

Shall: A word that indicates that the requirement is mandatory.

Shooting (Game Bird) Preserve: Land use for which the Idaho Department of Fish and Game has issued a shooting preserve license per Idaho Code for the purpose of permitting shooting of privately owned upland game birds on privately owned premises.

Shooting Range: An establishment, indoor or outdoor, that allows for the safe practice of archery or shooting firearms and that may include accessory uses and structures normally associated with this activity.

Shopping Center: A group of commercial establishments, planned, developed, owned and/or managed as a unit related in location, size and type of shops to the trade area the unit serves.

Sign: A physical object with letters, words, figures, design, symbol, trademark, logo or pictures that conveys information about something to the public.

Signs, On-Premises: Any sign or advertising structure that provides a message that: 1) identifies the property on which the sign is located, its owner or tenant, 2) directs attention to an offer for sale, lease or rent of said property, 3) warns the public as to danger, or trespassing thereon, 4) directs the public upon said property, 5) informs the public as to current or proposed use of the property, 6) recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property.

Signs, Off-Premise or Outdoor Advertising: Any sign or advertising structure that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than at the sign location.

Signs, Non-Conforming: Any sign, sign structure or use of sign existing prior to 1997 and does not conform to the standards cited by this Ordinance.

Signs, Temporary: Any sign that is designed and intended for use less than three (3) months and that is not permanently mounted.

Site Plan: A scaled drawing of existing and planned conditions to facilitate review and approval of an application.

Slaughterhouse/Meat, Poultry or Fish Packing: A facility which includes slaughtering, meat canning, curing, smoking, salting, packing, rendering, or freezing of meat products or a facility in which meat products are so processed for sale to the public and where the inspection of meat, meat by-products and meat food products are maintained.

Slope: The level of inclination of land from the horizontal, typically expressed as the ratio of vertical rise to horizontal run, often given as a percentage (e.g., a 10% slope has one foot of rise for every 10 feet of run).

Snow Routes: Roads given priority for snow removal by allocating individual or groups of snow plows under varying levels of service and availability of equipment, weather conditions, driving hazards, and special treatment areas to maintain winter access.

Special Flood Hazard Area (SFHA): The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Special Use Permit: See conditional use permit.

Specific Plan: Parcels of land identified within a specific plan land use map with a clearly identified land use title and having established regulatory controls.

Specification: The construction specifications contained in the latest edition of the Idaho Standards for Public Works Construction (ISPWC) as modified by Boise County.

Staff: Any Boise County officer or employee tasked with county business.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the 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.

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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage Facility, Self-Service: A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).

Stream: A natural watercourse of perceptible extent with defined beds and banks, which confines and conducts continuously or intermittently flowing water for 3 or more continuous months per year.

Street: A right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms.

Structure: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and may include a root cellar or similar structure; decks and/or porches; a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as manufactured/fabricated. Not included are residential fences, retaining walls, and sidewalks.

Subdivision: The division of any parcel of land, or tract, of whatever size into five (5) or more lots, parcels or sites for the purpose of sale or building development, whether immediate or future, for the purpose of transfer of ownership or development; unless the division is a qualified Subdivision Exception per this Ordinance.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this Ordinance.

Tax Parcel: A parcel identified by a tax number for taxing purposes.

Temporary Use: A use established for a fixed period of time, not greater than twelve months, with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

Theater, Indoor or Outdoor: A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under an approved development Ordinance.

Tract: An area of unplatted land or contiguous unplatted land (if applicable), in single ownership, considered a unit for purposes of development.

Transitional housing: Provides temporary housing for the certain segments of the homeless population, including working homeless, and is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

Transportation Corridors: Routes identified and reserved for future development and use when population growth expands sufficiently to warrant construction.

Transportation Master Plan: A map, and plan, of the county that shows current, planned, and future transportation needs when growth warrants.

Treatment or Rehabilitation Facility: A facility where therapy is provided to more than eight (8) humans/persons for medical reasons, substance abuse, mental illness, or other behavioral problems, or as defined below:

Children's Treatment Facility: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation for juveniles under eighteen (18) years old, and b) provides treatment for substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or juveniles who have been identified by the judicial system as requiring treatment, therapy, rehabilitation, or supervision. For purposes of this Ordinance, this definition shall include group foster homes with more than thirteen (13) juveniles.

Drug and Alcohol Treatment Facility: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and b) provides a treatment program for adult patients (18 years and older) with a drug and/or alcohol use problem. This definition shall include a detoxification facility, inpatient facility, residential facility, clinic, and outpatient facility as they relate to drug and alcohol treatment.

Tree Crown: The primary and secondary branches growing out from the main stem, together with twigs and foliage.

Truck Gardening: The raising of vegetables for market (such as farmer's markets).

U.S. Forest Service (USDA Forest Service): An agency of the Department of Agriculture that manages forest and range resources, primarily in the western United States.

Unenclosed Accessory Structure: An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

Unified Land Use Ordinance (ULO): The combining of development regulation and procedures, including but not limited to land use, subdivision codes, sign and floodplain regulations, administrative and hearing procedures, building permit regulations, and road regulations, into a single unified code.

Unincorporated: An area not chartered as a self-governing village or city; lacking the tax, police, and other powers conferred by the state on incorporated towns.

Urban: Of, relating to, characteristic of, or constituting a city; generally characterized by moderate and higher density residential development, commercial development and industrial development, as well as the availability of public services required for that development.

Utilities: Installations or equipment, underground or overhead, furnished for use by private or 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.

Variance: A modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots, or Road Standards or Sign Standards.

Variance for Flood Damage Prevention: A variance is a grant of relief by the governing body from a requirement of this Ordinance.

Veterinary Health Clinic: Any building or portion thereof designated for the care or treatment of cats, dogs, or other animals.

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area.

Violation of Flood Damage Prevention: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in § CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Wetlands: Those areas that are within the definition of wetlands as defined by the Environmental Protection Agency and within the jurisdiction of the U.S. Army Corps of Engineers, and also may include areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas.

Wetland, Riparian Functions & Values: The recognized wetland and riparian functions and values include water quality protection and improvement, habitat for fisheries and wildlife, nutrient retention & removal, channel stability, food chain support, flood storage & desynchronization, groundwater recharge & discharge, active & passive recreation, aesthetics, and cultural resources.

Wildland: An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

Wildland-Urban Interface Area (WUI): A geographical area where structures and other human development meet or intermingle with Wildland or vegetative fuels.

Wildlife Habitat: An ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds a species population.

Wind Farm: Multiple wind turbines grouped in a single location for the purpose of generating electric power for commercial sale or use.

Winery: An establishment for the manufacture or bottling of wine. A winery may include, but is not limited to, the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, sale of wine, processing structure, and offices.

Wood Processing Plant: A site, equipment and buildings necessary to convert wood into chips or fibers, or fibers into byproducts, or to extract byproducts from wood fibers.

