



BOISE COUNTY

RESOLUTION #2018-57

A BOISE COUNTY RESOLUTION TO AMEND ORDINANCE #2016-01, A BOISE COUNTY ORDINANCE ON UNIFIED LAND USE

WHEREAS, the Boise County Planning and Zoning Commission has recommended amendments to the Unified Land Use Ordinance, as ordained by the Board of Boise County Commissioners in Ordinance #2016-01; and

WHEREAS, the Boise County Planning and Zoning Commission provided notice to all political subdivisions in Boise County on May 23, 2018, regarding a public hearing to be held on June 21, 2018; and

WHEREAS, the Boise County Planning and Zoning Commission held a public hearing on June 21, 2018, and made no material changes after the public hearing to the suggested amendments to the ordinance; and

WHEREAS, the Boise County Planning and Zoning Commission, on June 21, 2018, recommended that the Board of Boise County Commissioners adopt the proposed amendments; and

WHEREAS, the Board of Boise County Commissioners provided notice to all political subdivisions in Boise County on August 24, 2018, regarding a public hearing to be held on September 18, 2018; and

WHEREAS, the Board of Boise County Commissioners held a public hearing on August 18, 2018, and made no material changes after the public hearing to the suggested amendments to the ordinance; and

WHEREAS, the Board of Boise County Commissioners (the governing board) has approved such amendments to Ordinance #2016-01 in accordance with the requirements of Title 67, Chapter 65, of Idaho Code, and Title 31, Chapter 7, of Idaho Code; and

WHEREAS, a copy of the Amended Ordinance #2016-01 accompanies this adopting resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Boise County Commissioners does hereby approve the Amended Ordinance #2016-01, an ordinance governing land use.

APPROVED and ADOPTED in Open Session on this 25th day of September, 2018.



BOISE COUNTY BOARD OF COMMISSIONERS



ALAN D. WARD, Chairman

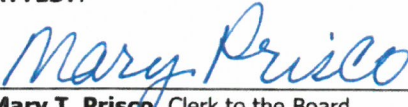


ROGER B. JACKSON, Commissioner

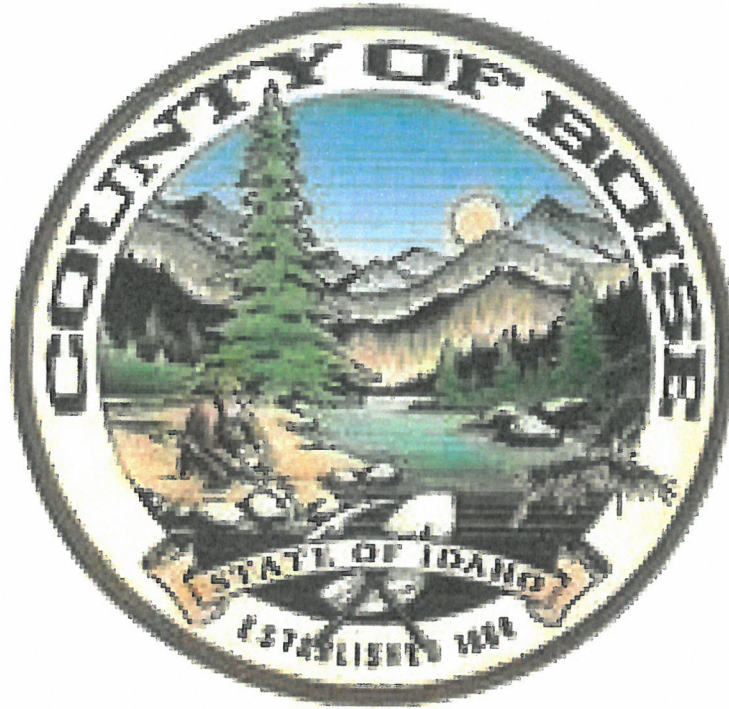


LAURA L. BAKER, Commissioner

ATTEST:



Mary T. Prisco, Clerk to the Board



AMENDED
UNIFIED LAND USE
ORDINANCE
#2016-01

Contents

CHAPTER 1 GENERAL REGULATIONS

- SECTION 1.1 TITLE..... 5
- SECTION 1.2 PURPOSE..... 6
- SECTION 1.3 SCOPE 6
- SECTION 1.4 APPLICABILITY 6
- SECTION 1.5 RESPONSIBILITY..... 7
- SECTION 1.6 INTERPRETATION..... 7
- SECTION 1.7 CONFLICTING REGULATIONS..... 7
- SECTION 1.8 DISINCORPORATION..... 7
- SECTION 1.9 GENERAL PROVISIONS OF ORDINANCE..... 7
- SECTION 1.10 REFERENCES..... 8
- SECTION 1.11 SAVING CLAUSE..... 8
- SECTION 1.12 DEFINITION OF TERMS..... 8

CHAPTER 2 ADMINISTRATIVE PROCEDURES

- SECTION 2.1 ADMINISTRATOR..... 30
- SECTION 2.2 PLANNING AND ZONING COMMISSION31
- SECTION 2.3 BOARD OF COUNTY COMMISSIONERS..... 31
- SECTION 2.4 APPLICATION PROCEDURES 32
- SECTION 2.5 LAND USE HEARINGS..... 35
- SECTION 2.6 SCHEDULE OF FEES38
- SECTION 2.7 MITIGATION CONTRACT 38
- SECTION 2.8 TIME EXTENSIONS39
- SECTION 2.9 VARIANCES..... 40
- SECTION 2.10 APPEALS PROCEDURES 40
- SECTION 2.11 COMPLIANCE BY ISSUERS OF PERMITS 41
- SECTION 2.12 VIOLATIONS, ENFORCEMENT PROCEDURES AND PENALTIES 41
- SECTION 2.13 SHOW CAUSE HEARING..... 42
- SECTION 2.14 UNIFIED LAND USE ORDINANCE AMENDMENTS 43

