause greater restriction to vision that the existing buildings or structures.

18.8 GENERAL PROHIBITIONS RELATING TO ADVERTISING SIGNS Caribou County prohibits signs that are placed or maintained in any of the following locations or any signs of the following nature:

- 1) Not maintained in a safe condition
- 2) Not clear or in good condition
- 3) Purported to direct the movement of traffic
4. Located within the stream or drainage canal or below the flood water level of any stream or drainage canal where the advertising display might be deluged by floodwaters and swept under any highway or road structure crossing the stream or drainage canal or against the supports of any road structure.
- 5) Painted, affixed or attached to any natural feature.
- 6) Located as to obscure the view of any connecting road or intersection.
7. Located as to hinder the clear, unobstructed view of approaching or merging traffic or obscure from view any traffic sign or other official sign.
8. Visible from any road and simulating or initiating any directional, warning, danger or information signs intended or likely to be construed as giving warnings of traffic.
9. Visible from the road and displaying any red, blue or blinking intermittent light likely to be mistaken for a warning signal.

18.9 SCENIC BYWAYS Scenic byways are specially designated roads where the pleasure of the

trip is found in the quality of the scenery along the way. In order to retain the special character of these byways, new advertising signs may not be built along them. Existing signs may be maintained. On Premise and "For Sale" signs may also continue to be erected as can directional and official signs_

18.10 APPLICATION FOR A PERMIT A sign permit application may be obtained at the Clerk's Office in the Caribou County Courthouse. The applications shall require:

- 1) Name of applicant
- 2) Location of property sign will be placed upon
- 3) Permission of property owner
- 4) Sign message
- 5) Site plan
- 6) Zoning designation
7. Attachment of an ITD approve sign permit if the proposed sign is adjacent to or visible from a Idaho State Highway.
8. Other information as may be required by the County.

Sign permits must be renewed annually. Fees will be set by resolution of the Board

18.11 NUISANCES All advertising displays which are placed or which exist in violation of the provisions of this chapter are public nuisances and may be removed by the County.

**CHAPTER NINETEEN
JUNK ORDINANCE**

CHAPTER TWENTY CONFINED ANIMAL FEEDING OPERATIONS(CAFO)

20.1 PURPOSE The purpose of the CAFO regulations is to insure that these types of agricultural operations are appropriately placed and protected in Caribou County

20.2 DEFINITIONS

1. CAFO A lot or facility where the following conditions are met:

a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 120 consecutive days or more in a twelve month period

b. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

c. 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.

2. AFFECTED PERSON 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.

3. ANIMAL UNITS To calculate the number of animal units multiply the number of animals in the CAFO by the animal equivalency factor. "Animal Unit" means a unit of measurement for any animal feeding operation. See section 20.14.

4. APPLICANT Any person or legal entity initiating an application for any action or provision authorized under this title.

5. CAFO SITE ADVISORY TEAM 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.

a. "Environmental risk" shall mean that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the determination report.

b. "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.

6. MCL Maximum Contaminant Level in the Idaho Department of Health and Welfare's Water Quality Standards and Wastewater Treatment Requirements.

7. ONE TIME ANIMAL UNIT CAPACITY The maximum number of animal units present at the CAFO at any specific moment in time.

8. REGISTRANT 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.

9. WASTE 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.

10. WASTE TREATMENT SYSTEM 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.

20.3 EXISTING CAFOS 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.

1. Name, address and telephone number of the registrant

2. Legal description of the CAFO

- 3) Existing Use
- 4) One time maximum number capacity of animal units
- 5) Zoning district
- 6) A site plan showing the following
 - A. Dimensions, size and location of existing improvements on the CAFO
 - B. Property lines, set backs and acreage
 - C. Feed storage areas
 - D. Confinement areas
 - E. Wells
 - F. Dead animal storage
- 7) A written description of the waste treatment system
- 8) Water rights permits or license from the State of Idaho
9. Other information as required by the Commission

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

20.3.2 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.

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

20.3.4 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.

20.4 SIGHTING PERMIT REQUIRED The following actions require a Sighting Permit prior to commencement:

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

20.4.1 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.

20.4.2 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.

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

20.5 CONTENTS OF APPLICATION FOR A SITING PERMIT Each application for a sighting permit shall contain the following:

- 1) Legal description and address of the proposed CAFO
- 2) The name and address of the applicant
- 3) The one time animal unit capacity of the operation
- 4) The type of animals to be confined

5. 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.
6. 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.
7. 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

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

8. 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.
9. 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. Water Quality Data to include:
 - A. Micro-organisms (bacteria or single cell)
 - B. Nutrients
 - C. Pharmaceuticals and organic compounds
12. 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
13. Written comment on and approval of the filed site plans from the applicable highway district.