CHAPTER 2. ADMINISTRATIVE PROCEDURES

SECTION 2.1 ADMINISTRATOR.....	30
SECTION 2.2 PLANNING AND ZONING COMMISSION.....	31
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 FEES	38
SECTION 2.7 MITIGATION CONTRACT	38
SECTION 2.8 TIME EXTENSIONS	39
SECTION 2.9 VARIANCES	40
SECTION 2.10 APPEAL 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

SECTION 2.1 ADMINISTRATOR

The Board shall appoint an Administrator to administer this Ordinance. The Planning and Zoning Administrator is the designated authority charged to interpret and make recommendations to the appropriate official regarding requirements of this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board may direct.

2.1.A DUTIES OF THE ADMINISTRATOR

The Administrator shall:

- 2.1.A.1 Assist applicants in the preparation of required forms and permits, review pre-application materials, and explain procedures.
- 2.1.A.2 Receive permit requests and fees; and, review for completeness.
- 2.1.A.3 Accept completed applications, prepare reports and summaries of analysis of completed applications.
- 2.1.A.4 Notify the public of date, time and place of public hearings and meetings regarding land use and development matters.
- 2.1.A.5 Prepare the agenda for the meetings of the Commission, in cooperation with Commission members.
- 2.1.A.6 Mail land use applications to federal, state and county agencies or departments, County Engineer and any other appropriate entities; and, analyze the comments and recommendations received from such.
- 2.1.A.7 Receive, file, and transmit to the Commission and/or Board all applications, petitions, transcripts, and other communications on which they must act.
- 2.1.A.8 Maintain records of applications, reclassifications, variances, conditional use permits, meetings, public hearings and related actions.
- 2.1.A.9 Advise interested citizens of Ordinance provisions.

- 2.1.A.10 Investigate complaints and report to the Board of County Commissioners.
- 2.1.A.11 Act as the Boise County Floodplain Administrator.
- 2.1.A.12 Perform such other duties as may be assigned by the Board of County Commissioners or requested by the Planning and Zoning Commission.

SECTION 2.2 PLANNING AND ZONING COMMISSION

2.2.A DUTIES OF THE COMMISSION:

The Commission shall:

- 2.2.A.1 Conduct all public hearings required by this Ordinance and the laws of the state.
- 2.2.A.2 Make recommendations to the Board for the physical development of the county.
- 2.2.A.3 Review and provide recommendations to the Board concerning amendments to this Ordinance and the Boise County Comprehensive Plan.
- 2.2.A.4 Approve and issue conditional use permits and make recommendations to the Board on land division applications.
- 2.2.A.5 Advise the Board in matters relating to municipal areas of impact.
- 2.2.A.6 Meet annually with the Board.
- 2.2.A.7 Perform additional duties as may be assigned by the Board or required by state statute.

2.2.B APPOINTMENT AND TERMS OF OFFICE:

The Commission shall consist of an odd number of members being no fewer than three (3) and no more than seven (7) voting members, each appointed by the Chairman of the Board and confirmed by a majority vote of the Board. A commissioner must have resided in the county for two (2) years prior to their appointment, and must remain a resident of the county during his/her service on the commission. Commissioners serving when this Ordinance is adopted shall continue to serve the terms for which they were appointed, subject to the right of the Board to remove any commissioner, for any reason, at any time. To the extent possible, the commission members shall geographically represent the county. The term of office for commission members shall be four (4) years. No person may serve for more than two (2) full consecutive terms; unless reappointed by a two-thirds (2/3) concurrence of the Board. One (1) partial term of appointment may be served in addition to the two (2) full consecutive terms allowed; per I.C. §67-6504.

2.2.C CONFLICTS OF INTEREST:

A member of the Commission shall not participate in any proceeding or action when the member or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. No member with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest, per Idaho Code §67-6506.

2.2.D BYLAWS:

The Bylaws shall contain procedures and requirements for election of officers, meetings, rules of order, and voting; and shall be adopted by Resolution of the Board in an open meeting.

SECTION 2.3 BOARD OF COUNTY COMMISSIONERS

2.3.A DUTIES OF THE BOARD:

The Board shall:

- 2.3.A.1 Approve applications per this Ordinance.
- 2.3.A.2 Hear appeals, and hold public hearings required by this Ordinance and the laws of the state.
- 2.3.A.3 Adopt ordinances and amendments thereto pursuant to the laws of the state.
- 2.3.A.4 Enforce provisions and penalties of this Ordinance.

2.3.B CONFLICT OF INTEREST: A member of the Board shall not participate in any proceeding or action when the member or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. No member with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest, per Idaho Code § 67-6506.

SECTION 2.4 APPLICATION PROCEDURES:

2.4.A PRE-APPLICATION MEETING:

- 2.4.A.1 Applicants shall participate in a minimum of one pre-application meeting with the Administrator prior to submission of application.
- 2.4.A.2 The pre-application meeting is to review the proposed application(s), to discuss the procedures and requirements of this Ordinance, and to review the associated application material.
- 2.4.A.3 The Administrator shall determine the need for additional pre-application meetings, associated fees, and the need for additional professional expertise, at the applicant's expense.

2.4.B APPLICATION REQUIREMENTS AND FEES:

- 2.4.B.1 All applications shall be on forms provided by the Planning and Zoning Department. An application fee, as set by resolution of the Board, shall be paid at the time of submittal by the applicant.
- 2.4.B.2 The Planning and Zoning Department will receive the appropriate application form, the applicable fees, and all information listed as required on the application form and applicable checklist. The application fee, as set by resolution of the Board, shall be paid at the time of submittal of the completed application.
- 2.4.B.3 The Administrator shall review the application for completeness within ten (10) business days of submission. If the Administrator determines the application is incomplete the application shall be returned to the applicant.
- 2.4.B.4 The applicant shall be notified by the Administrator when the application is deemed complete; and, if additional information is required by the Administrator.
- 2.4.B.5 The applicant shall provide additional copies of the complete application for agency review and notification purposes. The number of copies will be determined by the Administrator. The acceptance date shall be the date the required copies and any additional fees or deposits are received by the Administrator. No action by the Planning and Zoning Department shall be taken prior to the acceptance date.
- 2.4.B.6 A public hearing, if required, shall be held no later than ninety (90) calendar days after the date of application acceptance; excluding planned unit developments and planned community applications, which shall be held no later than one hundred twenty (120) calendar days after the date of application acceptance.

2.4.C NOTICE TO AGENCIES AND POLITICAL SUBDIVISIONS:

- 2.4.C.1 The Administrator shall send, electronically or by U.S. mail, a copy of the accepted application and notice of public hearing to applicable agencies and political subdivisions at least thirty-five (35) calendar days prior to the hearing, requesting their review and written comments within thirty (30) calendar days.
- 2.4.C.2 Applications within an area of city impact shall be noticed in accord with the regulations of the Area of Impact agreement.
- 2.4.C.3 If no written comments are received from any department or agency to which an application is referred, within thirty (30) calendar days from the date said application and preliminary drawings are referred to such agency, the Board/Commission shall consider, for the purposes of County review, that such department or agency has no objection to the application.

2.4.D NOTICE TO PUBLIC:

- 2.4.D.1 At least fifteen (15) calendar days prior to the public hearing, the Administrator shall publish a notice of the date, time and place and a summary of the application in the official newspaper or paper of general circulation within the county.
- 2.4.D.2 Posting on the Site: A public notice shall be posted by the applicant on the premises for which the permit is sought. The notice shall be posted not less than ten (10) calendar days prior to the public hearing.
 - 2.4.D.2.a Notice of Form: The notice shall be in substantial compliance with the following form:

COUNTY OF BOISE
 PUBLIC HEARING NOTICE
 Boise County Planning and Zoning Commission
 will hold a public hearing on
 [DATE} at 6:30 p.m.
 In [LOCATION provided by P&Z]
 PURPOSE:

 PROPERTY LOCATION:

 APPLICATION BY:

 Contact the BC Planning and Zoning Administrator at (208)
 392-2293 with any questions.

- 2.4.D.2.b Notice Size: The notice(s) shall consist of a four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, steel posts, or other ridged material that will withstand all weather elements.
- 2.4.D.2.c Notice Lettering: Centered at the top of the four foot by four foot (4' x 4') notice(s) in six inch (6") letters shall be the words "Boise County Public Hearing Notice". The date of the hearing shall be in bold four-inch (4") letters. The remainder of the notice letters shall not be less than one and a half inches (1.5") in height. Each notice shall be on a white background with black lettering and shall appear on both sides.

- 2.4.D.2.d Notice Content: Each notice shall inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a county P& Z Department contact phone number, the location of the development and the name of the applicant, and if applicable, the proposed development.
 - 2.4.D.2.e Notice Placement: The notices shall be posted on the property being considered along each street that is adjacent to the subject property boundaries. The notice(s) shall be located on the property, outside of the public right of way. If the notice cannot be placed on the property and still be clearly visible, the notice may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way. The notice shall be posted perpendicular to the street and mounted so that the bottom of the notice is at least three feet (3') above the ground.
 - 2.4.D.2.f Proof Of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the county P&Z Department no later than seven (7) calendar days prior to the public hearing attesting to where and when the notice(s) was posted. Unless the statement is received by such date, the hearing will be continued to a later hearing date.
 - 2.4.D.2.g Notice Removal: The notice(s) shall be removed no later than three (3) calendar days after the public hearing for which the notice(s) had been posted is ended.
- 2.4.D.3** At least fifteen (15) calendar days prior to the public hearing, the Administrator shall send a notice of the date, time and place, and a summary of the proposed application to property owners or purchasers of record (as listed in the current records of the Boise County Assessor) owning property within six hundred feet (600') of the property which is the subject of the application.
- 2.4.D.4** The following uses shall require radius notice within one thousand (1,000) feet of the property which is the subject of the application:
- 2.4.D.4.a Distributed power facility, rooftop wind facility.
 - 2.4.D.4.b Junkyard or automobile wrecking yard.
 - 2.4.D.4.c Sawmill or planing mill.
 - 2.4.D.4.d Soil or water remediation.
 - 2.4.D.4.e Tower or antenna structure, commercial.
 - 2.4.D.4.f Vehicle impound yard.
- 2.4.D.5** The following uses shall require notice within two thousand-six hundred-forty feet (2,640') of the property which is the subject of the application:
- 2.4.D.5.a Aircraft landing field (private ownership).
 - 2.4.D.5.b Airport (public ownership).
 - 2.4.D.5.c Asphalt plant
 - 2.4.D.5.d Centralized power facility.
 - 2.4.D.5.e Commercial feed lot planned to hold more than three hundred one (301) animals, or a CAFO.
 - 2.4.D.5.f Concrete Batch plant
 - 2.4.D.5.g Distributed power facility, or freestanding wind tower.
 - 2.4.D.5.h Explosive manufacturing or storage.

- 2.4.D.5.i Manufacture, processing, or storage of hazardous chemicals, flammable substances, or gases.
- 2.4.D.5.j Meatpacking facility.
- 2.4.D.5.k Pit, mine, quarry, or geologic exploration requiring administrative or conditional use approval.
- 2.4.D.5.l Processing plant for agricultural or dairy products.
- 2.4.D.5.m Public use, public or private correctional facility.
- 2.4.D.5.n Racetrack, vehicle or animal.
- 2.4.D.5.o Rock Crushing operations.
- 2.4.D.5.p Sanitary landfill, waste storage site.
- 2.4.D.6** Alternate Forms of Notice: When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be used, as determined by the Administrator:
 - 2.4.D.6.a In lieu of mailed notice, one additional notice of the date, time and place of the hearing and summary of the proposal shall be published in the official newspaper of the county, not less than seven (7) calendar days prior to the hearing.
 - 2.4.D.6.b At least ten (10) calendar days prior to the hearing, the Administrator shall post at least one additional site notice on the property which is the subject of the application.
 - 2.4.D.6.c At least seven (7) calendar days prior to the hearing, a notice shall be made available to other newspapers, radio, and television stations servicing the county for use as a public service announcement.
 - 2.4.D.6.d In the case of amendments to this Ordinance and the Comprehensive Plan, the Administrator shall issue a notice to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement prior to the public hearing.

SECTION 2.5 LAND USE HEARINGS:

2.5.A PURPOSE:

To provide a procedure by which the Board or the Commission shall conduct hearings for land use which, by federal, state, or county law, require the receipt of evidence, whether testimony, documents, or otherwise, and a response from the Board in the form of a written decision; or, a decision or recommendation from the Commission, based on the record.

2.5.B CONDUCT OF HEARING:

Hearings before the Board or the Commission shall be conducted in general conformance with the procedures adopted by resolution by the Board.

2.5.C RECORD:

A transcribable verbatim record of hearing proceedings shall be kept for at least three (3) years after final action on all matters and the meeting minutes shall reflect the voting record of each member of the Board or the Commission.

The staff report shall automatically become part of the record as shall any documents submitted by the applicant/appellant and the public, as shall all testimony given at the hearing. At the conclusion of the hearing, the Board or the Commission shall either: (i) close the record, or (ii) table 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. In the event the hearing is tabled, the record shall remain open until the date certain hearing in order to allow additional evidence for the Board or Commission's consideration.

2.5.D REOPENING OF THE RECORD BY THE BOARD:

Prior to the Board or the Commission issuing a written decision, the Board or Commission may, for good cause demonstrated, reopen the record for the purpose of receiving additional evidence. An applicant/appellant may seek to reopen the record by filing a written request to the Board or the Commission to reopen the proceedings within five (5) calendar days of the date of the hearing. Said written request shall contain information demonstrating good cause to reopen the record and any costs which will be incurred by the county to comply with applicable law shall be paid concurrently with the filing of the written request. The Board or the Commission shall decide whether to accept or reject an applicant's/appellant's written request to reopen the record within five (5) calendar days of the receipt thereof. The Board or the Commission may, within ten (10) calendar days of the date of the public hearing, reopen the record for good cause on its own motion. If the Board or the Commission determines to reopen the record, it shall thereafter hold a new public hearing and give notice as required by this Ordinance.

2.5.E DECISION OR RECOMMENDATION:

When the record has been closed, the Board or the Commission shall take the matter under advisement for the purpose of deliberating toward a decision or recommendation based on the record. After deliberating, the Board or the Commission may then immediately render a written decision or recommendation complying with applicable law or may continue the matter to a date and time certain for further deliberation and decision or recommendation.

2.5.F DECISION BY THE PLANNING AND ZONING ADMINISTRATOR:

2.5.F.1 The Administrator shall act upon an application for subdivision exception, as defined in this Ordinance, within sixty (60) calendar days of the acceptance of the application.

2.5.F.2 The Administrator may require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties, as provided for in the Ordinance.

2.5.F.3 Following consultation with the Boise County Prosecuting Attorney's Office or designated legal counsel, the Administrator shall provide the applicant written findings of fact and conclusions of law in accordance with this Ordinance stating the reasons for the decision. All conditions of approval shall be attached to the written decision.

2.5.G PUBLIC HEARING, DECISION AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION:

2.5.G.1 The Commission shall set, notice and hold a public hearing on each application within ninety (90) calendar days of acceptance, excluding planned unit developments and planned community applications, which shall be held no later than one hundred twenty (120) calendar days.

2.5.G.2 No hearing shall be held by the Commission on a planned community implementation plan until the Board has approved the planned community subarea comprehensive plan. The period for issuing a recommendation shall not commence to run until the Board has approved the planned community subarea comprehensive plan.

2.5.G.3 The Commission shall conduct the public hearing in accordance with this Ordinance. The Commission may continue the hearing at its discretion. The Commission, however, must issue a decision or recommendation, as is applicable,

no later than one hundred eighty (180) calendar days after the date of the application acceptance by the Administrator; except for:

- 2.5.G.3.a Planned community applications, for which the Commission must issue a recommendation no later than two hundred forty (240) calendar days after acceptance of the application; and,
- 2.5.G.3.b Siting of a commercial tower or antenna structure, for which the Commission must issue a decision within one hundred fifty (150) calendar days after acceptance of the application.
- 2.5.G.4 The Commission and applicant may mutually agree to extend the time periods for a decision to be made.
- 2.5.G.5 The Commission may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
- 2.5.G.6 The Commission shall provide the applicant written findings of fact, conclusions of law and decision or recommendation in accordance with this Ordinance stating the reasons for the decision or recommendation reached. Conditions of approval shall be attached to the written decision or recommendation. For applications where the Commission is acting as a recommending body, the Commission shall forward their recommendation to the Board for their final decision.
- 2.5.G.7 When a Commission recommendation to the Board is required by this Ordinance, it shall be filed with the Clerk of the Board stating the findings and action taken by the Commission. Such report shall be filed no later than ten (10) calendar days after the written recommendation is approved and signed by the Commission, for scheduling with the Board for final approval.

2.5.H PUBLIC HEARING AND DECISION BY THE BOARD OF COUNTY COMMISSIONERS:

- 2.5.H.1 The Board shall hold a public hearing within ninety (90) calendar days after application acceptance by the Clerk of the Board or after the Commission makes a recommendation, whichever applies, excluding planned community applications for which the Board must hold a hearing no later than one hundred twenty (120) calendar days after the date the Commission makes a recommendation.
- 2.5.H.2 No public hearing shall be held by the Board on a planned community implementation plan until the Board has approved the planned community subarea plan.
- 2.5.H.3 Following a public hearing, if the Board makes a material change to a Comprehensive Plan amendment application or Unified Land Use Ordinance amendment application, further notice and an additional hearing shall follow in accordance with this Ordinance and with applicable Area of City Impact agreements.
- 2.5.H.4 The Board shall conduct the public hearing in accordance with this Ordinance. The Board may continue the public hearing at its discretion. The Board, however, must issue a decision, no later than one hundred eighty (180) calendar days after the date of the application acceptance or written report has been submitted to the Clerk of the Board; except for:
 - 2.5.H.4.a Planned community applications, for which the Board must issue a decision no later than two hundred forty (240) calendar days after acceptance of the application; or,

- 2.5.H.4.b Siting of a commercial tower or antenna structure, for which the Board must issue a decision within one hundred fifty (150) calendar days after acceptance of the application.
- 2.5.H.5 The Board and applicant may mutually agree to extend the time periods for a decision to be made.
- 2.5.H.6 The Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. This regulation shall not apply to applications for Comprehensive Plan Amendments or Unified Land Use Ordinance amendments.
- 2.5.H.7 The Board shall provide the applicant written findings of fact and conclusions of law in accordance with this Ordinance. Conditions of approval, if any, shall be attached to the written decision.
- 2.5.H.8 For the adoption of a Comprehensive Plan Amendment or Ordinance, the Board shall:
 - 2.5.H.8.a Pass a resolution adopting the amendment to the Comprehensive Plan.
 - 2.5.H.8.b Adopt an Ordinance and, within thirty (30) calendar days, publish a summary of the Ordinance in the official newspaper of the county.

SECTION 2.6 SCHEDULE OF FEES:

- 2.6.A The Board shall establish by resolution a schedule of fees for all land use applications and building permits pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be on file in the office of the county clerk and may be amended only by the Board. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. The Board shall have the authority to waive in whole or part any fee when such a fee would present an unnecessary hardship.
- 2.6.B The Board authorizes the Planning and Zoning Administrator to refund fees to an applicant, upon receipt of a written request and for good cause shown, for a land use application or building permit application where the fee has been paid to the county; but not expended, by the date of approval, or expiration of the building permit.

SECTION 2.7 MITIGATION CONTRACT:

2.7.A PURPOSE:

To provide for the creation, form, modification, enforcement and termination of a contract between the County and an applicant or property owner that voluntarily agrees to mitigate or address certain infrastructure expenses or public improvement costs for the mutual benefit of the County and the proposed use or development project.

2.7.B APPLICABILITY:

If mutually agreed, the applicant/owner and County may enter into a mitigation contract acceptable to the parties in connection with a land use application.

2.7.C PROCESS:

- 2.7.C.1 The County and applicant may identify and mutually acknowledge mitigation issues.
- 2.7.C.2 The Boise County Prosecuting Attorney's Office or designated legal counsel will work with the applicant and/or its legal counsel to draft a mutually agreed upon contract.

- 2.7.C.3 When a mitigation contract has been negotiated between the County and the applicant, the conditions of approval of the application by the Commission or Board shall include terms of the mitigation contract. Accordingly, by signing the mitigation contract the applicant, property owner, and any successors in interest, consents to having the application revoked, in whole or in part, upon failure to comply with the terms and/or conditions set out in the mitigation contract.
- 2.7.C.4 The Administrator shall monitor the owner's compliance with the terms and/or conditions of the mitigation contract. If the Administrator determines that the terms and/or the conditions of the development contract are not being complied with, and such lack of compliance is not immediately resolved by the owner, the Administrator shall recommend that the Board enforce the terms of the mitigation contract by modification or termination.
- 2.7.C.5 The Board and the applicant, owner or successors in interest may mutually agree to terminate a mitigation contract and reverse the contract, in whole or in part.

SECTION 2.8 TIME EXTENSIONS:

2.8.A PROCESS:

- 2.8.A.1 An application and fees shall be submitted to the Administrator on forms provided by the Planning and Zoning Department.
- 2.8.A.2 The application shall include a letter from the applicant or owner describing the reasons for the time extension request. Reasons may include, but are not limited to:
 - 2.8.A.2.a Current and/or forecasted economic conditions that make it impracticable to finish the development within the time allotted; or
 - 2.8.A.2.b Delays that are beyond the control of the applicant or owner that make it impracticable to meet the conditions of approval and/or development requirements within the time allotted.
- 2.8.A.3 The application shall be filed prior to the expiration date of the development approval or previously granted time extension.
- 2.8.A.4 An approved development application shall only be eligible to apply for and receive two (2) time extensions. The first application for a time extension shall be reviewed by the Administrator. An administratively granted time extension shall be valid for one (1) year from the date of the original expiration date of the approved development application.
- 2.8.A.5 The second time extension application shall require a public hearing in front of the Board. The public hearing shall be conducted in accordance with the notice and public hearing procedures provided in this Ordinance. The Board may grant a time extension not to exceed six (6) years from the date of the expiration of the administratively granted time extension. When granting a time extension the Board may add conditions that reasonably relate to the extension request.

2.8.B FINDINGS:

In order to grant a time extension the Administrator or Board shall make the following findings:

- 2.8.B.1 The application was submitted in a timely manner, per Section 2.8.A.3 of this Ordinance; and
- 2.8.B.2 The applicant has submitted adequate reasons to justify the granting of the time extension.

SECTION 2.9 VARIANCES:

2.9.A PURPOSE:

To allow a modification of the bulk and placement requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, building height, or other Ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. For purposes of this Section, a road or sign shall be deemed a “structure”.

2.9.B PROCESS:

Following public hearing and review by the Board, as provided by this Ordinance:

2.9.B.1 The Board may authorize variances from the bulk and placement requirements of this Ordinance, in specific cases.

2.9.B.2 The variance process shall comply with Idaho Code Title 67 Chapter 65.

2.9.B.3 A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site.

2.9.B.4 A variance shall not be granted on the grounds of convenience or profit, but only where strict application of the requirements of this Ordinance would result in unnecessary hardship.

2.9.B.5 A variance shall not be granted to allow a use where such use is prohibited by this Ordinance.

2.9.B.6 A variance will not be contrary to the public interest. No non-conforming use of neighboring lands, structures or buildings and not-allowed or non-conforming use of lands, structures or buildings shall be considered grounds for issuance of a variance.

2.9.B.7 Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in Idaho Code §21-501.

2.9.C REQUIRED FINDINGS:

2.9.C.1 That special site conditions and characteristics exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

2.9.C.2 That a literal interpretation of the provisions of this Ordinance would create an undue hardship due to the characteristics of the site and not in conflict with the public interest.

2.9.C.3 That special site conditions and characteristics do not result from the actions of the applicant; and

2.9.C.4 A variance shall not be granted unless the Board adopts specific findings of fact based directly on the evidence presented to it which support conclusions that the standard and required findings have been met by the applicant.

SECTION 2.10 APPEALS PROCEDURES:

Any decision or action may be appealed as set forth in this Ordinance. The appellant shall be an affected person as defined in Idaho Code §67-6521(1) (a). Any request for reconsideration or appeal must be filed on an application as provided by the Planning and Zoning Department, such request for reconsideration or appeal must identify specific deficiencies in the decision for which reconsideration or appeal is sought, and must otherwise comply with Idaho Code §67-6535(2)(b).

2.10.A APPEAL OF ADMINISTRATIVE DECISION:

- 2.10.A.1 An affected person aggrieved by a final administrative decision or action of the Administrator that was made pursuant to the provisions of this Ordinance may appeal to the Board.
- 2.10.A.2 An appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the final decision. If the deadline for filing an appeal falls on a weekend or Boise County holiday the appeal deadline is automatically extended to the next workday.
- 2.10.A.3 For an appeal, the Board shall hold a public hearing to consider the decision of the Administrator and any additional evidence that may be offered by the public, applicant or Administrator.
- 2.10.A.4 The Board may affirm, reverse or modify, in whole or in part, the Administrator's decision.

2.10.B APPEAL OF PLANNING AND ZONING COMMISSION DECISION:

- 2.10.B.1 An affected person aggrieved by a decision of the Commission that was made pursuant to the provisions of this Ordinance may appeal to the Board.
- 2.10.B.2 An appeal shall be filed with Planning and Zoning Department within fourteen (14) calendar days after the date of the Findings, Conclusions and Order were signed by the Commission.
- 2.10.B.3 For an appeal, the Board shall hold a public hearing to consider the decision of the Commission and any additional evidence that may be offered by the public, applicant or Administrator.
- 2.10.B.4 The Board may affirm, reverse or modify, in whole or in part, the Commission's decision.

2.10.C APPEAL OF BOARD OF COUNTY COMMISSIONER DECISION:

An affected person aggrieved by a final decision of the board may seek judicial review as provided in Idaho Code §67-6521(1)(d) and §67-6535(2)(b) within twenty-eight (28) calendar days after all remedies have been exhausted under local Ordinances. However, before any affected person can seek judicial review they must first seek reconsideration of the final decision by the Board within fourteen (14) calendar days of the date the final written decision or action is signed. Such written request for reconsideration by the Board must identify specific deficiencies in the final decision for which reconsideration is sought.

SECTION 2.11 COMPLIANCE BY ISSUERS OF PERMITS:

All departments, officials, and public employees of the county vested with the duty or authority to issue permits, shall conform to the conditions of this Ordinance, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this Ordinance. Permits, certificates, or licenses issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 2.12 VIOLATIONS, ENFORCEMENT PROCEDURES AND PENALTIES:

2.12.A VIOLATIONS:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint in person, by US mail, or by email, and shall include their full name, physical address and phone number. Such complaint, stating fully the causes and basis thereof, shall be signed and dated and filed with the Administrator, within ten (10) calendar days if

sent via email. The Administrator shall properly record such complaint, provide notice to the property owner/permit holder, initiate an investigation, make a report to the Board, and take appropriate action as provided by this Ordinance.

2.12.B ENFORCEMENT PROCEDURES:

If, following an investigation, which shall include the Administrator contacting the property owner/permit holder, the Administrator determines that a violation of this Ordinance has occurred, they shall formally notify the property owner/permit holder of such violation in writing, by personal service or certified mailing. The notification will designate the recommended administrative enforcement action (e.g. permit revocation) that will be taken if the violation is not corrected and brought into compliance within a reasonable time period, not more than thirty (30) days, as determined by the Administrator. If such violation is not corrected and brought into compliance by the property owner or responsible party within the designated time period, the violation may also be referred to: a) the Board for a show cause hearing, as provided herein, or b) the Boise County Prosecuting Attorney or designated legal counsel representing the County, who may investigate, and if appropriate, commence action, whether criminal or civil, to correct the violation and to punish the same.

2.12.C PENALTIES

2.12.C.1 Administrative Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may revoke an existing land use permit.

2.12.C.2 Criminal Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may pursue criminal action against the violators. Violations of any provision of this Ordinance shall be deemed a misdemeanor as defined by Idaho Code §18-111. A single violation of this Ordinance shall be punishable imprisonment in a county jail not exceeding six (6) months, or by a fine not to exceed \$1,000.00; or by both. Each separate instance or day of violation shall constitute a separate offense.

2.12.C.3 Civil Penalty: In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the County may institute any appropriate civil action or proceedings to prevent such unlawful use of land or construction, to restrain, correct or abate such violation or to prevent any illegal act, conduct, construction, business or use of land in or about such premises. In addition to other relief ordered by the Court, the violator shall pay to the County a sum equal to two times the monetary gain associated with the violation, plus all reasonable attorney fees and expenses incurred by the County in enforcing this Ordinance. The County shall not be precluded from recovery of “attorney fees and expenses incurred” because the matter was handled by the Boise County Prosecutor’s office. In cases where multiple individuals, firms, corporations or agents participated in violating the Ordinance, they shall be held jointly and severally liable for any remedies, penalties or payments.

SECTION 2.13 SHOW CAUSE HEARING:

A procedure by which the Board, following recommendation by the Administrator, conducts a hearing to determine whether there is an alternative to the resolution of land use violations prior to directing the Prosecutor to file criminal charges against a violator or to seek a civil court order restraining the continuing violation. A show cause hearing is an administrative process available to the Administrator to recommend

for Board consideration in cases where the Administrator determines the violator and the County would benefit from the hearing process.

2.13.A HEARING PROCEDURE PROCESS:

- 2.13.A.1 The Board shall vote to determine whether to issue a Show Cause Order to a land use violator as determined by the Administrator.
- 2.13.A.2 Upon an affirmative vote by the Board, a Show Cause Hearing shall be scheduled before the Board. The Board may vacate the hearing date if they believe it is in the best interest of the County.
- 2.13.A.3 The Clerk of the Board shall provide at least a fourteen (14) calendar day notice to the violator via certified mail of the Show Cause Hearing.
- 2.13.A.4 The Administrator shall provide the Board with a written report of the violations, including all correspondence between the Planning and Zoning Department and the violator.
- 2.13.A.5 The violator shall be given an option to provide a response or be represented by an attorney.
- 2.13.A.6 The Board may enter into an agreement with the violator to rectify the violation or may table the hearing to another date, if they find that further information is needed. If the Board enters into an agreement with the violator the Administrator shall monitor the violator's compliance with the agreement.
- 2.13.A.7 The Board shall vote whether to move forward with legal action and direct the Prosecuting Attorney of such actions.

SECTION 2.14 UNIFIED LAND USE ORDINANCE AMENDMENTS:

Whenever the public necessity, convenience, general welfare requires, the Board may, by Ordinance, amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.

2.14.A INITIATION OF LAND USE ORDINANCE AMENDMENTS: Proposed amendments to this Ordinance may be initiated in one of the following ways:

- 2.14.A.1 By passage of a motion for recommendation by the Commission; or
- 2.14.A.2 By passage of a motion by the Board; or
- 2.14.A.3 By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment.

2.14.B UNIFIED LAND USE ORDINANCE AMENDMENT PROCEDURE:

- 2.14.B.1 Requests for an amendment to the Ordinance shall be submitted to the Commission, which shall evaluate the request at a noticed public hearing to determine the extent and nature of the amendment requested.
- 2.14.B.2 If the request is in general accordance with the adopted Comprehensive Plan, the Commission may recommend that the Board adopt or reject the requested amendment.
- 2.14.B.3 If the request is found to not be in general accordance with the Comprehensive Plan, the Commission shall recommend that the Board reject the requested amendment.
- 2.14.B.4 Requests for an amendment to the Ordinance shall then be submitted with the Commission's recommendation to the Board, which shall evaluate the request at a noticed public hearing to determine the extent and nature of the amendment requested.
- 2.14.B.5 The Board may adopt or reject the requested amendment; or return it to the Commission for further review.

- 2.14.B.6** If the request is found not to be in general accordance with the Comprehensive Plan, the Board shall reject the requested amendment.
- 2.14.B.7** If the request for amendment involves amendments to a zoning ordinance or a change to the Comprehensive Plan, such amendment procedure must expressly comply with the provisions and procedure defined in Idaho Code §67-6509.

CHAPTER 3 REGULATIONS APPLYING TO ALL DISTRICTS

SECTION 3.1	STANDARD REGULATIONS.....	45
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

SECTION 3.1 STANDARD REGULATIONS:

3.1.A REQUIREMENTS:

3.1.A.1 Access: All lots or parcels must have legal access to a public road.

3.1.A.2 Base Lot/Parcel Size: The minimum lot or parcel size shall be two (2) acres in those areas of Boise County where approved central sewer and central domestic water facilities acceptable under the standards of this Ordinance are not available, and/or where individual wells and/or individual onsite sewage disposal facilities on each lot or parcel would be necessary. For purposes of this section the area of each lot or parcel shall include land lying within any road easement.

3.1.A.2.a The Base lot or parcel size may be reduced as outlined below:

3.1.A.2.a.i Central Water Systems: Developments that include one or more approved central water systems, the minimum size of lots or parcels served by an approved central water system may be reduced to one and one-half (1.50) acres.

3.1.A.2.a.ii Central Waste Treatment (Sewer) Systems: Developments that include one or more approved central sewer systems, the minimum size of lots or parcels served by an approved central sewer system may be reduced to one and one-quarter (1.25) acres.

3.1.A.2.a.iii Both Central Water and Central Sewer: Developments that include one or more approved central water systems and one or more approved central sewer systems, the minimum size of lots or parcels served by both an approved central water system and an approved central sewer system may be reduced to one (1.00) acre.

3.1.A.2.a.iv For commercial, industrial, and civic uses, the minimum lot or parcel size shall be adequate to accommodate the use, and to adequately contain adverse impacts.

3.1.B GENERAL MEASUREMENTS:

3.1.B.1 GENERAL:

3.1.B.1.a 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.

- 3.1.B.1.b 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 customer 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).
- 3.1.B.1.c Illumination levels shall be measured by an authorized agent of Boise County with a calibrated photoelectric photometer or similar device capable of accurate measurement of light.

3.1.C HEIGHT RESTRICTIONS:

Height restrictions do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other equipment usually required to be placed on the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport as determined by applicable federal regulations.

3.1.D SETBACKS:

- 3.1.D.1 Setback standards apply to all new construction of residential, including but not limited to, manufactured/mobile homes, decks, porches, patios, non-residential structures, commercial structures, or industrial structures.
- 3.1.D.2 No residential structure, mobile home, deck or porch shall be located or constructed, at a minimum, within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. Riparian vegetation should be maintained in its natural state for the protection and stabilization of the riverbank. Setbacks are measured horizontally.

3.1.E COMMERCIAL AND/OR INDUSTRIAL REGULATIONS:

- 3.1.E.1 No land or building shall be used or occupied in a manner that creates conditions that could adversely affect surrounding property. However, any use allowed by this Ordinance may be undertaken or maintained if acceptable safeguards to reduce the conditions to acceptable limits as established by the following criteria:
 - 3.1.E.1.a Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be mitigated as required by the State Fire Marshall.
 - 3.1.E.1.b No activity shall emit harmful radioactivity.
 - 3.1.E.1.c No activity shall emit electrical or magnetic disturbance adversely affecting people or the operation of any equipment outside of the property.
 - 3.1.E.1.d The emission of any toxic or corrosive fumes, gasses or odors in excess of local, state or federal emissions standards shall not be allowed.
 - 3.1.E.1.e All lighting or illumination units or sources shall be shielded to prevent glare on adjacent properties. Flashing or intermittent lights, lights of

changing degree of intensity, or moving lights shall not be allowed. Holiday decorative lights are allowed for the respective holiday season.

3.1.E.1.f All discharges of materials to surface water or groundwater shall be in compliance with local, state, and federal laws and regulations.

3.1.F SURETY AGREEMENTS:

3.1.F.1 SURETY DEPOSIT:

3.1.F.1.a In lieu of completion of improvements, or site specific land use approval conditions, or any portion thereof, required by this Ordinance, the owner shall deposit a surety and sign a surety agreement for completion of such improvements. A surety agreement and deposit shall also be required of any public improvements for which the County participates in the initial or matching payment portion of a project, for which the developer or land owner ultimately agrees to reimburse the County. The surety and surety agreement shall be deposited with the Administrator on forms provided by the Administrator. The surety shall be provided prior to the Board signing the final plat.

3.1.F.1.b A County approved surety bond, cash deposit, certified check, certificate of deposit, or an irrevocable bank letter of credit issued by a State of Idaho bank, in the amount equal to one hundred fifty percent (150%) of the estimated construction costs of completing the public improvements shall be provided by the owner/developer and held, or deposited, by the County until said construction is complete. Boise County shall be the designated payee or beneficiary of any surety bond, cash deposit, certified check, certificate of deposit, or an irrevocable bank letter of credit.

3.1.F.1.c The estimated construction cost shall be provided by the applicant and reviewed and approved by the County Engineer prior to acceptance of said surety by the Administrator. The surety initiation and extension fees shall be established by resolution of the Board.

3.1.F.1.d In the case of cash deposits or certified checks, an agreement between the Board and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

3.1.F.1.e In all cases the surety shall be drawn solely in favor of, and payable to, the order of the County of Boise, in accord with the regulations contained in the surety agreement by and between the guarantor and the County of Boise.

3.1.F.2 RELEASE OF SURETY:

3.1.F.2.a Where a surety is accepted by the Administrator and deposited as provided in this Section, the surety shall be released subject to the following regulations:

3.1.F.2.a.i The owner shall submit a written request to the Administrator to return the surety. The request shall include the following documents:

3.1.F.2.a.ii A statement from the owner that the required improvements are complete.

3.1.F.2.a.iii Two (2) sets of prints of the record construction plans and specifications for all improvements.

- 3.1.F.2.b The County Engineer shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed. The as-built plans shall be reviewed and approved by the County Engineer.
- 3.1.F.2.c Upon certification of the County Engineer, the Administrator shall give notice to the County Treasurer to release the surety heretofore deposited with said County Treasurer in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this Section.

3.1.G CONTINUING LIABILITY:

If the original developer or applicant is no longer available, or in possession of the property, any outstanding financial obligation or reimbursement owed to the County as a result of the County's financial participation in public works, infrastructure projects or other development commitments identified as conditions of the project approval or as otherwise voluntarily agreed to in a mitigation contract between the County and the original applicant, shall be deemed to run with the land. Therefore, any legal successors in interest, including but not limited to the resulting property owners, whether a bank, private lender, custodian, trustee, individual lot owners, homeowners association, or operator of a CUP, Subdivision, Planned Unit Development or Planned Community project shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in public works, infrastructure projects or other development commitments identified as conditions of the project approval or as otherwise voluntarily agreed to in a mitigation contract between the County and the original applicant.

SECTION 3.2 PUBLIC AND PRIVATE ROADS:

3.2.A GENERAL DESIGN CRITERIA:

The following standard guidelines have been adopted by reference:

- 3.2.A.1 IFC Roadway Design – AASHTO, A Policy on Geometric Design of Highways and Streets; AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT≤400).
- 3.2.A.2 Signs and Markings – MUTCD, Manual on Uniform Traffic Control Devices.
- 3.2.A.3 Roadside Safety – AASHTO, Roadside Design Guide.
- 3.2.A.4 Bridges – AASHTO, LRFD Bridge Design Specifications.
- 3.2.A.5 Road Structure – Asphalt Institute, Design Guide and Traffic Index.
- 3.2.A.6 Drainage – ITD Design Manual.
- 3.2.A.7 Traffic – TRB, Highway Capacity Manual and ITE, Trip Generation Manual.
- 3.2.A.8 Environmental – BMP Handbook Best Management Practices for Idaho Rural Road.
- 3.2.A.9 Mailboxes – LHTAC Manual for the Location, Support and Mounting of Mailboxes.
- 3.2.A.10 Utilities – LHTAC Manual for the Use of Public Right-of-Way Permits for Utilities and Encroachments.
- 3.2.A.11 Construction Specifications - Idaho Standards for Public Works Construction (ISPWC).

Where possible, all road designs shall be based on these guidelines and the applicable design criteria set forth therein. Variation from these design guidelines shall be based on site specific conditions, sound engineering judgment, and consideration of the safety of the traveling

public. These guidelines and the following standards apply to all roads, whether public or private.

3.2.B ROADWAY CLASSIFICATION:

- 3.2.B.1** All roadways are classified in accordance with the Federal Highway Administration guidelines. All roads are classified as major arterials, minor arterials, major collectors, minor collectors, local roads or minor roads. Roadway classifications are based on existing and future traffic volumes and adjacent land use patterns. It shall be the prerogative of the Board to define the classification and level of maintenance for roads on the County road system.
- 3.2.B.2** Driveways shall be required when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall have a minimum unobstructed width of 12 feet and a minimum vertical clearance of 13 feet 6 inches. Driveways in excess of 150 feet in length shall have turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall have turnouts in addition to turnarounds.
- 3.2.B.3** Driveway turnarounds shall have inside turning radii of not more than 30 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.
- 3.2.B.4** Driveway turnouts shall be built to the standards of this Ordinance, and be at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the Fire Chief or Sheriff, based upon site specific public safety needs.
- 3.2.B.5** Fire Apparatus Access Road: New subdivisions, Planned Communities and Planned Unit Developments and Conditional Use Permits shall have fire apparatus access roads which shall be all-weather roads with a minimum width of 20 feet and a minimum vertical clearance of 14-feet; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction; and constructed in accordance with this Ordinance. Dead-end roads in excess of 150 feet in length shall have turnarounds as approved by the Fire Chief or Sheriff, based upon site specific public safety needs.
- 3.2.B.6** Marking of roads. Approved signs in accordance with this Ordinance, shall be required and maintained for access roads and driveways to identify such roads.
- 3.2.B.7** Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the Fire Chief or Sheriff.

3.2.C DESIGN SPEED:

The minimum design speeds shall conform to the design criteria listed in Table 1; higher design speeds may be required.

Table 1. Minimum Design Speeds

Roadway Classification	Design Speeds MPH
PCU Minor Road	15
PCU Local Road	25
PCU Collector-Minor	35
PCU Collector-Major	45
PCU Arterial-Minor	55
PCU Arterial-Major	65

3.2.D ROAD RIGHT-OF-WAY:

3.2.D.1 The minimum right-of-way width for each roadway classification is shown in Table 2. Additional right-of-way and/or permanent easements may be required to accommodate snow storage and cut or fill slopes.

Table 2. Minimum Right-of-Way Widths

Type of Roadway	Minimum Right-of-Way Width
PCU Minor Roads	50 feet
PCU Local Roads	60 feet
PCU Minor Collector	60 feet
PCU Major Collector	60 feet
PCU Minor Arterial	70 feet
PCU Major Arterial	80 feet

3.2.D.2 Cul-de-sacs shall have a minimum right-of-way of a 60-foot radius with additional right-of-way as needed to accommodate snow storage and cut or fill slopes. Cul-de-sacs with a different shape and configuration may be allowed, providing that adequate public right-of-way is provided, and the proposed geometry shall accommodate a WB-50 design vehicle. The design shall be approved by Boise County engineer. A standard cul-de-sac layout is shown in Figure 150.

3.2.D.3 All right-of-way lines at road and highway intersections and at cul-de-sac bulbs shall be connected by a curve having a minimum radius of twenty feet (20') or a chamfer of forty feet (40').

3.2.E ALIGNMENT:

Table 3 is intended to show the minimum and maximum values for specific roadway design criteria. Design criteria for items not listed shall conform to AASHTO policy. Modification of the design criteria may be allowed on an individual project basis.

Table 3. Geometric Design Criteria

Design Parameter	PCU Arterial Major & Minor	PCU Collector Major & Minor	PCU Local Road & PCU Minor Road
Vertical Grades ¹	Maximum 7%	Maximum 10%	Maximum 10%
Super Elevations	Max 0.06 ft. per foot	Max 0.06 ft. per foot	Max. 0.04 ft. per foot
Angles of Intersection	80 - 90°	80 - 90°	70 - 90°

¹Roadways constructed using curb and gutter sections require a minimum grade of 0.3%

3.2.F INTERSECTION AND CURVE GRADES:

Road grades at intersections or junctions shall be no steeper than 2% for a minimum of 100 feet every direction from the centerline intersection point. Intersections with paved public roads or paved PCU Collector roads shall have an asphalted surface for the full width of the roadway for a minimum of 50 feet from the pavement edge of the public road or PCU Collector road.

3.2.G ROADWAY CROSS-SECTION:

The typical roadway sections are included in the Chapter. These guidelines show the cross-section characteristics required for private and public roads in Boise County.

- 3.2.G.1** Figure 100. PCU Minor Road
- 3.2.G.2** Figure 110. PCU Local Road
- 3.2.G.3** Figure 120. Public Collector Road, PCU Collector Major/Minor Road
- 3.2.G.4** Figure 130. PCU Arterial Major/Minor Road
- 3.2.G.5** Roadways with curb, gutter, and sidewalk will be reviewed on an individual basis.
- 3.2.G.6** New irrigation facilities shall be constructed and maintained outside the public right-of-way.

3.2.H STRUCTURAL ROAD SECTION:

An adequate base and surface thickness is required for all roads. Structural road section calculations shall follow the Asphalt Institute design guidelines (equation listed below) and be submitted to the Boise County engineer for review.

$$T = 0.0032*(TI)*(100-R), \text{ where}$$

T = total gravel equivalent (ft.)

TI = traffic index

R = "R-value" of subgrade material

3.2.I CUT AND FILL SLOPES:

Except where a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist stipulates that materials on a specific site will be stable at steeper slopes, slopes shall be as follows:

- 3.2.I.1** For sections where the cut as measured from the uphill shoulder is less than or equal to 10 feet vertically, cut slope shall not be steeper than 1.5:1.
- 3.2.I.2** For sections where the cut as measured from the uphill shoulder is greater than 10 feet vertically, cut slope shall not be steeper than 2:1.
- 3.2.I.3** Where a Soils and Geology Report by a licensed Professional Engineer or Professional Geologist identifies native materials at road locations, cut slopes shall be as recommended by such report but not steeper than the following:
 - 3.2.I.3.a** Solid Rock requiring blasting, 0.5:1,
 - 3.2.I.3.b** Jointed Rock removable by ripping, 0.75:1,
 - 3.2.I.3.c** Naturally Cemented or Bonded Material, 1:1,
 - 3.2.I.3.d** Loose Material, 1.5:1, or
 - 3.2.I.3.e** Fill slopes 1.5:1.

3.2.J APPROACHES:

- 3.2.J.1** Any applicant planning to construct an approach to access the public right-of-way for any purpose shall obtain an approved "Application and Permit to Use Right-

of-Way (Approaches).” No work of any nature shall be performed on public right-of-way until an approved Boise County Road Department, or Idaho Transportation Department (ITD) as applicable, permit has been issued. In an emergency, approval may be given in advance of processing the permit.

- 3.2.J.2** Application fees for various types of public right-of-way use permits issued by the Boise County Road Department shall be established by resolution.
- 3.2.J.3** Boise County Road Department or the Planning and Zoning Department may request a traffic impact study be completed prior to granting an approach permit if the proposed development is anticipated by the applicant or Boise County to generate over 50 cars per hour.
- 3.2.J.4** No part of the public right-of-way shall be used for:
 - 3.2.J.4.a Parking of vehicles except in authorized parking areas.
 - 3.2.J.4.b Servicing, refueling, and repairing of vehicles, except for emergencies.
 - 3.2.J.4.c Displays, sales, exhibits, business signs etc.
 - 3.2.J.4.d Any activities prohibited by ITD.
- 3.2.J.5** Approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal roadway or pedestrian traffic or cause areas of congestion. Approaches must be located where the roadway alignment and profile are favorable, i.e., away from sharp curves, steep grades, and/or where the sight distance would not be adequate for safe traffic operations. Approach locations that restrict or interfere with the placement and proper functioning of traffic control signs, signals, lighting, or other devices must also be avoided.
- 3.2.J.6** Approaches shall be constructed to provide the sight distances defined in the AASHTO, (A Policy on Geometric Designs of Highways and Streets).
- 3.2.J.7** Approaches shall be graded to drain away from the roadway. Water bar humps or swales may be used in addition to culverts to prevent surface water from entering the road surface from the approach. Water bar humps, if used, shall be at least 0.3 feet lower than the roadway shoulder at the approach.
- 3.2.J.8** Approaches shall be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations must be considered. Table 4 indicates standard approach widths.

Table 4. Standard Approach Widths

	Minimum	Maximum
Residential	Twenty feet (20')	Thirty feet (30')
Agricultural	Twenty feet (20')	Forty feet (40')
Commercial (one-way)	Twenty feet (20')	Thirty feet (30')
Commercial (two-way)	Twenty-eight feet (28')	Forty feet (40')
Street/Highway	Twenty-eight feet (28')	Forty-eight feet (48')

- 3.2.J.9** The construction of Joint Use Approaches is encouraged. A joint-use approach should use the maximum dimensions of a single approach.