CHAPTER 3 REGULATIONS APPLYING TO ALL DISTRICTS

- SECTION 3.1 STANDARD REGULATIONS45
- SECTION 3.2 PUBLIC AND PRIVATE ROADS 48

SECTION 3.3 ROAD CONSTRUCTION SPECIFICATIONS.....	58
SECTION 3.4 OFF-STREET PARKING REQUIREMENTS.....	70
SECTION 3.5 STREET NAMING AND ADDRESS NUMBERING	72
SECTION 3.6 SIGN REGULATIONS	76
SECTION 3.7 BUILDING PERMITS, REQUIREMENTS, AND FEES	79
CHAPTER 4 LAND USES	
SECTION 4.1 BASE DISTRICT	80
SECTION 4.2 NONCONFORMING PROPERTY USE OR STRUCTURE	88
SECTION 4.3 CONDITIONAL USES	89
SECTION 4.4 WILDLAND-URBAN INTERFACE REGULATION	92
SECTION 4.5 FLOOD DAMAGE PREVENTION.....	95
SECTION 4.6 HAZARDOUS DEVELOPMENT SITE REGULATIONS.....	115
CHAPTER 5 SUBDIVISION REGULATIONS	
SECTION 5.1 PURPOSE	117
SECTION 5.2 DOCUMENTATION.....	118
SECTION 5.3 SUITABILITY RESTRICTIONS.....	119
SECTION 5.4 SUBDIVISION EXCEPTIONS.....	120
SECTION 5.5 SUBDIVISIONS.....	123
SECTION 5.6 CHARACTERIZATION OF SUBDIVISION APPROVAL	125
SECTION 5.7 STREETS AND UTILITIES	125
SECTION 5.8 STORM WATER MANAGEMENT PLAN	128
SECTION 5.9 SEDIMENT/EROSION CONTROL PLAN.....	128
SECTION 5.10 SIZE & INFRASTRUCTURE RELATED REQUIREMENTS.....	129
SECTION 5.11 FIRE PROTECTION PLAN.....	129
SECTION 5.12 TRANSPORTATION IMPACT STUDY	130
SECTION 5.13 PROTECTIVE COVENANTS	131
SECTION 5.14 SPECIAL DEVELOPMENT SUBDIVISIONS	131
SECTION 5.15 POLITICAL SUBDIVISIONS AND SCHOOLS	135
SECTION 5.16 MINOR PLAT REVIEW	135
SECTION 5.17 PRELIMINARY PLAT REVIEW	136
SECTION 5.18 FINAL PLAT REVIEW.....	137
SECTION 5.19 AMENDMENTS/VACATION OF SUBDIVISION PLATS OR PARTS THEREOF...	138
CHAPTER 6 PLANNED UNIT DEVELOPMENT (PUD)	

SECTION 6.1	PURPOSE.....	139
SECTION 6.2	PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT.....	140
SECTION 6.3	OWNERSHIP REQUIREMENTS	140
SECTION 6.4	CHARACTERIZATION OF PLANNED UNIT DEVELOPMENT APPROVAL...140	
SECTION 6.5	MINIMUM AREA.....	140
SECTION 6.6	INCREASED RESIDENTIAL DENSITY	140
SECTION 6.7	POTENTIAL MIXED USES.....	140
SECTION 6.8	DESIGN STANDARDS	140
SECTION 6.9	NON-RESIDENTIAL USE DESIGN	141
SECTION 6.10	COMMON OPEN SPACE	141
SECTION 6.11	UTILITY REQUIREMENTS	141
SECTION 6.12	PROCEDURES FOR A PLANNED UNIT DEVELOPMENT APPLICATION	141
SECTION 6.13	PRE-APPLICATION MEETING.....	142
SECTION 6.14	APPLICATION FOR PUD PRELIMINARY DEVELOPMENT PLAN	142
SECTION 6.15	COMMISSION RECOMMENDATION OF PUD PRELIMINARY DEVELOPMENT PLAN.....	143
SECTION 6.16	BOARD DECISION FOR PUD PRELIMINARY DEVELOPMENT PLAN.....	143
SECTION 6.17	APPLICATION FOR THE PUD FINAL DEVELOPMENT PLAN	143
SECTION 6.18	ACTION BY THE COMMISSION.....	144
SECTION 6.19	ACTION BY THE BOARD	145
SECTION 6.20	EXPIRATION AND EXTENSION OF APPROVAL PERIOD	145
SECTION 6.21	AMENDMENT/VACATION OF PUD PLANS OR PARTS THEREOF.....	146
 CHAPTER 7 PLANNED COMMUNITY		
SECTION 7.1	PURPOSE.....	147
SECTION 7.2	PLANNED COMMUNITY REQUIREMENTS	147
SECTION 7.3	PRE-APPLICATION MEETINGS.....	147
SECTION 7.4	APPLICATION REQUIREMENTS.....	147
SECTION 7.5	PROCESS	150
SECTION 7.6	PROCESS FOR SUBSEQUENT DEVELOPMENT	151
SECTION 7.7	REQUIRED FINDINGS.....	151
SECTION 7.8	CHARACTERIZATION OF PLANNED COMMUNITY APPROVAL	151
SECTION 7.9	AMENDMENT/VACATION OF PLANNED COMMUNITY PLAN OR PARTS THEREOF .	151

GENERAL REGULATIONS

SECTION 1.1 TITLE..... 5
SECTION 1.2 PURPOSE..... 6
SECTION 1.3 SCOPE 6
SECTION 1.4 APPLICABILITY 6
SECTION 1.5 RESPONSIBILITY..... 7
SECTION 1.6 INTERPRETATION..... 7
SECTION 1.7 CONFLICTING REGULATIONS 7
SECTION 1.8 DISINCORPORATION..... 7
SECTION 1.9 GENERAL PROVISIONS OF ORDINANCE..... 7
SECTION 1.10 REFERENCES..... 8
SECTION 1.11 SAVING CLAUSE 8
SECTION 1.12 DEFINITION OF TERMS..... 8

SECTION 1.1 TITLE:

AN ORDINANCE PROVIDING LAND AND DEVELOPMENT REGULATIONS FOR BOISE COUNTY, IDAHO, CONSIDERING ALL LANDS WITHIN THE JURISDICTION OF THE GOVERNING BOARD AS ONE MULTIPLE USE DISTRICT; SETTING THE AUTHORITY, PURPOSE, SCOPE, AND DEFINITION OF TERMS; SETTING STANDARDS AND REVIEW PROCEDURES FOR VARIOUS LAND USES, PROVIDING FOR VARIANCES; SETTING STANDARDS AND PROCEDURES FOR THE SUBDIVISION OF PROPERTY; SETTING STANDARDS AND PROCEDURES TO MITIGATE THE RISK TO LIFE AND STRUCTURES FROM SPREADING WILDLAND FIRE INTO DEVELOPED LAND AND STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS; SETTING STANDARDS AND PROCEDURES TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS; PROVIDING STANDARDS FOR THE CONSTRUCTION OF PRIVATE AND PUBLIC ROADS; SETTING STANDARDS AND PROCEDURES FOR STREET NAMING AND ADDRESSING; PROVIDING FOR DESIGNATION OF HAZARDOUS DEVELOPMENT SITES; SETTING GENERAL SIGN REGULATIONS; SETTING PROCEDURES FOR THE MITIGATION OF SUBDIVISION IMPACTS ON THE SCHOOL DISTRICT TO PROVIDE SERVICES; PROVIDING FOR ADMINISTRATION, APPEALS, AMENDMENTS, SEVERABILITY, ENFORCEMENT, AND PENALTIES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Boise County, Idaho:

The text of this document together with appropriate maps and appendices shall be known as the “Boise County Unified Land Use Ordinance”, hereinafter referenced to as the “Ordinance” or “ULO”. The passage of this Ordinance repeals the following Boise County Ordinances and Resolutions: Zoning and Development Ordinance (No. 2001-07), Glossary of Terms for Use In All Land Use Applications Resolution (Res. No. 2010-37), Subdivision Ordinance (No. 2006-02), Road Standards Ordinance (No. 2005-04), Wildland-Urban

Interface Ordinance (No. 2011-03), Flood Plain Ordinance (No. 2010-04), Street Naming and Address Numbering Ordinance (No. 98-3), Building Permit Requirements, and Permit Fees Ordinance (2007-02), Procedures for Mitigation of Subdivision Impact Resolution (Res. 2007-12), Planning and Zoning Commission Ordinances (No. 95-7 and No. 2004-02), General Conditions for All Conditional Use Permits Resolution (Res. 2004-21), Resolution Adopting Land Use-Related Hearing Procedures (Res. 2010-04) and a Resolution Establishing a Timeline for the Planning and Zoning Commission Recommendations or Decision to be Rendered (Res. 2011-17). And amends ULO Ordinance #2016-01 (Res. 2017-30).

SECTION 1.2 PURPOSE:

To provide for the health, safety, and general welfare of the county. This Ordinance is designed to:

- 1.2.A** Specifically implement the goals, objectives, and guidelines adopted in the Boise County Comprehensive Plan (Comprehensive Plan).
- 1.2.B** Protect both property rights and property values; and, minimize the conflicts among the uses of land and buildings.
- 1.2.C** Provide for adequate on-site and off-site public facilities or services.
- 1.2.D** Establish standards for development.

SECTION 1.3 SCOPE:

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

SECTION 1.4 APPLICABILITY:

- 1.4.A** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.
- 1.4.B** Regulations of this Ordinance shall apply to all real property, buildings, structures or fixtures attached thereto in Boise County outside of any incorporated city except as may be altered under Idaho Code Sections 67-6525 (annexation) and 67-6526 (area of impact). The United States of America, the State of Idaho, Boise County and all their respective agencies, boards, departments, institutions, and local special purpose districts, shall comply with this Ordinance unless otherwise excepted by law.
- 1.4.C** Whenever a provision of this Ordinance, or any provision of any City, State, Federal, or County regulation, resolution, law, rule, or contract contains restrictions covering the same subject matter, the more restrictive requirement or higher standard shall govern when authorized by law.
- 1.4.D** The prosecution of violations that occurred under previous land use regulations and that remain a violation under this Ordinance shall continue until resolved.
- 1.4.E** All applications shall be processed and reviewed according to the Ordinances and Comprehensive Plan in effect at the time of the application.
- 1.4.F** Any approved application may still be completed as provided by the approval. This means that to the extent all applicable conditions have been complied with, any and all rights granted pursuant to an application approved or permit issued under any ordinance or resolution repealed or replaced by this Ordinance shall remain in full force and effect in accordance with the terms thereof, from and after the effective date of this Ordinance.

SECTION 1.5 RESPONSIBILITY:

Unless otherwise stated, all requirements established by this Ordinance are the responsibility of the property owner of record or their lawfully designated agent or applicant.

SECTION 1.6 INTERPRETATION:

- 1.6.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.
- 1.6.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 calculated calendar days beginning the first County recognized work day (excluding weekends or Boise County holiday).
- 1.6.C 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.
- 1.6.D Defined terms: Definitions in this chapter shall have their defined meanings when used elsewhere in this Ordinance. For the purpose of readability and clarity, such terms are not shown in initial caps.
- 1.6.E Section headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.
- 1.6.F 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.

SECTION 1.7 CONFLICTING REGULATIONS:

- 1.7.A In the case of a conflict between the text and the maps of this document, the text shall prevail.
- 1.7.B If conflicts occur between different regulations of this Ordinance, the most restrictive regulation shall apply.
- 1.7.C It is not intended that this Ordinance interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; 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 rules or regulations, or by easements, covenants, or agreements, the regulations of this Ordinance shall govern.

SECTION 1.8 DISINCORPORATION:

Where property becomes a part of the unincorporated area of Boise County by the disincorporation of any city, or portion thereof, such properties shall have a Multiple Use District zoning designation.

SECTION 1.9 GENERAL PROVISIONS OF ORDINANCE:

- 1.9.A The requirements of this Ordinance are intended to be compatible with Chapter 45 of Title 22 of the Idaho Code (Right to Farm Legislation). This Ordinance shall not be construed so as to deprive the owner of agricultural land of the full and complete use of said land for the

production of any agricultural products.

- 1.9.B** Any person, firm or corporation desiring to construct, erect, move or remodel a structure which will be two hundred ten (210) square feet or greater, or for any size if inhabited, shall first obtain a permit from the county and shall pay a fee as required by the county. The establishment of the square footage is done by the calculation of the measurements taken from the outside of said structure.
- 1.9.C** The non-conforming use of buildings, structures and land use that was in place at the time of passage of the first Zoning and Development Ordinance on March 24, 1997, may be continued to the same extent and character as that which existed as of March 24, 1997, unless they endanger public health, safety or the environment. Any expanded or modified use arising after March 25, 1997 shall be subject to all requirements of the governing ordinance then in effect, including this Ordinance.
- 1.9.D** Any lot or parcel of land which was of record on December 6, 2005, which was in conformance with prior subdivision regulations may be used as a dwelling site provided the building placement and health requirements are met and that legal access can be established.
- 1.9.E** All domestic sewage disposal facilities must be approved and a permit issued by the Health Authority and installed and operating before a building shall be occupied. No building shall be occupied as a residence or commercial, civic, industrial establishment unless the Health Authority provides approval.

SECTION 1.10 REFERENCES:

References in this Ordinance to other ordinances of Boise County and statutes of the State of Idaho are provided solely for the coordination of this Ordinance with such other ordinances and statutes.

SECTION 1.11 SAVING CLAUSE:

Should any section, clause, or regulation of this Ordinance be declared invalid by a court of competent jurisdiction, 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.

SECTION 1.12 DEFINITION OF TERMS

AASHTO: American Association of State Highways and Transportation Officials.

Accessory Structure: A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

Administrator: See Planning and Zoning Administrator.