14. Any other information required by the Commission.

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

20.6 SITE ADVISORY TEAM 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.

20.6.1 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.

20.6.2 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.

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

20.6.4 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.

20.7 PROCESS OF NOTICE AND APPLICATION HEARING The Commission shall review the application for completeness. Upon determining that the same is complete the Commission may require the applicant to submit the above information to the Idaho State CAFO Sighting Advisory Group, or similar agency, the Commission shall conduct a minimum of one public hearing. The hearing shall be advertised and conducted according to the requirements of sighting permits contained in the Caribou County Planning and Zoning Ordinance and Idaho Code 67-6509. Notice shall also be provided by first class mail to property owners within one and one half (1/2) miles of the CAFO and any person that has made written request to the County for notice. The applicant shall also physically post notices at the external boundaries of the site at least fifteen (15) days prior to the hearing. If the Commission determines the application is not complete, it shall inform the applicant so in writing within twenty (20) days of such determination. 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. 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.

20.8 CRITERIA FOR APPROVAL Prior to approval of a sighting permit for a CAFO the Commission must find that the new CAFO meets the following requirements.

20.8.1 GENERAL REQUIREMENTS

- 1) All CAFOs must be within an area zoned agriculture or industrial
2. All CAFOs shall be located a minimum one and one half (1/2) 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 area of impact.
- 3) The CAFO must comply with and not be in violation of any federal, state or local law.
4. 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.
5. All CAFOs must meet the "best management practices" standards as set by the Department of Agriculture.

20.8.2 WASTE MANAGEMENT

1. All CAFOs shall follow and be in compliance with any nutrient management plan required by any state or federal agency.
2. 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.

3. 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.
4. No waste treatment system shall be located and/or operated closer than five hundred (500) feet from a domestic well.
5. The waste treatment system shall have a one hundred (100) foot setback from the public right-of-way.
6. A CAFO shall be in compliance with all environmental regulations, requirements and permits imposed by state or federal law or any regulatory agency.
7. Aquaculture CAFOs are exempt from the waste treatment system setbacks except for the storage of solid waste on land.
8. There shall be no conveyance or transportation of liquid waste by open ditch.

20.8.3 WATER QUALITY

1. Operation of the CAFO will not cause, either alone or in conjunction with other causes, contamination of ground water and drinking water beyond MCLs.
2. There will be no discharge of pollutants into surface or ground water except as permitted by the appropriate state and federal agency with jurisdiction
3. 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.

20.8.4 SITE SETBACKS

1. 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. 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.
2. Corrals shall have a one hundred (100) foot setback from a public right-of-way.
3. All feed storage areas shall have a one hundred (100) foot setback from a public right-of-way and existing residences.
4. 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.
5. No CAFO improvements shall be located within one and one-half (1 1/2) 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 1 1/2 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.
6. Aquaculture CAFOs are exempt from the setbacks contained herein except for the storage of solid waste on the land.

20.9 GRANT OR DENIAL OF SIGHTING PERMIT

20.9.1 APPROVAL OR DISAPPROVAL 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. 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 sight-

ing advisory group or any other similar group.

20.9.2 VARIANCE 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. 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. 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.

20.9.3 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. 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.

20.10 OCCUPANCY CERTIFICATE REQUIRED 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.

20.11 PROCESS FOR OCCUPANCY CERTIFICATE

20.11.1 COMMENCEMENT NOTICE 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.

20.11.2 CHANGES OF FACILITIES 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.

20.11.3 CHANGE DETERMINATION 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.

20.11.4 CHANGE DENIAL 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.

20.11.5 COMPLAINT 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.

20.11.6 INSPECTION 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.

20.11.7 STOP WORK ORDER 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.

20.11.8 COMPLETION 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.

20.11.9 DENIAL 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.

20.12 APPEAL 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.

20.13 ENFORCEMENT

20.13.1 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

20.13.2 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. Following the hearing the Board may:

1. Find in favor of the CAFO
2. 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

20.13.3 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.

