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FREMONT COUNTY DEVELOPMENT CODE
2011 EDITION

As revised.
All revisions passed subsequent to the original adoption are marked in blue.
Fremont County Board of Commissioners

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CHAPTER 1 - PURPOSE, AUTHORITY AND GENERAL PROVISIONS

1.01 What This Chapter Does. This chapter establishes the purpose of this Ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, establishes certain vested rights during the transition from the previous ordinance, provides rules for the continuation of nonconforming uses, and establishes rules for its interpretation and review.

1.02 Purpose. The purpose of this Ordinance shall be to promote the health, safety, and general welfare of the people of Fremont County by fulfilling the purposes and requirements of the Idaho Local Land Use Planning Act and implementing the adopted Fremont County Comprehensive Plan. Specific statements of purpose accompany selected provisions of this Ordinance, but the Comprehensive Plan provides the full statement of the County’s purpose and intent in planning and zoning activities.

1.03 Authority. This Ordinance is adopted pursuant to the authority granted by the Idaho Local Land Use Planning Act. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Land Use Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 67-6519, and the adoption of a hearing procedure required by I.C. 67-6534.

1.04 Conflicting Ordinances Repealed. So far as the provisions of this code are the same in effect as those of previously existing ordinances, they shall be construed as continuations thereof. However, all conflicting ordinances and resolutions of the County heretofore in force are repealed.

1.05 Repeal Shall Not Revive Any Ordinance. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby, unless the repealing ordinance specifically revives a previously repealed ordinance.

1.06 Preservation of Private Property Rights.

1.06.010 This Ordinance shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors’ use of their private property and equally protect each citizen’s right to use of their property without creating undue burden upon their neighbors.

1.06.020 In the administration of this Ordinance, every person shall be secure in their premises, and no employee of the county shall enter upon, investigate, or search any of the premises of any citizen without the consent of such citizen or order issued by a court of proper jurisdiction.

1.06.030 Every citizen of Fremont County shall have the right to appear in person or be represented by his or her agent before the board in the proper order of business to appeal a decision pursuant to the procedures contained in Chapter 3 of this Ordinance.

1.06.040 In the enforcement of this Ordinance, it shall be deemed to apply equally to each citizen and each property in similar circumstances, and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

1.07 Vested Rights. A vested right is the right to proceed with an Application under a previous set of regulations, or the right to proceed under this Ordinance, pursuant to an improvement agreement. Vested rights shall be established by:

1.07.010 Submitting an application for a permit under a previous set of regulations that has been accepted by the County for consideration, has been deemed substantially complete, and is within the procedural time constraints of such applications;

1.07.020 Recording a final plat in full compliance with its conditions and provisions;
1.07.030 Executing an improvement agreement in full compliance with the provisions of this Ordinance; or

1.07.040 Obtaining a Class I or Class II permit in full compliance with its provisions. Such vested rights expire with the permit. See Chapter 3 on the duration of permit approvals.

1.08 Most Restrictive Standards Apply. Should any of the provisions within this Ordinance conflict, the most restrictive applies, unless otherwise stipulated.

1.08.010 Effect on Other Provisions. The provisions of this Ordinance do not abrogate any other ordinance, statute, regulation, private covenant, agreement, or contract which is more restrictive or which requires greater performance in the regulation of any land use or application within the County.

1.08.020 No Relief from Other Provisions. Except as otherwise specifically provided, no provision of this Ordinance shall be construed as relieving any party, to whom compliance approval is issued, from any other provision of county, state, or federal law or from any provision, ordinance, or regulation of Fremont County requiring approval, license, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

1.08.030 Conflict with Private Agreements. This Ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, this Ordinance shall apply.

1.08.040 Restrictive Covenants. Unless a written, signed, properly executed agreement with clear and unequivocal language exists to the contrary, Fremont County is not a party to any restrictive covenant between private parties and will not enforce its terms.

1.09 Burden of Proof. The burden of proof shall, in all proceedings pursuant to this Ordinance, rest with the Applicant.

1.10 Procedural Guidelines. Where this Ordinance is silent on any procedure as to its application, the Idaho Rules of Civil Procedure shall apply.

1.11 Interpretation. All ordinance provisions shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Idaho Local Land Use Planning Act and the Fremont County Comprehensive Plan. This Ordinance is designed for consistency with the Comprehensive Plan and should be liberally construed as achieving that plan’s purposes and intent.

1.11.010 Language and Numbers.

a. Terminology. When used in this Ordinance, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word “shall” is mandatory, and the word “may” is permissive.

b. Number of Days. Whenever a number of days is specified in this Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this Ordinance, the number of days shall be construed as calendar days, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or Fremont County holiday.

c. Whole Numbers. Whenever a calculation or measurement results in a non-whole number, it shall be rounded up to the nearest whole number.

d. Minimum Requirements. When interpreting and applying the regulations of this Ordinance, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Ordinance.
e. Defined Terms. Terms defined in Chapter 10 of this Ordinance shall have their defined meanings when used elsewhere in this Ordinance, unless specifically otherwise defined. For the purpose of readability and clarity, such terms are not shown in initial caps.

f. Undefined Terms. Terms not defined in this Ordinance shall be interpreted or construed in accordance with their ordinary, plain, contemporary and common meaning.

g. Section and Division Headings. Section and division headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

h. References. All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

1.12 Annual Review. This Ordinance may be annually reviewed by the Commission (established in Chapter 2) in the anniversary month of its adoption in a public meeting exclusive to that review process. Any review shall establish whether or not the Ordinance, in whole or in part, remains consistent with the Comprehensive Plan; remains consistent with applicable federal and state law; continues to serve the purposes for which it was adopted; and adequately addresses all planning, zoning, and development issues allowed by authorizing statutes, laws, ordinances, and resolutions. Notwithstanding this annual review, any deficiency or inconsistency discovered in this Ordinance may immediately be addressed and corrected by the Commission and Board through the processes established herein.

1.13 Severability. Should any section, clause, or regulation of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid; each section, clause, or regulation hereof being declared severable.
CHAPTER 2 - PLANNING AND ZONING COMMISSION & ADMINISTRATOR

2.01 What This Chapter Does. This chapter establishes a County Planning and Zoning Commission (Commission), establishes a Design Review Board (DRB), provides for appointment of a Planning and Building Administrator (Administrator), and allows for the appointment of Hearing Officers.


2.02.010 Composition. The Commission shall consist of an odd number of not less than seven (7) and not more than eleven (11) members, appointed by the Board of County Commissioners (Board).
   a. As required by I.C. 67-6504(a):
      (1) All commission members shall have resided in Fremont County, Idaho, for at least two years prior to, and remain a resident for the duration of, their appointment;
      (2) A majority shall reside outside the boundaries of any city’s area of impact;
      (3) Not more than 1/3 may reside within an incorporated city with a population of 1,500 or more.

2.02.020 Appointment and Terms. Commission members shall serve terms of three years.
   a. Typically, members will not serve more than two full consecutive terms. However, in accordance with I.C. 67-6504(a)(3), the Board may appoint a member to more than two consecutive terms, if 2/3 of the Board concur.

2.02.030 At Will. Commission members serve at the will of the Board and may be removed from the Commission at any time, for any reason, with or without cause, by a majority vote of the Board.

2.02.040 Elections and Meetings. The Commission’s organization, meeting schedule, and procedures shall be regulated by adopted by-laws.

2.02.050 Duties of Commission. The Commission shall, as required by I.C. 67-6508, “conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan” for the County. The Commission shall exercise all powers granted it by the Idaho Local Land Use Planning Act and fulfill all duties required by this Ordinance.

2.03 Design Review Board (DRB). A Design Review Board is hereby established for the purposes outlined herein.

2.03.010 Elective Form. An independent and separate DRB is an elective advisory body and may be established, formed, or disbanded at the will of the Board. In the absence of an independent and separate embodied DRB, the Commission is hereby authorized to act in the capacity of the DRB when and where DRB review is required by this Ordinance.

2.03.020 Composition. The Fremont County Design Review Board (DRB) shall consist of an odd number of not less than five (5) and not more than eleven (11) members, who are residents, landowners, business owners, professional architects or land planners, and who either maintain primary residences or businesses or own land in the County.

2.03.030 Appointment and Terms. Members of the DRB shall be nominated by the Commission and approved by the Board. Members shall serve terms of two years. No member shall serve more than two full consecutive terms.

2.03.040 Elections and Meetings. The DRB shall be regulated by adopted by-laws that govern parliamentary and administrative procedures, including the election of a chairman, a vice chairman, and a secretary. Formative by-laws will be prepared by the Administrator.
2.03.050 Review and Recommendations. Where required by this Ordinance, the DRB shall review all plans for application in the County, except for single-family residential land uses and dwelling units, for compliance with the standards herein and shall make recommendations to the Commission and the Board prior to the approval of any permit requiring DRB review. In the event that the application is within the unincorporated boundaries of a Board/Commission recognized “community council” or “village committee,” the DRB shall confer with that entity before making a recommendation to the Commission.

2.04 Planning and Building Administrator. The Board shall appoint an Administrator, who shall perform the following duties:

2.04.010 Assist the public in understanding the applicability and requirements of this Ordinance;

2.04.020 Review applications for permits required by this Ordinance, accepting only complete applications, as required by Chapter 3;

2.04.030 Review applications for Class I permits for compliance with this Ordinance and approve or disapprove such applications as required by its provisions;

2.04.040 Review Class II permit applications for completeness and substantial compliance with the statutory requirements of this Ordinance before scheduling application for presentation before the Planning and Zoning Commission;

2.04.050 Arrange for professional review of applications for Class II permits, when required;

2.04.060 Issue certificates of compliance, based on site inspections, and enforce the provisions of improvement agreements;

2.04.070 Investigate possible violations of this Ordinance;

2.04.080 Properly account for all fees collected in the administration of this Ordinance and prepare monthly and annual reports of application activity in the County;

2.04.090 Perform all other duties assigned by this Ordinance and assist the Commission in the execution of its duties; and

2.04.100 Perform any and all other duties assigned by the Board.

2.05 Hearing Examiners. The Board or the Commission may appoint Hearing Examiners in accordance with I.C. 67-6520. Such appointments may be for a single application or for all applications of a certain type. Any such appointment must specify the scope of the Hearing Examiner’s appointment and cannot exceed a term of one (1) year, which may be extended in one (1) year increments by re-appointment.

2.05.010 Hearing examiners may include the Administrator, professionally trained or licensed staff planners, attorneys, engineers, or architects.

2.05.020 Hearing examiners may be appointed by the Board or the Commission for hearing applications for subdivisions, special use permits, variances and requests for rezoning which are in accordance with the Plan and this Ordinance.

2.05.030 Whenever a hearing examiner hears an application, he may, pursuant to the ordinance, grant or deny the application or submit a recommendation to the Board or Commission. His decision or recommendation shall specify:

a. The ordinance and standards used in evaluating the application;

b. The reasons for the recommendation or decision; and

c. The actions, if any, that the Applicant could take to obtain an approval.
2.05.040 Any final decision of the Hearing Officer may be appealed to the Commission, and then follow the appellate remedies in Chapter 3 of this Ordinance.

2.06 Liability. No individual, including Board or Commission members, the Administrator, or any other county employee, who acts in good faith and without malice in the performance of duties assigned by this Ordinance shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the County and any judgment resulting from such a suit shall be the liability of the County.
CHAPTER 3 - ADMINISTRATIVE PROCEDURES

3.01 What This Chapter Does. This chapter requires a permit for all land development and building activity in the County and establishes procedures for the administration of this Ordinance.

Division 1 – Permit Procedures

3.02 Permit Required. A permit shall be required for any division of land; any clearing, grading, construction, or reconstruction; and any change in land use, except as specifically exempted by 3.03 and 3.04.

3.02.010 Class I Required. A Class I permit shall be required for:

- a. Any plat amendment;
- b. Any single family dwelling;
- c. Any residential business;
- d. Any minor transient use;
- e. Any accessory building or fence not exempted;
- f. Any minor change of use in an existing commercial or industrial use or structure;
- g. Family burial grounds;
- h. Any other application that is not exempted, and that does not require a Class II permit; and
- i. Any clearing or grading preparatory to any activity listed in a. through f., above.

3.02.020 Stream, Shoreline, and Flood Hazard Areas. A Class I permit shall be required for any activity, including dredging, filling, clearing, grading, excavation, the construction of retaining walls or other means of shoreline stabilization, and the construction of accessory buildings within stream or lakeshore corridors and special flood hazard areas established by this Ordinance, however, any such activities proposed as part of a subdivision or an application for which a Class II permit is required, may be evaluated as part of the application for a Class II permit.

3.02.030 Class II Required. A Class II permit shall be required for:

- a. Any land split, division, subdivision, or portioning that creates one (1) or more parcels or lots with the right to build or construct improvements;
- b. Any Short Plat (subdivision up to six (6) total lots, which shall include the reconfigured original source parcel of land);
- c. Any Standard Subdivision or Re-Plat (minor, major, or large scale);
- d. Any Conditional or Special Use;
- e. Any Expanded or Major Transient Rental use;
- f. Any higher density residential application, including multi-family dwellings, RV parks, or manufactured home parks;
- g. Any commercial or industrial application, including any major change in use in an existing commercial or industrial use or structure, and
- h. Any clearing or grading preparatory to any activity listed in a. through c., above.

3.02.040 Multiple Permits. Certain applications may require more than one permit, as required by this Ordinance. In such cases, the Administrator may combine all required permits into one application and in his/her sole discretion only require payment of the fee of the highest cost permit. Multiple Class II permits will be publicly heard by the Commission individually and the Applicant shall be responsible for all public notice expenses of each.
3.03 Exemptions for Land Divisions. Exemption from a land division permit does not exempt any other improvement of the created parcel from compliance with this Ordinance.

3.03.010 No permit shall be required for any land division that results from a court decree for the distribution of specific parcels of property.

3.03.020 No permit shall be required for any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose.

3.03.030 A Class I permit shall be required for platting a cemetery. This is required for administrative tracking purposes only.

3.03.040 No permit shall be required for any land division in which all resulting parcels are 160 or more acres in size. The creation of parcels between 40 and 160 acres in size for bona fide agricultural purposes only shall also be exempt from the requirement for a permit, but the further division or any development application of any such parcel shall be preceded or accompanied by an application for a short plat subdivision or a standard subdivision.

3.03.050 A Class I Permit in which no fee is charged is required for the adjustment of un-platted property lines in which no new parcel is created and no nonconforming lot, parcel, use, or structure results. This permit is for administrative tracking purposes only and does not constitute an approval or denial of the action but is let for the purpose of creation of a clear public record of the action. Plat amendments require a Class I permit and approval by the Board.

3.04 Exemptions for Construction Activity. The activities listed here are not exempt from any applicable requirement of this Ordinance, except the requirement for a permit. No permit shall be required for:

3.04.010 Clearing and grading for agricultural purposes, the maintenance and construction of irrigation works, and grading required for the maintenance (but not change or expansion) of an existing use or structure;

3.04.020 Repair or remodeling that does not alter the exterior dimensions of the structure involved (note that the IRC and IBC may require a building permit for such remodeling);

3.04.030 Accessory buildings that are also exempted from review by the IBC and IRC (note that this generally exempts accessory buildings of less than 200 square feet in floor area and not more than 1 story tall);

3.04.040 Fences of six feet or less in height (note that all fences must comply with the requirements of Appendices B, C and D for clear sight triangles at intersections and points of access to public roads);

3.04.050 Minor utility installations; and

3.04.060 Certain signs, as provided in Appendix A.

3.04.070 The above exemptions may not apply within the Airport Overlay.

3.04.080 The exemptions of 3.04.010, 3.04.030, 3.04.050, and 3.04.060 shall not apply within any stream or lakeshore corridor or special flood hazard area established by this Ordinance. All application activity within stream or lakeshore corridors or special flood hazard areas shall be subject to the requirements for a permit.

3.05 Application Forms/Complete Application. Applications for permits shall be submitted on forms provided by the County. All information, including a site plan, completion of required checklists, and other maps, plans, drawings, tabulations, and calculations, called for on those forms shall be required for a complete application and no incomplete application shall be accepted. The Administrator shall review and report deficiencies to the Applicant. No application is considered complete until the Administrator has
3.05.010 Evidence of a Lot. Before any Class I or Class II permit is issued, the Applicant shall provide evidence indicating that the property is a “lot” as defined in this Ordinance. In the absence of such evidence, a subdivision application shall be required to create a lot, which may be combined and processed concurrently with the Application. The following are exempt from this requirement:

a. Parcels with permitted pre-existing dwellings.
c. Parcels containing 160 acres or more.
d. Applications for subdivisions.
e. Short Plat subdivisions, which are never permitted on a lot, only a parcel.

3.05.020 Contiguous Holdings. For the purposes of this Ordinance, a parcel shall be all contiguous parcels owned by the property owner associated with the application. Contiguity shall mean connection or abutment of parcels as described in the deed or legal description which shall be shown on a record of survey. Contiguity is not broken by section lines, easements, or rights-of-way; but is severed by unrelated third-party, deeded holdings that entirely separate parcels (such as a deeded railroad parcel bisecting parcels).

3.05.030 Project Narrative. All applications for Class I and Class II permits must be accompanied by a narrative report that clearly explains how the proposed application meets the applicable performance standards of the Fremont County Development Code and its appendices, including controlled access and public infrastructure requirements.

3.05.040 Required Agency Letters. All applications for Class I and Class II permits must be accompanied by approval or acceptance letters from the following agencies, unless otherwise exempted:

a. Fremont County Fire Code Official and/or Fire Protection District.
b. Eastern Idaho Public Health District, if applicable.
c. Fremont County Public Works for a road access permit.
d. Idaho Transportation Department for a road access permit, if applicable.
e. Public Utilities for Will Serve agreements.

3.05.050 Conforming Drawings. All drawings required by the application must meet the standards of Appendix L.

3.05.060 Draft Improvement Agreement. All Class II applications must include a draft of a proposed improvement agreement between the Applicant and Fremont County, following the requirements of Chapter 8. This agreement is subject to modification by the Administrator and the Commission and will include agreements to meet all conditions of approval imposed on the Applicant.

3.05.070 Site Development Plan. When new construction, a building addition, or placement of any structure is proposed, the Applicant shall submit a site plan prior to the issuance of building permits. A site plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, and exterior lighting. The plan shall demonstrate compliance with siting standards of this Ordinance and the adopted building codes. This site plan must be approved by the Planning and Building Department before a permit will be issued.

3.06 Application Fees. Application fees for each type of permit established by this Ordinance shall be established by resolution of the Board and published on the current Planning and Building Department fee schedule. The actual cost of mail and newspaper notice shall be in addition to the application fee. No
application shall be placed on the Commission’s or Board’s agenda and no permit shall be issued until payment of all then due fees is received.

3.07 Site Inspection. The filing of an application for a permit constitutes permission for the County to conduct inspections of the proposed application site during its consideration of the application and inspection of required improvements. The Administrator may delay consideration of any application when inclement weather or a snow pack prevents a useful on-site inspection.

Division 1.1 - Class I Permits

3.08 Class I Permit Procedure. The Class I permit procedure provides for the prompt review of minor Applications and plat amendments, while assuring they have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services. The Class I permit procedure shall be as follows:

3.08.010 The Applicant shall file a properly completed permit application form, the required supporting materials, and the required application fee with the Administrator.

3.08.020 The Administrator shall determine whether the proposed application is in compliance with the Plan and this Ordinance. If the proposed application complies with all applicable performance standards of this Ordinance, the application for a permit shall be approved. If the proposed application fails to comply with any applicable performance standard of this Ordinance, the application for a permit shall be disapproved. Where the proposed application is part of a larger application for which a Class II permit was previously approved, the Administrator shall also determine whether it is in compliance with the previously approved application plan and all conditions attached to that approval. Conditions may be attached to approval of any permit, as provided in 3.21.

3.08.030 The Administrator shall notify the Applicant of the decision within 10 business days, except as provided in 3.08.060.

3.08.040 The Administrator’s decision on a proposed application or plat amendment may be appealed to the Commission using the appeals procedure of 3.23. A notice of any such appeal shall be filed with the Administrator within 10 business days after notice of the decision has been issued. Applicants proceed at their risk during the appeal period.

3.08.050 Additional procedures for minor Plat Amendments:

a. The Applicant shall demonstrate whether all lots as amended on the proposed plat amendment are capable of accommodating a use permitted by this Ordinance, and whether the proposed amendment affects road or utilities access to any adjoining lot or parcel. If the amended lots are capable of accommodating such a use and the amendment does not adversely affect access to any adjoining lot or parcel, the Administrator shall approve the application for a permit and place the proposed plat amendment on the agenda of the next board meeting at which time will permit its proper review. If the amended lots are not capable of accommodating such a use, or the amendment adversely affects access to a lot adjoining parcel, the Administrator shall disapprove the application for a permit.

b. Plat amendments approved by the Administrator shall be reviewed by the Board, which, if it affirms the Administrator’s findings, shall sign the amended plat.

3.08.060 Upon finding that an application or plat amendment will have a significant adverse impact on environmental quality, neighboring land uses, or public facilities and services, the Administrator may refer any application for a Class I permit to the Commission. The Commission may, upon confirming the Administrator’s finding, require the application for a Class I permit be converted to an application for a Class II permit. Such referrals shall be placed on the agenda of the next regular Commission meeting.

Division 1.2 - Class II Permits
3.09 Class II Permit Procedures. The purposes of the Class II permit procedures are to assure effective regulation of applications that may have significant impacts on public facilities, environmental quality, or neighboring uses. The Class II permit procedures shall be as follows:

3.09.010 Pre-Application Meeting.

3.09.020 Existing Resources and Site Analysis Plan

3.09.030 Site Visit

3.09.040 Sketch Plan

3.09.050 Preliminary Plan

3.09.060 Final Plan

3.10 Pre-Application Meeting. A pre-application meeting is required between the Applicant, the site designer, and the Administrator, to introduce the Applicant to the County's zoning and subdivision regulations and procedures, to discuss the Applicant's objectives, and to schedule site visits, meetings and plan submissions as described below. Applicants are encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

3.11 Existing Resources and Site Analysis Plan. Applicants shall submit an Existing Resources and Site Analysis Plan prepared in accordance with the requirements contained in Section 3.13.030.b. This plan shall form the basis for the proposed site layout as shown on the Sketch Plan. Applicants are required to submit this plan prior to the site visit.

3.12 Site Visit. The Administrator may arrange for a site visit of the property by the Commission. Applicants, their site designers, and the landowner are encouraged to accompany the Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of open space land, and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggested. It shall be understood by all parties that no formal recommendations can be offered, and no decisions can be made at the site inspection.

3.12.010 The scheduling of a date for the purpose of a site visit shall be made by motion in open meeting (typically at the conclusion of the Sketch Plan review). Although the site visit is for informal, information gathering purposes, it shall be a posted work meeting, even if a quorum of Commission or Board members will not be present. Commission or Board members shall be responsible for their own transportation to and from the site.

3.12.020 A record of attendance of all persons present at the site visit shall be taken and an audio recording shall be made and kept, all as part of the permanent record of the application.

3.12.030 In the event that the application is within the unincorporated boundaries of a recognized “community council” or “village committee,” members of that council or committee shall be invited to participate in the site visit.

3.13 Submission and Review of Sketch Plan.

3.13.010 Purpose. Sketch Plan submission is required by Fremont County for the purpose of helping Applicants and officials develop a better understanding of the project property and to help establish an overall design approach that respects its natural resources, and scenic and cultural features, while providing for the density permitted under the zoning ordinance.

3.13.020 Procedure. The following procedure is intended to provide the Applicant with an orderly process whereby sketch plan proposals can be properly and efficiently evaluated.
a. The Applicant shall prepare a sketch plan in accordance with this section.
b. Fifteen (15) copies of the Sketch Plan shall be submitted to the County at least seven days prior to the Commission meeting at which the Sketch Plan is to be discussed.
c. Review and comment by public agencies or utilities may be completed simultaneously to the County staff review. The Applicant will directly contact each of the reviewing utilities and public agencies and provide them with a copy of their application to the County. Responses from each must be submitted to the County prior to Commission review. If any of the following agencies are clearly not applicable, the Administrator will exempt them from the list. If an applicable agency has no comment, a statement from that agency acknowledging such will be required.

(1) Applicable Fire Protection District
(2) Affected City, if in an area of impact
(3) Affected Irrigation Entity or Entities
(4) Eastern Idaho Public Health Department
(5) Fremont County Agricultural Agent
(6) Fall River Rural Electric or Rocky Mountain Power
(7) Fairpoint Communications or other telecommunications provider
(8) Intermountain Gas, if available
(9) Fremont County School District #215, Sugar Salem School District #322
(10) Fremont County Assessor
(11) Fremont County Emergency Medical Services
(12) Fremont County Fire Code Official
(13) Fremont County Treasurer
(14) Fremont County Public Works
(15) Fremont County Sheriff
(16) Fremont County Weed Superintendent
(17) Idaho Department of Environmental Quality
(18) Idaho Department of Fish and Game
(19) Idaho Department of Water Resources
(20) Idaho Transportation Department
(21) St. Anthony Airport Board, if applicable
(22) U.S. Army Corps of Engineers
(23) U.S. Bureau of Land Management
(24) U.S. Department of Agriculture, Natural Resources Conservation Service
(25) U.S. Forest Service
d. The Planning and Building Department shall check the submission for completeness. If the submission is incomplete, it shall be returned to the Applicant within seven days with deficiencies noted. If the submission is complete, County Planning and Building Staff shall distribute copies of the Sketch Plan to the Commission.
e. The Commission shall review the Sketch Plan and comments received from other reviewing agencies at a public meeting, shall inform the Applicant of the extent to which the plan does or does not conform to the intent and requirements of the County ordinances, and shall submit its comments in a written report to the Applicant.
f. The Commission review shall include but is not limited to:

(1) Degree of conformance with the Four-step Design Process described in 5.60.
(2) The location of all areas proposed for grading and other land disturbance with respect to notable features of natural or cultural significance as identified on the Applicant’s Existing Resources and Site Analysis Plan.
(3) The suitability of the proposed open space network, terminal vistas, village greens and other open space land.
(4) The potential for street connections with existing streets, other proposed streets, or potential applications on adjoining parcels.
(5) The location of proposed access points along the existing road network.
(6) The proposed building density and impervious coverage.
(7) The compatibility of the proposal with respect to the objectives and policy recommendations of the comprehensive plan and this Ordinance.
(8) Consistency with the zoning ordinance.

g. Sketch Plan issues may require more than one meeting with the Commission before advancing to Preliminary Plat.

3.13.030 Included Components. A Sketch Plan shows proposed development or improvements, prepared as a transparent overlay sheet, in relation to existing features. A Sketch Plan, complying with the drafting standards in Appendix L unless otherwise stated here, shall include:

a. Site Context Map. The location of the proposed application within its neighborhood context shall be submitted. The Site Context Map does not duplicate the Existing Resources and Site Analysis Plan, as it shows surrounding (i.e., off-site) features in sketch detail, while the Existing Resources and Site Analysis Plan includes only the subject property. This submission does not require further field work because most or all of the data for the Site Context Map are readily available from published sources.

(1) Scale. For sites less than 100 acres in area, such maps shall be at a scale not less than 1 inch = 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the above relationships within 2,000 feet of the site.
(2) A vicinity map that locates the proposed project within the section and shows major roads and watercourses (including canals, ditches, and drains) adjacent to or near the project and the boundaries of and recorded names of all adjacent or nearby surveys and subdivisions.
(3) Features to be shown shall include topography (from United States Geological Survey (USGS) maps), stream valleys, wetland complexes (from maps published by the U.S. Fish and Wildlife Service or the United States Department of Agriculture Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility and irrigation easements and rights of way, public land, and land protected under conservation easements.

b. An Existing Resources and Site Analysis Plan. The following section produces the single most important document in the entire project design process, for it provides the factual basis upon which informed decisions can be made by all parties. The following information shall be included:

(1) A vertical aerial photograph enlarged to a scale not less than 1 inch = 400 feet, with the site boundaries clearly marked.
(2) The exterior boundaries of the project.
(3) Topography, the contour lines of which shall be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS maps). The determination of appropriate contour intervals shall be made by the Administrator, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for large scale subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from aerial photography and shall be coordinated with official USGS benchmarks.
(4) Ponds, streams, canals, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in this Ordinance.
(5) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, trees
with a caliper in excess of 10 inches, and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition.

(6) Known present wildlife species as mapped by the Idaho Department of Fish & Game or the U.S. Fish and Wildlife Service.

(7) Important wildlife habitat, as mapped by the Idaho Department of Fish & Game, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the U.S. Bureau of Land Management, as applicable. Documentation that Applicant met with the local field office of the applicable agencies shall be required.

(8) Soil series, types, and phases, as documented by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

(9) Ridge lines and watershed boundaries.

(10) A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and other public lands.

(11) Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the Applicant.

(12) All existing man-made features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers; and their dimensions.

(13) Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthen works, and graves.

(14) Locations of trails that have been in public use (pedestrian, equestrian, bicycle, ski, snowmobile, all-terrain vehicle and other similar trails).

(15) The location, nature, and boundaries of all public and private ways, easements and other encumbrances of property on or adjacent to the project, which are or have been filed of record with the Fremont County Recorder, referenced by recording or instrument number which established those ways or easements.

(16) All setbacks and buffers required by this Ordinance from any identified protected feature, including but not limited to floodplains, streams, lakes, riparian vegetation, slopes, ridgelines, roads, adjacent landowners, and potential incompatible uses.

(17) Total acreage of the tract.

c. Schematic layout on a transparent overlay sheet indicating compliance with the Four-Step Design Process in Chapter 5, Division 9.2; a general concept for application and land conservation; and the proposed street and lot layout.

d. General description of proposed method of culinary and irrigation water supply, sewage disposal, and stormwater management.

e. Notes indicating zoning district and calculations for minimum required open space land and maximum density.

3.14 Submission and Review of Preliminary Plan. The Preliminary Plan should be developed before incurring high engineering costs for the preparation of detailed alignments for streets, and detailed calculations for stormwater management and sanitary sewer systems. These engineering expenses should be incurred at the Final Plan stage, detailed in 3.15.

3.14.010 Submission Requirements. A Preliminary Plan submission shall consist of the following, and shall be prepared in accordance with the drafting standards of Appendix L and plan requirements described in this section.

a. Site Context Map, as amended.

b. Existing Resources and Site Analysis Plan, as amended.

c. Preliminary Plat. This plat shall include the following items:

(1) All information required on the Existing Resources and Site Analysis Plan.
(2) Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. Approximate boundaries of open space land shall be indicated.

(3) Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining application or undeveloped areas; preliminarily-engineered profiles for proposed streets.

(4) Approximate location of proposed swales, drainage easements, stormwater and other management facilities.

(5) Where community sewage service is to be permitted, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.

(6) Where central water service is to be permitted, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.

(7) Location of all percolation tests, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites.

(8) Limit-of-disturbance line shown in relation to natural and cultural features to be saved.

(9) Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land to be dedicated or reserved for public use.

(10) If land to be subdivided lies partly in or abuts another municipality, the Applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

(11) Where the Applicant proposes to install the improvements in phases, the Applicant shall submit with the Preliminary Plan a delineation of the proposed phases and a schedule of deadlines within which applications for final approval of each phase are intended to be filed.

(12) Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning and construction materials (The typical cross-sections required on the plan are shown in Appendix B and can simply be copied directly onto the plan set).

(13) Exact locations of existing utility easements and approximate locations of proposed utility easements.

(14) Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)

(15) The tentative location of proposed on-site sewage and culinary & irrigation water facilities.

(16) Approximate location of proposed shade trees, plus locations of existing vegetation to be retained, which shall be included in an open space plan.

(17) A table showing the total acreage of the project area, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication for Open Space, to public use, or to be held in common by the lot owners

(18) All required signature blocks, as required by Appendix L, shall be provided on the plat.

d. Preliminary Improvement Plan and Agreement. See Chapter 8.
e. Preliminary Studies and Reports as set forth in other parts of this Ordinance.
f. Preliminary Open Space Ownership and Management Plan. Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all open space land shall be shown. The Applicant shall submit a Preliminary Open Space Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
3.14.020 Review. The Planning Commission shall review the Preliminary Plan in accordance with the procedures set forth here:

a. The Applicant may file a request for preliminary plat review by the Commission with the Administrator if the application has been deemed complete and it is at least 14 business days before the meeting at which the review is requested.

b. The Administrator shall place a hearing of the Application on the agenda of the next regular Commission meeting for which the public notice requirements of 3.29 can be met, and when time will permit its proper review.

c. The Administrator may contract for professional review of the application, with the cost of that review being covered by the Applicant. Such reviews shall be prepared in the form of a written report submitted to the Administrator for use at the hearing. The Administrator shall, upon its receipt, provide a copy of this report to the Applicant and place it on file for public review with the other application materials.

d. The Commission shall conduct a hearing on the proposed application following the procedure established in 3.27. No application shall be reviewed if the Applicant or a representative is not present.

e. The Commission shall determine whether the proposed application is in compliance with the Plan and all requirements of this Ordinance. If the proposed application complies with all applicable performance standards of this Ordinance the application for a permit shall be approved. If the proposed application fails to comply with any applicable performance standard of this Ordinance or does not meet the open space requirements of the applicable zone, then the application for a permit shall be disapproved. In the event of disapproval, the Commission shall inform Applicant of steps that can be taken to obtain approval and instruct Applicant to reschedule a Preliminary Plan review. Conditions may be attached to approval of any permit, as provided in 3.21.

f. The Administrator shall notify the Applicant and interested parties of the Commission’s decision within 10 business days.

g. The Commission’s decision may be appealed to the Board using the appeals procedure of 3.25. A notice of any such appeal shall be filed with the Administrator within 10 business days after notice of the decision has been issued. Applicants proceed at their risk during the appeal period.

3.15 Submission and Review of Final Plan.

3.15.010 Submission. The Applicant shall comply with the submission requirements set forth in Appendix L.

a. Final versions of all previously required preliminary plan components, as outlined in 3.14.010.

3.15.020 Review. The Planning Commission shall review the Final Plan in accordance with the procedures set forth here:

a. Within one year after approval of the Preliminary Plan, a detailed Final Plan and all supplementary data, together with an application form provided by the County and filing fees, shall be officially submitted to the County Planning and Building Department. The detailed Final Plan shall conform to the requirements set forth in this Ordinance. It shall also conform to the Preliminary Plan as previously reviewed by the Commission and shall incorporate all conditions set by the Commission in its approval of the Preliminary Plan. No application shall be deemed filed unless all requirements have been met and all fees paid in full.

(1) The County permits submission of the detailed Final Plan in phases, each covering a reasonable portion of the entire proposed application as shown on the approved Preliminary Plan; provided that the first detailed Final Plan phase shall be submitted within one (1) year after approval of the Preliminary Plan. Each subsequent phase shall be submitted within one (1) year of approval of the previous phase, provided all phases have been submitted within three (3) years after the date of Preliminary Plan approval, unless otherwise extended by an Improvement Agreement.
Unless the filing deadline is waived or extended by the Administrator, failure to make timely submission of final plans renders void a Preliminary Plan, and the Applicant shall be required to file a new application and fee for Preliminary Plan approval.

b. The Administrator shall place the final plat on the agenda of the next Commission meeting.
c. No public notice or hearing is required for final plats, but no final plat shall be reviewed if the Applicant or a representative is not present. No final plat review decision can be appealed except by the Applicant.
d. The Commission shall review the final plat and determine whether it is in compliance with the subdivision permit, the Plan, and this Ordinance. If it finds that the final plat complies, it shall recommend approval of that plat to the Board. If it finds that the final plat fails to comply, it shall disapprove that plat and not recommend it to the Board.
e. If the Commission approves the final plat, the Administrator shall place it on the agenda of the next regular Board meeting. Commission recommendation of disapproval of a final plat may be appealed to the Board using the appeals procedure of 3.25. A notice of any such appeal shall be filed with the Administrator within 10 business days after notice of the decision has been issued.
f. The Board shall determine whether the final plat is in compliance with the subdivision permit, the Plan, and this Ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat fails to comply, it shall disapprove that plat. In the event of disapproval, the Board shall inform Applicant of steps that can be taken to obtain approval and instruct Applicant to reschedule a Final Plan review. Conditions may be attached to Board approval of a final plat, as provided in 3.21.
g. The Administrator shall notify the Applicant and interested parties of the Board’s decision within 10 business days.

Division 1.3 - Short Plat Subdivision

3.16 Short Plat Subdivisions. A Short Plat subdivision permits a division of land into six (6) or fewer lots (including the reconfigured original source parcel of land), and is an administratively processed Class II permit.

3.16.010 Who May Apply. The property owner or his/her authorized agent may apply for a short plat subdivision.

3.16.020 General Requirements.

a. Any parcel that has never been subdivided previously may qualify for a short plat subdivision. Any previously subdivided lot must use the standard subdivision procedures of this Ordinance, except as limitedly provided in 3.16.180 of this section.
b. Every short plat subdivision shall comply with all applicable goals, regulations and standards of this Ordinance.
c. A proposed short plat subdivision shall be considered under all applicable land use regulations and codes as provided in this Ordinance.

3.16.030 Review Stages. The review and decision of the County on an application for a short subdivision shall consist of the following stages:

a. Review and decision upon the preliminary short plat, and
b. Review and decision upon the engineering plans, if required; and
c. Review and decision upon the final short plat.

3.16.040 Review Merger.

a. The applicant may request that review and decision on the preliminary short plat and the final short plat be merged in one decision. The merged decision will be made following the procedures for the preliminary short plat. The applicant shall submit all plans and information in the detail
required for the final short plat and shall comply with all other requirements and standards for a final short plat.

b. Unless the applicant requests otherwise, the Administrator shall process a preliminary short plat simultaneously with an application for a reclassification, variance, mixed use development or other development approval to the extent that procedural requirements for those actions allow.

3.16.050 Preliminary Short Plat – Applicable Procedure. The Administrator will process an application for a preliminary short plat pursuant to 3.14.

3.16.060 Preliminary Short Plat – Public Comment before Administrator’s Decision.

a. Who May Participate. Any person may participate in the decision.

b. How to Participate. A person may participate in the decision by submitting written comments on the application to the Administrator no later than the final date of the comment period.

c. Notification. The Administrator shall notify by first class mail all owners of record within 1,000 feet of the site of the proposed short plat subdivision application and provide fourteen (14) days for written comment. The Administrator shall also post a notice of the application on the Planning and Building Department’s bulletin board and on the County’s web site.

3.16.070 Preliminary Short Plat – Administrator’s Decision.

a. Decision Criteria. The Administrator may approve or approve with modifications if:

1. The preliminary short plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste; and
2. The public interest is served by the short plat subdivision; and
3. The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site; and
4. The proposal complies with all applicable provisions of this Ordinance; and
5. Each lot in the proposal can reasonably be developed in conformance with current Ordinance requirements without requiring a variance; and
6. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

b. Written Decision of the Administrator.

1. Content. The Administrator shall issue a written decision which contains the following: (a.) A statement indicating that the application is approved, approved with modifications or denied; (b.) A statement of any conditions included as part of an approval; (c.) A statement of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts; (d.) A statement of the right of any person who participated in the decision to appeal the decision of the Administrator as provided for in 3.25.
2. Distribution. The Administrator shall mail the written decision to the applicant and each person who participated in the decision.

3.16.080 Preliminary Short Plat – Appeal. The decision of the Administrator may be appealed by parties of record in accordance with the appeal procedure of 3.25.

3.16.090 Preliminary Short Plat – Time Limitation. A preliminary short plat automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of the preliminary short plat approval unless:

a. The applicant has received an extension for the preliminary short plat pursuant to 3.16.100; or
b. The preliminary short plat approval provides for a greater time period.
3.16.100 Preliminary Short Plat – Extension.

a. The Administrator may extend a preliminary short plat not to exceed two years, if:

(1) A written request for extension is filed at least 30 days before the expiration of the one-year period; and
(2) Unforeseen circumstances or conditions necessitate the extension of the preliminary short plat; and
(3) Termination of the preliminary short plat would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
(4) Conditions in the immediate vicinity of the subject property have not changed substantially since the preliminary short plat was first granted; and
(5) An extension of the preliminary short plat will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole.

b. The Administrator may grant no more than two extensions. A second extension not to exceed six months may be granted if:

(1) A written request for extension is filed at least 30 days before the expiration of the first extension; and
(2) The criteria listed in subsection A of this section are met; and
(3) The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed.

3.16.110 Preliminary Short Plat – Assurance Device. The Administrator may require a reasonable assurance device in conformance with Chapter 8 to assure compliance with all of the provisions of this Ordinance.

3.16.120 Preliminary Short Plat – Effect of Approval.

a. The approval of a preliminary short plat by the Administrator is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail, if required, remains subject to the approval of the Planning and Building Department, Public Works Department, and any other applicable department.

b. After final approval of engineering drawings for public or private facilities within an approved preliminary short plat, permits for the development of the short plat improvements may be issued and work commenced. Such permits shall be contingent upon compliance with the conditions specified on the approval of the preliminary short plat, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required.

c. The approved preliminary short subdivision, including conditions, shall be the basis for approval of the final short subdivision. However, if the preliminary short plat’s approval is based upon incorrect or misleading information supplied by the Applicant or if conditions were inadvertently omitted or mistakenly imposed which conflict with the provisions of any state or local laws, ordinances, resolutions, rules or regulations in effect at the time of vesting, the preliminary short subdivision approval and conditions may be re-considered without complying with all of the procedures for preliminary short plat approval.

3.16.130 Final Short Plat – General. The Applicant must submit the final short plat within one year of the effective date of the preliminary short plat or the extension date, if granted.

3.16.140 Final Short Plat – Applicable Procedure. The Administrator will process an application for a final short plat as provided in 3.15.

3.16.150 Final Short Plat – Submittal Requirements.
a. The Administrator shall specify the submittal requirements, including type, detail and number of copies for a final short plat to be deemed complete and accepted for filing.

b. The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.

3.16.160 Final Short Plat – Decision Criteria. Subject to 3.16.180, the Administrator shall approve a final short plat if it conforms to all conditions and requirements of the preliminary short plat approval.

3.16.170 Final Short Plat – Recording Required. Upon final short plat approval, the Administrator will forward an approved short plat to the County Clerk for recording. Signatures of approval from the appropriate, authorized administrators in the Public Works Department and the Planning and Building Department shall constitute approval by the County for recording of the short plat. No administrative approval of a short subdivision is deemed final until a short plat is recorded and proof of recording is received by the Planning and Building Department.

3.16.180 Final Short Plat – Revision.

a. Land within a short plat subdivision may not be further subdivided in any manner except by a regular Class II or “standard” subdivision application; provided, however, when the original short plat subdivision contains less than six (6) total lots it may be revised to create additional lots if no more than six (6) total lots are created within the boundary lines of the original short plat.

b. Short subdivisions may be revised in accordance with the following requirements:

(1) All affected ownership interests within the originally recorded short subdivision must be a party to the revision application, or must express written agreement to the proposed revision, including written agreement to accept ownership of any property, or to transfer or convey ownership of any property, which may be necessary as a result of the revision.

(2) Any features contained in the original short subdivision which have been relied upon in subsequent land development or land use planning decisions and which are still applicable at the time of application shall be incorporated in the short subdivision revision, unless such features are provided by other legal means at the time of short subdivision revision.

(3) Procedures and requirements established by this chapter for preliminary short subdivision approval shall be applicable to revision requests. Revisions shall comply with applicable conditions and provisions of the original plat or short plat and shall not adversely affect access, easements, or any land use requirements as provided for in the laws of the County.

(4) Approval of any revision shall be filed and recorded as a supplemental declaration of short plat subdivision which shall contain the adjusted legal description and shall be effective upon being recorded by the Administrator with the County Clerk and upon receipt of proof of recording.

3.16.190 Final Short Plat – Assurance Device. The Administrator may require a reasonable assurance device for public or private improvements in conformance with Chapter 8 to assure compliance with all of the provisions of this Ordinance. All required improvements must be completed within one year from the date of final short plat approval unless work is continuous beyond that point.

Division 1.4 - Commercial Applications

3.17 Commercial Applications. The Class II permit procedures of Division 1.2 apply to commercial applications with the following variations:

3.17.010 The Applicant shall schedule a pre-application conference with the Planning and Building Department. If the Planning Department determines that the application is allowed under the Comprehensive Plan, can meet the requirements of the Development Code, and is or could be permitted in the affected zone, the Applicant shall be so notified and given the appropriate application materials, including a request for zone change if applicable. The Applicant may file a request for sketch plan review with the Administrator if it is at least 14 business days before the meeting at which the review is requested.
3.17.020 Commercial applications are not required to complete the final plat procedures of 3.15, but are required to complete an Improvement Agreement, as described in Chapter 8. No commercial permit shall be issued until the required improvement agreement has been accepted and signed by the Board.

Division 1.5 - Conditional Use Permits

3.18 Conditional Use Permits. Where allowed in this Ordinance, a conditional use permit may be requested for certain proposed uses that require a greater degree of regulatory analysis by the Commission or Board. The Applicant has a greater burden to demonstrate compliance with all requirements and conditions imposed on the proposed use. All possible conditional uses are incorporated in this Ordinance; any proposed conditional use not included in this Ordinance may instead request a Special Use Permit.

3.18.010 A conditional use permit may be granted to an Applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the Plan.

3.18.020 Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use.

3.18.030 Upon the granting of a conditional use permit, conditions may be attached to the permit including, but not limited to:

   a. Minimizing adverse impact on other development;
   b. Controlling the sequence and timing of development;
   c. Controlling the duration of the proposed use;
   d. Assuring that the development is maintained properly;
   e. Designating the exact location and nature of the proposed use;
   f. Requiring the provision for on-site or off-site public facilities or services;
   g. Requiring more restrictive standards than those generally required in this Ordinance;
   h. Requiring mitigation of effects of the proposed application upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

3.18.040 All of the following findings must be met in order to grant a conditional use permit:

   a. The proposed use is not detrimental to the public health, safety, or welfare;
   b. The proposed use shall not create undue adverse impacts on surrounding properties;
   c. The proposed use is consistent with the applicable comprehensive plan;
   d. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in Appendix U;
   e. The proposed use complies with all applicable County ordinances;
   f. The proposed use complies with all applicable state and federal regulations;
   g. The proposed use and facilities shall not impede the normal development of surrounding property; and
   h. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

3.18.050 A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.
3.18.060 Denial of a conditional use permit or approval of a conditional use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

3.18.070 Conditional Use Permits follow the procedures of a Class II permit for Commercial Applications as outlined in this Chapter.

Division 1.6 - Special Use Permits

3.19 Special Use Permits. A special use permit may be requested for certain proposed uses that require the highest degree of regulatory analysis by the Commission or Board. The Applicant has the greatest burden to demonstrate compliance with all requirements and conditions imposed on the proposed use. A special use permit request is appropriate when the Applicant believes the proposed use would be beneficial to the community, but the proposed use is not specifically incorporated in this Ordinance.

3.19.010 A special use permit may be granted to an Applicant if the proposed use is substantially similar to a use permitted by this Ordinance, subject to conditions pursuant to specific provisions of the Ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the Plan. Substantial similarity may be demonstrated by:

b. Persuasive evidence presented to the Commission or Board, supported by expert analysis or precedent use in other jurisdictions.

3.19.020 Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use.

3.19.030 Upon the granting of a special use permit, conditions may be attached to the permit including, but not limited to:

a. Minimizing adverse impact on other development;
b. Controlling the sequence and timing of development;
c. Controlling the duration of the proposed use;
d. Assuring that the development is maintained properly;
e. Designating the exact location and nature of the proposed use;
f. Requiring the provision for on-site or off-site public facilities or services;
g. Requiring more restrictive standards than those generally required in this Ordinance;
h. Requiring mitigation of effects of the proposed application upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

3.19.040 A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.

3.19.050 Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

3.19.060 Special Use Permits follow the procedures of a Class II permit for Commercial Applications as outlined in this Chapter.

Division 1.7 - Plat Changes

3.20 Plat Changes. Any changes to the plat(s) made by the Applicant after the required Commission decisions shall be reviewed by the Administrator who shall determine if the change is minor or major.
3.20.010 Minor changes have minimal impact on either the scale or scope of the project or on the immediate neighborhood. Minor changes shall not include a decrease in open space or an increase in lots. Minor changes may be approved by the Administrator; however, the Administrator may refer any proposed changes to the Commission for review.

3.20.020 Major changes may impact the scope or scale of the project or immediate neighborhood. Such changes may include increasing the number of lots, rearranging five (5) or more lots, relocation of parking facilities, buildings, etc. The Administrator shall schedule the revised plat for an additional public hearing with the Commission to review, approve, or deny based on compliance with the relevant standards.

3.20.030 Any time an Applicant proposes changes, submittal of all modified necessary plats and supporting documents may be required.

Division 1.8 - Conditions and Approvals

3.21 Conditions. Conditions may be imposed on the approval of any permit or variance, provided that those conditions are clearly designed to assure compliance with one or more specific requirements of this Ordinance, and that a list of all conditions imposed is provided to the Applicant with notification of the Commission’s or Board’s decision. That list shall specifically identify the provision of this Ordinance the condition is designed to implement; no condition may be imposed that does not rely on a provision of this Ordinance.

3.21.010 Exception. Reasonable and rational conditions not explicitly delineated in this Ordinance may be imposed on conditional and special use permits.

3.21.020 Agencies and Utilities. Agency/Utility comment is informational only and will not be used as a basis for conditions of approval or application denial except where specifically required by this Ordinance.

3.22 Approvals Valid for 2 Years. Permits shall be valid for two years from the date of approval, unless extended by an improvement agreement, as provided in Chapter 8. As authorized by the Board of County Commissioners, the Administrator may act to revoke a permit and/or a certificate of compliance upon failure to comply with the conditions of approval for a permit or extension, upon the violation of any of the provisions of this Ordinance, or for misrepresentations or material omissions made to the Planning Commission or to the Board of County Commissioners.

3.23 Certificate of Compliance/Occupancy. A certificate of compliance OR, for individual structures, a certificate of occupancy shall be issued before any land division is offered for sale, lease, or occupancy; sold, leased, or occupied; OR before any application is occupied. A certificate of compliance indicates that an on-site inspection has shown that the application complies with this Ordinance, including any conditions imposed upon its approval. Occupancy of a project or structure without a certificate of compliance/occupancy shall be a violation of this Ordinance. Issuance of a certificate of compliance/occupancy shall not be construed as approval of any violation of this Ordinance that may have been undiscovered during the application review process or any site inspection.

3.24 Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued to permit temporary use of a structure in cases where weather prevents the prompt completion of required improvements such as landscaping. No temporary certificate of occupancy shall be issued for more than 180 calendar days.

3.24.010 A temporary certificate of occupancy may be issued for the use of one recreational vehicle as temporary living quarters while a single family dwelling for which a permit has been approved pursuant to this Ordinance is being constructed.

a. No such certificate shall be issued, and no such use permitted, until an approved sewage disposal system has been installed, and the temporary living quarters connected to that system.
b. The temporary certificate of occupancy expires with the permit and the temporary living quarters shall be removed before a certificate of compliance/occupancy can be issued for the completed single-family dwelling.

Division 2 – Appeals and Variances

3.25 Appeals. Any decision of the Administrator or Commission may be appealed using the procedure described here. A notice of appeal must be filed within 10 business days after the Administrator’s notice of the decision being appealed. Appeals from decisions of the Administrator or Hearing Officer are heard by the Commission. Appeals from decisions of the Commission are heard by the Board.

3.25.010 The Appellant shall submit a properly completed notice of appeal, the required supporting materials, and the required appeal fee with the Administrator. If a notice of appeal alleges that the decision of the Administrator or Commission constitutes a taking of property without just compensation, the Administrator shall direct the appeal to the County attorney.

a. The County attorney shall review the allegation that a decision of the Administrator or Commission constitutes a taking of property without just compensation. This review shall be based on Appendix E - Idaho Attorney General’s checklist and other information the County attorney deems relevant, including the property rights policy of the plan.

b. The notice of appeal must include all allegations Appellant wishes considered by the Commission or Board, as applicable, with each allegation addressing the merits of the proposed application as measured by its compliance or lack of compliance with this Ordinance and, where applicable, the Comprehensive Plan.

3.25.020 The Administrator shall make a written report of the case to the Commission or Board.

3.25.030 The Commission or Board may conclude that the Administrator or Commission, as applicable, made its decision fairly and reasonably, and then may, in its sole discretion and without hearing or notice, refuse to accept jurisdiction of such appeal, in which case the decision of the Administrator or Planning and Zoning Commission, as applicable, shall be final and any appeal fees shall be refunded. Alternatively, the Commission or Board may provide that such appeal shall be heard at a public or administrative hearing before the Commission or Board, at such time as the Commission or Board may determine.

3.25.040 If the Commission or Board requires a hearing on the appeal, the Administrator shall place the appeal hearing on the agenda of the next regular Commission or Board meeting for which the attorney’s review (if relevant) and notice requirements can be met, and at which time will permit its proper consideration. Notice requirements for an appeal shall be the same as for the original permit application.

a. The Commission or Board, in its sole discretion, shall determine whether to hear the appeal administratively or publicly. If the Commission or Board reasonably concludes that further public testimony will not be beneficial, it may elect for an administrative hearing; otherwise, a public hearing shall be conducted. A public hearing shall follow the procedures of Division 3. An administrative hearing shall follow the procedures of Division 3 except for 3.27.100, which shall not be required.

b. The Commission or Board shall conduct a hearing on the appeal. No appeal shall be heard if the Appellant or a representative and when the Appellant is not the original Applicant, the original Applicant or a representative is not present.

c. The Commission or Board shall determine whether the decision being appealed is in compliance with this Ordinance and, where applicable, the Comprehensive Plan; and affirm, modify, remand, or reverse that decision accordingly. Where a taking of property without just compensation is alleged, the Commission or board shall also consider the County Attorney’s review of the decision and require the completion of a regulatory takings analysis as per state code.
(1) In the event the Commission or Board elects to remand a decision back to the Administrator or Commission, it may be a “full remand,” ordering an entirely new hearing; it may be “remand with instructions,” specifying certain areas needing further exploration and deliberation in a new hearing; or it may be a “partial remand,” where the new hearing scope is limited only to topics not affirmed by the Board.

3.25.050 The Commission or Board shall file a written report with the County Clerk stating the findings and action taken by the Commission or Board. Such report shall be filed no later than ten (10) days after the written decision or recommendation. The Administrator shall notify Appellant and any Appellee of the Commission’s or Board’s decision by hand delivery or first class mail.

3.25.060 An Applicant, Appellant, or Appellee denied a permit or aggrieved by a decision may, within twenty-eight (28) calendar days after all remedies have been exhausted under this Ordinance, seek judicial review under the procedures provided by Idaho Code Title 67, Chapter 52.

3.26 Variances. Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this Ordinance is strictly enforced. Applications for variances shall follow the procedure described here. Applications for variances may be combined and processed simultaneously with Applications for Class II permits.

3.26.010 The Applicant shall file a properly completed application form, the required supporting materials, and the required application fee with the Administrator.

3.26.020 The Administrator shall place a hearing on the variance on the agenda of the next regular commission meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice requirements for a variance shall be the same as for a Class II permit, and Class II and variance hearings may be combined where appropriate. Where such a combination is made, the hearing notice shall specifically describe the proposed variance, including a citation of the sections of this Ordinance from which a variance is requested.

3.26.030 The Commission shall conduct a hearing on the proposed variance following the procedure established in 3.27. No application for a variance shall be reviewed if the Applicant or a representative is not present.

3.26.040 The Administrator shall process and the Commission shall approve a variance only upon finding that:

a. the need for a variance results from physical limitations unique to the lot or parcel on which the variance is requested;

b. failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;

c. the alleged hardship has not been created by action of the owner or occupants;

d. approval of the variance will not create a nuisance, result in potential harm to adjoining properties or the neighborhood, or have an adverse effect on the implementation of the comprehensive plan; and

e. The variance approved is the minimum relief from the requirements of this Ordinance necessary to permit a reasonable conforming use.

f. Additional findings are required for variances in the Airport and Floodplain Overlay Districts (Chapters 6 and 7);

g. Conditions may be attached to the approval of any variance, as provided in 3.21.

3.26.050 The Commission shall file a written report with the County Clerk stating the findings and action taken by the Commission. Such report shall be filed no later than ten (10) days after the written decision or recommendation. The Administrator shall notify Applicant of the Commission’s decision by hand delivery or first class mail.
3.26.060 The Commission's decision may be appealed to the Board using the appeals procedure of 3.25. A notice of any such appeal shall be filed with the Administrator within 10 business days after notice of the decision has been issued. Applicants proceed at their own risk during this appeal period.

Division 3 –Hearing Procedure

3.27 Hearing Procedure. This procedure shall be followed in all hearings before the Commission or Board.

3.27.010 The presiding officer, who may be any member of the Commission, Board, or a hearing officer, shall announce the scope, purpose and subject of the hearing; shall request that all communication devices be silenced; and shall instruct all present of the procedures, guidelines, and decorum observed in the hearing.

3.27.020 The presiding officer may choose to appoint a Sergeant-at-Arms, who shall be charged with maintaining and enforcing order during the course of the hearing.

3.27.030 The presiding officer shall determine whether proper notice of the hearing has been provided, as required by this Ordinance. If proper notice has not been provided, the hearing shall be terminated and re-scheduled.

3.27.040 The presiding officer shall ask if any Commission/Board member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing and all further deliberations.

3.27.050 The presiding officer shall ask whether any Commission/Board member has viewed the subject property outside of any official site visit; and whether any member has had any ex parte communication with the Applicant (or Appellant), any representative of the Applicant (or Appellant), or any member of the public about the application under consideration. The approximate date of any independent site visit by any member and the names of all present during the visit shall be disclosed. Ex parte communication must be disclosed by identifying the person(s) involved, their employment or affiliation, and a general description of the communication.

3.27.060 The presiding officer shall request that the Administrator briefly introduce the application to the Commission/Board (this brief introduction should not be confused with the Administrator's report, which occurs later). As part of this introduction, the Administrator shall introduce into the hearing record the Comprehensive Plan, this Ordinance, all application materials, all timely received written submissions, and the Staff Report. The presiding officer shall direct any general questions from Commission/Board members to the Administrator; questions asked at this time shall be solely for and limited to the purpose of clarifying the location and nature of the proposed application.

3.27.070 The presiding officer shall remind those present that all statements given must address the merits of the proposed application as measured by its compliance or lack of compliance with this Ordinance, and that those statements that do not address the merits, or that are derogatory, defamatory, or slanderous, shall not be permitted. After one (1) warning from the presiding officer or sergeant-at-arms, any person not conforming to the hearing rules shall be prohibited from speaking. Refusal to comply with this prohibition shall be grounds to remove that person from the hearing chambers.

a. In the case of an amendment to the Ordinance, including any proposed zoning change or special use permit, all statements shall also address the merits of the proposed application as measured by its compliance or lack of compliance with the Comprehensive Plan.

3.27.080 The presiding officer shall ask for a statement from the Applicant/Appellant or his or her representative. Commission/Board members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.
a. In the case of an appeal of an approved permit, the presiding officer shall then ask for a statement from the Appellee (the original Applicant) or his or her representative.

3.27.090 Following Applicant/Appellant and any Appellee statement, the presiding officer shall ask the Administrator to present the Staff Report on the proposal being considered. The presiding officer shall direct any questions about the proposal from Commission/Board members to the Administrator.

3.27.100 If a public hearing, following the Administrator’s report, the presiding officer shall ask for statements from the public. The presiding officer shall call on the public to make statements in an orderly fashion. Persons giving statements shall begin by stating their name and mailing address. Commission/Board members may ask questions following any statement. All questions and replies shall be directed through the presiding officer.

3.27.110 When all statements have been given, the presiding officer shall ask the Applicant/Appellant if they wish to speak in rebuttal to testimony given, which shall include any pre-hearing submissions. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from Commission/Board members may follow each rebuttal or clarification.

a. In the case of an appeal of an approved permit, the presiding officer shall first ask the Appellee (the original Applicant) if they wish to speak in rebuttal to testimony given, which shall include any pre-hearing submissions. The Appellant shall have the privilege of providing the final statement.

3.27.120 The presiding officer shall close the public statements portion of the hearing and call for discussion by the Commission/Board, resulting in action, as follows:

a. A decision may, by passed motion, be then rendered on the merits of the application or matter before the Commission or Board; or
b. Any application or matter under consideration by the Commission/Board may, by passed motion, be tabled to a date uncertain, at which time the matter will be taken up again for action or decision; or
c. Any application or matter under consideration by the Commission/Board may, by passed motion, be continued to a date certain, at which time the matter will be taken up again for action or decision.

3.27.130 At the conclusion of the hearing, the Commission/Board shall close the record unless the Commission/Board determines, in its discretion, additional evidence is required, in which event, it may proceed as follows:

a. Close the record with the exception of allowing the submission of specifically requested information, or
b. Leave the entire record open for the submission of additional evidence to a date certain at which time it will automatically be closed without further action of the Commission/Board, or
c. Continue the hearing to a date certain for the purpose of receiving additional evidence and conducting such further proceedings as may, in its discretion, be advisable.
d. In the event that new material evidence is introduced after the hearing is closed, the presiding officer shall again open the hearing for the explicit limited purpose of addressing the new evidence, in which case the Applicant/Appellant and any Appellee shall again be afforded a right to rebut any additional testimony or evidence.

3.27.140 Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing’s record and shall be retained by the County. Supporting materials shall be left with the Administrator after each statement is made for inclusion in the public record.

a. All supporting submissions shall also be provided in a common digital format for inclusion in the electronic record.
3.28 Additional Hearing Procedures. These procedures may be used without prior notice to assist in the conduct of large, complex, or controversial hearings.

3.28.010 The Commission/Board may impose time limits on the statements given in order to assure completion of its agenda. Time limits may significantly abbreviate any written submission accepted into the record.

3.28.020 The Commission/Board may require persons who wish to make a statement to register their intention to do so with the Administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.

3.28.030 The Commission/Board may in its sole discretion issue and require adherence to pre-hearing procedures which shall govern the schedule and disclosure requirements.

3.29 Hearing Notices. All required notices shall be provided, as follows:

3.29.010 By first class mail, to all owners of record within 1,000 feet of the site, at least 15 days before the hearing, except as provided below:

   a. If an application is deemed by the Administrator to be particularly significant to the community, the Administrator may require first class mail to all owners of record within 3,000 feet of the site.

   b. Where more than 200 first class mail notices would be required, the Administrator may limit certified mail notice to adjoining owners of record, while providing all other forms of notice required by this Ordinance.

3.29.020 By newspaper publication, two legal notices in the official newspaper, with the first newspaper notice appearing at least 15 days prior to the hearing and the second one week later;

3.29.030 By first class mail, to all potentially affected public agencies, including the appropriate school and fire protection districts, and other interested parties on a list maintained by the Administrator; and

3.29.040 By posting at least seven days before the hearing, a sign conveying the required notice shall be placed on the site. Such sign shall be clearly visible from the nearest public road and may be placed at a point of access to the site, rather than on the site when the Administrator determines that so doing will provide more effective notice.

3.29.050 The actual cost of mail and newspaper notice shall be in addition to the application fee. No permit shall be issued until payment of all fees is received.

3.29.060 The content of all hearing notices shall substantially comply with the following model hearing notices, which may be varied as needed and as circumstances require:

   a. PUBLIC HEARING NOTICE - CLASS II PERMIT

   [APPLICANT] of [APPLICANT’S FULL ADDRESS] proposes to [DETAILS OF PROPOSED ACTION]. The property is located in [SEC TWP RGE] and is currently [DETAILS OF CURRENT STATE OF SUBJECT PROPERTY]. The property is located [ADDRESS AND EXPANDED DETAILS ON PROPERTY LOCATION FROM RECOGNIZABLE LANDMARKS AND DIRECTIONS TO THE PROPERTY FROM A MAJOR INTERSECTION].

   The Fremont County Planning and Zoning Commission will conduct a public hearing on this proposal at or about [TIME], [DAY OF WEEK], [DATE], at [LOCATION] in St. Anthony, Idaho, located at [LOCATION’S ADDRESS]. A full copy of the application is available for public review at the Fremont County Planning and Building Office, located at 125 North Bridge Street, St. Anthony, Idaho, and open from 8 AM to 5 PM Monday through Friday. Public comment is encouraged. Written comments will be accepted and considered if received in the Fremont County Planning and Building Office, 125 North Bridge Street, St. Anthony, ID 83445, no later than eight (8) calendar days prior to the meeting.
Any person needing special accommodations to participate in the meeting should contact the Fremont County Planning and Building Office seven (7) calendar days prior to the public hearing meeting.

b. PUBLIC HEARING NOTICE – VARIANCE

[APPLICANT] of [APPLICANT’S FULL ADDRESS] seeks a variance from [SPECIFY APPLICABLE PERFORMANCE STANDARDS]. The proposed variance would permit [DETAILS OF VARIATION FROM PERFORMANCE STANDARDS AND THE PROPOSED ACTIVITY]. The property is located [ADDRESS AND EXPANDED DETAILS ON PROPERTY LOCATION FROM RECOGNIZABLE LANDMARKS AND DIRECTIONS TO THE PROPERTY FROM A MAJOR INTERSECTION].

The Fremont County Planning and Zoning Commission will conduct a public hearing on this proposal at or about [TIME], [DAY OF WEEK], [DATE], at [LOCATION] in St. Anthony, Idaho, located at [LOCATION’S ADDRESS]. A full copy of the application is available for public review at the Fremont County Planning and Building Office, located at 125 North Bridge Street, St. Anthony, Idaho, and open from 8 AM to 5 PM Monday through Friday. Public comment is encouraged. Written comments will be accepted and considered if received in the Fremont County Planning and Building Office, 125 North Bridge Street, St. Anthony, ID 83445, no later than eight (8) calendar days prior to the meeting.

Any person needing special accommodations to participate in the meeting should contact the Fremont County Planning and Building Office seven (7) calendar days prior to the public hearing meeting.

3.30 Hearings and Deliberations to Be Recorded. As required by I.C. 67-6536, the Administrator shall keep a transcribable audio record of all hearings and deliberations on file for at least six months after the final hearing, including appeals hearings, on the application.

3.31 Decision Record. All decisions of the Commission/Board shall be reported in the form of a reasoned decision, as required by I.C. 67-6535. The completed decision record shall include the application materials, any report prepared by or on contract for the Administrator, and all testimony considered at the public hearing. The Administrator’s report shall be presented in a form that may serve as a basis for the Commission’s reasoned decision.

3.32 Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the Commission/Board required by I.C. 67-6519. The Commission/Board shall make a decision on any application for a permit within 60 days of the close of the hearing if a hearing is required by this Ordinance, or within 60 days of the meeting at which the application first appeared on the Commission/Board agenda. Note that submission of an incomplete application requires no action by the Commission/Board and that application for which a large scale application study is required are not complete and subject to action within the deadline established here until that study is complete.

3.33 Decision Notification. The Administrator shall notify Applicant/Appellant and any Appellee of the Commission’s or Board’s decision within ten (10) days by hand delivery or first class mail.

Division 4 - Enforcement

3.34 Failure to Obtain a Permit. Whenever the Administrator becomes aware of an activity for which a permit is required by this Ordinance, but for which a permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) to immediately cease all unpermitted activity. Notice shall be given by posting on the site and/or first class mail. If the unpermitted activity does not cease, the Administrator shall ask the prosecuting attorney to take immediate action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this Ordinance.

3.35 Investigative, Inspection, and Enforcement Actions. The process for enforcement of these regulations shall be as described here.
3.35.010 The Administrator shall cause investigations to be made upon receipt of information concerning an alleged violation of this Ordinance or of any rule, permit or order promulgated thereunder, and may cause to be made such other investigations as the Administrator shall deem advisable.

3.35.020 For the purpose of enforcing any provision of this Ordinance or any rule authorized in this chapter, the Administrator or the Administrator’s designee shall have the authority to:

a. Conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential violations or non-conformance;

b. Enter at all reasonable times upon any private or public property, upon presentation of appropriate credentials, for the purpose of inspecting or investigating to ascertain possible violations of this Ordinance or of rules, permits or orders adopted and promulgated by the Administrator or the Board;

c. All inspections and investigations conducted under the authority of this Ordinance shall be performed in conformity with the prohibitions against unreasonable searches and seizures contained in the Fourth Amendment to the Constitution of the United States and Section 17, Article I, of the Constitution of the State of Idaho. The County shall not, under the authority granted by this Ordinance, conduct warrantless searches of private property in the absence of either consent from the property owner or occupier or exigent circumstances such as a public health or environmental emergency;

d. Any district court in and for the County in which the subject property is located is authorized to issue a search warrant to the Administrator upon a showing of (i) probable cause to suspect a violation, or (ii) the existence of a reasonable program of inspection. Any search warrant issued under the authority of this Ordinance shall be limited in scope to the specific purposes for which it is issued and shall state with specificity the manner and the scope of the search authorized.

3.35.030 Whenever the Administrator determines that any person is in violation of any provision of this Ordinance or any rule, permit or order issued or promulgated pursuant to this Ordinance, the Administrator may commence either of the following:

a. Administrative Enforcement Action.

(1) Notice. The Administrator may commence an administrative enforcement action by issuing a written notice of violation. The notice of violation shall identify the alleged violation with specificity, shall specify each provision of the Ordinance, rule, regulation, permit or order which has been violated, and shall state the amount of civil penalty claimed for each violation. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the Administrator or the Administrator’s designee in a compliance conference concerning the alleged violation. A written response may be required within fifteen (15) days of receipt of the notice of violation by the person to whom it is directed.

(2) Scheduling compliance conference. If a recipient of a notice of violation contacts the department within fifteen (15) days of the receipt of the notice, the recipient shall be entitled to a compliance conference. The conference shall be held within twenty (20) days of the date of receipt of the notice, unless a later date is agreed upon between the parties. If a compliance conference is not requested, the Administrator may proceed with a civil enforcement action as provided in paragraph (b) of this subsection.

(3) Compliance conference. The compliance conference shall provide an opportunity for the recipient of a notice of violation to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for remediating damage caused by the alleged violation and assuring future compliance.

(4) Consent order. If the recipient and the Administrator agree on a plan to remedy damage caused by the alleged violation and to assure future compliance, they may enter into a consent order formalizing their agreement. The consent order may include a provision providing for payment of any agreed civil penalty.

(5) Effect of consent order. A consent order shall be effective immediately upon signing by both parties and shall preclude any civil enforcement action for the same alleged violation. If a party does not comply with the terms of the consent order, the Administrator may seek and
obtain, in any appropriate district court, specific performance of the consent order and such other relief as authorized in this Ordinance.

(6) Failure to reach consent order. If the parties cannot reach agreement on a consent order within sixty (60) days after the receipt of the notice of violation or if the recipient does not request a compliance conference as per paragraph 3.35.030.a (2) of this section, the Administrator may commence and prosecute a civil enforcement action in district court, in accordance with subsection (b) of this section.

b. Civil enforcement action. The Administrator may initiate a civil enforcement action through the prosecuting attorney’s office, as authorized by I.C. 67-6527. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the County, and may be brought against any person who is alleged to have violated any provision of this Ordinance or any rule, permit or order which has become effective pursuant to this Ordinance. Such action may be brought to compel compliance with any provision of this Ordinance or with any rule, permit or order promulgated hereunder and for any relief or remedies authorized in this Ordinance. The Administrator shall not be required to initiate or prosecute an administrative action before initiating a civil enforcement action.

3.35.040 No civil or administrative proceeding may be brought to recover for a violation of any provision of this Ordinance or a violation of any rule, permit or order issued or promulgated pursuant to this Ordinance, more than two (2) years after the Administrator had knowledge or ought reasonably to have had knowledge of the violation.

3.35.050 Penalties.

a. Any person determined in a civil enforcement action to have violated any provision of this Ordinance or any rule, permit or order promulgated pursuant to this Ordinance shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) per violation or three hundred dollars ($300) for each day of a continuing violation, whichever is greater (each separate violation and each day in which a violation continues shall be considered a separate offense). The method of recovery of said penalty shall be by a civil enforcement action in the district court in and for the County. All civil penalties collected under this act shall be paid into the general fund of the County. Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection.

b. The imposition or computation of monetary penalties may take into account the seriousness of the violation and good faith efforts to comply with the law.

c. Violations of this Ordinance shall be a misdemeanor, punishable by the fines in paragraph (a) of this subsection, or by imprisonment for a period of not longer than 30 days, or by both fine and imprisonment.

3.35.060 In addition to such civil penalties, any person who has been determined to have violated the provisions of this Ordinance or the rules, permits or orders promulgated thereunder, shall be liable for any expense incurred by the County in enforcing the act, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness, or health hazard.

3.35.070 No action taken pursuant to the provisions of this Ordinance or of any other protection law shall relieve any person from any civil action and damages that may exist for injury or damage resulting from any violation of this Ordinance or of the rules, permits and orders promulgated thereunder.

3.36 Public Endangerment Remedy. The enforcement procedures provided here may be accelerated where the Administrator finds that public health and safety could be endangered by a violation. In such cases, the Administrator shall ask the prosecuting attorney to take immediate action to end the danger to public health and safety. The prosecuting attorney may institute a civil action for an immediate injunction to halt any discharge, emission or other activity in violation of provisions of this Ordinance or rules, permits and orders promulgated thereunder. In such action the court may issue an ex parte restraining order.

3.37 Complaints. Any individual wishing to lodge a complaint of violation or non-conformance must do so by completing an official complaint report, listing with specificity the alleged violation or non-conformance, documenting the times and places that such violation or non-conformance allegedly took place, providing
any evidence supporting the allegations, and agree to act as a witness in all enforcement actions authorized herein.

Division 5 - Amendments

3.38 Amendments. Any person may petition for the amendment of the comprehensive plan or this Ordinance. The amendment procedure shall be as described here and in I.C. 67-6509 or I.C. 67-6511, respectively.

3.38.010 The Applicant shall file a properly completed application form, the required supporting materials, and the required application fee with the Administrator.

a. Zone change amendments must be consistent with the Preferred Land Use Map of the Comprehensive Plan. An amendment to the Preferred Land Use Map may also be required where the proposed zone change would not be consistent with the in-force Preferred Land Use Map.

3.38.020 The Administrator shall place a hearing on the application on the agenda of the next regular Commission meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice requirements for an amendment shall be as set by 3.29.

a. As required by I.C. 67-6509, the Administrator shall also make available a notice to other papers, radio and television station serving the jurisdiction for use as a public service announcement.

b. As required by I.C. 67-6509, notice of intent to adopt, repeal, or amend the Plan or this Ordinance shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the scheduled public hearing.

3.38.030 The Administrator may contract with an independent planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the Administrator for use at the hearing. The Administrator shall, upon its receipt, provide a copy of this report to the Applicant and place it on file for public review with the other application materials.

3.38.040 The Commission shall conduct a hearing on the proposed amendment. No application for an amendment shall be reviewed if the Applicant or a representative is not present.

3.38.050 In the case of proposed Comprehensive Plan amendments, the Commission shall determine whether the proposed amendment is consistent with the public interest, and recommend that the Board approve or disapprove it accordingly. In the case of proposed Ordinance amendments, the Commission shall determine whether the proposed amendment is consistent with the Comprehensive Plan, and recommend that the Board approve or disapprove it accordingly.

3.38.060 The Administrator shall convey the Commission's recommendation to the Board.

a. As permitted by I.C. 67-6509, the Board may elect to accept and adopt the recommendation of the Commission without conducting a separate hearing. In this case, the Board may skip 3.38.070 and proceed to 3.38.080.

b. Alternatively, unless the Application is withdrawn, the Administrator shall schedule a hearing on the application on the agenda of the next regular Board meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice shall be provided in the same manner as for the hearing before the Commission.

3.38.070 The Board shall conduct a hearing on the proposed amendment. No application for an amendment shall be reviewed if the person who petitioned for the amendment or a representative is not present.
3.38.080 The Board shall determine whether the proposed amendment is consistent with the public interest and/or the Comprehensive Plan and approve or disapprove it accordingly.

3.38.090 The Administrator shall notify the Applicant and interested parties of the Board’s decision within 10 business days. No amendment to this Ordinance shall become effective until that amendment has been adopted as an ordinance and published as required by law. No amendment to the Comprehensive Plan shall become effective until that amendment has been adopted by resolution and published as required by law.

Division 6 - Vacation of Plats

3.39 Vacation of a Plat. Vacation of any plat, or any portion of a plat, may be proposed, following the procedure provided here and in I.C. 50-1306A. Note that the County may take no action on a proposed vacation within one mile of an incorporated city until the vacation has been approved by the city.

3.39.010 A petition for vacation and the required fee shall be filed with the Administrator, who shall place consideration of that petition on the agenda of the next regular commission meeting at which time will permit its proper review.

3.39.020 The Commission shall review the proposed vacation and recommend that the vacation either be accepted or denied by the Board.

3.39.030 The Administrator shall notify the Board and the petitioner of the Commission’s recommendation within 10 business days, and unless the petitioner withdraws the petition, place a hearing on the proposed plat vacation on the agenda of the next regular board meeting for which the notice requirements can be met, and at which time will permit its proper review.

3.39.040 Notice of the hearing shall be provided as outlined in 3.29.

3.39.050 The Board shall conduct a hearing on the proposed plat vacation. No petition shall be reviewed if the petitioner or a representative is not present.

3.39.060 The Board shall accept or reject the petition for vacation, with acceptance based on findings that:

a. The vacation will not eliminate safe road access to any lot or parcel that is in separate ownership and was formerly included in, or is adjacent to the plat,
b. The vacation will not eliminate easements or rights-of-way used for utilities serving any lot or parcel that is in separate ownership and was formerly included in, or is adjacent to the plat, and
c. All owners of record of property or property interests within the plat proposed to be vacated have consented, in writing, to the vacation.
d. If the petitioner or a representative has petitioned a partial vacation of a subdivision, the petitioner will prepare a new plat drawing on archival Mylar of the amended subdivision, clearly noting those portions or parts of the subdivision vacated. This revised plat drawing must be recorded immediately in the office of the Fremont County Clerk after being signed by the Board of County Commissioners.

3.39.070 The Administrator shall notify the petitioner and interested parties of the Board’s decision within 10 business days.
CHAPTER 4 - ESTABLISHMENT OF ZONING DISTRICTS

4.01 What This Chapter Does. This chapter creates zoning districts and zoning district overlays that regulate the type and intensity of land uses in the County, and adopts an official map of those districts. Zoning district standards and dimensional limitations are established in order to achieve the following:

4.01.010 Desired Community Character. Ensure the protection of the desired community character of each zoning district.

4.01.020 Housing and Business Opportunities. Promote adequate housing and business activities with the County.

4.01.030 Stability. Promote the stability of existing land uses and protect them from inharmonious influences and harmful intrusions.

4.01.040 Compatible Development. Ensure that uses and structures enhance their sites and are compatible with the natural beauty of the County’s setting and its critical natural resources.

4.01.050 Mitigation of Negative Impacts. Mitigate negative impacts of certain uses within the zoning districts.

Division 1 – General Provisions

4.02 Zoning Measurements.

4.02.010 Structure height shall be measured as the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

4.02.020 Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest public or main entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

4.02.030 Illumination levels shall be measured with a calibrated photoelectric photometer or similar device capable of accurate measurement of light.

4.02.040 Noise levels shall be measured at the property line with a calibrated noise meter or similar device capable of accurate measurement of sound.

4.03 Zoning District Boundaries. Zoning district boundaries shall be as shown on the "Official Zoning Map of Fremont County". The boundaries of the FEMA Floodplain Overlay are shown on the Federal Emergency Management Agency's Flood Insurance Rate Maps of Fremont County, Idaho.

4.03.010 Boundaries Following Municipal Boundaries. Boundary lines shown as following or approximately following County boundaries shall be construed as following such limits.

4.03.020 Boundaries Following Streets, Alleys, or Railroads. Boundary lines shown as following or approximately following streets, alleys, or railroads shall be construed as following the centerline of such streets, alleys or railroads. Where a street or alley is officially vacated and that street or alley has not been given a zoning designation, the land that was formerly in the vacated street or alley shall have the same designation as the abutting property on either side of the centerline of the vacated street or alley.
4.03.030 Boundaries Following Section Lines, Platted Lot Lines, Park or Forest Service Boundaries. Boundary lines shown as following, or approximately following, section lines, platted lot lines, park or forest service boundaries, or other property lines as shown on the Official Zoning District Map shall be construed as following such lines.

4.03.040 Boundaries Following Streams or Rivers. Boundary lines shown as following, or approximately following, the centerline of streams, or rivers, or other continuously flowing watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a County boundary, the boundary shall become coterminous with the County boundary.

4.03.050 Boundaries Following Ridgelines. Boundaries following or approximately following ridgelines shall be construed as following such lines.

4.03.060 Boundaries Following Bench Lines or Levees. Boundaries shown as following or approximately following bench lines shall be construed as following the top of the bench. Boundaries shown as following or approximately following levees shall be construed as following the toe of the levee where the slope sharply increases.

4.03.070 Where a district boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along nearest section, quarter section, or sixteenth section line.

4.04 Conflicting Regulations.

4.04.010 In case of conflict between the text and the maps of this Ordinance, the maps shall prevail.

4.04.020 It is not intended that this Ordinance interfere with, abrogate, or annul any easements, covenants, or other agreements between parties in which the County is also a party; however, where this Ordinance imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this Ordinance shall govern.

4.05 Allowed Uses. If a proposed use of property is not specifically listed in Chapter 4, Division 2 “Base District Regulations,” of this Ordinance, the use shall be prohibited, except that the Administrator may determine that a proposed use not listed in Chapter 4 of this Ordinance is equivalent to an allowed use if the Administrator finds all of the following:

4.05.010 The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable base or overlay districts as allowed;

4.05.020 The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable base or overlay districts as allowed;

4.05.030 The proposed use is consistent with the purpose of the district in which the use is proposed to be located;

4.05.040 The proposed use is in substantial conformance with goals and objectives of the applicable comprehensive plan; and

4.05.050 The proposed use is a legal use under the laws of the State of Idaho.

4.06 Legal-Nonconforming Uses, Buildings, and Signs. A legal nonconforming use, building, or sign was legally in existence on the effective date of this Ordinance, but would not comply with one or more of its requirements if submitted for approval after that date. Legal nonconforming uses, buildings, and signs
may continue subject to the rules established here. While the purpose of these rules is to help eliminate nonconforming uses, buildings, and signs, it is recognized that routine maintenance and repair and, in some cases, a change of use to another legal nonconforming use or replacement of a legal nonconforming building or sign may be necessary to prevent community blight.

4.06.010 These regulations shall apply to any lawfully existing nonconforming property, use, or structure in Fremont County, except in the event that a property, use, or structure that was deemed nonconforming under past zoning regulations now complies with the standards of this Ordinance, such property, use, or structure shall be deemed conforming.

4.06.020 A property shall be deemed conforming and shall be eligible for building permits if it meets the dimensional standards for the base district in which it is now located.

4.06.030 A property shall be deemed nonconforming and shall be eligible for building permits if it meets one of the following standards:
   a. The property met the dimensional standards for the applicable base district at the time it was created.
   b. A dwelling, as herein defined, was constructed or placed on a foundation prior to June 1, 1992, and still remains on the property.

4.06.040 If a nonconforming use has ceased for ten (10) years or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished. If nonuse or vacancy continues for a period of a year or longer, the county may request resolution of the nonconforming use right according to procedures outlined in Idaho Code section 67-6538(2) as it may be amended or retitled from time to time.

4.06.050 There shall be no limit on repair or maintenance activities for legal nonconforming uses, buildings, or signs, provided that no such activity shall increase the degree of nonconformity.

4.06.060 Changes in use may be permitted in legal nonconforming commercial or industrial buildings, provided that the new use is no more intense (with intensity being measured by traffic and noise generation, parking requirements, and similar factors) than the existing use. Requests for such changes in nonconforming occupancies shall be processed as applications for Class II permits.

4.06.070 Legal nonconforming buildings and signs may be replaced or expanded up to 10% of the original building or sign total square footage, but only where the effect of the replacement or expansion does not result in undue adverse impact to the community, and where the degree of use nonconformity is not increased. Requests for replacement or expansion of legal nonconforming buildings shall be processed as applications for Class II permits, except that any legal nonconforming building destroyed by fire or other catastrophe may be replaced without zoning approval if the degree of nonconformity is not in any way increased and if the replacement is completed within 12 months of the building’s destruction. However, a building permit is still required. No permit is required for replacement of a legal nonconforming sign.

4.06.080 There are additional limitations on nonconforming uses and buildings in the Airport (Chapter 6) and Floodplain Overlay (Chapter 7) Districts.

4.06.090 Uses housed within structures listed on the National Register of Historic Places shall be exempt from the regulations of this section.

4.07 Illegal Non-Conforming Uses. There is no protection by this Ordinance for structures, buildings, and uses in violation of the rules and regulations that were in place at the time of construction or use inception. The passage of time does not make these situations legal, compliant, or permitted, either as conforming or non-conforming. These situations are by definition illegal non-conforming uses and must be remedied according to the provisions of this Ordinance.

4.08 Disincorporation. Where property becomes a part of the unincorporated area of Fremont County by the disincorporation of any city, or portion thereof, such properties shall be zoned by the Board following the
notice and hearing regulations of Chapter 3 of this Ordinance to the Fremont County zoning district that corresponds to the city's zoning prior to disincorporation.

4.09 Errors in Legal Descriptions. Where a property has not been zoned due to an error in a legal description the following shall apply:

4.09.010 If the error is caused by the County, the error shall be corrected and duly processed by the County as soon as the error is discovered.

4.09.020 If the error is caused by the Applicant and/or owner, the Applicant shall apply for a zoning ordinance map amendment and submit the proper fees.

4.10 Commercial and Industrial Areas. Designated Commercial or Industrial Zoning may be established upon application to the Commission and approval by the Board and the boundaries thereafter indicated and regulated by the Fremont County “Official Zoning Map.”

4.11 Zoning Map Amendments. Changes to the Zoning Districts established in this chapter shall be by amendment following the process outlined in Chapter 3 and may additionally require an amendment to the Fremont County Comprehensive Plan and the Preferred Land Use Map.

Division 2 – Base District and Zoning Regulations

4.12 Zoning Base Districts Established. For the purpose of this Ordinance, the unincorporated territory of Fremont County, Idaho, is divided into the following zoning base districts whose boundaries are established on the Fremont County Preferred Land Use Map and all official zoning maps of Fremont County. The official zoning maps are made a part of this Ordinance, as well as such other map or maps that are duly adopted. Said official zoning maps, properly attested, shall be placed and remain on file in the Office of the Clerk of the Board of Fremont County Commissioners.

4.12.010 Rural District. (See 4.13)

a. RB Rural Base Zone
b. RC Rural Conservation Zone
c. RL Rural Living Zone

4.12.020 Residential District. (See 4.14)

a. RUT Residential Rural Urban Transition Zone
b. R1 Residential Estate Zone
c. R2 Residential Low Density Zone
d. R4 Residential Medium Low Density Zone

4.12.030 Commercial District. (See 4.15)

a. LO Commercial Limited Office Zone
b. C1 Commercial Neighborhood Zone
c. C2 Commercial Community Zone
d. C3 Commercial Regional Zone

4.12.040 Industrial District. (See 4.16)

a. TI Industrial Technological Zone
b. M1 Industrial Limited Zone
c. M2 Industrial General Zone
d. M3 Industrial Airport Zone

4.13 RURAL DISTRICT

4.13.010 RURAL BASE ZONE (RB)

a. Purpose. The RB Rural Base Zone is established to provide for the continued use of agricultural lands, rangelands, and wildlife management areas within the County; to limit development of hazardous areas including, but not limited to, fault lines, landslides, subsidence, shallow soils, steep slopes, unstable slopes, flooding, and seeps; and to allow a limited number of uses with excessive space requirements or buffering needs on nonprime agricultural lands.

b. Applicability. The Rural Base designation is to be applied to land which includes prime farmland or grazing land, and which has not been divided into small agriculturally unusable parcels. The Rural Base Zone is not intended to accommodate non-agricultural development. Factors to be considered in designating land for Rural Base areas should include, but not be necessarily limited to the amount of prime farmland in the area, existing lot sizes and land uses in the area, and the character of surrounding land uses.

c. Objectives.

(1) Promote the public health, safety, and welfare of the people of Fremont County by encouraging the protection of important agricultural and open lands; to ensure the important environmental features of the state and Fremont County are protected and enhanced; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act (Idaho Code section 67-6501 et seq., as amended).

(2) To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes; to provide for agricultural and rangeland uses consistent with the conservation of the environmental and landscape values of the area; to allow the development of agricultural industries and agriculture service establishments; and to protect agricultural and rangeland uses and wildlife management areas from undue adverse impacts from adjacent development.

(3) Implement the Fremont County comprehensive plan goal to protect important agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as Rural on the Comprehensive Plan Preferred Land Use Map.

(4) To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values; to protect and enhance natural resources and biodiversity in the area.

(5) To encourage seasonal and limited recreational and very low density residential development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

(6) Permit the development of schools, churches, and other public and quasi-public uses in rural areas consistent with the applicable comprehensive plan; and direct higher density development to occur within Residential districts.

d. General Requirements. None.

e. Open Space. At least sixty-five percent (65%) of the gross acreage of the property shall be established as open space. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. The following uses are allowed in the Rural Base Zone. Where a particular use requires a Class I or a Class II Permit, application must be made to the Fremont County Planning and Building Department before the change of use can be approved.

<table>
<thead>
<tr>
<th>Agricultural Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural processing, warehousing (Value added)</td>
<td>Class II</td>
</tr>
<tr>
<td>Agricultural structures</td>
<td>P</td>
</tr>
<tr>
<td>Beekeping</td>
<td>P</td>
</tr>
<tr>
<td>Feedlot (Non-CAFO)</td>
<td>P</td>
</tr>
<tr>
<td>Crop production and management</td>
<td>P</td>
</tr>
</tbody>
</table>
### Residential Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Accessory buildings (&lt;200 feet²)</td>
</tr>
<tr>
<td>P</td>
<td>Fences ≤ 6 feet in height</td>
</tr>
<tr>
<td>P</td>
<td>Home Occupation</td>
</tr>
<tr>
<td>Class I</td>
<td>Home Based Business</td>
</tr>
<tr>
<td>Class I</td>
<td>Manufactured Home Park</td>
</tr>
<tr>
<td>Class I</td>
<td>Secondary dwelling (single ownership and control)</td>
</tr>
<tr>
<td>Class I</td>
<td>Signs, residential (see Appendix A)</td>
</tr>
<tr>
<td>Class I</td>
<td>Single family dwelling</td>
</tr>
<tr>
<td>Class II</td>
<td>Subdivision</td>
</tr>
<tr>
<td>Class I</td>
<td>Wind generators, residential scale</td>
</tr>
</tbody>
</table>

### Commercial Uses (not Appendix I)

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>Animal Boarding facility / Kennel</td>
</tr>
<tr>
<td>Class I</td>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Class I</td>
<td>Cabin rental</td>
</tr>
<tr>
<td>Class I</td>
<td>Contractor’s Shop/Yard</td>
</tr>
<tr>
<td>Class I</td>
<td>Indoor Shooting Range</td>
</tr>
<tr>
<td>Class I</td>
<td>Landscape business/garden store</td>
</tr>
<tr>
<td>Class I</td>
<td>Guest Lodge</td>
</tr>
<tr>
<td>Class I</td>
<td>Recreational Vehicle Sales and Services</td>
</tr>
<tr>
<td>Class I</td>
<td>Veterinary clinic</td>
</tr>
</tbody>
</table>

### Industrial Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class II</td>
<td>Confined Animal Feeding Operation (CAFO)</td>
</tr>
<tr>
<td>Class I</td>
<td>Gravel extraction, small</td>
</tr>
<tr>
<td>Class I</td>
<td>Gravel extraction</td>
</tr>
</tbody>
</table>

### Utilities /Facilities, Institutional Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>Animal impoundment</td>
</tr>
<tr>
<td>Class I</td>
<td>Churches</td>
</tr>
<tr>
<td>Class I</td>
<td>Electric utility facility</td>
</tr>
<tr>
<td>Class I</td>
<td>Emergency services facility</td>
</tr>
<tr>
<td>Class I</td>
<td>Schools</td>
</tr>
<tr>
<td>Class I</td>
<td>Telecommunications facility</td>
</tr>
<tr>
<td>Class I</td>
<td>Underground utilities</td>
</tr>
<tr>
<td>P</td>
<td>Wastewater treatment facility</td>
</tr>
</tbody>
</table>

### Recreational / Conservation / Other Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Conservation Easements and Nature Preserves</td>
</tr>
<tr>
<td>P</td>
<td>Campground, personal use</td>
</tr>
<tr>
<td>Class I</td>
<td>Campground, commercial use</td>
</tr>
<tr>
<td>Class I</td>
<td>Domestic game farm</td>
</tr>
<tr>
<td>Class I</td>
<td>Equestrian facility</td>
</tr>
<tr>
<td>Class I</td>
<td>Golf course</td>
</tr>
<tr>
<td>Class I</td>
<td>Hunting preserve / Private hunting facility</td>
</tr>
<tr>
<td>P</td>
<td>Outfitter Guide Business, no permanent housing facilities</td>
</tr>
<tr>
<td>P</td>
<td>Outfitter Guide Business, with housing facilities</td>
</tr>
<tr>
<td>P</td>
<td>Public Parks</td>
</tr>
<tr>
<td>Class I</td>
<td>RV Park</td>
</tr>
<tr>
<td>Class I</td>
<td>Shooting range</td>
</tr>
<tr>
<td>P</td>
<td>Shooting range, personal use</td>
</tr>
</tbody>
</table>
g. Dimensional Standards.

(1) Setbacks, Frontages, Coverage, Height. See Table 4.1.

(2) Area/Density Requirements. Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
<th>Density Bonus for central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Base</td>
<td>20 units/100 acres</td>
<td>1.0 acres</td>
<td>25%</td>
</tr>
</tbody>
</table>

(3) Minimum lot size exception for non-residential uses. In all rural zones, where a subdivision will create a lot for an exclusively non-residential use, an exception to the minimum lot size may be granted if the applicant agrees to place a plat note and a deed restriction barring the location of any septic system on that lot in the future.

4.13.020 RURAL CONSERVATION ZONE (RC)

a. Purpose. The RC Rural Conservation Zone is established to provide for the continued use of agricultural lands, rangelands, and wildlife management areas within the County. Limit development of hazardous areas including, but not limited to, fault lines, landslides, subsidence, shallow soils, steep slopes, unstable slopes, flooding, and seeps. Allow a limited number of uses with excessive space requirements or buffering needs on nonprime agricultural lands.

b. Applicability. The Rural Conservation designation is to be applied to County lands with minimal residential conversion, indicated by larger farmland or grazing land acreages, and with larger, rural sized lots in areas of predominantly agricultural land still in active use (not fallow or in conservation programs). Factors to be considered in designating land for Rural Conservation should include, but not be limited to, availability of County services and medium priority roads; types of surrounding land uses; and suitability of land to safely handle individual well and sewage systems on lots 1.5 acres or more in size, or higher densities with central or municipal water and sewer systems.

c. Objectives.

(1) Promote the public health, safety, and welfare of the people of Fremont County by encouraging the protection of important agricultural and open lands; to ensure the important environmental features of the state and Fremont County are protected and enhanced; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act (Idaho Code section 67-6501 et seq., as amended).

(2) To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes; to provide for agricultural and rangeland uses consistent with the conservation of the environmental and landscape values of the area; to allow the development of agricultural industries and agriculture service establishments; and to protect agricultural and rangeland uses and wildlife management areas from undue adverse impacts from adjacent development.

(3) Implement the Fremont County comprehensive plan goal to protect important agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as Rural on the Comprehensive Plan Preferred Land Use Map.

(4) To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values; to protect and enhance natural resources and biodiversity in the area.

(5) To encourage seasonal and limited recreational and very low density residential development and use of land which is consistent with sustainable land management and land
capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

(6) Permit the development of schools, churches, and other public and quasi-public uses in rural areas consistent with the applicable comprehensive plan; and direct higher density development to occur within Residential districts.

d. General Requirements. None.

e. Open Space. At least sixty percent (60%) of the gross acreage of the property shall be established as open space and at least two percent (2%) of the required open space shall be suitable for active recreational use, but not more than ten percent (10%) shall be utilized for that purpose. Land owners wishing to maintain agricultural use of all open space may waive the requirement for recreational use set aside. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. The following uses are allowed in the Rural Conservation Zone. Where a particular use requires a Class I or a Class II Permit, application must be made to the Fremont County Planning and Building Department before the change of use can be approved.

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</tr>
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<td>Crop production and management</td>
<td>P</td>
</tr>
<tr>
<td>Crop storage and sorting facilities</td>
<td>P</td>
</tr>
<tr>
<td>Dairies (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Livestock Husbandry</td>
<td>P</td>
</tr>
<tr>
<td>Plant nursery or greenhouse</td>
<td>Class I</td>
</tr>
<tr>
<td>Poultry keeping personal use</td>
<td>P</td>
</tr>
<tr>
<td>Poultry, Commercial (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Produce sales / stand</td>
<td>Class I</td>
</tr>
<tr>
<td>Range and pasture management</td>
<td>P</td>
</tr>
<tr>
<td>Tree farm and forest management</td>
<td>P</td>
</tr>
</tbody>
</table>

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<th>Permit Type</th>
</tr>
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<tr>
<td>Accessory buildings (≤200 feet²)</td>
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<td>Subdivision</td>
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</tr>
<tr>
<td>Cabin rental</td>
<td>Class II</td>
</tr>
<tr>
<td>Contractor’s Shop/Yard</td>
<td>Class I</td>
</tr>
<tr>
<td>Indoor Shooting Range</td>
<td>Class II</td>
</tr>
<tr>
<td>Landscape business/garden store</td>
<td>Class II</td>
</tr>
<tr>
<td>Guest Lodge</td>
<td>Class II</td>
</tr>
<tr>
<td>Recreational Vehicle Sales and Services</td>
<td>Class II</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>Class II</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confined Animal Feeding Operation (CAFO)</td>
<td>CAFO permit (see Appendix W)</td>
</tr>
<tr>
<td>Gravel extraction, small</td>
<td>Class I</td>
</tr>
<tr>
<td>Gravel extraction</td>
<td>Class II</td>
</tr>
</tbody>
</table>
Utilities/Facilities, Institutional Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal impoundment</td>
</tr>
<tr>
<td>Churches</td>
</tr>
<tr>
<td>Electric utility facility</td>
</tr>
<tr>
<td>Emergency services facility</td>
</tr>
<tr>
<td>Schools</td>
</tr>
<tr>
<td>Telecommunications facility</td>
</tr>
<tr>
<td>Underground utilities</td>
</tr>
<tr>
<td>Wastewater treatment facility</td>
</tr>
</tbody>
</table>

Recreational/Conservation/Other Uses

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Easements and Nature Preserves</td>
</tr>
<tr>
<td>Campground, personal use</td>
</tr>
<tr>
<td>Campground, commercial use</td>
</tr>
<tr>
<td>Domestic game farm</td>
</tr>
<tr>
<td>Equestrian facility</td>
</tr>
<tr>
<td>Golf course</td>
</tr>
<tr>
<td>Hunting preserve/Private hunting facility</td>
</tr>
<tr>
<td>Outfitter Guide Business, no permanent housing facilities</td>
</tr>
<tr>
<td>Outfitter Guide Business, with housing facilities</td>
</tr>
<tr>
<td>Public Parks</td>
</tr>
<tr>
<td>RV Park</td>
</tr>
<tr>
<td>Shooting range</td>
</tr>
<tr>
<td>Shooting range, personal use</td>
</tr>
<tr>
<td>Youth camp</td>
</tr>
</tbody>
</table>

**g. Dimensional Standards.**

1. **Setbacks, Frontages, Coverage, Height.** See Table 4.1.

2. **Area/Density Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
<th>Density Bonus for central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Conservation</td>
<td>30 units/100 acres</td>
<td>1.0 acres</td>
<td>25%</td>
</tr>
</tbody>
</table>

3. **Minimum lot size exception for non-residential uses.** In all rural zones, where a subdivision will create a lot for an exclusively non-residential use, an exception to the minimum lot size may be granted if the applicant agrees to place a plat note and a deed restriction barring the location of any septic system on that lot in the future.

**4.13.030 RURAL LIVING ZONE (RL)**

a. **Purpose.** The RL Rural Living Zone is established to permit low density residential uses that would provide a rural lifestyle, and that do not require excessive expansion of public services in areas that are not expected to be annexed into a city or added to a city’s area of impact.

b. **Applicability.** The Rural Living designation is to be applied to existing neighborhoods with larger, rural sized lots, and for areas of underdeveloped land which will serve as buffer areas between lower density Rural Base and Rural Conservation areas and urbanizing areas. Factors to be considered in designating land for Rural Living zones should include, but not be limited to, availability of County services and higher priority roads; types of surrounding land uses; and suitability of land to safely handle individual well and sewage systems on lots 1.5 acres or more in size, or higher densities with central or municipal water and sewer systems.

c. **Objectives.**
(1) Promote the public health, safety, and welfare of the people of Fremont County by encouraging the protection of important agricultural and open lands; to ensure the important environmental features of the state and Fremont County are protected and enhanced; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act (Idaho Code section 67-6501 et seq., as amended).

(2) To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes; to provide for agricultural and rangeland uses consistent with the conservation of the environmental and landscape values of the area; to allow the development of agricultural industries and agriculture service establishments; and to protect agricultural and rangeland uses and wildlife management areas from undue adverse impacts from adjacent development.

(3) Implement the Fremont County comprehensive plan goal to protect important agricultural land and to maximize opportunities for agricultural activities and an agricultural lifestyle in areas designated as Rural on the Comprehensive Plan Preferred Land Use Map.

(4) To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values; to protect and enhance natural resources and biodiversity in the area.

(5) To encourage seasonal and limited recreational and low density residential development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

(6) Permit the development of schools, churches, and other public and quasi-public uses in rural areas consistent with the applicable comprehensive plan; and direct higher density development to occur within Residential districts.

d. General Requirements. None.

e. Open Space. At least fifty percent (50%) of the gross acreage shall be established as open space and at least five percent (5%) of the required open space shall be suitable for active recreational use, but not more than fifteen percent (15%) shall be utilized for that purpose. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. The following uses are allowed in the Rural Living Zone. Where a particular use requires a Class I or a Class II Permit application must be made to the Fremont County Planning and Building Department before the change of use can be approved.

<table>
<thead>
<tr>
<th>Agricultural Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag processing, warehousing (Value added products)</td>
<td>Class II</td>
</tr>
<tr>
<td>Agricultural structures</td>
<td>P</td>
</tr>
<tr>
<td>Beekeeping</td>
<td>P</td>
</tr>
<tr>
<td>Feedlot (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Crop production and management</td>
<td>P</td>
</tr>
<tr>
<td>Crop storage and sorting facilities</td>
<td>P</td>
</tr>
<tr>
<td>Dairies (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Livestock Husbandy</td>
<td>P</td>
</tr>
<tr>
<td>Plant nursery or greenhouse</td>
<td>Class I</td>
</tr>
<tr>
<td>Poultry keeping personal use</td>
<td>P</td>
</tr>
<tr>
<td>Poultry, Commercial (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Produce sales / stand</td>
<td>Class I</td>
</tr>
<tr>
<td>Range and pasture management</td>
<td>P</td>
</tr>
<tr>
<td>Tree farm and forest management</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (&lt;200 sq. feet)</td>
<td>P</td>
</tr>
<tr>
<td>Fences ≤ 6 feet in height</td>
<td>P</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>P</td>
</tr>
<tr>
<td>Home Based Business</td>
<td>Class I</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>Class II</td>
</tr>
<tr>
<td>Secondary dwelling (single ownership and control)</td>
<td>Class I</td>
</tr>
<tr>
<td>Signs, residential (see Appendix A)</td>
<td>Class I</td>
</tr>
<tr>
<td>Single family dwelling</td>
<td>Class I</td>
</tr>
</tbody>
</table>
Small subdivision: Class II
Subdivision: Class II
Wind generators, residential scale: Class I

Commercial Uses (not Appendix I)
- Animal Boarding facility / Kennel: Class II
- Bed and Breakfast: Class II
- Cabin rental: Class II
- Contractor’s Shop/Yard: Class I
- Indoor Shooting Range: Class II
- Landscape business/garden store: Class II
- Guest Lodge: Class II
- Recreational Vehicle Sales and Services: Class II

Industrial Uses
- Confined Animal Feeding Operation (CAFO): CAFO permit (see Appendix W)
- Gravel extraction, small: Class I
- Gravel extraction: Class II

Utilities/Facilities, Institutional Uses
- Churches: Class II
- Electric utility facility: Class I
- Emergency services facility: Class II
- Schools: Class II
- Telecommunications facility: Class II
- Underground utilities: P
- Wastewater treatment facility: P

Recreational / Conservation / Other
- Conservation Easements and Nature Preserves: P
- Campground, personal use: P
- Campground, commercial use: Class II
- Domestic game farm: Class II
- Equestrian facility: Class II
- Golf course: Class II
- Outfitter Guide Business, no permanent housing facilities: P
- Outfitter Guide Business, with housing facilities: Class II
- Public Parks: P
- RV Park: Class II
- Youth camp: Class II
- Shooting range, personal use: P

**g. Dimensional Standards.**

(1) **Setbacks, Frontages, Coverage, Height.** See Table 4.1.

(2) **Area/Density Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
<th>Density Bonus for central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Living</td>
<td>40 units/100 acres</td>
<td>1.0 acres</td>
<td>25%</td>
</tr>
</tbody>
</table>

(3) **Minimum lot size exception for non-residential uses.** In all rural zones, where a subdivision will create a lot for an exclusively non-residential use, an exception to the minimum lot size may be granted if the applicant agrees to place a plat note and a deed restriction barring the location of any septic system on that lot in the future.
TABLE 4.1 - DIMENSIONAL STANDARDS FOR RURAL DISTRICT PROPERTY

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>RB</th>
<th>RC</th>
<th>RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street frontage (in feet)</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Minimum setback (in feet) from ROW(^1,2):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial, collector, or section line street</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Other roadway</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Property line not fronting a roadway</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Maximum coverage (in percent)(^3)</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Maximum height (in feet)(^4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Multifamily, Commercial, Industrial</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Minimum property width and depth (in feet)</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Note:
1. Setback distance shall be determined from the edge of the right-of-way (ROW). Where the edge of the ROW is unknown, a measurement from the centerline of the roadway shall be made until reaching \(\frac{1}{2}\) of the overall ROW width as provided by the Fremont County Public Works Director.
2. Any lot located on a corner of two roads shall meet the required setbacks along both road frontages.
3. Lot coverage shall not exceed 14,000 square feet without the granting of a special use permit.
4. A special use permit may be requested to exceed this limit.

4.14 RESIDENTIAL DISTRICT

4.14.010 RESIDENTIAL RURAL URBAN TRANSITION ZONE (RUT)

**a. Purpose.** The Residential Rural Urban Transition Zone is established to provide small residential estates accessing municipal sewage treatment facilities and/or water systems, or larger lot development where on-site sewer effluent and water systems can be provided. The RUT area is located on the boundaries of the County’s cities where municipal services are expected to be extended, and often within a city’s area of impact.

**b. Applicability.** The Residential Rural Urban Transition designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the comprehensive plan. Factors to be considered in designating land for Residential Suburban districts should include, but not be limited to, availability of county services and high priority roads, surrounding land uses, and the suitability of the land for extension of municipal services.

**c. Objectives.**

(1) Provide standards and regulations for the development of property now located within areas of city impact or proposed to be, consistent with the goals and policies of the applicable city comprehensive plan;

(2) Allow agriculture and rural residential uses to continue until urban public facilities are extended;

(3) Provide design standards that shall permit redevelopment of property to higher densities when urban public facilities are extended; and
(4) Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

d. General Requirements. [RESERVED]

e. Open Space. At least twenty percent (20%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. The following uses are allowed in the RUT Zone. Where a particular use requires a Class I or a Class II Permit application must be made to the Fremont County Planning and Building Department before the change of use can be approved.

<table>
<thead>
<tr>
<th>Agricultural Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag processing, warehousing (Value added ag. products)</td>
<td>Class II</td>
</tr>
<tr>
<td>Agricultural structures</td>
<td>P</td>
</tr>
<tr>
<td>Beekeeping</td>
<td>P</td>
</tr>
<tr>
<td>Feedlot (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Crop production and management</td>
<td>P</td>
</tr>
<tr>
<td>Crop storage and sorting facilities</td>
<td>P</td>
</tr>
<tr>
<td>Dairies (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Livestock Husbandry</td>
<td>Class I</td>
</tr>
<tr>
<td>Plant nursery or greenhouse</td>
<td>Class I</td>
</tr>
<tr>
<td>Poultry keeping personal use</td>
<td>P</td>
</tr>
<tr>
<td>Poultry, Commercial (Non-CAFO)</td>
<td>Class II</td>
</tr>
<tr>
<td>Produce sales / stand</td>
<td>Class I</td>
</tr>
<tr>
<td>Range and pasture management</td>
<td>P</td>
</tr>
<tr>
<td>Tree farm and forest management</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (≤200 feet²)</td>
<td>P</td>
</tr>
<tr>
<td>Fences ≤ 6 feet in height</td>
<td>P</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>P</td>
</tr>
<tr>
<td>Home Based Business</td>
<td>Class I</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>Class II</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
<td>Class II</td>
</tr>
<tr>
<td>Duplex</td>
<td>Class I</td>
</tr>
<tr>
<td>Secondary dwelling (single ownership and control)</td>
<td>Class I</td>
</tr>
<tr>
<td>Signs, residential (see Appendix A)</td>
<td>Class I</td>
</tr>
<tr>
<td>Single family dwelling</td>
<td>Class I</td>
</tr>
<tr>
<td>Small subdivision</td>
<td>Class II</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Class II</td>
</tr>
<tr>
<td>Wind generators, residential scale</td>
<td>Class I</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Boarding facility / Kennel</td>
<td>Class II</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Class II</td>
</tr>
<tr>
<td>Cabin rental</td>
<td>Class II</td>
</tr>
<tr>
<td>Indoor Shooting Range</td>
<td>Class II</td>
</tr>
<tr>
<td>Landscape business/garden store</td>
<td>Class II</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>Class II</td>
</tr>
<tr>
<td>Mixed use development/ Live/work units</td>
<td>Class II</td>
</tr>
<tr>
<td>Motels/hotels</td>
<td>Class II</td>
</tr>
<tr>
<td>Guest Lodge</td>
<td>Class II</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravel extraction, small</td>
<td>Class I</td>
</tr>
<tr>
<td>Gravel extraction</td>
<td>Class II</td>
</tr>
</tbody>
</table>
Utilities /Facilities Institutional Uses
Permit Type
Churches Class II
Electric utility facility Class I
Emergency services facility Class II
Schools Class II
Telecommunications facility Class II
Underground utilities P
Wastewater treatment facility P

Recreational / Conservation / Other Permit Type
Conservation Easements and Preserves P
Campground, personal use P
Campground, commercial use Class II
Equestrian facility Class II
Outfitter Guide Business, no permanent housing facilities P
Public Parks P
RV Park Class II
Youth camp Class II

**g. Dimensional Standards**

1. **Setbacks, Frontages, Coverage, Height.** See Table 4.2.
2. **Area Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Rural Urban Transition</td>
<td>75 units/100 acres</td>
<td>1.5 acres</td>
</tr>
</tbody>
</table>

**4.14.020 RESIDENTIAL ESTATE ZONE (R1)**

a. **Purpose.** The Residential Estate Zone is established to provide small residential estates accessing municipal sewage treatment facilities and/or water systems, or larger lot development where on-site sewer effluent and water systems can be provided. The R1 area is located on the boundaries of the County’s cities where municipal services are expected to be extended, and often within a city’s area of impact.

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

c. **Objectives.**

1. Provide standards and regulations for the development of property now located within areas of city impact or proposed to be, consistent with the goals and policies of the applicable city comprehensive plan;
2. Allow agriculture and rural residential uses to continue until urban public facilities are extended;
3. Provide design standards that shall permit redevelopment of property to higher densities when urban public facilities are extended; and
4. Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities.
article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

d. **General Requirements.** [RESERVED]

e. **Open Space.** At least twenty percent (20%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. **Allowed Uses.** [RESERVED]

g. **Dimensional Standards.**

   (1) **Setbacks, Frontages, Coverage, Height.** See Table 4.2.

   (2) **Area Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Estate</td>
<td>1 unit/1 acre</td>
<td>1.5 acres</td>
</tr>
</tbody>
</table>

### 4.14.030 RESIDENTIAL LOW DENSITY ZONE (R2)

a. **Purpose.** The Residential Low Density Zone is established to provide small residential estates accessing municipal sewage treatment facilities and/or water systems, or larger lot development where on-site sewer effluent and water systems can be provided. The R2 area is located on the boundaries of the County’s cities where municipal services are expected to be extended, and often within a city’s area of impact.

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

c. **Objectives.**

   (1) Provide standards and regulations for the development of property now located within areas of city impact or proposed to be, consistent with the goals and policies of the applicable city comprehensive plan;

   (2) Allow agriculture and rural residential uses to continue until urban public facilities are extended;

   (3) Provide design standards that shall permit redevelopment of property to higher densities when urban public facilities are extended; and

   (4) Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

d. **General Requirements.** [RESERVED]

e. **Open Space.** At least twenty percent (20%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. **Allowed Uses.** [RESERVED]

g. **Dimensional Standards.**
(1) **Setbacks, Frontages, Coverage, Height.** See Table 4.2.

(2) **Area Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Low Density</td>
<td>2 units/1 acre</td>
<td>1.5 acres</td>
</tr>
</tbody>
</table>

4.14.040 RESIDENTIAL MEDIUM LOW DENSITY ZONE (R4)

**a. Purpose.** The Residential Medium Low Density Zone is established to provide small residential estates accessing municipal sewage treatment facilities and/or water systems, or larger lot development where on-site sewer effluent and water systems can be provided. The R4 area is located on the boundaries of the County’s cities where municipal services are expected to be extended, and often within a city’s area of impact.

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

**c. Objectives.**

(1) Provide standards and regulations for the development of property now located within areas of city impact or proposed to be, consistent with the goals and policies of the applicable city comprehensive plan;

(2) Allow agriculture and rural residential uses to continue until urban public facilities are extended;

(3) Provide design standards that shall permit redevelopment of property to higher densities when urban public facilities are extended; and

(4) Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

**d. General Requirements.** [RESERVED]

**e. Open Space.** At least twenty percent (20%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

**f. Allowed Uses.** [RESERVED]

**g. Dimensional Standards.**

(1) **Setbacks, Frontages, Coverage, Height.** See Table 4.2.

(2) **Area Requirements.** Residential density assignments (Inside a Subdivision)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Density</th>
<th>Minimum Lot Size without central water and sewer systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Medium Low Density</td>
<td>4 units/1 acre</td>
<td>1.5 acres</td>
</tr>
</tbody>
</table>
TABLE 4.2 - DIMENSIONAL STANDARDS BY RESIDENTIAL DISTRICT PROPERTY

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>RUT</th>
<th>R1</th>
<th>R2</th>
<th>R4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway frontage (in feet)</td>
<td>250</td>
<td>100</td>
<td>85</td>
<td>60</td>
</tr>
<tr>
<td>Setback (feet) from: ¹,²</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any property line on an arterial or collector street</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>25</td>
</tr>
<tr>
<td>Front property line on a local street or private road</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>Front property line where alley provides access to garage or where the garage is side loaded or located behind the front plane of the house</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Interior side property line</td>
<td>25</td>
<td>10</td>
<td>5/story</td>
<td>5</td>
</tr>
<tr>
<td>Side property line on local street or private road</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear property line</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Side or rear property line on an alley</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Maximum coverage (in percent)³</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum height (in feet):⁴</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Multifamily, Commercial, Industrial</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

Note:
1. Setback distance shall be determined from the edge of the right-of-way (ROW). Where the edge of the ROW is unknown, a measurement from the centerline of the roadway shall be made until reaching ½ of the overall ROW width as provided by the Fremont County Public Works Director.
2. Any lot located on a corner of two roads shall meet the required setbacks along both road frontages.
3. Lot coverage shall not exceed 25,000 square feet without the granting of a special use permit.
4. A special use permit may be requested to exceed this limit.

4.15 COMMERCIAL DISTRICT

4.15.010 COMMERCIAL LIMITED OFFICE ZONE (LO)

a. Purpose. The LO Commercial Limited Office Zone is established to provide administrative, professional, and business office uses near residential base districts.

b. Applicability. [RESERVED]

c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;
(2) To promote the development of adequate and convenient retail and service facilities;
(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;
(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

d. General Requirements.

(1) All development shall be in accord with the regulations of this Ordinance.
(2) Access shall comply with the regulations of this Ordinance.
(3) A Rural Mixed Use Overlay shall be reviewed in accord with regulations outlined in 4.18 of this Ordinance.

e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.5 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (__) uses within each commercial base district zone.

g. Dimensional Standards.

(1) Setbacks. See Table 4.3.
(2) Dimensional Standards. See Table 4.3.

4.15.020 COMMERCIAL NEIGHBORHOOD ZONE (C1)

a. Purpose. The C1 Commercial Neighborhood Zone is established to provide commercial areas near residential areas that provide for the sale of limited merchandise and services required by the population primarily living within the immediate area.

b. Applicability.

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

(2) Proposed business developments should be zoned C1 if they are determined to be suitable for extensive commercial retail development in the community’s future. Approval of an application or designation of C1 should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned C1 shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;
(2) To promote the development of adequate and convenient retail and service facilities;
(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;
(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.
d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.

e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.5 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each commercial base district zone.

g. Dimensional Standards.

(1) Setbacks. See Table 4.3.
(2) Dimensional Standards. See Table 4.3.

4.15.030 COMMERCIAL COMMUNITY ZONE (C2)

a. Purpose. The C2 Commercial Community Zone is established to provide areas for community shopping and clustered commercial activities along arterial streets that provide for the sale of a full range of merchandise and services required of persons living within several neighborhood service areas, as well as a rural trade area.

b. Applicability.

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

(2) Proposed business developments should be zoned C2 if they are determined to be suitable for extensive commercial retail development in the community’s future. Approval of an application or designation of C2 should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned C2 shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;
(2) To promote the development of adequate and convenient retail and service facilities;
(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;
(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.
e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.5 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each commercial base district zone.

g. Dimensional Standards.

(1) Setbacks. See Table 4.3.

(2) Dimensional Standards. See Table 4.3.

4.15.040 COMMERCIAL REGIONAL ZONE (C3)

a. Purpose. The C3 Commercial Regional Zone is established to provide areas for large scale commercial structures located in close proximity to highway or principal arterial roadways that serve the Upper Snake River region.

b. Applicability.

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

(2) Proposed business developments should be zoned C3 if they are determined to be suitable for extensive commercial retail development in the community's future. Approval of an application or designation of C3 should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned C3 shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;

(2) To promote the development of adequate and convenient retail and service facilities;

(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;

(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.

e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.
f. **Allowed Uses.** Unless otherwise specified in the specific use standards of Appendix U, Table 4.5 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each commercial base district zone.

**g. Dimensional Standards.**

(1) **Setbacks.** See Table 4.3.

(2) **Dimensional Standards.** See Table 4.3.

**TABLE 4.3 - MINIMUM SETBACKS BY COMMERCIAL BASE DISTRICT**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>20</td>
<td>varies(^1)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side street setback</td>
<td>20</td>
<td>varies(^1)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Interior side yard setback</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>10</td>
<td>20</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

Note:
\(^1\)The front and side street setback shall be as set forth in the abutting residential district with the most restrictive standards.

**TABLE 4.4 - DIMENSIONAL STANDARDS BY COMMERCIAL BASE DISTRICT**

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>LO</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property size</td>
<td>6,000 square feet</td>
<td>6,000 square feet</td>
<td>6,000 square feet</td>
<td>100,000 square feet</td>
</tr>
<tr>
<td>Maximum coverage (percent)</td>
<td>50</td>
<td>50</td>
<td>n/a</td>
<td>50</td>
</tr>
<tr>
<td>Maximum structure height (in feet)</td>
<td>35</td>
<td>35</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Minimum street frontage (in feet)(^1)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>600</td>
</tr>
<tr>
<td>Minimum property depth (in feet)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>200</td>
</tr>
</tbody>
</table>

Note:
\(^1\)This requirement may be modified if requested as part of an approved final plat.

**TABLE 4.5 - ALLOWED USE BY COMMERCIAL BASE DISTRICT**

<table>
<thead>
<tr>
<th>Allowed Use</th>
<th>LO</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult entertainment establishment</td>
<td>_</td>
<td>_</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Adult respite care center</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Agricultural structure</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Agricultural use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Establishment</td>
<td>Zoning Districts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement or recreation facility, indoor</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement or recreation facility, outdoor</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal boarding with outside runs</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal clinic, animal hospital, or veterinary office</td>
<td>P P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auction establishment, outdoor</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile, major repair</td>
<td>P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile or recreational vehicle sales or service</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>P P P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar, brewpub, or nightclub</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast establishment</td>
<td>C C C</td>
<td></td>
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</tr>
<tr>
<td>Boarding house</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campground</td>
<td>C C P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church</td>
<td>C C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinic, medical (excluding animal or veterinary)</td>
<td>P P P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Club or lodge or social hall</td>
<td>C C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor's yard or shop</td>
<td>P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crematory</td>
<td>C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dangerous or protected animals</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daycare center</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-up window service</td>
<td>C C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug and alcohol treatment facility</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, caretaker for an approved use</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm, garden, lumber, or building supply store</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence, barbed wire or electric wire</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence, barbed wire or electric wire accessory to a livestock confinement facility</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence, other</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel cell</td>
<td>A A A A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline or diesel fuel sales facility</td>
<td>C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy equipment sales or service</td>
<td>P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>C C C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>C C P P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Code</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>------</td>
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<td></td>
</tr>
<tr>
<td>Kennel, commercial</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundromat</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured home storage</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortuary</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery, retail (only)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off street parking facility</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Office building</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office, relating to an approved use</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office, temporary construction</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Package and letter delivery service</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal, business, or professional service</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable classroom</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public or quasi-public use</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio and television broadcasting station</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational vehicle park</td>
<td>C</td>
<td></td>
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<tr>
<td>Recycling center</td>
<td>P</td>
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<tr>
<td>Remediation, in situ</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development facility</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential care facility</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant or eating place</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail sales relating to an approved use</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail store</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School, public or private</td>
<td>C</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>School, vocational or trade</td>
<td>P</td>
<td></td>
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<tr>
<td>Shooting range, indoor (only)</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sign, non-accessory, off premises</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage facility, self-service</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Studio</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming pool, private</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tower or antenna structure, commercial</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tower or antenna structure, private</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit facility</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.16 INDUSTRIAL DISTRICT

4.16.010 INDUSTRIAL TECHNOLOGICAL ZONE (IT)

a. Purpose. The IT Industrial Technological Zone is established to provide an environment exclusively for, and conducive to, the development of technological industrial parks that support administrative facilities, research institutions and specialized manufacturing organizations, all of a non-nuisance type. Professional offices, financial institutions, and other similar uses may be appropriate when they provide services to the technological industrial park employees.
b. Applicability. Reserved.
c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;
(2) To promote the development of adequate and convenient retail and service facilities;
(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;
(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.
d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.
e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.
f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.8 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each industrial base district zone.
g. Dimensional Standards.

(1) Setbacks. See Table 4.6.
(2) Dimensional Standards. See Table 4.7.

4.16.020 INDUSTRIAL LIMITED ZONE (M1)

a. Purpose. The M1 Industrial Limited Zone is established to encourage light industrial development by providing and protecting an environment exclusively for such development, subject to standards that protect the nearby residential, commercial, agricultural, and public uses of property from hazards, noise, and other disturbances. Professional offices, financial institutions, and other similar uses may be appropriate when they provide services to the neighboring limited industrial businesses and/or employees.
b. Applicability.

(1) The Industrial Limited Zone should be located with ready access to truck routes and possible railroad sidings. Locations should be chosen to minimize impacts upon or hazards to nearby residential areas. Accommodations should be made for large trucks and related
commercial activity. Land for this use should be relatively flat and free of natural hazards such as flooding or unstable soil.

(2) Locations should also be chosen based upon their ability to be screened from potentially affected residential uses. Convenience to commercial consumers should be taken into account when locating the M1 zone.

C. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;

(2) To promote the development of adequate and convenient retail and service facilities;

(3) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;

(4) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.

e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.8 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each industrial base district zone.

g. Dimensional Standards.

(1) Setbacks. See Table 4.6.

(2) Dimensional Standards. See Table 4.7.

4.16.030 INDUSTRIAL GENERAL ZONE (M2)

a. Purpose. The M2 Industrial General Zone is established to provide the necessary lands within the community for manufacturing, processing raw materials, and using processes and equipment which are most significant in their effect upon the senses. The district is intended to accommodate trucks and rail facilities with minimal adverse impact upon the transportation system of the county. Space should be adequate to facilitate the movement of large equipment and to maintain adequate separation from uses which might be affected by the sight, smell, sound, dust, erosion or the like, of manufacturing or processing uses. Location of the Industrial zone shall facilitate the introduction of raw materials and movement of finished products.

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

c. Objectives.

(1) To encourage the development and continued use of the land within the zone for commercial purposes;
To promote the development of adequate and convenient retail and service facilities;

To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones;

To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

d. General Requirements.

(1) To accomplish the objectives and purposes of this title and to promote the characteristics of the C1 Commercial Neighborhood Zone, the regulations provided in this chapter shall apply.

e. Open Space. At least ten percent (10%) of the gross acreage shall be established as open space and at least twenty-five percent (25%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

f. Allowed Uses. Unless otherwise specified in the specific use standards of Appendix U, Table 4.8 of this section lists the principal permitted (P), accessory (A), conditional (C), or prohibited (_) uses within each industrial base district zone.

g. Dimensional Standards.

(1) Setbacks. See Table 4.6.

(2) Dimensional Standards. See Table 4.7.

<table>
<thead>
<tr>
<th>TABLE 4.6 - MINIMUM SETBACKS BY INDUSTRIAL BASE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setbacks (In Feet)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Front yard setback</td>
</tr>
<tr>
<td>Standard 60</td>
</tr>
<tr>
<td>Abutting Residential 100</td>
</tr>
<tr>
<td>M1 Standard 20</td>
</tr>
<tr>
<td>Abutting 20 Residential</td>
</tr>
<tr>
<td>M2 Standard 20</td>
</tr>
<tr>
<td>Abutting 20 Residential</td>
</tr>
<tr>
<td>Flanking street setback</td>
</tr>
<tr>
<td>Standard 60</td>
</tr>
<tr>
<td>Abutting Residential 100</td>
</tr>
<tr>
<td>M1 Standard 15</td>
</tr>
<tr>
<td>Abutting 20 Residential</td>
</tr>
<tr>
<td>M2 Standard 15</td>
</tr>
<tr>
<td>Abutting 20 Residential</td>
</tr>
<tr>
<td>Rear yard setback</td>
</tr>
<tr>
<td>Standard 60</td>
</tr>
<tr>
<td>Abutting Residential 100</td>
</tr>
<tr>
<td>M1 Standard 0</td>
</tr>
<tr>
<td>Abutting 15 Residential</td>
</tr>
<tr>
<td>M2 Standard 0</td>
</tr>
<tr>
<td>Abutting 15 Residential</td>
</tr>
<tr>
<td>Side yard setback</td>
</tr>
<tr>
<td>Standard 60</td>
</tr>
<tr>
<td>Abutting Residential 100</td>
</tr>
<tr>
<td>M1 Standard 0</td>
</tr>
<tr>
<td>Abutting 15 Residential</td>
</tr>
<tr>
<td>M2 Standard 0</td>
</tr>
<tr>
<td>Abutting 15 Residential</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 4.7 - DIMENSIONAL STANDARDS BY INDUSTRIAL BASE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Minimum property size (in square feet)</td>
</tr>
<tr>
<td>M1 100</td>
</tr>
<tr>
<td>M2 100</td>
</tr>
<tr>
<td>Maximum coverage (percent)</td>
</tr>
<tr>
<td>M1 35</td>
</tr>
<tr>
<td>M2 80</td>
</tr>
<tr>
<td>Maximum structure height (in feet)</td>
</tr>
<tr>
<td>M1 45</td>
</tr>
<tr>
<td>M2 50</td>
</tr>
<tr>
<td>Minimum street frontage (in feet) (^1)</td>
</tr>
<tr>
<td>M1 30</td>
</tr>
<tr>
<td>M2 30</td>
</tr>
<tr>
<td>Minimum property depth (in feet)</td>
</tr>
<tr>
<td>M1 100</td>
</tr>
<tr>
<td>M2 100</td>
</tr>
</tbody>
</table>
Note:
1. Developments utilizing continuous service drives may be exempt from the roadway frontage requirements.

### TABLE 4.8 - ALLOWED USE BY INDUSTRIAL BASE DISTRICT

<table>
<thead>
<tr>
<th>Allowed Use</th>
<th>IT</th>
<th>M1</th>
<th>M2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural structure</td>
<td></td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Agricultural use</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Aircraft landing field (private ownership)</td>
<td></td>
<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Airport (public ownership)</td>
<td></td>
<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Amusement or recreation facility, indoor (only)</td>
<td></td>
<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Animal boarding with outside runs</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Animal clinic, animal hospital, or veterinary office</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Asphalt or concrete ready mix plant</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Auction establishment, outdoor</td>
<td></td>
<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Automobile, major repair</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Automobile or recreational vehicle sales or service</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Brewery or distillery</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Clinic, medical (excluding animal or veterinary)</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Club or lodge or social hall</td>
<td></td>
<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Composting facility, commercial</td>
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<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Confined Animal Feeding Operation (CAFO) [See appendix W for permit requirements]</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Contractor's yard or shop</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Dangerous or protected animals</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Daycare center</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Dwelling, caretaker for an approved use</td>
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<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Explosive manufacturing or storage</td>
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<td>_</td>
<td>C</td>
</tr>
<tr>
<td>Farm, garden, lumber, or building supply store</td>
<td></td>
<td>_</td>
<td>P</td>
</tr>
<tr>
<td>Fence, barbed wire or electric wire</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Fence, barbed wire or electric wire accessory to a livestock confinement facility</td>
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<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Fence, other</td>
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<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Flammable substance storage</td>
<td></td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>Foundry</td>
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<td>_</td>
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<tr>
<td>Establishment of Zoning Districts</td>
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<td>----------------------------------</td>
<td></td>
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<tr>
<td>Freight or truck terminal</td>
<td>_ _ P</td>
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<tr>
<td>Fuel cell</td>
<td>A A A</td>
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<tr>
<td>Gasoline or diesel fuel sales facility</td>
<td>A A A</td>
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<td></td>
</tr>
<tr>
<td>Grain elevator</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy equipment sales or service</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Junkyard or automobile wrecking yard</td>
<td>_ C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennel, commercial</td>
<td>_ C _</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry or linen supply</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacture of electronic or electrical products</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacture or processing of hazardous chemicals or gases</td>
<td>_ _ C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured home storage</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meatpacking facility</td>
<td>_ _ C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery, wholesale (only)</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off street parking facility</td>
<td>C P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office building</td>
<td>C C _</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office, relating to an approved use</td>
<td>A A A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office, temporary construction</td>
<td>A A A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>A P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Package and letter delivery service</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal, business, or professional service</td>
<td>C C _</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pit, mine, or quarry</td>
<td>_ _ A or C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power plant</td>
<td>_ _ C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Processing plant for agricultural or dairy products</td>
<td>_ C P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Product fabrication, assembly, or packaging</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public or quasi-public use</td>
<td>C C C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroad switching yard</td>
<td>_ _ P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling center</td>
<td>_ P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling plant</td>
<td>_ _ P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remediation, in situ</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development facility</td>
<td>P P P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant or eating place</td>
<td>C C C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail sales relating to an approved use</td>
<td>A A A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roadside produce stand</td>
<td>_ A _</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Division 3 - Overlay Districts and Development Criteria

#### 4.17 Overlay Districts

**For the purpose of this Ordinance, the unincorporated territory of Fremont County, Idaho, has the following categories of overlay districts:**

<table>
<thead>
<tr>
<th><strong>Established Overlay Districts</strong></th>
<th><strong>Purpose</strong></th>
<th><strong>Applicability</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Overlay District. (See Chapter 6)</td>
<td>A.</td>
<td></td>
</tr>
<tr>
<td>Floodplain Overlay District. (See Chapter 7)</td>
<td>B.</td>
<td></td>
</tr>
<tr>
<td>RMU Rural Mixed Use Overlay (See 4.18)</td>
<td>C.</td>
<td></td>
</tr>
<tr>
<td>RV Rural Village Overlay (See 4.19)</td>
<td>D.</td>
<td></td>
</tr>
<tr>
<td>REC Recreation District Overlay (See 4.20)</td>
<td>E.</td>
<td></td>
</tr>
<tr>
<td>SGO Sand and Gravel Overlay (See 4.21)</td>
<td>F.</td>
<td></td>
</tr>
</tbody>
</table>

#### 4.17.020 Allowed Uses

A use that is allowed in the underlying base district may be prohibited subject to the regulations of an overlay district. Contrariwise, a use that is prohibited in the underlying base district may be permitted subject to the regulations of an overlay district.

#### 4.17.030 Multiple Overlay Districts

Where a property is subject to the regulations of more than one overlay district as outlined in this chapter, the requirements of an overlay district shall not be waived or modified unless specifically authorized through procedures set forth in said overlay district.

#### 4.17.040 Standards and Regulations

A mixed use overlay district is subject to the standards and regulations that are applicable to all base districts unless different standards and regulations are specifically authorized in the mixed use overlay district.

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**4.18 Rural Mixed Use Overlay (RMU)**

#### 4.18.010 Purpose

The purpose of the Rural Mixed Use (RMU) overlay district is to allow flexibility in site design and dimensional standards to develop residential, commercial and/or industrial uses not allowed individually within specific zoning districts.
a. The minimum area for a Rural Mixed Use Overlay shall be twenty (20) acres.
b. The Rural Mixed Use Overlay is required for any development or subdivision proposal that involves one or more of the following:

(1) A mix of uses that are not allowed as principal permitted or conditional uses in the same base district;
(2) Clustering of residential units away from physical constraints or hazardous areas. Such constraints include, but are not limited to, the following: flood hazards, unstable geologic conditions, soil conditions, topography, identified high ground water areas, and other characteristics that could threaten public health and/or safety; and/or
(3) Deviation of dimensional standards to achieve dedicated open space and provide amenities not found in traditional subdivisions.

4.18.030 Objectives. A successful Rural Mixed Use (RMU) overlay district should result in:

a. A more efficient, aesthetic and desirable use of open space and recreational amenities;
b. A density compatible with abutting development;
c. An integrated development that is served by adequate public services and facilities;
d. Protection of existing natural, scenic, and historic resources; and
e. Protection of existing neighborhoods through buffering techniques including screen planting, open space, and landscaping.

4.18.040 General Requirements.


(1) The Applicant shall comply with the regulations for a Zoning Ordinance Map Amendment in Chapter 3 of this Ordinance.
(2) The Applicant shall concurrently submit and obtain approval for a Class II Large-Scale Subdivision Permit subject to the regulations of this Ordinance.
(3) The Commission and Board shall apply the standards listed herein to determine whether or not to approve, approve with conditions, or deny the Rural Mixed Use Overlay.
(4) Upon Board approval that the Rural Mixed Use Overlay is in conformance with this Ordinance, the Zoning Ordinance Map Amendment shall be published.

b. Improvements.

(1) The uses within the Rural Mixed Use Overlay are interconnected through a system of roadways and/or pathways as appropriate.
(2) Improvements, consistent with the standards established in the base zone or as designated in this Ordinance, shall be required as a condition of approval of a Rural Mixed Use Overlay.
(3) In the event any improvements required as part of the Rural Mixed Use Overlay cannot be completed prior to submission of a final plat and/or signing of the master site plan, the Applicant or owner shall comply with all performance guarantee requirements of this Ordinance.

c. Required Findings.

(1) The arrangement of uses and/or structures conforms to the topography and natural landscape features;
(2) The arrangement of uses and/or structures in the development shall not cause damage, hazard, or nuisance to persons or property in the vicinity;
(3) The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area;

(4) Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways. Dedicated open space shall abut any lots that have been reduced below the minimum property size and shall abut multi-family development within the Rural Mixed Use Overlay;

(5) The proposal complies with the density standards set forth in this article;

(6) The Rural Mixed Use Overlay district overlay is in conformance with the applicable comprehensive plan, future acquisition maps, area of city impact ordinance, and other applicable ordinances; and

(7) Additional required findings for mandatory public use facility dedications: (a.) The dedication of the public use facility is substantiated by the governing Board responsible for the facility; (b.) The public use facility shall serve the public interest in such location; (c.) The public use facility is consistent with the applicable comprehensive plan; and (d.) The area and location of property to be dedicated to the public use facility bears a reasonable relationship to the demand generated by the proposed development.

4.18.050 Open Space and Public Amenities. At least twenty percent (20%) of the gross acreage shall be established as open space and at least fifty percent (50%) of the required open space shall be suitable for active recreational use and may all be developed for such use. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

(1) Additional Open Space Dedication. For each full additional percentage point of property in dedicated open space above the minimum requirements, the average residential density may be increased by the same percentage. In no event shall the maximum density for residential areas exceed an additional twenty five percent (25%) over the base density.

(2) Public Amenity Dedications. A density bonus may be approved for dedications of facilities or interests in real property for public amenities. The maximum density bonus shall be as set forth in the following table. (See “Required Findings” for mandatory dedication of facilities.)

<table>
<thead>
<tr>
<th>Area Of Land Designated As Public Use Facility Dedication As Percent Of Total Project Area</th>
<th>Maximum Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 percent</td>
<td>5 percent</td>
</tr>
<tr>
<td>20 percent</td>
<td>10 percent</td>
</tr>
<tr>
<td>25 percent</td>
<td>15 percent</td>
</tr>
</tbody>
</table>

(3) Public Amenity Defined. For the purposes of this article, the term "public amenity" shall include, but not be limited to, the following: school site, bike path, transit facility, park site, park and ride lot, and public safety facility such as sheriff, fire, or emergency medical facilities.

4.18.060 Allowed Uses.

a. Mixed Use Requirements.

(1) No more than twenty percent (20%) of the total area of the Rural Mixed Use Overlay shall be designated for uses not otherwise permitted in the base district.

b. Residential Density Standards.
(1) The allowable density for residential uses shall be the density established by the applicable base zone. Where the applicable base zone does not indicate a residential density for development, the minimum density shall be three (3) dwelling units per acre. Higher densities may be allowed in accord with the bonus provisions contained in this subsection.

(2) An increase in the average residential density may be allowed by incorporating dedicated open space or public use dedications into the Rural Mixed Use Overlay. All dedications shall be shown on the master site plan.

c. Commercial Uses. The following design standards shall apply to any proposed commercial uses within a Rural Mixed Use Overlay:

(1) Joint parking facilities shall be planned to use common access points to public streets.

(2) Screening shall be provided on the perimeter of commercial uses abutting the residential areas as provided in this Ordinance.

(3) Commercial uses not allowed as a principal permitted or conditional use in the base district shall be designed to share common design themes in landscaping, signs, architecture, and building bulk with other uses within the Rural Mixed Use Overlay; and shall NOT exceed a gross floor area of twenty thousand (20,000) square feet.

d. Industrial Uses. The following design standards shall apply to any proposed industrial uses within a Rural Mixed Use Overlay:

(1) Landscaping shall be provided as required in this Ordinance for parking areas, loading areas, and outdoor storage areas of industrial materials.

(2) Screening shall be provided on the perimeter of industrial uses abutting the residential areas as provided in this Ordinance.

(3) Structure location shall be designed to promote efficient installation of utilities.

(4) Industrial uses not allowed as a principal permitted or conditional use in the base district shall be designed to share common design themes in landscaping, signage, architecture, and building bulk with other uses within the Rural Mixed Use Overlay; and shall NOT exceed a gross floor area of ten thousand (10,000) square feet.

4.18.070 Dimensional Standards.

a. Flexibility. A key purpose of the Rural Mixed Use Overlay is to provide dimensional standards flexibility. The Applicant may abide by the least restrictive dimensional standards of this Ordinance in the design of the Application.

b. Deviations. As part of the original application, the Applicant may request, in writing, a deviation from the dimensional standards of this Ordinance. Where applicable, the proposed deviations shall be noted on the master site plan.

c. Alternative Development Standards. The Administrator may approve, or recommend approval of, alternative development standards when the overall design, as proposed by the Applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare.

4.19 Rural Village District (RVD)

4.19.010 Purpose. The purpose of the Rural Village District (RVD) is to allow flexibility in site design and dimensional standards to develop new communities within the County that have a shared identity and that do not cannibalize existing cities and established unincorporated communities.

4.19.020 Applicability.

a. The proposed project area is within any Rural District zone, as mapped on the Fremont County Preferred Land Use Map.
b. The Application’s site is located more than five (5) miles in any direction from an incorporated city, a city area of impact, or a previously approved rural village district.

c. The minimum area for a Rural Village District shall be three hundred twenty (320) acres.

4.19.030 Objectives. The objectives of the Rural Village District and associated regulations and processes are:

a. To encourage Applications that are more consistent with the policies and objectives of the comprehensive plan through the use of innovative designs and the application of sound design principles.

b. To preserve contiguous parcels of high quality open space in meaningful amounts and in desirable locations.

c. To permit clustering and similar design solutions which encourage protection of scenic areas, wildlife habitats and migration routes, skylines, and riparian areas.

d. To encourage compact rather than scattered Applications.

e. To provide opportunities for Applications where site constraints or other similar factors make the Rural Village approach more reasonable and desirable than standard subdivision design.

f. To encourage the production of housing affordable to citizens who work in Fremont County.

g. To encourage Applications that better protect the rural, open character by minimizing the visual impacts development and to prevent the appearance of large, dispersed, free-standing communities.

h. To encourage that Applications cause the least possible disruption of farming, ranching, or other established and ongoing rural land use activities.

i. To encourage substantial open space protections along scenic corridors or in the most aesthetically pleasing areas of the Application and to shield development from the view of scenic corridors.

j. Assure the adequate provision of services and infrastructure at no additional cost to the public service providers or the public.


(1) The Applicant shall comply with the regulations for a Zoning Ordinance Map Amendment in Chapter 3 of this Ordinance.

(2) The Applicant shall concurrently submit and obtain approval for a Class II Large-Scale Subdivision Permit subject to the regulations of this Ordinance.

(3) The Commission and Board shall apply the standards listed herein to determine whether or not to approve, approve with conditions, or deny the Rural Village District.

(4) Upon Board approval that the Rural Village District is in conformance with this Ordinance, the Zoning Ordinance Map Amendment shall be published.

b. Improvements.

(1) The uses within the Rural Village District are interconnected through a system of roadways and/or pathways as appropriate.

(2) Improvements, consistent with the standards established in the base zone or as designated in this Ordinance, shall be required as a condition of approval of a Rural Village District.

(3) In the event any improvements required as part of the Rural Village District cannot be completed prior to submission of a final plat and/or signing of the master site plan, the Applicant or owner shall comply with all performance guarantee requirements of this Ordinance.

c. Required Findings.
(1) The arrangement of uses and/or structures conforms to the topography and natural landscape features;
(2) The arrangement of uses and/or structures in the development shall not cause damage, hazard, or nuisance to persons or property in the vicinity;
(3) The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area;
(4) Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways. Dedicated open space shall abut any lots that have been reduced below the minimum property size and shall abut multi-family development within the Rural Village District;
(5) The proposal complies with the density standards set forth in this article;
(6) The Rural Village District is in conformance with the applicable comprehensive plan, future acquisition maps, and other applicable ordinances; and
(7) Additional required findings for mandatory public use facility dedications: (a.) The dedication of the public use facility is substantiated by the governing board responsible for the facility; (b.) The public use facility shall serve the public interest in such location; (c.) The public use facility is consistent with the applicable comprehensive plan; and (d.) The area and location of property to be dedicated to the public use facility bears a reasonable relationship to the demand generated by the proposed development.

4.19.050 Open Space and Public Amenities. At least eighty percent (80%) of the gross acreage shall be established as open. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

(1) Public Open Space Dedication. Each Rural Village shall provide a system of walking trails and bicycle pathways which shall conform, if applicable, to any Fremont County Pathways and Trails Map, and which shall connect all neighborhood clusters to any recreational facilities, community facilities, and commercial uses included in the Rural Village.

4.19.060 Allowed Uses.

a. Mixed Use Requirements.

(1) Rural Village Applications are required to include residential, commercial, open space, and public amenity uses. Applications may also include industrial and non-commercial uses.

b. Residential Density Standards.

(1) The maximum density allowed in a Rural Village shall be seventy-five (75) dwelling units per one hundred (100) gross acres (including open space).

(2) The minimum density allowed in a Rural Village shall be forty (40) dwelling units per one hundred (100) gross acres (including open space).

c. Commercial Uses. The following design standards shall apply to any proposed commercial uses within a Rural Village:

(1) Non-residential commercial uses designed to serve the daily needs of Rural Village shall be minimally required at a proportional rate of 5,000 square feet per 100 dwelling units, but shall not exceed a proportional rate of 10,000 square feet per 100 dwelling units.

(2) Joint parking facilities shall be planned to use common access points to public streets.

(3) Screening shall be provided on the perimeter of commercial uses abutting the residential areas as provided in this Ordinance.
(4) Non-residential commercial uses shall be designed to share common design themes in landscaping, signs, architecture, and building bulk with other uses within the Rural Village; and shall NOT exceed a gross floor area of fifteen thousand (15,000) square feet.

d. Industrial Uses. The following design standards shall apply to any proposed industrial uses within a Rural Village:

(1) Industrial uses shall not exceed a proportional rate of 2,000 square feet per 100 dwelling units.
(2) Landscaping shall be provided as required in this Ordinance for parking areas, loading areas, and outdoor storage areas of industrial materials.
(3) Screening shall be provided on the perimeter of industrial uses abutting the residential areas as provided in this Ordinance.
(4) Structure location shall be designed to promote efficient installation of utilities.
(5) Industrial uses shall be designed to share common design themes in landscaping, signage, architecture, and building bulk with other uses within the Rural Village; and shall NOT exceed a gross floor area of five thousand (5,000) square feet.

e. Non-Commercial Uses.

(1) Noncommercial institutional uses such as schools, firehouses, emergency service buildings, churches, or community centers/clubhouses are permitted provided that the combined maximum size of all land area devoted to institutional uses does not exceed fifteen (15) percent of the total net land area of the Rural Village, not including open space.
(2) A Rural Village shall provide a public or community water supply system and a public or community sewer system meeting all requirements of the Eastern Idaho Public Health District and the Idaho Department of Environmental Quality, and shall create a taxing district or homeowners association with the responsibility to maintain and replace those water and sewer facilities. The taxing district or homeowners association must be created with the power to compel the payment of dues, assessments, or taxes through liens on individual properties if necessary. The application shall be subject to protective covenants that include the County as a party for purposes of collection or enforcement of its terms. The covenants shall provide that the County may provide needed repairs and maintenance on the water and sewer systems if the homeowners association or taxing district fails to do so, and to recuperate the costs of such repairs and maintenance from the homeowners association or taxing district through any lawful means.

4.19.070 Dimensional Standards.

a. Flexibility. A key purpose of the Rural Village District is to provide dimensional standards flexibility. The Applicant may abide by the least restrictive dimensional standards of this Ordinance in the design of the Application.

b. Deviations. As part of the original application, the Applicant may request, in writing, a deviation from the dimensional standards of this Ordinance. Where applicable, the proposed deviations shall be noted on the master site plan.

c. Alternative Development Standards. The Administrator may approve, or recommend approval of, alternative development standards when the overall design, as proposed by the Applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare. The Administrator must find that the building height, architecture, and land coverage within the Rural Village has been designed and arranged to enhance the livability and attractiveness of the community and adjacent land uses.

4.20 Recreation Resort District Overlay (REC)

4.20.010 Purpose. To provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Comprehensive Plan. The Recreation Resort District is intended to benefit the residents of Fremont County and the proposed resorts through its ability to preserve the County’s
rural character. Resorts that lie within an approved REC overlay shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community’s well-being, and instill a sense of stewardship for the land.

4.20.020 Applicability. When considering designating land to the REC district, that land must meet the following criteria.

a. The proposed project area is within any Rural District zone, as mapped on the Fremont County Preferred Land Use Map.
b. The land is not suitable for agricultural uses; is adjacent to land already used for recreational purposes; is not environmentally sensitive; is not an important habitat for wildlife, and additional improved county arterial or collector roads would not need to be provided.
c. The minimum area for a Recreation Resort District shall be one hundred sixty (160) acres.

4.20.030 Objectives. The objectives of the Recreation Resort District and associated regulations and processes are:

a. To encourage Applications that are more consistent with the policies and objectives of the comprehensive plan through the use of innovative designs and the application of sound design principles.
b. To preserve contiguous parcels of high quality open space in meaningful amounts and in desirable locations.
c. To permit clustering and similar design solutions which encourage protection of scenic areas, wildlife habitats and migration routes, skylines, and riparian areas.
d. To encourage compact rather than scattered Applications.
e. To provide opportunities for Applications where site constraints or other similar factors make the Recreation Resort approach more reasonable and desirable than standard subdivision design.
f. To encourage the production of housing affordable to citizens who work in Fremont County.
g. To encourage Applications that better protect the rural, open character by minimizing the visual impacts development and to prevent the appearance of large, dispersed, free-standing communities.
h. To encourage that Applications cause the least possible disruption of farming, ranching, or other established and ongoing rural land use activities.
i. To encourage substantial open space protections along scenic corridors or in the most aesthetically pleasing areas of the Application and to shield development from the view of scenic corridors.
j. Assure the adequate provision of services and infrastructure at no additional cost to the public service providers or the public.

4.20.040 General Requirements.


(1) The Applicant shall comply with the regulations for a Zoning Ordinance Map Amendment in Chapter 3 of this Ordinance.
(2) The Applicant shall concurrently submit and obtain approval for a Class II Large-Scale Subdivision Permit subject to the regulations of this Ordinance.
(3) The Commission and Board shall apply the standards listed herein to determine whether or not to approve, approve with conditions, or deny the Recreation Resort District.
(4) Upon Board approval that the Recreation Resort District is in conformance with this Ordinance, the Zoning Ordinance Map Amendment shall be published.

b. Improvements.

(1) The uses within the Recreation Resort District are interconnected through a system of roadways and/or pathways as appropriate.
(2) Improvements, consistent with the standards established in the base zone or as designated in this Ordinance, shall be required as a condition of approval of a Recreation Resort District.

(3) In the event any improvements required as part of the Recreation Resort District cannot be completed prior to submission of a final plat and/or signing of the master site plan, the Applicant or owner shall comply with all performance guarantee requirements of this Ordinance.

c. Required Findings.

(1) The arrangement of uses and/or structures conforms to the topography and natural landscape features;

(2) The arrangement of uses and/or structures in the development shall not cause damage, hazard, or nuisance to persons or property in the vicinity;

(3) The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area;

(4) Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways. Dedicated open space shall abut any lots that have been reduced below the minimum property size and shall abut multi-family development within the Recreation Resort District;

(5) The proposal complies with the density standards set forth in this article;

(6) The Recreation Resort District is in conformance with the applicable comprehensive plan, future acquisition maps, and other applicable ordinances; and

(7) Additional required findings for mandatory public use facility dedications: (a.) The dedication of the public use facility is substantiated by the governing board responsible for the facility; (b.) The public use facility shall serve the public interest in such location; (c.) The public use facility is consistent with the applicable comprehensive plan; and (d.) The area and location of property to be dedicated to the public use facility bears a reasonable relationship to the demand generated by the proposed development.

d. General Design and Layout.

(1) A resort application shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multi-family dwellings.

e. Buffer Area.

(1) A buffer area, approved by the Commission, shall be provided at the perimeter of the REC boundary where commercial and/or multi-family buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the REC overlay.

(2) For REC overlays abutting zones that allow residential uses with area requirements of 1 unit per 3 acres or larger: A minimum width of 200 feet with an additional 10 feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(3) For REC overlays abutting zones that allow residential uses with area requirements of less than 1 unit per 3 acres: A minimum width of 100 feet with an additional 10 feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(4) For REC overlays abutting commercial zones or zones that allow multi-family dwellings: No buffer required.

(5) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.
f. Seasonal Workforce Housing.

(1) A seasonal workforce housing plan shall be incorporated into the overall resort in order to provide a socially, economically and environmentally responsible development. To balance neighborhoods and promote a sense of community between visitors and working residents, the resort shall locate a majority of seasonal workforce housing units within the resort and offer a total number of units at a rate the meets or exceeds the following requirements based on the land use categories and calculations below.

(2) A specific development site that proposes a land use that requires the Resort developer to project the Full-Time Equivalent Employee (FTEE) generation, shall divide the FTEE by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent (10% or .10) to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

(3) A specific development site that has an assigned employee generation value shall use that value to establish a FTEE’s generated. The number of FTEE’s shall then be divided by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent (10% or .10) to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

(4) Housing Type. Workforce housing may consist of structures such as; single, two, three and four-family dwellings, multi-family dwellings and rental units. Rental units may be apartments, dormitories, boarding houses and/or residence halls.

(5) Housing Affordability. An annual report shall be generated and presented to the Fremont County Planning Staff that outlines a previous year’s employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the method(s) guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30% of the area’s average income.

(6) Density and Affordable Workforce Housing. Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the REC application.

4.20.050 Open Space and Public Amenities. At least eighty percent (80%) of the gross acreage shall be established as open. The proposed and permitted uses of the open space areas shall be identified by the Applicant in the open space management plan.

a. Public Open Space Dedication. Each Recreation Resort shall provide a system of walking trails and bicycle pathways which shall conform, if applicable, to any Fremont County Pathways and Trails Map, and which shall connect all neighborhood clusters to any recreational facilities, community facilities, and commercial uses included in the Recreation Resort.

4.20.060 Allowed Uses.

a. Mixed Use Requirements.

(1) Recreation Resort Applications are required to include residential, commercial, open space, and public amenity uses. Applications may also include industrial and non-commercial uses.

b. Residential Density Standards.

(1) The maximum density allowed in a Recreation Resort shall be two hundred (200) dwelling units per one hundred (100) gross acres (including open space).
(2) The minimum density allowed in a Recreation Resort shall be eighty (80) dwelling units per one hundred (100) gross acres (including open space).

c. Commercial Uses. The following design standards shall apply to any proposed commercial uses within a Recreation Resort:

(1) Non-residential commercial uses designed to serve the daily needs of a Recreation Resort shall be minimally required at a proportional rate of 7,500 square feet per 100 dwelling units, but shall not exceed a proportional rate of 10,000 square feet per 100 dwelling units.

(2) Joint parking facilities shall be planned to use common access points to public streets.

(3) Screening shall be provided on the perimeter of commercial uses abutting the residential areas as provided in this Ordinance.

(4) Non-residential commercial uses shall be designed to share common design themes in landscaping, signs, architecture, and building bulk with other uses within the Recreation Resort; and shall NOT exceed a gross floor area of fifteen thousand (15,000) square feet.

d. Industrial Uses. The following design standards shall apply to any proposed industrial uses within a Recreation Resort:

(1) Industrial uses shall not exceed a proportional rate of 2,000 square feet per 100 dwelling units.

(2) Landscaping shall be provided as required in this Ordinance for parking areas, loading areas, and outdoor storage areas of industrial materials.

(3) Screening shall be provided on the perimeter of industrial uses abutting the residential areas as provided in this Ordinance.

(4) Structure location shall be designed to promote efficient installation of utilities.

(5) Industrial uses shall be designed to share common design themes in landscaping, signage, architecture, and building bulk with other uses within the Recreation Resort; and shall NOT exceed a gross floor area of five thousand (5,000) square feet.

e. Non-Commercial Uses.

(1) Noncommercial institutional uses such as schools, firehouses, emergency service buildings, churches, or community centers/clubhouses are permitted provided that the combined maximum size of all land area devoted to institutional uses does not exceed fifteen (15) percent of the total net land area of the Recreation Resort, not including open space.

(2) A Recreation Resort shall provide a public or community water supply system and a public or community sewer system meeting all requirements of the Eastern Idaho Public Health District and the Idaho Department of Environmental Quality, and shall create a taxing district or homeowners association with the responsibility to maintain and replace those water and sewer facilities. The taxing district or homeowners association must be created with the power to compel the payment of dues, assessments, or taxes through liens on individual properties if necessary. The application shall be subject to protective covenants that include the County as a party for purposes of collection or enforcement of its terms. The covenants shall provide that the County may provide needed repairs and maintenance on the water and sewer systems if the homeowners association or taxing district fails to do so, and to recuperate the costs of such repairs and maintenance from the homeowners association or taxing district through any lawful means.

4.20.070 Dimensional Standards.

a. Maximum Height. Subject to the restrictions of the Fire Code Official and Fire Protection District, structures in a Recreation Resort District may be three (3) stories high. If Open Space is increased to ninety percent (90%), structures may be four (4) stories high.

b. Flexibility. A key purpose of the Recreation Resort District is to provide dimensional standards flexibility. The Applicant may abide by the least restrictive dimensional standards of this Ordinance in the design of the Application.
c. Deviations. As part of the original application, the Applicant may request, in writing, a deviation from the dimensional standards of this Ordinance. Where applicable, the proposed deviations shall be noted on the master site plan.

d. Alternative Development Standards. The Administrator may approve, or recommend approval of, alternative development standards when the overall design, as proposed by the Applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare. The Administrator must find that the building height, architecture, and land coverage within the REC overlay has been designed and arranged to enhance the livability and attractiveness of the community and adjacent land uses.

4.21 Sand and Gravel Overlay (SGO)

4.21.010 Purpose. The purpose of the Sand and Gravel (SGO) overlay district is to provide areas that promote and protect the opportunities for the extraction of mineral resources which are necessary to the continued economic development of the County; to inform current and potential residents of the County of the possible location of future mineral extractions; to identify locations within which mineral extraction may occur throughout the County; and to effectively manage and mitigate the off-site impacts of mineral extractions.

4.21.020 Applicability.

a. Shall apply only to the South Fremont Planning Area. The North Fremont and Island Park Planning Areas are not restricted. See 4.22.

b. The minimum area for a Sand and Gravel Overlay shall be five (5) acres.

c. The Sand and Gravel Overlay is required for any Class II Gravel Mine, Pit Mine, or Quarry, as defined in Appendix J of this Ordinance.

4.21.030 Objectives. A Sand and Gravel Overlay (SGO) district should:

a. Protect the commercial mineral extraction and excavation industry while protecting the environment;

b. Assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding incompatible land uses within the County;

c. Affect practices which will, for the economical use of vital materials necessary for the County’s economy, give due consideration to the present and future use of land.

4.21.040 General Requirements.


(1) The Applicant shall comply with the regulations for a Zoning Ordinance Map Amendment in Chapter 3 of this Ordinance.

(2) The Applicant shall concurrently submit and obtain approval for a Class II Gravel Extraction Permit subject to the regulations of this Ordinance.

(3) The Commission and Board shall apply the standards listed herein to determine whether or not to approve, approve with conditions, or deny the Sand and Gravel Overlay.

(4) Upon Board approval that the Sand and Gravel Overlay is in conformance with this Ordinance, the Zoning Ordinance Map Amendment shall be published.

b. Improvements.

(1) Improvements, consistent with the standards established in the base zone or as designated in this Ordinance, shall be required as a condition of approval of a Sand and Gravel Overlay.

(2) In the event any improvements required as part of the Sand and Gravel Overlay cannot be completed prior to submission of a final plat and/or signing of the master site plan, the
Applicant or owner shall comply with all performance guarantee requirements of this Ordinance.

C. Required Findings.

(1) The arrangement of uses and/or structures in the development shall not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and

(2) The Sand and Gravel Overlay district is in conformance with the applicable comprehensive plan, future acquisition maps, area of city impact ordinance, and other applicable ordinances.

4.21.050 Open Space and Public Amenities. None required.

4.21.060 Allowed Uses. Surface mines, pit mines, and quarries for sand, gravel and other earth-bound minerals.

4.21.070 Dimensional Standards. Underlying base zone standards.

Division 4 – Planning Areas and Zoning Maps

4.22 Planning Areas. The following planning areas, which may incorporate several planning districts and zones, are hereby authorized to establish continuity with previous editions of this Ordinance, may be used in this Ordinance for any purpose, and are represented on the Fremont County zoning maps:

4.22.010 South Fremont Planning Area;

4.22.020 North Fremont Planning Area; and,

4.22.030 Island Park Planning Area.

4.23 Fremont County Zoning Map Set. The following zoning maps, as amended, are hereby incorporated into this Ordinance:

4.23.010 Zoning Map - Fremont County Master Map.

4.23.020 Zoning Map - Island Park Planning Area.

4.23.030 Zoning Map - North Fremont Planning Area.

4.23.040 Zoning Map - South Fremont Planning Area.
CHAPTER 5 - PERFORMANCE AND DEVELOPMENT STANDARDS

5.01 What This Chapter Does. This chapter establishes the performance standards applicable to land development and building activity allowed in the various zones established in Chapter 4.

5.02 Absolute Performance Standards. The absolute performance standards require or prohibit certain kinds of performance in Applications.

5.02.010 Compliance Is Required. Failure to comply with all applicable performance standards shall result in rejection of the application for a permit.

5.02.020 Exceptions. The only exceptions to the requirement for compliance with all applicable absolute performance standards shall be those specifically provided in this Ordinance and those allowed by variance. The variance procedure is explained in Chapter 3.

5.03 Relative Performance Standards. Relative performance standards address complex issues for which absolute standards are inappropriate. They encourage or discourage certain kinds of performance in developments through the use of the point-scoring system described here. Relative performance standard compliance is reviewed and scored by the DRB.

5.03.010 Importance Factors. This Ordinance assigns an importance factor to each relative performance standard. Importance factors range from "1" to "5" and reflect the importance of the performance standard to which they are assigned in implementing the requirements of this Ordinance and in comparison with other relative performance standards. An importance factor of "1" is assigned to the least important relative performance standards and an importance factor of "5" to the most important. Importance factors may be changed by amendment of this Ordinance only.

5.03.020 Point Assignment. Point assignment provides a systematic technique for assessing the implementation of the relative performance standards. A positive point assignment reflects the successful the implementation of a relative performance standard, while a negative point assignment reflects a failure to implement a relative performance standard. Points shall be assigned to each development on the basis of its performance on each relative performance standard using these guidelines:

a. -2 points shall be assigned where there is essentially no effort to implement the performance standard;

b. -1 points shall be assigned where there is an inadequate attempt to implement the performance standard;

c. 0 points shall be assigned where the performance standard is not relevant OR there is only minimally adequate implementation of the performance standard;

d. +1 points shall be assigned where there is a successful effort to implement the performance standard; and

e. +2 points shall be assigned where there is an outstanding effort to implement the performance standard.

f. Relative performance standards may be designed to use the full point range described here or strictly to discourage (using only negative point assignments) or encourage (using only positive point assignments) certain kinds of performance.

5.03.030 Score. The importance factor of each relative performance standard is multiplied by the points assigned to obtain a score.

5.03.040 Cumulative Score. Scores on individual relative performance standards are summed to calculate a cumulative score, which becomes an absolute standard. If that cumulative score is not "0" or greater, the application for a permit shall be disapproved.
Division 1 - General Requirements

5.04 Design. Every permit application in Fremont County is required to conform to the standards of this Ordinance, including the open space requirements of the respective zones and all design standards.

5.05 Improvements. All improvements shall be provided at the expense of the Applicant, as required by this Ordinance and as applicable. All required improvements shall be installed and maintained in conformance with the performance standards prescribed in this Ordinance.

5.06 Property Taxes. The County Treasurer must certify that all real property taxes now due and payable on the parcel being developed have been paid before a final approval may be granted and/or recorded.

Division 2 - Natural Assets and Critical Areas

5.07 Water Quality. All Applications shall demonstrate continuing compliance with local, state, and federal water quality regulations.

5.08 Critical Areas: Water Quality Vulnerability. Surface water and groundwater quality vulnerability areas are identified in Appendix T. For Applications in water quality vulnerability areas, provision of a central/community sewer or connection to an existing one shall be required.

5.08.010 In the event any of the following conditions are present, the Applicant must complete a nutrient pathogen (NP) analysis to determine appropriate wastewater collection and treatment design, wellhead location and protection; and to determine appropriate overall development density. It is the responsibility of the Applicant or their qualified NP professional to undertake sufficient investigation to determine whether any of the following conditions exist:

a. The proposed application lies within 200 feet of a wetland area or waterway; or
b. There is evidence that ground water, at some time of the year, comes within ten feet of the ground’s surface at any location on the proposed application parcel; or
c. There is evidence that soil depth to fractured bedrock is ten feet or less; or
d. The application includes a food service, commercial facility, or an industrial facility generating 600 gallons or more of wastewater per day; or
e. The proposed application is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher; or
f. Any area within a designated Nitrate Priority Area, as identified by the Idaho Department of Environmental Quality.

5.09 Runoff and Erosion Control. A professionally prepared runoff and erosion control plan shall be implemented by the application. That plan shall:

5.09.010 Address the requirements of the Environmental Protection Agency (EPA). The United States Clean Water Act requires Applicants or their designated operators of construction sites to obtain permit coverage to discharge storm water to a water body or to a municipal storm sewer. In Idaho, the EPA has issued a general permit for storm water discharges from construction sites.

a. If a construction project disturbs more than one acre of land (or is part of a larger common application that will disturb more than one acre), the Applicant or designated operator is required to apply for permit coverage from EPA after developing a site-specific Storm Water Pollution Prevention Plan.

b. The Storm Water Pollution Prevention Plan must document the erosion, sediment, and pollution controls the Applicant or designated operator intends to use; provide for periodic inspection of those controls; and maintain best management practices through the life of the project.

C. The plan must be updated as conditions change and a copy kept on site.
d. This portion of the runoff and erosion control plan may be a condition of approval incorporated into the improvement agreement and provided to the County after permit approval but prior to the inception of any site work.

5.09.020 Identify runoff and erosion hazard areas on the site.

5.09.030 Identify areas and facilities, both on and down slope from the site, that are vulnerable to damage from accelerated runoff or erosion.

5.09.040 Show how the retention of existing vegetation will be maximized and land disturbance minimized.

5.09.050 Show how existing trees that are to be retained will be protected from damage during construction.

5.09.060 Show how the area disturbed by construction at any one time will be minimized and how disturbed areas will be stabilized during the construction period.

5.09.070 Show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques (re-vegetation with locally propagated native plants is encouraged).

5.09.080 Show how runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration or increase of runoff.

5.09.090 Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-application rate of release.

5.09.100 Show how sediment resulting from accelerated soil erosion will be retained on site.

5.09.110 Show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means.

5.10 Critical Areas: Wetlands. All Applications shall demonstrate compliance with local, state, and federal wetlands protection requirements.

5.10.010 The open space use of wetlands and / or their enhancement, to the same or a higher functional value shall be required. Wetlands enhancement requires that the acreage of wetlands enhanced or restored is greater than the wetlands area disturbed. Wetlands may be modified for necessary utility lines, roads, and trails and still meet the objectives of this requirement. These modifications may require permits from other state or federal agencies.

5.10.020 Minimize all bank hardening in favor of natural floodplains and native wetland vegetation for bank stabilizations.

5.11 Critical Areas: Stream Banks, Lakeshores, Wetlands Boundaries. Applications containing, or construction adjacent to streams, lakes, or wetlands shall meet the following building setback and buffering requirements.

5.11.010 Minimum building setbacks and minimum native vegetation buffers shall be required along all streams, lakes, and wetlands, as shown in Table 5.2. The most restrictive measurement at any given point shall prevail.

a. Setback. Minimum building setbacks shall be measured from the average annual high water mark of the body of water.

b. Buffer. Minimum native vegetation buffers shall be measured from the edge of the area dominated by riparian vegetation and may extend beyond the minimum setback identified above.
c. Variance. Applications that cannot meet the setback and buffering requirements may qualify for a variance as provided in Chapter 3.

5.11.020 Minimize all bank hardening in favor of natural floodplains and native wetland vegetation for bank stabilizations.

5.11.030 Roads, trails, and utility lines may cross stream or lakeshore corridors, but the number and width of such crossings shall be minimized. Select the crossing most likely to be in an area where the stream will not naturally migrate laterally. Culverts and bridges must specifically be designed to meet fish, amphibian, and reptile passage needs and must incorporate design strategies to allow for their passage upstream and downstream at flows generally found in the stream and provide for normal downstream migration of sediments and streambed materials. Irrigation works (dams, head gates, ditches, etc.) may be placed in stream or lakeshore corridors, as may hydroelectric power generation facilities, upon issuance of a Class II permit, and all required state and federal permits. Roads running parallel to streams and lakeshores shall be located the same distance from the water body as required for minimum building setbacks. Greenbelt trails shall be permitted in the native vegetation buffer of the stream and lakeshore corridors on a case by case basis.

5.11.040 Boathouses may be constructed along the lakeshore of Henry’s Lake, Island Park Reservoir and Ashton Reservoir, subject to the specific use conditions of Appendix U.

5.11.050 Boat ramps, docks, and piers may be installed within stream and lakeshore corridor buffers, but shall disturb no more than 24 feet of the stream or lake frontage on any lot or site (note that state or federal permits may be required for the disturbance of stream channels or wetlands). The native vegetation buffer shall remain undisturbed except within the boat ramp site.

5.11.060 Commercial marinas may be permitted to occupy no more than 10% or 30 feet, whichever is greater, of the lake frontage on any lot or site with docks, piers, boat ramps, and boat slips, but (i) not with parking or any other use or structure within the native vegetation buffer that does not require direct access to the water, and (ii) only where sufficient shoreline vegetation is retained or planted and buildings sited so as to provide a predominantly natural background when the application is viewed from the lake.

5.11.070 Individual or community septic tanks and drain fields, as permitted by Idaho Department of Environmental Quality and Eastern Idaho Public Health Department, shall be located the minimum setback distance or further from the stream, lakeshore, or wetland.

5.11.080 Stream corridor native vegetation buffers shall be maintained or restored to native vegetation.

5.11.090 The native vegetation buffers and building setbacks required here shall be clearly shown on final site plans and final subdivision plats. In subdivisions, the native vegetation buffer and building setback line shall be located by a permanent monument on each lot line that runs more or less perpendicular to the stream or lake and at the center of each lot that borders the stream or lake. The native vegetation buffers and building setbacks shall be measured from a point five feet vertically above the average annual high water mark and running horizontally the required number of feet.

5.11.100 Retention of the stream corridor native vegetation buffer, and building setback in common (for use by residents only) or public (dedicated to an agency that accepts responsibility for maintenance) shall be allowed as a component of the percentage of open space requirements for subdivision, as well as any land set aside as open space to provide the water quality, flood control, fish and wildlife habitat, and/or aesthetic consistent with the Plan.

5.11.110 Applications in the Floodplain Overlay shall comply with the standards of Chapter 7.
## TABLE 5.2 MINIMUM WATER AND WETLAND BUFFERS AND SETBACKS

<table>
<thead>
<tr>
<th>River /Stream/Lake Type</th>
<th>Required Building Setback</th>
<th>Required Riparian Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Rivers &amp; Streams, including:</td>
<td>75 feet</td>
<td>30 feet from the outside edge of areas where riparian vegetation is dominant</td>
</tr>
<tr>
<td>Henry’s Fork, Henry’s Lake Outlet, Buffalo River, Warm River, Robinson Creek, Fall River, Squirrel Creek, Conant Creek, Bitch Creek, Teton River, Henry’s Lake, Island Park Reservoir, Ashton Reservoir, All lakes, reservoirs, ponds, and wetlands ≥5 acres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perennial and Intermittent Streams with a well-defined channel including:</td>
<td>75 feet</td>
<td>30 feet from the outside edge of areas where riparian vegetation is dominant</td>
</tr>
<tr>
<td>Hope Creek, Rock Creek, Ingalls Creek, Duck Creek, Kelly Creek, Timber Creek, Targhee Creek, Howard Creek, Tygee Creek, Twin Creek, Jesse Creek, Jones Creek, Enget Creek, Stephens Creek, Meadow Creek, Crooked Creek, Moose Creek, Sheridan Creek, Willow Creek, Icehouse Creek, Sheep Creek, Blue Creek, Hotel Creek, Yale Creek, Elk Creek, Tom’s Creek, Fish Creek, Strong Creek, Rattlesnake Creek, Sand Creek, Black Springs Creek</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All lakes, reservoirs, ponds, and wetlands &lt;5 acres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other streams and wetlands (poorly defined channel)</td>
<td>75 feet</td>
<td>30 feet from the outside edge of areas where riparian vegetation is dominant</td>
</tr>
<tr>
<td>Irrigation Canals and Ditches</td>
<td>none</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

### 5.12 Critical Areas: Slopes

No building on a steep slope shall be permitted on slopes of one vertical unit in four horizontal units (25%) or more unless a geotechnical engineer certifies that such application creates no significant hazard of slope failure or accelerated soil erosion. Building on slopes of greater than one vertical unit in three horizontal units (33.33%) shall be prohibited.

#### 5.12.010 Steep Slope Setbacks

For slopes of or exceeding one vertical unit in four horizontal units (25%), buildings and structures shall be setback as follows:

- **a.** From the toe of the slope, one half (½) the height of the slope but not to exceed 15 feet.
- **b.** From the top of the slope, one third (⅓) the height of the slope but not to exceed 40 feet.

#### 5.12.020 Open Space use of all slopes identified as unstable shall be required.

### 5.13 Critical Areas: Wildfire Hazards

All Applications that are in or adjacent to forested areas or areas of flammable brushy vegetation shall conform to the provisions of Appendix S.
5.14 Critical Areas: Wildlife and Plant Habitat 0 / +2 (5). Wildlife and plant habitat areas and wildlife migration corridors are located throughout Fremont County. Therefore, all permit Applicants are required to prepare and implement a Wildlife Plan. Short plat and small scale subdivisions may self-prepare the Wildlife Plan. Large-scale subdivisions require a professionally prepared Wildlife Plan, using a Fremont County approved wildlife biologist. The Wildlife Plan will be used to identify Secondary Conservation Areas within the application’s Open Space Management Plan, educate future property owners about human impact, and shall address the following:

5.14.010 Maintain natural habitat patterns by keeping a habitat mixture that mimics the patterns found naturally in the area.

a. Map existing natural habitat types on both the subject property and the adjacent larger landscape, taking note of sites that might be unique and necessary to the overall habitat pattern.

b. Incorporate the existing ratios of habitat types into the overall design.

c. Establish set ratios of roads and housing to natural areas and use them to guide application patterns. As a general rule, the fewer road miles the better, since roads break up blocks of habitat, making it easier to disturb wildlife.

d. Design open spaces to connect to neighboring open spaces to maintain continuity.

e. Where the project abuts any Public Lands, the Applicant shall confer with the applicable agency in preparation of the wildlife plan.

5.14.020 Allow natural processes to continue by building homes in areas free, or at very low risk, from natural hazards. Building in hazard free areas allows natural events to occur without harming people or property.

a. Fence riparian areas to keep domestic animals and livestock from damaging delicate vegetation.

b. Control invasive weeds.

c. Manage rangeland to improve pasture and grasslands.

5.14.030 Enable wildlife movement between natural areas. Meaningful connections between habitat areas should be retained or created in the project design. The Applicant and future landowners should establish standards to ensure that wildlife can use the areas.

a. Cluster buildings and construction site in a way that leaves natural areas open for wildlife use.

b. Include connected open areas in the overall design so that wildlife is not trapped in developed areas and unable to reach necessary resources.

c. Where practicable, use wildlife-friendly road and fence design.

5.14.040 Plan the Application project according to the land’s capacity. Land functions at a “carrying capacity,” which determines the number and types of plants and animals that can live there. Different ecosystems throughout Fremont County have different carrying capacities, but every system has its resource limits. The wildlife plan should identify the possible resource limits of the subject property resulting from the proposed application.

a. Assess the resources (such as natural forage, water supplies, and natural cover) that have existed historically on the land and determine how much is still present.

b. Identify known present species and their resource needs.

c. Analyze what, if any, of the now present resources the application will use, and compare them to the total habitat and resources available to provide a sense of how carrying capacity will be affected.

d. Design the application to minimize consumption of limited resources.

5.14.050 Maintain native plants and animals. Consider sensitive areas and species throughout all phases of the project. Designs that foster coexistence with native species will encourage healthy wildlife populations. Allowing the system to naturally regulate itself means the project’s resulting
residents won’t have to spend time and resources managing wildlife. Idaho Conservation Data Center maintains a list of rare plant populations while other public agencies maintain lists of rare, threatened and endangered species.

a. Define and map rare and sensitive areas, as well as those places essential to native species, and avoid developing there. These areas include wetlands, rare plant communities, winter ranges, breeding areas, and aspen groves.

b. Where not already defined in this Ordinance, define buffers and setbacks for identified rare/sensitive/critical areas, and establish guidelines for their use and protection.

5.14.060 No clearing of special status plant populations listed on the Idaho Conservation Data Center maintained list shall be permitted.

a. Pink Agoseris
b. Rush Aster
c. Two-grooved Milkvetch
d. Plains Milkvetch
e. Buxbaum’s Sedge
f. Pale Sedge
g. Beautiful Indian Paintbrush
h. Bulb-bearing Waterhemlock
i. Yellow Spring-beauty
j. Yellowstone Draba
k. Slender Spike-rush
l. Swamp Willow-weed
m. Green Keeled Cotton-grass
n. Four-parted Gentian
o. Northern Bog Clubmoss
p. St. Anthony Evening Primrose
q. White Spruce
r. Hoary Willow
s. Gray Willow
t. False Mountain Willow
u. Sierra Sanicle
v. Nodding Saxifrage
w. Pod Grass
x. Water Clubrush
y. Ute Ladies’ Tresses
z. James’ Saxifrage
aa. Purple Meadow-rue

5.14.070 Minimize the extent of disturbance. Establish human/wildlife interaction guidelines, with special attention given to avoid attracting wildlife to areas where they will come into contact with humans. Landscaping guidelines can also minimize the zone of disturbance and allow wildlife to continue to use areas close to developed areas.

a. Plan community water and sewer systems to avoid proliferation of individual wells and septic systems. Greater water consumption increases the application footprint. See Chapter 5, Division 6.

b. Establish trash and outdoor food storage guidelines to avoid wildlife conflict and feeding.

c. Landscape with native vegetation or leave native vegetation intact to minimize the impact of conventional landscaping on wildlife. See 5.15.
5.15 Landscaping and Native Plants. The use of native plants propagated from local stock in the re-vegetation and buffering efforts required by this Ordinance shall be required. The following subsections shall apply in every zone EXCEPT Rural Base:

5.15.010 Landscape common open space areas and the edges of walking paths with native species of shade trees and flowering shrubs with high wildlife conservation value.

5.15.020 Street Trees. The performance timing for tree planting shall be established in the required improvement agreement and may be tied to proposed phasing.

a. Street trees shall be planted along each side of all streets, public or private, existing or proposed. Existing healthy and mature street trees may be counted toward the street tree planting requirement.

b. New street trees shall be a mix of deciduous shade trees with a caliper of 2.5 to 3 inches measured at chest height; clusters of aspen trees measuring four (4) feet tall or taller, and evergreen trees five (5) feet tall or taller.

c. Street trees shall be spaced at intervals no greater than 40 feet along both sides of each street, including arterial roads, excluding rear access lanes and alleys. Spacing shall be used to avoid overhead utility lines that may hinder the full growth of the tree and anticipate any snow removal that may damage the tree.

d. Selected species shall:

(1) Cast moderate to dense shade in summer.

(2) Have a typical life span of more than 60 years.

(3) Mature to a height of at least 50 feet (except evergreens).

(4) Be tolerant of pollution and direct or reflected heat.

(5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.

(6) Be able to survive two years with no irrigation after establishment.

(7) Be of native origin, provided they meet the above criteria.

5.15.030 Landscaping.

a. The Applicant shall submit to the County a Master Landscape Plan for all areas of the project, including Open Space Areas, identifying the quantity, location, size and predominant type (deciduous, evergreen, tree, shrub) of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and planting methods.

b. Trees and other public landscaping shall be protected from damage by means of suitable barriers, such as curbs, rocks, posts, swales, or ditches.

c. The Applicant (or any successor-in-interest) shall be required to ensure that any tree that dies within 18 months of planting shall be replaced with a tree of the same species and size.

5.16 Air Quality. All Applications shall demonstrate continuing compliance with local, state, and federal air quality regulations.

Division 3 - Agricultural Resources and the Farm Economy

5.17 Protecting Agricultural Operations. Development of other uses in the County shall not interfere with existing agricultural operations, including the normal operation of dairies, feedlots, potato cellars, and other agricultural activities that may, at times, be perceived as a nuisance by inhabitants of nearby residences. I.C. 22-4503 states that agricultural operations are not and cannot become a nuisance to surrounding nonagricultural activities except in the case of improper or negligent operation, or in the case of confined animal feeding operations (see 5.18).
5.17.010 **Agricultural Waiver.** All Class I and Class II permits shall include a legal declaration or plat note waiving all common law claims of nuisance caused by permitted, accepted, and customary agricultural operations conducted in accordance with federal, state, and local laws. These agricultural activities normally and ordinarily produce noise, dust, smoke, and other conditions at all hours of the day and across all seasons. The waiver shall preclude all rights to complain, object, harass, or interfere in the legal agricultural activities in the neighborhood, community, and County.

5.18 **Agricultural Industries.** While the protection of existing agricultural operations is an important goal of this Ordinance, it is also recognized that new agribusiness applications could have an adverse impact on existing nonagricultural uses.

5.18.010 **Confined Animal Feeding Operations (CAFO).** See Appendix W.

5.19 **Protecting Irrigation Systems.** All Applications including or adjoining irrigated lands, or including or adjoining any irrigation works (diversions, head gates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity. No application shall be permitted to adversely impact the operation of any irrigation system and all Applications shall comply with the specific performance standards established here.

5.19.010 **Subdivision of Irrigated Lands: Delivery of Water.** All subdivisions shall demonstrate compliance with I.C. 31-3805, as amended. When either a subdivision within the meaning of chapter 13, title 50, Idaho Code, or a subdivision subject to this Ordinance, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called "irrigation entity" for the purposes of this chapter, no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:

a. The water rights appurtenant and the assessment obligation of the lands in said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation entity by the owner thereof; or by the person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land; or

b. The owner or person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land has provided for underground tile or other like satisfactory underground conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

1. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to said lands.

2. For proposed subdivisions located outside incorporated cities but within a negotiated area of city impact pursuant to chapter 65, title 67, Idaho Code, or within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

3. For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

4. For proposed subdivisions located outside an area of city impact in counties without a zoning ordinance, such irrigation system must be approved by the board of county commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.
5.19.020

a. In the event that the provisions of either subsection 5.19.010.a or 5.19.010.b of this section have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. Any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

(1) That suitable water deliveries have not been provided; and
(2) That the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and
(3) That the individual purchaser shall be responsible to pay such legal assessments; and
(4) That the assessments are a lien on the land within the irrigation entity; and
(5) That the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

b. A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subsection of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

5.20 Weed Control. As required by I.C. 22-2407, it shall be the duty and responsibility of all landowners to control noxious weeds on their land and property. Applicants shall demonstrate continuing compliance with this performance standard.

Division 4 - Land Use Compatibility

5.21 Nuisances -2 / 0 (3). All potential nuisances and hazards shall be mitigated by appropriate means.

5.21.010 No application shall create excessive levels of noise or vibration beyond its property line. Excessive noise, as measured at the property line, exceeds the standards of Appendix H.

5.21.020 Light, Glare, Heat.

a. No application shall direct hazardous light, glare, or heat beyond its property line. Welding equipment and similar sources of intense light shall be shielded from neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall, or a densely planted landscaped buffer.

b. All fixtures used to illuminate commercial and industrial uses shall have a full cut-off, and no commercial or industrial use shall generate a level of illumination greater than 0.4 foot-candle in any neighboring residential area. Illumination of signs is specifically addressed in Appendix A.

5.21.030 No application shall create electrical interference that prevents an electric product to operate as designed.

5.21.040 Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not attract bears, rodents, flies, or other animals; generate odors perceptible beyond the property line or liquid runoff; or permit the blowing of paper and other lightweight waste.

5.21.050 Industrial or commercial solid waste handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on the site, or the construction of a fence or wall. This includes expansions of existing solid waste handling and storage areas. Landscaped buffers for these areas are required.

5.21.060 No application shall inhibit the proper operation and maintenance of and by third party waste disposal operators in the design and layout of their application.
5.21.070 No application shall channel stormwater or snowmelt runoff onto neighboring properties, public ways, or into irrigation works.

5.22 Hazardous Substances.

5.22.010 Any application that is, or that may reasonably be expected to be, subject to the reporting requirements of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), shall demonstrate continuing compliance with all state and federal requirements for the storage and handling of hazardous substances.

5.22.020 No application that is, or may become subject to the reporting requirements of EPCRA shall be located in any critical area.

5.23 Animals on Residential Lots. For the purposes of this performance standard only, residential lots are defined as both platted subdivision lots and residential parcels in unplatted areas where there are other residential housing units within 300 feet of the subject property boundary.

5.23.010 Livestock on Residential Lots. The keeping of livestock on residential lots shall be restricted to two horses, pigs or cows, or ten llamas, sheep, or goats (including their offspring until weaned) per acre. If the maximum animal count of all livestock meets or exceeds 250, the requirements of 5.18 shall apply. No livestock shall be kept on lots of less than one acre. Keeping of pack animals during local big game hunting seasons shall be permitted for up to seven days.

5.23.020 Fowl on Residential Lots. The keeping of 30 males (roosters, drakes, ganders, etc.) and hens per acre shall be permitted. Lots of less than one acre may keep fowl proportional to 30 males and hens per acre.

5.24 Home Occupations. Home occupations shall comply with the detailed performance standards of Appendix I.

5.25 Residential Businesses. Residential businesses shall comply with the detailed performance standards of Appendix I.

5.26 Residential Care Facilities. Residential care for the elderly, children’s institutions, as defined by the Child Care Licensing Reform Act, and similar uses of residences shall be certified or licensed as required by law and shall comply with the detailed performance standards of Appendix I.

5.27 Transient Rentals. Transient rental use of residences shall comply with the detailed performance standards of Appendix I.

5.28 Land Use Compatibility. Compatibility with neighboring land uses within a zone shall be required. Conformance with the requirements of Appendix K – Buffering and with the dimensional standards of the base zone shall generally establish compatibility between otherwise dissimilar land uses. In certain instances, neighboring land uses are so dissimilar that buffering is insufficient to establish compatibility. The relative performance standards listed below will aid in identifying those instances.

5.28.010 For single family dwellings, subject to Class I permit review only, it shall be assumed that any lot coverage of less than 50% is compatible.

5.28.020 Setbacks in pre-existing subdivisions.

a. 1992-2010. Lots platted after adoption of the 1992 Fremont County Development Code and prior to the adoption of this 2011 Fremont County Development Code and where not otherwise specified on the recorded plat shall meet the setback requirements established by the 1992 ordinance, as amended.

b. Pre-1992. Subdivision lots platted prior to the adoption of the 1992 ordinance and existing small parcels that cannot meet the requirements of this Ordinance shall meet a building setback of not...
less than 20 feet. Building on lots that cannot accommodate this setback shall be permitted by variance only.

C. Legal Non-Conforming subdivisions platted prior to the effective date of this Ordinance where lots created cannot accommodate current setbacks require a reasonable setback meeting basic access and firefighting criteria. In no instance will a “zero” lot line setback be allowed, regardless of anything to the contrary delineated in adopted restrictive covenants. If build-out in the subdivision exceeds 50%, averaging of the existing property lines may be approved by the Administrator.

5.28.030 Building Height –2 / 0 (5). Is the proposed building height compatible with neighboring uses? For single-family dwellings, subject to Class I permit review only, it shall be assumed that any building height equal to or less than the maximum allowed in the base zone is compatible.

5.28.040 Building Bulk –2 / 0 (5). Is the proposed building bulk compatible with neighboring uses?

5.28.050 Activity Level –2 / 0 (5). Is the proposed activity level compatible with neighboring uses? The level of activity shall be measured by the projected traffic generation and noise levels, proposed hours of operation, proposed size and number of signs, and similar factors.

5.29 Buffering. Installation of landscaped buffers between potentially incompatible land uses and along public roads in accordance with Appendix K shall be required. Buffers along stream corridors are required as delineated in 5.11. Integration of existing mature vegetation that serves buffering functions is required.

5.30 Connections. All applications shall be designed to provide and optimize existing and future functional connections with adjoining properties, including shared access to arterial roads and highways, shared parking and service access, shared buffers and open space, and shared pedestrian circulation. The following illustration shows two scenarios when adding parcels along a County road. In the middle drawing, all the driveways are improperly connected to the street. The bottom drawing shows the required optimization of shared access to arterial roads and highways.
5.30.010 Spite strips, compromising a small portion of private property at the end of, or in the middle of a public or private right of way meant to deny access are prohibited.

Division 5 - Visual Resources and Community Image

5.31 Visually Sensitive Areas -2 / +2 (3). Residential and commercial applications shall be required to maintain the scenic qualities of visually sensitive areas. All Applicants are required to use building lot layout and design, architectural and landscaping techniques, and common sense to minimize visual impacts. Reference and use the visual resources mitigation strategies identified herein when preparing sketch plans and preliminary plans.

5.32 Ridgeline Development. [RESERVED]
5.33 Community Image. The County is, as a whole, a community. It, in turn, is made up of a variety of smaller communities, each with its own identity. These smaller communities may be delineated as a neighborhood, a townsit, a small city, a geographic area, a plant population, or an agricultural area; and each has a unique look and feel that identifies it. As new or expanded uses are proposed within these communities, the preservation and enhancement of the community image is required. The following design criteria, which may apply County-wide or to particular areas of the County, will help Applicants meet this requirement.

5.33.010 Preserving Roadside Vistas -2 / +2 (5). The preservation of scenic views observed from the rural roads of the County is a key to preserving community image. A variety of design guidelines are available to make this happen.

a. Improving Roadside House-lot Development. The practice of carving lots out of large acreages adjacent to the public road frontage produces a number of unfortunate results. First, it places homes in the least livable locations, right alongside through roads where traffic is bound to increase as time goes on, creating dangerous conditions, disrupting traffic flow, and increasing the likelihood of accidents. Second, it suburbanizes the roadway corridor, blocking views of the rural landscape behind the houses. An alternative to covering the whole frontage with lots is to use the clustering techniques available in this Ordinance. Some homes would be set back from the road on deeper driveways, possibly shared, secluding them from passing traffic and improving their appeal. More importantly, a significant portion of rural road frontages remains open.

b. Varying the House-to-Street Orientation. In most cases, buildings will continue to be oriented 90 degrees to the street. However, rather than having 100 percent of all new homes lined up like soldiers, a more pleasing result can be achieved by varying their angles of orientation so they do not all face the street perpendicularly.

c. Maintaining Modest Front Setbacks. When homes sit closer to the street, a more traditional neighborhood character is created or reinforced. Front yards are seldom used except for lawns and landscaping, so unless the street is heavily trafficked, there is not much justification for pushing buildings back from the street. On relatively quiet side streets, modest front setbacks provide the advantage of enlarging backyards.

d. Siting Homes Off-Center. On a narrow lot where a side yard is too small to be usable for much, greater livability can be achieved by situating the home off-center, with minimal or no yard space on one side and a double yard on the other. The benefits are visually appealing as long as the approach is taken comprehensively to ensure that normal distances between buildings are maintained.

e. Avoid Protruding Garages. Builders often locate garages as appendages to the housefronts, with the result that protruding garage doors become a central feature of the street facades, dominating the streetscapes and defining neighborhoods in an ugly way. The following techniques can be used to avoid this problem:

(1) Accessing Homes via Back Lanes or Alleys. The preferred solution is the use of traditional rear-sited garages either as rear-facing towards a back lane or alley, or front-facing with long driveways to the frontage street.

(2) Recessing Front-Loaded Garages. When alleys or back lanes are not possible or desirable -- such as when lots could back up to value-adding open space lands -- front-loaded garages are a logical alternative. The best front-loaded garage is recessed behind the plane of the house façade by 15 to 20 feet, visually subordinating it and providing additional off-street parking, which can sometimes reduce the need for wide streets.

(3) Side-Loading Garages. An alternative to rear-loading and front-loading is locate garage doors so that they face sideways, enabling the garages’ streets facades to feature regular windows.

f. Visual Challenges Posed by Sloping Terrain. In many parts of the County, potential building sites have the equivalent of two front doors. The traditional front door faces the frontage street, but the rear of the home is clearly visible from another roadway or, more likely, a waterway. The visual impact of this second front door is almost more critical than the traditional location and should be factored into all design considerations, beginning at the lot selection stage of the Sketch Plan.

g. Narrow Homes on Narrow Lots. In high density clusters, narrow lots are perfectly acceptable if consideration is taken with the design of the buildings that will occupy the lots. With lots of 30
feet by 100 feet, ten lots occupy just 30,000 square feet. Factor in streets, alleys, stormwater management, and greens and an acre could still allow five to ten units per acre. The best results occur with zero lot line arrangements, where the double side yard – usually eight to ten feet wide – can become a large outdoor room. Some of the most desirable historic neighborhoods in the U.S. are of this configuration, designed to provide first-time homebuyers with an attractive, affordable home of their own.

**h. Semidetached Homes.** Sometimes called duplexes, semidetached homes can be designed to look exactly like what they are, or they can be designed to blend in with the surrounding single-family neighborhood. Front doors can be located farther apart, units can be articulated with large forward-project gable-end sections joined by a recessed connection, or the second unit can be visually subordinated in a wing of the building.

**i. Multifamily Residential.** Traditional or legacy designs should be used when developing multifamily projects in the County, exemplified by pitched roofs, modest front setbacks, sidewalks, and shade trees, all with rear garage parking accessed via back lanes or alleys.

### 5.33.020 Greens, “Greenlets,” and Greenways 0 / +2 (3)

Greens – informal park spaces can be part of the public realm, bordered by streets, or they can be created as quieter, more secluded spaces, located behind homes or businesses. Providing multiple “greenlets” – small greens – can alleviate the monotony of standard application patterns. Greenways are landscaped areas within the overall Open Space. Green spaces ultimately do not increase development costs, but rather increase project value and long-term desirability.

#### a. Attached Greens.

Attached greens are green spaces directly in front of homes. The front door faces a large green area that may contain sidewalks or pedestrian paths that link the guest parking along the road to the homes surrounding the attached green. Garages are rear-facing onto back lanes or alleys.

#### b. Internal Greens.

The spaces between buildings are just as important as the buildings themselves. Internal greens are areas within a project that act as a visual focus and balance out any less desirable elements, such as paved parking.
C. Courts or Cottage Greens. The cottage green is closely tied to the bungalow courts so popular during the 1910s to 1930s. Cottage greens combine detached cottages – small homes on affordable lots – with attached greens and greenway streets. Typically, cottage green projects are medium density cluster housing with limited floor space, no taller than one and a half stories, and grouped around a common green or garden courtyard, with detached garages at the site perimeter.

d. Prominent Greens. A highly effective technique for increasing the visibility of green space is to position it as terminal vistas, such as at the end of a street when it intersects with another street, along the edge of a curving street, or in crescent-style bump-outs.
e. **Hedgerow Medians.** Where farm fields are divided by hedgerows or windbreaks, such features of the agrarian landscape can easily be conserved, adding more value to the resulting neighborhood application.

f. **Greenway Streets.** In a traditional grid system, occasional cross streets can be eliminated, closed to traffic, and designed as linear greenway parks by accessing garages form the rear, via alleys or back lanes, and substituting grass and shade trees for pavement and concrete.
g. Shade Trees along Streets, Lanes, and Alleys. Streets without consistent shade tree planting are more barren and hotter, appreciate less in real estate value, and tend not to calm traffic speed. Streets where shade trees have been planted at regular intervals on both sides are cooler, more attractive to residents and potential buyers, provide more varied habitats, and tend to calm traffic speeds, making neighborhoods safer. Property values tend to be higher on well-treed streets. Unfortunately, trees are often mistakenly considered to be non-essential ornament, when they in fact provide essential structure. Trees are arguably the single most important physical feature of the streetscape because as they grow to maturity, they dwarf the buildings reducing their visual impact. Far from being mere ornament, they provide documented visual, environmental, and economic benefits, as well as health and safety benefits for residents and community members.
5.33.030 Land Unit Communities 0 / +2 (2). These general descriptions correspond to the land unit or landscape types that dominate the County. They give a preliminary orientation to the visual character of these land units that will be useful in site planning and design of new projects and should be used in the development of the Existing Resources and Site Analysis Plan.

a. Ecological Communities.

(1) Conifer Forest. These extensive forests and woodlands occur on rocky or well-drained soils at elevations ranging from 5000 feet to tree line. Junipers, Lodgepole pine, Douglas fir, Englemann spruce, and limber pine occur in variations of mixed to relatively pure stands, depending on the nature of the substrate (coarseness and type of soil/rock), slope aspect and elevation. Shrubs can be absent, but if present may include creeping Oregon grape, bitterbrush, snowberry, wild currants, and common juniper. The grass and wildflower understory is typically limited or sparse.

(2) Aspen or Deciduous Forest. These forests occur on mountain slopes and plateaus between 5000 to 10,000 feet, typically on gentle to steep slopes and ravines with fine-textured soils. Tree species may also include Rocky Mountain or bigtooth maples as well as conifers (Douglas fir, various spruce or pine species). Common shrubs include serviceberry, chokecherry, wild rose, snowberry with an understory of grasses and wildflowers. In lower elevations, these forests are found in moist, cool ravines and north-facing slopes.

(3) Shrub-Steppe and Grassland. This type of vegetation typically grows in broad basins and foothills up to 7500 feet. Shrublands may be dominated by various sagebrush species, rabbitbrush, bitterbrush, snowberry and winterfat. Scattered junipers or curl-leaf mountain mahogany may be present. Shrub-steppe can range from a dense shrub cover to open grasslands with some shrubs. Wildflowers are present but usually make up less than 25% of the vegetative cover. Common grasses may include bluebunch wheatgrass, Idaho fescue, blue grama, basin wild-rye, needle and thread grass, Indian rice grass, Sandberg's bluegrass and squirreltail. Areas with a history of soil disturbance can contain abundant infestations of downy brome or other annual and invasive weeds. Seasonal depressional wetlands or vernal pools may occur within shrub-steppe in areas of poorly drained soils or along intermittent stream channels.
(4) **Wetlands and Riparian Corridors.** Wetlands generally refer to seasonal or permanent shallow standing water with emergent vegetation; lakeshore vegetation can be considered part of this vegetation type for the purposes of this report. Wetlands vegetation can be found in naturally occurring seeps, springs and ponds, as well as in backwater channels and other perennially wet but less scoured stream sites, such as floodplain swales and irrigation ditches. These plant communities thrive on periodic flooding and high-water tables. In these sites, various species of rushes, sedges, and mesic grasses are present. Riparian communities occur immediately adjacent to running streams and rivers where plants take advantage of plentiful water and rich soils. Riparian communities are found within the flood zone of rivers, on islands, sand or cobble bars, and immediate streambanks. They can be wide patches filling a floodplain or on mid-channel islands in larger rivers; they can be narrow bands along streams at the bottom of rocky canyons. These mesic types occur as a mosaic of multiple communities that vary in their tree, shrub and herbaceous species components. They may occur in the midst of a different ecological type, like a playa wetland in the middle of sagebrush flats or a moist ravine within a conifer forest. Because water is a scarce commodity in the west and necessary for all living things, wetlands and riparian corridors are primary focal points for both biological diversity and human use. Dominant trees at lower elevations may include box elder and cottonwoods, while at higher elevations alder, hawthorn, river birch, aspen, blue spruce, Engelmann spruce and subalpine fir may be present. Shrubs may include numerous willow species, chokecherry, dogwood, nine-bark, creeping Oregon grape, mountain lover, and elderberry. Many of these plants are associated with beaver activity. Sedges, rushes and mesic grasses and wildflowers make up the understory. Lower elevation riparian areas likely have an agricultural history and may be dominated by invasive plant species including Salt cedar (tamarisk), Russian olive, reed canary grass and downy brome.

(5) **Barren Lands.** Barren lands include those dominated by soil or rock landscapes such as steep cliff faces, narrow canyons, and smaller rock outcrops, unstable scree and talus slopes that typically occur below cliff faces, as well as volcanic basalt or cinder fields. Also included are migrating, bare dunes and anchored dunes with sparse to moderately dense vegetation. The plant species occupying these environments are often adapted to shifting, coarse-textured substrates and form a variety of communities, including patchy or open grasslands, shrub-steppe, woodlands and forested stands.

b. **Cultural Land Communities.**

(1) **Irrigated Crop or Pasture Agriculture.** This cultural landscape features gently rolling to flat topography and deep soils employed for intensive row-crop agriculture, with a seasonal change between bare soil and growing crops. Typically fields are pivot irrigated. Fields are interspersed with traditional and modern farmstead homes, silos, equipment and livestock yards, barns and other outbuildings. Roads are often straight and laid out according to the county’s road grid. Portions of the large agricultural lands are planted into Conservation Reserve Program (CRP) land. Remnant native forest patches, canals, natural stream corridors and historic buildings are interspersed throughout the area. Some rural residential applications are located on stream corridors within this land use.

(2) **Non-irrigated Crop, Hay, or Pasture.** These agricultural lands are located in gently rolling to flat topography and on marginal soils employed for small-scale agriculture, livestock pasture and hayfields. They are interspersed with small town sites, traditional and modern farmstead and suburban homes, barns and other outbuildings, livestock yards and irrigated pasture, canals, natural stream channels and small to large patches of native vegetation. Fields may be planted into CRP options.

(3) **Rural Development.** This land unit represents modern residential application outside of municipal boundaries in rural settings, including resorts, rural subdivisions, individual home sites, RV parks, marinas, and horse or “gentleman farmer” properties. It occurs within a variety of settings, often near water features or other distinctive natural elements.

(4) **Urban Development or Other Lands.** Municipal town sites and commercial districts. Also included here are paved roads, utilitarian right-of-ways, gravel quarries or other industrial sites.

5.34 **Signs.** Signs shall comply with the detailed performance standards of Appendix A.
Division 6 - Public Facilities and Services

5.35 Water Supply.

5.35.010 Central Water Supply. Where required or selected, subdivisions shall provide a central domestic water supply system that meets state design and construction requirements.

5.35.020 Individual Water Supplies. Where reliance on individual water supplies is proposed, evidence shall be provided that an adequate quantity and quality of water is available for the proposed application. The required evidence may be in the form of documented experience with existing wells at geologically similar, neighboring sites or records of on-site well tests.

5.36 Wastewater Treatment.

5.36.010 On-site Sewage Disposal. All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with state standards as provided by the Department of Environmental Quality and the Eastern Idaho Public Health District.

5.36.020 Central Wastewater Collection. All central wastewater collection will meet the design standards of the applicable monitoring agency and be in compliance with the Fremont County Sewer Ordinance, if applicable.

5.36.030 Central Wastewater Treatment.

a. Connection to an existing central wastewater treatment system, and payment of all associated fees, shall be required for all residences and application within 500 feet of an existing central wastewater treatment system.

b. Connection to a central wastewater treatment system may be required where the total number of proposed lots multiplied by 200 feet would reach a collection or transmission line of an existing centralized treatment system, not to exceed one (1) mile (5,280 feet).

c. If the provision of a central wastewater treatment system is required, it must meet state and federal design and construction requirements.

5.37 Public Utilities.

5.37.010 Adequate rights-of-way or easements for service by proposed public utilities shall be provided. A written statement of compliance with this performance standard shall be obtained from each utility. All utility easements, public and private, shall be clearly indicated on the final plat document.

5.37.020 Written certification that capacity to serve the proposed application is available shall also be obtained from all proposed public utilities.

5.37.030 Provision of underground power in subdivisions shall be required.

5.37.040 Proposed utilities shall be installed to each lot before road surfaces are constructed, so as to preserve the integrity of the road surface.

5.37.050 Alternative energy sources are encouraged by Fremont County and these performance standards shall be rationally and reasonably adjusted to accommodate any unique requirements of the alternative source 0 / +2 (5).

5.38 Construction in Easements. No building shall be placed in any utility or irrigation easement, public or private. Wire or rail fences, or solid wood fences with a removable section across the easement may be constructed across easements only with written permission from the easement holder.
5.39 Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided as required by Appendix C. Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

5.40 Access Standards.

5.40.010 Points of access to public roads shall be constructed in compliance with the standards of Appendices B and C.

5.40.020 Access Permits. Applications with points of access to a state or federal highway shall obtain approval for those points of access from the Idaho Transportation Department and provide access permits as part of the application. Applications that connect to the County road system must obtain an access permit from the Fremont County Public Works Department as part of the application.

5.40.030 All Applications will minimize the number of points of access to county roads and highways. Coordinate this requirement with 5.30.

5.40.040 Single Family Dwellings. Applications with multiple single family dwellings shall generally be provided with at least two (2) separate and approved fire apparatus access roads which shall be separated by at least two lots.

   a. Where there are 15 or fewer dwelling units on a single private or public access way, access from two directions shall not be required.
   b. Where there are 35 or fewer dwelling units on a single private or public access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
   c. The number of dwelling units on a single fire apparatus access road shall not be later increased unless fire apparatus access roads will connect with future development, as determined by the Fire Code Official. Other requirements may also apply.

5.40.050 Multiple Family Dwellings or Mixed Use. Applications with more than 35 dwelling units shall be equipped with two separate and approved fire apparatus access roads.

   a. Projects having up to 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential uses, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. However, projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads.

5.40.060 Commercial and Industrial Applications: Commercial and Industrial Projects shall comply with Section D 104 of the International Fire Code.

5.41 Fire Protection. All applications for subdivision and commercial application shall be referred to the Fire Code Official for review and approval. No subdivision or commercial application will be scheduled for public hearing until review and approval is received from the Fire Code Official.

5.41.010 Chemical, pesticide, and fertilizer facilities. Said facilities must have adequate fire protection, enclosed storage areas as well as handling and disposal processes that have been approved in writing by the Fire Authority having jurisdiction.

5.41.020 Bulk storage of flammable liquids and gases

   a. Will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner’s residence.
   b. Will be erected with the written approval of the Fire Authority having jurisdiction.
   c. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Fire Authority.
5.42 Roads. All Applications must have road access meeting or exceeding the engineering standards of Appendix B from the nearest County or State road meeting said construction standards as well as to all lots within any application. Applicant will commit to the construction of both identified on-site as well as needed off-site improvements through an improvement agreement with Fremont County before an application permit will be granted.

5.42.010 Street Design Considerations.

a. Maintaining Traditional Street Patterns. It is important that Applicants do not needlessly fragment the community’s rational network of interconnected streets. Building dead ends is inherently less safe because they provide only one point of access for emergency vehicles. Concerns about through traffic can be addressed by ensuring that connecting streets are specifically designed not to become shortcuts that attract increased traffic. Wherever possible, existing neighborhood roads shall be utilized to provide access to and through the project.

(1) Areas of Impact. Applications that are in or near to a city area of impact shall ensure continuity of that city’s road grid pattern as it would be extended to the proposed property. Consultation with the affected city shall be required.

b. Traffic Calming. A number of different street design techniques have evolved to slow the movement of traffic through residential neighborhoods, and they are beginning to be more frequently employed either to supplement or to replace cul-de-sacs, whose overuse has been of growing concern due to the isolation they create and the traffic they push onto other streets. The following designs may be useful in slowing speeds through a project:

(1) T-Intersections. By purposefully introducing three-way intersections with right-angle turning, emergency vehicles are uninhibited in serving a neighborhood, but speeds are lowered as vehicles negotiate the turns. These types of intersections also allow for the use of greens to improve visual appeal.

(2) Curves. The use of deliberate curves, especially around trees or other natural features has a noticeable slowing effect on vehicle traffic.

(3) Planned Obstacles. The introduction of visual features such as a park, gazebo, or green as a terminal vista around which a road must be routed will also reduce neighborhood traffic speeds.

c. Cul-De-Sacs. Cul-de-sac design is should avoid the completely paved turning area of minimum circumference in favor of the use of visual end points. “Greenlets” and rain gardens are great visual focal points to place in the center of a slightly larger radius and allow for areas of snow storage in the winter months.
d. Crescent Connections. A crescent street replaces a cul-de-sac and adds a short connecting street to another road in the project. The space between the small connecting street and the main road can serve as a rain garden and an attractive island, with proper shade trees branching out to fill the “celestial space” above it. This eye-shaped island also calms traffic and serves as a green “terminal vista,” enhancing the streetscape as seen by those approaching in vehicles or on foot.
e. Closed Loops. The closed loop is an elongated version of the crescent, where the central island becomes a small linear park. This approach, called a close, can also be described as a boulevard cul-de-sac. It consists of two lanes separated by a green area, rather than a painted white line. This is essentially a one-way loop, with the turning radius equal to or greater than that normally provided in cul-de-sacs; it is generous enough for large vehicles, such as moving vans and fire engines to turn around in. If the central island is slightly lower than the surrounding lanes, and if the pavement is not crowned but rather sloped down toward the center, this small park can serve as a rain garden, planted with trees and shrubs that thrive on additional runoff.

f. Country Lanes. The use of gravel roads, called country lanes, in rural applications is highly encouraged; the County permits certain low-use road classes to be finished with a reasonable sub-base and gravel road base. Gravel roads when properly kept up are visually appealing, cost less to maintain and tend to lower average travel speeds.
g. **Back Lanes and Alleys.** The use of back lanes and alleys allows garages and sheds to be placed away from the visually sensitive streetscape, can be designated as shared driveways or common areas of the project, can be narrower than the frontage street, and can be one-way if so desired. When designed into a medium- or high-density project, back lanes and alleys allow many of the visual resource requirements of Division 5 of this chapter to be met.

5.43 Sidewalks.

5.43.010 **Sidewalks and Paths.** High density applications are required to provide safe, off-street paved or concrete sidewalks for pedestrian traffic. In all other cases, safe off-street paths are to be provided for residents and visitors to the project. Paths are not sidewalks and do not require pavement or cement, but must be easily used by neighborhood residents, especially children on foot or bicycle.

5.43.020 **“Tweetens.”** A term used by Frederick Law Olmstead, tweetens are informal connectors between different parts of a project that increase accessibility and reduce travel needs. Tweetens can be part of a more formal path or trail network or exist on their own, but do not run parallel to or compete with streets. Rather, they are the planned “shortcuts” between friends’ homes. Tweetens are encouraged in any larger project and in connecting different clusters within a clustering design.
5.44 Public Access.

5.44.010 No application shall eliminate historically existing public access and their associated parking areas through and on private lands to trailheads and water resources on public lands.

5.44.020 When required by the formally adopted Park, Trails and Recreation Plan of Chapter 9 or projected road location plan, the provision of access to public lands or water resources is required.

Division 7 - Commercial/Industrial Development

5.45 Commercial Design Standards. Commercial applications must comply with the detailed performance standards of Appendix F.

5.46 Industrial Land Use. Industrial uses shall mitigate negative impacts on air and water quality by implementation of a regulatory agency approved mitigation plan and be sited in industrial zones.

5.46.010 Where applicable, industrial uses must comply with the detailed performance standards of Appendix F.

5.46.020 Industrial uses must demonstrate that there will be no degradation or potential degradation of the geothermal resources of the Island Park/Yellowstone National Park Region.

5.47 Gravel Mining. Gravel mining operations shall comply with the detailed performance standards of Appendix J.
5.48 Manufactured Home Parks. Shall comply with the detailed performance standards of Appendix M.

5.49 RV Parks. Shall comply with detailed performance standards of Appendix N.

5.50 Communication Towers. Shall comply with detailed performance standards of Appendix O.

Division 8 - Large-Scale Development

5.51 Large-Scale Development. A large-scale application is a residential or mixed-use project, or a series of adjacent or related residential or mixed-use projects, that will contain 35 or more residential lots or units, or a commercial, industrial, or mixed-use project, or series of adjacent or related commercial, industrial, or mixed-use projects, that will contain more than 15,000 square feet of commercial or industrial space.

5.51.010 Design Guidelines. All large-scale applications with any commercial or industrial component shall comply with the detailed performance standards of Appendix F.

5.52 Facility Improvements. Large-scale applications shall provide, or make a fair, proportional contribution to the provision of any new public facilities or improvements to existing public facilities necessitated by their application.

5.52.010 Such facilities shall be provided in compliance with all requirements of this Ordinance and may include: off-site runoff and erosion control measures; fire-fighting water supplies; central sewerage systems; off-site road improvements such as deceleration or acceleration lanes, left turn lanes, signs or signals, and bridges or culverts; solid waste transfer stations; and emergency services buildings and apparatus, including fire engines or ambulances.

5.53 Required Evaluation. The public facilities needs of the large-scale application shall be determined through a fact-finding process conducted by the Commission, at the expense of the Applicant. The Commission may retain planners and/or engineers to conduct this study, the purpose of which shall be to determine what new facilities needs may be attributed to the proposed application. The large-scale application study process shall be conducted as follows.

5.53.010 The Administrator shall determine whether a proposed application is a large-scale application upon the filing of an application for sketch plan review.

5.53.020 The Administrator shall place the initiation of a large-scale application study on the agenda of the next regular commission meeting, along with the sketch plan review.

5.53.030 The Commission shall review the application at that meeting. If it confirms the Administrator's determination, the Commission shall determine which required elements of a large scale application study are applicable to the proposed project and shall direct the Administrator to initiate the study.

5.53.040 Where a large-scale application study is required, the Applicant shall place a deposit with the County in the amount provided in the resolution establishing fees for administration of this Ordinance. The Administrator shall retain appropriate professional assistance for the study, drawing against the required deposit as necessary. All unused funds shall be returned to the Applicant upon completion of the study.

5.53.050 The application shall be considered complete and a hearing scheduled only after completion of the large-scale application study.

5.54 Evaluation Study. A large-scale application study shall provide a:

5.54.010 Natural Resources Analysis. The Applicant shall have a qualified professional prepare a Natural Resources Analysis for the entire application parcel. At a minimum the analysis will evaluate
present natural physical features on the property including soils, water and water resources, animal
life, visual resources, animal habitat and other vegetative resources.

5.54.020 Public Service/Fiscal Analysis. The Applicant shall submit a public service/fiscal analysis
containing the following information along with the preliminary plat and check list:

   a. Identification of Affected Public Services and Facilities. The analysis shall identify all public
services and facilities that would be provided to or available to the subdivision or schools, fire
protection, police protection, central water, central sewer, parks and open space, recreation,
maintenance, and/or solid waste collection. The Public Service/Fiscal Analysis shows that all
public services provided to the proposed large-scale application have adequate capacity to service
it, or if they do not, the Applicant has committed to mitigation or financing to ensure that those
services and facilities will be provided within two (2) years after the first unit in the application is
occupied and that any shortfall of tax revenues below the costs of providing the services or
facilities will be covered without cost to the County.

5.54.030 Impact Analysis. An analysis of the impact the large-scale application will have on those
public services or facilities identified above, using an average cost methodology. The analysis shall
identify whether existing public service and facilities provided to or available to the subdivision or large-
scale application have adequate capacity to meet any increased demands created by the application.
Where the service or facility is provided by an entity other than the County, (i.e., the school district, fire
protection district, or a public or private utility) the Applicant shall submit a letter from that entity
confirming whether the facility or service has adequate capacity available to serve the proposed large-
scale application, and if not, what changes or improvements would be required to provide that capacity.

5.54.040 Traffic Impact Analysis (TIA). Due to the impact that a large-scale application may have
on traffic levels, congestion levels, and levels of service on roads, the Applicant for a proposed large-
scale application shall submit a traffic impact analysis. Each required traffic impact analysis shall meet
the following standards:

   a. The analysis shall be based on traffic generation estimates of the Institute of Transportation
Engineers' Trip Generation Manual or any successor publication.

   b. The analysis shall identify the current capacity of the applicable roadway(s) or highway(s)(those
directly accessing the proposed application), expressed as a percentage of available peak hour
design capacity on that road, and the additional peak hour design capacity of those roads that
would be used by the proposed application. These calculations should be based on the existing
levels of service on the road, as determined by the County Public Works Director. The traffic
impact analysis should clearly identify any change in level of service (for example, from LOS A to
LOS B) as a result of the proposed application and what steps the Applicant will take to mitigate
those impacts.

   c. The analysis shall identify the condition of all paved and unpaved County roads that will be used
by traffic to and from the application before it reaches applicable Highways, whether the
anticipated level of traffic from the proposed application could cause traffic to exceed the safe
design capacity of that road, whether any of those roads will require upgrades to remain within
their safe design capacity, and how the costs of those upgrades will be paid or mitigated without
cost to the County.

   d. The analysis must take into account traffic from future application for which building permits
have already been issued that will access any of the same roads connecting the proposed
application to any Highway. All data used in the TIA shall be consistent with any recent traffic
counts on any of the access, county, or state roads involved, and any marketing materials
prepared for the proposed application.

   e. The application is consistent with any Traffic Impact Analysis required for the property and will
not result in a decrease in the level of service.

5.54.050 Road Access Analysis. If the application is for land adjacent to a county road not
constructed to current county standards, the Applicant will bear the cost of constructing roads fronting
the application to standard. Applicant is also required to connect the proposed application to at least
one existing county road that has been built to standard.
5.54.060 Schools Impact Analysis. An analysis coordinated with the school district of potential additional school children resident in the proposed application. The analysis should indicate the potential yield of school children based on the experience with part-time and full-time resident demographics from other, similar applications in the County. The schools analysis should identify which schools the potential new students would attend, document current capacity for additional students in each of those schools, based on information from the school district. If the existing schools do not have adequate capacity to accommodate the anticipated additional students from the proposed application, the report should identify steps that the Applicant shall take to mitigate impacts or provide additional school capacity.

5.54.070 Nutrient Pathogen Study Analysis. The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.

5.54.080 Sewer Analysis. A report by a qualified engineer certifying that the proposed sewage disposal system is adequate for the proposed application and will comply with all requirements of state law, Eastern Idaho Public Health District, and the Department of Environmental Quality.

5.54.090 Long Term Maintenance. An adequate institutional structure has been created to ensure that long-term maintenance costs of roads, water, sewer, and drainage systems will be collected from within the application and used to maintain such items. If the chosen structure relies on payments of dues (for example, through a homeowners association) rather than taxes, the County should have the power to enforce payments of those dues in the event the organization fails to do so.

5.54.100 Employee Housing. Large-scale applications shall also submit an estimated number of employees and show how housing will be provided for them.

Division 9 - Residential Development

5.55 Gross Residential Dwelling Unit Density. Dwelling unit density is a ratio calculated by the total number of primary dwelling units allowed per 100 acres in Rural zones and per 1 acre in Residential zones. This ratio can then be applied to a proposed application project of any size. Density is assigned in all zones where dwelling areas are permitted.

5.55.010 One primary dwelling unit may be built on any lot of any size, if all requirements of the Eastern Idaho Public Health District and the permit procedures pertaining to land division are fulfilled.

5.55.020 Under certain conditions, including perpetual common ownership, a secondary dwelling unit may also be allowed where the lot has a minimum of 1.5 acres. However shared wells and/or drain fields may be required to meet the Eastern Idaho Public Health District requirements. The applicable zoning must permit an accessory secondary dwelling unit.

5.56 Net Residential Dwelling Unit Density. Net dwelling unit density is determined by identifying the applicable constraints of this Ordinance and the open space requirements of the applicable zone to determine the remainder amount of developable land. After applying all constraints of this Ordinance, it is possible that a particular site does not allow for the gross density of the zone in which it is located. Also, State of Idaho health regulations may prevent an application from attaining the maximum density or minimum lot size permitted by the Ordinance. Densities are average, allowing the Applicant substantial flexibility in actual size and arrangements of lots.

5.57 Master Planning. Any application for a Class II permit may be disapproved solely on the basis that it fails to show an overall master plan for the application of the entire contiguous holdings of the Applicant and/or owner. Multiple contiguous parcels held by a single owner are considered a single parcel for the purposes of Master Planning. The following sub-plans are minimally required as part of an application’s master plan and will be amended and expanded throughout the application process:

5.57.010 Sketch Plan (3.13)
5.57.020 Preliminary Plan (3.14)

a. Preliminary Plat (3.14.010.c)
b. Runoff and Erosion Control Plan (5.09)
c. Improvement Plan and Agreement (8.03)
d. Open Space Ownership and Management Plan (5.59)
e. Wildlife Plan (5.14)
f. Master Landscape Plan (5.15)
g. Wildfire Sensitive Area Plan, if applicable (Appendix S)
h. Applicant’s Covenants, Conditions, and Restrictions

(1) The Commission may recommend and the Board may require at its sole discretion that some or all restrictive covenants governing the use of land within the subdivision, whether proposed by the Applicant or required by the Commission or Board, be set forth in a separate heading identifying them as plat approval covenants, and indicating: “These covenant(s) may not be repealed or amended without prior written consent of the Fremont County Board of Commissioners.”

(2) The Commission may recommend and the Board may require at its sole discretion that all restrictive covenants it has required as a condition of plat approval contain the following language: “The Fremont County Board of Commissioners is a party to this restrictive covenant and may enforce its terms.”

(3) If common property is to be deeded to a property owners’ association, the covenants and by-laws which govern the association must, at a minimum, provide for the: (a.) Formation of a property owners’ association concurrently with the filing of the final subdivision plat (Articles of Incorporation shall be filed with the Secretary of State’s office); (b.) Mandatory membership for each property owner (Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements); (c.) Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities; (d.) Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments; (e.) Adjustment of assessments to meet changing needs; (f.) Means of enforcing the covenants, and of receiving and processing complaints; (g.) Transition of control of the association from the Declarant to the homeowners; (h.) Dissolution of the association and modification of the covenants and restrictions after obtaining the governing body’s approval of the change; and (i.) Regular maintenance of roads, parks, buildings, drainage facilities, and other facilities controlled by the association.

5.57.030 Final Plan (3.15)

a. The final revised versions of all previously required plan components.

Division 9.1 – Open Space
5.58 Standards for Open Space Subdivision Design. The design component of an Open Space Subdivision cannot be over emphasized. The requirements support creation of a proper balance between density, design, and open space which respects the site specific topography and natural environment. The other important factor is to assure proper long term maintenance of both the built environment and open space components of the subdivision. Open space may be comprised of two types of land: Primary Open Space Areas and Secondary Open Space Areas.

a. Primary Open Space Areas. The primary open space areas consist of the following and shall be included in the required open space except where these characteristics comprise more area than the percent of required open space:

1. Wetlands.
2. Lands that are generally inundated (under ponds, lakes, creeks, etc.).
3. Land within the 100 year floodplain or required stream or lakeshore corridor setbacks.
4. Slopes exceeding 33%.
5. Soils susceptible to slumping.

b. Secondary Open Space Areas. Greater latitude exists in the designation of secondary open space areas. Secondary open space areas shall include the most sensitive and noteworthy natural, scenic, and cultural resources on the remaining property and shall typically include all or part of the following kinds of resources:

1. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
2. Agricultural lands (including important farmland, lands historically used for irrigated and non-irrigated row crops, pasture and grazing lands, windbreak plantings or orchards).
3. Healthy woodlands (particularly those performing important ecological functions, such as soil stabilization and protection of streams, wetlands, and wildlife habitats).
4. Hedgerows, groups of trees, large individual trees standing alone.
5. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads, particularly those with historic features.
(6) Aquifer recharge areas.
(7) Areas with highly permeable (excessively drained) soils.
(8) Significant wildlife habitat areas.
(9) Sites or structures identified as having historic, archeological, or cultural features.
(10) Existing trails connecting the tract to other locations in the County.

C. Maximum Open Space. Although the resource lands listed as Primary or Secondary conservation areas may comprise more than the required area of open space required, no Applicant shall be required to designate more than the percentage of open space required by the applicable zoning; however, other standards of this Ordinance may further limit the application of the remaining land.

5.59 Open Space: Ownership, Use, Protection and Long Term Maintenance. Applicants shall demonstrate compliance with the open space land ownership and maintenance standards of this Ordinance.

5.59.010 Ownership. Open space may be owned and managed individually, jointly by an association, corporation or trust, a municipality, a recognized land trust or conservancy, or in combination of any of the above.
a. **Condominium Association.** Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant Idaho state law. All open space and common facilities shall be held as “common elements.”

b. **Homeowner Association.** Common facilities may be held in common ownership by a homeowner association, subject to all of the provisions for homeowner association set forth in state regulations and statutes. In addition, the following regulations shall be met:

1. The Applicant shall provide the County a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

2. The proposed association shall be established by the owner or Applicant and shall be operating (with financial subsidization by the owner or Applicant, if necessary) before the sale of any dwelling units in the project.
(3) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(4) The association shall be responsible for maintenance and insurance of common facilities.

(5) The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with accrued interest before the lien may be lifted.

(6) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and the County no less than thirty (30) days prior to such event.

(7) The association shall have adequate staff to administer, maintain, and operate such common facilities.

C. Private Conservation Organization or Governmental Body. An owner or Applicant may transfer either fee simple title of the open space or easements on the open space to a charitable organization, the purposes of which include protecting the natural, scenic, or open space values of real property, or to a governmental body empowered to hold an interest in real property in Idaho.

D. Dedication of Easements to Fremont County. The County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowner association, or private conservation organization while the easements are held by the County. In addition, the following regulations shall apply:

(1) There shall be no cost of acquisition to the County.

(2) Any such easements for public use shall be accessible to the residents of the County.

(3) A satisfactory maintenance agreement shall be reached between the owner or Applicant and the County.

E. Non-Common Private Ownership. The required open space land may be included within one or more large “conservancy lots” provided the open space is permanently restricted from future development through a deed restriction enforceable by the County, or through a conservation easement enforceable by the charitable organization or governmental body which holds the easement.

5.59.020 Dedication of Open Space Land for Public Use 0 / +2 (5). Applicants shall demonstrate compliance with relevant standards in this Ordinance, pertaining to dedicating a portion of the application site for public recreational use. A public land dedication, not exceeding 10% of the total parcel size, may be required by the County, through the undivided open space, to facilitate trail connections.

5.59.030 Use of Open Space 0 / +2 (5). The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or any combination of these uses, and shall be served by suitable access for such purposes. The Commission may permit up to 7% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).


b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

c. Pastureland for horses used solely for recreational purposes.

d. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

e. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses; specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
f. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than 50% of the minimum required open space or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, and properly drained; provide safe ingress and egress; and contain no more than ten parking spaces.

g. Community wastewater facilities may use open space areas, without area restriction, for underground drainage fields for sewer systems or community septic systems, and for spray fields for spray irrigation purposes in a land treatment sewage disposal system. However mound systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than 10% of the required minimum open space.

h. Storm water management ponds or basins may be included as part of the minimum required open space, as may land within dedicated rights-of-way for underground pipelines. However land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

i. Community wells may be located without area restriction in the minimum required open space.

j. Road development within required open space may be approved where a finding is made by the Commission that open space is not harmed by the permitting of such use.

k. Approved “artificial” or “created” wetlands water treatment systems may be located in the minimum required open space.

5.59.040 Long Term Maintenance. A maintenance plan describing ownership, use and maintenance responsibilities shall be submitted which addresses all common and public improvements, utilities, and open spaces.

a. Unless otherwise agreed to by Fremont County, the cost and responsibility of maintaining common facilities and open space land shall be borne entirely by the property owner, community association, conservation organization, or non-common owner.

b. The Applicant shall, at the time of preliminary plan submission, provide an Open Space Ownership and Management Plan in accordance with the following requirements:

(1) Details concerning ownership, and responsible parties for maintenance of open space.
(2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).
(3) Where applicable, the Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
(4) Projected initial and future uses of the open space.
(5) Details concerning permanent protection of open space.
(6) Details on maintenance of the open space, including control of noxious weeds.
(7) Any construction activities (trails, fencing, agricultural buildings) and vegetative clearing that may occur on site.
(8) A wildfire protection plan, where applicable, addressing the creation and maintenance of wildfire defensible spaces within rural clusters consistent with Appendix S. The wildfire protection plan shall be developed in consultation with the Fire Code Official.
(9) At the County's discretion, the Applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

c. All subsequent activities must be conducted in conformance with the approved open space management plan. Open space management plans may be modified through a Class II amendment procedure with the Commission, but in no case shall perpetually dedicated open space be revoked.

d. In the event that the organization established to maintain the open space land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in
reasonable order and condition, the County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

e. The County may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners’ association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the County in the office of the Fremont County Recorder.

f. The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as a Deed Restriction.

5.59.050 Permanent Protection. The minimum percentage of land as identified in the requirements of the applicable zone shall be designated as permanent open space. All open space land shall be permanently restricted from future subdivision and other forms of application through a conservation easement deed restriction running with the chain of title, in perpetuity, and recorded with the Fremont County Recorder. Under no circumstances shall any application be permitted in the open space land at any time, except for those specific exempted uses listed in this Ordinance, and without written authorization from all cosigners of the easement.

a. The following title notice shall be filed on the undivided open space property and the wording shall additionally be placed on the face of the plat:

(1) Lot __, Block __, of ________Subdivision is an open space lot and uses on the lot are restricted to those approved in the open space management plan. The open space lot is permanently preserved as open space and future subdivision of the lot to allow increased residential density is prohibited. Only those uses identified in the adopted open space management plan shall be allowed.

Division 9.2 - Four Step Site Planning Procedures for Open Space Subdivisions

5.60 Four-Step Process. Each sketch plan shall follow a four-step design process described below. When the Preliminary Plat is submitted, Applicants shall be prepared to demonstrate to the Commission that these four design steps were followed by their site designers in determining the layout of their proposed roads, house lots, and open space lands. Applicants shall be prepared to submit four separate sketch overly maps indicating the findings of each step of the design process, with respect to the features identified on the Existing Resources and Site Analysis Plan, if so requested by the Administrator.
**5.60.010 Step One: Designing the Open Space.** During the first step, all potential conservation areas (both primary and secondary as described above) are identified. Using the Existing Resource and Site Analysis Plan, consider site characteristics of the parcel being subdivided as well as the surrounding land. Open space subdivision design should be considered from a broad perspective that balances visual impacts, impacts to agriculture, impacts to environmentally sensitive areas and impact to adjacent property owners to achieve the best possible relationship between application and open space areas.

a. The minimum acreage of required open space land shall be submitted as part of the Sketch Plan or Preliminary Plan in accordance with this Ordinance. Open space land shall include all Primary Conservation Areas. The remaining required open space land consists of Secondary Conservation Areas—those parts of the remaining buildable lands with the highest resource significance, as described below and in Sections 5.59.120.B.

b. Proposed open space land shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with applicable sections of the this Ordinance dealing with resource conservation and open space delineation standards. If the application proposes a zone change, the County's Preferred Land Use Map in the Comprehensive Plan shall also be referenced and considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands, and slopes over 33 percent.

c. In delineating Secondary Conservation Areas, the Applicant shall prioritize the natural and cultural resources on the tract in terms of their suitability for inclusion in the proposed Open Space, in consultation with the Commission and in accordance with this Ordinance.
d. On the basis of those priorities and practical considerations given to the project's configuration, its relation to resource areas on adjoining and neighboring properties, and the Applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area requirements for open space land and in a manner clearly indicating their boundaries as well as the types of resources included within them.

e. Provide open space that is not divided into numerous small parcels located in various parts of the application. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as existing conservation easements, public parks, or public lands). Such subdivision open space shall be designed as part of larger contiguous and integrated open space systems.

f. As these standards are implemented, the protected open spaces in each new subdivision should eventually adjoin each other, ultimately forming an interconnected network of primary and secondary conservation areas across the community. Connectivity between adjoining subdivisions is required. Maintaining historically existing public access to public lands or water resources is also required.
5.60.020 Step Two: Location Of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision, subdivision Applicants shall identify tentative house sites on the Preliminary Plan and proposed house sites on the detailed final plan. The majority of homesites should abut undivided open space in order to provide direct views and access. Safe and convenient access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance).
a. Potential house sites shall be located along the street network, at least 25 percent of which shall be "single-loaded," meaning that application shall occur on one side only along those segments.

b. Unless otherwise specified in this Ordinance, dwelling units shall be set back at least 100 feet from Primary Conservation Areas and at least 10 feet from Secondary Conservation Areas.

(1) Setbacks from Conservation Areas take into consideration the potential negative impacts of residential application on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for the residences.

c. If development must be located in open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least productive agricultural soils, or in locations that will facilitate the continued agricultural use of the open space, or in locations that can be visually buffered from existing public roads, such as planting a screen consisting of indigenous native trees, shrubs, and wildflowers. Create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

d. Minimize impacts on large woodlands especially those containing a significant wildlife habitat, or those not degraded by invasive weeds. Also, development of areas with native vegetation of any size on highly erodible soils with slopes greater than 10% should be avoided.

e. Establish buffer zones and leave scenic views and vistas unblocked or uninterrupted, particularly along public ways and scenic corridors of rural roads with historic buildings.

f. Avoid siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

5.60.030 Step Three: Layout of Streets and Squares. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or minimizes adverse
impacts to open space areas and adjacent lands. To the greatest extent practicable, wetland crossings shall be minimized.

a. Identify the tentative locations of the more formal open space elements such as greens, commons, squares and parks.

b. Create a connected street network complying with the design standards in Appendix B.

c. Provide active recreational areas including an interconnected pedestrian circulation system in suitable locations that offer safe convenient access to residents and adequate screening from nearby house lots.

d. Show schematic locations and types of stormwater management, sanitary sewer and water supply systems.

e. Streets shall be designed to:

   (1) Parallel and preserve existing tree lines, hedgerows, stone walls and watercourses.
   (2) Minimize alteration of natural, cultural, or historic features.
   (3) Minimize the acreage devoted to streets.
   (4) Calm traffic speeds.
   (5) Promote pedestrian movement.
   (6) Secure the view to prominent natural vistas.
   (7) Be aligned so that the "terminal vista" is of civic buildings or open space land, either man-made (greens, commons, squares, parks) or natural (such as but not limited to meadows, large specimen trees and woodlands).
   (8) Minimize crossing of Primary Conservation Areas.
f. All streets, with the exception of loop streets and loop lanes, shall terminate at other streets within the project, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the project, wherever practicable and as required by this Ordinance.

g. Loop lanes shall be designed with a central median running their entire length, bounded on each side by a one-way lane not less than 14 feet in paved width. The median shall be at least 30 feet wide, and shall be planted with shade trees along both sides at intervals not less than 25 feet.

5.60.040 Step Four: Lot Lines. The fourth step is simply to draw in the lot lines and, where applicable, the building envelopes.

5.60.050 Other Design Considerations. The configuration of open space land shall comply with the following standards:

a. Except for civic and recreational spaces, such as squares and playing fields, open space land shall be free of all structures, excluding, however, historic buildings, stone walls, and structures related to open space land uses. The County may grant approval of structures and improvements required for storm drainage, sewage treatment, and water supply within the open space land, provided that such facilities are not detrimental to the open space. Acreage for such uses shall not be credited towards minimum open space, unless the land is appropriate for passive recreational use.

b. Except for formal greens, commons, squares, parks, playing fields, and trail corridors, open space land should not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width.

c. Open space land shall adjoin the largest practicable number of lots within the application. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land.
d. Open space land designated for active recreational uses shall not negatively impact adjacent dwelling units, parking, driveways, and roads.

e. Open space land shall be interconnected wherever possible to provide a continuous network of such lands within and adjoining the village.

f. Open space land shall provide buffers to adjoining parks, preserves, or other protected lands.

g. Except in those cases where part of the open space is located on private house lots, open space land shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the County. Provisions should be made for access to the open space land, as required for land management and emergency purposes.

h. Open space land shall be undivided by public or private streets, except where necessary for proper traffic circulation.

i. Open space land shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect and enhance open space resources.

**Division 9.3 - Clustering**

**5.61 Residential Clusters**

**5.61.010** Within an internal residential cluster, there shall be a minimum of 4 and a maximum of 10 lots except that existing parcels that are 40 acres or less in size may reduce the minimum number of lots in a residential cluster to 2 lots.

**5.61.020** Within a frontage residential cluster, there shall be a minimum of 2 and a maximum of 4 lots.

**5.61.030** Residential clusters shall be physically separated from one another by open space buffers. The minimum buffer between residential clusters shall be 300 feet for internal clusters and 500 feet for frontage clusters. Buffer reductions shall only be reduced to the minimum necessary to allow full application of the site, but in no case shall be less than 150 feet.
5.61.040 The requirements of 5.61.010, 5.61.020, and 5.61.030 shall not apply to residential clusters within any Residential zone, provided a minimum of 20% of the site is retained as open space and other application standards are met.

5.61.050 Buildings and structures shall be setback 20 feet from the side/rear perimeter boundaries of the rural cluster application. The setback requirement shall apply to all structures, including accessory structures that may not require a building permit. Streets and driveways shall not be located within the setback area; except where a street or driveway may cross perpendicular to the lot line to provide access to an adjacent parcel.

5.61.060 Internal residential clusters shall be physically separated from existing county public roads by open space buffers and shall not occur as strip application along existing county public roads. The minimum buffer/setback between an internal residential cluster and an existing public roadway shall be 200 feet, except there shall be no buffer requirement when a cluster is located at the terminus of an existing county public road. An exception to the buffer setback requirement shall allow a two lot cluster within the 200 foot buffer area for Applications less than 40 acres that have an existing residence located within the buffer area.
CHAPTER 6 - AIRPORT OVERLAY ZONING DISTRICT

6.01 What This Chapter Does. The purpose of the Airport Overlay Zoning District (AOZD) is to provide for the safety of aircraft pilots and passengers and protect a substantial investment of public funds by assuring that land application and construction activities within the AOZD are compatible with the safe, continued use of the airports serving Fremont County.

6.02 Height Limitation Zones. The AOZD is composed of several height limitation zones, which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces appurtenant to Stanford Field and the Henrys Lake Airfield. These zones are shown on supplements to the Official Zoning Map of Fremont County. An area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation.

6.02.010 Utility Runway Visual Approach Zone. The inner edge of the approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

6.02.020 Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

6.02.030 Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

6.02.040 Conical Zone. The conical zone is the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

6.03 Height Limitations. No structure or tree shall be allowed to exceed the height limitations established here.

6.03.010 Utility Runway Visual Approach Zone. Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

6.03.020 Transitional Zones. Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, there are transitional sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

6.03.030 Horizontal Zone. 150 feet above the airport elevation.

6.03.040 Conical Zone. Slopes 20 feet outward for each foot upward beginning at the edge of the horizontal zone and at 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

6.03.050 Exception from Height Limitations. Nothing in this Ordinance shall prohibit the construction or maintenance of any structure of 30 feet or less in height, or the growth of any tree to a height up to 30 feet above the surface of the land within the horizontal and conical zones.

6.04 Use Restrictions. No use within any zone established by this chapter shall create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots.
using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or in any way endanger or interfere with the operation of aircraft.

6.05 Permits: Additional Requirements. Permit requirements for all application activity are established in Chapter 3. Within the AOZD, permit requirements shall be expanded to include the planting of any tree with a growth habit of more than 30 feet and the construction of any building or structure that is more than 30 feet in height and is exempted from the requirement for a permit by 3.04. (this includes agricultural outbuildings and similar accessory structures), except as follows:

6.05.010 within the horizontal and conical zones: no permit shall be required for trees with a growth habit of less than 30 feet, or for exempt structures of less than 30 feet in height, except when, because of topographic features, such a tree or structure would extend above the height limits for those zones;

6.05.020 within the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway: no permit shall be required for trees with a growth habit of less than 30 feet, or for exempt structures of less than 30 feet in height, except when, because of topographic features, such a tree or structure would extend above the height limits for those zones; and

6.05.030 in the areas lying within the limits of the transition zones, but beyond the perimeter of the horizontal zone: no permit shall be required for trees with a growth habit of less than 30 feet, or for exempt structures of less than 30 feet in height, except when, because of topographic features, such a tree or structure would extend above the height limits for those zones.

6.06 Variances: Additional Requirements. The variance procedure is described in 3.15. Any application for a variance of the height limitations established in this chapter shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

6.07 Nonconforming Uses: Additional Requirements. Nonconforming uses and buildings are regulated by the provisions of Chapter 1 and, within the AOZD, these additional requirements.

6.07.010 Nonconforming uses within the AOZD, may include trees, and shall be required to permit the installation, operation, and maintenance of any markers and/or lights the County deems necessary to indicate their presence to the operators of aircraft. Such markers and lights shall be installed, operated, and maintained at the expense of the County.

6.07.020 The repair and, under specified circumstances, replacement of nonconforming uses and buildings is permitted by 1.07, but no nonconforming use, building, or tree shall be permitted to become a greater hazard to air navigation than it was on the effective date of this Ordinance.

6.08 Obstruction Marking and Lighting. The approval of any application for a permit or variance may be conditioned on the installation, operation, and maintenance, at the owner’s expense, of the markings and/or lights necessary to indicate the presence of an obstruction to aircraft pilots.
CHAPTER 7 - FLOODPLAIN OVERLAY DISTRICT

7.01 What This Chapter Does. This chapter establishes the Floodplain Overlay District (FOZD) and detailed performance standards for application in that district.

7.02 Floodplain Overlay District Boundaries. The FOZD shall consist of all Special Flood Hazard Areas identified on the most current Flood Insurance Rate Maps (FIRM) of Fremont County, Idaho prepared by the Federal Emergency Management Agency (FEMA). The Flood Insurance Study for Fremont County, Idaho, dated March 18, 1991, and the accompanying FIRMs are adopted by reference, as supplements to the "Official Zoning Map of Fremont County" established in Chapter 4.

Division 1 - Administration of Federal Flood Insurance Program Requirements

7.03 Additional Permit Requirements. Development in the FOZD shall be by permit only, as provided in Chapter 3. For the purposes of this chapter, application shall include any activity that may potentially affect flood flows. This includes all land disturbance (including clearing, grading, and the construction of fills), as well as building construction. Some Applications that are exempt from permit requirements in other areas must obtain a permit in the FOZD.

7.04 Stream and Lakeshore Corridors. The stream and lakeshore corridor performance standards of this Ordinance impose requirements that are more stringent than those of this chapter. The most stringent requirements apply.

7.05 Warning/Disclaimer of Liability. All applications for permits in the FOZD shall be accompanied by a signed and dated acknowledgement stating:

7.05.010 I understand that, while the degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, larger floods can and will occur.

7.05.020 I understand that the projected flood levels at my application site may be increased by man-made or natural causes.

7.05.030 I understand that this Ordinance does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damage.

7.05.040 I understand that this Ordinance does not create any liability on the part of Fremont County or any officer or employee thereof, or on the part of the Federal Insurance Administration, for flood damages.

7.06 Additional Application Requirements. All applications for permits in the FOZD shall be accompanied by the following information:

7.06.010 Elevation of the lowest floor, including basements, of all proposed buildings;

7.06.020 Elevation to which any existing or proposed building has been or will be flood-proofed;

7.06.030 For all buildings other than a single family dwellings, certification by an engineer or architect that the flood-proofing methods used comply with these performance standards; and

7.06.040 Where alteration of a watercourse is proposed: a description of the extent to which the watercourse will be altered or relocated as a result of the proposed application, and proof that all state or federal permits required for that alteration have been approved.
7.06.050 The Applicant shall provide the base flood elevation data for all subdivisions or other Applications that include 50 or more lots or dwelling units, or five or more acres.

7.07 Additional Duties of the Administrator. The Administrator (see 2.04) shall serve as local floodplain ordinance administrator and perform the following duties:

7.07.010 Determine that all required state and/or federal permits have been obtained before reviewing any application for a permit in the FOZD;

7.07.020 Where base flood elevation data are not provided by FEMA: obtain and reasonably utilize any base flood elevation and floodway data available from state, federal, or other sources as a basis for the administration of this chapter;

7.07.030 Maintain a record of the actual elevation of the lowest floor of all new or substantially improved buildings, and whether or not the building contains a basement;

7.07.040 Maintain a record of flood-proofing certifications required by this chapter;

7.07.050 Notify surrounding and downstream communities and the Idaho Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of that notification to the FEMA; and

7.07.060 Maintain records of appeal actions and report all variances allowed to FEMA.

Division 2 - Performance Standards for Special Flood Hazard Areas

7.08 Anchoring. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.

7.09 Construction Materials and Methods. New construction and substantial improvements shall be constructed with materials and utility equipment that is resistant to flood damage, and using methods and practices that minimize flood damage. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed, or elevated, or located, so as to prevent water from entering or accumulating within their components during flooding.

7.10 Utilities and Solid Waste.

7.10.010 New and replacement potable water systems shall be designed to prevent infiltration of flood waters into the system.

7.10.020 New and replacement sewage disposal systems shall be designed to prevent infiltration of flood waters into the system and discharge from the system into flood waters.

7.10.030 Commercial or industrial solid waste handling and storage facilities shall not be located in the FOZD.

7.11 Hazardous Substances. The storage and handling of hazardous substances in the FOZD shall be prohibited.

7.12 Site Planning. Design and construction of all subdivisions and uses for which a Class II permit is required shall minimize flood damage. Utilities shall be located and designed to minimize flood damage, and the site shall be graded and drained to guide floodwaters around and away from existing and/or proposed buildings.
7.13 Residential Development. Standards 7.13.010 and 7.13.020 below apply only in areas where base flood elevation data have been provided by FEMA or, as required by 7.06, the Applicant.

7.13.010 Construction or substantial improvement of any dwelling shall result in the lowest floor being elevated to or above base flood elevation.

7.13.020 Fully enclosed areas below the lowest floor are prohibited, except where designed to automatically equalize hydrostatic forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by an engineer or architect, or meet the following minimum standards:

7.13.030 A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided; and

7.13.040 The bottom of such openings shall be no higher than one foot above grade. Such openings may be equipped with screens, louvers, or other coverings or devices, provided they permit automatic entry and exit of floodwaters.

7.13.050 Where base flood elevation data are not available through the flood insurance study or from another source, applications shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. This determination of reasonableness shall be based on evidence submitted with the application by the Applicant, including historical flood records, photographs of past flood events, and similar documentation. The minimum elevation above grade in such cases shall be two feet.

7.13.060 Manufactured homes that are placed, replaced, or substantially improved within the FOZD shall be elevated on and securely anchored to a permanent foundation, so that the lowest floor is at or above base flood elevation. Manufactured home (mobile home) parks shall not be permitted in the FOZD.

7.14 Nonresidential Development. Construction or substantial improvement of any nonresidential building shall result in the lowest floor being elevated to or above base flood elevation or, together with the attendant utility and sanitary facilities, shall:

7.14.010 Be flood-proofed so that below base flood level, the building is watertight, with walls substantially impermeable to the passage of water;

7.14.020 Be designed and constructed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy;

7.14.030 Present a certification from an engineer or architect that the design and methods of construction comply with accepted standards of practice for meeting the performance standards of this Ordinance; and

7.14.040 Meet the performance standard of 7.13.020, above for enclosed spaces below the lowest floor. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level.

7.15 Floodways. The floodway is the channel of a river or other watercourse and any adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is a hazardous area due to the velocity of flood waters which carry debris and potential projectiles, and the high erosion potential. Encroachments into the floodway, including fill, new construction, substantial improvements, and other application shall be prohibited, unless an engineer or architect certifies that the encroachment will not result in any increase in the flood level during the base flood discharge.

7.16 Maintenance of Flood Capacity. Continuing maintenance to prevent the reduction of flood carrying capacity in altered or relocated watercourses shall be required.
7.17 **Areas of Shallow Flooding.** Areas designated with an AO or AH Zone on a flood risk map (FIRM). In these areas, base flood depth ranges from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

7.17.010 Have the lowest floor elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or, where no depth number is specified, to at least two feet above the highest adjacent grade; or together with its appurtenant utility and sanitary facilities, be flood-proofed so that any space below that level is watertight, with substantially impermeable walls and structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Compliance shall be certified by an engineer or architect;

7.17.020 All new construction and substantial improvement of nonresidential buildings shall be graded and drained to guide floodwaters around and away from existing and/or proposed buildings.

**Division 3 - Variances in the Floodplain Overlay District**

7.18 **Additional Finding for Variances.** The approval of any variance in the FOZD shall be based on all findings required by 3.15 and the additional finding that approval of the variance will not result in increased flood levels, a threat to public safety, or extraordinary public expense.

7.19 **Notice of Variance.** Where a variance of the requirements of this is approved, the Administrator's notice of the decision shall clearly state that the County is not liable for any flood damages that result from the variance. Where a variance of the elevation requirements of this chapter is approved, the Administrator shall also notify the Applicant that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
CHAPTER 8 - REQUIRED IMPROVEMENTS AND AGREEMENTS

8.01 What This Chapter Does. This chapter requires the installation or performance of improvements in subdivisions, commercial permits, manufactured home parks, gravel mines, and other Applications at the Applicant’s expense; sets improvement standards; permits the phased installation of improvements pursuant to formal improvement agreements; and requires the perpetual maintenance of required improvements.

8.02 Required Improvements Defined. A required improvement is any improvement required for compliance with any absolute performance standard of this Ordinance. Required improvements specifically include (but are not limited to):

8.02.010 Any runoff and erosion control measures, including plantings, required in an approved runoff and erosion control plan;

8.02.020 Any open space or recreational area or facilities required of a large scale application;

8.02.030 Landscaped buffers and any other improvements required to mitigate a nuisance;

8.02.040 Water, sewer, and other utilities, including any extension of lines required to serve the application;

8.02.050 Off-street parking and loading areas;

8.02.060 Roads, including bridges, culverts, and street identification and traffic control signs; and

8.02.070 Any conditions of approval required by the Administrator, Commission, and/or Board.

8.03 Preliminary Improvement Plan and Draft Agreement. This plan and draft improvement agreement shall be prepared and submitted with the Preliminary Plan required in 3.14. The plan and agreement shall include the following items:

8.03.010 Historic resources, trails, and significant natural features, including topography, areas of steep slope, wetlands, 100 year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other site features as indicated on the Existing Resources and Site Analysis Map.

8.03.020 Existing and approximate proposed lot lines, lot areas, and existing easements and rights-of-way. The boundaries of open space land shall be indicated.

8.03.030 Approximate location, alignment, width, and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonable necessary to provide adequate street connections and facilities to adjoining application or undeveloped areas; preliminary engineered profiles for proposed streets.

8.03.040 Approximate location of proposed swales, drainage easements, and stormwater and other management facilities.

8.03.050 Where community sewage service is to be permitted, the conceptual layout of proposed sewage systems, including but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
8.03.060 Where central water service is to be permitted, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks, and, where appropriate, wells or other water sources.

8.03.070 Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.

8.03.080 Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).

8.03.090 Approximate location and dimensions of proposed playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use.

8.03.100 If land to be subdivided lies partly in or abuts another municipality, the Applicant shall submit information concerning the location and conceptual design of streets, layout, and size of lots and provisions of public improvements on land subject to Applicant’s control within adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

8.03.110 Where installation of the improvements is proposed to be done in phases, the Applicant shall submit with the Preliminary Plan a delineation of the proposed phases and a schedule of deadlines within which applications for final approval of each phase are intended to be filed.

8.03.120 Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning, and construction materials.

8.03.130 Utilities and Easements.

   a. Exact locations of existing utility easements and approximate locations of proposed utility easements.

   b. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts and any proposed connections with existing facilities.

   c. The tentative location of proposed on-site sewage and water facilities.

8.03.140 Approximate location of proposed shade trees, plus location of existing vegetation to be retained.

8.03.150 A section for the insertion of any imposed conditions of approval by the Administrator, Commission, and/or Board, which shall be completed after such time as the conditions are imposed.

8.03.160 Signature blocks for the Commission, Board, and Public Works Director shall be provided on the bottom right-hand side of the final page of the Preliminary Improvements Plan and Agreement.

8.04 Final Improvements Construction Plan and Agreement. Where public or private improvements other than monuments and street traffic signs are to be required for any project, an Improvements Construction Plan and Agreement, along with specifications, prepared by a registered professional engineer, shall be filed, setting forth the precise nature and exact location of the work and all engineering data necessary for the completion of the work. The Improvements Construction Plan and Agreement with specifications shall be subject to approval of the Public Works Director as a prerequisite to approval of the
The Improvements Construction Plan and Agreement shall conform with the following standards and contain the following information:

8.04.010 All information required in Section 8.03.

8.04.020 A listing of all imposed conditions of approval by the Administrator, Commission, and/or Board, and the proposed methods or means by which compliance to the conditions will be accomplished.

8.04.030 Detailed profile sheets for all proposed streets within the project or phase.

8.04.040 Detailed design of any runoff, stormwater, or erosion control management facilities that may be required.

8.04.050 Where off-site or community sewer service is to be provided, the final detailed design of all facilities, including but not limited to sewer mains, manholes, pumping stations, and sewage treatment facilities.

8.04.060 Where off-site or central water service or water supply is to be provided, the final detailed design, including location and size of water service facilities within the project, shall be shown, including wells, storage tanks, pumps, mains calves, and hydrants.

8.04.070 Detailed designs for all other improvements as required by this Ordinance.

8.05 Installation at Applicant's Expense. The installation of all required improvements shall be at the Applicant's expense.

8.06 Standards for Required Improvements. All required improvements shall be installed in compliance with this Ordinance and any design and engineering standards separately adopted by the County or other agencies responsible for providing services to the application.

8.07 Time of Installation/Improvement Agreements.

8.07.010 Applicants may install all required improvements before a final plat is recorded or the Application project is offered for lease or sale, leased, sold, or occupied.

8.07.020 Applicants may elect to record final plats of the Application project in phases and/or offer phases of the application for lease, sale, or occupancy before all required improvements are installed. Phasing shall be permitted pursuant to an improvement agreement that:

a. Incorporates a conceptual site plan of the entire application (the site plan used as a basis for permit approval) and a detailed site plan and construction drawings of the initial phase/s;

b. Identifies all required improvements in the initial phase/s and establishes their estimated cost;

c. Sets a schedule for the completion of the required improvements in the initial phase/s and an anticipated schedule for future phases;

d. Guarantees completion, repair, and one year’s maintenance of all required improvements in the initial phase/s using one of the methods listed herein, and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases;

e. Provides a process by which the County may, if necessary, complete required improvements using the guarantee/s provided;

f. Provides a process by which either party may request re-negotiation of the improvement agreement,

g. Provides a process by which the improvement agreement may be transferred, with county approval, to the Applicant’s successors; and
h. Provides that the improvement agreement and any vested rights it confers shall be void if the County is required to “call” a guarantee to complete required improvements or if the anticipated schedule required by c., above, is not met or re-negotiated. The Applicant shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the Applicant, within 90 days after failure to initiate or complete a phase as scheduled.

i. An “initial” phase is any phase anticipated to begin within 18 months. The anticipated schedule may set times for the initiation or completion of a phase in terms of reasonable ranges of no more than 12 months; i.e. Phase I will be completed between June 1992 and June 1993.

8.08 Effect of Improvement Agreement. The effect of an improvement agreement shall be to create vested rights in the conceptual site plan or commercial permit, as it was approved. All such rights expire with the improvement agreement. Improvement agreements do not insulate Applications from changes in state or federal regulations or changes in building and fire codes.

8.09 Guarantees. Completion of the improvements identified in an improvement agreement shall be guaranteed by one of the following methods:

8.09.010 The Applicant may place an amount equal to 110% of the estimated cost in escrow, with that amount and accumulated interest being released only after the County has inspected and accepted the required improvements. An improvement agreement may provide for the phased release of a portion of the escrowed funds as work proceeds, but at least 10% of the amount in escrow shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the improvement agreement, the County shall use as much as necessary of the escrow account to complete those improvements, before returning any remaining balance to the Applicant.

8.09.020 The Applicant may provide an irrevocable or standing letter of credit for an amount equal to 110% of the estimated cost. The letter of credit shall be released only after the County has inspected and accepted the required improvements. If any required improvements are not completed as provided in the improvement agreement, the County shall use as much as necessary of the credit available to complete those improvements.

8.10 Inspection Fees. Fees for the inspection of required improvements shall be set by resolution of the County commissioners. Inspection fees shall be paid before any work on required improvements is permitted.

8.11 Inspection and Acceptance of Improvements. Required improvements shall be inspected by the Administrator before acceptance. Acceptance of required improvements shall be by action of the Board, following submission of the Applicant’s written request for acceptance and receipt of the Administrator's report that all improvements have been inspected and are in compliance with these regulations.

8.12 As-Built Drawings. Reproducible as-built drawings of all subdivision improvements shall be provided to the County at the Applicant’s expense.

8.13 Warranty of Improvements. Required improvements shall be warranted by the Applicant for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all improvement agreements. Where all required improvements will be completed before a final plat is approved and the application is offered for lease, sale, or occupancy, a warranty agreement shall be submitted for approval. Enforcement of the warranty shall be assured by:

8.13.010 Retention of 10% of an escrow account established to comply with 8.09; 

8.13.020 A continuing letter of credit, as provided in 8.09, but for 10% of the cost of the required improvements; or 

8.13.030 Establishment of a new escrow account, in which an amount equal to 10% of the cost of all required improvements is deposited, and which shall be released only upon expiration of the warranty.
8.14 Continuing Maintenance Required. The continuing maintenance of any improvement required for compliance with these regulations shall be required. Failure to maintain any required improvement shall be a violation of these regulations.

8.15 Binding Agreement. The improvement agreement shall inure to the benefit of and be binding upon the Applicant, their respective heirs, administrators, executors, representatives, successors and assigns.

8.16 Maintenance Mechanism. Any application subject to the continuing maintenance requirement of 8.14 that results, or may reasonably be expected to result, in the creation of multiple ownerships (subdivisions, condominiums) shall create a community association or similar mechanism to assure continuing maintenance. The Applicant shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association with the application for a permit and these documents shall be approved by the County’s legal counsel and recorded before any certificate of compliance is issued.

8.16.010 EXCEPTION: Creation of a community association shall not be required where the only improvement provided is future access to adjoining parcels.
CHAPTER 9 – PARKS, RECREATION, AND TRAILS

9.01 What This Chapter Does. [RESERVED]

9.01.010
CHAPTER 10 - DEFINITIONS

10.01 What This Chapter Does. This chapter provides definitions for terms used in this Ordinance. Any dispute about the meaning of a term shall be resolved using the appeals procedure of 3.14.

10.02 Rules of Interpretation. Terms include both singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

10.03 Absolute. A performance standard with which all Applications must comply.

10.04 Accessory. Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use that exists on the same lot or parcel.

10.05 Adjacent. Adjacent includes all lots or parcels that directly border a lot or parcel, and all lots or parcels separated from that lot or parcel by only a public or private easement or right-of-way, including roads, railroads, and irrigation canals.

10.06 Administrator. The County employee responsible for administration of this Ordinance.

10.07 Adverse Impact. A negative consequence to the physical, social, or economic environment. Significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; and threatened public health.

10.07.010 Undue. The reasoned determination of disproportionality or the exceeding of propriety.

10.07.020 Significant. The determination of significance requires consideration of both context and intensity:

a. Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b. Intensity. This refers to the severity of impact. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the community believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a
cumulatively significant impact on the environment. Significance cannot be avoided by
terminating an action temporary or by breaking it down into small component parts.
(8) The degree to which the action may adversely affect districts, sites, highways, structures,
or objects listed in or eligible for listing in the National Register of Historic Places or may
cause loss or destruction of significant scientific, cultural, or historical resources.
(9) Whether the action threatens a violation of Federal, State, or local law or requirements
imposed for the protection of the environment.

10.07.030 Effect (Impact). Effects and impacts as used in this Ordinance are synonymous. Effects
includes ecological (such as the effects on natural resources and on the components, structures, and
functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether
direct, indirect, or cumulative. Effects may also include those resulting from actions which may have
both beneficial and detrimental effects, even if on balance the community believes that the effect will
be beneficial.

a. Direct Effects. Caused by the action and occur at the same time and place.
b. Indirect Effects. Caused by the action and are later in time or farther removed in distance, but
are still reasonably foreseeable. Indirect effects may include growth inducing effects and other
effects related to induced changes in the pattern of land use, population density or growth rate,
and related effects on air and water and other natural systems, including ecosystems.
c. Cumulative Impact. The impact on the environment which results from the incremental impact
of the action when added to other past, present, and reasonably foreseeable future actions
regardless of what agency (government or non-government) or person undertakes such other
actions. Cumulative impacts can result from individually minor but collectively significant actions
taking place over a period of time.

10.08 Agriculture. Includes all agricultural land uses, but does not include game ranching or confined
animal feeding operations (CAFO), which is an industrial use.

10.09 Application. Application is used as a generic term covering any and all activities for which a permit
is required by this Ordinance. The Applicant is, by definition, the owner of the parcel on which an
application is proposed, but owners may appoint a representative for proceedings required by this
Ordinance.

10.10 Approach Surface. A surface longitudinally centered on the extended runway centerline, extending
outward and upward from the end of the primary surface and at the same slope as the approach zone
height limitation slope established above. In plan view, the perimeter of the approach surface coincides with
the perimeter of the approach zone.

10.11 Arborist. The Fremont County Arborist appointed by the Board or the County Extension Agent.

10.12 Arterial. Includes all state and federal highways and other major roads, as shown in the
comprehensive plan.

10.13 Bank Hardening. A traditional method of bank protection using rip rap, gabion, walls, sheet pilings,
block, concrete structures, rock, or old car bodies to protect or armor a bank or shore from erosion. As
opposed to the use of woody vegetation, grasses, or other bio-engineered stabilization processes.

10.14 Base Flood Elevation or BFE. The computed elevation to which floodwater is anticipated to rise
during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs)
and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of
structures. The relationship between the BFE and a structure's elevation determines the flood insurance
premium.

10.15 Board. The Fremont County Board of Commissioners. The elected officials responsible for adoption
of this Ordinance.

10.16 Building. As used in this Ordinance, refers to any structure. Includes liquid or gas storage tanks.
10.17 **Building Bulk.** Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size).

10.18 **Building Height.** The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents, and antennae.

10.19 **Buffer.** A landscaped area along the perimeter of a site. Buffers are encouraged by this Ordinance to help assure land use compatibility.

10.20 **Certificate of Compliance.** A certificate issued by the Administrator upon completion and acceptance of all required improvements.

10.21 **Change of Use.** A minor change in use is a change within the two-digit SLUC code or a change to any use that has identical parking requirements and similar traffic generation potential, creates no additional signage, and has, as determined by the Administrator, similar or lesser impacts on the neighboring land uses. Any other change shall be considered major.

10.22 **Commercial.** Includes all land uses in Standard Land Use Classification (SLUC) 12 “Group Quarters;” 13 “Residential Hotels;” 15 “Transient Lodgings;” 4923 “Travel Agency;” 4924 “Transportation Ticket Services;” 52-59 “Trade;” 61-69 “Services;” 71-79 “Cultural, Entertainment, and Recreational;” and 8221 “Veterinary Clinic and Hospital;” plus any use defined as commercial in Chapter 4; except as follows:

10.22.010 SLUC 637 “Warehousing and Storage Services, Excluding Stockyards,” which shall be considered an industrial use category, or

10.22.020 Any use in SLUC 639 “Rental and Leasing Services;” 64 “Repair Services;” 66 “Contract Construction Services;” 72-79 “Cultural, Entertainment, and Recreational;” or 8221 “Veterinary Clinic and Hospital;” which includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard of more than 10,000 square feet. All such uses shall be considered industrial.

10.23 **Commission.** The Fremont County Planning and Zoning Commission established by Chapter 2 of this Ordinance.

10.24 **Compatibility.** Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

10.25 **Conical Surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

10.26 **County.** Refers to Fremont County, Idaho.

10.27 **Density.** The number of dwelling units per gross acre. Gross acreage includes the entire application (roads, common open spaces, etc.). Density is not synonymous with lot size.

10.28 **Design Review Board (DRB).** A Design Review Board is an elective body established for the purpose of reviewing all Class II applications for substantial compliance with subjective design criteria of this Ordinance.

10.29 **Development.** Development is used as a generic term covering any and all activities for which a permit is required by this Ordinance. The Applicant is, by definition, the owner of the parcel on which an application is proposed, but owners may appoint a representative for proceedings required by this Ordinance.

10.31 **Fire Apparatus Access Road.** [reserved]

10.32 **Flood.** Partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

10.33 **Flood Insurance Rate Map.** Abbreviated FIRM. The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and risk premium zones. The flood insurance study is the official report of the Federal Insurance Administration, including flood profiles, flood boundary maps, and the water surface elevation of the base flood.

10.34 **Floodplain.** Refers to the special flood hazard areas defined and mapped by the Federal Emergency Management Agency.

10.35 **Foot-Candle.** Foot-candles are measures of the amount of ambient light.

10.36 **Frontage Residential Cluster.** Shall mean a residential cluster that has frontage on an existing County road. "Internal Residential Cluster" shall mean a residential cluster that is set back from existing County roads by a prescribed distance.

10.37 **Habitable Area.** A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, hallways, storage or utility spaces and similar areas are not generally considered habitable spaces.

10.38 **Hazardous Substances.** Any material regulated by EPCRA, as amended.

10.39 **Hearing Examiner.** A hearing examiner may be appointed by the Board or the Commission for hearing applications in the place of the Board or Commission for subdivisions, special use permits, variances and requests for rezoning which are in accordance with the Plan and this Ordinance.

10.40 **Higher Density Residential.** Refers to multiple-family dwellings, including apartments and condominiums, and mobile home parks.

10.41 **Home Occupation.** A commercial-like activity conducted solely by the occupants of a dwelling (or a building accessory to a dwelling) in a manner incidental to and subordinate to the use of the dwelling unit as a residence. Home occupations, by definition, comply with the performance standards of Appendix I.

10.42 **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan view, coincides with the perimeter of the horizontal zone.

10.43 **International Building Code or IBC.** Adopted by ordinance, means the International Building Code and/or the International Residential Code (IRC), both are published by the International Code Council, Inc.

10.44 **I.C.** Refers to the Idaho Code, also known as Idaho State Statutes.

10.45 **Important Farmland.** Land that has been, is, or could be used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce economically sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods.

10.46 **Industrial.** Includes all land uses in SLUC 21-51, 637, and 82-89, plus any use defined as industrial in Chapter 4, except: 1. SLUC 4923 and 4924; and 2. SLUC 8221 (except where covered by IX.L.2.). Irrigation with industrial wastewater is an industrial use.

10.47 **IRC.** International Residential Code.
10.48 Large Scale Development. See Chapter 5, Division 8.

10.49 Livestock. As used in the performance standards regulating livestock in residential areas, includes cattle, goats, horses, llamas, or sheep kept for personal pleasure or consumption. Does not include pigs.

10.50 Living Space. Space within a dwelling unit utilized for living, sleeping, eating cooking, bathing, washing and sanitation purposes.

10.51 Lot. A parcel of land which is described and made a part of a plat of subdivision that has been recorded in the office of the Recorder of Fremont County. The division of any lot or any parcel of land by any other means, including the use of metes and bounds description or by non-subdivision record of survey shall not be considered by Fremont County as a "lot" as same is defined herein.

10.52 Lowest Floor. The lowest floor of the lowest enclosed area, including the basement, of a building. An unfinished or flood resistant enclosure, usable solely for parking, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that it does not place the building in violation of the non-elevation design requirements of Chapter 7.

10.53 Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is designed to be placed on a permanent foundation, permanently connected to all required utilities, and used as a permanent dwelling unit. Within the Floodplain Overlay District, for floodplain management purposes, the definition of "manufactured home" shall be expanded to include recreational vehicles, travel trailers, and similar vehicles or trailers that are left in place for 180 or more consecutive days (use of such vehicles as a residence is prohibited by this Ordinance), but recreational vehicles, travel trailers, and similar vehicles or trailers are not manufactured homes for flood insurance purposes.

10.54 Manufactured Home Park. Any lot or parcel on which there are spaces for occupancy by more than one manufactured home that will not be placed on a permanent foundation. Such spaces are normally rented or leased, but rental or lease is not necessary for the purposes of this definition.

10.55 Master Planning. A master plan provides a road map for efficiently planning application demand through the foreseeable future while preserving the flexibility necessary to respond to changing conditions. A master plan is made up of a series of sub-plans that address specific components as required by this Ordinance, such as wildlife plan and an open space management plan. The master plan must demonstrate a reasonable expectation of performance of the requirements of this Ordinance.

10.56 Minimize. For the purposes of these regulations, "to minimize" (as in the number of access points or impacts on visually sensitive areas) means to show that no alternative plan for the proposed application will result in a smaller impact.

10.57 Minor Utility Installations. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

10.58 New Construction. Buildings for which the "start of construction" was on or after the effective date of this Ordinance.

10.59 Nonconforming. Describes any use or building that was in existence on the effective date of this Ordinance, but that would not comply with one or more of its requirements if submitted for approval. See Chapter 1.

10.60 Obstruction. In the Airport Overlay District (AOZD), any structure, growth, or other object, including any mobile object, which exceeds any height limitation established in Chapter 6.
10.61 Use. The use of a building or lot. Uses are classified using the Standard Land Use Coding System (SLUC). A minor change in use is a change within the two-digit SLUC code or a change to any use that has identical parking requirements and similar traffic generation potential, creates no additional signage, and, has, as determined by the Administrator, similar or lesser impacts on neighboring land uses.

10.62 Open Space. Open Space means undeveloped land areas that may have important ecological functions, natural resources, wildlife, or cultural resources that are worthy of conservation and protection. Such areas may contain, but are not limited to forests, farmland, ranchland, old fields, floodplains, wetlands, rivers and streams and shore lands. Open Space can also encompass scenic vistas, recreational areas and historic sites.”

10.63 Open Space. A parcel or lot of land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; and/or trails for non-motorized activities. Open space use can be identified in five categories: cultural, ecological, developmental, agricultural, and recreational.

10.64 Outdoor Material Handling or Storage. Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street or road.

10.65 Parcel. An undivided and undeveloped rural tract of land that is not a part of a plat of subdivision that has been recorded in the office of the Recorder of Fremont County, and is typically described by use of metes and bounds and/or a non-subdivision record of survey. A parcel is not a “lot” as same is defined in this Ordinance.

10.66 Plat. The legal map of a subdivision, subject to the requirements of Idaho Statutes.

10.67 Plat Amendment. A plat amendment is a minor change in the lot arrangement or routing of rights-of-way or easements in a previously recorded subdivision plat. It may result in the consolidation of lots, but does not result in the creation of any additional lots or parcels, or the addition of land to the subdivision. Plat amendments are instituted by the recording of an amended plat following the process provided in Chapter 3.

10.68 Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

10.69 Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is 250 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

10.70 Private Utilities. Cable television, electric power, natural gas, and telephone services.

10.71 Public Utilities. A common sewer, water, or other community service controlled by a public authority.

10.72 Public Way. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet.

10.73 Recreational Vehicle. As per I.C. 49-2801, a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for recreational or emergency occupancy.
10.74 **Reasoned Decision.** As per I.C. 67-6535, the approval or denial of any application shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

10.75 **Residential Cluster.** Shall mean a grouping of residential lots within a rural cluster application that share a common outer boundary. A residential cluster may include lots on both sides of a public or private road.

10.76 **Ridgeline.** A high ridge that dominates the landscape and is the focal point of the surrounding country.

10.77 **Riparian Areas.** Riparian areas are plant communities contiguous to perennial, intermittent, and ephemeral rivers, streams, or drainage ways. They have one or both of the following characteristics: 1) distinctively different vegetative species than adjacent areas; and/ or 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms.

10.78 **Replat.** A replat is any change in an existing subdivision that adds land to the subdivision or creates a new road or parcel within an existing subdivision. The procedures for a replat are the same as for an original subdivision.

10.79 **Residential Care Facility.** A residential facility in which care and/or protection is provided for the elderly, children, or adults under a license issued by the Idaho Department of Health and Welfare pursuant to the Child Care Licensing Reform Act, the Alcoholism and Intoxication Treatment Act, and similar authorities. This definition does not include halfway houses or any other detention facility.

10.80 **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length. A utility runway is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. A visual runway is intended solely for the operation of aircraft using visual approach procedures.

10.81 **Rural Character.** Embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and aesthetic values; including buildings, places, organizations, landscapes, shared traditions, lifestyles, activities, events, employment and other subjective factors.

10.82 **Setback.** All setbacks are measured at right angles, from the nearest point on the property line to the foundation or to any above grade projection of the structure that extends more than three feet beyond the foundation.

10.82.010 The front setback is measured from the lot line paralleling a public street to the principal building. Corner lots have two front yards, but may treat either as a side yard for the purposes of this Ordinance, except where the adjacent street is an arterial.

10.82.020 The rear setback is measured from the rear lot line to the principal building. The rear lot line is parallel, or more or less parallel, to the street. Corner lots have two rear yards, but may treat either as a side yard for the purposes of this Ordinance.

10.82.030 The side setback is measured from the side lot line to the principal building.

10.83 **Shall.** The term, when used in the code, is construed as mandatory.

10.84 **Shortplat.** An administrative subdivision process available for first time applications of no more than six (6) total lots, including the remnant of the source parcel.

10.85 **Single Family Dwelling Unit.** A detached building designed for occupancy by one family. Also includes group homes, as required by I.C. 67-6530, et. Seq. Includes both conventional dwellings and manufactured homes that:
10.85.010 comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the International Building Code and International Residential Code;

10.85.020 have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and

10.85.030 where available, are permanently connected to central utilities. Recreational vehicle and travel trailers are not single family dwellings, and shall not be used as such, but are included within the definition of “manufactured home” for the purposes of Appendix Q.

10.86 Site Plan. A site plan is a scale drawing, or a series of such drawings, that illustrates all those details of a proposed application needed to demonstrate compliance with this Ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets, sidewalks, landscaped buffers, and other features of the site. Where an erosion and runoff control plan is required, the site plan must be prepared on a detailed (contour intervals of two feet) topographic base.

10.87 Sketch Plan. A sketch plan is a general or conceptual site plan of an application. It must include the approximate location of all lot lines and streets, the approximate location and exterior dimensions of all structures, the approximate location, size, and circulation pattern of all parking areas, and the approximate location and dimensions of all landscaped buffers.

10.88 Solid Waste. Material being stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this Ordinance, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste until transported from the farm on which it was generated.


10.90 Special Flood Hazard Area. Land subject to a one percent or greater chance of flooding in any given year. Designation on Flood Insurance Rate Maps (FIRM) always includes the letters A or V.

10.91 Start of Construction. Applies to both substantial improvements and new construction and means the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within 180 days of the permit date. "Actual start" means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation, or erection of temporary forms; nor does it include installation of accessory buildings.

10.92 Stream Corridor. See Table 5.1 for dimensions and exceptions. This Ordinance also establishes lakeshore corridors.

10.93 Structure. Any object, including any mobile object, constructed or installed by man, including, without limitation, buildings, towers, cranes, smokestacks, earth formations, liquid storage tanks, and overhead transmission lines. For the purposes of this Ordinance, synonymous with “building”.

10.94 Subdivision. As authorized by I.C. 50-1301 (16), means any division of an original parcel of land, or any land so divided, which creates more than one additional contiguous or adjacent parcel containing 160 acres or less, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and shall include any replat or any condominium. Except as exempted, all subdivisions require a permit.

10.95 Substantial Improvement. Repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50% of the building's market value either before the improvement or repair is started, or where the building has been damaged and is being restored, before the damage occurred. "Substantial
improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects its external dimensions. The term does not include any project for the improvement of a building required to comply with state or local codes assuring safe living conditions.

10.96 Tract. A parcel of land outside of a subdivision.

10.97 Transitional Surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

10.98 Tree. For the purposes of Chapter 6, any object of natural growth.

10.99 Uplit. Uplighting occurs when signs or structures are illuminated by a spotlight shining on them from below. Uplighting can be attractive in urban environments, but is a definite enemy of a night sky in which one can see the stars.

10.100 Use. Generic term used to describe activities such as zoning and/or the control of land developments. Land-use planning laws are implemented by this Ordinance; the dominant and/or subordinate activity taking place on an area of land.

10.101 Vacation. The process provided by state law (see I.C. 50-1306A) and this Ordinance (see 3.28) for the elimination of a recorded subdivision plat.

10.102 Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

10.103 Vested Right. The right to proceed with application under a previous set of regulations, or the right to proceed under this Ordinance, pursuant to an improvement agreement. See Chapter 1.

10.104 Visually Sensitive Area. Visually sensitive areas are broadly delineated on the natural resource inventory maps prepared for the County, using the system developed by the U.S. Forest Service. The delineation is based on the view from major public roads and bodies of water.

10.105 Water Quality Vulnerability Area. As explained in the comprehensive plan, those areas which past studies have identified as needing central sewerage to avoid surface and ground water pollution.

10.106 Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturation soil conditions. Wetlands generally include swamps, marshes bogs, and similar areas. Wetlands shall be as defined in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

10.107 Wetlands Higher Functional Value. Wetland function values are those physical, biological functions a wetland performs and the benefits or value that society derives from them. They may include fish and wildlife habitat, aquatic life support, floral diversity, aesthetic, educational, recreational and scientific values, storm and flood water storage, hydrologic functions, water quality functions, groundwater discharging and recharging, and shoreline anchoring.

10.108 Wildlife Habitat. Any area that provides the environmental factors required for the survival of a particular species of wildlife.

10.109 Yard. The area between the lot lines and the principal building created by the required setbacks.
APPENDIX A - PERFORMANCE STANDARDS FOR SIGNS

1.01 Purpose. This appendix establishes regulations for the location, type, and size of signs permitted in South Fremont, North Fremont, and Island Park Zoning Districts.

Division 1 – Permit Requirements

1.02 Permit Required. A Class I permit shall be required for the placement or installation of any sign, including the replacement of any existing sign, except as provided in A.1.03. The location, type, and size of all proposed signs shall be included in applications for Class II permits.

1.03 Exceptions to Permit Requirement. The signs listed here are not exempt from any requirement of this Ordinance, except the requirement for a permit. No permit shall be required for the placement or installation of:

   1.03.010 Residential nameplates;
   1.03.020 Construction and real estate signs;
   1.03.030 Political signs placed no more than 60 days before the election to which they relate and removed within 10 days after that election;
   1.03.040 Window signs; or
   1.03.050 Traffic control signs or public notices placed by public agencies.

Division 2 – Performance, Standards

1.04 Placement of Signs. No sign shall be placed:

   1.04.010 in or over any public right-of-way, except as provided in A.1.05;
   1.04.020 on any tree, cliff, or other natural feature; or on a utility pole;
   1.04.030 on a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign; or
   1.04.040 where it creates a traffic safety hazard by obscuring traffic control signs or signals or obstructing vision at intersections or driveways.

1.05 Signs in Public Rights-of-Way. No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies. No sign shall extend over a public right-of-way, except that awnings and projecting signs may extend up to four feet over a public sidewalk, and suspended signs may be extend over a public sidewalk that is covered by an arcade or canopy. Any sign extending over a public sidewalk shall have a minimum clearance of eight feet.

1.06 Permitted Signs. The following signs shall be permitted. All other signs are expressly prohibited.

   1.06.010 Traffic control signs or public notices placed by public agencies.
   1.06.020 For all uses:
a. One nameplate of no more than four square feet for each dwelling or one cornerstone of no more than four square feet for each commercial or public building:

b. One real estate sign, of no more than four square feet, for each lot or building currently offered for sale, lease, or rent: and

c. Political signs totaling no more than six square feet provided that such signs are placed no more than 60 days before the election to which they relate and removed within 10 days after the election. A commercial use may display additional political signs within the limits established by this appendix.

d. Any dwelling may display one temporary sign of no more than four square feet announcing the short-term sale of used household goods (a garage or yard sale), provided that sign is placed no more than two days before the sale and removed within one day after the sale, that the sale lasts no longer than three days, and that no more than two such sales are conducted at any one dwelling within any one year period.

e. For Residential Businesses and Lodgings, see Appendix I.

1.06.030 For commercial uses:

a. One construction sign of no more than six square feet, provided that the sign is not placed until construction begins and that it is removed within 30 days after the end of construction;

b. Necessary on-site directional signed of no more than four square feet each,

c. Window signs that occupy no more than 20% of any window, and

d. Any combination of the following kinds of signs, provided that the total sign area does not exceed 10% of the area of the principal building façade facing a road frontage: wall signs; suspended signs; projecting signs with no more than 16 square feet per side; or one ground or pole sign for each road frontage of no more than 25 feet in height and with no more than 24 square feet per side.

e. Awnings may display the logo of the owner or operator.

f. Buildings with canopies or arcades may use one canopy sign of no more than four square feet for each use or occupancy with access from the canopied area or arcade.

g. Commercial uses with no highway frontage may have two directional signs of no more than 12 square feet each.

1.06.040 Illuminated Signs. Signs with a constant source of illumination shall be permitted for commercial uses. No flashing, blinking, or moving signs are permitted. Spotlights or other fixtures used for the illumination of a sign shall be placed in compliance with the provisions of this Ordinance prohibiting light or glare that constitutes a nuisance and shall not constitute a traffic hazard.

1.06.050 Identification of Signs. All off-site signs shall bear a weatherproof label identifying their owner, including the owner’s name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.

1.06.060 Maintenance of Signs. All signs and their supporting structures shall be maintained so as not to create a health or safety hazard.

1.07 Abandoned Signs. Abandoned signs shall be removed within sixty days of the adoption of this Ordinance, or within 60 days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner’s intent, but shall be considered to occur whenever a use ceases operation for more than one year. Any sign that is not structurally sound or that no longer serves to inform or attract the public shall be considered abandoned and its removal required.
APPENDIX B - PERFORMANCE STANDARDS FOR ROADS

1.01 Purpose of Roadway Standards. The purpose of this Ordinance is to provide uniform standards for the construction or reconstruction of roads in Fremont County.

1.02 Overview Of Fremont County Road System

1.02.010 The general location of each roadway and public right of way under Fremont County’s jurisdiction is shown on the most current version of the Official Highway Map for Fremont County, which is published by the Fremont County GIS Department.

1.02.020 In order to protect the public, roadways within subdivisions must also follow the Fremont County Roadway Standards. Subdivision roads may be public right-of-ways or private easements, as determined by the Board of County Commissioners through the subdivision application process.

1.03 Need For Control And Uniformity

1.03.010 The intent of these Roadway Standards is to provide a uniform roadway network throughout Fremont County.

1.03.020 It is further the intent of these Roadway Standards to upgrade and maintain the safest highway system available to the public within Fremont County. It is not the intent to put forward conflicting requirements that will detract from the safety of the traveling public.

1.03.030 It is also the intent of these Roadway Standards to promote the construction of good streets and highways while reducing maintenance and repair costs.

1.03.040 If any section, subsection, sentence, clause, phrase, or portion of these guidelines is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

1.04 Disclaimer. Nothing herein shall be construed to impose a mandatory requirement or a duty upon Fremont County to construct, reconstruct, or improve existing public streets or highways to comply with these guidelines. The adoption or application of these standards does not create a need or obligation for Fremont County to upgrade any existing roadways to the same level.

1.05 Definition Of Terms

1.05.010 Applicant - Any person or persons making application to the Fremont County Public Works Department or Planning and Building Department or other division of Fremont County.

1.05.020 Base – Crushed aggregate material placed above the sub-base material to provide structural support for pavement or an all-weather unpaved surface.

1.05.030 Bridge – Structures twenty (20) feet or larger in span, measured along the centerline of the roadway from the inside face of wall or abutment.

1.05.040 Culvert – Any structure with a span of twenty (20) feet or less measured along the centerline of the roadway.

1.05.050 Dedication - The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted by the County or a city within the County as a public dedication,
1.05.060 Improvement agreement- is a contract entered into between Fremont County and a holder of property with application rights, the principal purpose of which is to negotiate and to establish the application regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the application will be subject.

1.05.070 Easement - A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes.

1.05.080 Highway - The entire width between the boundary lines of a publicly maintained roadway when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and public rights-of-way not intended for motorized traffic. The terms “street”, “road” or “roadway” are interchangeable with highway.

1.05.090 Irrigation Facilities - Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water.

1.05.100 Owner - A "person", as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this Ordinance.

1.05.110 Plans - The official improvement/application drawings, profiles, typical sections, standard drawings, or reproductions thereof, designed by a licensed Engineer and approved by the Fremont County Public Works Director, that show location, character, dimension, and details of the work to be performed. Also referred to as “design drawings”.

1.05.120 Plat - A map of a subdivision, further described as:

   a. Preliminary Plat - A preliminary map, including supporting data, indicating a proposed subdivision application, prepared in accordance with the Fremont County Development Code and the Idaho Code.

   b. Final Plat - A map of all or part of a sub-division providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with the Fremont County Development Code and the Idaho Code.

   c. Recorded Plat - A final plat bearing all of the certificates of approval required by the Fremont County Development Code and the Idaho Code and duly recorded in the Fremont County Recorder’s Office.

1.05.130 Public Right-of-Way - A right-of-way open to the public and under the jurisdiction of Fremont County, where Fremont County has no obligation to construct or maintain, but may expend funds for the maintenance of said public right-of-way or post traffic signs for vehicular traffic on said public right-of-way (see Idaho Code 40-117(6)). A term used to define a specific space which includes the entire prism of the roadway, including the adjacent area used for drainage and/or utilities.

1.05.140 Public Works Director - The Administrator of the Fremont County public works department or an authorized representative.

1.05.150 Reserve Strip - A strip of land between a dedicated street or partial street and adjacent property, in either case, reserved or held in public ownership for future street extension or widening.

1.05.160 Roadway - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way. Roadways are classified as follows:
APPENDIX B - PERFORMANCE STANDARDS FOR ROADS

1.05.170 **Sub-base** – Material placed above the subgrade to provide structural support to the surfacing. Also known as granular base material or "pit-run" gravel.

1.05.180 **Subdivider** - A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, who submits the required subdivision application and initiates proceedings for the subdivision of land in accordance with appropriate procedures. The terms "Applicant" or "Applicant" are interchangeable with subdivider.

1.05.190 **Subdivision** - See Fremont County Development Code, Chapter XIV, Definitions, Subdivision.

1.05.200 **Subgrade** – The constructed ground surface within the right-of-way upon which any structure, base aggregate or granular base material is placed.

1.05.210 **Surfacing** – The uppermost layer of material placed on the traveled way.

1.05.220 **Top Soil** – Surface soil, suitable for the germination of seeds and the support of vegetative growth.

1.05.230 **Traffic Control Devices** – All signs, signals, barricades, guardrails, pavement markings, channelization, or other equipment used for the purpose of regulating, warning, and guiding traffic.

1.05.240 **Traveled Way** - The portion of the roadway for the movement of vehicles, exclusive of ditches and roadside areas.
1.05.250 **Utility Facilities** - Installations or facilities, underground or overhead, furnished for use by the public, including but not limited to: electricity, gas, steam, television, communications, water, drainage, irrigation, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, forms, corporations, departments, or boards, as applicable herein.

**Division 1 – Street Design**

1.06 **General Design Criteria**

1.06.010 These design criteria are based upon the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, current edition; including guidance provided in the AASHTO publication Geometric Design Guidelines for Very Low-Volume Local Roads (ADT < 400). Where possible, all design shall be based on these guidelines and applicable design criteria set forth by AASHTO. In cases where the Fremont County road design standards are more restrictive, the Fremont County standards shall prevail. Any variation from these design guidelines shall be proposed by an Idaho registered professional engineer and approved by the Fremont County Public Works Director.

1.06.020 Prior to any construction of a roadway, design drawings shall be submitted to the Fremont County Public Works Director for review and approval. The design drawings shall address the design criteria set forth in this roadway standards document and shall include plan and profile views of the proposed roadway(s). The plans will be shown at a 1"=20 feet or 1"= 40 feet horizontal scale and will include minimum 2-foot contours. All existing and proposed centerline profiles must be shown on the plans. A typical section of the roadway shall be required, showing, at a minimum, the roadway width, the depths of materials, the roadside drainage, and the location of the rights-of-way. Cross-sections of the roadway at 50-foot, or shorter, intervals may be required, at the discretion of the Public Works Director. The Public Works Director will have 30 days to review the design drawings and provide comment to the Applicant.

1.07 **Roadway Classification.** All roadways within Fremont County are classified in accordance with the appropriate Federal Highway Administration legislation. All streets and highways are functionally classified as arterials, collectors, or local roads. A description of the functional classification categories is included in the Fremont County Transportation Plan, along with a Functional Classification System Map showing which roads carry such classifications. A map showing the Functional Classifications can also be obtained from the Idaho Transportation Department.

1.08 **Public Roadway Right-Of-Way**

1.08.010 The recommended width of the public roadway right-of-way for each classification is as shown in Table 1. Additional right-of-way width may be required in the north County (Ashton and Island Park) area to allow for storage of plowed snow.
APPENDIX B - PERFORMANCE STANDARDS FOR ROADS

1.08 Right of Way. All intersections of highway right-of-way lines at street and highway intersections and at cul-de-sac bulbs shall be connected by a curve having a minimum radius of twenty feet (20’). See Figure 1 below.

1.08.030 Cul-de-sacs shall have a minimum right-of-way for a 65-foot radius with additional highway right-of-way as needed to accommodate unusual cut and fill sections. The road surface (asphalt or gravel) within the cul-de-sac shall have a minimum 50-foot radius, with at least 15’ of right-of-way beyond the edge of the road surface for drainage, signs, snow removal, maintenance activities and placement of utilities. A standard cul-de-sac layout is shown in Figure 2 below. Chapter 5 illustrates preferred alternative to cul-de-sacs.

1.09 Right-of-Way Permit. A right-of-way permit issued by the Fremont County Public Works Department is required for any construction activity within the public right-of-way of any roadway maintained by Fremont County. This pertains to activities such as placement of utilities, service lines, private approaches or irrigation facilities. Fremont County reserves the right to require boring of the roadway, rather than trenching through the existing pavement, when trenching may compromise the integrity of the road surface.

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

a. Dry utilities will be granted a 5-foot easement adjacent to and within the right-of-way lines. The following will be considered a “dry” utility – electricity, gas, communications and other utilities that do not transport water. Power and gas utilities are not to be placed within the same 5-foot utility easement.

b. Wet utilities will be granted a 3-foot easement adjacent to the outside edge of the shoulder. The following will be considered a “wet” utility – water, sanitary sewer, storm sewer and steam. Water and sewer utilities are not to be placed within the same 3-foot utility easement. Potable water and sewer lines must maintain a minimum separation of 10 feet.

1.09.020 When the right-of-way is less than 70 feet in width, all new above ground utilities must be constructed at least 15 feet from the shoulder of the road or 24 feet from the centerline, whichever is greater and still within the right-of-way. Underground “dry” utilities should be placed near (within 4 feet of) the right-of-way line rather than along the shoulder, so the lines aren’t disturbed or paved over if the road is widened. The minimum width of right-of-way of existing County roads is prescribed to be 50 feet, but many existing County road right-of-ways are 60 or 66 feet wide.

<table>
<thead>
<tr>
<th>TYPE OF ROADWAY</th>
<th>MINIMUM WIDTH OF PUBLIC RIGHT-OF-WAY*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterials</td>
<td>120 feet</td>
</tr>
<tr>
<td>Minor Arterials</td>
<td>80 - 100 feet</td>
</tr>
<tr>
<td>Collectors</td>
<td>70 - 90 feet</td>
</tr>
<tr>
<td>Local Roads</td>
<td>60 – 80 feet</td>
</tr>
<tr>
<td>Subdivision Roads</td>
<td>50 – 70 feet</td>
</tr>
</tbody>
</table>

Table 1. Recommended Right-Of-Way Widths

*Additional widths may be required for higher traffic corridors; for accommodations of extreme cut or fill sections; steep slopes; snow storage; or other site specific considerations. Fences should be constructed at least 5 feet beyond the toe of slope to prevent damage to the fence from plowed snow. Only low volume roads (<150 ADT) that have no future potential of higher volume may be eligible for the minimum 50’ ROW width.
1.09.030 The entire required right-of-way may not need to be cleared. Grading should be confined to the area necessary for construction of a properly drained road surface and to provide a clear zone for safety as outlined in the AASHTO Roadside Design Guide. Where a road passes through timber or brushy vegetation that creates a wildfire hazard, the entire right-of-way shall be treated as a fuel reduction area where trees or brush are thinned to a density where crowns do not overlap or touch and ladder fuels are removed. Construction slash shall be removed from the right-of-way along with other fuels.

1.10 Alignment

1.10.010 Table 2 shows the minimum and maximum values for various parameters used in alignment design criteria for the three functional classes of roadways.

<table>
<thead>
<tr>
<th>DESIGN PARAMETER</th>
<th>ARTERIALS</th>
<th>COLLECTORS</th>
<th>LOCAL ROADS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vertical Grades*</td>
<td>Minimum 0.5%</td>
<td>Maximum 6%</td>
<td>Minimum 0.5%</td>
</tr>
<tr>
<td></td>
<td>Maximum 6%</td>
<td></td>
<td>Maximum 8%***</td>
</tr>
<tr>
<td>Horizontal Curvature</td>
<td>Maximum 7°</td>
<td>Maximum 11.5°</td>
<td>Maximum 25°</td>
</tr>
<tr>
<td>Minimum Radius **</td>
<td>340 feet @ 35 mph</td>
<td>340 feet @ 35 mph</td>
<td>154 @ 25 mph**</td>
</tr>
<tr>
<td>(With Superelevation)</td>
<td>1330 feet @ 60 mph</td>
<td>833 feet @ 50 mph</td>
<td>643 feet @ 45 mph</td>
</tr>
<tr>
<td>Design Speed</td>
<td>35 - 60 mph</td>
<td>35 - 50 mph</td>
<td>25 - 45 mph</td>
</tr>
<tr>
<td>Superelevation</td>
<td>Max 0.06 ft. per foot</td>
<td>Max 0.06 ft. per foot</td>
<td>Max. 0.06 ft. per foot</td>
</tr>
<tr>
<td>Angles of Intersection</td>
<td>85 - 95°</td>
<td>85 - 95°</td>
<td>85 - 95°</td>
</tr>
</tbody>
</table>

Table 2. Geometric Design Criteria
*Roadways constructed using curb and gutter sections may have a minimum grade of 0.35%.
**Radius measured to centerline of roadway. 25 mph should be limited to 4% super elevation.
***May be increased to 10% with special attention to maintenance consequences.

1.10.020 All approaches shall be, for local roads, a minimum of 125 feet from any intersection, measured from the intersection right-of-way to the edge of the approach; 155 feet for collector roads; and 200 feet for arterial roads. These distances may be increased based on factors such as type of facility and amount of traffic expected to be generated. Private approaches may be a minimum of 50 feet apart. See Fremont County Transportation Plan (2006), as may be amended, for access spacing guidelines.

1.10.030 The maximum length of a road ending in a cul-de-sac shall be 440 feet or as directed by the Fremont County Public Works Director. Dead-end streets shall be prohibited except where temporarily permitted by a subdivision phasing plan or to provide for future connections between Applications. A temporary cul-de-sac shall be provided when a temporary dead-end street serves four or more lots. The temporary cul-de-sac shall be constructed in accordance with the standards detailed in this document.

1.10.040 One-way streets are permitted under certain circumstances, as shown in Chapter 5.

1.10.050 Clear site triangles on approaches and intersections from a stop condition shall be unobstructed along both directions of the road in accordance with AASHTO Policy on Geometric Design of Highways and Streets.

1.10.060 No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above the grade of the adjoining roads shall be permitted within a clear sight triangle.

1.10.070 No on- or off-street parking shall be permitted within a clear sight triangle.

1.10.080 No trees will be permitted within a clear sight triangle. Tree branches that overhang into the clear sight triangle must be removed to a height of at least twelve (12) feet above the centerline grade of the adjoining roads.

1.10.090 Clear zone distances shall be in accordance with the most recent edition of the AASHTO Roadside Design Guide.

1.10.100 Mailbox turnouts shall be constructed in accordance with guidelines adopted by Fremont County.

1.11 Stopping And Passing Sight Distance

1.11.010 The stopping and passing sight distances shall comply with the guidance provided in the current edition of the AASHTO Policy on Geometric Design of Highways and Streets. Any variation from the AASHTO design standards must consider the safety of the traveling public and be approved by the Fremont County Public Works Director.

1.11.020 The eye and object heights used to determine stopping sight distance are shown in Figure 3.
1.12 Roadway Cross-Section

1.12.010 The typical roadway details are shown in Figure 4, below, including the cross-section characteristics required for roadways within Fremont County. The minimum width of the roadway surface for a two-lane road in a platted subdivision shall be 30 feet (a 24-foot wide traveled way with a 3-foot shoulder on each side). Additional lanes shall be a minimum of 12 feet wide, unless specifically approved by the Fremont County Public Works Director. Roadways that are or will be maintained by Fremont County may be wider than 30 feet. The width of County maintained roadways will be determined by the Fremont County Public Works Director on a case-by-case basis.

1.12.020 A minimum sub-base depth of 18 inches of pit run gravel at a width of 30 feet, compacted to 95% of standard density is required on all roads. The pit run gravel should be placed in layers not exceeding 9 inches and compacted between layers. A sub-base depth of less than 18 inches may be accepted if designed by an Idaho registered professional engineer and the design is accompanied by a geotechnical engineering report certifying the reduced depth. The Fremont County Public Works Director reserves the right to require more than 18 inches of sub-base depth based on knowledge of the soils at the location of the proposed project.

1.12.030 A 4-inch depth of compacted ¾ inch crushed gravel is required over the sub-base.

1.12.040 If asphalt is required, the pavement shall be a minimum 24 feet wide with a minimum depth of 2.5 inches. New roads that intersect with an existing paved road will be required to be paved to the right-of-way line of the existing road, with a minimum 30’ radius at the intersection. All asphalt shall meet or exceed Fremont County pavement mix requirements. A copy of the mix design can be obtained from the Fremont County Road and Bridge Department. A certified materials testing company shall conduct asphalt mix design, temperature, and compaction tests. Copies of the test results shall be sent to the Fremont County Public Works.

* A gravel surface roadway shall have a 4% cross-slope. The sub-base depth may be less than 18 inches if designed by an Idaho registered professional engineer accompanied by a geotechnical report.
1.12.050 If curb and gutter is installed, it shall be constructed according to the requirements of the current edition of the Idaho Standards for Public Works Construction (ISPWC). The Fremont County Public Works Director shall review and approve of the type of curb to be used prior to construction. (See also section G.7)

1.12.060 Grade at Intersections: The first 10 feet on all access approaches shall have a decline of 3% in slope (measured from the edge of pavement or the shoulder of a gravel road); the next 50 feet can be either an incline or a decline of no more than 3%.

1.12.070 The roadway cross-section outside the traveled way and inside the public right-of-way shall follow the general guidelines of the Roadside Design Guide, published by AASHTO, current edition. This Guide shall be used to determine safety characteristics for any appurtenance such as signing, rock outcrops, or general hazards to the traveling public.

1.13 Drainage

1.13.010 All drainage facilities for new roadway construction shall be designed by an Idaho registered professional engineer and approved by the Fremont County Public Works Director in conjunction with the roadway plans, prior to commencing construction. The design storm return period shall be a ten (10) year, 6-hour storm and meet the winter and spring runoff needs. Any disruption of the normal drainage pattern of the area to be developed must have special consideration to accommodate future drainage.

1.13.020 All roadside drainage ditches shall be a minimum depth of 24 inches, measured from the edge of the road surface shoulder. Drainage ditches shall be reseeded after construction with a seed mixture which is appropriate for the area, as recommended by the local Natural Resource Conservation Service (NRCS) office.

1.13.030 Culverts used for drainage purposes should be of corrugated steel, aluminum, or concrete with the thickness and cover over the top of the pipe being in conformance with the following Table 3 (other types of materials must be approved by the Fremont Co. Public Works Director):

<table>
<thead>
<tr>
<th>DIAMETER INCHES</th>
<th>STEEL THICKNESS INCHES **</th>
<th>ALUMINUM THICKNESS INCHES</th>
<th>CONCRETE CLASS*</th>
<th>COVER REQUIRED **</th>
</tr>
</thead>
<tbody>
<tr>
<td>12” through 36”</td>
<td>0.064</td>
<td>0.060</td>
<td>V</td>
<td>12” minimum</td>
</tr>
</tbody>
</table>

Table 3. Culvert Requirements

* Other classes of concrete pipe may be used if proper cover is provided in accordance with manufacturer’s recommendations.

** Using corrugated metal pipe with 2 2/3” x 1/2” corrugations. Culverts or multiplate installations larger than 36” in diameter, pipe-arch culverts, or any structure under extreme fills shall require special consideration to meet requirements for minimum cover and other parameters.

1.13.040 Culverts across the roadways shall be a minimum of eighteen inches (18”) diameter or the size necessary to convey the design volume of water, whichever is greater. Culverts under approach roads or driveways shall have a minimum diameter of 12” (or the size necessary), a minimum length of thirty feet (30’), and shall meet the requirements of 1.13.030.

1.13.050 All necessary drainage easements for accommodating drainage structures shall be shown and recorded on the plans or subdivision plat as a part of the approved plans or final plat. Drainage easements necessary for draining storm water across private property shall be shown on the plans or final plat and recorded with Fremont County recorder, either on or with the final plat, or if there is no final plat then by a letter from the Applicant describing the areas containing the easements, such as lots or blocks, and recorded with the Fremont County recorder.
1.13.060 Disruption of natural drainage ditches and subsequent use of the roadway drainage ditch to convey the natural drainage is prohibited. Highway drainage ditches shall not be used for conveying irrigation water of any type. All new irrigation facilities shall be constructed and maintained outside the public road right-of-way, or outside of a private road easement.

1.13.070 When a curb and gutter roadway section is proposed, a complete storm sewer system shall be designed and constructed under the review of an Idaho registered professional engineer. Storm water disposal and maintenance of the storm sewer system shall be the responsibility of the Applicant or a homeowner’s association, not Fremont County.

1.13.080 Roadways having a centerline grade greater than 6%, and which are located in areas with erosive soils, (defined as moderate to very severe soil ratings in the Erosion Hazard (Road, Trail) portion of the National Cooperative Soil Survey published by the NRCS) shall require an hydraulic analysis be performed that addresses erosion potential within the drainage ditches or shall include additional culvert crossings (in the range of one every 300 ft. to 500 ft.) to reduce the distance of overland flow within the roadside ditches.

1.14 Structures


1.14.020 The minimum design vehicle for bridge and culvert design shall be an AASHTO HS-20 truck for local roads and an HS-25 truck for collector and arterial roads. Bridges may also be designed using the AASHTO Load and Resistance Factor (LRFD) Bridge Design Manual HL-93 loading.

1.14.030 The minimum width of a bridge structure from the face-to-face of curb or the face-to-face of the guardrail or bridge rail shall be the full width of the approach roadway including pavement width and shoulder width, plus one foot eight inches (1’-8”) on each side, for a total additional width of 3 feet 4 inches (3’-4”).

1.14.040 There shall be a minimum 50-foot long, 90 degree approach to all bridges.

1.14.050 The vertical clearance above waterways shall be two feet above the 50 year flood, and the 100 year flood must pass beneath the bridge. The Public Works Director will require a hydraulic analysis and drawings including slope and cross-sections of the waterway prior to approval of the bridge. The vertical clearance over other roadway surfaces shall be a minimum of sixteen feet (16’). Ice flow conditions can affect clearance and shall be taken into consideration by the bridge designer.

1.14.060 Any crossing over a canal must be approved by the canal company as to type of structure, clearance and/or other criteria determined to be pertinent by the canal company.

1.14.070 Only structures of steel, steel and concrete, or treated wood shall be used. Approval of structures using other materials will be considered and approved or disapproved by the Fremont County Public Works Director on a case by case basis.

1.14.080 Retaining walls should be reinforced concrete, bin walls, reinforced earth, or concrete crib walls. Approval of retaining walls using other materials will be considered and approved or disapproved by the Fremont County Public Works Director on a case by case basis. All retaining wall structures shall be designed by an Idaho registered professional engineer and shall be approved by the Fremont County Public Works Director prior to their construction.

1.14.090 An Applicant may be required to install a bridge or other open bottom structure rather than a culvert on any natural watercourse on the recommendation of the Idaho Fish and Game Department and approved by the Fremont County Public Works Director, where such action is required to protect the fishery.
1.15 Signage

1.15.010 All traffic control devices (signing, pavement markings, and traffic signals) shall be shown on the design plans. The traffic control devices and their application shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) as adopted in Idaho. All signs shall be installed by the Applicant prior to the acceptance of the project by the Fremont County Public Works Director.

1.15.020 All temporary traffic control shall conform to the MUTCD, latest edition

1.16 Guardrail

1.16.010 Guardrail may be necessary in certain areas depending upon the need for protection of the traveling public. The Fremont County Public Works Director reserves the right to determine the need for guardrail under each separate circumstance. The guidelines of the AASHTO Roadside Design Guide, latest edition shall be used on developing appropriate and cost effective roadside safety provisions.

1.16.020 The type of guardrail to be installed shall be determined for each project based on need, location and maintenance considerations.

1.17 Striping Or Pavement Markings

1.17.010 The Fremont County Public Works Director shall determine pavement marking requirements subject to MUTCD requirements. The color, pattern and dimensions of marking shall be in conformance with the MUTCD, latest edition. Paint quality shall be the same as that used by the Idaho Transportation Department for their pavement markings.

1.18 Cattle Guards

1.18.010 Cattle guards shall be constructed in conformance with Figure 5. Other types of cattle guards may be approved by the Fremont County Public Works Director on a case-by-case basis.

1.18.020 Section 40-2310, Idaho Code, regulates the installation of cattle guards on local highways and shall be referenced when the question arises. Cattle guards shall be placed on private property when necessary for private approaches. Section 40-203(5), Idaho Code, discusses obstruction of the public right-of-way and the misdemeanor offense involved.
1.19 Drawing Submittal/Approvals

1.19.010 All improvement drawings submitted for Public Works checking/approval shall include a copy of the proposed Final Plat and Improvement agreement.

1.19.020 Plats shall not be permitted to be signed/recorded until the improvement drawings have been approved and signed by the Public Works Director.

1.19.030 Prior to Fremont County Public Works issuing a letter of conditional acceptance for subdivisions, the Applicant’s Representative/Engineering Firm shall inspect in detail and amend the improvement drawings to “Drawings of Record”. The Firm shall then submit said Drawings of Record with a letter stating the subdivision was constructed to Fremont County Standards. Inspection reports may be required including compaction testing.

1.19.040 Final Subdivision Guarantee – All materials and workmanship shall be warranted by the Applicant/Contractor for a minimum period of one (1) year after the date the Letter of Substantial Completion has been officially entered into the County Commissioners Minutes. If repairs are required the Contractor shall promptly repair said work, upon written notice from the County and without expense to the County.
1.19.050 Final Bid Documents Guarantee – All materials and workmanship shall be warranted by the Applicant/Contractor for a minimum period of one (1) year after the date the Letter of Substantial Completion has been officially entered into the County Commissioners Minutes. If repairs are required, the Contractor shall promptly repair said work, upon written notice from the County and without expense to the County. If the Contractor fails to proceed with said repair after notice within a period of ten (10) days, the County will require the Contractor and his Surety be liable for all costs incurred. If emergency repairs are needed, the County may have to make said repairs and the Contractor/Applicant shall pay the cost thereof.

1.20 Construction Specifications

1.20.010 CLEARING AND GRUBBING. Clearing and grubbing shall consist of the removal and disposal of all organic and other deleterious material from the public right-of-way or private roadway easement. All material removed under clearing shall be disposed of off of the public right-of-way or private roadway easement.

1.20.020 SUBGRADE. The subgrade shall consist of the natural materials remaining after all topsoil and duff (organic material) have been removed and good construction material is remaining. The determination of the extent to which topsoil shall be removed shall be left to the discretion of the Fremont County Public Works Director, who may require soil and compaction test results to document the acceptability for construction.

   a. In solid rock excavation, the solid rock shall be excavated to six inches (6") below the finished subgrade elevation and back-filled with approved granular materials.

   b. Unstable subgrade conditions shall be remedied by sub-excavation and back-filling with approved granular material under the direction of the Fremont County Public Works Director. Geotextile material may be required by the Fremont County Public Works Director.

   c. Subgrade shall be compacted to a density no less than ninety-five percent, (95%) of the AASHTO T-99 Proctor Density.

   d. The subgrade shall be observed by the Fremont County Public Works Director (or a designated representative) prior to placing any ballast on the subgrade. The Fremont County Public Works Director must be given at least twenty-four (24) hours’ notice prior to the need for observation. Such 24 hours’ notice shall be given so that the observation can be made during the Fremont County Road and Bridge Department’s normal working hours and work week.

   e. Prior to requesting observation of the finished subgrade, grade stakes set to finished subgrade elevation shall be in place on fifty foot (50’) stationing at centerline and shoulders or ditch, unless a waiver is granted by the Fremont County Public Works Director.

1.20.030 SUB-BASE OR BALLAST. Approved pit run material may be used for the ballast course which shall be placed to a minimum of eighteen inches (18") in thickness. The material shall be durable, have a sand equivalent not less than 30, and shall meet the following gradations in Table 4:

<table>
<thead>
<tr>
<th>SIEVE SIZE</th>
<th>% PASSING</th>
</tr>
</thead>
<tbody>
<tr>
<td>6&quot;</td>
<td>100</td>
</tr>
<tr>
<td>3&quot;</td>
<td>98-100</td>
</tr>
<tr>
<td>2&quot;</td>
<td>75-100</td>
</tr>
<tr>
<td>1&quot;</td>
<td>40-80</td>
</tr>
<tr>
<td>#4</td>
<td>25-60</td>
</tr>
<tr>
<td>#200</td>
<td>5-12</td>
</tr>
</tbody>
</table>

Table 4. Sub-base or Ballast Gradations

   a. The ballast material shall be constructed in layers not to exceed nine inches (9") in thickness and shall be compacted using mechanical methods to at least ninety-five percent, (95%) of the AASHTO T-99 Proctor Density.
b. Observation of the ballast is necessary by the Fremont County Public Works Director (or a designated representative) prior to the placing of base material. The Fremont County Public Works Director must have at least twenty-four (24) hours' notice prior to the need for the observation. Such 24 hours' notice shall be given so that the observation can be made during the Fremont County Road and Bridge Department's normal working hours and work week.

c. Prior to requesting observation of the finished ballast, red top stakes set to finished ballast elevation, shall be in place on fifty foot (50') stationing at centerline and shoulders.

d. All culvert installations crossing the highway or street shall be installed before any base material is placed. Installation should conform to Figure 6, "Typical Culvert Installation" on the following page.
**APPENDIX B - PERFORMANCE STANDARDS FOR ROADS**

**TYPICAL CULVERT INSTALLATION**

__N.T.S.__

**FIGURE IV, C, 4**

**NOTE:**
- * D or 12" whichever is greater
- ** Mechanical compacted backfill. Place in 6" layers. Each LHS shall specify the type of material to be used for backfill.**
1.21 Base Material

1.21.010 The crushed aggregate for the base course shall be four inches (4") in depth after it has been compacted and shall comply with the gradations listed in Table 5:

<table>
<thead>
<tr>
<th>SIEVE SIZE</th>
<th>% PASSING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot;</td>
<td>100</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>90-100</td>
</tr>
<tr>
<td>#4</td>
<td>40-65</td>
</tr>
<tr>
<td>#8</td>
<td>30-50</td>
</tr>
<tr>
<td>#200</td>
<td>3-9</td>
</tr>
</tbody>
</table>

Table 5. Base Material Gradation

a. The crushed aggregate base shall not show more than a loss of thirty-five percent (35%) under the Los Angeles Abrasion Test and the sand equivalent shall not be less than 30.

1.21.020 The material shall be laid in one or more layers to develop the compacted depth of four inches (4") minimum. Material shall be mechanically compacted by rolling to ninety-five percent (95%) of the AASHTO T-99 Proctor Density. Care shall be taken to see that the aggregate is placed in such a manner that it will have uniform mixture throughout.

1.21.030 The finished base material must be observed and approved by the Fremont County Public Works Director (or a designated representative) prior to placing the surface course. The Fremont County Public Works Director must be given notice twenty-four (24) hours prior to the observation. The observation must be completed during the Fremont County Road and Bridge Department's normal working hours and work week.

1.21.040 Prior to requesting observation of the finished base material, blue top stakes will be set to finished base elevations at fifty foot (50’) stationing on curves and one hundred foot (100’) stationing on tangents at centerline and shoulders.

1.21.050 The surface of any base course, when finished, shall be such that when tested with a ten foot (10’) straightedge placed on the surface with its centerline parallel to and perpendicular to the centerline of the street, the maximum deviation from the surface of the edge of the straight edge shall nowhere exceed 0.04 of a foot. In addition, the finished grade shall not deviate more that 0.05 of a foot at any point from the staked elevation.

1.21.060 If asphalt concrete surfacing is to be placed on the base course, no portion of the complete surface of the base course shall be more than 0.04 of a foot below the edge of a straight ten feet (10’) in length laid parallel to and perpendicular to the centerline of the roadway. In addition, the finished grade shall not deviate more that 0.03 of a foot at any point from the staked elevation.

1.21.070 Should patching of the base course be necessary in order to meet the above tolerances, it shall be performed using methods and aggregates approved by the Fremont County Public Works Director.

1.22 Surfacing

1.22.010 The surface type shall be approved by the Fremont County Public Works Director, but can generally be considered one of two types: a hot mix asphalt concrete or a three shot asphalt chip surface.

1.22.020 Equipment used for asphalt construction, regardless of the type of surface treatment, shall meet the following criteria for each type of equipment.
a. The bituminous mixture hauling trucks shall be pneumatic tired and equipped with a smooth-lined tight dump body free from cracks, holes or deep dents capable of hauling material without loss during transit. Dump body and gate shall be capable of control discharge onto the road bed or into approved spreaders or pavers when required. The dump body shall be constructed or equipped to retain the heat of the mixture above the minimum specified for lay-down.

b. Motor graders shall be a pneumatic tired, self-propelled machine with sufficient power and traction and adequate wheel base to efficiently perform the work.

c. Bituminous pavers shall be self-contained, power propelled units provided with an activated screed or strike-off assembly, heated if necessary, and capable of spreading and finishing courses of bituminous plant mix material in lane widths applicable to the specified typical section in thickness as shown on the plans. The paver shall be equipped with a receiving hopper having sufficient capacity for a uniform spreading operation. The hopper shall be equipped with a distribution system to place the mixture uniformly in front of the screed. The screed or strike-off assembly shall effectively produce a finished surface of the required smoothness and texture without tearing, shoving or gouging the mixture. The paver shall be capable of being operated when laying mixtures at forward speeds consistent with satisfactory laying of the mixture. The paver shall be in good working order and subject to the review of Fremont County.

d. Rollers shall be of the pneumatic-tired, steel-wheeled or vibratory steel-wheeled type and shall be in good working order.

1.22.030 The pneumatic tired roller shall be of between 30-40 ton capacity have seven wheels as a minimum with pneumatic tires of equal size and ply. Tires shall be uniformly inflated so that the air pressure of the several tires will not vary by more than five pounds per square inch. The rollers may be operated with tire inflation pressures and wheel needs within the range of the manufacturer’s recommendations on the size and ply of tire being used. The wheels shall be staggered on the front and rear axles to provide complete coverage of the area on which the rollers travel. Rollers shall be capable of starting, stopping and reversing directions smoothly without jerking or backlash, and shall be equipped with positive accurate steering control. Wobble wheel rollers are prohibited for the compaction of paver-laid base or the final rolling of the last bituminous mixed course. When used to compact paver-laid asphalt, the rollers shall be equipped with smooth tread tires close fitting scrapers for each wheel and a system for uniformly washing the wheels without excessive water. Power units shall have adequate power and traction to move the roller at variable speeds under normal rolling conditions. The roller shall have an effective rolling width of not less than sixty inches (60”).

1.22.040 A smooth-faced steel wheel roller shall be of a two axle or three axle tandem design and when fully ballasted shall have a gross weight of eight tons or more, with no specified contact pressure. All smooth faced steel wheel rollers shall be self-propelled and capable of starting, stopping, and reversing directions smoothly without jerking or backlash. Rollers shall be equipped with positive accurate steering control. The face of all rollers shall be smooth and free from defects which will mar the surface of the material being compacted. Each wheel or roller shall be equipped with adjustable spring scrapers and a system shall be provided for uniformly moistening the full width of each roller or wheel without an excess of water. No diesel fuel is allowed on roller surfaces.

1.22.050 Vibratory compactors of the roller type shall have a minimum width of sixty inches (60”), a minimum static load of sixty (60) pounds per inch of width and generate a minimum centrifugal force of 250 pounds per inch of width based on the manufacturer’s rating. Compactors shall be operated in accordance with the manufacturer’s recommendations at a speed of two to five miles per hour.

a. The asphalt distributor must be in good working order and shall be designed and operated so a uniform application of asphalt can be applied. It must include a tachometer showing the feet per minute and the number of feet covered, a tank thermometer, and a gauge to measure the quantity of the asphalt in the distributor.

b. The aggregate spreader shall be a self-propelled machine independent of the truck, supported by at least two axles and four wheels with pneumatic tires and equipped with a means of applying cover material with positive controls so material will be uniformly deposited over the full width of the asphalt application.
1.22.060 Hot Mix Asphalt Concrete. The hot mix asphalt concrete surfacing may be used providing it meets the following requirements and is constructed under the direction of the Fremont County Public Works Director.

   a. The mix used for the hot mix asphalt concrete must be an approved asphalt mix design. Mix design characteristics must be submitted and approved by the Fremont County Public Works Director prior to its use.

   b. The aggregate used in the asphalt concrete mix must meet the gradation in Table 6:

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<td>10-25</td>
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<tr>
<td>#200</td>
<td>4-8</td>
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</tbody>
</table>

   Table 6. Hot Mix Aggregate Gradation

   (1) It must have a Los Angeles Wear showing not greater than 30% loss, a Sand Equivalent greater than 40, and not have over 2% absorption. Not less than 60% by weight of the aggregate particles retained on the No. 4 sieve shall have at least two fractured faces.

   c. The asphalt shall be an 85/100 type penetration or the equivalent AC-10. Performance based asphalt grades may be used if approved by the Fremont County Public Works Director.

   d. The asphalt mix shall be laid only when the ambient air temperature is greater than 50 degrees Fahrenheit and rising and the mix is at a temperature not less than 235 degrees, or more than 280 degrees Fahrenheit.

   e. After lay-down by a paving machine, the mixture shall be thoroughly and uniformly compacted with power rollers. Rolling of the mix shall begin as soon after spreading as it will bear the roller without undue displacement or hairline cracking. Initial rolling shall be done longitudinally. The rollers shall overlap on successive trips. Alternate trips of the roller shall be slightly different lengths. Unless otherwise directed, the initial or breakdown rolling shall consist of one complete coverage of the paving mixture performed with a two-axle tandem roller. Initial breakdown rolling shall be followed by three complete coverages with a pneumatic-tired roller while the temperature of the mixture is at, or above 140 degrees Fahrenheit. The final rolling shall be performed by a three-axle steel-wheeled tandem roller. Rolling shall be performed in such a manner that cracking, shaving, or displacement shall be avoided. Final rolling shall be completed the same day the pavement is placed. Sufficient rollers shall be furnished to handle the output of the plant. Rolling shall continue until all rolling marks are eliminated, and the surface is of uniform texture and true to grade and cross section. To prevent adhesion of the mixture to the roller, the wheels shall be kept properly moistened. Excessive water will not be permitted on the roller surfaces. The use of diesel fuel on the roller surfaces is strictly prohibited.

   (1) The final mat thickness after compaction shall be no less than then depth prescribed by the Fremont County Road Standards.

   f. The completed Hot Mix asphalt concrete surface course shall have a field density equal to or greater than the percentages shown below:

   (1) Residential street section shall be a minimum of 95%.
   (2) Industrial, arterial, or collector streets shall be 97%.
g. In residential street sections when utilizing a correlate nuclear densitometer used in the backscatter mode, the allowable tolerance ranges shall be:

1. A minimum of 92% at any test location.
2. A minimum of 94% running average for any three consecutive tests.
3. Three consecutive tests below the tolerance range will require corrective action.
4. The average for all density tests for any residential street project will be 95%.

h. In arterial, collectors, and industrial sections, when utilizing a correlate nuclear densitometer in the backscatter mode, the allowable tolerance ranges will be:

1. A minimum of 93% at any test location.
2. A minimum of 96% running average for any three consecutive tests.
3. Three consecutive tests below the tolerance range will require corrective action.
4. The average for all tests on any arterial, collector or industrial section of street or project shall be 97%.

i. The final surface shall be of a uniform texture and shall conform to line and grade shown on the plans. Before final acceptance of the project or during the progress of the work, the thickness of all courses will be determined by Fremont County. Core samples of the completed asphalt will be provided by the Applicant or contractor. All unsatisfactory work shall be repaired, replaced, or corrected.

1. Both density and thickness shall be carefully controlled during construction and shall be in full compliance with plans and specifications.
2. For the purpose of testing the surface on all courses, a ten foot (10’) straightedge shall be used.
3. The straightedge shall be held in successive positions parallel and perpendicular to the street centerline in contact with the surface, and the entire areas checked from one side to the other. Advances along the pavement shall be in successive stages of not more than half the length of the straightedge.
4. Irregularities which may develop before the completion of rolling shall be remedied by loosening the surface mix and removing or adding materials as may be required. Any irregularities or defects which are found after the final rolling, which vary more than 0.02 of a foot in ten feet for surface courses, shall be corrected. All minor surface projections, joints, and minor honey-combed surfaces shall be repaired smooth to grade, as directed by the Fremont County Public Works Director.

1.22.070 Triple Shot Asphalt Chip Surface. The triple shot asphalt and chip course shall be constructed under the direction of the Fremont County Public Works Director and shall consist of two applications of chip seal coats the first year and a third chip seal application a year later.

a. The previously placed base material shall be shaped and rolled using a tandem steel wheel roller prior to the application of the liquid asphalt coat. The ambient air temperature shall be at least 70 degrees Fahrenheit and rising at the time of the application of the asphalt.

b. Prior to the first seal coat the roadway shall be power broomed and/or flushed to remove all loose materials and dust. The type of liquid asphalt shall be MC-800, unless otherwise specified by the Fremont County Public Works Director. For the first seal coat, the MC-800 application rate shall be 0.40 gallons per square yard. The chips shall be road base chips following the Table 7 gradation requirements, or as otherwise approved by the Fremont County Public Works Director. Approved chips shall be applied with a chip spreader and rolled with a steel drum roller immediately behind the chip spreader. Application rate for chips shall be 25 - 30 pounds per square yard.

c. A second chip seal shall be placed on the roadway immediately but no later than 3 working days using the same specification listed on 1.22.070.b, except the MC-800 application rate may be reduced to 0.35 gallons per square yard.
**d.** A third chip seal shall be placed on the roadway the following year. The type of liquid asphalt may be MC-800 at an application rate of 0.35 gallons per square yard or CRSII-R at an application rate of 0.45 gallons per square yard. The chips shall be ½” Class II chip material (See Table 8), rolled with a pneumatic roller immediately behind the chip spreader. Also, the use of this arrangement will require an extension of or a second performance bond to be supplied to Fremont County for covering the second year’s work.

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<tr>
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Table 7. Class II Chip Material Gradation

**1.23 Observation and Testing.** All required observation shall be done by the Fremont County Public Works Director (or a designated representative). All testing required in these standards or required by the Fremont County Public Works Director will be done at the expense of the Applicant or contractor.
APPENDIX C - PERFORMANCE STANDARDS FOR OFF-STREET PARKING

1.01 Purpose. These performance standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.

1.02 Off-Street Parking Required. All buildings and uses shall provide the minimum number of off-street parking spaces required by Table C.1. Parking spaces shall have graded and drained gravel or paved surfaces.

1.03 Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table C.1. shall be determined by the Administrator. Any person who disputes a decision of the Administrator may request a review of that decision using the appeals procedure.

1.04 Location of Off-Street Parking. Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two or more uses may share a parking area where:

1.04.010 the total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served, and

1.04.020 a contract providing for shared parking for a period of 10 or more years is executed before approval of a permit and recorded before issuance of a certificate of compliance.

1.05 Proximity Requirement. Required off-street parking spaces shall be within 600 feet of a main entrance of the building or use being served, except for spaces serving a dwelling unit, which shall be within 100 feet of the unit served.

1.06 Passenger Loading Areas. Day care centers, pre-schools, public schools, and places for public assembly located on arterial roads shall provide at least one safe off-street passenger loading area. Such areas shall be located where there is adequate visibility for their safe use and

1.06.010 Be divided from the road by a curbed barrier of at least four feet in width;

1.06.020 Be at least 60 feet in length and 12 feet wide;

1.06.030 Accommodate one-way traffic only;

1.06.040 Include a depressed curb section for handicapped access; and

1.06.050 Be marked by pedestrian crossing signs facing both traffic lanes.

1.07 Off-Street Loading Areas.

1.07.010 Agricultural Storage Facilities. Certain agricultural storage facilities, like potato cellars generate substantial traffic during harvest, and may affect the flow of traffic on public roads. Setting specific setback or loading area standards for such uses is difficult, but all proposals for Class I permits for new agricultural storage facilities shall include an on-site circulation plan showing how trucks will flow through the site and demonstrating that potentially adverse impacts on public roads will be minimized. Where storage facilities are part of a commercial or industrial application, the circulation plan must be submitted with the application for Class II permit review.

1.07.020 Commercial and Industrial Uses. All commercial and industrial buildings and uses, except those to which a., above, applies, shall provide one safe, properly signed off-street loading area for each 10,000 square feet of gross floor area. Off-street loading areas shall:
a. Be on the same lot and under the same ownership as the building or use they serve,
b. Be designed to accommodate the largest vehicle that may reasonably be anticipated for use on
the site, and
c. Have the following minimum dimensions: vertical clearance: 14 feet; width: 12 feet; and depth
(length): 35 feet.

**1.08 Containment.** No vehicle parked in a required off-street loading space shall extend into a public right-of-way.

**1.09 Access to Off-Street Parking and Loading Area.** Graded and drained gravel or paved access driveways shall be provided for safe access to all off-street parking and loading areas.

1.09.010 No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public road.

1.09.020 Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads.

1.09.030 No access driveway to a local road shall be within 20 feet of any intersection or alley or 10 feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

1.09.040 No access driveway to an arterial road shall be within 60 feet of its intersection with any local street, or 200 feet of its intersection with another arterial.

1.09.050 Clear vision triangles shall be provided for all access driveways, as described in Appendix B.

1.09.060 Access driveways for single family dwellings shall be a minimum of 10 feet wide, with a curb radius of five feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use. No access driveway shall approach a public road at a grade of more than 12%.

1.09.070 Where required for drainage, access driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

**1.10 Circulation within Off-Street Parking Areas.** The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area and prevent accidents by minimizing the random movement of automobiles, and facilitate safe access to public streets.

1.10.010 Minimum aisle widths shall be:

a. for two-way circulation and/or 90 degree parking: 24 feet;
b. for one-way circulation and 60 degree angle parking: 18 feet;
c. for one-way circulation and 45 degree angle parking: 15 feet; and
d. for one-way circulation and 30 degree angle parking: 13 feet.

1.10.020 Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

1.10.030 No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.
1.11 Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.
<table>
<thead>
<tr>
<th>Land use</th>
<th>parking spaces</th>
<th>Land use</th>
<th>Parking spaces per 100 feet of gross floor area</th>
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<tr>
<td>dwellings (SLUC 11, 14)</td>
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<td>Retail automotive, marine (SLUC 55)</td>
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<td>lodging places (SLUC 12, 13, 15)</td>
<td>1 per unit plus 1</td>
<td>eating and drinking places (SLUC 58)</td>
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<td>of commercial zones, nodes</td>
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<td>occupants (transient rental)</td>
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<td>the theaters and similar places</td>
<td>.33 per seat</td>
<td>financial, real estate, and</td>
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<tr>
<td>of assembly (including SLUC 72)</td>
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<td>insurance Services (SLUC 61)</td>
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<tr>
<td>elementary and junior high schools</td>
<td>1 per classroom plus 1,</td>
<td>beauty and barber services (SLUC 623)</td>
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<tr>
<td>(auditoriums used for public events are</td>
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<td>places of assembly)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>hospitals, rest homes, and similar uses</td>
<td>2 per bed</td>
<td>other personal services, misc. services (SLUC 62, 69)</td>
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<td>(SLUC 6513, 6516)</td>
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<tr>
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<td>parking spaces per 1000</td>
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<tr>
<td>building materials, farm equipment, and</td>
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<td>professional services (SLUC 65)</td>
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<td>furniture (SLUC 5211-5240, 5252, 57)</td>
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<td>hardware, apparel, and misc. retail uses</td>
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<td>mixed office uses</td>
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</table>
Notes: Other uses (transportation, communications, and utilities; wholesale trade; and industrial) shall provide one parking space for each anticipated employee plus one and one parking space for each anticipated company vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.
APPENDIX D – COUNTY ROAD ACCESS MANAGEMENT STANDARDS

1.01 Purpose. Access management has become as important a subject as transportation professionals grapple with the issues of increasing congestion and deteriorating roadway operations. The goal of managing access is to achieve an optimal balance between what is needed for safe and efficient roadway operations versus the need to provide access to adjacent properties and businesses. The purpose of Fremont County’s access management program is to:

1.01.010 Enhance the County’s ability to provide a safe roadway system

1.01.020 Assist in efficiently moving traffic

1.01.030 Support orderly application patterns

1.01.040 Provide reasonable access to adjacent properties

1.02 Access Management. The term access management is applied to a number of measures that can be used to enhance a roadway’s safety and its ability to move vehicular traffic through management and control of access points to the roadway. These measures include:

1.02.010 Limiting the number of driveway access points to decrease turning conflicts

1.02.020 Location of entrance or access points further from adjacent intersections

1.02.030 Providing sufficient spacing between intersecting streets

1.02.040 Spacing traffic signals to optimize traffic flow

1.02.050 Implementing sight distance guidelines to improve safety

1.02.060 Use of channelization to preclude selected turning conflicts in urban settings

1.03 Permit Required. A permit shall be required for the construction of all new accesses to County Roads and for existing accesses which are altered in any way. These permits are to be issued by the Public Works Director or designee.

1.04 Permit Application. The permit application shall include the location of the proposed road access and a sketch or drawing of the proposed design that meets the construction requirements of the Fremont County Development Code Appendix B. The application shall be signed by the landowner of the land upon which the access is to be constructed. Construction shall not begin until a permit has been issued.

1.05 Information Required.

1.05.010 The location of the property must be identified clearly enough for the proposed site to be located in the field.

1.05.020 Complete names and addresses of the property owner(s) must be given on the application.
1.05.030 The planned property use must be indicated as one of the following:

a. PRIVATE RESIDENTIAL DRIVEWAY. A private residential driveway is defined as a driveway adjacent to a county highway to provide entrance to and/or exit from a residential dwelling for the exclusive use and benefit of those residing therein.

b. PRIVATE COLLECTOR DRIVEWAY. A private collector driveway is defined as a driveway adjacent to a county highway to provide entrance to and/or exit from a group of residential dwellings for the exclusive use and benefit of those residing therein and intended to minimize points of access to the County highway system.

c. COMMERCIAL DRIVEWAY. A commercial driveway is defined as an entrance to and/or exit from any commercial, business or public establishment adjacent to a county highway.

d. CULTURAL AND INSTITUTIONAL DRIVEWAYS. A cultural or institutional driveway is defined as an entrance to and/or exit from churches, schools, hospitals, etc. Design requirements are the same as for commercial driveways.

e. MINOR DRIVEWAY. A minor driveway is defined as an entrance to and/or exit from a field, ranch or farm property, and not frequently used.

1.05.040 Required Sketch. A sketch showing sufficient dimensions shall be submitted with the application which clearly indicates the character and extent of the work proposed including:

a. The location of all existing or proposed buildings, stands, pumps, retaining walls, and other physical features which affect the driveway location.

b. Property lines, dimensions and existing access driveways.

c. All drainage which affects or is affected by the driveway location.

d. Off-street parking locations which may affect the driveway location.

e. The totality of the proposed access driveway.

1.05.050 Traffic Burden Calculation. A calculation of the daily trip count, trip estimates by hour of the day, vehicle type, vehicle weight, and axle weight of vehicular access to the County highway system must be prepared and submitted with the application.

1.06 General Requirements.

1.06.010 No permit will be issued where materials do not comply with the Standards of Road Safety and Construction and the Work Rules and Construction of an Access set forth in 1.08 below.

1.06.020 If an access onto county roads is created or altered in violation of this Ordinance, such access will be posted with a warning notice of violation. A letter will be mailed to the landowner at the time of posting giving the landowner ten days from the date of posting to secure an approved application or to correct the encroachment. Failure to do so authorizes Fremont County to remove the access five days after the notice is complete, to correct any harm caused therefrom, to take such further action as authorized in Idaho Code section 40-2319, and to proceed criminally against the landowner. Fremont County shall also be entitled to a lien against the real property for any expense it incurs as a result of the failure of the landowner to comply with this Ordinance.

1.06.030 Accesses shall be for the purpose of securing access to a county road and not for the purpose of parking, conducting business or servicing vehicles on the County road right of way.
1.06.040 Fremont County shall be entitled to make, at any time, such changes, additions, repairs and relocation of any access or its appurtenances within the County road right of way as may be necessary to permit the relocation, construction, reconstruction, widening or maintenance of the County road in order to provide proper protection of life and property on or adjacent to the County road.

1.06.050 If an Applicant fails to comply with the conditions of the permit, such permit may be terminated.

1.06.060 Any construction of an access shall not interfere with County work. Fremont County shall not be held liable for damages to an Applicant or his property by reason of such work or by the exercise of any rights by the County on its roads, public places or structures. Any damage or injury done to an Applicant or his property, or expense incurred by him through the operation of a contractor or work done by County employees necessitated by the access at issue will be at the Applicant’s expense.

1.06.070 The permit issued for an access shall not be considered to be exclusive and shall not prohibit the County from using its roads and public places or affect the County’s right to full supervision and control over same.

1.07 Materials. The grantee shall furnish all materials necessary for the construction of the entrances and appurtenances authorized by the permit. All materials shall be of satisfactory quality and shall be subject to the inspection and approval by the Fremont County Road Department.

1.08 Driveway Construction. All new access driveways, following approval of permit, shall be constructed in conformance with the approved sketch.

1.08.010 Standards of road safety and construction:

a. The line of sight in both directions shall be a minimum of 200 feet or greater from a point 10 feet behind and five feet high of the intersection of the access with the edge of the County road.

b. The angle of intersection of the last 15 feet of the access with the edge of the County road shall be between 80 and 90 degrees.

c. The slope of the access road back 15 feet prior to intersection from the shoulder of the County road shall be no greater than four percent negative grade and no less than two percent negative grade.

d. Proper drainage facilities shall be constructed and maintained for every access. Drainage requirements are to be determined for each access by the Applicant and approved by the Public Works Director or designee. Where a culvert is required, it will have a diameter of no less than 18 inches.

e. The width of access apron at the point of the intersection with a county road must be as follows: residential, 20-30 feet; farmyard/field, 40-50 feet; utility maintenance, 40-50 feet; commercial one-way, 40-50 feet; commercial two-way, 50-60 feet. Access points at the intersection of the access must be staked and flagged prior to and during construction. Such stakes and flagging shall remain in place until the access permit has been issued.

f. Other construction standards for access shall be according to specifications approved by the Public Works Director or designee; or the Board of Fremont County Commissioners.

1.08.020 Work rules for construction of an access:

a. During the progress of construction of an access onto a County road, such barriers shall be erected and kept as necessary or as directed for the protection of the traveling public. Such
barriers shall be in compliance with the Manual for Uniform Traffic Control Devices, a copy of which is available from the Public Works Director or designee. Barriers shall be properly equipped with lights for night use.

b. Except as authorized by the Public Works Director or designee, no construction or obstacle placed within the limits of a County road during the construction of an access shall interfere with travel over the road. No obstacle, except as authorized, shall be placed within ten (10) feet of the running surface of a County road.

c. Proper precautions shall be taken to provide and maintain adequate drainage of county roads. Any interference to drainage to a County road caused by the Applicant or his agents will be corrected by Fremont County at the expense of the Applicant.

d. Before post-inspection approval is granted, all rubbish and debris generated by the access construction shall be removed and the roadside returned to its original or better condition.

e. All work, or correction of work, shall be done to the satisfaction of the Public Works Director or designee, and shall be in compliance with all County and State codes and regulations.

1.09 Inspection Maintenance. The Fremont County Public Works Department reserves the right to inspect these installations at the time of construction and at all times thereafter and to require such changes, maintenance and repairs as may at any time be considered necessary to provide protection of life and property on or adjacent to the roadway.

1.10 Changes in Existing Facilities. No access driveway or other improvement constructed on the roadway right-of-way shall be relocated or its dimensions altered without a duly approved permit from the Fremont County Public Works Department.

1.11 Indemnification. The grantee shall hold harmless Fremont County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of his permit. If the performance of work, character of materials used, manners of installation, maintenance or operation involved in access at issue should cause damage to property, persons or corporations, the Applicant, his successors or assigns, will be responsible for any action taken against Fremont County and defend it from such action and satisfy any adverse judgments.

1.12 Limitation: These regulations shall apply on all roadways, other than controlled access highways, under the jurisdiction of Fremont County.

1.13 Signs: Excepting those permitted by Fremont County Development Code Appendix A, the grantee shall not be permitted to erect any sign, either fixed or movable, on or extending over any portion of the roadway right-of-way, or conduct any business of any nature on the roadway right-of-way except for traffic control or public address signs as may be required by the County.
APPENDIX E - IDAHO ATTORNEY GENERAL’S TAKINGS CHECKLIST

1.01 Agency staff must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact proposed regulations may have generally, takings questions normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that the agency should use aggressively to safeguard rights of private property owners. If property is subject to regulatory jurisdiction of multiple government agencies, each agency should be sensitive to the cumulative impacts of the various regulatory restrictions.

1.02 Although a question may be answered affirmatively, it does not mean that there has been a “taking”. Rather, it means there could be a constitutional issue and that agency staff should carefully review the proposed action with legal counsel.

1.02.010 Does the Regulation or Action Result in a Permanent or Temporary Physical Occupation of Private Property?

a. Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking.” For example, a regulation that required landlords to allow the installation of cable television boxes in their apartments was found to constitute a “taking”. See Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982).

1.02.020 Does the Regulation or Action Require a Property Owner to Dedicate a Portion of Property or to Grant an Easement?

a. Carefully review all regulations requiring the dedication of property or grant of an easement. The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed application. Likewise, the magnitude of the burden placed on the proposed application should be reasonably related to the adverse impacts created by the application. A court will also consider whether the action in question substantially advances a legitimate state interest.

b. For example, the United States Supreme Court determined in Nollan v. California Coastal Comm’n, 483 U.S. 825 (1987) that compelling an owner of waterfront property to grant a public easement across his property that does not substantially advance the public’s interest in beach access constitutes a “taking.” Likewise, the United States Supreme Court held that compelling a property owner to leave a public Open Space, as opposed to a private one, did not substantially advanced protection of a floodplain, and was a “taking.” Dolan v. City of Tigard, 114 U.S. 2309 (1994).

1.02.030 Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?

a. If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a “taking.” In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. See Lucas v. South Carolina Coastal Coun., 112 S. Ct. 2886 (1992).

b. Unlike 1.02.010 and 1.02.020 above, it is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any profitable use of the remaining property available. See Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 (Fed. Cir. 1994). The remaining use does not necessarily have to be the owner’s planned use, a prior use or the highest and best use of the property. One factor in this assessment is the degree to which the regulatory action interferes with a property owner’s reasonable investment-backed application expectations.

c. Carefully review regulations requiring that all of a particular parcel of land be left substantially in its natural state. A prohibition of all economically viable uses of the property is vulnerable to a takings challenge. In some situations, however, there may be pre-existing limitations on the use of property that could insulate the government from takings liability.
1.02.040 Does the Regulation Have a Significant Impact on the Landowner’s Economic Interest?

a. Carefully review regulations that have a significant impact on the owner’s economic interest. Courts will often compare the value of the property before and after the impact of the challenged regulation. Although a reduction in property value alone may not be a “taking,” a severe reduction in property value often indicates a reduction or elimination of reasonably profitable uses. Another economic factor courts will consider is the degree to which the challenged regulation impacts any application rights of the owner. As with 1.02.030 above, these economic factors are normally applied to the property as a whole.

1.02.050 Does the Regulation Deny a Fundamental Attribute of Ownership?

a. Regulations that deny the landowner a fundamental attribute of ownership — including the right to possess, exclude others and dispose of all or a portion of the property — are potential takings.

b. The United States Supreme Court recently held that requiring a public easement for recreational purposes where the harm to be prevented was to the flood plain was a “taking.” In finding this to be a “taking,” the Court stated: “The city never demonstrated why a public green way, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others.[T]his right to exclude others is one of the most essential sticks in the bundle of rights that are commonly characterized as property.”

c. Dolan v. City of Tigard, 114 U.S. 2309 (June 24, 1994). The United States Supreme Court has also held that barring the inheritance (an essential attribute of ownership) of certain interests in land held by individual members of an Indian tribe constituted a “taking.” Hodel v. Irving, 481 U.S. 704 (1987).

1.02.060 Does the Regulation Serve the Same Purpose that would be Served by Directly Prohibiting the Use of Action; and Does the Condition Imposed Substantially Advance that Purpose?

a. A regulation may go too far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose. Nolan v. California Coastal Commission, 107 S. Ct. 3141 (1987); Dolan v. City of Tigard, 114 U.S. 2309 (June 24, 1994).

b. In Nolan, the United States Supreme Court held that it was an unconstitutional “taking” to condition the issuance of a permit to land owners on the grant of an easement to the public to use their beach. The Court found that since there was no indication that the Nolans’ house plans interfered in any way with the public’s ability to walk up and down the beach, there was no “nexus” between any public interest that might be harmed by the construction of the house, and the permit conditions. Lacking this connection, the required easement was just as unconstitutional as it would be if imposed outside the permit context.

c. Likewise regulatory actions that closely resemble, or have the effects of a physical invasion or occupation of property, are more likely to be found to be takings. The greater the deprivation of use, the greater the likelihood that a “taking” will be found.
APPENDIX F – COMMERCIAL / INDUSTRIAL / LARGE SCALE / RURAL VILLAGE DEVELOPMENT STANDARDS

1.01 Purpose. To ensure appropriate design of structures in the County that complement, coordinate, or resemble existing and historic structures.

1.02 Design Review Board. The Fremont County Design Review Board as set forth in section 2.03 of this Ordinance shall review all plans for commercial, industrial, large scale, or rural village application for compliance with the standards herein and shall make recommendations to the Administrator in a Class I Permit Request or to the Commission for a Class II Permit request prior to the approval of the permit for both residential and nonresidential structures.

Division 1 – General Standards

1.03 Site Design.

1.03.010 On-site natural features should be integrated into the site as amenities.

1.03.020 New construction shall conform to the existing topography as much as possible subject to approval by the Administrator.

1.03.030 Building shall be avoided on sites with slopes greater than 25 percent.

1.03.040 Where retaining walls are required, they shall be faced with indigenous rock or brick. Use of landscape timber as exterior treatment in retaining walls is prohibited. Retaining walls above five feet shall have evergreen plantings in front or as approved by community application director.

1.03.050 Detention facilities shall be designed pursuant to the alternative design standards described in this Ordinance.

   a. Design shall follow the natural landforms around the perimeter of the basin. Side slopes of basins shall not exceed one-foot vertical for every four-foot horizontal.

1.04 Streets.

1.04.010 Notwithstanding the provisions of this Ordinance and requirements of the County Public Works Department, new streets shall conform to the design standards and location criteria set forth in this section. When these standards conflict with the Idaho Transportation Department (ITD), the state's standards may prevail.

1.04.020 Three types of streets are available to create an enhanced road network. Each street type has on-street parking (optional on neighborhood streets-type C), landscape strips, sidewalks and setback standards.

1.04.030 Village Main Street (Type A). The village main streetscape standards are as follows:

   a. Minimum landscape strip: eight feet (8’).
   b. Minimum sidewalk width: eight feet (8’).
   c. Building setback: zero to ten feet maximum (0-10’ max).
   d. On-street parking: to be located in village mixed-use and village office/residential land uses, optional in other land uses. Bulbouts to be located at the intersections in village mixed-use and village office/residential.
1.04.040 The Village Secondary Street (Type B). Village secondary street (Type B) streetscape standards are as follows:

a. Minimum landscape strip: seven feet (7').
b. Minimum sidewalk width: five feet (5').
c. Building setback: ten to 20 feet maximum (10-20' max).
d. On-street parking: along village mixed-use and village office/residential land uses, but optional in other land uses.
1.04.050 The Neighborhood Streets streetscape (Type C). All residential streets are designated as neighborhood streets.

a. In Rural Mixed Use, Rural Village, and Recreation Resort, the neighborhood streets streetscape (Type C) standards are as follows:

(1) Maximum design speed: 25 miles per hour (25 mph).
(2) Minimum landscape strip: seven feet (7') with curb and gutter and ten feet (10') with swales.
(3) Minimum sidewalk width: five feet (5').
(4) Maximum building setback: see table in residential section.

b. In all other residential and agricultural land uses, the neighborhood streets streetscape (Type C) standards are as follows:

(1) Maximum design speed: 25 miles per hour (25 mph).
(2) Minimum landscape strip: ten-foot (10') swales.
(3) Minimum sidewalk width: five feet (5').
(4) Maximum building setback: see table in residential section or as determined by the Design Review Board.
(5) Swales shall have a slope of two percent (2%) or less.
(6) Trees shall not be planted in the centerline of waterflow.
(7) Water tolerant native and naturalized trees are recommended for planting in swales or other trees as recommended by the County Arborist.
1.05 Landscaping and Buffers.

1.05.010 A minimum six-foot-wide (6’) landscape strip between the road and the sidewalk is required along X Road and Y Road.

1.05.020 A minimum five-foot-wide (5’) landscape strip between the road the sidewalk is required along X Highway and Y Road around the mixed use area and the schools.

1.05.030 A minimum five-foot-wide (5’) landscape strip with curb and gutter between the road the sidewalk is required for all new residential streets for Rural Mixed Use, Rural Village, and Recreation Resort. A ten-foot wide (10’) landscape strip with swale is required for all new residential streets in the other residential land uses.

1.05.040 Specimen trees should be preserved to the extent possible.

1.05.050 Street trees in the landscape strips shall be planted in asymmetrical groupings at a minimum density of one tree per 30 feet (30’) of street frontage. Trees shall be selected in consultation with the Design Review Board and County Arborist.

1.05.060 Street trees may be counted towards the required tree density for a site as approved by the County Arborist.

1.05.070 Trees shall be trimmed up to seven feet (7’) or not impede pedestrians.

1.05.080 Streetlights and pedestrian lights may be placed in the landscape strip as long as they don’t interfere with future tree growth.

1.05.090 Additional landscaping elements of trees, shrubs, grass and ground cover may be provided in building setbacks.

1.05.100 Parking lots shall include landscape islands to the extent possible, which may also serve as snow storage during winter months.
1.05.110 Buffers. Parcels at the periphery of a project shall have a 25-foot (25') buffer and 25-foot (25') building setback to provide a transition between the parcels in the project and those outside of it.

1.06 Sidewalks and Pedestrian Paths.

1.06.010 Sidewalks or pedestrian paths are required along all public and private road frontages and may meander around existing trees, subject to the approval of the County Arborist.

1.06.020 Sidewalk materials shall be continuous across the entire length of all driveways. The driveway shall match the appearance of sidewalk materials, in color, texture and design.

1.06.030 Design and materials of sidewalks along any existing roads are to be determined by the Design Review Board.

1.06.040 Sidewalks for all new projects shall connect with existing sidewalks and paths.

1.06.050 Pedestrian paths shall be designed to minimize automobile and pedestrian interaction. In village mixed-use and village office/residential land use, clear pedestrian paths between buildings, sidewalks and parking lots shall be established with minimal interruption of pedestrian paths by vehicular circulation, parking lots, and service areas.

1.06.060 Pedestrian paths shall connect residential application, open space, institutional uses and nonresidential applications as reviewed by the community application department.

1.07 Streetscape Lighting and Street Furniture.

1.07.010 The lighting plan for sidewalks shall be included on the site plan submitted at the time of application for a permit. Lighting shall also be shown on the landscaping plan. Future mature growth vegetation shall not conflict with proposed lighting.

1.07.020 Street lighting and pedestrian lighting shall meet the Lighting Standards of Appendix U.

1.07.030 Developments in the village mixed-use and village office/residential shall include street lighting and pedestrian lighting in the streetscape.

1.07.040 If provided, street furniture shall be located outside of the minimum sidewalk width of five feet. If installed, benches and trash containers shall be selected from the community image standards of this Ordinance.

1.07.050 Hardscape elements such as wider sidewalks plazas, street furniture such as benches, fountains, tables and chairs, and trash receptacles may be located in the required front yard and side corner yard setbacks.

1.07.060 Awnings can project over sidewalks.
1.08 Screening.

1.08.010 To the extent possible, items shall be screened by placement to the rear of a building.

1.08.020 Dumpsters shall be screened from view from adjacent roads, sidewalks and paths. In addition, the dumpster shall be enclosed on three sides with a masonry wall. The wall should be faced with brick or natural stone and compatible with the adjacent architectural design, materials and colors. The enclosure shall be a foot higher than what is contained in the interior. To the extent possible, a common location for dumpsters should be used.

1.08.030 Loading and other service areas shall be located to the rear of buildings where least visible. Evergreen trees should be used to screen views of service areas.

1.08.040 Parking lots, bumpers, wheels and paving shall be screened with vegetation planted between 30 to 36 inches tall. Evergreen shrubs should be used for low-level screening of parking lots, sidewalks. Berms without landscaping are not an appropriate screening technique.

1.08.050 Rooftop and building-mounted mechanical and electrical equipment shall be screened from view by a parapet wall or roof screen. If on the ground, equipment shall be screened with landscaping.

1.09 Block Size and Block Length.

1.09.010 Land shall be subdivided into block sizes that range from two to ten acres. Blocks with a mix of uses should be two to five acres.

1.09.020 Each side of residential blocks shall not exceed 660 feet in length.

1.09.030 Each side of village mixed-use and village office/residential blocks shall not exceed 400 feet in length.

1.09.040 Double frontage lots are not allowed.

1.09.050 New streets should not be created which require rear yards of new buildings nor opaque fencing to face an existing public right-of-way, except alleys.

1.10 Colors. [Reserved]

1.11 Open Space.

1.11.010 Unless otherwise required by specific zoning, each application shall dedicate ten percent of the site as open space. The open space can include environmentally sensitive areas, streams and stream buffers, multi-use paths, pocket parks and public parks. In the portions of the County served by
a sewer system, a maximum of 50 percent of the required open space shall be environmentally sensitive areas, streams, stream buffers.

1.11.020 The open space shall be accessible for pedestrian use and usable. It shall not include any portion of lots nor required landscaping and setbacks.

1.11.030 To the extent possible, new application projects should provide access to parks, as required by Chapter 9. In addition, open space with paths is encouraged.

Division 2 – Non-Residential Standards

1.12 Non-Residential Standards Applicability. All nonresidential standards apply to the renovation of existing structures and the construction of new structures, used for nonresidential purposes, within the area defined within the document.

1.13 Driveways and Parking for Non-Residential Uses.

1.13.010 Driveway access to nonresidential buildings should be located at the side or rear of the principal structure.

1.13.020 In commercial areas, inter-parcel access and shared driveways are required to minimize curb cuts and improve street traffic flow.

1.13.030 Parking and driveways shall be made out of gravel, concrete or pavers. Stamped and/or colored concrete surfaces shall also be acceptable surface treatments. Asphalt shall not be allowed.

1.13.040 Any parking over the amount required by this Ordinance shall be surfaced with gravel or grass pavers.

1.13.050 Parking may be shared pursuant Appendix C of this zoning ordinance.

1.13.060 On-street parking can be counted as part of the minimum number of required parking spaces.

1.13.070 In the mixed use and office/residential land use areas and on type A village main streets and Type B village main streets, streetscape bulbouts shall be located at all intersections and to the extent possible one bulb out shall be required for every five on-street parking spaces. Location, design and plantings in the bulbouts are subject to the approval of the Design Review Board.
1.14 Non-Residential Building Design.

1.14.010 Buildings at the village center shall have village/main street characteristics (as shown in the following drawings a and b). Buildings in the rural section of the crossroads should have an informal rural design (as shown in the following drawings d and c).
1.14.020 Buildings shall have a variety in their size, massing, height (including two-story buildings) and detailing. Visual interest shall be achieved through the use of at least one of the following architectural element: balcony, porch, marquee, or facade off-sets.

1.14.030 Buildings shall be oriented to sidewalk and street.

1.14.040 Primary building entrances shall face the sidewalk and street. Secondary entrances may be located on side and rear elevations.

1.14.050 Building facades facing a right-of-way shall have buildings wall offsets, including projections and recesses, every 40 feet to provide architectural and visual interest and variety.

1.14.060 Corner building facades shall be parallel with the street (see the following illustration).
1.14.070 Trim, fenestration, materials and composition shall be present on all sides. The facades of buildings in the village core may be more pronounced by the incorporation of architectural elements than other elevations.

1.14.080 Allowed exterior wall materials are horizontal lap siding, board and batten, wood shingle, wood mould brick, and stone. Metal shingle, corrugated or 5-V metal are allowed for agricultural style buildings in the rural section. Avoid novelty shapes on shingles. Clapboard must be wood or cementitious. Board and batten must be wood or cementitious.

1.14.090 Prohibited exterior materials are synthetic stone, concrete stone veneer, stucco and exterior insulation finish material, vinyl and metal siding. Prohibited trim materials are Howe casings, manufactured dentils, standard brick mould.

1.14.100 Allowed foundation materials are stacked stone, cut stone and brick. Rural foundation materials can be poured concrete finished with smooth stucco, brick, or stacked stone. Foundations may be formed out of poured concrete or concrete masonry units.

1.14.110 Porches shall have stone, brick or masonry piers. Concrete masonry units shall be finished in smooth stucco on masonry or concrete formed of horizontal wooden boards.

1.14.120 Window standards are as follows:

a. Windows that open to the interior shall be included on elevations facing a sidewalk or street. Windows in the front facade shall be predominantly vertical in orientation.

b. Windows shall be present on side elevations. Village core buildings can have minimal windows on the sides and rear of the building.

c. For village core buildings, windows or glass storefronts are required on elevations facing a street. Storefront windows (large windows located on the facade with the main entrance) shall comprise a maximum of 50 percent of the facade width.

d. The size of any individual plate glass panel for store front windows is limited to 32 square feet. Panels may be grouped together with heavy mulls separating the panels. Glass storefronts must be a minimum nine feet zero inches in height.
e. Storefronts on the street frontage may be built with entryways recessed from the sidewalk, but not exceeding 50 percent of the facade width.

f. Facades with a storefront shall have a contrasting masonry base one through six inches to two feet in height.

g. Windows not located on the facade must be true divided lite (real muntins, or TDL), simulated divided lite (glass sandwiched between glass or single divided lights-SDL). They may be wood, clad wood, or polymer and must be paint grade. Industrial metal sash is acceptable (not to be used on residential double hung type windows).

h. Tinted and reflective glass, GBGs (grill between glass), reflective glazing, and pop in grilles are prohibited.

1.14.130 Shutters may be solid core polymers, or durable hardwoods. Vinyl, nail-on, false wood graining and prefinished shutters are prohibited.

1.14.140 Village core doors can be wood or a combination of wood and glass.

1.14.150 Rural section doors shall be wood.

1.14.160 Garage doors must be utilitarian in character and may be wood or metal.

   a. Plastic laminated, standard six panels stamped metal, and leaded/beveled glass lights are prohibited. Standard garage paneled doors are prohibited. Avoid faux strap hinges, and embellishments.

1.14.170 Chimney stacks must be faced in masonry material. Sheet goods, including hardboard stucco and siding, are prohibited on chimneys. Metal stacks are acceptable.

1.14.180 Porches are encouraged throughout. Village core buildings are encouraged to have a one- or two-story porch on the street frontages or a marquee on the first story. Rural buildings are encouraged to have front porches that span at least 75 percent of the facade.

   a. Porch columns must be wood, resin material, cast iron, brick, stone or masonry. Allowed column types are Greek Doric, square, fluted or plain. Full two-story and sheet metal columns are prohibited.

   b. Railing systems shall be painted wood or metal. Railings must be simple, round, plain or tapered.

   c. Synthetic and prefabricated railing systems, classical balusters and spindle-work, synthetic composition decking material are prohibited.

1.14.190 There shall be no pitch requirement for a roof. Village core buildings must have low pitched roofs or must have flat roofs surrounded by parapet walls that screen mechanical units. Rural buildings must be pitched.

1.14.200 Allowable roofing materials are:

   a. Wood shingles;
   b. Wood shakes;
   c. Standing seam metal;
   d. Corrugated metal;
   e. 5-V paint grip galvanized metal; or
   f. Slate.

1.14.210 Flat roofs may be membranes if not visible from the right-of-way.

1.14.220 Pre-finished roofs are prohibited.
1.14.230 Vents and stacks shall be painted and hidden from view to the greatest extent possible.

1.14.240 Exterior machines, for the purpose of vending and dispensing, are prohibited.

1.14.250 Propane tanks and other gas tanks and their storage containers shall be both screened and located on the side or rear, or as directed so that items cannot be seen from the street.

Division 3 – Residential Standards

1.15 Residential Standards Applicability. The residential standards shall apply to townhomes and multifamily residential properties and structures; single family residential shall abide by the standards of Chapter 5. However building setbacks and frontage requirements shall apply to all residential uses.

1.16 Residential Site Requirements.

1.16.010 The required lot frontage and building setbacks are as follows:

<table>
<thead>
<tr>
<th>Lot size (square feet)</th>
<th>Lot Frontage (minimum)</th>
<th>Front Yard Setback (maximum)</th>
<th>Side Yard Setback (minimum)</th>
<th>Rear Yard Setback (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 21,600</td>
<td>90 feet</td>
<td>50 feet</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>16,200 feet and up to 21,600 feet</td>
<td>90 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>10,800 feet and up to 16,200 feet</td>
<td>60 feet</td>
<td>20 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>6,000 feet and up to 10,800 feet</td>
<td>60 feet</td>
<td>20 feet</td>
<td>7 feet</td>
<td>7 feet</td>
</tr>
</tbody>
</table>

1.16.020 Building separations shall be subject to the requirements of the County's zoning and building codes.

1.17 Driveways.

1.17.010 Turnarounds and permanent off-street parking are not permitted between the principal structure and a public street.

1.17.020 No more than one driveway shall be allowed per single-family residence.
1.17.030 A driveway serving a single residential unit shall not exceed 12 feet in width up to the front facade of a house, including the flare at the street.

1.17.040 Driveways shall be gravel, concrete or pavers. Asphalt driveways are prohibited.

1.17.050 Driveways shall be located at least five feet from a parcel line.

1.18 Building Orientation.

1.18.010 The front facade, front porches, and front doors of the principal residential structure shall face and be parallel to the street.

1.18.020 There shall be no double frontage lots, except for private alleys.

1.18.030 Duplex units shall be located side by side or above and below facing a public street. Duplexes shall not be of a front/back configuration.

1.19 Garages.

1.19.010 Garages shall not extend beyond the front facade or primary building line of the residential structure. Garage entrances are prohibited on the front facade of the residential structure (see exemption in subsection 1.19.030 of this section).

1.19.020 Garages can be located in the rear or the side of the residential structure. Garages can be located in the rear of the lot and house (either attached or detached) accessed from an alley or in the rear of the house and lot (either attached or detached) accessed from a side drive.

1.19.030 Garages can be located to the side of the house with a front garage entrance setback at least half the distance of the depth of the house.

1.19.040 The garage can be flush with the front facade of the house with the entrance on the side elevation as long as the garage feature is undistinguishable from the front elevation.

1.20 Fences and Walls.

1.20.010 Fences shall be constructed of brick, stone, ornamental iron, wood pickets or wood boards, or a combination thereof.

1.20.020 Fences not exceeding four feet in height may be erected in the front yard and along the right-of-way.

1.20.030 Fences along any right-of-way shall not be opaque.

1.20.040 Fences and walls not exceeding six feet in height may be erected in the rear and side yards. Six feet high side yard fences shall start half way back the depth of the house.

1.20.050 Access to alleyways may be fenced and entry controlled via a gates. Gates shall not be opaque.

1.20.060 In the event of the construction of a conventional detention facility, exterior portions of concrete retention ponds shall be faced with stone of brick.

1.20.070 Chain link fences are prohibited, except as required along detention/retention ponds and along recreational facilities. Chain link fences shall be black clad in vinyl and be screened with a 20-foot landscape strip, planted at buffer standards.
1.20.080 Other than retaining walls, walls shall not be erected in the front yard or in yards adjacent to a public street. Retaining walls shall be faced with stone or brick.

1.21 Accessory Structures.

1.21.010 Permanent accessory structures larger than 150 square feet, including detached garages, shall be built of similar exterior buildings materials as the principal structure and shall be located in the rear yard.

1.21.020 All mechanical equipment visible from a public street shall be screened with vegetation or fence materials. If it is a corner lot, then it shall be screened from the front view from both street frontages.

1.21.030 Private recreation and amenity areas, with the exception of paths, shall be placed internal to an application and shall not have frontage on high traffic County or State roads.

1.22 Residential Building Design.

1.22.010 The building facade facing a public right-of-way shall have building wall offsets, including projections, recesses to be used every 40 feet in order to add variety.

1.22.020 Townhome applications shall not contain more than five connected units in a single building massing. Each townhome in a townhome building shall have the same building materials. When a townhome is located on a corner, architectural elements and details of the house shall continue on the side of the house along the street.

1.22.030 Maximum Building height shall be 30 feet to the eave of the building measured at the front facade.

1.22.040 Allowed exterior materials are: horizontal wood lap siding, cementitious lap siding, vertical board and batten, brick, and stone. Hard coat stucco shall only be allowed for trim areas. The building materials applied to the front facade shall continue with the same proportion on all other exterior elevations of the building. This proportion shall be calculated on a per side basis.

1.22.050 Vinyl or aluminum siding, glass curtain walls, concrete masonry units, exterior insulation and finishing systems (EIFS), exposed concrete masonry units (CMU), concrete foundation walls are prohibited as exterior building materials.

1.22.060 Roof types shall be side gable, cross gable, front gable, and hip. Shed roofs are allowed on porches. Roofs shall be made out of asphalt shingle, wood shingle, wood shake, slate or standing seam metal. Skylights shall be flat (bubble and geometric skylights are prohibited). They shall be placed to the rear of the house.

1.22.070 Windows in the front facade shall be predominantly vertical in orientation.

   a. Windows frames of windows on the front facade shall not be made out of metal.
   b. If muntins or mullions are used, they shall be either true divided lights or simulated divided lights (clip-ons are allowed).

1.22.080 Front doors shall be wood panel or have a combination of wood and glass (i.e., French doors) or shall have the appearance of wood.

1.22.090 Exterior chimneys shall originate at the grade. Exterior chimneys shall be faced with stone or masonry. Chimneys that originate at the interior can be faced with hard coat stucco. Chimneys shall not be covered with siding.
1.22.100 A paved walkway from the front sidewalk to the front entry or front porch on the principal structure shall be provided for houses set back less than 30 feet and encouraged for houses with larger setbacks.

1.22.110 One front porch shall be required for every five groupings of townhomes. Two porches shall be required for every four groupings of townhomes. One porch shall be required for every three groupings of townhomes.

1.22.120 Front porches may extend ten feet into the setback. Porches must have a minimum depth of six feet.

1.22.130 Porches for quad-plex residences may be shared.

1.22.140 If shutters are used, they shall fit the size of the window.

1.22.150 Decks are allowed only to the rear of the principal structure. They shall not be extended beyond the width of the building.

Division 4 – Historical Structure Standards

1.23 Historical Standards Applicability. These historical standards shall apply to all historical structures used for nonresidential uses.

1.24 Historical Structures Requirements.

1.24.010 Alterations and additions shall be consistent and reinforce the historic architectural character of the entire structure and shall comply with the standards herein.

1.24.020 New additions and exterior alterations shall not destroy historic materials that characterize the property. The new work may be differentiated from the old. To protect historic integrity, any new work shall be compatible with the massing, size, scale and architectural features of the property.

1.24.030 The removal of distinctive materials or alteration of features that characterize a structure shall be avoided.

1.24.040 Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design.

1.24.050 Where improvements and/or alterations do not exceed 30 percent of the square feet of the structure, Applicants shall be exempt from review by the Design Review Board.
APPENDIX G – FAMILY BURIAL GROUNDS

1.01 Purpose. The State of Idaho has declared that the maintaining, improving, and beautifying of cemeteries for the human dead is one of the first considerations of a civilized people, and that it is a public benefit, use, and purpose. Because there are citizens of Fremont County who desire to maintain the remains of their loved ones on their own property and not in a public cemetery, it is also a public benefit, use and purpose to provide a method to maintain, improve, and beautify private family burial grounds.

1.02 Composition. Family burial grounds shall consist of a lot or portion thereof, containing a burial plot for earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of one or more of the above. No family burial ground is to be used for any purpose other than as a repository for human remains, for religious observances, or for contemplation and reflection. Family burial grounds are not deemed to be equivalent to rural cemeteries as defined in I.C. Title 27 Chapter 2.

1.03 Recording and Notice Requirements. Family burial grounds shall be laid out and described specifically, by metes and bounds or otherwise, so as to give appropriate notice to lien holders, successors in title, and the public at large, on the deed of record for any lot containing a family burial grounds. The owner of the lot or parcel containing the family burial grounds shall record such deed prior to any interment of human remains thereon. If a lot or parcel containing family burial grounds is sold, the seller of the property must disclose to the buyer the existence of the family burial grounds.

1.04 Responsibility. The owner of any property which contains part or all of a family burial ground has the responsibility for maintaining the property in a manner that is respectful of the memory of the persons whose remains are interred thereon. The responsibility to maintain the family burial grounds runs with the land, and the owner may not be relieved of that responsibility until and unless the family burial ground is disestablished. The responsibility to maintain the family burial grounds extend to successors in title regardless of whether the existence of the family burial grounds was recorded, so long as human remains are interred thereon.

1.05 Setbacks, Consent and Code Requirements. All family burial grounds shall meet the following requirements, prior to the time that any human remains shall be buried or placed therein:

1.05.010 No family burial grounds shall be laid out within twenty (20') feet of the boundary line of any lot or parcel, nor within one hundred (100') feet of any dwelling house, hospital or other medical facility, food or beverage processing plant, restaurant, store or other place of business, without the written consent of the owner of the affected property.

1.05.020 Regardless of consent, no family burial grounds shall be laid out within fifty (50') feet of any existing well providing water for either human or animal consumption, or within fifty (50') feet of the high-water mark of any spring, stream, lake, reservoir or other known source of water, or within one hundred (100') feet of any schoolhouse or school lot, or within fifty (50') feet of any dwelling house, hospital or other medical facility, food or beverage processing plant, restaurant, store or other place of business, or within fifty (50') feet of the right-of-way of any highway.

1.05.030 Construction of a mausoleum, columbarium, or any monument or other grave marker on a family burial ground shall comply with all applicable building code requirements.

1.05.040 All uses made of a family burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).

1.06 Standards for Interment and Removal. Each interment or removal of human remains in a family burial grounds shall meet the following standards:
1.06.010 No interment or removal of human remains in a family burial ground may occur except under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.

1.06.020 Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than two (2') feet below the surface of the ground.

1.06.030 Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred, but placement may be delayed for a reasonable length of time for religious reasons.

1.07 Disestablishment of Family Burial Grounds. A family burial ground, once established, may be disestablished by the owner of the property. To disestablish a family burial grounds, the owner must do all of the following:

1.07.010 Arrange to remove and properly re-inter any human remains interred in the family burial grounds.

1.07.020 Remove any markers or monuments that indicate the presence of human remains.

1.07.030 Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the family burial grounds.

1.07.040 File a new deed of record indicating that the family burial ground has been disestablished.

1.08 Penalties. Violation of any provision of this Article is a misdemeanor and is punishable by a fine of up to three hundred ($300.00) dollars, by incarceration in the Fremont County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Pursuant to I.C. Section 19-5304, the court may order a prior owner of land who did not record the existence of a family burial grounds on that the land and who did not disclose the existence of the family burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinterment of any human remains thereon.
APPENDIX H - STANDARDS FOR NOISE

1.01 Maximum Sound Levels. No application that creates excessive levels of sound beyond its property line shall be permitted. Excessive sound, measured at the property line of the receiving use, exceeds the standards of Table H.1.

Table H.1 – Detailed Performance Standards for Noise

<table>
<thead>
<tr>
<th>receiving use</th>
<th>MAXIMUM SOUND LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>residential</td>
<td>60 dBA, 7:00 A.M. to 10:00 P.M. 50 dBA, 10:00 P.M. to 7:00 A.M.</td>
</tr>
<tr>
<td>commercial, industrial</td>
<td>70 dBA, any time</td>
</tr>
</tbody>
</table>

Note: "dBA" is the measure of sound levels in A-weighted decibels.

1.02 Applicability. This performance standard applies to sounds generated by the use or operation of an application, including sound generated by the operation of trains, motor vehicles, and heavy equipment on the site. It does not apply to the movement of trains on existing railroad rights-of-way, the movement of motor vehicle on public roads, the operation of farm machinery, the operation of watercraft, or other sources of noise that are not attributable to a particular application.

1.03 Temporary Exception. The maximum sound levels of Table H.1. may be exceeded by temporary construction and maintenance activities, but any excessive noise generated by such activities shall be restricted to the hours between 7:00 A.M. and 10:00 P.M.
APPENDIX I – PERFORMANCE STANDARDS FOR RESIDENTIAL BUSINESSES AND LODGINGS

1.01 Purpose. The purpose of this Appendix is to provide opportunities for home-based businesses incidental to and compatible with surrounding residential or agricultural use, to promote economic self-sufficiency of County residents, and to reduce commuting within the County without requiring a zoning change while protecting the general health, welfare, and safety and enjoyment of property by adjacent landowners.

1.02 Scope. The provisions of this Appendix apply to the owners and operators of any home-based occupation, home-based business, home-based care facility or group home, or home-based lodging in any Rural or Residential zone (2011 Edition); or any South Fremont, North Fremont or Island Park zoning district (2003 Edition).

1.03 Permit Required. Except as provided for herein, approved residential businesses or lodgings require a residential business/lodging permit based on the specific acceptable use, subject to the time limitations and other restrictions of Chapter 3 of this Ordinance and this Appendix.

1.04 Acceptable Uses. Subject to the restrictions of this Appendix and this Ordinance, the following uses may qualify for a residential business or lodging permit (Industrial uses do not qualify for home occupation):

1.04.010 Home Occupation
1.04.020 Home Based Business
1.04.030 Residential Care Facility or Group Home
1.04.040 Transient Rental, Bed and Breakfast, Lodge, Small Hotel, or Motel

1.05 Unacceptable Uses. The following uses are not incidental to or compatible with residential activities, and are expressly prohibited:

1.05.010 Medical and dental offices, clinics, and laboratories;
1.05.020 Mini storage;
1.05.030 Pest control;
1.05.040 Pool cleaning;
1.05.050 Storage of equipment, materials, and other accessories to the construction and service trades;
1.05.060 Veterinary services;
1.05.070 Any other use determined by the Administrator to be not incidental or compatible with residential activities; or any other use which violates any applicable law.

1.06 Conditions of Approval. Approval of a residential business/lodging permit does not change any requirement of this Ordinance applicable to the dwelling to which it is accessory, including all requirements of the adopted residential building codes and public health codes. Where any requirement of this Appendix differs from that of this Ordinance, the more restrictive requirement shall prevail.

1.07 Permit Duration. A residential business/lodging permit shall be valid for two (2) years from the date of approval. A permit may be renewed for an additional two (2) years with the payment of a renewal fee as
published and amended along with the submission of the renewal application and all applicable forms and reports.

Division 1 – General Provisions

1.08 Water. Applicant must demonstrate an adequate and continuing supply of safe drinking water for all areas served by a Residential Business/Lodging permit.

1.08.010 Municipal Water. If Applicant’s dwelling is served by a municipal water service, Applicant must submit written evidence from the water service provider that the service account is in good standing and of adequate service capacity for the proposed home business or lodging use. This verification is required to be updated and submitted with any renewal application.

1.08.020 Well Water. If Applicant’s dwelling is served by either a private or community well, Applicant must submit the results of a water sample test from a professional water testing service or laboratory of water drawn from inside the dwelling. This test must be performed immediately prior to each renewal period, with a copy of the lab report submitted with the renewal application. The test shall demonstrate that the water is potable and safe to drink according to the standards published by the U.S. Environmental Protection Agency.

1.08.030 Corrective Action. If water sampling demonstrates that water is unsafe to drink, Applicant must work with the Eastern Idaho Public Health District to attempt to correct the deficiency before a permit will be issued.

a. Alternative Sourced Water. If the main water supply cannot be corrected to deliver safe drinking water, an alternative source of safe drinking water may be provided to meet the requirements of this section. Bottled potable water delivery is an acceptable alternative source.

1.09 Sewer or Septic. Applicant must demonstrate an adequate and continuing capacity for wastewater disposal based on the proposed residential business or lodging use.

1.09.010 Sewer. If Applicant’s dwelling is served by a municipal or county sewer system, Applicant must submit written evidence from the sewer service provider that the service account is in good standing and of adequate service capacity for the proposed residential business or lodging use. This verification is required to be updated and submitted with any renewal application.

1.09.020 Septic. If Applicant’s dwelling is served by either a private or community septic system, Applicant must submit the results of both a “condition” evaluation and a “capacity” evaluation, as explained below. The condition evaluation must be performed immediately prior to each renewal period, with a copy of the inspector’s report submitted with the renewal application. The condition or capacity of the septic system may limit the proposed uses available under a residential business/lodging permit.

a. Individual/Subsurface Sewage Disposal Rules. Based on published rules from the Idaho Department of Environmental Quality (IDAPA 58.01.03), Fremont County has determined daily wastewater capacity requirements for approved uses in this Appendix, based on gallons per day (GPD).

(1) Home Occupations: Unregulated.
(2) Residential Businesses: 250 GPD per dwelling (1-3 bedrooms), plus 50 GPD per additional bedroom (4+ bedrooms), plus 20 gallons per day (GPD) per non-resident employee.
(3) Residential Care Facilities/Group Homes: 40 GPD per resident / resident staff, plus 15 GPD per non-resident staff.
(4) Transient Rental Lodging: 40 GPD per person.
b. **Condition Evaluation.** The Applicant must submit an evaluation report from a certified inspector that meets the requirements of Appendix W, 1.08.

c. **Capacity Evaluation.** Fremont County will only accept an evaluation from Eastern Idaho Public Health District stating the rated peak and continuous capacity of the installed septic system, which is included on all septic installation permits. This capacity rating will be used to determine the maximum allowable guest occupancy or employee count for an approved residential business or lodging permit. An Applicant may retrofit or replace a septic system to achieve higher capacity and upon installation verification by Eastern Idaho Public Health District, the residential business or lodging permit will be amended without charge, as long as the proposed amended use remains in the same permit class as the previously granted permit.

(1) Septic tank capacity shall be equal to two (2) times the average daily flow as determined from the daily wastewater flow per person for each permitted use.

(2) Drainfield capacity shall be verified by Eastern Idaho Public Health District as correspondent to the septic tank capacity and adequate for the site conditions.

(3) Drainfield area shall be verified by Eastern Idaho Public Health District as sufficient to construct two (2) complete drainfields, with one serving as a backup to the other in the event of primary drainfield failure.

### 1.10 Fire Protection

1.10.010 **Smoke Detectors.** The Applicant shall be responsible for installing, testing, and maintaining smoke detectors specific to the proposed residential business or lodging use, per manufacturer's instructions and as required by code. All detectors shall be tested semi-annually per the manufacturer’s instructions. Specific guidelines for proper installation and maintenance can be obtained from the Fremont County Planning and Building Department or the local fire department.

a. **Applicability.** Smoke detectors are required for every residential business/lodging permit.

b. **Installation.** Approved, listed, labeled and operable smoke detectors must be minimally located inside each sleeping room and at the top of each stairway in a manner consistent with the manufacturer’s recommendations, and in all other places required by adopted building code of Fremont County.

1.10.020 **Carbon Monoxide Detectors.** The Applicant shall be responsible for installing, testing, and maintaining carbon monoxide detectors specific to the proposed home occupancy use, per manufacturer's instructions. All detectors shall be tested semi-annually per the manufacturer’s instructions.

a. **Applicability.** Carbon monoxide detectors are required if Applicant’s property is heated with fossil fuel, has a fuel-fired appliance, has a fireplace, or has an attached garage.

b. **Installation.** Carbon monoxide detectors must be installed within 15 feet of the entrance to each bedroom, sleeping area, rest area, break room, or other room or space used for sleeping purposes.

c. **Power Source.** Carbon monoxide detectors must be installed in one of the following methods:

(1) Wired directly into the home’s electrical system.

(2) Directly plugged into an electrical outlet. This outlet must be unswitched.

(3) Battery powered alarms can be attached to a wall or ceiling, in accordance with National Fire Protection Association Standard 720.

1.10.030 **Fire Extinguishers.** The Applicant shall be responsible for installing, testing, and maintaining fire extinguishers specific to the proposed home occupancy use, per manufacturer's instructions and as required by code. All extinguishers shall be tested semi-annually per the manufacturer’s instructions.

a. **Applicability.** Fire extinguishers are required for every residential business/lodging permit.
b. Installation. One approved, listed, and labeled fire extinguisher rated for kitchen fires must be located near the kitchen or food preparation area and at least one approved, listed, and labeled fire extinguisher rated for general fires must be located near the sleeping rooms in a lodging use.

1.10.040 Open Burning Ordinance. The Applicant shall be responsible to understand the Fremont County Open Burning Ordinance (Ordinance 2010-02), to post the Open Burning Ordinance in a conspicuous place, and to inform all employees, guests, tenants, lodgers, and visitors of the ordinance and its consequences.

1.11 Solid Waste. Applicant will provide a sufficient number of suitable garbage receptacles to fully contain all solid waste generated by the proposed residential business or lodging use, which shall be disposed of on a weekly basis. Except on collection day, these garbage receptacles shall not be readily visible from the street (see I.1.14). Trash in plastic bags shall not be placed outside of garbage receptacles. Where applicable, animal- and pest-proof garbage receptacles must be used. There shall not be any uncontained litter or odor noticeable at or beyond the property line.

1.12 Nuisances. Applicant’s proposed use shall not cause noise to exceed the standards of Appendix H - Standards for Noise.

1.13 Off-Street Parking. Residential businesses or lodgings shall provide off-street parking for all employees, guests, lodgers, visitors, etc., and any vehicles associated with the proposed use in compliance with the requirements of Appendix C - Detailed Performance Standards for Off-Street Parking and Loading. All camper trailers, boat trailers, utility trailers, transport trailers, or any other type of trailer must also be parked off-street.

1.14 Outdoor Storage. The storage of any materials or solid waste associated with a residential business or lodging shall be:

   1.14.010 within an enclosed structure, or

   1.14.020 within an area that is effectively screened from public view.

1.15 Heavy Commercial Vehicles. A heavy commercial vehicle is a vehicle or mechanized construction equipment unit that is used primarily for business purposes. One truck and trailer with a single piece of construction equipment shall be considered two vehicles.

   1.15.010 Agricultural vehicles and agricultural operations are exempt.

1.16 Signs. Excluding any contact information sign, residential businesses or lodgings may display only the following signs:

   1.16.010 one non-illuminated wall sign of no more than six (6) square feet, and

   1.16.020 one non-illuminated, on-site directional sign of no more than four (4) square feet.

1.17 Idaho State Tax Commission Registration. Applicants must provide their Idaho State Tax Commission Registration information. Failure to collect and remit any and all applicable sales and use taxes may result in permit suspension or revocation.

1.18 Inspection. The Applicant shall grant permission to Fremont County and Eastern Idaho Public Health District to perform a physical inspection of that part of the dwelling and premises used for home occupancy once a year. The County will notify Applicant with at least five (5) days' notice of an upcoming inspection and will conduct the inspection during traditional business hours. The inspection shall be constrained to only those applicable items defined in this Ordinance and Appendix.

1.19 Compliance. The County shall, in writing, notify the Applicant of any deficiencies identified in the inspection, along with the reasons therefore, and serve such notice either by personal service or by certified mail, with service being effective upon mailing. Any deficiencies identified during an inspection must be
corrected within thirty (30) days of notice, with written evidence of the corrections provided to the County. Failure to correct deficiencies in the allotted time may result in suspension or revocation of the Residential Business/Lodging Permit. If the same deficiency is found to occur three (3) times within the permitted time period, the permit shall be revoked with Applicant prohibited from re-applying for two (2) years from the date of the revocation.

1.20 Enforcement. The enforcement standards contained in Chapter 3 of this Ordinance shall apply to this Appendix.

Division 2 – Home Occupation

1.21 Home Occupations. Home occupation means a commercial-like activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to and subordinate to the use of the dwelling unit as a residence.

1.22 Exempt from Permitting. General home occupations do not require a residential business/lodging permit and are allowed in all zones where the home occupation meets all of the following standards:

1.22.010 The use shall be clearly incidental and subordinate to the residential or agricultural use of the property and shall not change the character thereof;

1.22.020 All business is conducted within the primary residence on a parcel, except that an accessory structure may be used for professional office or similar type home occupations;

1.22.030 All business activities are conducted by a person or persons residing on the premises. No nonresident employees shall be allowed. No employees may report to work at the site of the home occupation;

1.22.040 There is no outside storage of materials or goods used or manufactured as a part of the home occupation. No hazardous material other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard;

1.22.050 There shall be no storage or parking of heavy commercial vehicles as defined in I.1.15;

1.22.060 The use shall not create additional pedestrian, automobile or truck traffic in excess of the normal amount typical for the area. Client or customer visits to the site shall be limited to not more than twelve (12) per day, and seventy (70) per week;

1.22.070 No signage of any kind may be displayed;

1.22.080 Only one vehicle no larger than one ton truck may be used by the occupant directly or indirectly in connection with a home occupation;

1.22.090 The home occupation shall not encroach into any required parking, setback, or open space areas; and

1.22.100 In accordance with this Ordinance, the use shall not create or cause noise, dust, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare or electrical interference or other hazards nuisances.

1.23 Residential Business Permit May Be Required. In the event that the proposed home occupation use does not meet all the requirements of this Division 2, the use shall be considered a residential business and must meet the requirements of Division 3 of this Appendix.
Division 3 – Residential Business

1.24 Residential Business. Residential business means a commercial-type activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to and subordinate to the use of the dwelling unit as a residence, but that may have non-resident employees and/or frequent customer visits to the residence. Transient rental lodging (Division 5) is not a residential business as same is defined herein.

1.25 Purpose. The purpose of these provisions is to allow, in suitable locations, more intensive home occupation uses which:

1.25.010 allow residents greater economic self-sufficiency,
1.25.020 indirectly support agriculture by enhancing the economic viability of living on agricultural property,
1.25.030 minimally impact neighboring properties, and
1.25.040 are clearly subordinate to primary residential or agricultural uses, and do not diminish agricultural viability or neighborhood character.

1.26 Permit Required. A Class I permit shall be required, pursuant to Chapter 3, for expanded home occupations that exceed the standards set forth in Division 2, above.

1.27 Standards. Residential business uses shall be subject to all of the following:

1.27.010 The minimum lot size shall be one acre, gross;
1.27.020 Site of residential business has direct access to a public road or contributes to a road maintenance association;
1.27.030 All business is conducted within the primary residence on a parcel, except that an accessory structure may be used for professional office or similar type home occupations. A detached structure used for a residential business shall not exceed the following:
   a. If located in a Rural zone (2011 Edition); or South Fremont, North Fremont, or Island Park zoning district (2003 Edition), 3,000 square feet and is adequately buffered from adjacent property as determined by the Administrator as per the setbacks and buffering requirements of this Ordinance; and
   b. If located in a Residential zone (2011 Edition), 1,500 square feet.
1.27.040 Noise shall not exceed the levels set forth in Appendix H. The Administrator may require a noise analysis to be submitted by the Applicant to verify compliance of this requirement;
1.27.050 The number of vehicle trips generated by customers or clients shall not exceed ten per day;
1.27.060 The business shall be owned and operated by a person or persons residing on the premises, and there shall be no more than two employees other than residents of the premises;
1.27.070 Except as permitted by Table 4.4 of Chapter 4, no retail sales shall occur on the premises;
1.27.080 Areas used for the storage of equipment, supplies, materials, or goods used or manufactured as a part of the home occupation shall be screened from view of adjacent property and public roads;
1.27.090 As required by Appendix C, there shall be adequate parking on the site to accommodate employees and customers, in addition to the required residential parking spaces; and
1.27.100 The storage of heavy commercial vehicles, as defined in I.1.15, used in conjunction with a residential business pursuant to this Division 3 shall be subject to the following restrictions:

- a. Not permitted in Residential district zones;
- b. Limited to two vehicles in Rural district zones.

1.28 Class II Permit May Be Required. In the event that the proposed residential business use does not meet all the requirements of this Division 3, it does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial/industrial use, and must meet the commercial/industrial requirements of this Ordinance, including proper commercial/industrial zoning.

Division 4 – Residential Care Facility or Group Home

1.29 Residential Care Facility or Group Home. Defined as a living arrangement in which people with special needs, especially older people with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication. Also defined as children's institutions which include, but are not limited to, foster homes, maternity homes, children's therapeutic outdoor programs, or any facilities providing treatment, therapy or rehabilitation for children.

1.30 Exempt from Permitting. In accordance with I.C. 67-6531, residential care facilities or group homes do not require a residential business/lodging permit and are allowed in all zones where the use meets all of the following standards:

- 1.30.010 The residential care facility must have eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity.

- 1.30.020 Resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence.

- 1.30.030 No more than two (2) of such staff shall reside in the dwelling at any one time.

1.31 Exception to Permit Exemption. The exemption from permitting provided for in I.1.30 of this section shall not apply to tenancy or planned tenancy in a group residence by persons who are under the supervision of the state board of correction pursuant to I.C. 20-219, or who are required to register pursuant to I.C. 18-83 or I.C. 18-84, or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

1.32 Additional Certification and Licensure. As required in I.C. 67-6532(1), the Idaho Department of Health and Welfare may require group residences, as defined in I.C. 67-6531, to be licensed and set minimum standards for providing services or operation. Such licensure may be under the residential or assisted living facility rules or under the intermediate care facilities for people with intellectual disabilities or related conditions rules or under rules specifically written for such group residences.

1.33 Class II Permit May Be Required. If the proposed residential care facility or group home use does not meet all the requirements of this Division 4, it does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial use, and must meet the commercial requirements of this Ordinance, including proper commercial zoning.

Division 5 – Residential Transient Rental Lodging: Bed & Breakfast Establishment / Cabin / Home / Lodge / Small Hotel or Motel

1.34 Transient Rental. Transient rental lodging or occupancy means the use of a structure or some part thereof for rental or occupancy for sleeping or lodging for terms of 30 consecutive days or less, in exchange for a fee or other similar consideration.
1.35 Purpose. The purpose of these provisions is to allow in suitable residential locations where land use incompatibilities can be minimized, transient rental uses which:

1.35.010 allow residents greater economic self-sufficiency,
1.35.020 indirectly support agriculture by enhancing the economic viability of living on agricultural property,
1.35.030 minimally impact neighboring properties, and
1.35.040 are clearly subordinate to primary residential or agricultural uses, and do not diminish agricultural viability or neighborhood character.

1.36 Use Definitions. The following terms are defined as they are meant in this Appendix:

1.36.010 Bed & Breakfast. A Bed & Breakfast establishment is difficult to clearly define, as a number of similar, but distinct uses all fall into this general category. The following types of uses would all be considered a “Bed & Breakfast:”

a. Homestay, Host Home. This type of establishment is an owner-occupied private home where the business of paying guests is secondary to its use as a private residence. The hosts are primarily interested in meeting new people and making some additional monies while continuing their present employment or retirement. Breakfast is the only meal served. In some instances, it may be an un-hosted apartment where breakfast is self-serve.

b. B&B, Bed-And-Breakfast. Formerly a single family dwelling usually in the 4-5-room range, this owner-occupied establishment has an equally mixed use as home and lodging with lodging superseding home more often than not.

c. Bed & Breakfast Inn. Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building’s primary usage is for business. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc.

d. Country Inn. A business offering overnight lodging and meals where the owner is actively involved in daily operations, often living on site. These establishments are, in fact, Bed & Breakfast inns which serve at least one meal in addition to breakfast, and operate as “restaurants” as well as overnight lodging accommodations. A country inn with a full-service restaurant serves these additional meals to the general public.

e. Bed & Breakfast/Self-Contained Cottage. A detached building affording privacy and seclusion to guests, with owner providing minimal services. Breakfast is delivered to the room, taken with others in a central dining room or placed prior to arrival (or upon daily cleaning) in the cottage kitchen facilities. The owner is usually available for questions, but generally guests choose this style of B&B when they want little help. The light personal touch and memorable B&B decor further distinguish this genre from the vacation rental/condo.

1.36.020 Cabin. A cabin is generally a smaller, rustic building or structure designed as a second or vacation home and may be offered for rent in whole or part to related or non-related parties. Typically, the owner is not present during periods of transient rental.

1.36.030 Home (or dwelling). A home is a building, structure, or portion thereof used extensively for residential occupancy, including single-family, two-family, and multifamily dwellings, but not including hotels, motels, lodging houses, or other explicitly commercial buildings or structures. A dwelling is most simply defined as a legally permitted building or structure that contains a sleeping habitation, sanitary facilities, and a facility for heating food. A home may be offered in whole or part to related or non-related parties. Generally, the owner is not present during periods of transient rental.

1.36.040 Lodge. A rustic structure typical of or reminiscent of the historical look and feel of area structures, and offering overnight visitor accommodations. These uses may include facilities available to the general public, including, without limitation, meeting and dining facilities, provided these are an integral part of the lodge.
1.36.050 Small Hotel or Motel. A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. These uses include facilities available to the general public, including, without limitation, meeting and dining facilities, provided these are an integral part of the hotel or motel operations.

1.37 Permit Required. Transient rental uses in residential areas require a residential business/lodging permit, and may be permitted under one of two classes of permits:

1.37.010 Minor Transient Use. A minor transient use is the transient rental use of a home, building, or structure, in whole or part, for any purpose permitted in this Appendix to no more than fifteen (15) total occupants for any overnight stay. A Class I Residential Business/Lodging Permit shall be required, pursuant to Chapter 3.

1.37.020 Expanded Transient Use. An expanded transient use is the transient rental use of a home, building, or structure, in whole or part, for any purpose permitted in this Appendix to more than fifteen (15) but no more than thirty (30) total occupants for any overnight stay. A Class II Conditional Use Residential Business/Lodging Permit shall be required, pursuant to Chapter 3.

1.37.030 Major Transient. A major transient use is the transient rental use of a home, building, or structure, in whole or part, to more than thirty (30) total occupants for any overnight stay, does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial use, and must meet the commercial requirements of this Ordinance, including proper commercial zoning.

1.38 Standards. Transient rental uses shall be subject to the following:

1.38.010 Signage. A contact person or agent within the local Fremont County calling area must be identified on the application, be reasonably available by phone, and able to respond if there is a problem during the dwelling’s use as a transient rental. The name and phone number of the contact person shall be posted inconspicuously on the transient rental building, but where a neighbor can easily read it.

1.38.020 Access Requirements. Transient rentals must be accessed by a public, or private roadway.

1.38.030 Capacity.

a. Individual Capacity. Each occupant requires 150 square feet of that heated, habitable portion of the home offered for transient rental use. The size of home may restrict the number of overnight occupants that might be otherwise permitted. As an example, a 3,000 square foot home would permit a maximum of twenty (20) occupants (20 people x 150 square feet each = 3,000 square feet).

b. Maximum Capacity. The total number of occupants permitted for any overnight stay may not exceed fifteen (15) for a minor transient use and may not exceed thirty (30) for an expanded transient use.

1.39 Class II Commercial Permit May Be Required. In the event that the proposed transient rental use does not meet all the requirements of this Division 5, the use shall be considered “major transient,” does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial use, and must meet the commercial requirements of this Ordinance, including proper commercial zoning.
APPENDIX J - PERFORMANCE STANDARDS FOR GRAVEL MINE, PIT MINE, OR QUARRY

1.01 Purpose. The purpose of this appendix is to provide reasonable assurance that future gravel mine, pit mine or quarry facilities will not unduly adversely affect neighboring uses. Mining and quarrying facilities are approved contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and purposeful future reclamation and re-use planning.

1.02 Permit. Except as provided for herein, all gravel mines, pit mines, and quarries, along with associated manufacturing uses require a permit based on the specific acceptable use, subject to time limitations, improvement agreements, reclamation and reuse plans, and other applicable restrictions of this Ordinance.

1.02.010 Class I Permit. Standards for a small-scale, temporary approval:

   a. No Prior Extraction Use. The property has not been a pit, mine, or quarry under a previous temporary approval or as a temporary permitted use.

   b. Maximum Area. The maximum area of the extraction site shall be six (6) acres.

   c. Time Limit. The proposed extraction activities must be completed within two (2) years.

   d. Extraction Only. No rock crushing or other material manufacturing shall be done on site.

   e. Stockpile Height. Stockpiles shall be a maximum of fifteen feet (15') in height above original grade.

1.02.020 Class II Permit. Excepting any application that qualifies for a Class I permit, all applications require a Class II permit. Standards for larger-scale approval:

   a. Parking Required. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required front and side yards but may be located in a rear yard.

   b. Stockpile Height. Stockpiles shall be a maximum of twenty five feet (25') in height above original grade.

   c. Extraction Plan Timetable. The Class II approval shall consider and/or establish a time frame for the extraction of material. The Commission shall review the status of the pit, mine, or quarry semi-annually and consider owner compliance with all approval provisions for their Class II Permit and progress on their reclamation/reuse plan.

1.03 Permitting Process.

1.03.010 Public Notification. For any pit, mine, or quarry requiring a Class I or Class II Permit, the Administrator shall notify all property owners within three thousand feet (3000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use (such as along the primary access route), as determined by the Administrator.

1.03.020 Compliance Review of Existing Permits. Prior to the issuance of a new permit, all existing permits held by the Applicant, or any other entity controlled by, owned by, or directly affiliated with the Applicant, will be reviewed for compliance with original approval conditions and progress on existing reclamation/reuse plans. If deficiencies are found with compliance or reclamation on existing operations, the new permit process will be suspended for up to one (1) year while the deficiencies are corrected. If deficiencies remain uncorrected after one (1) year, the new permit will be denied and may only be resubmitted when the deficiencies have been corrected.

1.03.030 Compliance of Existing Operators/Operations. Compliance and enforcement under this Ordinance shall be subject to constitutional protections and Idaho State law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this Ordinance. Subject to the limitations stated herein, within twenty-four (24) months
after the adoption of this Ordinance, all existing mineral extraction and excavation operations shall reasonably comply with the provisions set forth within this Ordinance, or alternatively, formally request that the Commission grant an extension of time to obtain compliance or a full or partial exemption from the terms hereof.

1.03.040 Permitting Additional Uses. Asphalt mixing, crushing, manufacturing and concrete batching may be allowed as accessory uses subject to a separate Class II permit approval process as follows:

a. Asphalt mixing, crushing, manufacturing and concrete batching may only be allowed in:
   (1) an industrial zone, or
   (2) as accessory uses to a pit, mine, or quarry in a rural zone. In rural zones, any structure or equipment shall be a minimum of one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.

b. Additional mitigation requirements outside of those delineated in this section may be imposed on these additional uses.

1.03.050 Improvement Agreement Required. An improvement agreement is required of all gravel extractors and is an absolute standard for approval of an application. This improvement agreement will address requirements for on and off site road improvements; emergency services; water and wastewater protection and disposal; compliance with state and local noxious weed laws; reclamation/reuse plans and timing; and other relevant requirements imposed by the County as conditions of approval.

a. Draft Improvement Agreement. The Applicant shall prepare a draft improvement agreement that conceptually addresses the requirements herein and all other applicable requirements of this Ordinance prior to the permit’s public hearing by the Commission.

b. Conditions of Approval. Following the Commission’s public hearing, any conditions of approval or required changes to the draft improvement agreement will be incorporated into a final improvement agreement.

c. Final Improvement Agreement. The final improvement agreement must be approved by the Board before the permit is issued.

1.04 Operating Standards.

1.04.010 Safety Standard Compliance. All operations shall be subject to MSHA and OSHA safety standards for the conditions and type of excavation being performed.

1.04.020 Hours of Operation. All extraction and hauling activities shall take place during daylight hours between 7:00 A.M. and dusk or 7:00 P.M., Monday through Friday. The noise level at the property line shall not exceed 70 dBA, L-10 at any one time.

1.04.030 Outdoor Storage. All outdoor storage areas shall be completely fenced or enclosed and screened from public view. A sight obscuring screen shall be at least six feet (6’), but not greater than ten feet (10’), in height. One side of the outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall not be visible from a public roadway.

a. Chemicals and Fertilizers. The outdoor storage of chemicals and/or fertilizers including, but not limited to salts or other minerals, shall be prohibited. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

b. Equipment Storage. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards herein. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to petroleum products, antifreeze, and lubricants.

c. Subletting Not Allowed. Storage areas shall not be rented, leased, let, or otherwise used as a commercial or industrial business.

d. Solid Waste Storage and Disposal. The storage and/or disposal of solid waste, including clearing and grading materials, concrete, or any importation of asphaltic materials on the proposed site shall be permitted for a period not to exceed two (2) years.
e. **Prohibited Uses of Site.** The site shall not be used as a "junkyard," "automobile wrecking yard," or impound yard.

1.04.040 **Dust Mitigation.** During active use or under otherwise dusty conditions, the extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water away from the haul roads.

1.04.050 **FEMA Floodplain Compliance.** Where applicable, the pit, mine, or quarry shall comply with the floodplain regulations of Chapter 7 of this Ordinance.

1.04.060 **Groundwater Protection.** No gravel mine shall excavate materials below the water table/groundwater unless specifically permitted as part of the gravel pit approval. Mining below the water table will require the implementation of a professionally prepared plan for prevention of groundwater pollution. Any such plan shall, at a minimum, require the diversion of surface runoff from the excavation, the installation and maintenance of vegetative filter strips around the excavation, the minimization of the area of groundwater exposed at any one time, the establishment of baseline pre-mine data and monitoring. Applicant will coordinate potential groundwater impacts with the Idaho Department of Environmental Quality.

1.04.070 **Topsoil.** All existing topsoil shall be inventoried onsite, may not be removed for any purpose, and shall be used in the later reclamation/reuse efforts as defined herein.

1.05 **Road Capacity and Traffic Impact.**

1.05.010 **Traffic Impact Analysis.** A traffic impact analysis that meets the requirements of 5.54.040 is required. The traffic impact analysis shall be prepared by a traffic engineer or professional traffic consultant.

   a. **Road and Bridge Capacity.** No permit will be issued where existing roads and/or bridges do not have adequate engineered capacity to support the anticipated truck traffic. Any improvements to off-site roads and/or structures determined to be necessary to mitigate impacts of the application will be the responsibility of the Applicant and will be made part of the improvement agreement before Fremont County will process the Applicant's permit application.

   b. **Required Reviews.** The Applicant shall obtain the following reviews from the Fremont County Public Works Department and the Idaho Transportation Department for their respective road and highway rights-of-way; the Applicant will provide a report of the reviews to the Fremont County Planning and Building Department prior to the Commission's public hearing and which will be integrated into the improvement agreement.

      (1) **Entrances and Exit Review.** Review proposed entrances and exit options to the property to determine if acceleration and/or deceleration lanes are necessary and if new approaches are proposed. Applicant must apply for and receive a County (Appendix D) or state access permit.

      (2) **Truck Route Review.** Review the truck route plan and determine if adjacent roads have been engineered and built to handle heavy truck traffic without major deterioration to the roadway, as determined by the Fremont County Public Works Director. This review shall also discuss any alternative routes for truck traffic, and the capacity and condition of those roads.

      (3) **Safety Signage Review.** Review public safety signage needs and/or adjust speed limits.

1.05.020 **Neighborhood Protection.** Haul roads shall not pass through existing residential neighborhoods. For the purpose of this subsection, the term "residential neighborhood" shall be any platted residential subdivision application.

1.06 **Design and Reclamation Standards.**

1.06.010 **State and Federal Regulations.** The Applicant shall provide documentation (from the appropriate agency) that the proposed pit, mine, or quarry operation and proposed reclamation plans comply with federal and state regulations in regard to air and water quality and site reclamation.
1.06.020 Best Management Practices. The Applicant or owner should refer to "Best Management Practices for Mining in Idaho," published by the Idaho Department of Lands, in application of the required reclamation and reuse plan with such practices being incorporated into the improvement agreement.

1.06.030 Reclamation/Reuse Plan. Reclamation/Reuse plans are required by I.C. 47-1501, et. seq. The reclamation plan prepared for the Idaho Department of Lands must be submitted to the County as part of the application. Fremont County has additional mandatory standards from those required by the state and must address the following:

a. Acceptable Reclaimed Uses. The reclamation/reuse plan must show how the site will be reclaimed as one or more of the following acceptable reclaimed uses, as zoning may allow.

   (1) Park, golf course, sports field, greenbelt, natural preserve, active agricultural production, pond or lake.
   (2) Low income housing, high-density housing, residential subdivision, or mixed use application.
   (3) Commercial office park, shopping center, or storage facility.
   (4) School, community center, cultural center, or church.

b. Phasing. The extraction of resources shall be phased over a period of time with the extent of each active phase being that which is reasonable and justifiable for a given time period’s work and supply. The timing of finishing one phase and starting another shall be established in the improvement agreement. An improvement agreement may be amended if the phasing timeline needs to be adjusted.

   (1) Areas of extraction closest to incompatible neighboring uses shall be extracted and reclaimed first to minimize continuing use conflicts.
   (2) Subject to the season and reasonable staging requirements, each active phase of extraction must be permanently terminated prior to commencing work on the next phase.

c. Reclamation/Reuse Plan Timetable. The reclamation/reuse plan for each phase shall be commenced and completed as soon as the subject phase is depleted of resources, as defined in I.C. 47-1511, or when the allotted time has ended, whichever occurs first, as defined in the improvement agreement.

d. Cleanup. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be tested and then properly recycled or disposed.

e. Professional Services. The Applicant shall cause to be prepared by a landscape architect or other similar professional a conceptual design of the site after abandonment of mining efforts for at least one of the acceptable reclaimed uses. This conceptual design shall contemplate the phased reclamation/reuse efforts as each active phase is depleted and abandoned. The reclamation/reuse plan submitted to the County and incorporated into the improvement agreement shall be based on this conceptual design.

f. Letter of Credit for Value of Reclamation. Any application proposing restoration to a natural environment, including ponds, will deliver a Cash Deposit or Bond for the value of the professional services costs or certified engineered cost of the restoration work, and shall be referenced and noted as part of the improvement agreement signed with the County. The security posted with the State of Idaho may be counted as all or a portion of this required security if the amount is sufficient to cover the total value of the restoration plan.

1.06.040 Ponds. For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:

a. Public Health District Review. The Applicant shall provide documentation from the Eastern Idaho Public Health District that the proposed pond shall not cause septic leach fields on abutting properties to fail.
b. Neighbor Protection Review. The Applicant shall provide documentation that the proposed pond will not cause flooding of basements on abutting properties.

c. Water Rights. The Applicant shall provide proof of water rights sufficient to maintain the proposed pond water level.

d. Pond Defined. For the purposes of this section, a “pond” shall be defined as any pit, mine, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6’) of the surface of the ground the whole year round and where the edges are re-vegetated with locally occurring plant and tree species.

e. Meandering Edge. The extraction areas shall be designed to create a meandering edge.

1.07 Buffering Standards.

1.07.010 Buffering State Highways. Gravel extraction is prohibited within 500 feet of any state highway system. All other buffers shall be compliant with the standards of Appendix K.

1.07.020 Buffering Non-Encroachment. Extraction, equipment movement, or stockpiling within the required setbacks is prohibited unless otherwise specifically allowed elsewhere in this section or Appendix K. The tops and toes of cut and fill slopes shall remain outside the required buffering.

1.07.030 Extraction in Buffers and Setbacks Adjacent to Like Use. Buffers may be mined so as to coordinate reclamation with an adjoining existing gravel extraction site. Buffer extraction may be permitted when an approved reuse plan demonstrating a coordinated reuse between properties has been approved by the Commission. This may require amendment to the reclamation plan submitted to the State Department of Lands and the County.

1.07.040 Riparian Vegetation. A buffer zone of undisturbed riparian vegetation must be left when extraction is adjacent to a major or minor stream as defined by this Ordinance. This riparian buffer must meet the standards of Table 5.2 in Chapter 5 of this Ordinance. The riparian buffer requirement does not apply to canals, ditches or other manmade waterways.

1.07.050 Buffering Irrigated Lands. Any application adjacent to irrigated lands must conduct a soils study to ascertain the risk of accelerating water percolation as a result of extraction. If the study demonstrates a risk, the Applicant may be required to increase buffering distances.
APPENDIX K - PERFORMANCE STANDARDS FOR BUFFERING

1.01 Purpose. The purpose of this appendix is to ensure that any buffering required by this Ordinance effectively accomplish the intended purpose of mitigation. Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the County. Site conditions and dimensions may require a variance to achieve substantial compliance.

1.02 Minimum Buffer Requirements. The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer, as shown in Table K.1. That table also shows where any headlight buffer, sight obscurity, or sound reflectivity is required as part of a buffer.

1.02.010 Basic Buffer Width. The basic buffer width given in Table K.1 is the width required where the buffer minimally consists of a level or gently sloping area (3:1 slope or flatter) of sod or ground cover and at least four (4) major trees per hundred lineal feet of buffer.

1.02.020 Minimum Buffer Width. No required buffer shall be less than half the basic buffer width or less than 10 feet in width, regardless of any reductions permitted by K.1.04.

1.02.030 Security Fence. A security fence is required along the property line for all required buffers shown on Table K.1. The fence must extend three hundred (300) feet beyond the terminus of the required adjacent use buffering unless it intersects another fence or reaches the boundary of the subject property.

1.03 Height Adjustment. The basic buffer width shall be increased by the height adjustment factor, where one is established by Table K.1. The height adjustment factor is a ratio expressing the number of feet that must be added to the basic buffer width for each foot in height over 25 feet of the principal structure being buffered.

1.04 Buffer Width Reduction. The basic buffer width requirements may be reduced where one or more of the following is included in the buffer:

1.04.010 Berm. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be 10 feet. No berm shall have a slope steeper than 3:1, except where a retaining wall is incorporated into the berm on the side opposite the use or public way being buffered. The interior toe of the berm slope shall be no more than 25 feet from the interior edge of the buffer.

1.04.020 Additional Plantings. The basic width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted by this section are cumulative and may result in a total reduction of up to 30%. The buffer width reduction permitted by a berm is cumulative with those permitted here.

a. Major Trees. Major tree means any deciduous tree that reaches a height of more than 30 feet at maturity, or any conifer. The required buffer width shall be reduced by 10% where two (2) or more major trees per hundred (100) lineal feet are planted or retained in addition to the required trees of K.1.02.010.

b. Understory Trees. Understory tree means any deciduous tree that reaches a height of less than 30 feet at maturity. The required buffer width shall be reduced by 10% where two (2) or more understory trees per hundred (100) lineal feet are planted or retained in addition to the required trees of K.1.02.010.

c. Shrubs. The required buffer width shall be reduced by 10% where ten (10) or more shrubs per hundred (100) lineal feet are planted or retained.

d. Plant Materials Specifications. Plant materials installed in required buffers shall be warranted for eighteen (18) months and meet the following specifications:
(1) All trees, major and understory, shall be containerized or bagged and burlapped stock in good condition with a caliper of at least 1.5 inches, measured one (1) foot above grade for a deciduous tree, and a height of at least six (6) feet for coniferous trees.

(2) All shrubs shall be minimum one (1) gallon containerized stock in good condition.

1.05 Buffer Crossings/Inclusions. Buffers may be crossed by access driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may also run along the length of a buffer, with its width, up to a maximum five (5) feet, being included in the required buffer width. Buffers may also include permitted signs.

1.06 Maintenance. Perpetual maintenance of required buffers is required and must be addressed in any improvement agreement.

1.07 Definitions.

1.07.010 Security Fence. A security fence must be a minimum of four (4) feet tall and a maximum of eight (8) feet tall, and that completely secures an area from casual trespass. The fence must be well-constructed and may be constructed from wire, wood, block, stone, masonry, or concrete. Acceptable wire fence designs can be found on the Idaho Transportation Department’s drawing number F-2-A, entitled, “Standard Barbed, Woven, Mesh, Combination Wire Fences, & Fencing Details;” drawing number F-2-D, entitled, “Chain Link Fence, Fence Type 4;” and on drawing number F-2-E, entitled, “Wildlife Fence, Fence Type 9.”

1.07.020 Sight Obscurity. Where required, sight obscurity is defined as a sight obscuring fence, wall, building, berm, other landscaping, or other sight blocking design.

1.07.030 Sound Reflectivity. Where required, sound reflectivity is defined as a berm, or as a block, stone, masonry, or cement wall at least six (6) feet in height but a maximum of ten (10) feet high. Sound Reflectivity is applicable on all sides of commercial and industrial property bordering residential properties where sight obscurity is otherwise required.

1.07.040 Headlight Buffer. Where required, headlight buffering is defined as a sight and/or light obscuring fence, wall, building, berm, landscaping or other light trespass blocking design. Usually associated with commercial access and parking lot design.
## TABLE K.1. – BUFFERING REQUIREMENTS
(Where requirements overlap the strictest applies.)

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Adjacent Use</th>
<th>Buffer Width (feet)</th>
<th>Height Adjustment</th>
<th>Headlight Buffer Required?</th>
<th>Sound Reflectivity?</th>
<th>Sight Obscurity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial, Gravel</td>
<td>Residential, platted residential lots, agriculture</td>
<td>100</td>
<td>1:1</td>
<td>for parking areas</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Industrial, Gravel</td>
<td>Any public way</td>
<td>50</td>
<td>none</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Commercial</td>
<td>Residential, platted residential lots</td>
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<td>.75:1</td>
<td>for parking areas</td>
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<td>no</td>
</tr>
<tr>
<td>Commercial outdoor storage or sales areas</td>
<td>Residential, platted residential lots</td>
<td>50</td>
<td>none</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Commercial outdoor storage or sales areas</td>
<td>Frontage along any public or private road right of way</td>
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<td>none</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Higher density residential</td>
<td>Lower density residential, platted residential lots</td>
<td>20</td>
<td>.80:1</td>
<td>for parking areas</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Residential business or lodging</td>
<td>Residential, platted residential lots</td>
<td>50*</td>
<td>none</td>
<td>for parking areas</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

Note: No buffer is required between like uses and therefore these are absent from the table.
APPENDIX L - PERFORMANCE STANDARDS FOR DRAFTING AND PLATING

1.01 Purpose. This appendix establishes drafting and platting standards for the form and content of subdivision plats. The requirements it imposes are in addition to the requirements of state law.

Division 1 – General Drafting Standards

1.02 Drafting Requirements. All Sketch, Preliminary and Final Plans and Plats shall conform to the following:

1.02.010 The plan shall be drawn to a scale of 1 inch = 100 feet (1 inch = 200 feet may be used for larger scale projects) unless otherwise approved by the Administrator. The scale shall be shown in both written and graphic form.

1.02.020 Dimensions shall be set in feet and decimal parts thereof, bearings in degrees, minutes and seconds (errors in closure shall not be more than one part in 10,000).

1.02.030 Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

1.02.040 The plan shall show an adequate legend to indicate clearly which features exist and which are proposed.

1.02.050 As a plan note or table, existing township zoning regulations applicable to the tract including district designation, lot area, building setback lines, and dimensional requirements.

1.02.060 A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state.

1.02.070 A north point and both graphic and written scales.

1.02.080 Original date of preparation and any subsequent revision dates.

1.02.090 All plans submitted shall be made on sheets no larger than 30 by 42 inches, nor smaller than 17 by 22 inches.

1.02.100 Name, address, and telephone number of the Applicant and the name address of the landowner of the tract, if different than the Applicant.

1.02.110 Name, address, and telephone number of the registered engineer, surveyor, and/or landscape architect responsible for the plan, along with State registration numbers and/or seals for each.

Division 2 – Final Plat Drafting Standards

1.03 Contents of Final Plats. All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

1.03.010 The name, address, and registration number or seal of the engineer or land surveyor who prepared the plat and that person’s certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;
1.03.020 The point of beginning for the subdivision survey, which shall be a section or quarter section corner;

1.03.030 The location and a description of all existing monuments found during the course of the survey;

1.03.040 The location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the County book and page number references of the instruments establishing those ways or easements;

1.03.050 The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;

1.03.060 The location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;

1.03.070 The location and a description of all monuments established during the course of the survey;

1.03.080 The location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency, and any stream corridor setback lines established by this Ordinance;

1.03.090 The acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;

1.03.100 The names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

1.03.110 A signed and dated owner’s certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;

1.03.120 A public notary’s acknowledgement of the owner’s certificate;

1.03.130 A signed and dated certificate of consent in which all mortgagors, lien holders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

1.03.140 A public notary’s acknowledgment of the certificate of consent;

1.03.150 A certificate for signature by the County Assessor and County Treasurer, stating that the plat properly describes the property being divided and that all real property taxes due on the land being subdivided have been paid;

1.03.160 Certificates for plat approval by the Commission and Board;

1.03.170 A statement of “sanitary restriction”, as required by I.C. 50-1326;

1.03.180 A certificate for use by the County Surveyor, stating that all survey data is complete and correct.

1.03.190 A certificate for use by the County Recorder in recording the plat after its approval; and

1.03.200 Any other information required for compliance with this Ordinance.
1.04 Copies. Official submission of the detailed Final Plan to the County shall consist of:

1.04.010 Three (3) copies of the application for review of final subdivision or project plan.

1.04.020 Sixteen (16) or more copies of the detailed Final Plan, the Final Plat, and all supporting plans and information to enable proper distribution and review, as required by this Ordinance.

   a. Copies of all applications made or notices provided to Federal, State, and County agencies by or on behalf of the Applicant for permits, certifications, approvals, or waivers required or sought for either subdivisions or projects as proposed in the Preliminary Plan or in the detailed Final Plan, including but not limited to applications or notices provided to the U.S. Army Corps of Engineers, the U.S. Department of Agriculture and its agencies, the U.S. Environmental Protection Agency, the Idaho Department of Environmental Quality, the Idaho Transportation Department, or Eastern Idaho Health District.

1.04.030 The Applicant shall also provide the County with one reproducible copy of the complete detailed Final Plat suitable for photographic reproduction and reduction.

Division 3 – Plat Amendments

1.05 Plat Amendments. Plat amendments should be submitted in substantially the same form as a final plat (see Division 2 of this appendix).

1.05.010 The amendment plat shall be clearly identifies as such.

1.05.020 The amendment plat shall show the dimensions and acreage of all parcels that have been modified. New parcels may not be created by amendment.

1.05.030 The amendment plat shall include a key. That key shall show all changes made as an overlay over the final plat originally recorded.

1.05.040 The certificate of consent (see L.1.06.160) must be signed by all owners of record affected by the amendment.

1.05.050 Plat amendments are reviewed by the Administrator rather than the Commission before being presented to the Board. The certificates of approval (see L.1.06.190) should be for the Administrator and the Board.
APPENDIX M - MANUFACTURED HOME PARKS STANDARDS

1.01 Purpose. These performance standards will permit manufactured home parks in residential areas, while assuring such activity does not diminish the residential character of the neighborhood.

1.02 Single Ownership. As permitted herein, manufactured home parks must be under single ownership. The manufactured home park cannot be a subdivision or condominium, and may not individually sell, assign, or deed a manufactured home space to any other.

1.03 Short-Term Occupancy. Manufactured home parks which permit short term (less than one month) occupancy shall be classified as commercial rather than residential uses.

1.04 Opaque Skirt. The area between the ground level and floor level of the unit shall be screened by an opaque skirt.

1.05 Open Space. The manufactured home park shall have a minimum of 25 percent of its gross land area in open space as defined in this ordinance.

1.06 Density. Overall density of four (4) spaces per acre is permitted. If open space is increased to 50 percent of the gross land area, overall density of six (6) spaces per acre shall be allowed. However, the overall density of the manufactured home park shall be determined by the physical and service constraints of the parcel being considered, and the compatibility of the proposed mobile home park with surrounding application.

1.07 Minimum Size of Space. The minimum width of each space shall be 50 feet.

1.08 Automobile Storage. A minimum of two (2) off street auto parking spaces, which may be in tandem, for each mobile home space, and at least one (1) additional off street parking space for guest parking for each four mobile home spaces within the park.

1.09 Manufactured Home Park Improvements. The following improvements shall be provided in all manufactured home parks before any unit is offered for lease, leased, or occupied.

1.09.010 A central water system designed, constructed, and installed in compliance with state standards, and capable of providing adequate flows throughout the park;

1.09.020 A central sewage disposal system designed, constructed, and installed in compliance with state standards;

1.09.030 Underground electric power and telephone connections for each unit and, where available, cable

1.09.040 Solid waste collection containers, in compliance with the performance standards of this Ordinance.

1.09.050 Drained and graded paved roads, as specified in County Road Standards;

1.09.060 Sidewalks or improved paths, as determined by the Administrator, along all roads;

1.09.070 Street signage at all intersections; and

1.09.080 Any other improvement required for compliance with this Ordinance
1.10 Large Scale Applications. Large manufactured home parks may be subject to the additional requirements imposed on large-scale Applications. All required improvements should be installed and maintained in compliance with the performance standards of this Ordinance.

1.11 Placement Standards. The Requirements of Appendix Q must be followed.
APPENDIX N - RECREATIONAL VEHICLE PARK STANDARDS

1.01 Purpose. Recreational vehicle parks are intended to provide for the accommodation of visitors to Fremont County by who travel to or within the County by recreational vehicle and reside in a recreational vehicle park. The provision of these Standards are intended to create a safe, healthful, and beneficial environment for occupants of the recreation vehicle parks and to protect the character and integrity of surrounding uses.

1.02 Single Ownership. As permitted herein, recreational vehicle parks must be under single ownership. The recreational vehicle park cannot be a subdivision or condominium, and may not individually sell, assign, or deed a recreational vehicle space to any other.

1.03 Incidental Uses. A recreational vehicle park may include incidental uses operated for the convenience of recreational vehicle park occupants. No incidental use shall be permitted unless approved as part of the approval of the recreational vehicle park. Incidental uses permitted may include the following: Dwellings for owner and/or managers and staff, office, laundry, showers and rest rooms, indoor and outdoor recreational facilities. Sales of items related to maintenance and operation of recreational vehicles, assembly rooms and boat storage and launching.

1.04 Park Size and Density. Overall density of not more than eight (8) spaces per acre shall be allowed for Vacation Recreational Vehicle Parks or Extended Occupancy Parks. No parcel of land containing less than five (5) acres may be used for the application and operation of a recreational vehicle park.

1.05 Open Space. Each recreational vehicle park shall have a minimum of 25 percent of its net area in open space.

1.06 Signs. All sign shall comply with the standards in Appendix A.

1.07 Trash Removal. A trash removal plan shall be submitted at the time of application. Plan must include the type of trash removal system; location, size, and number of trash receptacles; and frequency of removal. Trash bins shall be fully screened and inaccessible to wildlife.

1.08 Drainage. The park shall be so graded that there will be no depressions in which surface water shall accumulate.

1.09 Sanitary Facilities. In parks constructed for dependent vehicles: one toilet, one shower, and one lavatory for each sex for fifteen (15) dependent recreational spaces. In parks constructed for independent recreational vehicles: one toilet, one shower, and one lavatory for each sex for each twenty-five (25) independent recreational vehicle spaces. Recreational vehicle parks, which do not provide sanitation stations, designed to receive the discharge from the sewage holding tanks of recreational vehicles. All sewage disposal systems to be in compliance with state standards.

1.10 Size of Space. The minimum area of each recreational vehicle space shall be one thousand two hundred fifty (1,250) square feet.

1.11 Individual Space Improvements. Recreational vehicle sites and driveways shall be of crushed stone, grass or similar material so as to provide level surface for recreational vehicle parking. Parking space shall be provided for each recreational vehicle site not less than nine (9) feet by twenty-five (25) feet in size. The parking space may be part of the driveway into or through the site.

1.12 Water Services. Each dependent recreational vehicle space shall be provided with a water service outlet in compliance with state standards.

1.13 Utility Services. All utility services within the recreational vehicle park including, but not limited to, electrical, telephone, and television services, shall be underground.
1.14 Large Scale Applications. Large Recreational Vehicle Parks may be subject to the additional requirements imposed on large-scale Applications. All required improvements shall be installed and maintained in compliance with the performance standards of this Ordinance.
APPENDIX O - CELLULAR & WIRELESS FACILITY STANDARDS

1.01 Purpose. The purpose of this appendix is to provide reasonable assurance that future cellular and personal wireless facilities will not adversely affect neighboring uses. Wireless telecommunications are approved contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.

1.02 Use Regulations. Wireless telecommunication facilities are allowed in all zoning districts as conditional uses. In the Rural and Residential zoning districts, stealth or total concealment technology will be required. Concealment shall be the goal of the Applicant and stealth or concealment technology may be required in other zones when deemed appropriate by the Commission.

1.03 Written Record. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Commission.

Division 1 – Demonstrated Need

1.04 Need. The Applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the Applicant’s service area. There shall be an explanation of why a tower and this proposed site is technically necessary.

1.05 Documentary Evidence. Any Applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within two miles of the proposed facility. The Applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The Applicant’s letter(s) as well as response(s) shall be presented to the Commission as a means of demonstrating the need for a new tower.

Division 2 – Ownership and Taxation

1.06 Documented Permission. Where the telecommunications facility is located on a property owned by another, the Applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that adequate vehicular access is provided to the facility.

1.07 Documented Access. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other Applications that may take place on the site.

1.08 Subject to Taxation. In accordance with I.C. 63-201 (14), all improvements contemplated in this Ordinance are declared personal property, are subject to assessment and taxation, and may be seized by the tax collector for disposal as authorized by Idaho Code Title 63.

Division 3 – General Provisions

1.09 Conditional Use Permit Required. It shall be unlawful for any person to place, construct or modify any wireless telecommunication facility within the jurisdiction of Fremont County without first obtaining a Wireless Telecommunication Facility Conditional Use Permit. Permits shall be regulated as follows:
1.09.010 Applications for Conditional Use Permits will be classified and processed in one of the following categories depending on the characteristics of the proposed installation:

- a. Installations utilizing existing structures
- b. Telecommunications towers
- c. Modifications to approved facilities

1.09.020 A Conditional Use Permit shall become null and void if the permitted facility is not constructed and placed in service within one year of the date of the County's approval provided, however, that the permit may be extended one time for six (6) months if the Administrator determines that substantial construction has commenced before expiration of the initial year.

1.09.030 Nonconforming telecommunication towers in existence on the date of enactment of this Ordinance shall be exempt from the Conditional Use Permit requirements. However, any increase in height of such a nonconforming telecommunication tower shall be subject to the provisions of this section.

1.10 Applicant's Certifications. An application for a Conditional Use Permit for a wireless telecommunication facility shall not be deemed complete until the Applicant certifies that:

1.10.010 it has not constructed, maintained, operated or modified any wireless telecommunication facility within Fremont County's zoning jurisdiction without the approval of Fremont County; and

1.10.020 if it has constructed, maintained, operated or modified any wireless telecommunication facility within Fremont County's zoning jurisdiction without the approval of Fremont County that it has ceased operating and has removed all above-ground portions of such facilities (not including any part of the foundation); and

1.10.030 the proposed wireless telecommunication facility complies with and at all times will be maintained and operated in accordance with, all applicable FCC rules and regulations with respect to environmental effects of electromagnetic emissions; and

1.10.040 any telecommunication tower to be constructed as part of the proposed wireless telecommunications facility is not required to be lighted or painted by rules and regulations of the Federal Aviation Administration; and

1.10.050 all improvements constructed as part of the wireless telecommunication facility shall comply with the Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Fire Code, and structural standards of the Electronic Industries Association/Telecommunications Industry Association, where applicable.

1.11 FCC License Required. The Applicant for a wireless telecommunication facility Conditional Use Permit must currently be licensed by the FCC to provide fixed or mobile wireless communication services or, if the Applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licensees to utilize the proposed wireless telecommunication facility. An application for a Conditional Use Permit shall not be deemed complete unless it is accompanied by a copy of each Applicant's or tenant's FCC license and, if the Applicant is not an FCC licensee, the Zoning Administrator shall verify that the Applicant holds executed leases from each FCC licensee proposing to locate wireless facilities at the site. If a copy of an FCC license has previously been supplied to the Administrator in
conjunction with an application for a wireless telecommunication facility, the Applicant may certify that such license remains valid in lieu of submitting an additional copy of such license.

1.12 **Electromagnetic Emissions Compliance.** Wireless telecommunication facilities shall at all times comply with FCC standards for radio frequency emissions.

1.13 **Liability Insurance.** Prior to the issuance of a Conditional Use Permit that Applicant shall be required to provide certificates of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the wireless telecommunication facility. The Applicant shall be required to maintain such coverage in full force until such time as all above ground portions of the facility (not including any part of the foundation) have been removed and all other conditions of its Maintenance/Removal Agreement have been satisfied.

1.14 **Public Property Preference.** Applicants shall first consider properties owned by Fremont County, or instrumentalities thereof, including State and Federal properties, before considering private properties as locations for wireless telecommunication facilities. The Planning and Building Department will provide an inventory of such properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. If suitable public properties cannot be located, justification shall be provided which clearly explains why the properties are not suitable and what alternatives were considered.

1.15 **Prohibited Locations.** Wireless telecommunication facilities will not be permitted within two (2) miles of the following public ways:

- 1.15.010 U.S. Highway 20
- 1.15.020 State Highway 32 (Teton Scenic Byway)
- 1.15.030 State Highway 47 (Mesa Falls Scenic Byway)
- 1.15.040 State Highway 87
- 1.15.050 Red Road (Fort Henry Historic Byway)
- 1.15.060 Yale Kilgore Road (Fort Henry Historic Byway)
- 1.15.070 Sand Creek Road
- 1.15.080 Parker Egin Hamer Road
- 1.15.090 Fall River
- 1.15.100 Warm River
- 1.15.110 Henry’s Fork

**Division 4 - Existing Structures**

1.16 **Existing Structures.** It is the policy of Fremont County to encourage use of existing structures and co-location, therefore these locations shall be considered first. In furtherance of these policy objectives, wireless telecommunication facilities which do not require the placement or construction of a telecommunications tower, increases in tower height, or increases by the antenna apparatus of more than twenty (20) feet, and which otherwise meet the requirements of this Section, shall enjoy a streamlined approval process. For purposes of this Section, existing telecommunication towers or alternative structures requiring an increase of more than twenty (20) feet in height to accommodate a wireless telecommunication facility shall be treated the same as applications for a new or additional telecommunication tower.

1.16.010 **Approval Process.** Applications for Conditional Use Permits for wireless telecommunication facilities which do not require a new or additional telecommunications tower, increases in tower height, or increases in height of alternative structures, may be approved by the Commission without a public hearing. Applications shall contain such information as required by this Section and, in addition, such other information as the Board shall deem necessary and appropriate.
An application shall not be deemed complete until the application fee and maintenance/removal bond have been received by the County.

1.16.020 Maintenance/Removal Bond. An Applicant for a Conditional Use Permit for a wireless telecommunication facility that does not include a new or additional telecommunications tower, or require an increase in tower height or heights of alternative structures, shall be required to post a $5,000 cash bond to secure the costs of maintaining the exterior appearance of the facility if the wireless provider fails to continually do so, or removing such facility in the event the Applicant shall fail to do so within 90 days of abandonment or cessation of operation of the facility. The Applicant shall be required to continue such bond or other security until such time as all above-ground portions of the facility (not including any part of the foundation) have been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the maintenance/removal bond.

1.17 Maintenance/Removal Agreement. An application for a Conditional Use Permit shall be accompanied by those portions of an executed copy of a lease requiring the Applicant to remove all above-ground portions of wireless telecommunication facilities (not including any part of the foundation) no later than ninety (90) days after cessation of operations. In addition, each Applicant for a wireless telecommunication facility Conditional Use Permit shall execute a facility maintenance/removal agreement prior to issuance of the Conditional Use Permit. Said agreement shall bind the Applicant and the Applicant’s successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this Section and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the Applicant by the agreement that the Applicant fails to perform. Such costs shall include, but not be limited to, administrative and job supervision costs. It shall also specifically authorize the County and/or its agents to enter onto the property and undertake said work so long as the Administrator has first provided the Applicant the following written notices at the Applicant’s last known address:

1.17.010 An initial compliance request identifying the work needed to comply with the agreement and providing the Applicant at least thirty (30) days to complete the work; and

1.17.020 A follow-up notice of default specifying the Applicant’s failure to comply with the work within the time period specified and indicating the County’s intent to commence the required work within ten (10) days.

1.18 Abandonment and Removal. Abandoned or unused wireless telecommunication facilities shall be removed as follows:

1.18.010 All abandoned or unused wireless telecommunication facilities located above ground (not including any part of the foundation) that are not removed within ninety (90) days of the cessation of operations may be removed as provided in the Applicant’s Maintenance/Removal Agreement by the County and the costs of removal recovered from the Applicant’s bond or other security.

1.19 Nonconforming Uses. Any wireless telecommunication facility in existence on the date of enactment of this Section which does not comply in all respects with these provisions shall be deemed a nonconforming use. Such pre-existing facilities may not be increased in height without complying with these provisions. In the event such facility shall be destroyed, or suffer damage in excess of 50% of the tax value of the facility’s improvements, such facility shall not be repaired or replaced and shall be removed unless any replacement facility complies in all respects with the provisions of this Section. Except in the case of destruction or damage in excess of 50% of the tax value of the facility’s improvements, technological upgrades of electronics and antennas are permitted.
Division 5 - New Structures or Substantial Increases

1.20 **New Towers Including Additions and Increases.** In addition to the general requirements set forth above for wireless telecommunication facilities, applications for Conditional Use Permits for wireless telecommunication facilities requiring a new or additional telecommunication tower, increases in tower height, or increases in height of alternative structures, shall comply with the provisions of this Section. Such applications shall be reviewed and processed in accordance with the following provisions:

1.20.010 **Approval process.** Applications for telecommunication towers, increases in tower height of more than twenty (20) feet, or increases in height of alternative structures, shall be submitted in writing to the Administrator and shall contain all information required by this Section as well as any additional information the Administrator deems necessary and appropriate. A quasi-judicial public hearing shall be required before the Commissioner before any decision to grant or deny an application. Public notice of the application and hearing shall be in accordance with the notice provisions set forth below. A hearing before the Fremont County Planning Board will be held first to receive public input and recommendations.

1.20.020 **Application fee.** Applications shall require payment of a nonrefundable fee for new tower sites or increase in the height of an existing tower. This fee shall be reduced when one (1) of the following criteria are met: 1) the Applicant is utilizing existing publicly owned structures such as water tanks, school stadium lights and flag poles, 2) is locating within areas which are not zoned residential, 3) is utilizing an existing tower or structure which does not require an increase in height.

1.20.030 **Maintenance and removal bond payable to Fremont County.** An Applicant for a Conditional Use Permit for a wireless telecommunication facility that includes a new or additional telecommunication tower, increases in tower height, or for increases in height of alternative structures, shall be required to post a $10,000 cash bond, or other security satisfactory to the County, to secure costs of removing all above ground portions of a wireless telecommunication facility (not including any part of the foundation) in the event the Applicant fails to do so within ninety (90) days of cessation of operation of the facility. The Applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

1.20.040 **Public Notice.** Notice of an application for a proposed telecommunication tower shall comply with the provisions of Chapter 3, as amended.

1.21 **Applicant’s Burden.** The Applicant for a telecommunications tower shall bear the burden of demonstrating by substantial evidence that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunications tower.

1.22 **Electric Transmission Towers.** It is the policy of Fremont County to encourage the use of electric transmission towers to deploy wireless infrastructure. In furtherance of that policy objective:

1.22.010 **No telecommunications tower shall be approved if an electric transmission tower is located within one mile radius (5280 feet) laterally of the proposed telecommunications tower site and if road access and necessary utilities can be obtained within a one quarter mile radius (1320) feet of the existing electric transmission tower, unless the Applicant can demonstrate that sufficient easements or other interests in real property cannot be obtained to accommodate the wireless telecommunication facility, or that the electric utility owning the electric transmission tower is unwilling to allow its use for...**
wireless facilities, or if the planned equipment would exceed the structural capacity of the existing
electrical transmission tower.

1.22.020 Electric transmission towers less than one hundred (100) feet in height may be replaced by
pressure-treated wooden or metal electric transmission towers up to one hundred (100) feet in height.
Such replacement shall be at the discretion of the electric utility which owns or operates the electric
transmission tower, taking into account safety, service disruptions, structural capacity and structure life
or duty cycle. For purposes of this Section, such replacement electric transmission tower shall be
deemed to be an existing structure.

1.23 Presumption Favoring Existing Structures. A proposal for a new or additional telecommunication
tower shall not be approved unless the Commission finds that the equipment planned for the proposed
telecommunication tower cannot be accommodated on existing or approved towers, buildings or alternative
structures more than thirty (30) feet in height (after first considering electric transmission towers) within a
one mile radius (5280 feet) of the proposed telecommunication tower site due to one or more of the
following reasons:

1.23.010 The planned equipment would exceed the structural capacity of the existing or approved
tower, building or structures, as documented by a qualified and licensed Idaho professional engineer,
and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to
accommodate planned or equivalent equipment at a reasonable cost.

1.23.020 The planned equipment would cause interference materially impacting the usability of other
existing or planned equipment at the tower, building or other structure as documented by a qualified
and licensed Idaho engineer and the interference cannot be prevented at a reasonable cost.

1.23.030 Existing or approved towers, buildings or other structures within the search radius, or
combinations thereof, cannot accommodate the planned equipment at a height necessary to function
reasonably as documented by a qualified and licensed Idaho professional engineer.

1.23.040 Other unforeseen reasons that make it infeasible to locate the planned telecommunications
equipment upon an existing or approved tower, building or other structure.

1.24 Tower Height Limitations. The height of any telecommunication tower shall be limited in accordance
with the following provisions:

1.24.010 Protected mountain ridges:

a. Where the tower site is surrounded by a dense mature vegetative canopy within 100 feet of the
tower site, the tower shall not extend more than thirty (30) feet higher than the average height of
the mature vegetative canopy found within 500 feet of the site.

b. Where no vegetative canopy exists within 100 feet of the tower site, the maximum tower height
shall be 60 feet.

1.24.020 Towers not on a protected mountain ridge:

a. Shall not exceed 110 feet.

b. However, where the tower site is surrounded by a dense vegetative canopy within 100 feet of
the tower site, the tower may extend thirty (30) feet higher than the average height of the mature
vegetative canopy found within 500 feet of the site.
1.25 Tower Spacing. Telecommunication towers shall be located at least 2 miles from other telecommunication towers based upon a survey of surrounding sites using GPS or other methods provided by the Applicant. Closer spacing may be recommended / approved by the Commission when the Applicant can prove the need as set forth here.

1.26 Protected Federal Lands. If a proposed telecommunication tower is to be located within two miles of Yellowstone National Park, the St. Anthony Sand Dunes, or the Targhee National Forest, the Applicant shall be required to submit a copy of its application to the appropriate Federal land manager for review and comment and shall provide a copy of its transmittal letter to the Administrator to verify its compliance with this provision. The responsible Federal land manager shall have sixty days to review the application prior to its consideration by the Commission.

1.27 Co-location Requirements. To minimize cumulative visual impacts, it is the policy of Fremont County to encourage co-location of new wireless telecommunication facilities with existing and planned facilities whenever feasible and aesthetically desirable. All wireless telecommunication towers erected, constructed, or located within Fremont County shall comply with the following co-location requirements.

1.27.010 A proposal for a new commercial wireless telecommunication tower shall not be approved unless the Commission find that the telecommunications equipment planned for the proposed tower cannot be accommodated on existing or approved towers or alternative structures more than thirty (30) feet in height within a two (2) mile search radius of the proposed location due to one or more of the following reasons:

   a. The planned equipment would exceed the structural capacity of the existing or approved towers, buildings or other structures, as documented by a qualified and licensed Idaho professional engineer, and the existing or approved structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;

   b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Idaho professional engineer and the interference cannot be prevented at a reasonable cost;

   c. Existing or approved towers, buildings or other structures within the search radius, or combination thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Idaho professional engineer, or;

   d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building or other structure.

1.27.020 Except in the case of a telecommunications tower on a protected mountain ridge, any proposed wireless telecommunication tower over sixty (60) feet in height shall be designed structurally, electrically, mechanically and in all respects to accommodate both the Applicant's antennas and comparable antennas for at least one additional user. In the case of wireless telecommunication facilities placed on an electric transmission tower, co-location may not be required if the electric utility owning the tower determines that for structural, safety and operational reasons the tower cannot accommodate additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

1.27.030 Antennas or antenna arrays employed as part of a wireless telecommunication facility operated by a private business user, governmental user or commercial wireless service provider may not be co-located on a tower or other support structure used by an amateur radio operator.

1.28 Tower and Antenna Design & Appearance Requirements. No Conditional Use Permit shall be approved for a telecommunication tower, increase in tower height, or increase in height of an alternative
structure unless the Commission finds that the design standards of this section have been met. Proposed or modified towers and antennas shall meet the following design requirements:

1.28.010 Towers and antennas may be required to blend into the surrounding environment. Stealth or concealment technology may be required in areas deemed appropriate.

1.28.020 Guyed towers are prohibited. Commercial wireless telecommunication towers shall be of a monopole design unless the Commission determines that an alternative design would better blend into the surrounding environment.

1.28.030 Use of polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated) and dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna) is encouraged.

1.28.040 Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

   a. compact polarized antennas in a cylindrical unicell arrangement less than 22 inches in diameter mounted atop the tower;
   b. panel antennas flush-mounted against the tower;
   c. antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

1.28.050 No telecommunication tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, triangular framework, climbing devices (within the first 20 feet), or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically inter-connected with any similar arm or bracket.

1.28.060 All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed ten (10) feet in height. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

1.28.070 To the greatest extent possible, wireless telecommunication facilities shall be designed to survive a natural disaster and wind shear without interruption in operation.

1.28.080 Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The fence may be topped with barbed wire. It is required as a condition of approval that the fencing be screened by appropriate landscaping or other means.

   a. Removal of existing vegetation should be minimized.
   b. Any accessory buildings shall be painted or otherwise treated to blend with surroundings.
   c. When permitted, all guy wires shall be distinctly marked.
d. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

e. Suitable warning signs containing telephone number and an address for emergency shall be placed on approach to the communication tower.

1.29 Fall Zones, Setbacks and Buffers. Telecommunication towers shall conform to each of the following minimum setback requirements:

1.29.010 A fall zone clear of any dwellings on the parcel containing the telecommunication tower (other than equipment enclosures associated with the wireless telecommunication facility) equal to 1.5 times the height of the tower shall be required. Non-residential zones will have a fall zone equal to the height of the tower. The minimum setback measured from the property line shall be equal to 100% of the telecommunication tower height.

1.29.020 Buffer. A buffer of a 100 foot radius consisting of the mature trees that comprised the vegetative canopy shall be maintained. In residentially zoned areas where no vegetative canopy exists, a buffer of evergreen trees of a minimum of four (4) feet in height shall be provided and maintained and shall be part of the site application plan.

1.29.030 A telecommunication tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Commission, to allow the integration of a telecommunication device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.

1.29.040 No communication tower or antenna shall be located where the center of the tower is within a distance of 1.25 times the total height from any above ground transmission lines, and from any public highway, public road, railroad, or building. No communication tower or antenna shall be located where the center of the tower is within one mile from a county mapped visually sensitive area.

1.30 Tower Lighting.

1.30.010 No telecommunication tower shall be of a type or height, or placed in a location that the Federal Aviation Administration would require the telecommunication tower to be lighted or painted.

1.30.020 Telecommunication towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lighting unless, in a particular instance, the Commission requires a telecommunication tower to be lit. The Applicant shall be required to certify that the proposed telecommunication tower is not required to be painted or illuminated by any FAA rule or regulation.

1.30.030 When incorporated into the approved design of a tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the telecommunication tower.

1.30.040 A wireless telecommunication facility may utilize a security light controlled by a motion-detection sensor at or near the entrance to the facility.

1.31 Site Development Plans. A site application plan shall be prepared by an Idaho registered land surveyor, landscape architect or professional engineer and shall contain the following information:

1.31.010 Provide a tree survey to determine density and average mature vegetative canopy height within a 500 foot radius.
1.31.020 The name, address and telephone number of the Applicant and the property owner, tax parcel identification number, scale, north arrow, a copy of the section of the 1:24,000 USGS quadrangle showing the proposed site and latitude and longitude coordinates.

1.31.030 The name, address and telephone number, signature and seal of the professional preparing the site application plan.

1.31.040 All identifiable structures located on the parcel, all private and public roads, highways and underground and overhead utilities.

1.31.050 Surveyed boundary lines of the parcel containing the proposed telecommunication tower construction and its fall zone.

1.31.060 All existing telecommunication towers on the property or any telecommunication tower whose fall zone encroaches onto the property.

1.31.070 Description of adjacent land use and all property owner names, tax parcel numbers and mailing addresses.

1.31.080 The ground elevation of the proposed telecommunication tower’s base, all proposed support structures, property corners, and permanent site benchmark.

1.31.090 Site application plan shall be recorded and not subject to subdivision regulations.

Division 6 - Definitions

1.32 Definitions

1.32.010 Co-location. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

1.32.020 Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

1.32.030 Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

1.32.040 Open Space. Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

1.32.050 Telecommunication. The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

1.32.060 Wireless telecommunications antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

1.32.070 Wireless telecommunications equipment shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
1.32.080 Wireless telecommunications facility. A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

1.32.090 Wireless telecommunications tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.
APPENDIX P – STREET NAMING AND ADDRESSING STANDARDS

Division 1 - General Provisions

1.01 Purpose. The purpose of this ordinance is to create a fair and uniform standard for address assignment; to create standards for the posting of road signage and structure identification; to formalize a process for the correction of erroneously assigned structures and roads; and to establish compliance procedures and processes to bring non-conforming situations into compliance.

1.02 Authority. This ordinance is adopted under the authority and provisions of the applicable administrative rules, laws, and statutes of the State of Idaho, including but not limited to Idaho Statutes 63-301, 63-302, and 63-310.

1.03 Addressing Responsibility. This ordinance, all procedures and regulations contained herein shall apply to and govern every parcel, lot, or tract of land and improvement thereon, within Fremont County, including the townsites of Chester, Drummond, Egin, Island Park, Marysville, Warm River and Wilford but not including the Ashton, Newdale, Parker, St. Anthony, and Teton Address Grids, as shown on Appendix B.

1.03.010 When a city annexation occurs and is accepted by the State Tax Commission all parcels within said annexation shall be addressed from that cities address grid. Notification shall be made to the County Addressor of these changed addresses.

1.03.020 Parcels within Fremont County that are landlocked shall not be addressed until access is determined by a recorded easement.

1.04 Fremont Address Grid. The Fremont Address Grid consists of all that property within Fremont County outside of the Ashton, Chester, Drummond, Newdale, Parker, St. Anthony, and Teton Address Grids, including the townsites of Egin, Island Park, Marysville, Warm River and Wilford. The County Planning and Building Department or its designee (hereinafter described as County Addresser), usually GIS, is responsible for addressing in the Fremont Address Grid. (Properties annexed into a city will be re-addressed by the City on the city grid.)

1.04.010 New road names, whenever possible, shall be numeric in conformity with the County addressing grid. Exceptions may include meandering roads and internal subdivision roads.

1.04.020 The preliminary assignment of new addresses shall be the responsibility of the County Addressor. New or changed addresses shall follow this ordinance except as determined by the County Addresser.

1.04.030 In order to facilitate emergency and delivery services, assessors, and building officials, addresses shall be clearly visible during all phases of construction.

1.04.040 Building officials shall not issue a building permit until an official property address has been approved.

1.05 Address Committee. The Fremont County Address Advisory Committee shall be comprised of one representative from each of the following agencies:

1.05.010 Fremont County Assessor,
1.05.020 Fremont County Clerk,
1.05.030 Fremont County Planning & Building,
1.05.040 Fremont County GIS,
1.05.050 Fremont County Sheriff,
1.05.060 Fremont County Road and Bridge,
1.05.070 Fremont County Fire Protection District,
1.05.080 Fremont County EMS,
1.05.090 Fremont County Emergency Coordinator,
1.05.100 Fremont County School District,
1.05.110 a representative from two of the cities within the county,
1.05.120 a representative of the local United States Postal Service offices,
1.05.130 a representative from UPS,
1.05.140 a representative from a Title Company serving the County,
1.05.150 a representative from a major utility company, and
1.05.160 a representative from a major telecommunication company.
1.05.170 This committee will meet as required with the purpose of making recommendations to the Fremont County Board of Commissioners concerning public health and safety as it relates to addressing.

Division 2 - Numeric Assignment

1.06 Frontage Interval/Address Style. The County Address Grid follows the Public Land Survey System (PLSS); the origin being the South West corner of the County, with the beginning of a road being that point closest to the point of origin. As the grid follows section lines, every mile shall consist of 100 address numbers, a new number every 52+ feet, on opposite sides of the road following parity rules as outlined in this ordinance (105+ feet on a given side of a road). Address numbers are to be assigned according to the driveway entrance, not the front of the structure. Dense subdivisions may require modifications to these standards as necessitated by design and layout.

1.07 Odd/Even Number Location (Parity). Odd numbers shall be assigned along the northerly and westerly sides of the roads. Even numbers shall be assigned along the easterly and southerly sides of the roads.

1.08 Fractional, Alphanumeric, Hyphenated Addresses. Fractional, alphanumeric, and hyphenated addresses are prohibited. This also applies to apartment and suite numbers.

1.09 Component Order. Components of a street address shall always be in the following order: site address number, directional prefix (if any), street name, street type, directional suffix (if any), and designation of apartment or suite and apartment/suite number. (Examples: 1875 E 500 N, 295 Buffalo Dr., 345 N Robinson Road South, or 125 N Bridge St., Ste #1)

1.10 Diagonal Streets. Diagonal streets shall be treated as either north-south, or east-west streets. Once orientation is established it shall be used throughout the entire length of the road. Roads in applications should consider the initial orientation of a road from an access road as the orientation, even if a majority of the addresses follow another orientation. (i.e. a road that runs SW to NE shall be addressed on one grid, determined by the direction at the beginning of the road)

1.10.010 Established U.S., State, or County roads that change between the north/south grid and the east/west grid such as Hwy 32 shall be addressed from the grid the part of the road is running with. This is in keeping with the format of the original addressing. These road names will be listed twice in MSAG (Master Street Addressing Guide) once for each set of range numbers. (i.e. where Hwy 32 begins off of Hwy 47 it is addressed on the NS grid and around the 800 N grid where it turns to run east it is addressed on the EW grid)

1.11 Circular Streets. A Circular road is one that returns to the same origin point or to the same originating road. Circular streets shall be numbered at a set interval beginning at the point that is closest to the origin, and continue on the outside to the other end of the road. The numbers on the inside should correspond closely with those on the outside (i.e. a road with odd numbers on the right side starts to loop to the left, the outside of the loop will be addressed with odd numbers while the inside even numbers which will correspond in parity to the adjacent odd number.)
1.12 Cul-De-Sacs. Parity rules shall be followed in cul-de-sacs with the midpoint of the arc as the dividing line between odd and even numbers.

1.13 Corner Lots. Corner lots shall be addressed according to the side of driveway access, except in dense subdivisions where the front door is visible from the street and is the primary access into the building. The address will be determined at the time the building permit is requested.

1.14 Private Drives/Easements. Private driveways/easements shall be named when providing access to two (2) or more structures. Structures shall be assigned addresses according to that driveway/easement. (The private driveways/easements currently with two (2) more addresses that follow parity will not be changed until there is need for further addressing on said private driveway/easements. (Those currently not it parity will be corrected.)

1.15 Single Family Residences. A single-family residence shall receive its own individual address determined by the basic rules for distance and direction.

1.16 Duplex Residences. A duplex shall be addressed with each unit receiving its own individual address determined by the basic rules for distance and direction.

1.17 Apartment Buildings. Apartments shall be numbered with the main building receiving one address and each individual apartment being assigned apartment numbers as sub-addresses. The apartment number assigned should indicate the floor location (e.g. Apt 204 is the fourth apartment on the second floor); alphanumerical numbers are not to be used. Apartment buildings with multiple entrances, where each entrance provides access to a limited number of apartments, shall require an address for each individual entrance.

1.18 Mobile Home Parks/Manufactured Home Communities. Mobile home parks shall be addressed from the main entrance to said park with mobile or manufactured homes having assigned space numbers.

1.19 Townhouses. Townhouses that are individually owned and not part of an apartment complex shall be assigned an individual address for each unit as determined by the street allowing main access to the building and following the basic rules for distance and direction. Townhouses that are under the apartment category will be addressed as apartments, with the main building receiving one address and each individual townhouse being assigned apartment numbers as sub-addresses.

1.20 Condominiums. Condominiums (that are of the townhouse category) shall be assigned an individual address for each unit as determined by the street allowing main access to the building and following the basic rules for distance and direction. Condominiums that are under the apartment category will be addressed as apartments, with the main building receiving one address and each individual condominium being assigned suite numbers as sub-addresses.

1.21 Office Buildings. Office buildings shall be numbered with the main building receiving one address and each individual office being assigned suite numbers as secondary location indicators. The suite number assigned should indicate the floor location (e.g. Suite 204 is the fourth office on the second floor). Alphanumerical numbers are not to be used. Office buildings with multiple entrances, where each entrance provides access to a limited number of offices, shall require an address for each individual entrance.

1.22 Individual Commercial Buildings. Individual commercial buildings shall be given one address to the road/street on which the driveway access is located as determined by the basic rules for distance and direction. When a business faces a main road, but is accessed from a secondary road, an address will be allowed to the main road if the primary entrance faces the main road.

1.22.010 An individual building, housing more than one business, shall require a separate address for each unit where numbering will permit. In instances where there are not enough numbers to assign each business its own number then the building will be assigned a number with each individual business being assigned Suite numbers. A large retail complex/superstore that houses one main retail business with additional smaller retail spaces within (i.e. Grocery store with cleaners, bank, hair salon etc.) shall be assigned one address for the use of all businesses located within the main structure. This
address shall be posted on the outside of the main building in a manner that it is legible to the public as well as emergency and delivery services.

1.23 Strip Commercial Buildings. Strip commercial buildings shall require an address to be reserved for each individual entry door. Careful planning shall be taken to reserve enough numbers for future divisions of businesses. Each business shall receive its own individual address. If a business is large enough to use space accessed by two or more doors, the business shall be assigned the number that corresponds to its primary entrance.

1.23.010 Addresses shall be determined by the street/road from which the business is accessed. On corner lots, when a business faces a main road but is accessed from a secondary road, an address will be allowed to the main road if the primary entrance for the units faces the main road. When each unit has an individual entrance, the building will be addressed to the road on which the majority of the entrances are located.

1.24 Wireless Towers. A wireless tower shall be assigned one address determined by the basic rules for distance and direction.

1.24.010 NOTE: The County Assessor or its designee maintains the right to alter the above numeric assignments in such cases where there may be an exception or special circumstance.

Division 3 - Display Of Addresses

1.25 Requirement to Display. All principle buildings shall be required to display an address number in the manner prescribed in this ordinance.

1.26 Responsibility for Display of Address Numbers. It shall be the responsibility of each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business or industry to post and maintain, at all times, address numbers as required under this policy. All addresses shall be displayed in such a way that they are and remain unobstructed by vegetation, snow, or other obstacles and are legible from the traveled roadway.

1.26.010 Construction sites shall be required to post the address as indicated on the building application from the time construction begins and is to be posted in such a way that it is unobstructed and legible from the traveled roadway.

1.26.020 Vacation Rentals shall have their address posted inside in eventuality of the need to place a 911 call. The address shall be posted on the inside of all exits, and next to the telephone if a landline is installed.

1.27 Placement of Address Numbers. Addresses posted on mailboxes shall not be construed as meeting the intent of this Ordinance.

1.27.010 Mobile or Manufactured homes located within a mobile or manufactured home park shall display the address number in numbers of at least four (4) inches in height and on the side of the home on a six (6) foot post line facing the access road. This is inclusive of places such as Sand Hills Resort.

1.27.020 Structures located within a subdivision, condominium or within a city or town that are within fifty (50) feet from the edge of the road right-of-way shall display the assigned number on the structure in such a manner that it is above the snow line, not obstructed by vegetation or any other obstacle, and be otherwise visible from the road. The address shall be composed of numbers that are not less than six (6) inches in height and contrasting in color with the background on which they are affixed. The numbers shall be of a reflective nature.

1.27.030 Structures located more than fifty (50) feet from the edge of the road right-of-way, in addition to the requirements of 1.27.020, shall meet the following requirements:
APPENDIX P – STREET NAMING AND ADDRESSING STANDARDS

a. Display the assigned address number on a post, fence, wall, or other permanent structure in such a way as to be visible during all seasons of the year.

b. The address shall be composed of numbers that are not less than four (4) inches in height.

c. The sign shall be composed of reflective numbers on a contrasting background.

d. The numbers shall not be less than five (5) feet and not more than seven (7) feet above the ground.

1.27.040 NOTE: As there may be unique circumstances or exceptions to the guidelines listed above, it shall be required that address markers are plainly visible from the access road, during all seasons of the year as determined by the building official or his appointed designee.

1.27.050 In compliance with the building code, it is required to have an address posted from the beginning of construction, as described in the current adopted International Residential Code. Failure to post address may result in the delay of issuance of a Certificate of Occupancy (C.O.). All new subdivisions shall have the subdivision name posted at the entrance to facilitate with Emergency situations that may arise during construction.

Division 4 - Address Corrections

1.28 Change Authority. Whenever an error in a numeric address or street name comes to the attention of the County Addressor proceedings shall be initiated to correct the error.

1.29 Effective Date of Change. Address changes become effective within 30 days of receipt of Notice of Address Correction. A resident who does not put a change of address in with their Post Office and who does not display the new correct address within the 30 day period will be in violation of this ordinance and subject to penalty as provided by this Ordinance.

1.30 Change Discouraged. It shall be the intent of this ordinance to discourage the practice of making any change in addresses except:

1.30.010 If the existing address number is not in sequence and/or does not run consecutively in the same direction as the county address system

1.30.020 If the existing number is such that the assignment of address numbers for new buildings is not practical and in keeping with the requirements of this ordinance. Addresses that do not fall within the range of the property they belong to shall be changed as needed to correct range and to accommodate new growth.

1.30.030 When an address is in violation of parity rules as outlined by this ordinance.

1.30.040 When an easement becomes a named private drive and the structures must reflect the new road name using correct numerical range for the new road.

1.30.050 When an address is duplicated or otherwise violates this ordinance.

1.31 Numeric Correction. In the case of a numeric address change, the following procedure shall be followed:

1.31.010 The reason for the numeric address change shall be documented with the date and reporting party.

1.31.020 A new numeric address shall be determined using county address standards.

1.31.030 The property owner or owners shall be contacted by the County Addresser in written form using the governing assessor’s information to identify ownership.
1.31.040 Notification shall also be provided by the County Addresser to government agencies that may be affected, at the discretion of the County Addresser.

1.31.050 The residents shall be responsible for supplying their individual utility companies with a copy of the official change of address form.

1.31.060 The residents shall be responsible for making notification to their mortgage company of any and all address changes.

1.32 Street Name Changes. Street name changes shall only be allowed when the name is a duplicate of another street within Fremont County and/or interferes with the accurate dispatch of emergency vehicles or postal delivery. A road name may also be changed when one road had two commonly used names or where portions of what appears to be the same road have two or more names.

1.32.010 In the case of a street name change, the following procedure will be followed:

   a. The reason for street name change shall be documented with date and reporting party.
   b. The property owner(s) will be contacted in written form using the governing assessor's information to identify ownership.
   c. Within sixty (60) days of notification, the owners of land accessed by the street to be renamed may submit to the Fremont County Addresser, the following items:

      (1) A central person of contact for the owner group
      (2) A proposal of three different name choices, which comply with the street naming requirements, and that have been agreed upon by the majority of the affected property owners.
      (3) A list of all residents comprising the owner group with their current addresses and phone numbers.

1.32.020 Proposed street names will be reviewed against the official county road database prior to assignment. If submitted street names are not available, the Fremont County Addresser will work with the central contact of the owner group to discuss alternatives. Numeric names that conform to the addressing grid constitute the preferred method for assigning new street names (see 1.33).

1.32.030 Within sixty (60) days of the original notification, if a proposed street name has not been approved by a majority of the owners, a street name will be assigned by the Fremont County Addresser.

1.32.040 Upon approval of the new street name by the Fremont County Addresser, confirmation of the new street name will be mailed to each property owner affected by the change.

1.32.050 Notification of new street names will be sent by the County Addresser to:

   a. Property owners
   b. Dispatch
   c. U.S. Postal Office
   d. Affected Governments Assessor and Clerk
   e. Affected School District
   f. Fremont County Clerk
   g. Utility Companies

Division 5 - Street Name Requirements
1.33 **Street/Road Designation.** The County’s preferred road naming scheme shall be to use grid numbers where possible. Where this is not possible or probable as with a road that changes direction (i.e. a loop or diagonal) a name can then be used.

1.33.010 Every existing, proposed, or constructed public road, private road or drive that provides, or will provide access to two (2) or more build-able lots shall have a grid number or street name assigned regardless of the length.

1.34 **Street Naming Responsibility.** Application for new street names is to be made with the Fremont County Addressor.

1.34.010 The Applicant must submit a completed Name request form to the Fremont County Planning Department, along with a site plan showing the layout of streets. The name(s) shall be screened for redundancy and reserved in a preliminary road database. A notice of acceptance status shall be returned to the Applicant.

1.34.020 The Fremont County Planning Department shall not approve any proposed subdivision or plat until the proposed names have been approved.

1.35 **Naming New Roads.** When application is made for a new road name, the name will be screened using the Fremont County Road database to check for duplication. All street names will conform to the standards set in this policy.

1.35.010 In an application in which any given street constitutes a loop and in which a portion of that loop crosses over another street creating an intersection, each segment of the loop divided by that street shall be designated by a separate name. Street names become final upon the issuance of a final plat approval, or the recording of the final site condominium documents.

1.36 **Street Name Selection.** The following standards will be used:

1.36.010 “Old” and “New” may not be used

1.36.020 Abbreviations of words or names and initials are prohibited

1.36.030 References to a number are prohibited such as Ten, First, Sixth, excepting such cases where a recognized address grid is established.

1.36.040 A single alphabetical character cannot be used.

1.36.050 Duplicate street names and names that are phonetically similar are prohibited

1.36.060 Street names will be easy to pronounce and easily recognizable in emergency situations

1.36.070 No street name may duplicate, in sound or pronunciation, any other roadway already in use, previously approved, or slated for use in the preliminary stages of a project application anywhere within Fremont County such as: Jerdan-Jordan, Gem-Jim, Queensboro-Queensbury.

1.36.080 Streets that are an extension of an already existing street shall maintain that street name.

1.36.090 No street name shall contain more than two words, excluding a suffix.

1.36.100 No special characters in road names such as hyphens, apostrophes, or dashes will be allowed.

1.36.110 Use of frivolous or complicated words or unconventional spellings will not be allowed.
1.36.120 Names that may be construed as obscene, offensive, spiteful, or indicate societal bigotry will not be allowed.

1.36.130 Names with the same theme are suggested for naming streets in an entire subdivision as a means of general identification.

1.36.140 Vanity street names that do not conform to the County address style will not be allowed.

1.36.150 No street name shall contain the words North, South, East, West, or any combination thereof unless it is used as a prefix or suffix, where it is divided by a line of origin, or in cases where the directional relates to well-known geography such as “South Leigh Rd”.

1.37 Prefixes. Directional prefixes will be used in conjunction with Grid Roads. (i.e., East400 North) No more than one directional prefix will be allowed. Acceptable prefixes are North, South, East, and West.

1.38 Suffixes. Each approved street name shall require a street suffix. Only one (1) street suffix will be allowed per street name. Directional suffixes may only be allowed in conjunction with Grid Roads. All street suffixes will be abbreviated in compliance with the United States Postal Addressing Standards.

1.38.010 Listed below are suffixes used in Fremont County:

- Avenue Ave
- Boulevard Blvd
- Circle Cir
- Court Ct
- Drive Dr
- Lane Ln
- Loop Lp
- Ridge Rdg
- Road Rd
- Run Run
- Street St
- Trail Trl
- Way Way

Division 6 - Street Name Signs

1.39 Guidelines. Guidelines for signs shall be dictated by the Manual of Uniform Traffic Control Devices (MUTCD) prepared by the Federal Highway Administration with the Idaho Department of Transportation exceptions incorporated.

1.40 Requirements. The following shall be the sign requirements for the location and description of all Street Name signs in the County, except for those sign installations that exist at the time of the adoption of this rule. As the signs are replaced the new sign shall meet the location and description requirements.

1.40.010 Location of Signs. All public and private roads in Fremont County shall be identified by a sign and shall display the proper street name. Street name signs shall be installed at the intersections. (Section 2A, MUTCD)

1.40.020 Description of Signs. The following are the rules that are currently followed by the County; this is subject to change with the creation of a Fremont County Sign Committee.
1.40.030 **Sign Color.** Signs shall consist of a white legend on a green background. All messages, borders, and legends shall be retro reflective and all backgrounds shall be retro reflective or illuminated. (Section 2D, MUTCD)

1.40.040 **Sign Height.** In business districts signs should provide a minimum of seven (7) feet of clearance between the top of the curb and the bottom of the sign. In rural areas signs should provide a minimum of eight (8) feet of clearance between the bottom of the sign and the traveled roadway (Section 2A, MUTCD). It is recommended that rural street signs have a clearance of nine (9) feet from grade to prevent vandalism. Where parking or pedestrian movements occur, the clearance to the bottom of the sign shall be at least seven (7) feet.

1.40.050 **Sign Lettering.** The principal legend on guide signs shall be in letters and numerals at least six (6) inches in height for all capital letters, or a combination of six (6) inches in height for upper-case letters with four and a half (4.5) inches in height for lower-case letters. On low-volume roads (as defined in Section 5A.01, MUTCD), and on urban streets with speeds of 25 mph or less, the principal legend shall be in letters at least four (4) inches in height. (Section 2D, MUTCD)

1.40.060 **Sign Placement.** In business districts and on principal arterials, Street Name signs maybe placed at least on diagonally opposite corners so that they will be on the far right-hand side of the intersection for traffic on the major street. Signs naming both streets should be erected at each location. They should be mounted with their faces parallel to the streets they name (Section 2D, MUTCD). In residential districts at least one Street Name sign should be mounted at each intersection (Section 2D, MUTCD). The overall dimensions of the sign shall be no longer than forty-two (42) inches and shall be a height of nine (9) inches.

1.40.070 **Street Sign Installation And Maintenance**

   a. **Public Roads.** The applicable public agency will be responsible for all street signs on streets/roads designated as public.

   b. **Private Roads.** The applicable public agency will be responsible for the installation of all street signs in accordance with Section 7B. The Applicant/property owners shall be responsible for all costs determined by the applicable public agency. The Applicant/property owners will be responsible for all maintenance costs. The applicable public agency may at their discretion have the Applicant/property owners install all street signs, in accordance with Section 6B. Final installation approval will be determined by the applicable governing public agency.

**Division 7 - Penalties**

1.41 **Violations.** Due to the importance of displaying appropriate addressing information and road signage, any responsible person, home owners association, or property owners who have not affixed proper signage to a location where a street sign must be posted, or to a structure that is required to be posted, will be notified of the violation by mail and shall be given 30 days to correct the violation. If correction has not been made within 30 days, the County may lien for the cost of the addressing required, and post the sign or structure address at the expense of those responsible.

**Division 8 - Appeals Process**

1.42 The Fremont County Address Committee shall act to hear petitions for relief from administrative actions taken by the County Addresser pursuant to the authority granted by this ordinance.

1.43 The Fremont County Address Committee shall have the power to affirm, reverse wholly or partly, or modify the decision of the County Addresser after conducting a public hearing at which the aggrieved party or parties and the County Addresser are permitted to speak.

1.44 If the Fremont County Address Committee decides that no error has occurred, but an unnecessary hardship has been created by the County Addresser, an extension of time may be allowed, not to exceed ninety (90) days, to comply with the administrative order.
1.45 The Fremont County Address Committee may reverse the decision of the County Addresser, provided that a factual error has occurred. The Fremont County Address Committee may remand the matter back to the County Addresser with instructions for corrective action.

1.46 An appeal will be heard only in cases where the aggrieved party’s address is being corrected because it is out of range, or when the aggrieved party can prove a factual error occurred in assigning the address. No appeal will be heard in the cases where the aggrieved party’s address is out of sequence with surrounding addresses, or is on the wrong side of the road, or is being renumbered due to the fact that the dwelling should be addressed to the nearest road providing access to the structure, whether public or private, right-of-way or easement.

1.47 Appeals shall be filed by the aggrieved party within twenty eight (28) days of receiving their address or correction thereto. The appeal shall be in written form and filed with the County Addresser for review. If the County Addresser cannot resolve the issue, the appeal will be forwarded to the Fremont County Address Committee. Within twenty eight (28) days, the aggrieved party will be contacted in writing by the Fremont County Address Committee of a scheduled meeting date and time. The aggrieved party will be notified of the decision of the Fremont County Address Committee in writing within a period not to exceed twenty eight (28) days of postmark.

1.48 A party aggrieved by a decision of the Fremont County Address Committee may file a further appeal to the Fremont Board of County Commissioners (BOCC) within twenty-eight (28) days of the postmark of an adverse decision.

1.49 A party aggrieved by a decision of the BOCC may file a further appeal to the District Court within twenty-eight (28) days of an adverse decision. The District Court shall affirm all such appeals except upon a determination that the BOCC decision is based upon fraud, abuse of discretion, error of law, or where the decision is not based upon competent, material and substantial evidence.
DIVISION 9 – ADDRESS GRID MAP

Fremont County
ADDRESS GRID MAP
Printed May 2010

The Fremont County Address Grid includes all lands within Fremont County excepting those incorporated areas shown on this map, including: Ashton, Drummond, St Anthony, Teton, Newdale, and Parker. These local address grids are according to current city limit boundaries and therefore amended with each annexation.

ADDRESS INTERVAL:
The address interval of Fremont County is set to one hundred addresses per mile, or fifty unique numbers per side of the road within a mile. This equates to a new number approximately every 105 feet.

PARITY RULES:
Even numbers shall lie on south and east sides of roads
Odd numbers shall lie on north and west sides of roads.
APPENDIX Q - MOBILE AND MANUFACTURED HOUSING PLACEMENT STANDARDS; CAREGIVER TEMPORARY USE PERMIT

1.01 Purpose. The following requirements and standards shall apply when placing mobile homes and manufactured homes within the boundaries of Fremont County.

1.02 Permanent Siting. “Manufactured Housing” and “Mobile Homes,” as defined by Idaho Code Section 39-4105, when located outside of a mobile home or manufactured home park with County accepted alternative requirements, shall meet the following aesthetic and placement standards:

1.02.010 Permanent Siting Standards. Unless specifically exempted, the manufactured home shall be placed in accordance with the State of Idaho adopted setup standards for a permanent type foundation and completely enclosed at the perimeter.

1.02.020 Minimum Roof Pitch. The manufactured home shall have a pitched roof slope of not less than 3:12.

1.02.030 Design Standards. The manufactured home shall have exterior skirting and roofing which in color, material, and appearance, is comparable to the predominant materials used on said structure and in harmony with the surrounding built environment.

1.02.040 Zoning Standards. Manufactured and mobile home housing is subject to all zoning, setbacks, minimum lot size, and sanitary requirements.

1.02.050 Mobile Homes are not Manufactured Homes. Mobile homes as defined in Idaho Code 39-4105, may only be permanently located in mobile home parks. Exceptions to this requirement may be granted with a qualifying family-related health or other qualifying emergency as outlined in requirement Q.1.03.010 below.

1.03 Temporary Use Permits. One Mobile or Manufactured Home may be properly installed and temporarily located on a rural parcel outside of a mobile home park or platted subdivision for the following purposes:

1.03.010 Board Granted Assisted Care or Emergency. A Temporary Use Permit may be issued for the purpose of accommodating a family-related health or other qualifying emergency. A property owner serving as the primary caregiver to a parent, grandparent, or family member would qualify. The Temporary Use Permit for this purpose is approved directly by the Fremont County Board after application to the Planning and Building Department.

1.03.020 Class I Temporary Dwelling. A Temporary Use Permit may be issued for the purpose of a temporary dwelling during the approved, permitted construction of a new dwelling. The Temporary Use Permit for this purpose is a Class I permit approved by the Administrator after application to the Planning and Building Department.

1.03.030 Temporary Siting Standards. The mobile or manufactured home shall be placed in accordance with the State of Idaho adopted setup standards for a temporary type foundation and completely enclosed at the perimeter.

1.03.040 Building Permit Required. The Temporary Use Permit, whether Board granted or a Class I, must be issued in conjunction with a valid building permit for the placement of the mobile or manufactured home, and is considered revoked when the approved use terminates. The mobile or manufactured home must be removed from its temporary installation no later than three months after the permitted use is discontinued.

1.03.050 Limited Validity. Temporary Use Permits are valid for one year and are annually renewable if the necessity continues.
APPENDIX R - WIND ENERGY SYSTEM STANDARDS

1.01 Purpose. The purpose of this Appendix is to establish standards and definitions to allow for the permitting and placement of wind energy systems while protecting the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, and to ensure that the important environmental features of Fremont County are protected.

1.02 Definitions.

1.02.010 "Large Wind Energy System" means a wind energy system that:

a. Is used to generate electricity for one or multiple off site customer(s);

b. Has a tower height of more than one hundred feet (100') or has generating capacity greater than 100 kW.

1.02.020 “Meteorological tower” (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind indicators), wind direction vanes, booms to hold equipment anemometer and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

1.02.030 “Small wind energy system” means a wind energy system that:

a. Is used to generate electricity for private use;

b. Has a maximum tower height of one hundred feet (100') and has generating capacity not greater than 100 kW.

1.02.040 “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

1.02.050 “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.

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

1.02.070 “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the towers.

1.03 Small Wind Energy System Standards. The following components of this Ordinance may be considered for a Wind Energy System or Wind Energy Facility: The environment, the floodplain (Chapter 7), The Airport Overlay (Chapter 6), Appendix H - Noise standards, wildlife, bird migration patterns, bats, endangered species of animals and vegetation, and Visual Resources.

1.03.010 Permit Required. Small Wind Energy System containing not more than two (2) wind towers shall be permitted through a Class I permit in all zoning districts subject to the standards of this appendix.

1.03.020 Setbacks. The tower shall be set back a minimum distance equal to its total height from:

a. Any public road right of way.

b. Any overhead utility lines.
c. All property lines. Abutting property owners may grant easements reducing this setback
distance from their property lines.

1.03.030 Access.

a. All ground mounted electrical and control equipment shall be labeled or secured to prevent
unauthorized access.

b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily
accessibly to the public for a minimum height of twelve feet (12') above the ground.

1.03.040 Electrical Wires. All electrical wires, other than wires necessary to connect the wind
generator to the tower wiring, the tower to the disconnect junction box, and the grounding wires shall
be located underground.

1.03.050 Lighting. Except as required by the FAA, wind turbines shall not be artificially lighted.

1.03.060 Appearance, Color, and Finish. The wind generator and tower shall remain painted or
finished the color or finish that was originally applied by the manufacturer. Small scale wind energy
systems located in any Residential zone shall be limited to non-guyed monopole towers.

1.03.070 Signs. Appropriate warning signs, and owner identification shall be required on a wind
generator, tower, building or other structure associated with a wind energy system. One unlighted sign
not greater than six square feet may be permitted identifying the manufacturer’s or installer.

1.03.080 Code Compliance. A wind energy system including the tower shall comply with all
applicable local construction codes and state / National electrical codes. Building permit applications
for small wind energy systems shall be accompanied by standard drawings of the wind turbine
structure and stamped engineered drawings of the tower, base, footings, and or foundations provided
by the manufacturer.

1.03.090 Utility Notification and Interconnection. Wind Energy Systems that connect to the
electric utility shall comply with rules for interconnecting distribution generation facilities. No Wind
Energy System shall be installed without a written statement with signature and date from the utility
company indicating they have been informed of the customer’s intent to install an interconnected
customer-owned generator. Off-grid systems shall be exempt from this requirement.

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

1.03.110 Siting Prohibitions. Wind energy systems shall be prohibited within two (2) miles of scenic
highway corridors or on sites listed on the State or National Registers of Historic Places.

1.04 Large Wind Energy Systems.

1.04.010 Large Wind Energy Systems are prohibited in Fremont County.
APPENDIX S – WILDFIRE SENSITIVE AREAS

1.01 Purpose. Wildfire sensitive area requirements are intended to protect the life, safety and general welfare of the citizenry and public safety officials and property and property values from the devastating effects of wildfires in the wildland/urban interface.

1.02 Definitions.

1.02.010 Defensible Space is the area between improved property and a potential wildfire where fuels have been removed or modified to protect life and property from wildfire, to reduce the potential for fire from improved property spreading to wildland fuels, and to provide a safe working area for fire fighters protecting life and improved property.

1.02.020 Fuels are all combustible materials within the wildland/urban interface including trees, shrubs, plants, grass, rotting wood, leaves, and structures.

1.02.030 Fuel Load is the volume of fuel in any given area, generally expressed as tons per acre.

1.02.040 Fuel Modification is any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

1.02.050 Ladder Fuels are fuels that provide vertical continuity allowing fire to carry from surface into the crowns of trees or shrubs with relative ease.

1.02.060 At Risk Wildfire Sensitive Areas are areas that have been identified as moderate to high risk on their most recent wildfire risk analysis which may include any area one acre or larger in size that has highly flammable species such as cedar or pines, where 80% or more of all the dominant trees, at crown level, are made up of such conifer species. This includes pine stands and plantations. This may also include stands of predominately deciduous tree species where the impacts of terrain, slope and aspect combine for a substantial wildfire threat.

1.02.070 Wildland/Urban Interface is the area where structures and other human development meets or intermingles with wildland fuels.

1.03 Applicability. Any new subdivision or new construction in areas of the County defined as a wildfire sensitive area shall comply with the requirements of this Appendix. No provision of this Appendix shall apply to timber stands or pine plantations that are managed for timber production, wildlife, hydrology, and/or recreation.

1.04 Wildfire Sensitive Areas Plan Requirements. In addition to the other requirements of this Ordinance, any new subdivision or new construction in wildfire sensitive areas shall include with the preliminary plat, a Wildfire Sensitive Area Plan consisting of a map legibly drawn at a scale of 100 feet to the inch on sheets that are in a size consistent with the preliminary plat detailing:

1.04.010 The defensible space around any proposed building site,

1.04.020 Areas to be cleared of non-fire resistive vegetation adjacent to proposed roads and driveways, and

1.04.030 Areas to be cleared of non-fire resistive vegetation adjacent to overhead power lines.

1.04.040 Each individual lot purchaser shall be notified of the requirements of this Appendix and the need to notify the Planning Department of amendments to the Wildfire Sensitive Area Plan in the event that the location of any proposed structure or driveway is changed due to construction requirements.
1.05 Defensible Space. Provisions of this Appendix are intended to modify the fuel load so that the overall intensity of any wildfire is reduced through fuels control in areas adjacent to structures and improvements, and to create a defensible space to provide a safe working area for fire fighters to protect life and improved property.

1.05.010 The defensible space area extends seventy (70) feet in all directions around any residential dwelling, or to property line, whichever is less.

1.05.020 Minimum vegetative clearance requirements in defensible space:

a. No vegetation or woody growth is allowed within five (5) feet of any structure. Firewise ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed provided they do not form a means of readily transmitting fire to any structure.

b. Tree crowns extending to within ten (10) feet of any structure shall be pruned to maintain a minimum horizontal distance of at least ten (10) feet.

c. Trees shall be pruned to remove limbs located less than six (6) feet above the ground surface.

d. Trees are allowed within the defensible space provided that there is space between the crowns that will preclude fire from traveling crown to crown. Horizontal distance between crowns of adjacent trees should be more than ten (10) feet.

1.05.030 Fuel modification:

a. Any pine or cedar trees within twenty (20) feet of any residential dwelling shall be removed.

b. All dead trees within the defensible space shall be removed.

c. Vegetation and woody growth under trees shall be removed, or cut to a height that will preclude its functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.

1.05.040 Liquefied petroleum gas installations:

a. Above ground LP-gas containers shall be located within the defensible space.

b. No above ground propane tanks shall be installed or stored within five (5) feet of a structure.

c. No vegetation or woody growth is allowed within five (5) feet. Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed provided they do not form a means of readily transmitting fire to gas containers.

1.05.050 Roads:

a. Roads will be cleared of non fire-resistive vegetation growth not less than twenty (20) feet from each road edge located in a wildfire sensitive area.

b. All pine or cedar trees, dead trees, and dead woody material shall be removed from this area.

1.05.060 Driveways/Private Lanes:

a. Driveways and private lanes will be cleared of non fire-resistive vegetation growth not less than 10' from each road edge.

b. All pine or cedar trees, dead trees, and dead woody material shall be removed from this area, except that;

c. Single specimens of trees (not pine or cedar), ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover need not be removed, provided they do not form a means of readily transmitting fire.

1.05.070 Overhead Power lines:

a. Overhead power lines will be cleared of non fire-resistive vegetation growth not less than 15' from each side of the outside edge of the power line that lies in a wildfire sensitive area.
b. All pine or cedar trees, dead trees, and dead woody material shall be removed from this area.

1.06 Maintenance of Defensible Space. Defensible spaces shall be maintained in accordance with this Appendix. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of defensible space shall include modifying or removing non fire-resistive vegetation and other dead vegetative material. In subdivisions, provisions for the maintenance of defensive space shall be included in the covenants, conditions and restrictions of the property.

1.06.010 Non fire-resistive vegetation or growth shall be kept clear of buildings or structures or improvements in accordance with this Appendix in such a manner as to provide a clear area for fire suppression operations and to modify the fuel load so that the overall intensity of any wildfire is reduced through fuels control. No firewood or other combustible materials may be stored within 5 feet of a structure.

1.06.020 Ladder fuels under trees within defined defensible space shall be maintained at a height that will preclude their functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.

1.06.030 Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Portions of tree crowns, which extend within ten (10) feet of outlet of a chimney, shall be pruned to maintain a minimum horizontal clearance of ten (10) feet. Deadwood and litter shall be regularly removed from trees. Dead trees shall be felled and removed.

1.07 Treatment to Wildfire Sensitive Areas, Fuel Modification. Notwithstanding the requirements of S.1.06, fuels should be modified in the entire area where any new construction or new subdivision is going to be developed in a pine stand or pine plantation or wildfire sensitive area.

1.07.010 Woody debris from the thinning operation should be removed from the area or disposed of on site. All dead trees should be felled and if possible removed.

1.08 Fire Protection.

1.08.010 The installation of adequate fire hydrants in a subdivision at locations approved by the Fire Code Official shall be required, provided necessary public water is available. The Fire Code Official shall consult with the proper fire department authority before approving such location.

1.08.020 Where public water is not available, in consultation with the Fire Code Official, the Applicant shall be required to provide for the installation of a dry hydrant at a satisfactory water source within three miles of the proposed subdivision, if an existing dry hydrant is not available.
APPENDIX T - WATER QUALITY VULNERABILITY AREAS

[RESERVED]
APPENDIX U – SPECIFIC USE STANDARDS

1.01 Purpose. This chapter provides specific standards for all uses as set forth within the applicable base district or overlay district, as identified in Chapter 4 of this Ordinance.

1.01.010 Divisions 1.5 and 1.6 of Chapter 3 set forth the procedures, general standards, and required findings for conditional and special uses.

1.02 APPLICABILITY: These regulations apply to any property in unincorporated Fremont County where the specific use is listed as a permitted, accessory, or conditional use in the base district or otherwise allowed by an overlay district.

1.03 SPECIFIC USE STANDARDS: These standards are in addition to the requirements of Chapter 4 of this Ordinance, regulations applying to all districts.

1.04 ACCESSORY STRUCTURE:

1.04.010 Required Findings:

a. The proposed use shall not be detrimental to the public health, safety, or welfare. The proposed use shall not adversely impact the health and safety of surrounding residents, nor shall it create undue adverse impacts on surrounding properties;

b. The proposed use is consistent with the applicable comprehensive plan;

c. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;

d. The proposed use complies with all applicable County ordinances;

e. The proposed use complies with all applicable state and federal regulations;

f. The proposed use and facilities shall not adversely affect or conflict with abutting uses or impede the normal development of surrounding property;

g. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use;

h. For private tower structures, the proposed tower complies with any applicable federal communications commission decisions and regulations;

i. For signs, the standards of Appendix A must be met.

1.04.020 General Standards:

a. A principal permitted dwelling with a valid certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, shall be present on the subject property.

b. The structure shall not be used as an additional dwelling, except as provided for secondary dwellings.

c. The structure shall not be used for commercial or industrial purposes.

d. The accessory structure shall not be used to store commercial vehicles, except as provided in this Ordinance.

e. All accessory structures shall be included in the coverage calculations for a particular property.

1.04.030 Location Standards: Accessory structures shall be located as follows:

a. Accessory structure setbacks:

   (1) From property lines fronting any right-of-way – the same as the primary structure.

   (2) From property lines not fronting a right-of-way – ten feet minimum.

b. Accessory structures shall not be located:
(1) In any required front-yard setback,
(2) On any publicly dedicated easements, utility easements or utility service lines.

c. Exceptions to a(2), above, may be approved by the Administrator as follows:
   (1) Applicant will complete a Class I permit application.
   (2) Applicant will show how they will keep the setbacks clean and maintained.
   (3) Applicant will show how they will avoid creating a fire hazard.
   (4) Applicant will show how they will contain runoff (snow and water) from the building.
   (5) Approval of the lesser setback does not waive or reduce any other provision of this ordinance or the adopted building codes.

d. See 10.81 of this Development Code for additional information about measuring setbacks.

1.04.040 Size Standards: The size of accessory structures shall be restricted as follows:
   a. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500) square feet, whichever is less.

1.04.050 Height Standards: The height of an accessory structure shall be restricted as follows:
   a. An accessory structure shall not exceed a height of twenty four feet (24').
   b. In a residential base district, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen feet (15') behind the front wall of the principal permitted dwelling, shall not exceed the height of the principal permitted dwelling.

1.04.060 Design Standards: All accessory structures shall meet all of the following design standards:
   a. The roofing and finish materials shall be similar in color to the principal permitted dwelling;
   b. The roof shall have a similar pitch to that of the principal permitted dwelling.
   c. Accessory structures greater than one thousand five hundred (1,500) square feet shall meet the following additional standards:
      (1) The accessory structure shall portray the architectural character of the principal permitted dwelling.

1.05 ADULT ENTERTAINMENT ESTABLISHMENT:

1.05.010 Separations: In recognition of Idaho Code section 67-6533, the following distance separations shall be required:
   a. No adult entertainment establishment shall be allowed within one thousand feet (1,000') of another existing adult entertainment establishment.
   b. No adult entertainment establishment shall be located within one thousand feet (1,000') of any church or place of religious worship.
   c. No adult entertainment establishment shall be located within one thousand feet (1,000') of any school as herein defined.
   d. The applicant shall provide evidence certified by a professional land surveyor licensed in the state of Idaho that the proposed adult entertainment establishment conforms to the separation requirements of this subsection.

1.05.020 Signs:
   a. All adult entertainment establishments shall comply with the regulations of Appendix A of this Ordinance. Further, signs for adult entertainment establishments shall not contain any emphasis,
either by movement, picture, or otherwise, on matter relating to "adult entertainment" as herein defined.

b. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted". The sign shall be no less than 0.5 square feet and no greater than one square foot in area. Such sign shall not require administrative approval as set forth in Appendix A of this Ordinance.

1.06 AGRICULTURAL SERVICE ESTABLISHMENT: The proposed use must serve a rural district with agricultural services as herein defined.

1.07 AGRICULTURAL STRUCTURE:

1.07.010 The structure shall be located on a "farm" as herein defined.

1.07.020 The structure shall be exclusively for agricultural uses.

1.07.030 The structure shall comply with the dimensional standards for the applicable base and overlay districts.

1.07.040 The applicant shall obtain a zoning certificate prior to construction; however, the structure shall be exempt from requirements of a building permit.

1.08 AGRICULTURAL USE: The use shall be conducted on a "farm" as herein defined. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

1.09 AIRCRAFT LANDING FIELD (PRIVATE OWNERSHIP):

1.09.010 Prior to application, the applicant or owner shall receive airspace approval from the federal aviation administration.

1.09.020 The runway design shall comply with the design and construction standards and recommendations in the federal aviation administration handbook entitled "Airport Design", advisory circular 150/5300-13.

1.09.030 If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:

a. Federal aviation administration.

b. Idaho transportation department (bureau of aeronautics).

c. Idaho military division-national guard.

d. The St. Anthony airport commission.

1.09.040 Any accessory uses including, but not limited to, fuel storage areas, structures or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be included on the master site plan for the aircraft landing field.

1.09.050 As applicable, the applicant shall obtain written approval for fuel tanks from Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.
1.09.060 The aircraft landing field shall not be located within the Snake River natural area birds of prey and canyon preservation as noted on the Fremont County comprehensive plan generalized future land use map or within the Snake River birds of prey national conservation area.

1.10 AIRPORT (PUBLIC OWNERSHIP):

1.10.010 If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:

a. Federal aviation administration.
b. Idaho transportation department (bureau of aeronautics).
c. Idaho military division-national guard.
d. The St. Anthony airport commission.

1.10.020 The proposed airport shall meet the design standards of the federal aviation administration for the particular class or field.

1.11 AMUSEMENT OR RECREATION FACILITY, INDOOR: There are no additional standards for this specific use.

1.12 AMUSEMENT OR RECREATION FACILITY, OUTDOOR:

1.12.010 General Standards:

a. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from all abutting residential districts.
b. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of Appendix H of this Ordinance.
c. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to nine thirty o'clock (9:30) P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented concluding before ten o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event.

1.12.020 Drive-In Theater:

a. The projection screen shall not be located nearer than fifty feet (50') from any public street, shall not be visible from a public street, and shall not be located nearer than three hundred feet (300') from a residential district.
b. The site shall have access from a principal or minor arterial. Vehicle stacking lanes shall be available on the property, but outside the theater entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
c. A six foot (6') sight obscuring fence, wall, or screen shall be included in the landscape plan for all property lines abutting a residential district.
d. No central loudspeakers shall be permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.
e. Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.
1.12.030 Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

1.12.040 Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') barrier that meets the requirements of the Fremont County building code.

1.12.050 Outdoor Shooting Range: See “Shooting Range” for outdoor shooting range standards.

1.13 ANIMAL BOARDING WITH OUTSIDE RUNS:

1.13.010 A six hundred foot (600') separation shall be maintained between the area and structures where animals are housed and any property line.

1.13.020 Outside runs for commercial kennels shall be operated only between the hours of seven o’clock (7:00) A.M. and ten o’clock (10:00) P.M.

1.13.030 Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall. Electronic fences shall not be used as the sole method of restraining animals. In residential districts, visual screening shall be required to buffer adjacent land uses. (See also “Fence.”)

1.13.040 If located within airport influence area B-1, B, or C, the animals shall not spend more than two (2) hours each day outside a structure.

1.13.050 Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.

1.13.060 A grooming facility is allowed, but not to occupy more than thirty five percent (35%) of the building floor area, excluding the kennel area.

1.14 ANIMAL CLINIC, ANIMAL HOSPITAL, OR VETERINARY OFFICE:

1.14.010 The facility shall comply with all county and state regulations relative to such use.

1.15 (repealed)

1.16 AUCTION ESTABLISHMENT, OUTDOOR:

1.16.010 Outdoor livestock and merchandise auctions shall be allowed in the rural districts. In all other districts, only outdoor merchandise auctions shall be allowed. See “Retail Store” of this appendix for indoor auctions.

1.16.020 A three hundred foot (300') separation shall be maintained between the area and structures where animals are housed and any residential district. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the area or structure in which the animals are housed shall not allow sound or odors to be transmitted to the residential district.

1.16.030 Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.17 AUTOMOBILE OR RECREATIONAL VEHICLE SALES OR SERVICE:

1.17.010 The use shall not constitute a junkyard.
1.17.020 All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

1.17.030 Outdoor storage of accessories, replacement parts, or discarded parts shall comply with "Outdoor Storage" of this appendix.

1.17.040 Inoperative or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

1.17.050 Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in Appendix F of this Ordinance.

1.18 AUTOMOBILE, MAJOR REPAIR:

1.18.010 The use shall not constitute a "junkyard" as herein defined.

1.18.020 All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

1.18.030 Outdoor storage of accessories, replacement parts, or discarded parts shall comply with "Outdoor Storage" of this appendix.

1.18.040 Inoperative or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

1.19 AUTOMOTIVE, HOBBY:

1.19.010 It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:

   a. There shall be no wholesale or retail sale of automotive parts or supplies.
   b. There shall be no commercial restoration, repair, or maintenance of motor vehicles.
   c. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance.
   d. Not more than two (2) inoperative, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperative, dismantled, or unregistered motor vehicles shall be stored: 1) in the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six feet (6') in height, or 2) within a completely enclosed structure.

1.20 BANK:

1.20.010 There are no additional standards for this specific use.

1.21 BAR, BREW PUB, OR NIGHTCLUB:

1.21.010 The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

1.21.020 The bar, brew pub, or nightclub shall not be located within one thousand feet (1,000') of a church or school property.
1.21.030 For properties abutting a residential district, no outside activity or event shall be allowed on the site, except as provided for as a "Temporary Use" in this Ordinance.

1.22 BED AND BREAKFAST ESTABLISHMENT:

1.22.010 See Appendix I.

1.23 BOARDING HOUSE:

1.23.010 See Appendix I.

1.24 BOATHOUSE:

1.24.010 Permit. A boathouse shall require a Class II Conditional Use Permit and the application shall specifically require the following:

a. Submission of a site plan and topographic survey depicting the location and dimensions of all existing structures located on the premises, the distances between such structures and between such structures and all lot lines, the height of any such structures, the average annual high-water mark, the meander line, structures on adjacent properties within one hundred (100) feet, and other information as required by the Administrator.

b. The submission of detailed plans and specifications to the Design Review Board (DRB), depicting the boathouse to be constructed on the premises, requiring approval by the DRB as to the size, location, design and construction of the proposed boathouse.

1.24.020 Use. A boathouse shall be designed solely for boat storage and storage of related boating and lake use equipment and shall not be used for human habitation. Boathouses shall not be permitted to be connected to private or public utilities other than electricity and shall not be connected to water service or an on- or off-site septic system.

1.24.030 Timing of Construction. A boathouse shall be considered an accessory building to a primary structure and shall not be constructed prior to construction of the principal building on the lot.

1.24.040 Number. Only one (1) boathouse shall be permitted on a lot.

1.24.050 Location. The construction or placing of a boathouse below the average annual high-water mark of any navigable waters is strictly prohibited. Boathouses shall be located a minimum of three feet (3') from the average annual high-water mark (AHWM), and a minimum distance from the side lot line that is equivalent to the side yard setback requirements for a principal structure within the zoning district.

1.24.060 Height. The highest point of the roof eave elevation of the boathouse shall not be more than a vertical measurement of eighteen fifteen feet (18') above the lowest elevation of the boathouse structure. Any railing to be placed on the roof of the boathouse may not exceed three and one-half feet (3.5') and such railing may not be solid in appearance.

1.24.070 Size. Boathouses shall not exceed five hundred square feet (500 SF) in area, as measured by the footprint. Boathouses may have two stories so long as the height restriction is met.
1.24.080 Vision and Access Corridor. There shall be a vision and access corridor in which boathouses shall be located and in which vegetation may be removed and trees and shrubs trimmed. This vision and access corridor shall be an area beginning at the average annual high water mark and extending to the water-facing façade of the boathouse that does not exceed thirty feet (30'), if the lot as measured at the AHWM is one hundred feet (100') or more in width. If the lot width at the AHWM is less than one hundred feet (100'), then the vision and access corridor may be no more than thirty percent of the lot width.

1.24.090 Lakeshore Buffer. There shall be a strip of vegetative cover, known as a lakeshore buffer, that is located thirty-five feet (35') inland from the AHWM and that extends the entire width of the lot, except within the vision and access corridor described in 1.24.080.

a. If the slope extending landward from the AHWM within the lakeshore buffer area is less than twenty percent (20%), then the thirty-five feet (35') may be measured along the land surface. If the slope is greater than twenty percent (20%), then the lakeshore buffer area shall be the horizontal distance of thirty-five feet (35') from the AHWM.

b. Boathouses shall be placed within the vision and access corridor if they are to be located within the lakeshore buffer.

c. Vegetation may be removed and trees and shrubs may be trimmed within the vision and access corridor, but such tree removal or trimming or other vegetative removal shall not occur within the lakeshore buffer described in 1.24.080, unless such removal or trimming is performed on diseased or dying vegetation.

d. If vegetation has already been removed or tree and shrubbery cutting has already occurred within the lakeshore buffer, and that vegetation removal or cutting has already occurred outside the vision and access corridor, then mitigation may be required under the boat house conditional use permit to restore a portion of the vegetation within the lakeshore buffer.

e. Any stairways or pathways used for access to the lake and to the boathouse shall be located within the vision and access corridor. If stairways or pathways already exist within the lakeshore buffer, relocation of those stairways or pathways to the vision and access corridor may be required under the conditional use permit.

f. If other structures already exist within the lakeshore buffer, removal or relocation of those structures may be required under the conditional use permit.

1.24.100 Design. The architectural design of the boathouse, and any associated stairs or paths, shall be harmonious with the surrounding landscape and shall have a minimal visual impact when viewed from the water.

1.24.110 All existing boathouses that were lawfully constructed prior to the enactment of this ordinance shall remain legal, non-conforming uses, and such boathouses may be maintained, but they may not be enlarged without obtaining a new conditional use permit and without coming into compliance with the terms of that new conditional use permit. All existing boathouses that were NOT lawfully constructed prior to the enactment of this ordinance shall be required to obtain a new conditional use permit and come into compliance with the terms of that new conditional use permit.

1.25 BREWERY OR DISTILLERY:
1.25.010 The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

1.26 CAMPGROUND:

1.26.010 Access: The campground site shall have access from a principal or minor arterial.

1.26.020 Design Standards:

   a. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
   
   b. A fifty foot (50’) landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Those property boundaries abutting private property shall require a landscape setback of fifty feet (50’) with protective fencing.
   
   c. A three hundred foot (300’) separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
   
   d. Any outdoor speaker system associated with the campground shall comply with the noise regulations of Appendix H of this Ordinance.

1.26.030 Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:

   a. Such uses shall be restricted in their use to occupants of the campground.
   
   b. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
   
   c. The structures enclosing such uses shall not be located closer than one hundred feet (100’) to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.

1.26.040 Use of Spaces; Maximum Stay: Spaces may be used by tents or temporary shelter arrangements or devices (including recreational vehicles).

1.27 CAR WASH:

1.27.010 All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.

1.27.020 If within the C1 district, a car wash facility shall be allowed only as an accessory use to a gasoline or diesel fuel sales facility. The car wash facility shall be limited in capacity to a single vehicle.

1.27.030 A one hundred foot (100’) separation shall be maintained between any car wash facility and any residential district.

1.27.040 Any outdoor speaker system associated with the car wash shall comply with the noise regulations of Appendix H of this Ordinance.

1.27.050 Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10’) of any residential district.
1.28 CEMETERY:

1.28.010 For the purposes of this subsection, the term "structures" shall include, but not be limited to, mausolea, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred feet (100') from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the applicable base district.

1.28.020 Family burial grounds are permitted as set forth in Appendix G of this Ordinance.

1.28.030 Graves and monuments shall not be located within twenty feet (20') from any property line.

1.28.040 All cemeteries shall be platted according to the regulations of this Ordinance.

1.28.050 If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accord with Idaho Code section 27-401.

1.29 CHILDREN'S TREATMENT FACILITY:

1.29.010 The applicant or owner shall secure and maintain a license from the state of Idaho department of health and welfare family and children's services division.

1.29.020 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.30 CHURCH:

1.30.010 Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

1.31 CLINIC, MEDICAL (EXCLUDING ANIMAL OR VETERINARY):

1.31.010 There are no additional standards for this specific use.

1.32 CLUB OR LODGE OR SOCIAL HALL:

1.32.010 All structures shall meet the minimum required setbacks for the applicable base district, or a minimum setback of thirty five feet (35') from any public street and twenty five feet (25') from any other property line, whichever is greater.

1.32.020 Any food service shall be approved by the central district health department.

1.33 COMPOSTING FACILITY, COMMERCIAL:

1.33.010 The use shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of commercial composting facilities including, but not limited to, federal, state, and local statutes, rules, and/or ordinances.

1.33.020 Grass composting shall only be allowed when the applicant can demonstrate that the use will not cause undue adverse impacts on surrounding properties.
1.33.030 All structures, outdoor storage areas, or any areas where compost is stored shall be located a minimum of one hundred feet (100') from any residential district and shall meet the standards of "Outdoor Storage", of this appendix.

1.33.040 For the purposes of this subsection, compost material shall not be considered a fertilizer, and shall not be restricted of this Ordinance.

1.33.050 The site for the composting facility shall be maintained in an orderly manner so as not to create a public nuisance.

1.34 CONTRACTOR’S YARD OR SHOP:

1.34.010 General Standards:

a. If the property is located in a residential or rural base district, all structures or outdoor storage areas shall be located a minimum of one hundred feet (100') from any property line abutting other property. The one hundred foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.

b. Outdoor storage areas shall be screened year round and comply with "Outdoor Storage" of this appendix.

c. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.

d. For the purposes of this Ordinance, a contractor's yard or shop is not a home occupation.

e. The property shall have approved access from an improved public roadway for the use.

f. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.

g. Accessory office space shall comply with section 'Office, Relating to an Approved Use" of this appendix and shall be identified on the master site plan.

h. Parking area improvements shall comply with the standards found in Appendix C of this Ordinance and shall be delineated on the master site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.

i. Use of the property shall comply with Appendix H - Noise of this Ordinance.

j. Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.

k. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.

l. A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.

m. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Fremont County development services department. If a permit holder refuses to allow inspection of the premises by the development service department, the approved zoning certificate or conditional use permit may be revoked.

1.34.020 Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use:

a. The following shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop:
(1) The proximity of existing dwellings;
(2) The number of employees;
(3) The hours and days of operation;
(4) Dust;
(5) Noise;
(6) Outdoor loading;
(7) Traffic;
(8) Landscaping and screening;
(9) Other.

b. The duration of a conditional use permit for a contractor's yard or shop shall be limited. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.

1.35 CREMATORY:

1.35.010 The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality.

1.35.020 A crematory, whether lying within or without the limits of a cemetery, shall be a minimum of one hundred feet (100') from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.

1.35.030 The site for the crematory shall be maintained in an orderly manner so as not to create a public nuisance.

1.36 DANGEROUS OR PROTECTED ANIMALS:

1.36.010 Regulations: The owner or caretaker of dangerous or protected animals shall comply with all state and/or federal regulations regarding the maintaining, raising, harboring, possession, training, or boarding of such animals.

1.36.020 Endangered Or Protected Species Research Facility: Facilities for, as herein defined, are subject to the following standards and processes:

a. Standards: Standards applicable to an "endangered or protected species research facility" as defined herein shall include:

(1) The facility, which may include more than one structure, must be located within a rural base district on at least forty (40) contiguous acres of land.
(2) The applicant shall apply for a conditional use permit for approval of a sketch plan. The decision making body shall determine the approval period for the conceptual development. The maximum allowable time period shall not exceed twenty (20) years.
(3) Allowable ancillary uses consistent with the research and educational mission of the endangered or protected species research facility, can be established at the time of conditional use permit approval of a sketch plan. These uses may include, but not be limited to: museums, visitor centers, incidental retail, libraries, classrooms, offices, meeting spaces,
staff residences, storage buildings and veterinary and laboratory facilities. Additional ancillary uses identified at time of sketch plan application may require separate conditional use approval at the time of development.

(4) Unless specifically exempted or amended as part of an approved conditional use permit, all structures and uses, with the exception of incidental storage or utility structures having a building footprint of more than one thousand five hundred (1,500) square feet, shall be set back two hundred feet (200') from any property line abutting a residential use. In no case shall setbacks be reduced below the minimum standards for the base zoning district, unless a variance is approved pursuant to Chapter 3 of this Ordinance. Incidental storage or utility structures having a building footprint of less than one thousand five hundred (1,500) square feet shall comply with standard setbacks for the base zoning district.

(5) The facility’s water system for potable water and fire suppression shall be provided by a utility regulated by the Idaho public utilities commission.

1.36.030 Sketch plan Approval: At the time of conditional use application for a sketch plan, the following items are required in addition to the items outlined on the conditional use checklist:

a. The conditional use application fee for sketch plan review shall be based on the area of total proposed disturbed acreage.

b. A sketch plan, in lieu of the master site plan, that shows:

   (1) Existing structures, uses, parking layout and traffic circulation;

   (2) Calculations of existing and required parking for each existing structure and/or use;

   (3) The general location of proposed new structures and/or uses and their required parking facilities in relation to existing or proposed traffic circulation patterns;

   (4) Any existing easements or rights of way within one hundred feet (100') of the conceptual area of development;

   (5) The maximum requested level of residential development;

   (6) The location and capacities of firefighting resources on site; and

   (7) The location of wells, septic systems, and/or reserve septic systems, if applicable.

c. A detailed letter describing the nature of the request. The narrative should include:

   (1) Proposed use(s);

   (2) List of proposed allowed ancillary use(s);

   (3) List of proposed ancillary use(s) allowed by conditional use; and

   (4) A written statement describing the off street parking and loading plan.

1.36.040 Sketch plan Terms Of Approval: The terms of approval for the conditional use permit for the sketch plan shall include the following:

a. A maximum time frame (of up to 20 years, as established by the decision making body) during which time the sketch plan shall be valid. A zoning certificate is required with every building permit issued under the sketch plan.

b. A listing of allowed ancillary use(s) approved as part of the permit.

c. A listing of ancillary use(s) allowed by an additional conditional use permit prior to development of the specific use(s).

d. Written statement regarding the level of modifications and/or expansions to the approved plan to be allowed without additional conditional use approval if it is determined that such is exempt from further approval.
e. The hours and days of operation for areas open to the general public.
f. The approved parking standards per Appendix C of this Ordinance, if applicable.
g. Determination on the waiving or modification of landscaping standards by the commission.
h. Residences shall only be for use of employees of the facility, except as specifically allowed under the terms of approval.

1.36.050 Allowed Ancillary Uses: At the time of building permit and/or zoning certification for allowed ancillary use(s), the owner and/or applicant shall:

a. Submit a master application for an addendum and the endangered or protected species ancillary use checklist.
b. Payment of the completeness review application fee.
c. Provide an updated table of existing and required parking for the site.
d. Central district health department approval of any proposed facilities under their jurisdiction.
e. Provide a written statement from the applicant that a valid U.S. fish and wildlife service permit for an endangered or protected species research facility remains in effect.
f. Provide a written statement explaining how the ancillary use conforms to the approved sketch plan.

1.36.060 Ancillary Uses Requiring A Conditional Use: At the time of application for ancillary uses requiring a conditional use, the following items are required in addition to the items required on the conditional use checklist:

a. In lieu of a master site plan, a detailed site plan of the affected area(s) showing:

(1) Existing uses, buildings and parking facilities;
(2) Proposed uses, buildings and parking facilities;
(3) Existing easements or rights of way within one hundred feet (100’) of the conceptual area of development;
(4) The maximum square footage requested for the ancillary use(s);
(5) Location of wells and septic system.

b. The applicant shall also provide in writing:

(1) Approval of central district health, if applicable;
(2) A statement regarding the off street parking and loading plan and conformance to the approved sketch plan; and
(3) Provide a statement explaining how the use conforms to the approved sketch plan.

1.36.070 Payment of the conditional use application fee based on the square footage of the proposed structure(s).

1.37 DAYCARE CENTER, FAMILY DAYCARE HOME, GROUP DAYCARE FACILITY:

1.37.010 Standards For Daycare Centers:

a. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
b. On site vehicle parking and pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

c. The decision making body shall specify the maximum number of allowable clients as a condition of approval, based on the requirements of this Ordinance and Idaho Code.

d. The decision making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.

e. No portion of the facilities used by clients may be within three hundred feet (300') of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

f. The daycare center operator shall secure and maintain a daycare center license from the state of Idaho department of health and welfare.

g. The daycare center operator shall provide a minimum outdoor play area of one hundred (100) square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100) square foot per child criteria.

h. All outdoor play areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Fremont County building code.

i. Outdoor play equipment over six feet (6') high shall not be located in any required yard.

j. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.

k. Minimum staff required is one per six (6) children under eighteen (18) months; one per twelve (12) children eighteen (18) months to five (5) years; and one per eighteen (18) children aged five (5) years or older.

l. A fire inspection and a health inspection are required by Idaho Code sections 39-1104, 39-1109 and 39-1110. The daycare operator shall apply to the Idaho department of health and welfare for the inspections.

m. A criminal history check is required by Idaho Code section 39-1105. The daycare operator shall apply for the criminal history check at the Idaho department of health and welfare.

n. Immunizations and staff training are required by Idaho Code sections 39-1118 and 39-1119.

o. A commercial building permit is required for the entire structure(s) used for the daycare center.

p. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M. or as specified in the conditional use permit.

1.37.020 Standards For Family Daycare Homes:

a. If any of the children cared for at the family daycare home are younger than seven (7) years of age, a criminal history check of staff shall be obtained from the Idaho department of health and welfare.

b. A commercial building permit is required for the building or portion of building used for the family daycare home.

c. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.

d. If outdoor lighting is to be used, it shall comply with Appendix V of this Ordinance as is required for a master site plan.

1.37.030 Standards For Group Daycare Facilities:
a. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms and kitchen.
b. No overnight parking shall be allowed. Onsite parking for the group daycare facility shall not use the parking space(s) required for the dwelling unit or other approved uses located on the site.
c. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The Administrator may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
d. All outdoor areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit or entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Fremont County building code.
e. Outdoor play equipment over six feet (6') high shall not be located in any required yard.
f. Minimum staff required is one staff person per six (6) children younger than eighteen (18) months and one staff person per twelve (12) children eighteen (18) months old or older.
g. A fire inspection is required. The applicant shall apply to the local fire district, or, if not located within a fire district, to the Idaho fire marshal.
h. If any of the children cared for at the group daycare facility are younger than seven (7) years of age, a criminal history check of staff is required from the Idaho department of health and welfare, per Idaho Code section 39-1114.
i. A commercial building permit is required for the structure or the portion of structure used for the group daycare facility.
j. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.
k. If outdoor lighting is to be used, it shall comply with Appendix V of this Ordinance as is required for a master site plan.

1.38 DRIVE-UP WINDOW SERVICE:

1.38.010 All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.

1.38.020 Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. The stacking lane shall not be located within ten feet (10') of any residential district.

1.38.030 Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of Appendix H of this Ordinance.

1.39 DRUG AND ALCOHOL TREATMENT FACILITY:

1.39.010 The owner of the facility shall secure and maintain a license from the state of Idaho department of health and welfare mental health and substance abuse division. In areas that are zoned rural preservation (RP) or rural residential (RR), the facility shall only be permitted if it lies within an area of city impact.

1.40 DUPLEX OR SINGLE-FAMILY ATTACHED DWELLING:

1.40.010 There are no additional standards for this specific use.

1.41 DWELLING, ADDITIONAL FARM:
1.41.010 The additional farm dwelling shall be located on a "farm" as herein defined.

1.41.020 No more than one permanent additional dwelling (including, but not limited to, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.

1.41.030 The additional farm dwelling shall be occupied by households where at least one individual performs a "substantial amount of work" (as herein defined) on the farm.

1.41.040 The location of the additional farm dwelling shall be: 1) on an existing or previously abandoned farmstead, or 2) not on prime agricultural land as herein defined. If such alternatives are not available, the farthest extent of the additional farm dwelling shall be located within one hundred feet (100') of the existing farm dwelling. The additional farm dwelling shall not conflict with existing or proposed wastewater treatment systems.

1.41.050 The applicant shall demonstrate the need for the additional farm dwelling based on characteristics of the farm and/or farm operation. Such characteristics shall include, but are not limited to:

a. The size of the entire farm including all other property used for such farm operation within the immediate area.
b. The types of farm crops and acreage for each type.
c. The operational requirements for the particular farm activity.
d. The number of other permanent or temporary dwellings on the farm.
e. The numbers of owners/employees/workers on the farm (including permanent and seasonal).

1.42 DWELLING, CARETAKER FOR AN APPROVED USE:

1.42.010 The caretaker dwelling is needed to house the owner or the owner's employee of an approved use.

1.42.020 Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.

1.42.030 No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.

1.43 DWELLING, SECONDARY ATTACHED OR DETACHED:

1.43.010 General Standards For Attached And Detached Secondary Dwellings:

a. The secondary dwelling shall clearly be incidental and subordinate to the primary dwelling.
b. The allowable footprint (including any attached garage) for a secondary dwelling shall be a maximum of nine hundred (900) square feet or sixty percent (60%) of the footprint (including any attached garage) of the primary dwelling, whichever is less.
c. A principal permitted dwelling with a valid certificate of occupancy must be present on the subject property.
d. No more than one permanent additional dwelling (including, but not limited to, an additional farm dwelling, caretaker dwelling, or a secondary dwelling) shall be permitted on a property.
e. Off street parking shall be provided as per Appendix C of this Ordinance in addition to the required off street parking for the dwelling.
f. Either the principal dwelling or the secondary dwelling must be owner occupied at all times. The secondary dwelling must be occupied by the owner of the principal permitted dwelling, a member of the owner's immediate family, or the owner's employee.

g. The applicant or owner shall provide a written statement annually (12 months from date of approval) stating that the use of the secondary dwelling is continuing in compliance with all requirements and conditions of approval.

h. The secondary dwelling shall be architecturally compatible with the principal permitted dwelling and shall use building materials (including, but not limited to, roofing, siding, and finish materials and exterior wall treatments) similar in appearance and color to those on the principal permitted dwelling.

1.43.020 Additional Standards for Attached Secondary Dwelling Units: The subject property must be a minimum of six thousand (6,000) square feet in size.

1.43.030 Additional Standards For Detached Secondary Dwelling Units:

a. If the principal dwelling is two (2) or more stories in height, the structure that accommodates the secondary dwelling may be two (2) stories; the first story shall be a garage or private storage area and the secondary dwelling shall be on the second story.

b. An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the Fremont County building code and any applicable plumbing or electrical code requirements.

1.44 DWELLING, SINGLE-FAMILY DETACHED:

1.44.010 Only one single-family detached dwelling shall be allowed per property.

1.45 EXPLOSIVE MANUFACTURING OR STORAGE:

1.45.010 The following standards apply to explosive manufacturing or storage as a non-accessory use. This section shall not apply to gasoline fueling stations or research and development facilities.

a. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

b. The facility shall be enclosed by an eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours. See also "Fence; Barbed Wire, Electric Wire or Other", of this appendix.

c. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.

d. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

e. The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.46 FARM, GARDEN, LUMBER, OR BUILDING SUPPLY STORE:

1.46.010 Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.
1.47 FENCE; BARBED WIRE, ELECTRIC WIRE OR OTHER:

1.47.010 No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the "clear vision triangle", as defined herein, requirements at a street intersection.

1.47.020 Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:

- a. The property is a "farm", as herein defined;
- b. The property is in the RP, RR, or RUT base districts;
- c. The property has a livestock confinement facility; or
- d. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.

1.47.030 Within an area of city impact, no fence, wall, latticework, or screen shall be erected over three feet (3') in height within the required front yard.

1.47.040 No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of six feet (6'), unless approved by a variance by the board or as part of an approved use. Any fence over six feet (6') in height shall also require a building permit with construction drawings prepared by a qualified and licensed engineer or architect.

1.47.050 Where any sight-obscuring fence or wall is required by this Ordinance to protect adjacent properties, said fence or wall shall be kept free from advertising and graffiti and maintained in good repair.

1.47.060 Security fencing that is not associated with an agricultural use or a livestock confinement facility shall only be used as the top section of the fencing and shall be a minimum of six feet (6') above grade.

1.48 FLAMMABLE SUBSTANCE STORAGE:

1.48.010 The following standards apply to flammable substance storage as a non-accessory use. This section shall not apply to gasoline fueling stations or research and development facilities.

1.48.020 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

1.48.030 The facility shall be enclosed by an eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours. See also “Fence; barbed wire, electric wire, or other” of this appendix.

1.48.040 The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.

1.48.050 The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have
been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

1.48.060 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.49 FOSTER HOME, GROUP:

1.49.010 Off-street parking shall be provided as per Appendix C of this Ordinance, in addition to the required off-street parking for the dwelling.

1.49.020 If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the Fremont County building code.

1.49.030 The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The Administrator may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.

1.49.040 All outdoor play areas shall be completely enclosed by minimum six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Fremont County building code.

1.49.050 The proposed use shall be properly located and designed to protect the health, safety, and welfare of the children.

1.49.060 Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

1.49.070 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.50 FOUNDRY:

1.50.010 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

1.51 FREIGHT OR TRUCK TERMINAL:

1.51.010 Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

1.51.020 The use shall be located a minimum of three hundred feet (300') from any residential district and a minimum of one thousand feet (1,000') from any hospital.

1.51.030 All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.51.040 Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.
1.52 FUEL CELL:

1.52.010 The use shall not be a "power plant" as defined herein.

1.53 GASOLINE OR DIESEL FUEL SALES FACILITY:

1.53.010 When allowed as an accessory use, gasoline or diesel fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.

1.53.020 Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho department of water resources and the appropriate fire authority.

1.53.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.53.040 Structures and pump station canopies on corner properties shall observe a minimum setback of thirty five feet (35') from any public street. There shall be a minimum setback of twenty five feet (25') from any residential district.

1.53.050 The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').

1.53.060 Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any residential district.

1.53.070 All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline or diesel fuel sales facility.

1.54 GOLF COURSE AND COUNTRY CLUB:

1.54.010 To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Code section 23-903.

1.54.020 Accessory sales and rental of golf equipment shall be allowed.

1.54.030 The golf driving range shall be designed to protect abutting property and roadways from golf balls. See “Amusement or Recreation Facility, Outdoor” of this appendix for non-accessory driving ranges.

1.54.040 All other accessory structures to the golf course shall not be located within one hundred feet (100') of an abutting property within a residential district. No outdoor recreation area associated with the country club shall be located within fifty feet (50') of any property line. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the Fremont County building code.

1.54.050 Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of Appendix H of this Ordinance.

1.54.060 For reasons of public health, safety and welfare, an accessory country club or clubhouse shall only be allowed as long as the subject property is within a fire district.
1.54.070 Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.55 GRAIN ELEVATOR:

1.55.010 The applicant shall provide written documentation that the design and location of the grain elevator have been approved by the appropriate fire authority.

1.56 HEAVY EQUIPMENT SALES OR SERVICE:

1.56.010 All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

1.56.020 Outdoor storage of accessories, replacement parts, or discarded parts shall comply with “Outdoor Storage” of this appendix.

1.56.030 Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road.

1.57 HOME OCCUPATION:

1.57.010 See Appendix I.

1.58 HOSPITAL:

1.58.010 The use shall have frontage on an arterial street.

1.58.020 Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.

1.58.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.58.040 No hospital shall be located within one thousand feet (1,000') of the following uses: explosive manufacturing or storage, livestock confinement facility with three hundred one (301) or more animal units, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, processing plant for agricultural and dairy products, slaughterhouse, soil or water remediation, or tannery.

1.59 HOTEL OR MOTEL:

1.59.010 No structure or driveway shall be located within one hundred feet (100') of a property line abutting a residential district.

1.59.020 Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this Ordinance.
1.59.030 No outdoor recreation area associated with the hotel or motel shall be within one hundred feet (100') of a residential district. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the Fremont County building code.

1.60 JUNKYARD OR AUTOMOBILE WRECKING YARD:

1.60.010 Screening:

a. Outdoor storage areas shall comply with “Outdoor Storage” of this appendix. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.

b. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any “highway”, “interstate”, “principal arterial”, or “minor arterial” as herein defined.

c. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

1.60.020 Site Related Standards:

a. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.

b. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.

c. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.

d. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any “highway”, “interstate”, “principal arterial”, or “minor arterial” as herein defined. See Idaho Code section 40-313.

e. The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

f. The applicant shall submit review comments from the Eastern Idaho regional office of the Idaho division of environmental quality with the conditional use permit application.

1.61 KENNEL, COMMERCIAL:

1.61.010 The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.

1.61.020 The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.

1.61.030 If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in “Animal Boarding with Outside Runs” of this appendix.

1.62 KENNEL, HOBBY:

1.62.010 A maximum of ten (10) dogs shall be allowed as a hobby kennel. For the purposes of this section, a litter of puppies together with the mother shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog.
1.62.020 Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and a minimum of fifty feet (50') from any property line. In residential districts, all dogs shall be housed indoors during the night.

1.62.030 The dogs shall be physically restrained from running at large. In residential districts, visual screening shall be required to buffer adjacent land uses.

1.62.040 No commercial dog boarding shall be allowed.

1.62.050 The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

1.62.060 If located within airport influence area B-1, B, or C, the dogs shall not spend more than two (2) hours each day outside a soundproofed structure.

1.63 LAUNDROMAT:

1.63.010 If abutting a residential district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

1.64 LAUNDRY OR LINEN SUPPLY:

1.64.010 There are no additional standards for this specific use.

1.65 LIVESTOCK CONFINEMENT FACILITY: See Appendix W.

1.66 MANUFACTURE OF ELECTRONIC OR ELECTRICAL PRODUCTS:

1.66.010 There are no additional standards for this specific use.

1.67 MANUFACTURE OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES:

1.67.010 The following standards shall apply to the manufacture or processing of hazardous chemicals or gases as a principal permitted use. The standards shall not apply to research and development facilities.

1.67.020 All structures shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

1.67.030 All hazardous chemicals or gases shall be stored and/or used within an enclosed structure.

1.67.040 The facility shall be enclosed by a minimum eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours.

1.67.050 The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.

1.67.060 The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing
surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

1.67.070 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.68 MANUFACTURED HOME:

1.68.010 A "manufactured home", as herein defined, is a principal permitted use in the rural districts and in the R1M and R8M districts. A manufactured home shall meet the standards of a manufactured home, not the standards for a single-family dwelling as herein defined. Unless otherwise provided for in this Ordinance, only one manufactured home shall be allowed per property.

1.69 MANUFACTURED HOME PARK:

1.69.010 Definitions: For the purposes of this section, the following definitions shall apply:

a. COMMON PLAY AREA: Shall refer to the play area required in subsection F3 of this section. The term common play area shall not refer to the outdoor living area required in subsection D4 of this section.

b. DRIVE: A privately owned roadway that provides internal circulation for vehicles within the manufactured home park and/or access to manufactured home spaces within the manufactured home park.

c. MANUFACTURED HOME SPACE: Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The manufactured home space shall be delineated on an approved master site plan for a manufactured home park.

d. SERVICE AREA: Shall refer to areas necessary for the management of the manufactured home park. Such areas may include, but shall not be limited to: storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.

1.69.020 Density: The maximum density of a manufactured home park shall not exceed the maximum density of the corresponding base district.

1.69.030 Use Standards:

a. Accessory uses shall be in conformance with the accessory uses of the corresponding base district.

b. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.

c. A recreational center and clubhouse may be allowed for the use of park residents. (Any sale, manufacturing, or distribution of alcoholic beverages shall require approval for a bar, brew pub, or nightclub as set forth in this Ordinance.)

d. Manufactured home parks shall accommodate only manufactured homes - not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.
e. Manufactured home parks approved subject to the regulations of this section may be expanded or altered after approval is obtained from the decision making body. The application, filed by the owner or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.

1.69.040 Manufactured Home Space Design Standards:

a. No manufactured home space shall contain less than two thousand (2,000) square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000) square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.

b. No manufactured home space shall be less than thirty feet (30') in width and/or depth.

c. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.

d. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten percent (10%) of the individual space, but in no case shall such area be less than three hundred (300) square feet nor required to be more than five hundred (500) square feet. The minimum dimension of such area shall not be less than fifteen feet (15').

1.69.050 Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:

a. The following construction standards apply to all drives in manufactured home parks:

(1) A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the manufactured home park.

(2) Drives shall have rolled concrete curb and gutter sections along both sides of the drive and extending the length of the drive.

(3) Drives shall be a minimum of thirty feet (30') wide from back of curb to back of curb. The entire width of the drive shall be improved.

(4) Drive slope to or from centerline (perpendicular to the drive centerline) shall be a minimum of two percent (2%), and runoff shall be disposed of in a manner that protects life and property.

(5) The improved surface shall include 2.5 inches of asphalt plant mix paving on top of the base course of six inches (6") of compacted crushed gravel no larger than 1.5 inch. Compaction shall be to ninety percent (90%) of maximum density at optimum moisture. All soft or unstable subgrade material shall be removed before the base course is placed. Where the subgrade has an R-value of less than sixty (60), the base course thickness and asphalt thickness shall be designed by a professional engineer registered in the state of Idaho, and the design approved by the county engineer. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the county engineer.

(6) Bridge and culvert crossings shall be designed for a minimum H-16 loading.

(7) The maximum allowable grade shall be ten percent (10%) slope.

(8) The minimum center line curve radius shall be fifty feet (50').

(9) The minimum curb radius at intersections shall be twenty feet (20').

b. The county engineer may approve, or recommend approval of, alternative drive designs when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to public health, safety, and welfare.
c. Sidewalks shall be constructed along one side of the drive and constructed to the standards for local streets in the most current edition of the development policy manual as adopted by the Fremont County highway district.

1.69.060 Park Design Standards:

a. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in subsection 1.69.050 of this section. Parking areas for accessory uses shall be paved in a like manner. For the purposes of this section, off-street parking spaces shall mean off-drive parking spaces.

b. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations of this Ordinance.

c. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.

(1) A minimum of one hundred (100) square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of manufactured home spaces, shall be less than two thousand five hundred (2,500) square feet.

(2) The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty six inch (36") barrier. The fencing material shall meet the swimming pool barrier requirements of the Fremont County building code.

1.69.070 All manufactured home parks shall comply with the Americans with disabilities act accessibility guidelines.

1.69.080 Manufactured home parks shall provide a side and rear yard of a minimum of twenty feet (20').

a. Where the neighboring property is in a residential base district, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.

b. Where the neighboring property is in a rural, commercial, or industrial base district such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.

1.69.090 Screening: The following standards shall be in addition to the landscaping and screening standards of this Ordinance.

a. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.

b. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.

c. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened from view of park residents.

1.69.100 Manufactured Home Placement Standards:
a. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the Fremont County building code.

b. Trailer hitches shall not project beyond the manufactured home space.

c. The minimum distance between a manufactured home (exclusive of trailer hitches) and:

   (1) Any other manufactured home shall be ten feet (10').
   (2) Any structure shall be ten feet (10').
   (3) Any property line (excluding manufactured home space boundaries), shall be equal to or greater than the required setback for the base district.
   (4) Any public street shall be equal to the required setback for the base district.
   (5) Any common drive or walkway shall be five feet (5').

1.69.110 Not more than sixty percent (60%) of a manufactured home space may be occupied by a manufactured home and any other accessory structures.

1.70 MANUFACTURED HOME STORAGE:

1.70.010 Manufactured homes shall not be stored within the required yards. Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.70.020 The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.

1.70.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.71 MANUFACTURED HOME SUBDIVISION OR PARK IN A MANUFACTURED HOME DISTRICT (R1M, R8M):

1.71.010 Where an M district boundary abuts any district without an M designation that does not have an intervening street, alley, or other permanent open space a minimum of twenty feet (20') in width, a yard of twenty feet (20') in minimum dimension shall be provided.

   a. Where the neighboring district is residential, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.

   b. Where the neighboring district is rural, commercial, or industrial, such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.

1.71.020 Along the perimeter of an M district, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.

1.71.030 Subdivision of property within an M district shall be approved by the board subject to the regulations of this Ordinance.

1.71.040 Manufactured home parks shall meet the standards listed in this appendix.

1.72 MEATPACKING FACILITY:
1.72 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand feet (1,000’) from any residential district or approved hospital use.

1.72.020 The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the environmental protection agency, the U.S. department of agriculture, central district health department, and Idaho department of water resources.

1.73 MORTUARY:

1.73.010 A mortuary may be allowed as an accessory use to a cemetery when located within a fire district and/or when fire flow is available.

1.74 MULTI-FAMILY DEVELOPMENT:

1.74.010 The minimum roadway frontage shall be fifty feet (50’) for multi-family developments in the R12 and R20 districts.

1.74.020 The minimum dedicated open space requirement shall be thirty percent (30%) for multi-family developments in the R12 and R20 districts.

1.74.030 Dedicated open space shall abut multi-family development within a planned unit development.

1.74.040 Multi-family site development shall comply with the design standards specified in this Ordinance.

1.74.050 The applicant may request an indoor amusement or recreation facility as an accessory use to the multi-family development.

1.75 NURSERY, WHOLESAL OR RETAIL:

1.75.010 Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty feet (50’) of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

1.75.020 Outdoor storage areas for materials shall comply with “Outdoor Storage” of this appendix. The following nursery materials shall be exempt from this requirement:

   a. Growing plants in ground or in containers; and
   b. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet (6’) in height.

1.75.030 Any outdoor speaker system associated with the nursery shall comply with the noise regulations of Appendix H of this Ordinance.

1.75.040 The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.

1.75.050 Additional standards for wholesale and/or retail nursery within a residential district or adjoining a residential district:
a. All proposed lighting shall comply with the provisions of this Ordinance.

b. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred feet (100’) from any property line.

c. No aerial spraying of the property shall be allowed.

1.75.060 Retail nurseries in the RUT (rural-urban transition) district shall also comply with the following:

a. The total amount of enclosed retail space shall not exceed five thousand (5,000) square feet. Greenhouses (as defined by this Ordinance) shall not be considered retail space.

b. The property shall have frontage to an arterial street.

1.76 NURSING FACILITY, SKILLED:

1.76.010 The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare facility standards division.

1.76.020 Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents only.

1.76.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.77 OFFICE BUILDING:

1.77.010 No additional standards are required for this specific use.

1.78 OFFICE, RELATING TO AN APPROVED USE:

1.78.010 An accessory office shall be allowed for an approved use. The office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less.

1.79 OFFICE, TEMPORARY CONSTRUCTION:

1.79.010 Any offices or accessory structures shall be removed from the property within thirty (30) days of completion of the construction project.

1.80 OFF STREET PARKING FACILITY:

1.80.010 Ground level parking areas (i.e., not in parking structures) shall be subject to the landscape and screening requirements in this Ordinance.

1.81 OUTDOOR STORAGE:

1.81.010 Screening: Outdoor storage areas shall be screened according to the regulations of this Ordinance. As required by this Ordinance, outdoor storage of chemicals and/or fertilizers shall be prohibited.
1.81.020 Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

1.81.030 Use of Site: The site shall not be used as a "pit, mine, or quarry" or "contractor's yard" as herein defined unless such use has been approved.

1.81.040 Prohibited Uses: The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined.

1.81.050 Compliance: The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.81.060 Additional Standards For Outdoor Storage As An Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:

   a. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
   b. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
   c. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
   d. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

1.82 PACKAGE AND LETTER DELIVERY SERVICE:

   1.82.010 No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.

   1.82.020 If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

   1.82.030 All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.83 PERSONAL, BUSINESS, OR PROFESSIONAL SERVICE:

   1.83.010 No additional standards are required for this specific use.

1.84 PIT, MINE, OR QUARRY:

   1.84.010 See Appendix J of this Ordinance.

1.85 PORTABLE CLASSROOM:

   1.85.010 Portable classrooms that are not indicated on an approved conditional use shall require administrative approval. If the proposed use cannot meet all of the following specific use standards, the use shall require conditional use approval:

   a. A school site shall be allowed a maximum of three (3) portable classrooms as an accessory use.
   b. The portable classroom shall not be located in the front yard of the principal school structure.
c. The portable classroom shall not be located in any required yard.

d. The placement of the portable classroom shall not reduce the number of required off street parking spaces.

1.85.020 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.86 POWER PLANT:

1.86.010 Power plant facilities that have a generating capacity of less than 100 kW shall be exempt from these regulations. Those that have a generating capacity of 100 kW or more shall be subject to the following standards:

1.86.020 General Standards:

a. Application materials shall include written documentation of approval from the federal energy regulatory commission and the appropriate fire authority.

b. The use shall be located a minimum of three hundred feet (300') from any dwelling and one thousand feet (1,000') from any residential district or approved hospital use.

c. The master site plan for the proposed power plant shall include a map of the proposed transmission line corridors, if any.

1.86.030 Hydroelectric Facility:

a. Major earthwork associated with construction and maintenance shall be scheduled to minimize soil disturbance between December 1 and April 15.

b. Any removal of riparian vegetation along watercourses shall be replaced at a ratio of two to one (2:1).

1.86.040 Biomass:

a. The applicant shall identify the specific location and type of all fuel sources for the biomass facility, and the method of gathering and delivering the fuel to the site.

b. Mass burn facilities shall not use waste containing hazardous materials as a fuel source. The applicant shall provide a plan for the handling and disposal of hazardous materials that may be contained in the waste products.

1.86.050 Geothermal: Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute a power plant.

1.87 PROCESSING PLANTS FOR AGRICULTURAL OR DAIRY PRODUCTS:

1.87.010 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

1.87.020 The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the environmental protection agency, the U.S. department of agriculture, central district health department, and Idaho department of water resources.
1.88 PRODUCT FABRICATION, ASSEMBLY, OR PACKAGING:

1.88.010 No additional standards are required for this specific use.

1.89 PUBLIC OR QUASI-PUBLIC USE:

1.89.010 Minimum Setbacks; Compatibility: All structures shall meet the minimum required setbacks for the applicable base district, except within a residential district where there shall be a minimum setback of thirty five feet (35') from any public street and twenty five feet (25') from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.

1.89.020 Public Recreation Facilities: The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.

1.89.030 Storm Drainage And Storm Detention Facilities: A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of this Ordinance shall not apply.

1.89.040 Underground Utilities: Underground utilities within an easement or within a public street right of way shall not require additional approval.

1.89.050 Power Distribution Facilities:

a. Electric distribution lines shall be principal permitted uses. Master site plan approval is not required.

b. Electric sub-transmission lines shall be principal permitted uses. Master site plan approval shall be required.

c. Electric transmission lines and substations shall require conditional use approval.

d. All electric transmission, sub-transmission, and distribution line rights of way shall be exempt from the landscaping regulations of this Ordinance.

e. Electric substations and other utility structures shall be deemed outdoor storage areas and shall comply with “Outdoor Storage” of this appendix.

f. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.

g. All wire fences, metal structures, and metal objects shall be grounded as required.

1.89.060 Correctional Facilities: Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:

a. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a property line that abuts a residential district.

b. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a public or private school, daycare center, or church.

1.90 RACETRACK, VEHICLE OR ANIMAL:

1.90.010 If the racetrack provides animal boarding, such facilities shall be subject to the regulations of “Animal Boarding With Outside Runs”, of this appendix. If the racetrack provides horse boarding,
such facilities shall be subject to the regulations in "Stable or Riding Arena, Commercial", of this appendix.

1.90.020 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand feet (1,000’) from any residential district.

1.90.030 Any outdoor speaker system associated with the racetrack shall comply with the noise regulations of Appendix H of this Ordinance.

1.90.040 Lighted facilities shall maintain a three hundred foot (300’) setback from any property line abutting a residential district and shall comply with the lighting standards set forth in this Ordinance. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to off-site improvements, and physical obstructions.

1.90.050 Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the central district health department and the applicable fire authority.

1.91 RADIO AND TELEVISION BROADCASTING STATION:

1.91.010 No additional standards are required for this specific use.

1.92 RAILROAD SWITCHING YARD:

1.92.010 All structures shall be located a minimum of one hundred feet (100’) from any residential district. No outdoor storage of material shall be permitted.

1.93 RECREATIONAL VEHICLE PARK:

1.93.010 See Appendix N.

1.94 RECYCLING CENTER:

1.94.010 Outdoor storage areas shall comply with “Outdoor Storage” of this appendix. No storage, excluding truck trailers, shall be visible above the required screening material.

1.94.020 Except for after-hours donation containers, no unsorted material shall be stored outdoors.

1.94.030 Any container provided for after-hours donation of recyclable materials shall be a minimum of fifty feet (50’) from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.

1.94.040 Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.

1.94.050 All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

1.95 RECYCLING PLANT:
1.95.010 All recycling plant grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

1.96 RESEARCH AND DEVELOPMENT FACILITY:

1.96.010 No additional standards are required for this specific use.

1.97 RESIDENTIAL CARE FACILITY:

1.97.010 The owner of the facility shall secure and maintain a license from the Idaho department of health and welfare, facility standards division.

1.97.020 Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents and/or staff only.

1.97.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance, and with Appendix I, if applicable.

1.98 RESTAURANT OR EATING PLACE:

1.98.010 In a commercial district, no additional standards are required for this specific use.

1.98.020 An eating place within an industrial district shall be subject to the following regulations:

a. The eating place shall not qualify as a "restaurant" as herein defined.
b. If located on the ground level, the gross square footage of the area devoted to the eating place shall not exceed twenty five percent (25%) of the gross floor area on the ground level.
c. The eating place shall be completely enclosed within the structure housing the industrial use.
d. No sign advertising the eating place shall be visible from a public right of way or private road.

1.99 RETAIL SALES, RELATING TO AN APPROVED USE:

1.99.010 Accessory retail sales shall be allowed for an approved commercial or industrial use, excluding uses within the M3 district. The area devoted to retail sales shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. Unless otherwise permitted in this Ordinance or as a condition of approval, no accessory retail sales shall be permitted in the rural base districts.

1.100 RETAIL STORE:

1.100.010 No additional standards are required for this specific use.

1.101 ROADSIDE PRODUCE STAND:

1.101.010 The roadside produce stand shall be located on a "farm" as herein defined.

1.101.020 The stand shall sell produce that is grown on the site or on neighboring properties.

1.101.030 Sales shall be conducted on a temporary or seasonal basis.
1.101.040 Access to the roadside produce stand shall be from a roadway and shall be approved by the Fremont County highway district.

1.101.050 Off street parking shall be provided as per Appendix C of this Ordinance.

1.101.060 Roadside produce stands that do not meet these standards must apply for temporary use approval for a seasonal stand.

1.102 SANITARY LANDFILL, RESTRICTED:

1.102.010 All structures shall be located a minimum of three hundred feet (300') from any property line. Active landfill disposal sites shall be located a minimum of one thousand feet (1,000') from any residential district.

1.102.020 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.102.030 The decision making body may specify definite time limits for daily operation and for termination of such use.

1.102.040 The applicant shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of restricted sanitary landfills and disposal sites as set forth in this Ordinance; Idaho Code title 31, chapter 44; and Idaho Code title 39, chapters 65, 70, and 74.

1.103 SAWMILL OR PLANING MILL:

1.103.010 The use shall be conducted within an enclosed structure.

1.103.020 There shall be a one thousand foot (1,000') separation from the mill structure and any residential district.

1.103.030 Outdoor storage areas shall comply with “Outdoor Storage” of this appendix.

1.104 SCHOOL, PUBLIC OR PRIVATE:

1.104.010 Locations for public school sites shall be determined in conformance with the applicable comprehensive plan. The following location criteria shall apply unless in conflict with the applicable comprehensive plan:

   a. Elementary schools shall take access off a local street.

   b. Middle schools, junior high schools, and senior high schools shall take access off a designated arterial or urban collector street.

   c. No elementary, middle, or junior high schools shall abut a commercial or industrial district.

   d. No school shall be located in a floodplain or adjacent to a hazardous land use.

1.104.020 All structures shall meet a minimum setback of forty feet (40') from any public street and thirty feet (30') from any other property line.

1.104.030 Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed.
1.105 SCHOOL, VOCATIONAL OR TRADE:

1.105.010 Schools within the TI district shall have major curriculum relating to technological industrial research and processes.

1.105.020 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.106 SEASONAL FARMWORKER HOUSING:

1.106.010 The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.

1.106.020 All dwellings or dormitories within the facility shall have adequate sewage and water facilities as provided in this Ordinance. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups.

1.106.030 Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.

1.106.040 No structure shall be closer than one hundred feet (100') from an abutting property within a residential district. No structure shall be closer than ten feet (10') from any other structure.

1.106.050 Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.

1.106.060 If the applicant and/or owner are found to be in violation of any of the standards listed in this section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation.

1.107 SHOOTING RANGE:

1.107.010 Written Approval: The applicant or owner shall obtain written approval from the federal bureau of alcohol, tobacco, and firearms.

1.107.020 Outdoor Range:

a. The proposed use shall be within a rural district, but outside the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Fremont County comprehensive plan.

b. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.

c. The range shall be designed and located so no ammunition travels off site.

d. Hours of operation shall be limited to eight o’clock (8:00) A.M. and nine o’clock (9:00) P.M.

e. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in “The NRA Range Source Book” published by the National Rifle Association.
1.107.030 Indoor Range:

a. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.

b. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty five percent (25%) of the gross floor area on the ground level.

c. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid federal firearms license from the bureau of alcohol, tobacco, and firearms.

d. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in “The NRA Range Source Book” published by the National Rifle Association.

1.107.040 Alternative Development Proposal: The Administrator may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to public health, safety, and welfare.

1.108 SLAUGHTERHOUSE:

1.108.010 The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.

1.108.020 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand feet (1,000’) from any residential district or approved hospital use.

1.108.030 A meatpacking facility may be an accessory use to the slaughterhouse.

1.109 SOIL OR WATER REMEDIATION:

1.109.010 The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ remediation of soil and/or water.

1.109.020 The minimum property size shall be forty (40) acres.

1.109.030 The proposed use shall not be located in the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Fremont County comprehensive plan.

1.109.040 The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality. The approval shall make specific reference to the location, substance being treated, method of treatment, monitoring methods, and ability of the site to support the proposed use.

1.109.050 The applicant or owner shall obtain written approval from Central district health department.

1.109.060 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.
1.109.070 All structures shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

1.110 STABLE OR RIDING ARENA, COMMERCIAL:

1.110.010 Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:

a. The riding arena is open to the general public, a homeowners' association or a club.

b. The riding arena is for private use, but is enclosed within a structure that exceeds twenty four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.

c. The riding arena can be rented by an individual or group.

d. Spectator seating for more than fifty (50) people is provided at the arena.

e. Retail sales accessory to the stable or riding arena are conducted on site.

f. Group lessons are provided to the general public for a fee.

1.110.020 All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.

1.110.030 The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.

1.110.040 Only off site catering is permitted, and must be approved by the Central district health department.

1.111 STORAGE FACILITY, SELF-SERVICE:

1.111.010 Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.

1.111.020 The maximum size of individual storage areas shall be five hundred (500) square feet.

1.111.030 The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.

1.111.040 The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

1.111.050 No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.

1.111.060 If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

1.111.070 Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.
1.112 STUDIO:

1.112.010 No additional standards are required for this specific use.

1.113 SWIMMING POOL, PRIVATE:

1.113.010 All swimming pools shall be provided with a security/trespass barrier which meets the requirements of the Fremont County building code.

1.114 TANNERY:

1.114.010 The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.

1.114.020 All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand feet (1,000’) from any residential district or approved hospital use.

1.114.030 The tannery shall have adequate sewer and water facilities as provided in this Ordinance.

1.115 TOWER OR ANTENNA STRUCTURE, COMMERCIAL:

1.115.010 See Appendix O.

1.116 TRANSIT FACILITY:

1.116.010 The master site plan shall designate sufficient areas to accommodate the maximum number of buses, vans, or other transit vehicles anticipated at any one time. No queuing areas shall be located within the required yards.

1.117 TRUCK STOP:

1.117.010 The use shall be located on a principal arterial that is within one thousand three hundred twenty feet (1,320’) of an interstate interchange or major cross-road of a U.S. Highway or Idaho State Highway.

1.117.020 Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

1.117.030 Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.

1.117.040 If the truck stop has been designated a safe haven facility by the board for trucks transporting hazardous materials, accessory sleeping quarters may be allowed.

1.117.050 Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility.

1.118 VEHICLE IMPOUND YARD:

1.118.010 Screening:
a. Outdoor storage and outdoor activity areas shall comply with “Outdoor Storage” of this appendix. The fence or wall and screening materials shall be a minimum of ten feet (10’) in height.

b. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any “highway”, “interstate”, “principal arterial”, or “minor arterial” as herein defined.

c. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

1.118.020 Site Related Standards:

a. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300’) from any property line. The use shall be located a minimum of one thousand feet (1,000’) from any residential district.

b. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is within one thousand feet (1,000’) of the nearest edge of the right of way and visible from any “highway,” “interstate,” “principal arterial,” or “minor arterial” as herein defined.

1.118.030 The use shall comply with the flood hazard overlay district as set forth in Chapter 7 of this Ordinance.

1.119 WAREHOUSE:

1.119.010 No additional standards are required for this specific use.

1.120 WINERY:

1.120.010 A winery and/or a winetasting room may be allowed as accessory uses for an agricultural property engaged in growing or cultivating grapes or other fruits from which wine is made. Winetasting rooms shall not be allowed in an industrial base district.

1.120.020 The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

1.120.030 Retail sales are limited to wine and related nonfood items when the use is located within a rural district.

1.120.040 A restaurant associated with a winery operation may be permitted as a conditional use in the rural base districts, subject to the following standards:

a. Notwithstanding other provisions of this Ordinance, signs for a restaurant approved as a conditional use shall be regulated through conditions of approval.

b. The restaurant shall be located on the same property as the winery.
APPENDIX V – LIGHTING STANDARDS

[RESERVED]
1.01 What This Appendix Does. This Appendix establishes the procedures for permitting, and the performance standards applicable to, Confined Animal Feeding Operations (CAFOs).

1.01.010 Authority. I.C. 67-6529 authorizes Fremont County to regulate the siting of certain animal operations and facilities. The provisions of I.C. 67-6529A through 67-6529G are incorporated herein and are absolute performance standards.

1.01.020 Conflicts. As per IC 67-6529(2), if any provision of the Development Code conflicts with this Appendix, this Appendix shall govern.

1.02 Definitions. The following definitions shall apply:

1.02.010 "Animal Unit" means one-thousand (1000) pounds of live weight.

1.02.020 "CAFO," also referred to as "concentrated animal feeding operation," "confined animal feeding operation," or "livestock confinement facility" means: a facility where all of the following conditions are met:
   a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any 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; and
   c. The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) cattle other than mature dairy cows or veal calves; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens.

1.02.030 "CAFO area of influence" means: the area within one mile of the CAFO site boundary.

1.02.040 "CAFO site" means: a defined area containing the pens, waste storage and lagoons of a CAFO. The boundary of this area will be the point from which setbacks and other distances are measured.

1.02.050 "Confined" means: placed in a pen, corral or other facility that restrains or concentrates the animals such that the vegetative cover on the ground is worn down or destroyed beyond its ability to naturally recover in a single season (see 1.02.020(b), above). The existence of field or property-line fencing does not automatically create a condition of confinement as defined by this appendix.

1.02.060 "Existing CAFO" means: any livestock confinement facility that was legally operating prior to July 1, 2011.

1.02.070 "Existing development" refers to: uses and activities that are nonagricultural or nonindustrial in nature including, but not limited to:
   a. a dwelling:
      (1) on a property that is less than ten (10) acres in size, and
(2) is under construction, occupied, or listed for rent or sale;
b. an amusement or recreation facility;
c. outdoor auction establishment;
d. bed and breakfast establishment;
e. boarding house;
f. children's treatment facility;
g. campground;
h. church;
i. club, lodge or social hall;
j. daycare facility;
k. drug and alcohol treatment facility;
l. golf course;
m. skilled nursing facility;
n. racetrack;
o. residential care facility; and/or
p. a school.
q. However, the term shall not include dwellings and/or facilities associated with the CAFO operation.

1.02.080 “Pen” means the structure or facility in which animals are confined in a CAFO.

1.03 Applicability:

1.03.010 A new livestock confinement facility that meets the definition in 1.02.020, above, shall be deemed a confined animal feeding operation (CAFO) and shall require a CAFO permit. Expansion of an existing facility shall also require a CAFO permit, if the expanded size meets the definition.

1.03.020 Any livestock confinement facility that was legally in existence prior to July 1, 2011, shall not be required to get a permit under this Appendix to continue operation. Depending on circumstances, these facilities may be expanded; however, a permit will be required for expansion.

1.03.030 Aquaculture CAFOs are exempt from the regulations in this section, except for any manure storage setback as set forth in this Appendix.

1.03.040 Traditional winter feeding of livestock, regardless of the number of animals fed, shall not be considered a CAFO, provided the ground retains its ability to naturally recover its vegetative cover in the normal growing season.

1.04 Standards: Livestock confinement facilities shall meet the following standards:

1.04.010 The property’s zone does not prohibit CAFOs.

1.04.020 Compliance: The CAFO must comply with and not be in violation of any federal, state, or local law including, but not limited to: all applicable regulations and requirements of the Idaho State Department of Agriculture (ISDA), State of Idaho Department of Environmental Quality (DEQ), State of Idaho Department of Water Resources (DWR), and/or district health department.

1.04.030 Lighting: All proposed lighting shall comply with the provisions of Appendix V of this Ordinance.
1.04.040 Waste:
   a. All animal waste must be managed according to plans and facilities approved by DEQ or ISDA, as determined by these agencies.
   b. No on-site disposal (either by burning or burial) of dead animals is permitted.

1.04.050 Siting Standards:
   a. Pens and lagoons and manure storage shall not be located within a floodplain.
   b. All pens, lagoons and manure storage areas shall maintain a minimum separation distance, as set forth in Table W.1, below.
   c. Each existing CAFO with a capacity of one thousand (1000) or more animal units, and each proposed CAFO, shall have a CAFO area of influence (see 1.02.030). One area of influence may overlap another if no existing development is within more than two (2) areas of influence.
   d. For expansions of existing facilities that require a permit, the location standards shall only apply to proposed expansions.

### TABLE W.1: CAFO SETBACKS

<table>
<thead>
<tr>
<th>Use</th>
<th>Setback (In Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Another CAFO pen, lagoon or manure storage area where existing development is within either CAFO area of influence</td>
<td>2,500</td>
</tr>
<tr>
<td>Another CAFO pen, lagoon or manure storage area where there is no existing development within either CAFO area of influence</td>
<td>1,250</td>
</tr>
<tr>
<td>Existing development outside an area of city impact</td>
<td>1,000</td>
</tr>
<tr>
<td>Public water intakes¹</td>
<td>300</td>
</tr>
<tr>
<td>Domestic well²</td>
<td>300</td>
</tr>
<tr>
<td>Streets and roadways</td>
<td>200</td>
</tr>
<tr>
<td>Property lines not fronting a street or roadway</td>
<td>300</td>
</tr>
<tr>
<td>An area of city impact boundary</td>
<td>1 mile</td>
</tr>
<tr>
<td>A city boundary</td>
<td>2 miles</td>
</tr>
</tbody>
</table>

Note:

¹ Public water intakes shall include, but may not be limited to, wells, springs, lakes, and/or streams used as a potable water source.

² This does not include any domestic well that is exclusively for the use of a dwelling or building located on the same parcel as the CAFO, and owned by the owner of the CAFO.

1.05 Procedure:

1.05.010 Application: Application for a CAFO shall be made on a form prepared by the Planning & Building Department.
   a. Requirements:
      (1) Site Plan, drawn to scale on a 24 x 36 sheet of paper, showing the applicant’s entire parcel (or contiguous parcels) of land. The Administrator may require a second site plan if the scale of the first does not permit the CAFO facility to be shown in sufficient detail.
      (2) Vicinity Map, drawn to scale on a 24 x 36 sheet of paper, and showing the location of the proposed CAFO and the surrounding area for at least 2 miles.
      (3) Explanatory description of the proposed operation.
      (4) A Nutrient Management Plan, prepared according to the standards of the ISDA, by a certified preparer (ISDA maintains a list of approved preparers). The plan may be based on the applicant’s prepared site plan if the physical structures do not already exist.
      (5) If waste or runoff will be contained in lagoons, or if manure will be composted on site, the applicant will also submit an Odor Management Plan that meets ISDA’s requirements.
1.05.020 Notify the Board of County Commissioners: After receiving a complete application, the Administrator will notify the Board of County Commissioners (Board) that a CAFO application has been received and that the review process will be starting. At that point, the Board will have fifteen working days to decide if the County will opt to request a CAFO Site Advisory Team from the state (as per IC 67-6529D, E, F, G, & H).

1.05.030 Planning and Zoning Commission review of Site Plan: Once the County has received the report from the CAFO Site Advisory Team (if required), the application will be presented to the Planning and Zoning Commission (Commission) for review as follows:

   a. Sketch Plan: The applicant will present the application to the Planning and Zoning Commission at a regular meeting to introduce the application and answer questions from the Commission. The Commission may ask the applicant for additional information if it deems necessary. This step may be repeated until the Commission is satisfied that it has all of the information it needs to completely review the process.

   b. Site Plan Review: The Commission will, after reviewing the application make a recommendation to the Board as follows:

      (1) As to whether the application meets the County’s standards for approving a CAFO, and

   c. The Commission shall also recommend any conditions that it believes are necessary to mitigate impacts of the CAFO.

1.05.040 Public Hearing: Following the Commission’s recommendation, the Board will hold a public hearing on the application. As per IC 67-6529(2), only members of the public with their primary residence within a one (1) mile radius of a proposed site may provide comment at the hearing.

1.05.050 Decision: Following the public hearing, the Board will have up to sixty days to make a decision approving or denying the CAFO Site Plan.

   a. When approving a CAFO site plan, the Board may attach conditions to the approval in order to mitigate potential impacts. These conditions may include any conditions that the Board deems reasonable; the Board is not limited to considering only those conditions recommended by the Commission.

1.06 Permit Renewal: From the date of approval, CAFO permit is initially valid for two years, whereupon it will expire if it is not renewed. Following the first renewal, the permit shall be valid for five years at a time before requiring renewal. The renewal process is as follows:

1.06.010 Application: The CAFO permittee shall submit the following for renewal:

   a. Documentation that all state and federal agency approvals have been secured.

   b. Documentation of compliance with the approved nutrient management plan.

   c. Documentation of compliance with any other required state or federal permit.

   d. Compliance inspection from the County to verify compliance with County Standards

   e. Water testing results, if called for by any required permit.

   f. Any other information required by the Administrator to verify that the CAFO is compliant with the County’s standards and conditions of approval.

   g. An application, provided by the Planning & Building Department.

   h. A fee, as determined by the Board.

1.06.020 Review: The Administrator shall review the required submittals and determine if the CAFO has complied with the relevant requirements.

   a. If the CAFO complies, the Administrator shall approve the permit renewal.
b. If there are deficiencies, the Administrator shall refer the permit to the Commission for further review. The Commission will review the deficiencies and discuss with the CAFO operator how they may best be addressed.

(1) The Commission may then determine that the CAFO operator should be permitted a probationary period to address the deficiencies.

(2) The maximum time for a probationary period is one year.

c. If the Commission determines that the deficiencies have not been, or cannot be, corrected, it shall refer the permit to the Board. The BOCC may then hold a public hearing and – if it agrees with the recommendation of the Commission – revoke the permit.

1.07 Penalty. Failure to comply with this Appendix shall be punishable by:

1.07.010 A fine of up to $150 per animal per day,

1.07.020 Possible revocation of the permit. If the County seeks to revoke a permit, it shall bring the matter to the Board. The Board shall hold a public hearing, deliberate on the facts of the case and then make a reasoned determination concerning revocation of the permit.

1.08 Appeals: Appeals, if any, of any County decision shall follow the procedures established in Chapter 3 of the Development Code.