Affected Person: As defined in Idaho Code §67-6521, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by: (i) The approval, denial or failure to act upon an application for a subdivision, variance, special use permit and such other similar applications required or authorized pursuant to this chapter; (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to §67-6511, Idaho Code; or (iii) An approval or denial of an application for conditional rezoning pursuant to §67-6511A, Idaho Code.

Agency: Any political subdivision of the State of Idaho, including but not limited to: cities, counties, school districts, highway districts, fire districts, or any agency of the State government or a political subdivision of another state.

Agent: A person authorized to act on behalf of another person or entity.

Agricultural Uses: Land actively devoted to farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, forestry, timber harvesting, viticulture, vermiculture, animal, poultry, and fish husbandry, as the principal land use and the necessary accessory uses for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, race tracks, slaughterhouses, plants, factories, works for the reduction of animal matter, or commercial poultry, kennels, or feed lots.

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

Alley: An access of limited use intended only to provide access to the rear or side of lots or buildings.

Amusement or Recreation Facility: An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, theater, health club, spa, fitness facility, nightclub, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, amusement park, miniature golf, golf driving range (that is not accessory to a golf course), drive-in theater, baseball, tennis court, football, soccer, rugby, hockey field, skate park, or swimming pool.

Animal Clinic, Animal Hospital or Veterinary Office: Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short term care.

Animal Feeding Operation (AFO): An area where livestock is confined for more than ninety (90) days per year, using a primary feed supply source external from the confinement area, for the purpose of finishing for commercial resale (often known as a feedlot), slaughter, dairy production, egg production, or other commercial purpose; excluding family food production and personal livestock sales not exceeding five (5) animal units (AUs) per year.

Animal Unit: The number of animals kept within an area of land times a factor determined to reflect the relative impact of an animal type on its immediate environment. AU factors adopted by Boise County are shown in Table 4.3.F.1.

Annex: To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Appeal: A request for a review of the interpretation of this Ordinance; or a request for a formal change to an official decision.

Appellant: A person or entity seeking a decision of the Board, or a decision of the Commission regarding an appeal.

Applicant: Any person initiating an application for subdividing, or for the development or modification of land, or to build or modify any improvement, or a person who applies for or whom a permit is issued pursuant to this Ordinance. The applicant need not be the owner of the property; however, he/she shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Application: The form approved by the Board of County Commissioners and information required to be filed by the applicant, or agent, for any permit or variance or appeal under county Ordinances.

Approach: An access point onto a public or private road.

Area of City Impact: An area mutually agreed upon, including boundaries and Ordinances between the city and county as provided for in Idaho Code §67-6526.

Area of City Impact Agreements: An agreement, as required by Idaho Code §67-6526, Boise County has negotiated impact boundaries and terms with Idaho City, Horseshoe Bend, Placerville, and Crouch. These agreements provide the cities authority input outside corporate limits and provides cities and counties a process for the disposition of lands deemed part of the cities trade area or may be subject to annexation at a future date.

Area of Shallow Flooding: A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: See Special Flood Hazard Area

Asphalt Plant: A plant for the manufacture or mixing of asphalt concrete.

Automobile Sales, Service, or Repair: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or service. Repair work or service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, and upholstery), oil change, engine repair, tune-up, and accessory sales of replacement parts.

Automobile Wrecking Yard: A commercial land use of any area, lot, land, or parcel where more than five (5) motor vehicles without current registration or more than five (5) inoperable or dismantled motor vehicles that are not in operating condition (or parts thereof) are: a) standing more than thirty (30) days, b) dismantled, or c) stored in view from any public or private road. The following uses are excluded from this definition: agricultural equipment on a "farm" as herein defined, automotive hobby, and vehicles stored or dismantled within a completely enclosed structure.

Automotive, Hobby: An accessory non-commercial use involving the restoration, maintenance, and/or preservation of five (5) or more vehicles at any one time.

Banks/Financial Institutions: Financial institutions that provide retail banking services to individuals and businesses. This classification includes those institutions engaged in the onsite circulation of cash money and businesses offering check cashing facilities.

Bar/Lounge/Tavern: A place of business primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Base Flood: The flood having a one (1) percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

Basement: Any area of the building having its floor sub grade (below ground level) on all sides.

Bed and Breakfast: An owner occupied dwelling providing commercial overnight accommodations and breakfast food service.

Best Management Practices (BMP): Physical, structural, and or managerial best practices that when used singly or in combination may be determined to be the most effective and practical means of preventing or reducing contamination to ground water and/or surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water.

Block: A group of contiguous lots within fixed boundaries established by a subdivision plat.

Board: The Boise County Board of County Commissioners (BOCC).

Boarding House: An establishment with individual rooms where meals and lodging are provided for, compensation. A boarding house shall include, but not be limited to, a rooming house, shelter, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature.

Bond: A written promise or obligation to insure performance and/or warranty.

Brewery: An establishment operated with the appropriate licensure under Idaho Code §23-1003 that brews beer as defined in Idaho Code §23-1001(a) for commercial use and sales.

Building: Any structure which is designated or intended for the shelter, enclosure or protection of persons, animals, or property of any kind.

Building Envelope: An area within the property boundaries of a lot or tract within which an allowed building or structure may be placed; which may be shown on a plat as a hatched or shaded area.

Building Permit: A formal authorization, with associated fees, standards and guidelines that comply with the Idaho Building Code Act Title 39 Chapter 41, which allows an applicant to construct an improvement on the designated property.

Bulk Plant: An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle, or container.

Business Day: For the purpose of time computation, business day means any day except Saturday, Sunday, or a calendar day which is a legal holiday, or any day taken off after a legal holiday, per Boise County Policy.

Calendar Day: For the purpose of time computation, calendar day means any day, including Saturday and Sundays and legal holidays, from midnight to the following midnight.

Camp or Campground: An area or tract of land that accommodates one or more temporary residential uses, including, but not limited to, cabins, tents, campers, travel trailers, motor homes, and/or recreational vehicles; this includes fraternal and church camps. A fee is charged to camp within a campground

Car Wash: An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

Cemetery: An area of individual lots planned for the selling of sites for the burial of animal or human remains as per Idaho Code §50-1303. Cemetery purposes include columbaria, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

Certificate of Completion: Written documentation, from the appropriate official, that the project or work for which a building permit was issued has been completed in conformance with requirements of this Ordinance.

Certificate of Occupancy: Written documentation that the project or work for which the building permit was issued has been completed in conformance with the building codes as adopted by the State of Idaho.

Certified Building Inspector: A building inspector with certification as required by Idaho Code §39-4108.

Church: An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

City Limits: The boundaries of an incorporated city, town or village as described by the Articles of Incorporation and subsequent annexations. See definition of Area of City Impact.

Civic Uses: Types include governmental and quasi-governmental agencies providing utility, educational, cultural, major medical, protective, governmental, and other uses which are strongly vested with public or social importance.

Clear Vision Triangle: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, as defined in Idaho Code §49-221.

Clinic: A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

Club or Lodge: An auxiliary, fraternal, or veterans' organization as defined by Idaho Code §23-902.

Commercial/Civic Building: Any building or structure which is not considered a single-family residence, which is used for the public or by the public.

Commission: The Boise County Planning and Zoning Commission appointed by the Board.

Common Open Space: Land held for the use and benefit of the owners of dwelling units or lots in a Planned Unit Development (PUD) which is devoid of roads, parking, or buildings not intended for recreational or community purpose. Common open space does not include open space of individual lots within a subdivision, but may include open space as a buffer for commercial and industrial land uses, and a buffer on the perimeter of the PUD.

Community Plan: A detailed proposal for defining land use and facilities within a community. Separate community plans with goals may be recognized by the Boise County Comprehensive Plan.

Composting Facility (Commercial): Facility for the large scale production of compost intended for sale and use on premises other than where such compost is produced.

Comprehensive Plan: A compilation of goals, objectives, maps and other data guiding the physical, social and economic development, both public and private, of the county and its environs, as identified in Idaho Code §67-6508 and §67-6509.

Concrete Batch Plant: A device that combines various ingredients to form concrete. Some common ingredients may include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, asphalt cement and Portland cement.

Conditional Use: A use which is permitted only upon compliance with certain conditions as set forth in this Ordinance.

Conditional Use Permit (CUP): A permit which if granted authorizes a particular use to be made on a particular premise, subject to compliance with all the terms and conditions of approval.

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

Confined Animal Feeding Operation (CAFO): "CAFO," also referred to as "concentrated animal feeding operation" or "confined animal feeding operation," means a lot or facility where the following conditions are met:

- (a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of 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

Contiguous Parcels: Parcels held in one ownership that abut each other at a common boundary.

Contractor: A person who agrees to furnish materials and/or perform services at a specified price, especially for construction. The term contractor shall include, but not be limited to, building, landscaping, electrical, plumbing, heating, or air conditioning contractors; and shall be licensed in the State of Idaho, as applicable.

Contractor's Yard: Any area of land used by a contractor for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition, or similar activity and including any area of land used for the incidental repair of machinery used for any of the above listed activities.

Construction Trailer or Field Office: Temporary buildings used in conjunction with construction work only during the period construction work is in progress.

County: Shall mean Boise County.

County Engineer or Surveyor: A person, or company, appointed by the Board, who is responsible for the administration of engineering or surveying matters for the County and shall be a licensed engineer and/or surveyor in the State of Idaho, as required by Idaho Code. All duties of the County Engineer or Surveyor shall be as set forth within county Ordinances, by resolution of the Board, or as otherwise set by Idaho Code.

County Prosecutor: The Prosecuting Attorney of Boise County or his/her designee.

Creek: A small stream, often a shallow or intermittent tributary to a river.

Cul-de-sac Road: Local road having one end permanently terminated in a vehicle turnaround.

Dairy/Dairy Farm: A use of land where one or more bovine, sheep, or goats are milked and the operation is licensed by the state of Idaho department of agriculture to sell milk for human consumption.

Dangerous or Protected Animal: Any species for which the state or federal government has established specific regulations regarding such animal including, but not limited to, big cats, bears, raptors, large reptiles, and other wildlife. The term shall not include any species commonly recognized as domestic pets.

Datum: The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Daycare Facility: Any facility where people regularly receive care and supervision, usually unaccompanied by parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of: a) the operator's children or legal wards or children related by blood or marriage, b) occasional personal guests, and c) children aged twelve (12) years and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a childcare facility.

There are four (4) types of daycare facilities:

1. **Family daycare center:** A childcare facility for six (6) or fewer children. Babysitting services are an accessory use to residential uses.
2. **Group daycare facility:** A childcare facility for seven (7) to twelve (12) children.
3. **Daycare center:** A childcare facility for thirteen (13) or more children.
4. **Adult daycare facility:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Dedication: The setting apart of land or interest in real property for public use. Real property becomes dedicated for public use when accepted by the Board through written approval as a public dedication, either by the passage of a county Ordinance, or by entry of a resolution of approval in the official minutes of the Board, or by the recording of a plat showing such dedication.

Defensible Space: An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

Density: A unit of measurement which specifies the number of dwelling units per acre of land.

Detention or Holding Center: Publicly or privately owned and operated facilities providing housing, care, and supervision for persons confined by law.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity (Flood): Any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Development Plan: A plan created to describe a proposed improvement of land, depicting site characteristics and development information, for the purpose of subdivision, development, sale, or trade.

Digital Flood Insurance Rate Map (DFIRM): The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Distillery: An establishment operating with the appropriate licensure under Idaho Code §23-507 to manufacture alcoholic liquor as defined in Idaho Code §23-105.

District: An area within the limits of the county for which the regulations and requirements governing use of land apply.

Drive-In Establishment: An establishment, other than an automobile service station, that is designed to accommodate the motor vehicles or patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

Driveway: A vehicular ingress and egress route that serves no more than two residences, commercial buildings or industrial buildings.

Dwelling: A building, or portion thereof containing one or more dwelling units. The term “dwelling” does not include any recreational vehicle, hotel or motel as defined herein. Subtypes of Dwelling are:

Dwelling Unit (DU): One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained residential unit.

One-Family: A detached building containing one (1) dwelling unit designed for and occupied exclusively by one (1) family. For purposes of County Ordinances the classification of Dwelling, One-Family shall include group homes, mobile homes and manufactured homes as herein defined.

Two-Family: A building containing two (2) dwelling units for two (2) families living independently of each other including duplexes, and semi-detached housing.

Multiple-Family: A building containing at least three (3) dwelling units for three (3) or more families living independently of each other.

Easement: A right of use, falling short of ownership, and usually for a certain stated purpose, as defined by Idaho Code §50-1301(2).

Economic Development: A development that provides a service, produces a good, retails a commodity, or emerges in any other use or activity for the purpose that enables greater production, increased employment, and a better distribution of goods and services.

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation Certificate: Is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with

community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Enclosure: An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

Encroachment: The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineer: Professional Engineer (P.E.) licensed in the State of Idaho.

Environmental Assessment Plan: A plan prepared to address possible environmental concerns of a specific site.

Evacuation Route, Emergency: A road or highway in Boise County that is specified by the County or other jurisdiction as a route for emergency evacuation. These routes will lead residents away from what would be considered the direction of movement of the most likely threat (flood or fire) to an individual residence, subdivision or populated area.

Excavate: Any act to displace or relocate earth, sand, gravel, and rock or other earthen material.

Family: 1. An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship.

2. Eight (8) or fewer persons, who need not be related by blood or marriage, living together in a dwelling unit.

3. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling who are supervised at the dwelling in connection with their handicap or age related infirmity, provided that no more than two (2) staff members reside in the dwelling at any one time. (Resident staff shall not be counted toward the "8 or fewer" criterion.)

Family Food Production: The non-commercial keeping of domestic animals and fowl for the production of food and/or gardening for the use of the family occupying the premises.

Farm: A property in agricultural use that is five (5) acres in size or greater.

Federal Emergency Management Agency (FEMA): An agency of the US government tasked with disaster mitigation, preparedness, response and recovery planning.

Feed Lot, Commercial: An area where livestock is contained for the purpose of finishing for commercial resale or slaughter at an average monthly confined animal density exceeding two (2) animals per acre and using a primary feed supply other than grazing, excluding family food production or incidental personal livestock sales not exceeding 100 animals in a calendar year.

Fees: A payment of funds to the County for any of the applications or other entitlements

Fill: Material, natural, or other, used to elevate the ground surface.

Final Plat: A map or drawing of a subdivision showing the division of land into lots, blocks, and roads along with the associated conveyances to be filed as a public document. A reproducible or permanent drawing of a subdivision and dedications and easements, prepared for filing and recording with the County Recorder in accordance with the provisions of Title 50, Chapter 13, Idaho Code.

Financial Guarantee: An irrevocable letter of credit, cash deposit, or certificate of deposit, pledged to secure the performance of an obligation.

Fire Chief: The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction. The Fire Chief of a Fire Protection District created under Title 31 Chapter 14 of the Idaho Statutes.

Fire Chief – VFD: The Chief of a Volunteer Fire Department (VFD) or subscription district.

Fire Protection Plan: A document prepared for a specific subdivision or CUP application. It describes ways to minimize and mitigate the fire problems created by the proposed subdivision or CUP application with the purpose of reducing impact on the community's fire protection delivery system.

Fire Resistant Vegetation: Fire resistive plants burn at a relatively low intensity, slow rates of spread and with short flame lengths.

Flammable Substance Storage: An establishment, or portion thereof, wherein combustible substances (as defined by the applicable fire code) are stored.

Flea Market: A type of bazaar that rents space to people who want to sell or barter merchandise ranging from low quality items to bargain priced items of the highest quality or used goods.

Flood or Flooding:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1 of this definition.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Development Permit: Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

- a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet (2') of freeboard; and
- b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet (2') above the highest adjacent grade.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Footprint: In **construction** the building **footprint** is the area of a building measured from the outer surface of the exterior of the building multiplied by the depth measured in the same manner to give a square area; to be used to calculate the total square footage to be used to calculate the building permit fee.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be two (2') feet.

Frontage: The portion of a lot or parcel that is contiguous to a public road, private road, or recorded easement that is used to access the lot or parcel.

Fuel Modification: A method of modifying fuel load by reducing the amount of non-fire resistive vegetation or altering the type of vegetation to reduce the fuel load.

Fuel-Load: The oven-dry weight of fuels in a given area, usually expressed in pounds per acre. Fuel loading may be referenced to fuel size or time lag categories, and may include surface fuels or total fuels.

Garage Sale: The sale or offering for sale to the general public personal property on any residential portion of a lot or parcel, whether within or outside any building.

Gasoline, Diesel, or Alternative Fuel Sales Facility: An establishment that sells, stores and supplies motor fuel, propane, lubricating oils, alternative fuel, and/or grease.

Gravel Pit: See Pit, Mine, or Quarry.

Greenhouse: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in an enclosed building.

Group Home: Residential shelter care facilities for mentally and/or physically handicapped and/or elderly citizens. Group homes for eight (8) or fewer people are considered single family dwellings for purposes of this Ordinance.

Guest Ranch: A type of ranch oriented towards visitors or tourism. It is considered a form of agritourism. A Guest Ranch may also be referred to as a dude ranch.

Halfway House: a residential establishment that provides housing for persons convicted of non-violent crimes that are in the later stages of serving a sentence and are being transitioned back into society. A Halfway House for eight (8) or fewer people are considered single family dwellings for purposes of this Ordinance

Hazardous Development Site: An area where the Board determines that the developed use of certain lands poses, or could pose, an imminent threat to the health, safety, or general welfare of occupants, users, or owners of certain lands.

Health Authority: The Central District Health Department (Region IV), the Idaho Department of Labor and Industrial Services, Plumbing Division and the Idaho Division of Environmental Quality; or such agency or unit of government which may succeed in the powers, duties, and responsibilities of said authority.

Highways: Per Idaho Code §40-109(5), highways includes roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior, or
 2. directly by the Secretary of the Interior in states without approved programs.

Home Occupations: Any gainful commercial operation, profession or craft, which is customarily incidental to or carried on entirely within a dwelling place and does not affect the rural or residential character of the neighborhood.

Hospital: An institution for health care providing patient treatment by specialized staff and equipment.

Hotel/Motel: A building, other than a personal residence or vacation home, in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Idaho Transportation Department (ITD): State Transportation Agency.

Industrial Use: Any manufacturing processing, testing, energy production, storing, assembling, and similar uses which generally generate by-products of noise, smoke, odor, glare, gas, vibration, dust, or light. It does not refer to the growing of agricultural crops, or the raising of livestock.

Infrastructure: Facilities and services needed to sustain development and land-use activities including but not limited to utility lines, streets, fire stations, parks, schools, and other public facilities.

International Fire Code: The official version of the *2006 International Fire Code* submitted by the International Code Council.

Irrigation Facilities: Canals, laterals, ditches, conduits, gates, wells pumps, and equipment necessary for the supply, delivery and drainage of irrigation water.

ISPWC: Idaho Standards for Public Works Construction.

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; junk, dismantled, or wrecked automobiles, or their parts; iron, steel and other scrap ferrous or nonferrous material, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, per Idaho Code §40-111.

Kennel: The commercial boarding, caring or breeding of four (4) or more dogs, cats and other household domestic animals in return for compensation or kept for sale. The sale of two or less litters of pets per year per animal shall not be deemed “commercial”.

Land Use Map: A map, officially adopted as an exhibit to the comprehensive plan, that geographically and specifically locates existing land uses such as residential, commercial, industrial, and civic (public areas and buildings) that have been established in the comprehensive plan.

Laundromat: An establishment that provides washing, drying, and/or ironing machines or services to retail customers.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. **Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
4. **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Livestock: Hoofed domesticated animals, poultry, rabbits and fur bearing animals.

Livestock Husbandry: The agricultural practice concerned with the care and breeding of domestic animals including, but not limited to, cattle, hogs, sheep, and horses.

Lot: A parcel, plot, or tract or other contiguous land area which is created by subdivision for sale, transfer, or lease.

Lot Area: The total area of a lot or parcel measured on a horizontal plane within the boundary lines exclusive of public and private roads, and access easements to other property.

Lot Lines: Boundaries or limits of a platted lot.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44CFR §60.3 and this ordinance.

Lumber/Saw Mill, Permanent: A site where equipment and buildings are permanently located to saw, plane, or mill tree logs into posts, poles, building logs, lumber, dimensional lumber or similar products.

Lumber/Saw Mill, Portable: A temporary enterprise where trees are harvested, cut, and milled on the same site or an area where logs are delivered to and processed with equipment that has temporarily been located on the site.

Major Structural Modification: Modifications that impact the earthquake, snow load, wind shear, or structural integrity of the building.

Manufactured Home: Per Idaho Code §39-4105(8), a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required

by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq. For purposes of Flood Damage Prevention, manufactured home is defined as a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle.”

Manufactured Home Park: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mineral Extraction: Any mining, quarrying, excavating, extraction of core samples, processing, storing, separating, cleaning or marketing of any natural mineral resource in excess of five (5) cubic yards. Moving of dirt on private property for construction or landscaping purposes shall not be deemed mineral extraction.

Mitigation: Measures to avoid impacts, minimize impacts, restore impacted areas, and compensate for impacts to a natural resource attributable to a proposed action.

Mobile Home: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation, per Idaho Code §39-4105(9).

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

Museum: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

MUTCD: Manual on Uniform Traffic Control Devices.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

Natural Resources: One of the Comprehensive Plan’s components that includes the climate, geology (mountains and valleys), hydrology (rivers and streams), soils, vegetation (forests and all other plants), wildlife (game, fisheries and aviaries), scenic vistas, and air quality.

Neighborhood: A section of a town or city having distinguishing characteristics.

New Construction: Structures for which the “start of construction” commenced on or after the effective date of this Ordinance. This includes substantial improvement and means either the first placement of permanent construction of a structure on a site, such as pouring of 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. For Floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Non-conforming Building: A building or structure or portion thereof lawfully existing or being lawfully constructed prior to March 25, 1997 when the first Zoning and Development Ordinance was passed, which was designed, erected or structurally altered for a use, or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this Ordinance.

Non-conforming Lot or Parcel: A lot or parcel of record which was lawfully existing prior to March 25, 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to lot or parcel area requirements prescribed in this Ordinance.

Non-conforming Use: A use which was lawfully established and maintained prior to March 25, 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to the use regulations.

Non-Profit: as defined by the IRS code.

Nursery: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the owner/operator sells the goods in large quantities to a limited number of buyers.

Off-Street Parking: An improved surfaced area for vehicle parking either within a structure or in the open with access to a public street, alley, or other public way.

Official Rural Addressing System Numbering Maps: The maps showing all of the roads within Boise County with the official address numbering grid system and address number ranges.

Official Road Name List: The list containing the road names officially recognized by the Board and the City Councils within the incorporated and unincorporated areas of Boise County.

Official Road Name Maps: The maps showing all of the roads within Boise County with the official name shown thereon.

One Time Division: The division of an original parcel into no more than four (4) parcels/lots.

Ordinance: A regulation set forth and adopted by a governmental authority.

Ordinary High Water Mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Original Parcel: An original parcel of land is hereby defined as unplatted land or tract of land of record or on file in the office of the Boise County Recorder on December 6, 2005.

Outbuilding: A structure constructed as a building on a property but does not include a dwelling unit as herein defined. Outbuildings shall be a minimum of six (6) feet from any residential, commercial or public building and shall not pose any threat to any other building or structure in the event of structural collapse.

Overlay: An area with special standards and concerns.

Owner: An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property.

PCU-(Private-Common-Use) Road: Private road utilized for accessing development.

PCU-Collector Road: Service class of a vehicular travel way which is privately owned and intended to access more than 50 lots, or parcels, or more than 300 vehicle trips per day.

PCU-Local Road: Service class of a vehicular travel way which is privately owned and intended to access 50 or fewer lots, or parcels, or fewer than 300 vehicle trips per day.

PCU-Minor Road: Service class of a vehicular travel way which is privately owned and is intended to access four (4) or fewer lots, or parcels, or fewer than 300 vehicle trips per day.

Parcel: A tract of unplatted land or contiguous unplatted land (if applicable), in single ownership, considered a unit for purposes of development.

Performance Bond: An amount of money or other negotiable security paid or posted by surety bond by the applicant or his surety to the County Treasurer, which guarantees that the applicant will perform all action voluntarily agreed to by applicant or required by the governing body regarding an approved land use, and provides that if the applicant defaults and fails to comply with the provisions of an approved land use, the applicant or his surety will provide funds to the County up to the limit of the bond for purposes of completing the bonded land use, or the surety will itself complete the requirements of the approved land use.

Permanent Foundation: A concrete or timbered structure, the primary purpose of which is the support of a structure or sign.

Person: Any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity; see Idaho Code §46-1021.

Pit, Mine, or Quarry: A location where activities associated with excavating materials from the ground, including, but not limited to, excavating a pit, removing the resource, processing the resource, disposing of unwanted material, and building a roadway to accommodate hauling trucks.

Planned Community (PC): A large scale planned development that includes residential and commercial uses serviced by common utilities or municipal services as part of a community designed to conserve open space and environmental attributes.

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

Planning & Zoning Administrator: An official or staff member of the Boise County Planning and Zoning Department, who is authorized by the Board to administer the Unified Land Use Ordinance.

Plat: The drawing, map or plan of a subdivision, condominium, cemetery, or townsite, into lots, blocks, and roads in accordance with Idaho Code Title 50, Chapter 13.

Platted Lot: Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.

Power Facility: A facility associated with the production or transmission of electricity, including wind, geothermal, solar, biomass, and hydroelectric power facilities; or a power substation, an electric substation, a grid switching site, or an electric transmission, sub-transmission or distribution line, whether or not regulated by the federal energy regulatory commission; or a facility qualifying under 18 CFR part 131.80.

Principal Use: The primary purpose for which a lot, or parcel is arranged, intended, designed, occupied or maintained.

Private Property: Property owned by a person and not a governmental entity.

Private Road-Right-of-Way: Privately owned land for a private road, usually contained within a subdivision common lot or a perpetual easement.

Private Road/Street: A private access not dedicated to public use or maintained by Boise County. These can be Private-Common-Use (PCU) Collector, Local or Minor Roads.

Professional Geologist: A person who has been duly registered by the state board of registration for professional geologists, per Idaho Code §54-2802(3).

Property Line Adjustment: A realignment of boundary lines between adjoining lots or parcels where no additional lots or parcels are created.

Property Owner: The person(s) who is shown as owner in the Boise County Recorder and Assessor Offices.

Public Agency: shall mean a public sector organization, department or entity defined by and part of a governmental body or one chartered by a government body for a public purpose that is funded by public fees or tax dollars. Such public agencies may include, but not be limited to the following: the United States Government, the State of Idaho, Boise County, municipalities, school districts, hospital districts, library districts, parks or recreational districts, cemetery districts, fire districts or any other public agency or department thereof.

Public Highway Agency: This term includes the Boise County Road Department and the Idaho Transportation Department.

Public Lands: Land owned by local, state, or federal government, used for purposes which benefit public health, safety, general welfare and other needs of society.

Public Use: Shall include, but not be limited to, public buildings and/or public infrastructure facilities such as publicly owned amenities including but not limited to: a) pumping station for water, sewer, or gas; b) municipal wastewater collection and treatment facility or interim wastewater treatment system; c) utility shop, garage, or storage facility; d) park and ride lot; e) water reservoir and water tank; or f) storm drainage facility and storm retention facility.

Public Right of Way: Any land dedicated and open to the public.

Public Utility: Facilities owned and operated by a public utility as defined in Idaho Code §61-129.

Racetrack: A structure, or portion thereof, used for any event or gathering that includes a competition involving a contest of speed or completing a course in the shortest time. This applies to competitions accomplished in unison with a group or in a timed event, whether riding animals, being pulled by animals, foot races, swimming or by the use of a mechanically or human propelled device.

Reconsideration: The decision review process that follows a written request that alleges specific deficiencies in a decision as provided for in this Ordinance.

Record of Survey (ROS): The map filed as a result of a land survey by a licensed surveyor, in accordance with requirements of Idaho Code Title 55, Chapter 16, and/or Chapter 19.

Recreational Fire: An outdoor fire (bon fire) burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Recreational Vehicle: A vehicle that is:

1. built on a single chassis; and
2. 400 square feet or less when measured at the largest horizontal projection; and
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: An unimproved parcel of land or a parcel of land which has been planned and improved or which is rented or used for the placement of two (2) or more transient recreational vehicles. Recreational vehicle parks are for temporary living quarters and not permanent housing.

Recycling Center: An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a primarily completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

Regulatory flood: A flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of

rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.

Regulatory Floodway: See Floodway

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two (2) paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Residence: A building used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Residential Care Facility: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides twenty four (24) hour nonmedical care for more than eight (8) individuals who need personal care or assistance and supervision. A residential care facility shall include, but not be limited to, assisted living facility, retirement home, and respite care.

Residential Use: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boarding and lodging houses, trailers, camp trailers, motor homes or recreational vehicles.

Restaurant: Any land, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, but not limited to, such uses as cafe, cafeteria, coffee shop, lunch room, and dining room.

Retention: The storage of surface water or storm water runoff used to control peak discharge, which creates and provides settling of pollutants.

Riding Stable/Equestrian Use: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire or sale.

Right-of-Way: A strip of land dedicated or reserved for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and landscaped areas.

Riparian Area: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.

Road: A right of way, which provides or is intended to provide ingress, egress, and vehicular access to properties, and may include utilities. A road includes all land within the right of way whether improved or not.

Road, Arterial Major/Minor: Roadways that links cities, towns, and communities together, internal spacing consistent with population density, so that all developed areas of the state are within reasonable distances of arterial highways, and corridor movement with trip length and density suitable for substantial statewide or interstate travel.

Road, Frontage: Minor road parallel and adjacent to a major route that intercepts local traffic and controls access to the major route.

Road, Local: Road that provides direct access to residential, commercial, and/or industrial sites for local traffic movements and connects to minor and major roads or arterial highways.

Road, Loop: A road with both terminal points on the same road of origin.

Road, Collector (Major): General term for a road including primary county roads that provide travel corridors between cities, recreational sites and industrial areas.

Road, Collector (Minor): Roadway that provides for traffic movement within neighborhoods and between major roads and local roads with occasional access to abutting property.

Road Maintenance Agreement: A private contract between landowners to maintain private roads.

Road/Street, Public: Those vehicular travel ways with right-of-way owned by Boise County or dedicated to public use and maintained by Boise County. State Highways are also considered as Public Roads.

Roadside Stand: A temporary or mobile structure designed or used for the display or sale of products or services.

Roadway: That portion of a road or highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way.

Rock Crushing Operation: An operation that crushes large rocks into smaller rocks, gravel or rock dust.

Rural: A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, very low-density residential uses, or open space uses.

Rural Character: Rural areas include the mixture of agricultural uses, green fields, open space, rangeland, forest, high desert and other rural land characteristics.

Salvage Yard or Storage: A place where scrap, used tires, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises. Farm machinery and equipment in agricultural zones are exempt.

Sanitary Landfill: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental and health hazards by spreading, compacting, and covering the solid wastes.

Scenic Byway: A road recognized by the U.S. Department of Transportation or the State of Idaho for its archeological, cultural, historic, natural, recreational, and scenic qualities. Boise County has three (3) Scenic Byways which include the Payette River National Scenic Byway (SH-55), Ponderosa Pine Scenic Byway (SH-21), and the Wildlife Canyon Scenic Byway (Banks-Lowman Highway).

School: An institution of learning that offers academic instruction in the courses that are required by the state of Idaho to be taught in public schools. "School" includes kindergarten, elementary, middle, junior high, senior high and charter schools authorized by Idaho State Law. Privately funded schools whose curriculum meets the State of Idaho standards shall be included in this definition. School, Public or Private does not include "Home School".

School Development Agreement: Voluntary funding allocated by developers of new residential or commercial facilities to the affected school district to help offset the effects caused by increased demands on the school district infrastructure/services.

Screen: An approved barrier which may consist of natural or manmade materials.

Sediment Storage: The storage of dredged, or removed, sediment from a canal for semi-permanent or long-term containment, holding or leaving.

Separation Standard: The distance required pursuant to state statute to separate uses such as a bar/tavern from a school or church.

Setbacks: The space between every structure and all property lines on the lot on which structures are located, required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of county Ordinance, or by delineation on a recorded subdivision map.