20.14 ANIMAL UNIT CHART

ANIMAL TYPES	FACTOR	NUMBER
DAIRY CATTLE		
milking and dry cows	1.4	357
heifers(2 years and older)	1.0	500
heifers(1 to 2 years old)	.7	714
calves(3 months to 1 yr.)	.4	1250
calves(under 3 months)	.25	2000
BEEF CATTLE AND BISON		
bull(each)	1.4	375
steers/cows(over 800 lbs)	1.0	500
steers/cows(600-800 lbs)	.6	833
calves(under 600 lbs)	.4	1250
SWINE		
pigs(55 lbs to market)	1.0	500
pigs(up to 55 lbs)	.5	1000
sows(each)	1.0	500
boars(each)	1.0	500
SHEEP		
(each)	15	3330
HORSE		
(each)	1.0	500
FISH		
(500 lbs)	1.0	250,000 lbs
CHICKENS		
layers	0.1	5000
broilers	0.1	5000
MINK		
(each)	0.5	1000
SPECIES NOT IDENTIFIED		
(350 lbs)	1.0	500

CHAPTER TWENTY ONE
ADOPTION OF THE INTERNATIONAL BUILDING CODES

A CHAPTER OF THE CARIBOU COUNTY ZONING ORDINANCE ADOPTING THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, AND THE INTERNATIONAL ENERGY CONSERVATION CODE: PROVIDING EXCEPTIONS:

PROVIDING FOR SEVERABILITY: REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CARIBOU COUNTY COMMISSIONERS OF THE COUNTY OF CARIBOU IDAHO

Section 1. Code Adoption: That the approved editions of the following nationally recognized codes, as adopted by the State of Idaho or the Idaho Building Code Board, are adopted as the official codes of the County of Caribou Idaho.

International Building Code, including all rules promulgated by the Board to provide equivalency with the provisions of the Americans with Disabilities Act, accessibility guidelines and federal Fair Housing Act accessibility guidelines.

International Residential Code parts I thru IV and part IX

International Energy Conservation Code

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted by the Idaho Building Code Board effective on the first day of the year following the date any such codes are made effective by the Idaho Building Code Board.

Section 2 Exemptions: Agricultural buildings are exempt from the building codes adopted herein but shall remain subject to placement requirements established by zoning regulations.

Section 3 Severability: This chapter is hereby declared to be severable. Should any portion of this chapter be declared invalid by court of competent jurisdiction, the remaining provisions shall continue in full force and affect and shall be read to carry out the purposes of this chapter before the declaration of partial invalidity.

Section 4 Repeal of Conflicting Provisions: All provisions of the current ordinance of Caribou County which conflict with the provisions of this chapter are hereby repealed to the extent of such conflict.

Section 5 Effective Date: This chapter shall be effective upon the passage and publication of the zoning ordinance of Caribou County Idaho as provided by law.

CHAPTER TWENTY TWO ADMINISTRATION

22.1 VIOLATION AND CRIMINAL PENALTIES Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and any such person, firm or corporation may be punished by a fine of not more than three hundred (\$300.00) dollars or by incarceration in the county jail for a period not to exceed one hundred eighty (180) days or both fine and imprisonment for each violation for each 24 hour period the violation has existed or both fine and imprisonment.

22.2 CIVIL ENFORCEMENT ACTIONS The prosecuting attorney may take whatever steps he determines appropriate to civilly enjoin any violation of this ordinance whether or not criminal action is taken. Nothing herein contained shall prevent the Board or any other public official or private citizen taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Idaho Code.

22.3 MEDIATION Mediation of planning and zoning issues may be provided in accordance with Idaho Code 67-6510 and any revisions.

22.4 PRIVATE PROPERTY RIGHTS In considering any development application under this code the Planning and Zoning Commission shall consider the following questions to ensure the protection of private property rights under Idaho Code.

1. Does the regulation or action result in the permanent or temporary physical occupation of the property?
- 2) Does the regulation or action require a property owner to dedicate a portion of property or grant an easement?
- 3) Does the regulation deprive the owner of all economically viable uses of the property?
- 4) Does the regulation have a significant impact on the landowner's economic interest?
- 5) Does the regulation deny a fundamental attribute of ownership?
- 6) Does the regulation serve the same purpose that would be served by directly prohibiting the use or action and does the condition imposed substantially advance that purpose?

22.5 DESIGNATED FEE All applications for amendment, reclassification, conditional use or variances shall be accompanied by a filing fee set by resolution of the Board causing the applicant to reimburse the County for all costs incurred in publication and/or mailing.

**CHAPTER TWENTY THREE
REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE**

23.1 All ordinances or parts of ordinances in conflict with this ordinance in hereby repealed.

23.2 This ordinance shall take affect after its approval, passage and publication according to law.

Approved and passed by the Board of County Commissioners of Caribou

County Idaho this 25th day of February, 2008



Commissioner 1st District



Commissioner 2nd District

Commissioner 3rd District

ATTEST:

