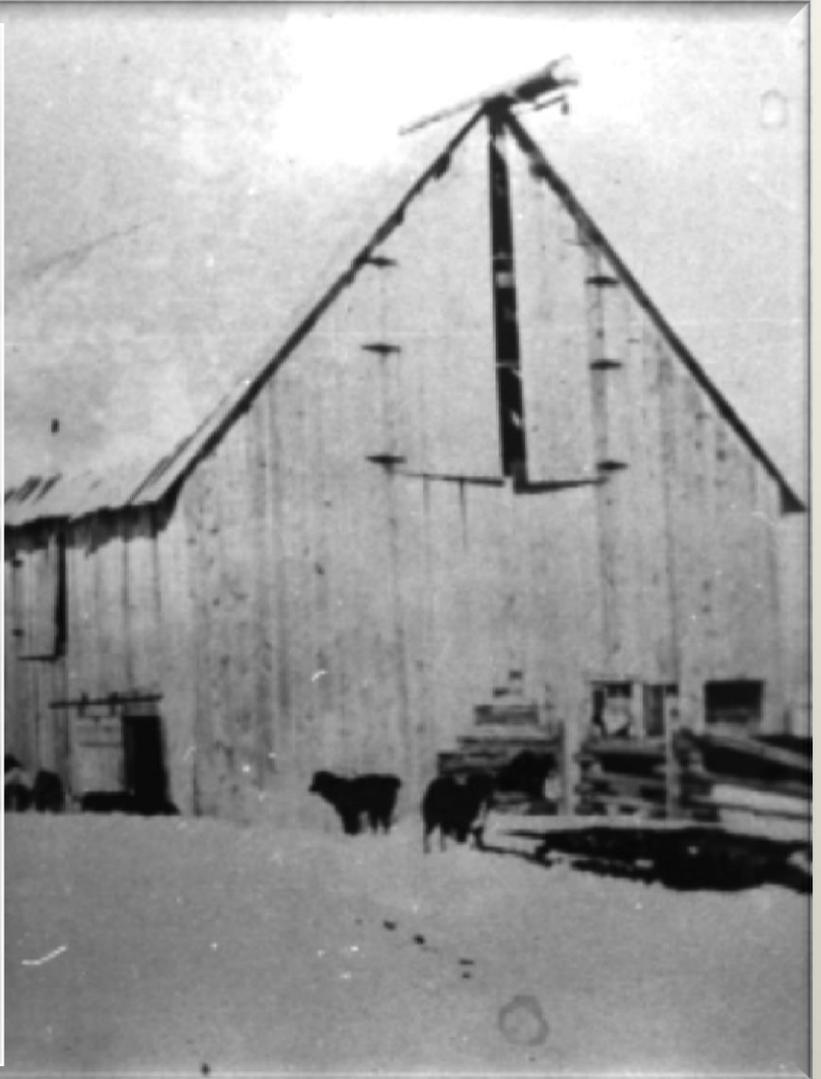


Clark County Development Code

Clark County Planning and Zoning Department

2015



JULY 2015

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CHAPTER 1 – PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

1.0 Purpose -This ordinance promotes the health, safety, and general welfare of the people of Clark County, including the Cities of Dubois and Spencer, by fulfilling the purposes and requirements of the Local Planning Act of 1975 (I.C. 67-6501 et seq.) and implementing the comprehensive plans for Clark County and the Cities of Dubois and Spencer.

2.0 Authority - This ordinance is adopted by the authority granted by the Local Planning Act of 1975. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 6519, and the adoption of a hearing procedure required by I.C. 67-6534.

3.0 Conflicting Ordinances Repealed – Upon adoption of this ordinance all prior ordinances are repealed to the full extent of their consistency with this ordinance.

4.0 Vested Rights - A vested right is the right to proceed with development under a previous set of regulations, or the right to proceed under this ordinance, as provided by a valid permit or development agreement.

A. Vested rights to proceed with development initiated prior to the adoption of this ordinance shall be established only by:

1. In the country, cities of Dubois and Spencer: having obtained a building permit in full compliance with the previous zoning and subdivision regulations (such vested rights expire with the permit)
2. For subdivision: having recorded a final plat in full compliance with the provisions of the previous regulations. Recording a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any particular use or development of any lot.

B. Vested right to proceed with development under the provisions of this ordinance shall be established only by:

1. Recording a final plat in full compliance with its requirements;
2. Executing a development agreement in full compliance with its requirements,
3. Obtaining the appropriate permit in full compliance with its requirements. Such vested rights expire with the permit.

5.0 Most Restrictive Standards Apply - When future ordinances, or state or federal law, impose additional standards on activities governed by this ordinance, the most restrictive shall apply.

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

7.0 Burden of Proof - The burden of demonstrating compliance with this ordinance rests with the developer.

8.0 Interpretation - All requirements of this ordinance shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare and to implement the Local Planning Act and Comprehensive Plan. This ordinance is designed for consistency with the Comprehensive Plan and should be liberally construed to achieve that Plan's purpose and intent.

9.0 Severability - If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force.

CHAPTER 2 – PLANNING AND ZONING COMMISSION/ADMINISTRATOR

1.0 Planning and Zoning Commission - A joint City/County Planning and Zoning Commission (Commission) is established, as authorized by I.C. 67-6504 and 6505.

- A. The commission shall consist of five members appointed by the BOCC and city councils. As required by I.C. 67-6504(a), all commission members shall have resided in Clark County, Idaho for at least two years prior to their appointment.
- B. I.C. 67-6505 allows the composition of a joint planning commission to be determined by the participating counties and cities. The Clark County Joint Planning Commission shall consist of one member appointed by the City of Spencer, two members appointed by the City of Dubois, and two members appointed by Clark County.
- C. Commission members shall serve terms of four years. No member shall serve more than two full consecutive terms. No one individual may serve as Chairman of the Planning and Zoning Commission for more than one consecutive year. i.e., require a new chair each year.
- D. A majority of the Commissioners (3 of 5) must be present to constitute a quorum for the purpose of conducting business and decision making.

2.0 Duties of the Commission - The commission shall, as required by I.C. 67-6505, exercise all duties granted it by the Local Planning Act and fulfill all duties required by this ordinance, specifically including:

- A. Reviewing and recommending approval by the BOCC or City Council all zone changes, preliminary and final plats, lot splits, variances, and conditional use permits.
- B. Reviewing and making recommendations on amendments to this ordinance to the BOCC or City Council.

3.0 Planning and Zoning Administrator - The BOCC shall appoint a planning and zoning administrator (administrator), who shall perform the following duties:

- A. Assist members of the public in understanding the applicability and requirements of this ordinance.
- B. Review and approving all applications for permitted activities, as defined in Chapter 3 Table 1, and required by this ordinance. Ensuring that all applications for zone changes, preliminary and final plats, lot splits, variances, and conditional use permits are complete prior to being placed on the Commission agenda.
- C. Arrange for the professional and, if appropriate, state and federal agency review of applications for subdivision, planned unit developments, wind energy farms, and floodplain development permits, and subdivision or planned unit development plans and/or agreements;
- D. Raise enforcement provisions of development agreements with the BOCC or the appropriate City Council;
- E. Investigate possible violations of this ordinance;

- F. Coordinate International Building Code (IBC) Permit Inspections with the contracted building code inspector(s). (e.g., an adjacent county building department)
- G. Properly account for all fees collected in the administration of this ordinance and prepare monthly and annual reports of development activity in the county and the cities; and
- H. Perform all other duties assigned by this ordinance and assist the commission in the execution of its duties.

4.0 Board of County Commissioners (BOCC)/City Council - The Board of County Commissioners and City Councils shall adopt this ordinance and the Comprehensive Plans it implements. Their duties in the administration of this ordinance shall include:

- A. Appointing the Commission members, as provided;
- B. Appointing the administrator, as provided;
- C. Set Permit Fees by Resolution and provide for annual review of those fees.
- D. Reviewing and approving final subdivision plats, as provided, and accepting required improvements in subdivisions and other developments as provided;
- E. Hearing appeals from decisions of the administrator or commission, as provided;
- F. Approve and adopt proposed amendments to this ordinance; and,
- G. Approving proposed plat vacations.

5.0 Liability - No individual, including BOCC, city council, or commission members, the administrator, or other county or city s, who acts in good faith and without malice in the performance of duties assigned by this Ordinance, shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the county or city and any judgment resulting from such a suit shall be the liability of the county or city.

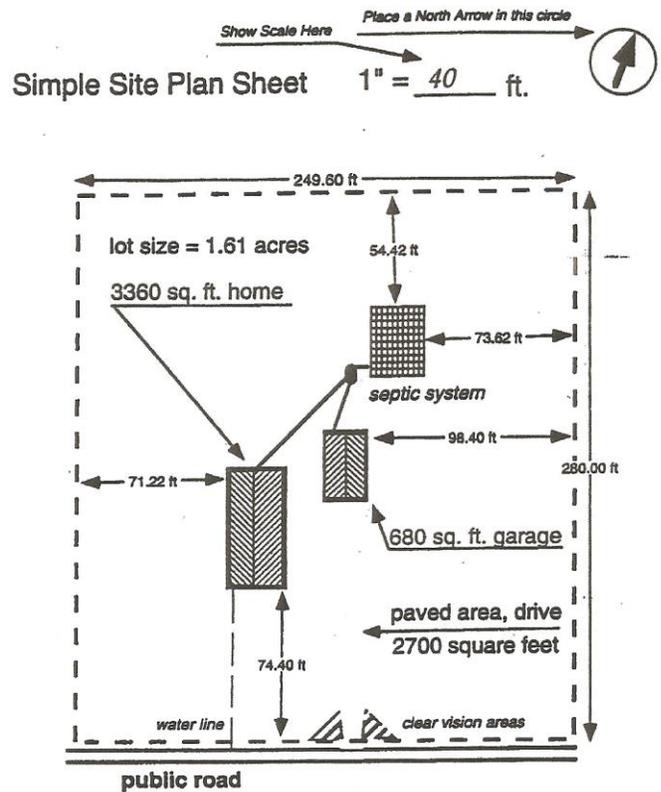
6.0 Administration and Public Hearing Procedures:

All permits of for land use shall as a minimum contain the following:

- A. Application and Fee.
 1. Application for an appropriate land use Permit shall be filed with the Planning and Zoning Administrator at least thirty days prior to the public hearing. Scheduling will be determined by the Administrator. The application shall include the following.
 2. Name and address of the owner and applicant.
 3. Address and legal description of the property
 4. If the applicant is not the legal owner of the property, a written statement signed by the owner that the applicant is the authorized agent of the owner of the property.
 5. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing or uses potentially generating high volumes of vehicular traffic, the Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to

industrial processes and the ability of the use to meet performance standard or substantiating the adequacy of proposed parking, loading, and circulation facilities.

6. Site plan, preliminary building elevations, preliminary improvement plans and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage nature and location, and size of existing and proposed roads and natural resource issues.
 - c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites.
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. The number of existing and proposed off-street parking and loading spaces and a calculation of applicable minimum requirements.
 - f. For sites with an average slope greater than 8 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
 - g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made. (See example to the right)



This site plan sheet may be used for simple scaled drawings to accompany permit applications. Please use detailed architect's, engineer's, or builder's drawings wherever possible.

Application of: A&L Builders, Inc.

SAMPLE

Building Permits

Structures Requiring Building Permits: Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the International Building Code (IBC) as adopted, or to cause any such work to be done, shall first make application to the Planning and Zoning Administrator and obtain the required permit.

Structures Exempt from Permits:

- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
- Fences not over 6 feet high.
- Oil derricks.
- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Temporary motion picture, television and theater stage sets and scenery.
- Prefabricated swimming pools accessory to an IBC Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Swings and other playground equipment accessory to detached one- and two-family dwellings.
- Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of an IBC Group R-3 and U occupancies.
- Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Agricultural Exemption:

An Agricultural Exemption from building permits is allowed for those structures constructed in the Rural Living Zone which meet the definition of Agricultural Buildings in Chapter 12 however; buildings and structures shall remain subject to placement requirements established by zoning regulations, e.g., road setbacks and utility easements. The filing of an Agricultural Exemption Permit with appropriate documentation of placement compliance is required to receive this allowance. (See Simple Site Plan example above)

Building Inspections

Construction or work for which a building permit is required shall be subject to an inspection by the contracted building inspector and such construction shall remain accessible and exposed for inspection purpose until approved. Approval as a result of the inspection shall not be construed to be an approval of a violation of the provision of the IBC or other ordinances of Clark County.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the contracted inspector nor Clark County shall be liable for expense entailed in removal or replacement of any materials required to permit inspection.

Temporary Use Permits

The Planning and Zoning Administrator may issue temporary use permits for the following uses:

- A. Temporary structures for the housing of equipment or containing supervisory offices in connection with major construction projects may be erected and maintained during the progress of such construction projects; provided, that such temporary structures may not be maintained for a period exceeding one year except that the Planning and Zoning Administrator may extend this period for one additional year;
- B. Temporary placement of a camping or recreational vehicle to provide temporary housing while working on a construction project within the City of Dubois, City of Spencer or Clark County. The property owner will also be required to obtain an active temporary site permit. Temporary placement of the camping or recreational vehicle may continue through the construction project but must be removed at the end of employment on the project. Temporary housing site permits may be maintained for a period of one year with the option of a one year extension should the specific construction project have a duration of more than one year. The temporary use shall be removed from the property within 30 days of the completion of the specific referenced construction project;
- C. Temporary placement of a camping or recreational vehicle or mobile home to provide temporary housing while constructing a permanent dwelling on the same lot; provided, that the property owner has an active residential building permit. Such temporary use may not be maintained for a period exceeding one year except that the planning and zoning administrator may extend this period for no more than one additional year. The temporary use shall be removed from the property within 30 days of occupancy of the permanent dwelling;
- D. Temporary placement of a camping or recreational vehicle adjacent to an existing residence to provide temporary housing for not more than six months for the care of a terminally ill relative. The medical condition must be documented by a physician or osteopath that the relative is in hospice care and prognosis is terminal. The caregiver shall be related by blood, adoption or marriage to the person in hospice care. A temporary siting permit must be obtained by the property owner, and a placement permit must be obtained with proof of medical condition provided by the owner of the temporary housing.

Temporary permits shall meet all conditions as set by the Planning and Zoning Administrator, including but not limited to:

- Front Yard Set Backs

- Distance between structures and temporary housing vehicles
- Parking
- Utility Services (sufficient electrical, water, and sewer)
- Addressing

Temporary Use Permit applications shall be obtained, reviewed, and approved by the Clark County Planning and Zoning Administrator. Appeals of Conditions shall be made to the Clark County Planning and Zoning Commission. Fees shall be paid as set by Clark County Board of County Commissioners.

Zone Changes

Any person may submit an application for a reclassification of the zoning district to which property is subject, with or without a development agreement, provided such person is the owner of the property or possesses a legally binding option to purchase such property.

A. Procedures for Making Application for a Zoning District Boundary Change.

Either representatives of the County or any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may make application for a zoning district boundary change (re-zoning). The applicant for a district boundary change shall provide such information as may be required by the Planning and Zoning Administrator in the form desired, at least thirty calendar days in advance of a regularly scheduled meeting of the Planning and Zoning Commission. Upon receipt of all materials required to complete the application, the staff of the Planning and Zoning Commission shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this Ordinance.

The Planning and Zoning Commission shall hold a public hearing on each application for a Rezone request. Public hearing and notice shall be in accordance to Idaho Code and this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and shall receive pertinent evidence concerning the proposed rezone.

Following the public hearing the Planning and Zoning Commission shall make a recommendation regarding the zoning request and forward such recommendation to the Board of County Commissioners or City Council as appropriate.

Upon receipt of the recommendation by the Planning and Zoning Commission and a written request by the applicant to go forward, a public hearing may be scheduled before the Board of County Commissioners or appropriate City Council. The notice and hearing procedures before the Board of County Commissioners shall be the same as the public hearing before the Planning and Zoning Commission. A second hearing is optional based on interest before Planning and Zoning Commission.

The decision of the Board of County Commissioners shall be in writing and conform to the requirements of the Local Land Use Planning Act.

Changes in zoning district boundaries may be approved only if they are consistent with the goals and policies adopted in the County Comprehensive Plan.

B. Resubmission of Application.

Rezoning applications which have been rejected may not be re-filed for twelve months following the Board of County Commissioners or City Council action on them unless the re-zoning application was rejected conditionally to permit reapplication.

C. Concurrent applications.

Application for a Conditional Use Permit and for Rezoning for the same property may be made concurrently, subject to the fees applicable to both a Conditional Use Permit and a Rezoning application. The Planning and Zoning Commission may hold the public hearing on the Rezoning and the Conditional Use Permit at the same meeting and may combine the two hearings. This requires two separate decisions. In such cases, the date of the Planning and Zoning Commission's decision on the Conditional Use Permit application shall be deemed to be the same as the effective date by the Board of County Commissioners or City Council of an Ordinance changing the zone boundaries. If the Board of County Commissioners or City Council modifies a recommendation of the Planning and Zoning Commission on a concurrent zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Planning and Zoning Commission in the same manner as a new application; provided no additional fee shall be required.

Conditional Uses

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the Ordinance, but may be allowed with conditions under specific provisions of the Ordinance and when it is not in conflict with the Comprehensive Plan. The allowance of a conditional use is discretionary with the Planning and Zoning Commission and may be granted only in the best interests of the general public. The applicant for a Conditional Use Permit shall carry the burden of proof in showing the proposed use does not conflict with the spirit or purpose of the Comprehensive Plan of the County and the Standards for Conditional Use Permits set forth in this Ordinance.

A. A completed Conditional Use Application with information as described above.

B. Public Hearing and Notice.

The Planning and Zoning Commission shall hold a public hearing on each application for a Conditional Use Permit. Public hearing and notice shall be in accordance to Idaho Code and this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

C. Conditions of Approval.

A Conditional Use Permit may have conditions of approval for the purpose of:

1. Minimizing adverse impact on other developments such as:

- a. Requirements for special yards, open space, buffers, fences, walls, and screening.
- b. Requirements for installation and maintenance of landscaping and erosion control measures.

- c. Requirements for road improvements and dedications
 - d. Regulation of signs
 - e. Regulation of hours or other characteristics of operation
 - f. Establishment of development schedules or time limits for performance or completion
 - g. Controlling the sequence and timing of development
 - h. Controlling the duration of development.
 - i. Assuring that development is maintained properly
 - j. Designating the exact location and nature of development
 - k. Requiring more restrictive standards than those generally required in an Ordinance
 - l. Imposing other conditions the Planning and Zoning Commission deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure protection from adverse impact.
- D. Action by the Planning and Zoning Commission.
- The Planning and Zoning Commission may grant a Conditional Use Permit as the permit was applied for, in a modified form, or subject to conditions, or may deny the application.
- E. Effective Date.
- A decision of the Planning and Zoning Commission on a Conditional Use shall be effective fourteen (14) days after the date on which action is announced unless an appeal has been filed.
- F. Modification of Conditional Use Permit.
- Minor revisions or modifications may be approved by the Planning and Zoning Administrator as long as circumstances or conditions applicable at the time of original approval remain valid and the changes would not affect the findings of or conditions set by the Planning and Zoning Commission.
- G. New Applications.
- Following the denial of a Conditional Use Permit, no application for a Conditional Use Permit for the same, or substantially the same use, on the same or substantially the same site shall be filed within one year from the date of denial or revocation.
- H. Approval to run with the Land.
- A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.
- I. Appeals.
- Appeals may be filed according to the procedures.

Variances

A variance shall not be considered a right but may be granted to an applicant upon a showing of undue hardship related to physical characteristics of the site, not created by the owner of the property, and then only if the proposal is not in conflict with the public interest.

A. Application and Fee.

1. Application for a variance shall be filed by the owner of the subject property with the Planning and Zoning Administrator at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Administrator to make a complete analysis of the variance request.
2. The Planning and Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request and a determination as to whether the circumstances prescribed for the granting of a variance exist.
3. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site or for similar variances on two or more adjacent parcels with similar characteristic.

B. Public Hearing.

The Planning and Zoning Commission shall hold a public hearing on each application for a variance. Public hearing and notice shall be in accordance with Idaho Code this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and receive pertinent evidence concerning the proposed variance.

C. Appeals.

Appeals may be filed according to the procedure described herein.

Permit/Project Review and Inspection Fees

The developer shall pay to the County, by depositing \$3,000 into a revolving fund with the County administrator, certain fees and costs associated with the review of the Development Applications, Preliminary Plats, Final Plats, Ordinance Compliance Inspections, and other documentation and services. The deposit shall be maintained at the \$3,000 level until the Final Plat is recorded.

There shall also be a permit application fee. At the time of submission of an application for a plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the County Commissioners. The County Commissioners shall establish the amount of the said fees and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the County in processing the application. Such cost reimbursement may exceed the initial estimate as described above. All outstanding fees and cost must be paid before a plat application will be approved. Fees shall be set by resolution.

Public Hearings

Public hearings before the Planning and Zoning Commission shall provide opportunities for all interested parties to testify in support of their points of view in accord with procedures and rules

established by the Planning and Zoning Commission. Written testimony may be accepted prior to a public hearing or during the public hearing.

Notice of public hearing shall be provided in accordance with requirements of the Idaho Code and such other standards as this Ordinance may require. As a general rule property owners within 300 feet of the proposed land use change will be notified. Notice of the public hearing shall be posted on the premises not less than one (1) week prior to the hearing. For those public hearings held to consider Large Scale Wind Farms applications, as defined in Chapter 9, notification is required for all property owners within 1 mile of the proposed Wind Farm site. Where the names of landowners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.

Names of parties to receive notice concerning applications made pursuant to provisions of this Ordinance shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant. Notification shall be provided by the applicant and shall be by certified mail with return receipt requested. The applicant shall have the responsibility to provide the correct notice and verification by sworn affidavit that property owners as identified as per Idaho Code were properly notified. If improper notice occurs, the permit shall be denied or invalidated.

Notices of public hearing shall be prepared and mailed under supervision of the staff of the Planning and Zoning Commission.

Public hearings required pursuant to this ordinance shall be preceded by notice to affected public service providers. The provision of notice shall conform to and be identical to the notice provided landowners. Public service providers shall have the same standing, in relation to the hearings process, as afforded landowners.

Amendments

Any person may petition for the amendment of the Clark County Comprehensive Plan or Development Code. The amendment procedure shall be as described here and in I.C. 67-6509 or I.C. 67-65 f I, respectively.

- A. The applicant shall file a properly completed application form, the required supporting materials, and the required application fee with the Administrator.
- B. The Administrator shall place notice of a hearing on the application on the next regular commission meeting for which the notice requirements can be met and at which time will allow for proper consideration. Notice requirements for an amendment shall be as set by I.C. 67-6509 or I.C. 67-6522(b).
- C. The Administrator may contract a professional review of the application, with the cost of that review being added to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The Administrator shall, upon its receipt, provide a copy of the report to the applicant and place in on the file for public review with other application materials.
- D. The Commission shall conduct a public hearing on the proposed amendment. No application for an amendment shall be reviewed if the applicant or a representative is not present.

- E. In the case of a proposed amendment, the commission shall determine whether the proposed amendment is consistent with the public interest, then recommend to the Clark County Board of County Commissioners and/or the City Councils to approve or disapprove it accordingly. In the case of proposed development code amendment, the commission shall determine whether the proposed amendment is consistent with the comprehensive plan, then recommend that the County Commission and/or the City Councils approve or disapprove it accordingly.
- F. The Administrator shall convey the Commission's recommendations to the Clark County Board of County Commissioners and/or the City Council's and, unless it is withdrawn, place a hearing, if necessary, on the agenda of the next regular Clark County Board of County Commissioners and/or City Council meeting for which notice requirements can be met and at which time will allow its proper consideration. For minor changes to the Development Code, the Clark County Board of County Commissioners and/or City Councils may waive the requirement for a public hearing if not public comment was provided during the hearing conducted by the Commission.
- G. The Clark County Board of Commission and/or the City Councils shall determine whether the proposed amendment is consistent with the public interest and, in the case of changes to the Development Code, the Comprehensive Plan and approve or disapprove it accordingly.
- H. The Administrator shall notify the applicant and interested parties of the Clark County Board of Commissioners and/or City Councils decision within 10 business days. No amendment to the Comprehensive Plan or Development Code shall become effective until that amendment has been adopted and published as required by law.

Amendments Required for Annexation

Proposals for annexation shall be processed as proposals for the amendment to the City's official zoning map, as provided in I.C. 67-6525. Upon approval, a copy of the annexation ordinance and annexation plat shall be filed with the County assessor, auditor, and treasurer, and the Idaho State Tax Commission.

Vacation of Plats

Vacation of any plat, or any portion of a plat, may be proposed following the procedure below and according to I.C. 50-1306tA. Note that the County may take no action on a proposed vacation within one mile of an incorporated City until the vacation has been approved by that City.

- A. An application for vacation and the required fee shall be filed with the Administrator, who shall place consideration of that petition on the agenda for the next regular commission meeting at which time will permit its proper review.
- B. The Commission shall review the proposed vacation and recommend that the vacation either be accepted or denied by the Clark County Board of County Commissions and/or the City Council.
- C. The Administrator shall notify the Clark County Board of County Commissioners and/or the City Council and the applicant of the Commission's recommendation within 10 business days, and unless the applicant withdraws the application, place a hearing on the

proposed vacation on the agenda of the next regular Board of County Commissioners or City Council meeting for which notice requirements can be met, and at which time permits its proper review.

- D. Notice of the hearing shall be provided as follows: a) by certified mail: to all owners of record of property within, and within 300 feet of, the boundaries of the plat proposed to be vacated, at least 10 days before the hearing, and b) by newspaper publication: one legal notice in the official newspaper, with that notice at least 7 days prior to the hearing.
- E. The Clark County Board of County Commissioners and/or the City Council shall conduct a hearing on the proposed vacation. No application shall be reviewed if the applicant or a representative is not present.
- F. The Clark County Board of County Commissioners and/or the City Council shall accept or reject the application, with acceptance based on findings, that; a) the vacation will not eliminate safe road access to any lot or parcel that is in separate ownership and was formerly included in, or is adjacent to the plat, b) the vacation will not eliminate easements or rights-of-way used for utilities serving any lot or parcel that is in separate ownership and was formerly included in, or is adjacent to the plat, c) all owners of record of property or property interests within the plat proposed to be vacated have consented, in writing, to the vacation.
- G. The Administrator shall notify the applicant and interested parties of the Board of County Commissioners and/or the City Council decision within 10 business days.

Appeals of Planning and Zoning Commission Decisions

The Board of County Commissioners or appropriate City Council shall serve as the decision-making body for appeals of decisions of the Planning and Zoning Commission.

- A. The Planning and Zoning Commission's decision may be appealed to the Board of County Commissioners or appropriate City Council by the applicant or any other aggrieved person within fourteen (14) days after the date on which the decision is made. Written notice of the appeal shall be filed with the Planning and Zoning Administrator.
- B. Within reasonable time following the preparation of transcripts, the Board of County Commissioners or appropriate City Council shall consider the appeal. When meeting to consider the appeal, the meeting shall not be a public hearing but shall be open to the public. During the meeting, County staff shall be available to present the application and answer questions. The Board of County Commissioners or appropriate City Council shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Zoning Commission.
- C. The decision of the Board of County Commissioners shall be final.

Reconsideration of a Decision of the Board of County Commissioners or City Council

The Board of County Commissioners or appropriate City Council may elect to reconsider or rehear a land use request within a reasonable time period; however, the district Court appeal period shall continue to run from the date of the Board of County Commissioners' or appropriate City Council's initial decision unless they vote to reconsider that decision. The Board of County Commissioners or appropriate City Council shall decide whether or not to reconsider a request within ten days after receiving a reconsideration request. No decision by the Board of County

Commissioners or appropriate City Council shall be the same as a decision not to rehear the request.

Mediation Provisions

Upon the written request of the applicant, an affected person, Planning and Zoning Commission, Board or Council, mediation may occur at any point during the decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body. Mediation shall take place following the procedures set out in Title 67 Chapter 65 of the Idaho Code relating to mediation of land use issues.

Enforcement

- A. Building permit to comply with ordinance. From the effective date of this ordinance, no permit shall be granted for the construction or placement of any building, structure or mobile home, or for the moving of a building, structure or mobile home onto a lot for the change of use of any land, building or structure if such construction, alteration, moving or change of use would be a violation of any of the provisions of this ordinance.
- B. Construction and use to comply with permit. Permits issued on the basis of plans and specifications approved by the Building Permit Administrator, the Planning Commission, the Board of County Commissioners, and/or the appropriate City Council authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Ordinance.
- C. Permits Granted Prior to this Ordinance. Authorization granted by the County or appropriate City to construct a building or structure, or to change the use of land shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand (\$1,000) or more in replaceable value by the date on which this ordinance or an amendment thereto shall become effective. Provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this Ordinance. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices.
- D. Responsibility for Violation. It shall be the responsibility of the owner and all builders, contractors, sub-contractors, real estate agents and any other persons having to do with the establishment of any use of land or erection, altering or relocation of any building and/or structure to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this Ordinance.
- E. Injured Person May Recover Damages – County Not Liable. Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent may recover damages from the seller or his agent by civil action. However, the County or appropriate City shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information.

- F. Violation and Penalty. Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or where any building, structure or land is used or where a parcel of land is subdivided in violation of this Ordinance, the County or appropriate City may institute any appropriate action or procedure to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, to prevent any illegal act, business conduct, or use and such other remedy allowed by law.
- G. Each Day a Separate Violation. Each person, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for each day during which violation of any provision of this Ordinance is committed, continued, or permitted by such person, firm or corporation and shall be punished as provided by law as a separate offense.
- H. Any person, firm, association, or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars (\$300.00), an/d or imprisonment for a period not exceeding six months, or both. Each day that said violation continues shall be considered a separate offense.

CHAPTER 3 – ZONING DISTRICTS

1.0 Dubois/Spencer Residential Zoning District

- A. Purpose.** The purpose of the Dubois Residential Zoning District (RZD) and the Spencer Community Residential Zoning District (SCRZD) is to provide areas in which existing and new single family dwellings will be free of the conflicts that arise where residential uses are mixed with commercial or industrial enterprises,
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the DRRZD and the Spencer Community Residential Zone shall be subject to the general performance standards.

2.0 Rural Zoning District

- A. Purpose.** The purpose of the Rural Zoning District (RLZD) is to promote continued agricultural use of most rural private lands within Clark County while also providing for other traditional rural activities, including small-scale mining (large mining operations are industrial uses), logging, and home businesses that are compatible with farm and ranch operations. This zoning district also permits limited development of rural residences and commercial uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Specification Standards.**

Density Factors in Rural Clark County

Column 1 Planning Area	Column 2 Density : Acreage
Kilgore	1:40
Spencer	1:20 (outside of City Area of Impact)
Medicine Lodge Crooked Creek	1:20
Birch Creek	1:20
Snake River Plain	1:20

- E. Non-Conforming Lots -** Parcels or Lots existing in the Rural Living Zone prior to January 1, 2011 (the official adoption date of this Code) which do not meet the density requirements stated above shall retain a vested right of one (1) building permit on said property. That vested right shall be transferable upon sale of the property to another. The parcel may not be split to form two

non-conforming parcels. The parcel in question shall meet the minimum lot size of 2.5 acres and all other development requirements of this title

F. Transfer of Development Rights

1. The development rights associated by Table 4 may be transferred to any suitable site within the owner’s holdings and need not be contiguous. Both a plat map and a full legal description of the lands from which any such transfer is proposed shall accompany the application for a permit.
2. The development rights assigned by Table 4 may be transferred to other properties within the same planning area. Both a surveyed plat map and a full legal description of the lands from which any such transfer is proposed shall accompany the application for a permit, as shall a statement of consent to the transfer signed by the owners involved. The instruments necessary for transfer of development rights shall be recorded with the Clark County Clerk and Assessor’s Offices before a certificate of compliance is issued.

3.0 Commercial Zoning District

- A. Purpose.** The purpose of the Commercial Zoning District (CZD) is to provide a place for existing and new commercial uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the CZD shall be subject to the general performance standards.

4.0 Industrial Zoning District

- A. Purpose.** The purpose of the Industrial Zoning District (IZD) is to provide places where industrial uses can operate with minimal conflict with less intensive uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the IZD shall be subject to the general performance standards.

Table 1: Permitted and Conditional Land use in Clark County

<u>RESIDENTIAL USES</u>	R Z D	S C R Z D	R L Z D	C Z D	I Z D
Construction or relocation of roads on new alignments, or the addition of general purpose travel lanes to an existing road requiring new right-of-way.	C	C	C	C	C
Planned Unit Developments	C	C	C	C	C
Dwelling, Single Family Detached	P	P	P	C	
Dwelling, Two Family	P	P	C	C	
Dwelling, Single Family Attached	C	C	C	C	
Dwelling, Multiple Family – Condos	C	C	C	C	
Home Business	P	P	P	C	
Lot Split	P	P	P	P	P
Manufactured Home (meeting Performance Standards)	P	P	P	C	
Mobile Home Park	C	C	C		
Mobile Home Single (meeting Performance Standards)	P	P	P	C	
Other Residential Accessory and Incidental Uses	P	P	P	C	
Private Swimming Pool/Tennis Court	P	P	P	C	
Secondary Residential or Caretaker housing (Meet Performance Standards)	P	P	P	C	
Shelter Homes with 8 or less clients	C	C	C	C	
Subdivision	C	C	C	C	
<u>AGRICULTURAL USES</u>					
Agriculture general (farming & ranching)	P	P	P		C
Beekeeping			P		C
Breeding or raising domestic animals for sale, food or pleasure	P	P	P		
Chicken / Turkey Farm			C		
Commercial Feedlot			C		
Confined Animal Feeding Operation (CAFO)			C		
Dairy Business			P		
Dude Ranch		P	P		
Gardens and orchards home use	P	P	P		
Hog Farm			C		
Kennel	P	P	P		
Orchard Commercial	P	P	P	P	C
Orchard Home business	P	P	P	P	
Raising of fur-bearing animals	C	C	P		C
Sales stands for produce grown on premises	P	P	P	P	P
Stables, Riding academies	C	P	P	C	
Wildlife reserve			P		
Wildlife game farm			P		

<u>COMMERCIAL USES AND SERVICES</u>	R Z D	S C R Z D	R L Z D	C Z D	I Z D
Administration & Business Offices				P	P
Animal Clinic or pet hospital			P	P	P
Antique/Collectable/Handicraft/Hobby Sales			C	P	P
Auto/truck wash				P	P
Auto/truck Salvage (junkyard) & metal, rag, glass, paper, and plastic recycling operation			C	C	C
Auto/truck parts, tires & Accessories				P	P
Auto/truck used parts and/or rebuilding				C	C
Auto/truck repair, towing				P	P
Auto/truck/trailer/farm equipment Sales				P	P
Bakery/confectionery/Deli			C	P	P
Bank/ Financial institutions			C	P	P
Barber/Beauty Shop	C	C	C	P	P
Bed & Breakfast Facilities (Inn)less than 6 rooms	C	C	C	P	
Billboards (Outdoor Advertising)			C	P	P
Boat/Recreation Vehicle Sales, Service and rental			C	P	P
Book/Stationery/print shop/Music store				P	
Building Material/Home Improvement/Hardware Sales				P	P
Building/yard maintenance Service			C	P	P
Cabinet / Furniture Sales/Repair				P	P
Commercial parking				P	P
Contractor, Pump and Well Drilling				P	P
Contractor, General			C	C	P
Contractor, Excavation/ Heavy Equipment/ storage yard			C	C	P
Contractor , Building			C	P	P
Convenience Store w/o gasoline sales	C	C	C	P	P
Convenience Store with gasoline sales	C	C	C	P	P
Day Care Center	C	C	C	P	
Day Care Home 1-6 Children	P	P	P		
Department Store				P	
Garden/Nursery Store				P	P
Gasoline Service Station				P	P
Grocery Store				P	C
Hotel/Motel		C		P	
Laundry/dry cleaning/Laundromat	C	C	C	P	C
Leather Goods Sales/Repairs	C	C		P	P
Liquor Sales	C	C		C	
Medical/Dental Clinic-Offices	C	C		P	
Mini/Self Storage Units	C	C		P	P
Mobile Home/Manufactured Home Sales				C	C
Mortuary	C	C		P	P
New/Use Vehicle Sales				P	P
Adult Material sales/rental				C	
Pawn Shop				P	P
Pet Shop			C	P	P
Pharmacy				P	

	R Z D	S C R Z D	R L Z D	C Z D	I Z D
Restaurant/ Quick food establishment	C	C	C	P	C
Retail Sales		C	C	P	C
Small Appliance/Computer sales and Repair			C	P	C
Sporting Goods		C	C	P	C
Storage of Boats/RV's/Autos/Trucks				P	P
Studio - Health, Exercise, Massage	C	C	C	P	
Studio - Art/photo/drama/dance	C	C		P	
Tavern, Dance Hall, Night Club	C	C	C	C	C
Theater, outdoor		C	C	C	
Theater, indoor			C	P	C
Truck Stop		C	C	C	P
Variety Store				P	
Railroad Car/cargo containers as storage		C	C	C	C
Buses and truck trailers as storage			C	C	C
<u>INSTITUTIONAL / SPECIAL USES</u>					
Airport/Heliport , Private			C	C	C
Airport/Heliport, Public			C	C	C
Cemetery	C	C	C		
Church/ Religious Assembly	C	C	C	C	
Fire Station	C	C	C	P	P
Preschool (See Day Care Center)	C	C	C	C	
Private School	C	C	C	C	
Public Park	P	P	P	P	C
Public School	C	C	C	C	
Public Building	C	C	C	P	P
Trade , Vocational or commercial schools	C	C	C	P	P
Zoo	C	C	C	C	
<u>INDUSTRIAL USES</u>					
Chemical storage distribution				C	C
Component assembly				C	C
Concrete Batch Plant			C		C
Contractor, Landscape/Fencing		C	C	C	P
Energy Production Facilities			C	C	P
Freight Terminal			C	C	P
Fuel / coal/ firewood/propane dealer		C	C	C	P
General Warehousing			C	C	P
Lumber/sawmill plant/ Lumber yard		C	C	C	P
Manufacturing plants					P
Petroleum bulk plants			C	C	P
Processing plant for agricultural products			C		P
Quarry/gravel pit/rock crushing/mining		C	C		C
Sheet metal/roofing/sign/fabrication shop				C	P
Welding/ Machine Shop			C	C	P
Wholesale outlets/storage and sales				P	P

<u>UTILITY & RELATED SERVICE USES</u>	R Z D	S C R Z D	R L Z D	C Z D	I Z D
Hospital , Ambulance garage	C	C	C	C	
Irrigation Canals and facilities	P	P	P	C	C
Railroad tracks, right-of-way related facilities	C	C	C	C	C
Recycle bin for collection	P	P	P	P	P
Sewage, pumping, treatment	C	C	C	C	C
Water facilities, pumping , treatment, storage , well	C	C	C	C	C
Utilities Transmission line	C	C	C	C	C
Utilities, public or private other than listed	C	C	C	C	C
Utility Shops, Storage Yards and buildings	C	C	C	C	P
Utility Installation & Public Service Facility/Clark substation/gas metering-pumping station/Telephone switching- relay and Transmitting equipment	C	C	C	C	C
Wind Turbine Towers Personal and hobbyist private pole mounted non-guyed	C	C	C	C	C
Wind Turbines Commercial Wind Farms			C		
Wind Anemometers (for Wind Measurement Only)	C	C	C	C	C
Wireless communication facilities and tower/ Radio, Television or Microwave towers	C	C	C	C	C
<u>RECREATIONAL USES</u>					
Campground	C	P	P	C	
Golf Course	P	P	P	P	
Hunting lodge and rental cabins	C	C	P	C	
Indoor Entertainment, Sports and Recreation	C	C	P	P	
Marina			P	C	
Noise Park/ Dirt Bike track/ Outdoor Entertainment, Sports and Recreation		C	C	C	C
Public Swimming pool	P	P	P	P	
Public Riding stables	C	P	P	C	
Recreational Vehicle Park	C	C	P	C	
Shooting Preserve/ Hunting Farm			P		
Snowmobile rental		P	P	P	C
Theatrical shows, wagon rides, dinner theater indoor or outdoor	C	C	P	P	
Watercraft rental			C	P	
Winter sports facilities		C	C	P	

<u>TEMPORARY USES</u>	R Z D	S C R Z D	R L Z D	C Z D	I Z D
Carnival or Circus	C	C	C	C	
Christmas Tree Sales	P	P	P	P	P
Contractor's Office and construction equipment sheds and staging area		C	C	C	C
Fireworks Stand		C	C	C	
Real Estate sales office on land for sale	C	C	C	C	
Religious tent meeting	C	C	C		

5.0 Uses Not Listed:

Because listed uses can be incomplete, decisions on specific uses not listed will be rendered by the Planning and Zoning Administrator with appeal to the Planning and Zoning Commission. The planning department will maintain a copy of the new classification action and treat all subsequent requests for said use accordingly.

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CHAPTER 4 - ZONING DISTRICT PERFORMANCE STANDARDS

1.0 Bulk and Placement Standards:

The following table sets forth building bulk and placement standards for the zoning districts.

Table 2: Setback and lot restrictions for Clark County

Zones	RZD	SCRZD	RLZD	CZD	IZD
Minimum Lot Size	1 family: 5,000 SF 2 family: 7,000 SF	Within Spencer City Limits – 1 family: 5,000 SF 2 family: 7,000 SF Outside of Spencer City Limits but within the area of Impact 2.5 or 5.0 see Impact Area Ordinance	2.5 acres	Residential same RZD Other uses: 5,000 SF	5,000 SF
Min. Lot Frontage	50 LF	50 LF	50 LF	50 LF	50 LF
Min. Front Setback	20 LF	20 LF	20 LF	Facing Main: none* Elsewhere: 20 LF	Planting Strip/Landscape Buffer
Min. Side Setback	5 LF	5 LF	5 LF	Facing Main: none Elsewhere: 5 LF	10 LF
Min. Rear Setback	5 LF	5 LF	5 LF	Facing Main: none Elsewhere: 5 LF	10 LF
Max. Lot Coverage	40%	40%	30%	Facing Main: 100 % Elsewhere: 70%	80%
Max. Bldg. Height	35 LF	35 LF	35 LF	35 LF	60 LF

* Overhangs shall drain away from Main Street with flat front façade.

2.0 Exceptions to Minimum Setback Requirements:

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

3.0 Measurement Procedures:

- A. Height of Building: The vertical distance as measured from the highest point of the roof or the building, not including chimney or vane, down to the point representative of the average finished grade of the land around the perimeter of the building.
- B. Yard. Front: The depth of the yard shall be the minimum distance between the front lot line and the part of a building closest to the front lot line or to the required setback from the street if development is not present.

- C. Yard, Rear: The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of a main building.
- D. Yard Side: The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of a main building.

The following performance standard applies to all uses within all zoning districts.

4.0 Transportation System Capacity:

Transportation facilities both on and off the site shall have the capability to handle additional traffic generated by the development or shall be improved, at the developers expense, to service the development.

Developments projected to generate 100 or more peak-hour vehicle trips or more than 1,000 average daily vehicles trips (ADT) shall prepare a Transportation Impact Analysis or Study (TIS). Trip generation rates shall be determined using the current edition of the Institute of Traffic Engineers, Trip Generation Manual.

A TIS is a comprehensive study, analyzing all surface transportation modes, including pedestrians, bicycles, vehicles, and other public transportation services, that would be affected by a development. The impact analysis area is generally larger than the immediate area surrounding the development site. The TIS documents the extent of the impact of the proposed development on the transportation system, including additional trips, resulting level of service during AM and PM peaks, and the need for auxiliary lanes or other special capacity or safety features. A TIS also details the transportation improvements necessary to accommodate the traffic volumes generated by the development. These improvements could include, but are not limited to, right and/or left turn lanes, additional through lanes, acceleration lanes, bicycle lanes, bus stops, sidewalks, medians, traffic signals, removal and/or consolidation of existing approaches, etc.

The TIS shall be prepared in accordance with the latest version of Idaho Transportation Board Policy B-12-06, "Requirements for Transportation Impact Study." The document is available from any ITD District office. The developer shall coordinate the study with the Clark County Road and Bridge Department and ITD District Traffic Engineer. The developer shall provide and pay for the study, which shall be conducted by an engineer that is licensed in the State of Idaho.

The developer at his/her expense shall mitigate adverse impacts associated with development and identified within the TIS. The foregoing does not preclude the Clark County, or the State of Idaho, from cost sharing or otherwise participating in transportation improvements.

5.0 Access:

- A. Access Required - All developments and all lots and parcels within a development shall abut and have safe direct access to a road for a distance of at least 25 feet. All roads serving as access, pursuant to this section, shall meet the design and construction standards of the Clark County Road and Bridge Department or Idaho Transportation Department, consistent with roadway jurisdiction. Roadway improvements, as may be required by Clark County

and/or the Idaho Transportation Department, and the provision of access, including but not limited to driveway improvements, street extensions and street improvements shall be the responsibility of the developer.

- B. All new approaches off of Clark County Roads shall be designed and installed by Clark County Road and Bridge Department. An Access Permit shall be filed with the Clark County Road and Bridge Department Supervisor who will design and direct the installation of the Access. Costs for the approach installation shall be borne by the Applicant as determined and published by the Clark County Board of County Commissioners.
- C. The County may approve building permits for lots and parcels that do not meet the standards specified in herein when:
 - 1. The proposed improvement would be solely for nonresidential use, and
 - 2. When the proposed permit would support the use of the parcel or lot for forestry, mining, or agricultural purposes, or
 - 3. The parcel or lot will be exclusively used for public utility facility purposes.
- B. Alternative access as authorized is subject to the following additional standards:
 - 1. The County Commission finds, based upon evidence included in the application that the use and access needs are limited and road standards of this Ordinance are not warranted.
 - 2. A restrictive covenant is recorded with the County Clerk as a deed restriction on the existing and future use of the property consistent with the “proposed use” stated in the application.
 - 3. Such restriction is submitted as a part of the application and is approved by the County Board. The County Board may review, modify, approve, or disapprove the proposed restriction.

County Road Extension or Creation:

No development shall create a new public road or necessitate the extension of an existing roadway maintained by Clark County except upon submission of a study, prepared by competent professionals and at the developer’s expense that clearly demonstrates:

- A. The tax revenues generated by the proposed development and directly received by Clark County will be equal to or greater than the costs associated with roadway maintenance, including winter maintenance, and
- B. If the development includes the construction of dwelling unit(s), the tax revenues generated by the proposed development and directly received by the Clark County School District less the average annual educational service cost per pupil, exclusive of transportation services, times the number of proposed dwelling units, will be equal to or greater than the costs associated with the operation of school transportation services based upon:
 - 1. The additional mileage required to serve the area considering the existing bus routes at the time of the proposal, and
 - 2. The school district’s cost of student transportation based upon the district-wide operations cost per vehicle mile of travel.

- C. Written evidence that the study has been reviewed and accepted by Clark County Road and Bridge Department and the school district. The Road and Bridge Department and school district may establish joint or individual standards concerning the content, format, and methodology of such studies.

Extension of Winter Maintenance:

No development shall necessitate extension of winter road maintenance except upon submission of:

- A. A study prepared by competent professionals, at the developer’s expense, clearly demonstrating that the tax revenues generated by the proposed development and directly received by Clark County will be equal to or greater than the costs associated with extending winter maintenance, and
- B. Written evidence that the study has been reviewed and accepted by the Clark County Road and Bridge Department. The Department may establish standards concerning the content, format, and methodology of such studies.

Detailed Performance Standards For Access Management:

These performance standards are intended to prevent traffic congestion and avoid the creation of hazardous conditions due to excessive slowing of vehicles and vehicle conflicts associated with turning movements into driveways and intersecting public roads.

- A. Access Permit Required. The modification, location, or relocation of driveways on State highways or County Roads shall be subject to the standards specified within this Section, and the appropriate review and approval by the Idaho Transportation Department or the County Road and Bridge Supervisor. Development subject to Chapter 8 Section 1.0 of this Ordinance, as well as any change in use that creates a significant change in trip generation, shall conform to the standards specified in this Section. Existing driveways as of (date of adoption) that do not conform to the standards herein are considered nonconforming.
- B. Driveways shall be sited consistent with Table 3, Driveway Spacing Standards. If performance standards specified elsewhere in this Development Code are more restrictive, than the most restrictive shall apply.

Table 3: General Driveway Spacing Standards

Street Classification	Minimum Driveway Spacing	Minimum Driveway Separation from Public Street Intersection
Arterial Street	500 ¹	190
Collector Street	300 ¹	150
Local Street	150	75

1. Limited to a maximum of three driveways per mile per side.

- C. The distance from an access driveway to an intersection shall be measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

- D. The number of driveways shall be the minimum number necessary to provide reasonable access to the properties, not the maximum available for the frontage. Adjacent developments under the same ownership, group of owners, or consolidated for the purposes of development and comprise more than one building site shall be reviewed as a single property for purposes of determining the number of access points. For single family and multi-family developments, one driveway is permitted per lot. Larger developments generating 250 vehicle trips per day, commercial, and industrial developments may require more than one driveway but shall be limited to the minimum feasible number.
- E. The County shall require, at a minimum, that driveways be located outside the functional area of the intersection even if such a distance would be greater than set forth in Table 3.
- F. The County may attach conditions to any access to the public roadway system. Additionally, the approval may be temporary including time limits based upon the availability of an alternative access that meets or more closely satisfies the access management policies and standards.
- G. Driveways shall be constructed consistent with the widths specified in Table 4 based upon the posted speeds on the adjacent roadway. If not posted, the approach widths specified for roadways with speeds greater than 35 MPH shall be used.

Table 4: Approach Widths & Radii

Approach Use	<35 MPH		>35 MPH		RADII	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Single Family Residential, Farmyard, Field	12'	40'	20'	40'	20'	30'
Commercial & Industrial (one-way)	15'	30'	20'	30'	30'	40'
Commercial & Industrial (two-way)	25'	40'	25'	40'	30'	40'
Joint-Use: Residential/Farm	25'	40'	25'	40'	20'	30'
Joint-Use: Commercial	12'	40'	20'	40'	30'	40'
Joint-Use: Industrial	12'	40'	20'	40'	30'	40'
Public Highways	28'	NA	28'	NA	30'	50'

- H. The grade of the driveway shall not exceed eight (8%) percent at any point along its length. The following additional minimum standards apply:
 1. Driveways less than 40 feet may have a maximum grade of eight percent.

2. Driveways longer than 200 feet may have grades in excess of eight (8%) percent but no greater than ten (10%) percent. Grades in excess of ten (10%) percent shall account for no more than 100 feet within any 500 lineal feet of driveway. The grade of these longer driveways, at their intersection with the public street and for a distance of 40 feet from the edge of the roadway, shall be no greater than eight (8%) percent.
- I. A minimum 18 inch diameter culvert capable of supporting a load of 40,000 pounds may be required to convey storm water runoff. The size and location of the culvert shall be determined by the relevant roadway jurisdiction, either ITD District 6 or the Clark County Road and Bridge Department. Culverts shall be constructed of corrugated metal pipe or reinforced concrete pipe. Culverts, when required, shall extend a minimum of one (1) foot beyond the edge of fill created by construction of the driveway approach or such other longer distance as may be determined by the relevant roadway jurisdiction.
 - J. Driveways serving commercial or industrial uses that include parking areas larger than 1,000 square feet, provide five (5) or more spaces, or include off-street loading berths shall conform to the following standards.
 1. The driveway shall be designed and constructed to facilitate the flow of traffic on or off the site with regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.
 2. The driveways shall be a minimum 14 feet in length from the edge of the right-of-way, but longer driveways may be required when necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.
 3. When the adjacent road is paved, the driveways shall also be paved. Driveway paving shall extend a minimum of 14 feet from the edge of the existing pavement. A longer paved driveway may be necessary to ensure that stopping, standing, parking, or maneuvering of vehicles does not occur within the public road right-of-way.
 4. In the rural living zone parking area shall provide adequate aisles or turn-around so that all vehicles may enter the street in a forward manner.
 5. The residential and commercial zones parking areas shall be designed and improved to prevent vehicles from overhanging public walkways, adjacent public or private property, or from restricting the visibility of traffic on a public road. Curbs or wheel stops shall be required when vehicle head-in parking is located adjacent to the sidewalk and not separated by a planting strip.
 - K. Properties fronting on US or State Highways are subject to the following additional standards and shall submit written documentation to the County demonstrating that the proposed driveway has been reviewed and approved by Idaho Transportation Department, District 6.
 1. Driveways shall be improved. Improvements shall extend from the edge of the existing highway pavement to a minimum of fourteen (14) feet from the edge of the State Highway right-of-way or greater distance as may be necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.

2. Corner lots shall derive access from the side or Minor Street with no driveways connecting to the State Highway.
3. Normally only one approach will be provided to any single property, tract, or business establishment frontage. Approaches shall be considered per total development, regardless of the number of individual parcels it contains.
4. Two or more adjacent properties fronting on State Highways without access to an adjacent street (i.e. not a corner lot) shall share an access driveway except where topography or existing buildings preclude common access. The County may waive this requirement when all adjacent properties' driveways (existing as well as those that may be needed in the future) would be more than twice the minimum driveway spacing specified in Table 3, General Driveway Spacing Standards.
5. Driveways gaining access to State Highways shall be located or relocated (at the time of development or redevelopment) to existing property lines. The County may waive this requirement when all adjacent properties' driveways would be more than twice the minimum driveway spacing specified in Table 3, General Driveway Spacing Standards. Owners of new or modified driveways shall be required to:
 - a. Record an easement with the deed allowing cross-access to and from adjacent properties that could potentially be served by the driveway;
 - b. Record an easement with the deed that all remaining access rights, if any, along the State Highway will be dedicated to the County and pre-existing driveways will be closed and eliminated following construction of the driveway in the approved location.
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners served by the driveway.
6. Driveways widths shall conform to ITD specifications.
7. Property owners are encouraged to coordinate parking and internal circulation with adjoining property owners in order to maximize the utility of shared access.

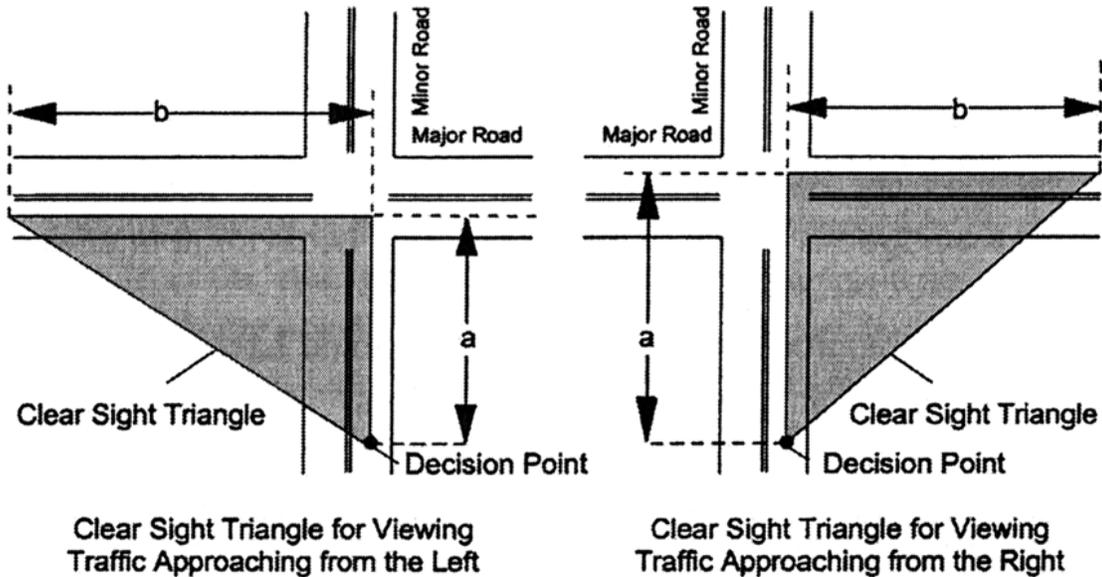
6.0 Sight Triangle on Corner Lots:

In order to provide a clear view of intersecting streets and driveways for the motorist, there shall be a triangular area of clear vision formed when two streets or a street and a driveway or alley intersect. The size of the triangular area is a function of travel speed on the intersecting roadways and the control type for each intersecting roadway. On any portion of a lot or public right-of-way that lies within the triangular area, as described below, no visual obstruction shall be erected, placed, planted, allowed to grow, or be allowed to remain within the vertical area between two and one-half (2½) feet and ten (10) feet as measured from the height of the top of the curb. On streets without curbs, the height shall be measured from the center (or centerline if one exists) of the adjoining street(s). Clear vision triangles are determined as follows:

The triangular area formed by the following three lines (see Figure 1) shall constitute the clear vision area:

- A. The first line shall be along the "major" roadway. For vehicles approaching the intersection from the left, the measurement shall be along the center of the lane closest to

the intersecting approach on the “minor” roadway. For vehicles approaching the intersection from the right, the measurement shall be along the center of the lane closest to the center stripe separating the two directions of travel on the “major” roadway.



A – Approach Sight Triangles

- B. The second line shall be along the “minor” roadway. The measurement shall be along the center of the approach lane closest to the direction from which vehicles are approaching on the “major” street.
- C. The third line shall connect the endpoints of the lines described in “1” and “2” above. The point at which the two lines meet within the intersection is referred to as the “intersection point”. The length of lines “1” and “2” are as shown in Table 6 based on the type of use of each intersecting roadway, measured from the “intersection point”.

Figure 1: Sight Distances

Road Type	Distance along Specified Lines From Intersection Point ¹			
	Uncontrolled Intersections	Controlled Intersections		
		Yield Approach ²	Stopped Approach ⁵	Major Approach
Driveway or Alley	70 LF	75 LF	18 LF	N/A
Local Street (except commercial, Industrial or Frontage Road ³)	115 LF	130 LF	18 LF	280 LF
Commercial, Industrial or Frontage Road ⁴	165 LF	195 LF	18 LF	390 LF
Collector or Arterial Street ⁵	220 LF	275 LF	18 LF	500 LF
State Highway ⁶	N/A	N/A	18 LF	610 LF

Table 6: Sight distances

¹ For any approach in which the truck percentage is greater than 5 percent, the distances shown shall be increased by 50 percent. Distances are based on values provided in *A Policy on Geometric Design of Highways and Streets 2001* for level roadways; additional adjustments should be made for grades greater than 3 percent.

² Measured from the edge of the major approach closest to the stopped approach.

³ Assumed mid-block speed of 25 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

⁴ Assumed mid-block speed of 35 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

⁵ Assumed mid-block speed of 45 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

⁶ Assumed mid-block speed of 55 MPH. If the highway speed is 65 MPH, measurement shall be increased to 720 feet.

For roadway-rail crossings without active control, the sight triangle shall be determined based on Table 7. Where the grades are not flat or the crossing is skewed, the distances should be increased consistent with the procedures outlined in *A Policy on Geometric Design of Highways and Streets 2001*.

Table 7: Sight distances for uncontrolled railway crossings

Train Speed (mph)	Distance along Railroad from Crossing						
	Vehicle Speed (mph)	10	20	30	40	50	60
10		148	106	99	100	105	111
20		293	212	198	200	209	222
30		439	318	297	300	314	333
40		585	424	396	401	419	444
50		732	530	494	501	524	555
60		878	363	593	601	628	666
70		1,024	742	692	701	733	777
80		1,171	848	791	801	838	888
90		1,317	954	890	901	943	999
	Distance along Highway from Crossing						
NA		71	137	222	326	449	591

Distances are based on values provided in *A Policy on Geometric Design of Highways and Streets 2001* for level roadways and 90 degree crossing; adjustments shall be made to account for skewed crossings or roads that are other than flat.

7.0 General Regulations

These general regulations apply to all districts and uses, except as specifically provided herein, in addition to other provisions of the Zoning Ordinance.

Accessory Uses:

- A. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Planning Administrator pursuant to his or her authority to interpret the provisions of the Ordinance.
- B. No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use has been established.
- C. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:
 1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.
 2. Setbacks: No accessory structure shall be closer than ten feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure.
 3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
 4. Residential accessory uses and buildings may be:
 - a. Permitted after or concurrent with the development of the primary use; a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence.
 - b. Smaller than the primary uses structure in size by at least 25% of the residences "footprint"; accessory buildings exceeding this requirement will require site plan approval by Commission as a business item.
 5. Exempt Structures - Garden sheds less than 200 square feet (limit of 1).
 6. Detailed Accessory Use Regulations: Commercial Stables:

The following minimum setbacks shall be provided:

 - a. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of 75 feet from any street or non-residential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems.
 - b. Manure piles shall be stored, removed, and/or applied in accordance with District Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.
- F. Detailed Accessory Use Regulations: Private Swimming Pools and Tennis Courts:

1. Pools and Courts, included but not limited to aprons, walls, and equipment rooms, shall not protrude into any required setback.
2. Pools shall be fenced or otherwise protected against intrusion.
3. Pools and Courts shall not be operated as a business or a private club, unless they are part of a Planned Unit Development or otherwise permitted, see Table 1, Land Uses.

G. Detailed Accessory Use Regulations: Residence for Caretaker, Watchman, or Guest House:

1. One single-family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any commercial or industrial use, kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.
2. A guest house is permitted, provided that the minimum lot size, setbacks, and all other provisions relating to residential buildings are met: has no commercial use such as rental, and that a new deed be recorded which precludes division of the parcel upon which both residences are placed.
3. The standards applicable to a caretaker's residence shall not differ from those imposed by this Ordinance on any other housing unit of the same type, except the minimum lot size requirement.

Manufactured/Mobile Home Housing Placement:

The following requirements apply to the use and placement of all manufactured/mobile home housing outside of mobile home parks:

- A. The manufactured/mobile home housing unit must be certified as meeting the National Manufactured Home Construction and Safety Standards as administered by the U.S. Dept. of Housing and Urban Development, and built after June 15, 1976.
- B. The manufactured/mobile home shall enclose a space of not less than eight hundred and forty (840) square feet.
- C. It shall be placed on an excavated and backfilled concrete or concrete/cinder block foundation. If approved by a Conditional Use Permit Mobile Homes used for Employee or Care Taker Housing may be considered temporary in nature and do not require a permanent foundation, but shall be properly skirted using commercially available materials as agreed upon in the Conditional Use Permit.
- D. It shall have an exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Commission or designated representative.
- E. It shall have a pitched roof with a minimum of three (3) feet in height for each twelve (12) feet in width.

After obtaining the proper permits, including, but not necessarily limited to, a building permit, a manufactured/mobile housing unit meeting the standards above may be placed

on a lot and used as a single family residence permanently or temporarily. This shall not be construed as abrogating a recorded restrictive covenant. When applying for a building permit, the applicant shall provide a photo of the manufactured home and evidence that the unit meets the other standards as may be requested by the Planning and Zoning Commission.

Recreational Vehicles:

The temporary or intermittent recreational use of a Recreational Vehicle is permitted provided the following conditions are met:

- A. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
- B. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
- C. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
- D. The RV must be hooked into a sewage disposal system which meets the requirements of the Southeastern Idaho Health District or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
- E. The RV shall not be used as a rental property.

Home Occupations/Business:

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

- A. Business activity must be secondary to primary use of a dwelling.
- B. The limited business activity shall not change the character of the dwelling.
- C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust, or debris. The accessory building must comply with the definition of residential accessory buildings above.
- D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.
- E. A home occupation/ business must be owned (and operated) by the resident.

- F. Home occupations may only display the following signs:
 - 1. One (1) non-illuminated wall sign of no more than six (6) square feet, and
 - 2. One (1) non-illuminated on site directional sign of no more than four (4) square feet.
- G. Off-street parking shall be provided for all s and any vehicles associated with the home occupation.
- H. Activities associated with a home occupation should not cause more than incidental on-street parking.

Agricultural Operations:

All farms and ranches in existence upon the effective date of this Ordinance shall be permitted uses. Agricultural lands as defined in Clark County shall be protected under the Idaho Code 67-6529 right to farm provision. However, the subdivision of lands in the rural living district for the purpose of changing land use from agriculture to another use shall be subject to the requirements of this and other county ordinances.

Idaho OnePlan

Farmers and agencies can both benefit from reducing duplication of effort, regulatory red tape and cross-agency bottlenecks. The OnePlan coordinates the various conservation requirements of the numerous agencies with regulatory and technical oversight. From the comfort of home or office, you can connect to site specific information tailored to Idaho growers.

Idaho OnePlan provides data and software to help growers develop a single conservation farm plan that can be pre-endorsed by the various agencies, streamlining and simplifying the regulatory process that farmers face.

Idaho OnePlan is a multi-agency project to combine government regulations and current best management practices for agriculture into a single plan, integrating federal, state, and local regulations for:

- Nutrient, Pest and Waste Management
- Water Quality and Wetlands
- Air Quality
- Financial Assistance
- Endangered Species
- Petroleum Storage Tanks

Animal Feeding Operations shall follow all requirements set forth by Idaho Statues and Administrative Rules. For additional guidance see Idaho OnePlan at <http://www.oneplan.org/index.asp>.

Quarry/Gravel Pit/Rock Crushing/Mining:

The purpose of this Section is to provide reasonable assurance that future mining operations will not adversely affect neighboring uses yet provide building materials for development. The following standards are provided:

- A. Roads - No gravel mining shall be permitted where existing roads and/or bridges do not have adequate capacity to support the anticipated truck traffic, unless an upgrade to carry the weight load is completed as determined by the Commission. Dust controls of either asphalt paving or chemical treatment of gravel roads shall also be provided as determined by the Commission. Traffic controls including appropriate signs shall be provided when needed as determined by Commission.

- B. Weed Control - A regular weed control program must be maintained during entire life of pit and until revegetation provided in reclamation plan is established. This program shall be approved by the County Weed Control department.
- C. Buffer - Wherever a proposed mine is within 660 feet of an existing residence or a platted residential subdivision, a buffer area of at least 75 feet shall be provided between all operating areas of the mine, including parking, storage, etc., and the existing residence or residential subdivision. No existing vegetation that has buffering capacity shall be removed from a required buffer.
- D. Operating Hours- Wherever a proposed gravel mine is within 660 feet of an existing residence or a platted residential subdivision, mining operations shall be limited to the daylight hours.
- E. Reclamation- The reclamation plan (reclamation plans are required by Idaho Code 47-1501., et. seq.) for the mine shall show how the site will be reclaimed to a condition where it can be used for a compatible use. Reclamation that fulfills the requirements of state law shall generally be acceptable outside areas of city impact. In those areas of city impact, the reclaimed site shall be suitable for a use permitted by the comprehensive plan.
- F. Air and Water Protection - All operations associated with this operation including the operation of an asphalt hot mix plant shall comply with state and federal environmental regulations. Buffers from surface water must be provided. Should a mining operation be in a location where it may penetrate an aquifer, a professionally prepared plan for the prevention of aquifer pollution shall be prepared and reviewed by the Idaho DEQ for effectiveness and implementation. Any such plan shall, at a minimum, require the diversion of surface runoff from the excavation, the installation and maintenance of vegetative filter strips around the excavation, and the minimization of the area of aquifer surface exposed at any one time.

Junkyards:

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

- A. The site plan shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.
- B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within 40 feet of any road right-of-way.
- C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.
- D. All hazardous materials shall be stored in a safe manner and where required, shall not be permitted until after the issuance of a permit for such storage.
- E. Screening: All materials shall be screened by a solid 8 to 12 foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms,

provided said trees or shrubs are of a type that is capable of forming a dense, hedge-like screen. Said plant materials may only be used if they are approved by the Planning and Zoning Commission. The approved trees or shrubs shall be vigorous enough to attain a height of at least 8 feet within three years after they are planted. Said trees or shrubs shall be spaced closely enough to achieve branch-to-branch coverage within five years. Said plant materials shall be watered and maintained in a healthy, growing condition, and shall be replaced with living plant materials of similar size and type if they die.

Auto Body and Repair Services:

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

Gas Stations:

- A. All services except fuel sales shall be performed within a completely enclosed building.
- B. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely screened from the view of the public and neighboring residences.

Nonconforming Uses:

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

- A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.
- B. The applicant or adjacent property owners may appeal the Commission's decision to the Board.

Substandard Lots:

Substandard lots are defined as those created without subdivision review, or the filing of a record of survey. Substandard lots legally created before January 2002 may be developed, provided the lot owner receives a sewer permit from the District Health Department, and that all other development standards in this Ordinance are met.

Expansion and Modification of Conforming Uses:

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

7.0 Parking:

Every building or portion of a building hereafter erected shall be provided with permanently maintained off-street parking spaces as provided in this section. The parking spaces shall remain available for the use of building occupants or customers for the duration of the building occupancy. The terms of parking utilization shall be disclosed by a landowner at the time of the building permit request and shall be made part of any permit issued in accord with the terms of this Ordinance. Lots for parking six or more cars, in all but the residential zones, shall conform to the standards established by this section. The Clark County Planning and Zoning Commission may make minor modification in the standards contained in this section to avert unreasonable practical difficulties resulting from literal application of the requirements of this section. The following requirements shall apply to all required parking lots for six or more cars in all zoning districts except residential.

- A. Lots shall be designed to facilitate convenient traffic circulation on-site and at junctions of public streets and parking lot circulation lanes.
- B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.
- C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right-of-way.
- D. Parking spaces shall have a nine-foot effective width and an eighteen-foot length.
- E. Parking lots shall be equipped with appropriate drainage control measures to minimize the effects of storm water on adjacent lands. Drainage plans shall be submitted to the Commission upon request.
- F. Parking lot areas shall be maintained in a dust-free condition.
- G. Parking lot landscaping areas shall be protected from damage by vehicles.
- H. Handicapped parking spaces shall be provided in all parking lots as determined by the Americans with Disabilities Act as amended.
- I. Parking lot placement shall comply with standards set forth in each respective zone standard in Chapter 3.
- J. Lighting of parking lots shall be accomplished in a manner which does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic.
- K. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Commission.
- L. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight-proof hedge unless waived for cause by Commission.
- M. Signs which identify parking lot usage terms and conditions may be required by Commission.
- N. In no case shall any part of a parking area be closer than four (4) feet to any public right-of-way, proposed or established road, bicycle path, pedestrian path or alley.

Joint Use of Parking Facilities:

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

Standards for Parking Lots:

- A. Parking spaces shall be provided for all land uses governed by this Ordinance. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts, which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Commission prior to issuance of a building permit.
- B. The following table sets forth the parking space requirements for land uses within the jurisdiction of this Ordinance. Fractional numbers of parking spaces shall be increased to the next whole number of parking spaces.

Table 8: Requirements for parking space per 1000 ft. of commercial floor space

Uses	Minimum Parking Spaces per 10000 Feet of Gross Floor Area
Building materials, farm equipment, and furniture	1
Hardware, apparel, and misc., retail uses	3
General merchandise, groceries, bakeries	4
Retail automotive, marine	4
Eating and drinking places (with seating area)	6
Financial, real estate, and insurance services, mixed office uses	3
Business, professional offices, personal services misc. services	4
Shopping center, or complex	3
Health services, medical clinics	5

When a land use is not listed in the Table 5, the parking space requirements shall be determined by the administrator based upon comparison with similar uses and evaluation of possible parking demand associated with the use contemplated. The decision of the administrator may be appealed to the commission in matters of parking space requirements.

Parking Lot Landscaping:

- A. Parking lot landscaping shall be provided where required by this Ordinance. It shall be maintained in a growing and healthful condition from the date of building occupancy. A

sprinkling system shall be provided for all lots for more than thirty cars. All nursery stock shall be healthy.

- B. In Commercial and industrial districts, and for commercial uses in other districts, interior parking lot landscaping shall cover at least five percent of the total parking lot area for lots with fifteen or more parking spaces. One shade tree shall be planted for every one hundred fifty square feet of the interior lot landscaping. All land in the area designated for landscaping shall be covered by growing plants. Rocks and other nonliving materials may be used only for accent in landscaping areas. Plans showing location, size, and type of plant materials for landscaping in parking areas shall be provided when application is made for a building permit. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which directly adjoin any property used for residential purposes by an acceptably designed wall, fence or planting screen. Such fence wall or planting screen shall not be less than four (4) feet nor more than eight (8) feet in height unless it is in the sight triangle of road intersection and shall be maintained in good condition. The space between the fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy scrubs or evergreen ground cover, and maintained in good condition. An exemption may be permitted by the Administrator if the terrain or other existing features are such that this screening would not serve its intended purpose.

8.0 Buffering:

Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the county. The purpose of this section is to assure that the landscaped buffers required by these regulations effectively accomplish those goals.

- A. The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer, as shown in Table 8.
- B. The basic buffer width given in Table 9 is the width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees per hundred lineal feet of buffer. The table also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.

Table 9: Buffering Requirements

Type of Use	Type of adjacent use or area	Basic Buffer Width (Lineal Feet - LF)	Headlight Buffer	Security Fence required
Industrial	Residential, platted residential lots	50	for parking area	yes
Industrial	any public right of way	12	no	yes
Industrial	Commercial	25	no	optional
Industrial or Commercial	Scenic Highway	50	for parking area	no
Commercial	Residential, platted residential lots	20	for parking area	may be for additional screening needs

Type of Use	Type of adjacent use or area	Basic Buffer Width (Lineal Feet - LF)	Headlight Buffer	Security Fence required
Commercial outdoors, materials storage, handling, or sales areas, over 10, 000 sq. ft.	Residential, platted residential lots	50	yes	yes
Commercial outdoors, materials storage, handling, or sales areas, any size	any public way	12	no	yes
High density residential	lower density residential	20	for parking area	no
Residential	scenic highway	10	none	no
Manufactured homes not meeting the standards and mobile home parks,	Residential, platted residential lots	20	none	no

- C. Plant materials shall be of native vegetation conducive to the natural environment in Clark County.
- D. Plant materials will be located in such a manner as to reduce impacts of development and enhance the natural beauty of the area. Location and type of vegetation will be dependent upon objective. Trees shall be placed to increase shade and offset visual impacts of buildings from public view. Bushes shall be placed in a manner to reduce glare from headlights onto other structures.
- E. Plant materials installed in required buffers shall be warranted for one year and meet the following specifications:
 - 1. All trees, major and understory, shall be containerized or bagged and burlap stocked in good condition three (3) feet for coniferous trees; and
 - 2. All shrubs shall be minimum five gallon containerized stock in good condition.
- F. Perpetual maintenance of required buffers is required.

9.0 Drainage Ways

- A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted by reducing the number of roads and structures that are allowed to cross the drainage way, and the site plan shall so indicate.
- B. Alteration, such as regarding, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County. Such plans shall insure that storage capacity and flow is not degraded.

10.0 Lighting

Outdoor lighting for commercial and industrial uses shall be reviewed by the Commission. Lighting for all uses must be shielded so that it does not interfere with drivers' sight, illuminate neighboring lands or be directed skyward. Maximum height for lighting fixtures on freestanding pole is 15 feet and 25 feet if building mounted.

11.0 Signs

- A. Purpose: This section establishes regulations for the location, type, and size of signs permitted. Any sign not expressly permitted by this section shall require a permit issued by the Administrator, after review by the Commission.

B. Sign Definitions

AREA: The area of a sign shall be measured as the area of the smallest, straight-sided geometric figure that can be defined by and include the extreme limits of the copy or message (including graphics as well as text) on the sign. Contrasting frames or borders shall be measured as part of the copy or message.

AWNING: A fabric or plastic shelter supported by a noncombustible rigid framework attached to a building.

DIRECTIONAL SIGN: On-site directional signs are used to identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include a log. Off-site directional signs identify and provide directions to an off-highway use. They include no advertising or promotional copy, but may include a logo.

GROUND SIGN: A freestanding sign that does not exceed eight feet (8') in height above grade

HOME OCCUPATION SIGN: See Section 7.0 above.

LOGO: A "logo" is simply graphic symbol used to identify a use.

NAMEPLATE: A wall sign that identifies the occupants and address of a building.

POLE SIGN: Freestanding signs that exceed eight feet (8') in height above grade.

PROJECTING SIGN: A "projecting sign" is attached to the wall of a building and projects away from that wall. Projecting signs may extend no more than seven feet (7') from the building wall, and may not extend to within two feet (2') of the near curb line. Projecting signs do not extend more than three feet (3') above the roof line of the building to which they are attached.

REPLACEMENT: For the purposes of this Appendix, the term "replacement" does not include the temporary removal of an existing sign for repair or refurbishment.

SIGN: See definition of Sign, Chapter 12.0 of this Development Code.

SUSPENDED SIGN: A sign attached to the ceiling of an arcade or canopy and hangs over a sidewalk with a vertical clearance of at least eight feet (8').

TEMPORARY SIGNS: Includes: 1) construction signs; 2) political signs placed no more than sixty (60) days before the election to which they relate and removed within ten (10)

days after that election; 3) real estate signs; 4) window signs; and 5) other temporary signs displaced by commercial or industrial uses. All temporary signs displayed in commercial or industrial zoning districts must fit within the sign size permitted by this section. A "construction sign" is a ground or wall sign that identifies a building under construction. Construction signs include no advertising or promotional copy, but identify the building's planned use, owners or operators, designers, construction contractors, and financiers. Construction signs shall be permitted for all nonresidential construction, but shall not exceed six (6) square feet in the RZ and RLZ Districts. A "political sign" promotes the election of a candidate or support for a political party or position. Political signs may be of any type, but are subject to the time and size limitations of subsection D3a (4) of this Section in the RZ and RLZ Districts. "Real estate signs" are wall, ground, or window signs which indicate that the property on which they are placed is for sale, lease, or rent. Real estate signs are subject to the limitations of subsection D3a (3) of this Section in the RZ and RLZ Zoning Districts. No temporary sign shall remain longer than one hundred eighty (180) days.

TRAFFIC-CONTROL SIGN: Standard regulatory signs, including stop and yield signs, speed limit signs, etc.

WALL SIGN: Either painted directly on the wall of a building or directly attached to the wall of a building, and parallel with the wall to which they are attached. Directly attached wall signs shall protrude no more than eighteen inches (18") from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.

WINDOW SIGN: "Wall signs" appear within the frame of and are affixed directly to a window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

C. Permit Requirements:

1. Permit Required: A sign permit shall be required for the placement or installation of any sign, including the replacement of any existing sign, except as follows:
 - a. Residential nameplates;
 - b. Temporary signs;
 - c. Traffic-control signs or public notices placed by public agencies; or
 - d. Window signs.

D. Performance Standards:

1. Placement of Signs: No sign shall be placed:
 - a. In or over any public right of way, except as provided in subsection D2 of this Section;
 - b. On any tree, cliff, or other natural feature; or on a utility pole;
 - c. On a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign; or

- d. Where it creates a traffic safety hazard by obscuring traffic-control signs or signals, or obstructing vision at intersections or driveways.
2. Signs in Public Rights Of Way: No sign shall be permitted in any public right of way, except traffic-control signs and public notices placed by public agencies. No sign shall extend over a public right of way, except that awnings and projecting signs may extend up to seven feet (7') over a public sidewalk (measured from the face of the supporting building), but shall not extend to within more than two feet (2') of the near curb or property line. Suspended signs may extend over a public sidewalk that is covered by an arcade or canopy. Any awning or sign extending over a public sidewalk shall have a minimum clearance of eight feet (8').
3. Permitted Signs:
 - a. RZ District: The following signs shall be permitted in the RR Zoning District:
 - (1) Traffic-control signs or public notices placed by public agencies.
 - (2) One nameplate of no more than six (6) square feet for each dwelling.
 - (3) One real estate sign, of no more than sixteen (16) square feet, for each lot or building currently offered for sale, lease, or rent.
 - (4) Political signs totaling no more than sixteen (16) square feet, provided that such signs are placed no more than sixty (60) days before the election to which they relate and removed within ten (10) days after the election.
 - (5) Home occupation signs, as permitted by Section 7.0 this Chapter.
 - (6) Any dwelling may also display two (2) temporary signs, of no more than six (6) square feet each, announcing the short-term sale of used household goods (a garage or yard sale), provided those signs are placed no more than two (2) days before the sale and removed within one day after the sale, that the sale lasts no longer than three (3) days, and that no more than two (2) such sales are conducted at any one dwelling within any twelve (12) month period.
 - (7) Special permit use may display a single nameplate of no more than twenty four (24) square feet and directional and traffic-control signs of no more than six (6) square feet each, as necessary to ensure safe circulation.
 - b. RLZ, CZ, IZ Districts: The following signs shall be permitted.
 - (1) Traffic-control signs or public notices placed by public agencies.
 - (2) For residences, the signs permitted in the RR Zoning District.
 - (3) On-site directional and traffic-control signs, as necessary to ensure safe circulation.
 - (4) Any combination of the following kinds of signs: wall signs, projecting signs, one ground or pole sign for each road frontage of no more than fifty feet (50') in height; and temporary signs.
 - (5) Awnings may display the name or logo of the owner or operator.

- (6) Buildings with canopies or arcades may use one suspended sign or no more than four (4) square feet for each use or occupancy with access from the canopies area or arcade.
 - (7) Industrial and commercial uses may display two (2) off-site directional signs.
 - (8) Large off- and on-site billboards must conform to State and Federal guidelines and be approved by Clark County Planning and Zoning Commission.
4. **Illuminated Signs:** Signs with a constant source of illumination shall be permitted in all zoning districts. No flashing, blinking, or moving signs are permitted. Spotlights or other fixtures used for the illumination of a sign shall be placed in compliance with the provisions of this Development prohibiting light or glare that constitutes a nuisance and shall not constitute a traffic hazard.
 5. **Identification of Signs:** All permanent signs shall bear a weatherproof label identifying the owner, including the owner's name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.
 6. **Maintenance of Signs:** All signs and their supporting structures shall be maintained so as not to create a health or safety hazard.
 7. **Abandoned Signs:** Abandoned signs shall be removed within sixty (60) days of the adoption of this Development Code, or within sixty (60) days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use ceases operation for more than twelve (12) months. Any sign that is not structurally sound or that no longer serves to inform or attract the public shall be considered abandoned and its removal required.

12.0 Towers

- A. Towers, including Wireless Communications, Meteorological, and Wind Turbines, should not be erected on prime agricultural land in a manner that may inhibit aerial applicators' access and ability to treat the land.
- B. **Tower Permits:** A Tower Permit allowing constructing of towers in all Zoning Districts is required in Clark County, the City of Dubois, and the City of Spencer where the tower exceeds the heights listed in Table 5.1 in Chapter 5 "Titled Requirements for WCF Height in Feet". For all types of towers at/or over 200 feet (~61 meters), as part of the permit application, the applicant shall demonstrate compliance with all Federal Aviation Administration (FAA) regulations for Lighting and Marking found in FAA Advisory Circular AC 70/7460-1K, "Obstruction Marking and Lighting".

The information in the permit shall include the proposed location of:

- Each turbine generator
- Each meteorological tower including the height to be associated with the wind farm
- The distribution sub-station and any connecting power lines from the generators
- Power lines connecting the sub-station to the existing electrical power grid.

- C. If a proposed tower is to be constructed on agricultural land or in the vicinity of such land in way that may inhibit an aerial applicator's access, person(s) that own and/or farm such land should be made aware by the entity responsible for that tower that it may result in the land no longer being accessible to aerial applicators and in the event of a pest outbreak or plant disease a crop on such land may be put in jeopardy of not being treated.
- D. In the event that a proposed tower is constructed on agricultural land or in the vicinity of such land, towers should be freestanding and without guy wires; furthermore, towers should be well lit and properly marked so they are clearly visible to aerial applicators.
- E. Towers erected with guy wires, including meteorological testing towers, should be marked with four high-visibility cable balls on the outer guy wires (one on each at 120 feet [approximately half way up the tower] with a diameter of 20 inches). These towers should also be equipped with 16 high-visibility flags installed on the outer guy wires (four per wire, 2.5 feet long and 1.5 feet wide). In addition, these towers should be equipped with 16 high-visibility sleeves, one per each anchor and one installed at 25 foot height on each of the outer guy wires. These marking mechanisms must be maintained frequently to ensure their visibility and attachment to the wires.
- F. In the event that a number of proposed towers are to be constructed on agricultural land or in the vicinity of such land, the towers should be constructed in a linear pattern, rather than a random, clustered pattern that would make an area completely inaccessible by air.
- G. During construction and upon completion, the operator of the wind farm should provide detailed field layout information to the Clark County Planning and Zoning Commission and make this information available to those working in close proximity to that area.
- H. Removal of Obsolete Towers: Obsolete or unused towers and accessory structures shall be removed from any site within twenty four (24) months of discontinuance of the use thereof. Owner of the site shall notify the County in writing within thirty (30) days of the discontinuance of the use of such tower or facility. Failure to notify and/or remove the obsolete or unused tower or facility or failure to restore their system to operating condition within six (6) months shall be a violation of this law. If the owner is not in compliance with this section he shall be required, at his expense, to remove the tower.
- I. Decommissioning Bond Required:
 - 1. Applicants are required to hold a performance bond, completion bond, decommissioning bond or other financial assurance with an A rated firm in the amount of five percent (5%) of the tower's value.
 - 2. A detailed decommissioning and reclamation plan in accordance with state and federal law. The owner/operator of commercial tower facilities is responsible for removing the towers and related facilities when no longer useful. They must remove the towers and facilities within two (2) years of the end of use unless a new plan is proposed to reuse the towers. Reclamation shall be restored to its original state before tower facility site construction.
 - 3. Decommissioning requirements, transfer with ownership of the tower facility.

13.0 Other

- A. Outdoor commercial structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.
- B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the zoning district in which they are located.
- C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right-of-way line.
- D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right-of-way.

CHAPTER 5 WIRELESS COMMUNICATIONS FACILITIES

1.0 Performance Standards for Wireless Communication Facilities (WCF):

The purpose and intent of this section is to allow for various types of wireless communications facilities (WCF), subject to location, siting and design standards; require wireless communication facilities to be sited in a manner that reduces to the greatest extent possible, the visual impact of these facilities. The placement, use or modification of a WCF as allowed by law within unincorporated Clark County, including on state and federally administered lands by a permittee, is subject to the provisions of this ordinance.

2.0 Conditional Use Permit Required For Wireless Communication Facilities:

A conditional use permit shall be required in all zoning districts to construct, install, site or operate a new WCF, or modify, add on to, or alter an existing WCF.

3.0 Permit Exceptions for WCF:

The following categorical exclusions from a conditional permit requirement are provided:

- A. Installation of television satellite dish antennas and wireless internet antennas.
- B. Installation of amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator, or used exclusively for agricultural or non-commercial use.
- C. Routine maintenance of a WCF.
- D. Collocation of new transmission equipment, removal of existing transmission equipment, or replacement of transmission equipment that does not substantially change the physical dimensions.

For the purpose of this Chapter substantially change to the physical dimensions means changes in tower height greater than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet whichever is greater. A substantial change to the equipment shelter means changes which do not exceed two hundred and twenty five (225) square feet in size and a maximum height of ten (10) feet.

- E. Installation of a WCF by a public safety/emergency service agency needed on an emergency basis, upon a demonstration by the agency that communications needed to ensure the prompt and efficient response to public health, safety and welfare cannot be accomplished with such exclusion.

4.0 Placement, Design and Siting Standard:

A. Height Limitations:

The following table provides the height standards based on zoning district and type of facility. These heights are measured from ground level to the highest point of the WCF, including all attachments thereto.

Table 5.1 Requirements for WCF Height in Feet

Zoning District	RLZD	SCRZD	RZD	CZD	IZD
Type/Location Of WCF					
Free standing Type mounting	40	40	35	35	40
Roof or wall mounted on non- residential building	50	50	45	45	50
Utility pole mounted	Pole ht. + 10ft				
Within dense growth of trees	Ht. Of trees				

B. Visibility:

The WCF shall meet the requirements for marking as outlined in Chapter 4 Section 12 Towers.

1. Placement/Fall

- a. Locating the facility where it is back-dropped by existing structures or geographical features. Keep it down below the skyline.
- b. Mount on existing structures.
- c. An area may be required within which a hazard from falling debris or a collapsing mount could occur.

2. Lighting:

- a. A WCF shall not be artificially lighted, except for needed routine maintenance of the facility using low wattage and light fixtures whereby the light is cast downward.
- b. A WCF which is required to be illuminated by a local, state or federal agency shall be reduced in height and/or otherwise modified or located so as to not require lighting.

3. Landscaping:

- a. Erosion control and long term landscaping shall be provided.

4. Access Roads:
 - a. WCF locations shall use existing roads wherever possible and keep new roads to a minimum.
5. Alternative Analysis:
 - a. If the proposed WCF is a single-user site, the applicant shall provide a narrative explaining why the proposed WCF cannot be co-located on an existing WCF.
 - b. A narrative and graphic representation of two less visually obtrusive alternatives proposed for the WCF in terms of location, siting, height and/or design which shall be substantially different from the primary proposal but complies with the provisions of this ordinance shall be a part of the application.

5.0 Application/Review:

- A. WCF are to be processed as conditional uses as outlined in Chapter 3.
- B. Additional information must be submitted by the application to address the performance standards for Wireless Communication Facilities.
- C. Letters of review by the FAA and the Idaho Transportation, Aeronautic Division are to accompany the application.
- D. Special conditions on the project may be required.

6.0 Removal of Obsolete Towers:

Obsolete or unused towers and accessory structures shall be removed from any site within twenty four (24) months of discontinuance of the use thereof. Owner of the site shall notify the County in writing within thirty (30) days of the discontinuance of the use of such tower or facility. Failure to notify and/or remove the obsolete or unused tower or facility or failure to restore their system to operating condition within six (6) months shall be a violation of this law. If the owner is not in compliance with this section he shall be required, at his expense, to remove the tower.

7.0 Decommissioning Bond Required:

1. Applicants are required to hold a performance bond, completion bond, decommissioning bond or other financial assurance with an A rated firm in the amount of five percent (5%) of the tower's value.
2. A detailed decommissioning and reclamation plan in accordance with state and federal law. The owner/operator of commercial tower facilities is responsible for removing the towers and related facilities when no longer useful. They must remove the towers and facilities within two (2) years of the end of use unless a new plan is proposed to reuse the towers. Reclamation shall be restored to its original state before tower facility site construction.
3. Decommissioning requirements, transfer with ownership of the tower facility

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CHAPTER 6 PLANNED UNIT DEVELOPMENTS

1.0 Purpose:

The purposes of the Planned Unit Development (PUD) process are:

- A. To encourage careful consideration and coordinated planning of commercial, industrial and larger residential developments consistent with the policies and objectives of the comprehensive plan.
- B. To encourage innovative designs and the application of sound design principles.
- C. To preserve quality open space in meaningful amounts and in desirable locations.
- D. To permit clustering and similar design solutions which encourage protection of scenic areas and wildlife habitats and migration routes.
- E. To permit developments to be planned so as to cause the least possible disruption of farming, ranching or other established and ongoing land use activities.
- F. To encourage compact rather than scattered developments.
- G. To provide opportunity for development where site constraints or other similar factors make the PUD approach more reasonable and desirable than the standard subdivision design.
- H. To permit developments that protect and comply with generally accepted standards of public health, public safety and the general welfare of the county.

2.0 Height, Setback, Lot Size and Density:

In the interest of promoting flexibility and achieving goals of this ordinance, a PUD application may depart from applicable height, setback, lot size, and density restrictions when recommended by the Commission and approved by the Board. Within the PUD, the building height, architecture and land coverage shall be designed and arranged to enhance the livability and attractiveness of adjacent land uses. The yard and height requirements of the adjacent zone may be required on the periphery of the PUD. Any departures from the height, setback, and lot sizes required in Table 2 of this code must be recorded and justified as not compromising the health, safety and general welfare of the county. A 10% density bonus will be given to encourage cluster housing.

3.0 Incidental Land Uses:

PUDs may contain incidental components which are inconsistent with the underlying land use zones, upon the following findings:

- A. The uses permitted are incidental, necessary or desirable and appropriate with respect to the primary purpose of the PUD;
- B. No more than two percent (2%) of the developed acreage within the PUD (not including land set aside as open space) is devoted to uses that are inconsistent with the underlying land use zones.

4.0 Minimum Size:

The minimum size shall be twenty (20) acres, except for RV Parks which shall be a minimum of five (5) acres.

5.0 Clustering:

In a PUD, housing units shall be clustered in higher density groups, allowing the undeveloped land within the PUD to be set aside as open space.

6.0 Common Open Space Requirements:

The protection of common open space is a central feature of all types of PUDs. The minimum land dedicated to common open space shall be twenty percent (20%) of the gross acreage of the PUD.

A. Types of common Open Space Allowed:

1. Common open space may take a variety of forms, including, irrigated and dryland agriculture, natural habitat, a trail system, athletic fields, public or private parks or a golf course, common areas maintained by a homeowner's association, and forest land, wetlands, and desert land with viable, beneficial, and aesthetically pleasing ecological units.
2. Lawns and other land which is part of the individual lots, land within required setback, roads and road easements, driveways, and parking areas shall not qualify as common open space.

B. Deeding or Dedication of Common Open Space: The land designated as open space within a PUD must be dedicated as open space by one or more recorded instruments.

C. Contiguous Lands: Common Open space must be contiguous with and integral to the remainder of the PUD and not remote from the area to be developed, with the exception of land which is exceptionally well suited to the use of the proposed development and is adequately buffered so as to protect surrounding property uses.

7.0 Compliance with Zoning and Other Ordinances:

The applicant must comply with all procedural and substantive requirements of any applicable ordinance provision of this title.

8.0 Phased Developments:

Phasing of a PUD may be permitted pursuant to a development agreement submitted with the final plat and approved by the Board. Failure to comply with terms of the development agreement may result in the revocation of the PUD permit. When the phasing is completely planned and approved with the original application, the fees required would be paid as the various phases are developed. When the phasing is done as a separate application independently of the original application, the fees required would be the same as for a new application.

9.0 PUD Procedures:

- A. Application: The applicant shall submit to the administrator a completed application on the forms adopted by the Commission, together with a non-refundable filing fee. The application shall be accompanied by the following:
1. A copy of the most recent deed to the property for the proposed PUD, showing the name of the property owner and the legal description of the property.
 2. A complete plat, if combined with a subdivision application.
 3. A drawing of the proposed PUD, including total acreage, open spaces, date of preparation, scale of drawings, and north arrow.
 4. A map which shows the neighboring property boundaries and owners within three hundred feet (300') of the property line of the proposed PUD.
 5. A contour map, a map showing soil types, a map showing flood hazard areas, and a map showing potential geological hazards.
 6. The name of the developer, if other than the owner, and engineer or designer of the PUD.
 7. Design plan for the PUD, including the approximate number of lots and sizes, the street layout, including the width and name of existing streets within two hundred feet (200') of the PUD, water and sewer systems proposed, description of all water rights and permit associated with the land, description of natural drainage channels and proposed storm and surface water drainage, description of easements for all public utilities, including cable television, open space management, and plans for phasing of development.
 8. Present zoning and any proposed zoning change.
- B. Commission Review Process: Following review of the application by the administrator and a determination that the application is complete, a copy of the completed application and accompanying documents will be provided to all applicable governmental jurisdictions for review and comment; including the county attorney, fire marshal, District Six Health Department, Idaho Department of Fish and Game, US Fish and Wildlife Service and US Army Corps of Engineers, and a public hearing will be set before the Commission.
1. Publication of Notice: The administrator or staff shall cause notice of the public hearing to be published in the county's official newspaper at least fifteen (15) days prior to the scheduled public hearing.

Notice by Mail: The applicant shall provide a list prepared by a title company licensed to do business in the state of Idaho. This list shall include the name and address of each property owner who owns property within three hundred feet (300') of the exterior boundaries of the property involved in the application for the proposed PUD. If any lot within a subdivision falls within this area, all lot owners in that subdivision must be included on the list and must receive notice as provided herein. Notice must be mailed at least fifteen (15) days prior to the public hearing and shall include the date, time and place of the hearing and shall be at the applicant's expense.

2. Requirements before approval: Each development will be required to make the necessary arrangements to provide sewage removal, culinary water, and three-phase power to the development. No approval will be granted until such time as these requirements are satisfied.
3. Additional Information Requested: At any time during the application process, the commission or board may request additional information from the applicant and set deadlines for its submission. Failure to submit the information requested will not result in automatic rejection of the application, but may be grounds for denial of the application.
4. PUD Hearing Process: The PUD hearing will follow the procedure outlined in this ordinance with regard to submission of information for the concept plan, preliminary plat and final plat. The commission may modify or waive specifications in order to maximize efficiency and avoid repetition, provided public health; safety and the general welfare of the county are not diminished.
5. Commission's Recommended Decision: The Commission shall forward its recommendation to the Board.

CHAPTER 7 MOBILE HOME /MANUFACTURED HOME AND RV PARKS

Mobile Home/ Manufactured Home Parks and RV Parks shall be developed as PUD's in conformity with the performance standards in this title and Chapter 6. Minimum mobile home park size shall be 10 acres while minimum RV Park shall be 5 acres.

1.0 Mobile Home /Manufactured Home Park Performance Standards:

6.0.1.1 Density - The gross density of park shall be no more than five (5) mobile/manufactured homes per acre.

- B. Buffers - Buffers shall be provided per Chapter 4 Section 8.0 Buffering.
- C. Minimum Setbacks - Minimum Setbacks for individual lots shall be ten (10) feet on all sides, including front and rear, except for any side or rear abutting the project property line in which case the minimum setback shall be twenty (20) feet.
- D. Parking - Parking shall be provided the same as a dwelling listed in Chapter 4 Section 7.0 Parking.
- 7. Storage Space - A combined area of at least one hundred (100) square feet for each lot shall be provided for the storage of boats, campers, etc. Said storage must be enclosed within a sight obscuring fence of six (6) to eight (8) feet in height.
- F. Recreation Area - Twenty percent (20%) of the total park area shall be devoted to recreational uses and facilities including the buffer zone.
- G. Landscaping - A landscaping plan for the open space and recreational areas with an approved wall or fence (if required) to provide privacy as approved by the commission.
- H. Fire Protection- Fire Protection shall be provided according to County Fire Chief recommendations.
- I. Solid Waste - Provisions acceptable to the county solid waste department must be made by the owner of the park for the storage, collection of solid waste.
- J. Ownership - A single ownership or control of the land within the park project must be maintained during development and operation.

2.0 RV Parks Performance Standards

- A. An RV Park or regulated expansion of an RV Park shall be considered a land development as defined by this Ordinance and the application for the development of an RV Park shall be processed in accordance with all the procedures established as a Planned Unit Development.
- B. A minimum parcel size of five (5) acres shall be required for RV Parks and all lands proposed for an RV Park shall be contiguous.
- C. Each site in an RV Park shall have a minimum area of one hundred (100) square feet. Minimum site widths shall be twenty (20) feet. Site area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other site occupants and/or the general public.

- D. The number of sites in an RV Park shall not exceed an overall density of ten (10) per acre.
- E. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- F. All RV Park sites shall be specifically shown on the plans submitted.
- G. Flood Plain - Any structures in any RV Park shall not be located within a one hundred (100) year flood plain area as defined by the Federal Flood Insurance Program unless in compliance with the Floodplain Ordinance in this Code.
- H. Soil and Ground Cover - All areas of an RV Park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.
- I. Storm Water/Drainage - RV Parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from recreational vehicle sites. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of an RV Park.
- J. Buffers - A buffer area shall be provided around the RV Park. No individual site in an RV Park shall be located closer than fifty (50) feet to any public road right-of-way or closer than twenty five (25) feet to any other exterior property line.
- K. Screening - The Planning and Zoning Commission may require screening such as fences or plant materials along the property boundary line separating the park and any adjacent incompatible use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained by the owner at all times.
- L. Parking - Parking shall not be permitted on roads or drives within the RV Park, but shall be restricted to designated parking areas either at each site or at a common location. Off-street parking for one (1) motor vehicle shall be provided at each site and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) sites.
- M. Access - There shall generally be at least two (2) points of ingress and/or egress in each RV Park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites shall front on an interior access drive. The requirement for two (2) access points may be waived by the Planning and Zoning Commission for reason

of topography, parcel configuration or other factor deemed valid by the Planning and Zoning Commission. Accesses shall be separated by at least one hundred fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of recreational vehicles.

- N. Site Access - Individual sites and parking spaces shall have direct access to the interior park street system. Sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RV Park and providing access to other parcels or developments.
- O. Water Supply - RV Parks shall be served by a community water supply system and connections may be made to each site or one connection may serve two (2) sites. Individual water riser pipes shall be set at a vertical position and shall extend a minimum for two (2) feet above the ground surface.
- P. Sewage Disposal -RV Parks shall be served by a community sewage disposal and connections may be made to each site and shall be made to any other waste water producing facilities in the RV Park. No sewage disposal system shall be located on an individual site.
- Q. Refuse Disposal - The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- R. Recreation Area - A recreation area shall be provided that is at least twenty (20) percent of the entire area of the RV Park. The recreation area shall be useable for recreational activities and free from wetlands, steep slopes and other limiting features.

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CHAPTER 8 SUBDIVISION ORDINANCE

1.0 General Provisions

This ordinance shall be known and may be cited as the Clark County/City Subdivision Ordinance.

A. Purposes

The general purpose of this ordinance is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land. This ordinance establishes standards for land subdivision in order to accomplish the following:

1. To promote orderly, harmonious, and integrated development of land;
2. To link subdivisions to the underlying zone requirements;
3. To provide safe, adequate, and efficient pedestrian and vehicular traffic systems and circulations;
4. To provide adequate all-weather ingress and egress to subdivisions and lots therein;
5. To prevent overcrowding of land and congestion on streets and highways;
6. To provide for adequate air, light, solar access, privacy, and open space;
7. To provide for adequate fire protection;
8. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide such improvements;
9. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, top soil, stream beds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;
10. To safeguard and enhance the character, appearance, and economic stability of the community;
11. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;
12. To protect the economic base of the community, including property values;
13. To provide access to public lands and waters;
14. To insure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting, and easements;
15. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
16. To encourage preservation of open spaces including but not limited to the following:
 - a. The regulatory 100-year floodplain;

- b. Buffer zones of at least 75 ft width along all perennial and intermittent streams;
 - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - e. Populations of endangered or threatened species, or habitat for such species; and,
 - f. Archaeological sites, cemeteries and burial ground
 - g. Important historic sites;
 - h. Existing healthy, native forests of at least one acre contiguous area;
 - i. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 - j. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - k. To preserve prime agricultural lands and land that has historically been used for agricultural purposes; and,
 - l. Existing trails that connect the tract to neighboring areas.
17. To insure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this ordinance and all other municipal ordinances relating thereto, including subsequent amendments.

B. Jurisdiction

The regulations and procedures as set forth in this ordinance shall apply to each and every subdivision of land within the jurisdictional limits of the County of Clark, Idaho.

C. Scope

The regulations and procedures contained in this ordinance shall be complied concurrent with any of the following:

- 1. Division of a parcel of land into two or more tracts, lots, or parcels for transfer of ownership, building development, leasing, or encumbering with mortgage or deed of trust;
- 2. The establishment of a condominium, planned unit development, or conservation subdivision as herein defined;
- 3. Addition to or creation of a cemetery;
- 4. The change or modification of boundary lines whether or not any additional lot(s) are created;
- 5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

D. Exceptions

These regulations shall not apply to the following:

1. The subdivision of land into parcels of forty (40) acres or more.
2. The unwilling sale of land by legal condemnation;
3. The enlargement of municipal streets, facilities and easements;
4. The acquisition of collector or arterial street right of way by any public agency in conformance with the comprehensive plan.
5. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.
6. Widening of existing streets to conform to the Comprehensive Plan.
7. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.
8. The dividing of the original lot, tract, or parcel of land for the purpose of transfer of ownership as an addition to and contiguous with adjoining land for the purpose of enlarging the adjoining parcel size and not for increasing the number of dwellings that can be built on the lot or parcel.
9. The land owned, purchased, or sold by a municipality, body politic, local improvement district, or organization owning a community water system, or other public agency, for the furtherance of any public purpose of such entity.

E. Interpretation

All proposed subdivisions of land shall comply with the regulations of this ordinance. Density and availability of building permits is determined by the zoning of the property. The regulations contained in this ordinance shall be considered minimum standards. The regulations of this ordinance are in addition to all other regulations and where at variance with other laws, regulations, ordinances, or resolutions of the County of Clark, or any other governmental body having jurisdiction there over, the more restrictive requirements shall apply. Furthermore, where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the Board.

F. Administration

The Board shall appoint an administrator to receive and process all subdivision applications and make recommendations to the commission and the Board with regard thereto. The administrator shall serve at the will of the Board.

2.0 Definitions:

For interpretation of this ordinance and other land use ordinances contain in the Clark County Development Code, certain terms and words are hereby defined. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural shall include the singular; the word “shall” is always mandatory and the

word “may” indicates the use of discretion in making the decision. A complete listing of all definition is found in Chapter 12 of this title.

Procedure for Subdivision Approval:

A. Administration

The administrator shall have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

B. Plat Approval Required

Any person desiring to subdivide land shall submit an application therefore to the administrator. No final plat shall be filed with the county recorder until the same has been acted upon by the commission and approved by the Board or appropriate City Council as a preliminary plat and as a final plat. No lots or parcels of land described by metes and bounds or otherwise shall be sold until a final plat thereof has been recorded in the office of the Clark County recorder.

C. Lot Splits

1. The lot split procedure cannot evade the County's subdivision requirements using multiple lot splits. The lot-split procedure may be used to create four additional lots.
2. Newly created lots must meet the requirements of the zone of the parcel being split, i.e. minimum lot size, setbacks, etc. Both lots must have safe legal access, including access for utilities.
3. If the parent parcel is later developed into a subdivision as defined herein, the lots created by the lot split will be required to be included in the subdivision plat and all improvements required for subdivision will be made to the lot(s) created from the original split.
4. In the rural living zone, subdividing below the underlying zone requirement for legitimate agricultural purposes or to satisfy legitimate financial requirements is permissible and not subject to subdivision requirements. Building permits shall not be permitted on the parcels created by subdividing below underlying zone requirements but construction of non-residential, agriculture-related structures will be allowed.
5. Procedure. The developer shall file a properly completed application form, the required supporting materials and the required application fee with the administrator.
6. The administrator shall place the application on the agenda of the next regular commission meeting.
7. The commission shall determine whether the proposed lot split is in compliance with the comprehensive plan and this ordinance. If it finds that the proposed lot split complies, it shall approve the application. If it finds that the proposed lot split is not in compliance, it shall disapprove the application. Conditions may be attached to an approval, as provided herein.

8. The administrator shall notify the developer and interested parties of the commission decision within 10 days. A record of survey of the lot split(s) shall be filed.
9. The commission decision may be appealed to the Board using the appeals procedure herein.
10. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

D. Combining Preliminary and Final Plats

1. The applicant may request that the subdivision application be processed as both a preliminary and final plat (minor subdivision) if all the following exist:
 - a. The proposed subdivision does not exceed four (4) lots.
 - b. The proposed subdivision meets all applicable requirements of this ordinance.
 - c. No new street dedication or street widening is involved.
 - d. Access to the minor subdivision via a private or public street with egress and ingress off of an existing county owned and maintained roadway meeting the requirement of Clark County Development Code Chapter 4.
 - e. All required improvements must be constructed and verified prior to final plat approval.
 - f. No special development considerations are involved, such as development in a flood plain, slopes greater than 15%, etc.
 - g. The entire property must be surveyed and monumented by a registered land surveyor and a plat recorded with the Clark County Recorder.
 - h. All required information for both preliminary and final is complete and in an acceptable form.
2. When the Planning and Zoning Administrator deems the minor subdivision preliminary plat application complete and valid, and all relevant agencies have been notified, the Administrator may then take the preliminary and final plat to the Board for a public hearing and their review and decision. The commission is not engaged in the review of a minor subdivision preliminary/final plat application, unless the Administrator or the Board requests their review.

E. Preliminary Plat Procedure

Prior to the submission of an application, the applicant shall attend a conference with the Administrator to discuss the application and procedures. The applicant may also request to be placed on the Commission's agenda to discuss general concepts but no approvals shall be given prior to the submission of an application.

1. Application. The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this ordinance.
2. Acceptance by Administrator. Upon receipt of the completed preliminary plat application and data, the administrator shall declare the application as complete and affix the date of acceptance thereon. Thereafter, the administrator shall place said

preliminary plat on the commission agenda for consideration at a regular meeting of the commission.

3. Review by Departments and Agencies. After receipt of a completed preliminary plat application, the administrator shall transmit one copy of the application and preliminary plat to other County or City departments and to such other government agencies as have jurisdiction over, or interest in the proposed subdivision including Idaho Department of Fish and Game, US Fish and Wildlife Service and US Army Corps of Engineers, for their recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within thirty (30) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted.
4. Review by Administrator. The administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to insure that said application and plat are in conformance with all applicable rules and regulations. The administrator shall report and make recommendations to the commission.

F. Contents of Preliminary Plat

The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall show the following (unless otherwise indicated):

1. The plat shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), and shall show the drafting date and north arrow.
2. Four (4) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
3. Two (2) electronic copies of the preliminary plat and preliminary engineering plans.
4. The name of the proposed subdivision, which shall not be the same or confusing with the name of any other subdivision in Clark County, Idaho,
5. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat,
6. Legal description of the area platted,
7. The names and the intersection boundary lines of adjoining subdivisions and parcels of property,
8. A contour map of the subdivision with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the County engineer; the map should show soil types and wetlands, flood hazard areas, and potential geological hazards; the map will also depict the presence of any Threatened or Endangered species as recognized by the US Fish and Wildlife Service and any state sensitive species and wildlife corridors as recognized by the Idaho Department of Fish and Game,

9. The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways, and easements, public and private,
10. Boundary description and the area of the tract,
11. Existing zoning of the tract,
12. A statement of the intended use of the proposed subdivision;
13. The proposed location of street right-of-ways, lots, and lot lines, easements, including all approximate dimensions and including all proposed lot and block numbering and proposed street names,
14. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions.
15. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision,
16. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses,
17. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of 100 feet), water mains, and storage facilities, street improvements, street lighting, curbs, and gutters, and all proposed utilities (may be shown only on the engineering plans),
18. The direction of drainage, flow, and approximate grade of all streets (may be shown only on the engineering plans),
19. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat, The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of 100 feet, to the proposed subdivision (may be shown only on the engineering plans);
20. All percolation tests and/or exploratory pit excavations required by district health authorities,
21. A copy of the provisions of the articles of incorporation and by-laws of homeowner's association and/or condominium declarations to be filed with the final plat of the subdivision,
22. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application,

23. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
 - a. A minimum distance of 600' beyond all boundaries of the proposed development.
 - b. A north point.
 - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
 - d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.
24. The boundaries of the floodplain, and floodway shall also be clearly delineated and marked on the preliminary plat,
25. Building envelopes shall be shown on each lot, all or part of which is within a floodway and floodplain; or any lot that is adjacent to a waterway; or any lot a portion of which has a slope of twenty-five (25) percent or greater; or upon any lot which will be created adjacent to the intersection of two or more streets,
26. Lot area of each lot,
27. Existing mature trees and established shrub masses,
28. A current title report shall be provided at the time that the preliminary plat is filed with the administrator together with a copy of the owner's recorded deed to said property,
29. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns.
30. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater.
31. A plan that ensures that open space areas are adequately maintained.
32. Any other information determined by the County to be necessary for review of the preliminary plat application.
33. A list of the owners of the properties within three hundred (300) feet of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each.
34. Thirty copies of the preliminary plat and all required information shall be filed with the administrator. Five copies shall be 24" x 36". The remaining copies may be 11" x 17".

35. The location and turnout area for solid waste pickup meeting the approval of the county road and bridge superintendent.
36. The location and turnout area for mail cluster boxes meeting the approval of the county road and bridge superintendent and postal service.

G. Commission Action on Preliminary Plat

Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:

1. Public Hearing. The commission shall hold a public hearing on all subdivision applications.
2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of administrator, testimony of the subdivider, and the public. The commission shall recommend, recommend with specific conditions, or not recommend the preliminary plat. If the preliminary plat is not recommended, the reasons for such action shall be stated in writing, and a copy signed by the administrator attached to one copy of the preliminary plat shall be returned to the applicant.
3. Upon review by the commission of a preliminary plat, the administrator shall transmit to the Board or appropriate City Council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.

H. Board or Council Action on Preliminary Plat

Submission of a preliminary plat upon review by the commission to the Board or appropriate City Council shall be mandatory. The Board/Council shall consider the subdivision application at its next available regular meeting. The subdivider, at his request, shall be entitled to at least one continuance. The Board/Council shall consider the preliminary plat, subdivision application and data, the report and recommendations of the commission along with the commission's report of testimony from the subdivider, witnesses, interested citizens and representatives of the commission. At its discretion, the Board/Council may hold an additional public hearing. If an additional hearing is held, procedure outlined in the land use ordinance shall be adhered to. Upon conclusion of its consideration of the preliminary plat, the Board/Council shall approve, conditionally approve, or disapprove the plat and make findings consistent with law and this Ordinance. Upon approval of the preliminary plat by the Board/Council, the subdivider shall prepare required improvement design plans in accordance with this ordinance and additional condition(s) imposed by the Board/Council. Upon approval of the improvement designs by the County engineer, the subdivider shall commence construction on the required improvements.

I. Final Plat Procedures

After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and Title 50, Ordinance 13, Idaho Code. Upon completion of said final plat, the subdivider shall file same and all other documents required, with the administrator. Then the

administrator shall place said final plat upon the Commissioner or Council's next available regular meeting agenda. In the event that the Board/Council finds that final plat does not substantially conform to the approved preliminary plat, the Board shall consider said plat a revised preliminary plat and remand the revised preliminary plat to the commission for an additional public hearing and review. The subdivider shall submit the final plat and plan specifications of all required improvements together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the administrator, the final plat shall bear all required certificates, acknowledgments and signatures. Upon receipt of a final plat in compliance with all requirements and all conditions placed upon the preliminary plat, the Board/Council shall approve the final plat and the Chairman of the Board or Mayor shall affix the date of acceptance and his signature thereon.

J. Contents of Final Plat

The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen (18) inch by twenty-four (24) inch Mylar paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Title 50, Ordinance 13, Idaho Code.

The reverse side of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information.

The contents of the final plat shall include all items required under Title 50, Ordinance 13, Idaho Code and also shall include the following:

1. Point of beginning of subdivision description tied to at least two governmental survey corners,
2. Location and description of monuments set,
3. Tract boundary lines, property lines, lot lines, street right-of-way and center lines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway, all with bearings, accurate dimensions in feet and decimals thereof, in degrees and minutes and radii, arcs, central angles, tangents, and chord lengths of all curves to the above accuracy,
4. Names and locations of all adjoining subdivisions,
5. Name and right-of-way width of each street and other public rights-of-way,
6. Location, dimension, and purpose of all easements, public or private,
7. The lots numbered consecutively throughout each block,
8. The outline of any property other than a street, alley, or easement which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the County of Clark for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated,
9. The title which shall include the name of the subdivision, the name of the county and state, and the location and description of the subdivision referenced to section, township, range,

10. Scale, north arrow and date,
11. Location, width, names of all existing or dedicated streets, and other public ways within or adjacent to the proposed subdivision,
12. A provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowner's association governing the subdivision are recorded,
13. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying plat,
14. A current title report of all property contained within the plat,
15. Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property,
16. Certification and signature of reviewing surveyor verifying that the subdivision meets all County requirements,
17. Certification and signature of the County engineer verifying that the subdivision and design standards meet all County requirements,
18. Certification and signature of the County clerk of the County of Clark verifying that the subdivision has been approved by the Board,
19. Certification and signature of the County treasurer of the County of Clark verifying that all County taxes are paid on the property.
20. Notation of any additional restrictions imposed by the Board on the development of said subdivision to provide for the public health, safety, and welfare.
21. Addresses shall be provided for each lot on the final plat, calculated per the Clark County Addressing System.

K. Final Plat Copies

Ten copies of the final plat shall be filed with the administrator prior to being placed upon the Board's agenda. Three copies shall be 24" x 36". The remaining copies may be 11" x 17". One copy of the final plat as approved by the Board and signed by the County clerk shall be filed with the administrator and retained by the County.

L. Acceptance of Dedications

Approval of the final plat by the Board/Council shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and other lands dedicated for public purpose or use as shown thereon. As a condition precedent to the acceptance of any streets or required improvements, the Board/Council shall require that the subdivider install said improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

M. Time Limitations

The failure to obtain final plat approval by the Board/Council of an approved preliminary plat within eighteen months after approval by the Board/Council shall cause all approvals of said preliminary plat to be null and void unless the subdivider applies for, and is granted, a

written extension by the Board/Council. The final plat shall be filed with the Clark County recorder within one year after final plat approval by the Board/Council. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void. No lots shall be sold and no building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.

N. Readjustment of Lot Lines

An owner or subdivider wishing to readjust lot lines, as hereinabove defined, shall be required to file two copies of a plat and application with the administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant. The administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period, and upon a finding by the administrator that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of this ordinance, the administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this ordinance. Upon a finding by the administrator that the application does not conform to said definition or is not in compliance with this ordinance, the administrator shall deny said application and shall state the reasons therefore in writing and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the administrator shall inform the County clerk and the County clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Board/Council by the administrator for determination.

3.0 Development and Design:

A. Required Improvements

The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Improvements are met. Construction design plans thereof shall be submitted and approved by the County engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the County. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, water courses, rock outcroppings, established shrub masses, and historic areas shall be preserved through design of the subdivision.

B. Improvement Plans

Prior to approval of final plat by the commission, the subdivider shall complete the installation of all infrastructure improvements and file two copies of the engineered drawings with and the County engineer who shall inspect and approve the construction for all improvements required in the proposed subdivision. Said plans shall be prepared by a civil

engineer licensed in the State of Idaho. The installation of infrastructure improvements may be completed after the issuance of final plat, if the conditions in C below are met.

C. Guarantee of Completion of Infrastructure Improvements

1. Financial Guarantee Arrangements: In lieu of the actual installation of required infrastructure public improvements before filing of the final plat, the Board may require the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.
2. Cash deposit, certified check, or irrevocable bank letter of credit:
 - a. One hundred twenty five percent (125%) of the estimated cost of construction for the specific infrastructure public improvement, as estimated by the Clark County/City engineer and approved by the board/council. A cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit for time periods of more than two years shall be equal one hundred fifty percent (150%) of the total estimated cost for completing construction of the specific public improvement.
 - b. Treasurer, escrow agent or trust company: a cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the board/council shall be deposited with an escrow agent or trust company.
 - c. Dollar value: the dollar value of the cash deposit, certified check, or an irrevocable bank letter of credit, shall be equal to one hundred twenty five (125%) of the estimated cost of construction for the specific public improvement, as estimated the Clark County/City engineer and approved by the board. For time periods of more than two years the dollar value shall be equal one hundred fifty percent (150%) of the total estimated cost for completing construction of the specific public improvement.
 - d. Escrow time: the escrow time for the cash deposit, certified check, or irrevocable bank letter of credit, shall be for a period to be specified by the board.
 - e. Progressive payment: in the case of cash deposits or certified checks, an agreement between the board and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
3. Condition approval of final plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - a. The construction of improvements required by this ordinance shall have been completed by the subdivider and approved by the Board/Council.
 - b. Surety acceptable to the Board/Council shall have been filed in the form of a cash deposit, certified check, an irrevocable bank letter of credit or surety bond.

4. Penalty in case of failure to complete the construction of a public improvement: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements the Board/Council may proceed to have such work completed. In order to accomplish this, the Board/Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit that the subdivider may have deposited as included in a written agreement between the Board/Council and the subdivider.
5. Performance Bonding, equal to 125% of the reclamation cost, to ensure reclaiming of disturbed land may be required in those instances where severe alterations to the physical conditions of the land, e.g., cuts, fills, grading improvements, is required to install or construct infrastructure.

D. As-Built Drawing

Prior to acceptance by the Board/Council of any improvements installed by the subdivider, two sets of "as-built" plans and specifications certified by the subdivider's engineer shall be filed with the County/City engineer. Within ten (10) days after completion of improvements and submission of "as-built" drawings, the County/City engineer shall certify the completion of the improvements and the acceptance thereof, and shall submit a copy of said certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the County/City clerk. Thereafter, the County/City clerk shall release the performance bond upon application by the subdivider.

E. Monumentation

Following completion of construction of the required improvements and prior to certification of completion by the County/City engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, type of material as shown on the subdivision plat. The monuments shall be located as follows:

1. All angle points in the exterior boundary of the plat,
2. All street intersections, points within and adjacent to the final plat,
3. All street corner lines ending at boundary line of final plat,
4. The point of beginning of the subdivision plat description.

F. Lot and Block Requirements

1. Lot size, width, depth, shape, and orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development.
2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures,

and provide open space. Building envelopes shall also be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, water courses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "buildable lot." Building envelopes shall be established outside of hillsides of 25% or greater and outside of the floodway.

3. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use.
4. Side lot lines shall be within twenty (20) degrees to a right angle or radial line to the street line.
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot, or lots, be created out of necessity, then such lot(s) shall be reversed frontage lot(s).
6. Minimum lot sizes in all cases shall be reversed frontage lot(s).
7. Every lot in a subdivision shall have a minimum of twenty (20) feet of frontage on a dedicated public street unless the Board/Council approves a private street.

G. Block Requirements

The length, width, and shape of blocks within proposed subdivisions shall conform to the following requirements:

1. No block shall be longer than one thousand five hundred (1,500) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,
2. Blocks shall be laid out in such a manner as to comply with the lot requirements,
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, water courses and topographical features,
4. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.

H. Street Improvement Requirements

1. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land,
2. All new streets and roadways shall have a minimum sixty foot easement. At final plat a legal description, dedicating the roadway right-of-way easement to Clark County must be recorded with the County Clerk Recorder. For developments that face out onto an existing Clark County owned and/or maintained roadway a thirty foot easement, measured from the street or roadway centerline, shall be established. At

final plat a legal description, dedicating the easement or right of way to Clark County, must be recorded with the County Clerk Recorder.

3. The maintenance, including snow removal, of new streets/roads may or may not be accepted by the County until a suitable tax basis exists to cover the costs of maintenance and snow removal. For specific requirements see Clark County Development Code Chapter 4 Access Performance Standards.
4. The drivable surface width of minor streets or roadways shall be a minimum of 24 feet wide. Where fire hydrants are located along the roadway, the minimum width of the travelway shall be 28 feet. This may be accomplished by construction of a turnout providing an overall travelway width of 28 feet and 40 feet in length at the hydrant location.
5. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Board/Council may require a frontage street, buffer or similar design features.
6. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods. Where an easement for a future street for these purposes is allowed, it shall be recorded on the plat and property deed as an irreversible easement.
7. Street grades shall not be less than three-tenths percent and not more than eight (8%) percent so as to provide a safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; a grade up to ten percent may be permitted in special circumstances where the Board/Council determines that such increased grade is beneficial,
8. In general, partial dedications shall not be permitted; however, the Board/Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Board/Council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated,
9. Dead-end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead-end street serves more than two lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended,
10. A cul de sac, court, or similar type street shall be permitted only when necessary to the development of the subdivision and provided that no such street shall have a maximum length greater than five hundred (500) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line; provided that larger cul-de-sacs may be allowed or required by the Board/Council in extenuating circumstances,

11. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees,
12. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets,
13. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited,
14. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets,
15. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confusing with the names of existing streets within Clark County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to Board/Council for preliminary plat approval,
16. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills. All cuts and fills shall be revegetated,
17. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets,
18. Buffer strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat and all landscaping and irrigation systems shall be installed as required improvements by the subdivider,
19. In general, the center line of a street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement,
22. Street lighting may be required by the commission or City Council in the Residential Zoning District where appropriate, and shall be installed by the subdivider as a required improvement,
21. Private streets may be allowed upon recommendation by the commission and approval by the Board/Council. Private streets shall be constructed to meet the design standards of public streets as specified in this Ordinance and other applicable standards, private streets/roadway easements must be recorded with the Clark County Clerk.
22. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the County or the City as appropriate.
23. Bridges: Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore.

24. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.

I. Alley Improvement Requirements

Alleys shall be provided in commercial and industrial zoning districts. The width of an alley shall be not less than twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in this section.

J. Required Easements

Easements, as set forth hereinafter, shall be required for location of the utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within any property boundary as determined by the County engineer to be necessary for the provision of adequate public utilities.
2. Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water course and provide access for private maintenance and/or reconstruction of said water course.
3. All subdivisions which border a watercourse shall dedicate meet the set back requirements as specified in easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.
4. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans.
5. Non-vehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements may be required and if required, may be within the sixty foot street or roadway right of way easements previously required provided they are dedicated by the subdivider to the County.
6. No subdivision shall eliminate any historic public access to public lands that is still in current use. A ten (10) foot easement shall be provided to allow the public to access such public lands. The Board may approve a relocation of the historic access point provided that the relocated access does not significantly impair public access.

K. Sanitary Sewage Disposal Improvements

Central sanitary sewer and treatment systems shall be installed in all subdivisions in the City of Dubois. All sewer systems within the City of Dubois area of impact shall also be connected to the City sewer system. The use of private septic or packaged sewer plants is permitted providing the minimum lot size meets the requirements set forth by the Eastern Idaho Public Health Districts sewer permit. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City engineer, Council, and Eastern Idaho Public Health District prior to final plat approval.

L. Water System Improvements

A central domestic water distribution system shall be installed in all subdivisions in the City of Dubois. All water system within the City of Dubois area of impact shall also be connected to the City water system. For those lots outside of this area private domestic wells, permitted by IDWR are permissible.

M. Buffer Strip Improvements

Buffer strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or industrial districts or off-street parking areas, the subdivider shall provide buffer strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for said buffer strip with the preliminary plat application and the landscaping shall be a required improvement.

N. Cuts, Fills, and Grading Improvements

Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Board/Council as part of the preliminary plat application.
2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:
 - a. Proposed contours at a maximum of five (5) foot contour intervals;
 - b. Cut and fill banks in pad elevations;
 - c. Drainage patterns;
 - d. Areas where trees and/or natural vegetation will be preserved;
 - e. Location of all street and utility improvements including driveways to building envelopes. Any other information which may reasonably be required by the administrator, commission, or Board/Council to adequately review the affect of the proposed improvements.
3. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.

4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
6. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:
 - a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
 - b. Fills shall be compacted to at least ninety-five (95) percent of maximum density as determined by AASHTO T 99 (Am. Assoc. State Highway Officials) and ASTM D 698 (Am. Std. Testing Methods).
 - c. Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
 - d. Fill slopes shall be no steeper than two horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top and existing or planned cut slope.
 - e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Cuts and slopes shall be revegetated as provided in Section N (5). Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

O. Drainage Improvements

The subdivider shall submit with the preliminary plat application, such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the County or City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all major subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways, or improved public easements and shall extend across and under the entire improved width thereof including shoulders.

1. Culverts to be a minimum of 12" in diameter with a crush resistance as defined by AASHTO T99 Standards,

2. Natural drainage channels should be used when available,
3. Catchment basins to be designed to contain runoff during a one (1)- 25 year storm event,
4. All runoff to be contained on site,
5. Measures should be taken to prevent storm water from entering irrigation canals,
6. Easements shall be provided along drainages adequate to contain that watercourse and any further width necessary for maintenance or reconstruction.

P. Utilities

In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

Q. Off-Site Improvements

Where the off-site impact of a proposed subdivision is found by the commission or Board/Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities. Such off-site improvements must be roughly proportional to the impacts of the proposed subdivision and must have a rational nexus to the impacts of the proposed subdivision.

R. Common Open Space

Subdivisions shall have a minimum of twenty five (25%) percent of the gross land area reserved for usable common open space and recreational facilities for the residents or users of the area being developed. A common open space usage management plan shall be provided for approval of the Commission.

S. Fire Protection

In areas where Impact Fees have not been established the subdivider shall be required to locate and install an adequate means of fire suppression within the proposed subdivision according to specifications and requirements of the County, under the supervision of the Clark County Fire District and other regulatory agencies having jurisdiction there over. The fire suppression system may include a pressurized hydrant system, water storage in ponds or tanks, structures with permanent sprinklers, or a combination of systems. Fire water system shall have sufficient storage or flow for fire protection according to the International Fire Code. All such permanent fire water piping systems installed shall be engineered to provide sufficient water flow at each hydrant location as described in #5 below. Ponds constructed for water storage shall have an approved water right (if applicable) prior to construction and may not be stocked with fish until a stocking permit is obtained by Idaho Department of Fish and Game.

Fire protection facilities, hydrants, storage, or other appurtenances shall be included in the preliminary plat and delineated thereon, adequate provision for access by firefighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants, storage, structure sprinklers, and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the County as a condition of approval of the preliminary plat, an easement sufficient for access by firefighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by firefighting personnel and equipment at all times.

1. On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of this ordinance.
2. Fire hydrants shall comply with NFPA Standards and be a two (2) butt hydrant, minimum of 6" piping,
3. Water mains shall be a minimum 6",
4. Fire hydrant spacing: No dwelling more than 400' from a hydrant. Hydrants shall have equal spacing of 700'.
5. Storage capacity on site shall be designed such that it provides 1,000 gallons per minute (gpm) for 2 hours at 20 P.S.I. for dwellings less than 3,600 square feet, and 1,500 gallons gpm for dwellings greater than 3,600 square feet. Storage capacity alternatives may be approved with the concurrent approval of the Fire District provided that such alternatives provide equivalent fire protection.
6. The subdivider shall encourage xeriscaping and/or firewise landscaping in conditions covenants and restrictions when development is within close proximity of the wildland urban interface

T. Address Signage

1. All direction and location signs to be constructed of non-flammable material.
2. Lettering and numbering of location and direction signs to be of sufficient size to be easily read from 75' and constructed of light reflecting material.
3. Signs shall be located in the dedicated county right of way, or in the case of private roads signs, shall be placed 15 feet from travel surface.

4.0 Condominiums Developments:

A. Purpose

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Title 55, Chapter 15,

Idaho Code, as amended, revised, or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, welfare of purchasers and residents of such condominiums.

B. Preliminary Plat Procedure

The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed by-laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities, and open space. The Commission and Board shall act on the preliminary plat pursuant to procedures herein.

C. Final Plat Procedure

The final plat procedure contained herein shall be followed. However, the final plat shall not be signed by the County Clerk and recorded until the condominium has received:

1. Prior to final plat approval, the subdivider shall submit to the County a copy of the final by-laws and condominium declarations which shall be filed with the Clark County Recorder, including the instrument number(s) under which each document was recorded.

D. Garage

All garages shall be designated on the preliminary and final plat and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

E. Storage Areas

Adequate storage areas shall be provided for boats, campers, and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.

F. Maintenance Building

A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

G. Open Space

The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area useable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access. A plan must be provided that ensures the continued and perpetual maintenance of open space.

H. General Applicability

All other provisions of this ordinance and all applicable ordinances, rules and regulations of the County and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

5.0 Townhouse Developments:

A. Purpose

The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, said provisions found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such townhouse developments.

B. Townhouse Owners' Documents

The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the County a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers thereupon.

C. Preliminary Plat Procedure

The subdivider may apply for preliminary plat approval from the commission pursuant to the procedures herein. The Commission may recommend, not recommend or conditionally recommend said preliminary plat. The preliminary plat, other data, and the commission's findings shall then be transmitted to the Board. The Board shall act on the preliminary plat pursuant to the procedures herein.

D. Final Plat Procedure

The final plat procedure contained herein shall be followed.

E. Garage

All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

F. General Applicability

All other provisions of this ordinance and all applicable ordinances, rules and regulations of the County and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

6.0 Variances

A. Variance

Variance of any of the requirements of this ordinance may be granted by the Board/Council on a case by case basis upon the recommendation of the commission. Application for such variance(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this ordinance would result in undue hardship not the result of actions by the subdivider, and that the variance would not be detrimental to the public welfare, health, and safety, nor injurious to property owners in the immediate area. Such waiver must be minor in scope and not affect the overall intent of this ordinance.

B. Application for Variance

Applications shall be made to the administrator in writing at the time of subdivision application. Said variance, together with such related data and maps as are necessary to fully

illustrate the relief sought shall be filed at that time. Such applications shall be processed and considered with the preliminary plat application.

7.0 Fees:

The subdivider shall pay to the County or appropriate City by depositing with the Planning and Zoning Administrator certain fees and costs. There shall be a preliminary plat application fee, and a final plat application fee. At the time of submission of an application for a plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the County Board or appropriate City Council. The Board or Council shall establish the amount of the plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the County or City in processing the application. Such cost reimbursement may exceed the initial estimate. All outstanding fees and costs must be paid before a plat application will be approved. Fees shall be set resolution.

8.0 Time Periods for Approval:

- A. The planning commission shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and to make its recommendations with regard thereto. Said sixty (60) day period shall commence upon the first meeting at which said commission considers such an application. If no recommendation is made within said period, the application shall be placed upon the appropriate agenda without recommendation.
- B. The Board or appropriate City Council shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and make its finding(s) and/or decision(s) with regard thereto.
- C. The time periods set forth above may be extended for a reasonable period of time by the planning commission or Board/Council upon a finding that due to the complexity of an application, or changes made in an application during the review process additional time to examine or consider same is reasonably required.

9.0 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions thereto are a proper exercise of valid police power granted to the County by Article XII, Section 2 of the Idaho Constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the Board and commission for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economic development of the County and the safety and general welfare of future plat owners in said subdivision and the public at large.

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CHAPTER 9 WIND ENERGY ORDINANCE

1.0 Title

This ordinance shall be referred to as the Wind Energy System Ordinance.

2.0 Authority

This ordinance is adopted pursuant to authority granted to Clark County by Title 67, Chapter 65 of Idaho Cod and Article 12, Section 2 of the Idaho Constitution.

3.0 General Provisions and Guidelines

General provisions for all classification wind turbines (unless otherwise specified in their individual classification section, herein):

7.0.1 Wind measurement for Commercial Generating facilities. A wind study using an anemometer shall be performed for the five-month prime wind period of May to September as the proposed site prior to the hearing application filing. Any certified study within a one-half mile distance of the proposed installation shall meet the requirements of this Section.

7.0.2 Zones Allowed: Personal and hobbyist private pole mounted non-guyed wind turbine towers are permitted in all zones.

C. Interference: Wind turbine tower facilities shall not be installed in any location where its proximity would produce electromagnetic interference with signal transmission, retransmission or reception of the following:

1. Existing microwave communications link(s).
2. An existing fixed broadcast antenna used for radio, television, retransmission, wireless phone, or other personal communication systems.
3. Retransmission or reception antenna, including residential reception antenna.

D. Equipment Use Processes: No equipment or processes shall be used in such wind farm project which creates noise, vibration, glare, fumes, odors or electrical interference, detectable to the normal senses off the lot upon which the proposed use is to be sited, except as defined in subsection F of this section. In case of electrical interference, no equipment or process shall be used that creates or causes fluctuations in the voltage off the premises.

F. Compliance With National Electric Code: Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the national electrical code. All wind energy systems must comply with the applicable provisions of the national electric code.

G. Utility Notification: No wind energy system of any size shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned turbine. Off grid systems shall be exempt from this requirement.

- H. Noise: Wind turbine tower facilities shall be located with relation to property lines so that the level of noise produced during any wind turbine operation shall not exceed forty (40) dBA, measured at the boundaries of all adjacent parcels that are owned by non-site owner or at any point past the property line of the lot on which the turbine is to be erected.
- I. Siting: Detailed site plan shall be submitted with application identifying all property lines, existing buildings, proposed buildings, parking areas, utilities, signs, neighboring properties, proposed transmission lines, any other information that may be required to determine if use is within the intent and requirements of this chapter.
- J. Minimum Site Area: Hobbyist or personal wind turbine towers shall be allowed only on lands with a minimum lot area of one acre.
- K. Setbacks: Each wind turbine less than one hundred fifty feet (150') in height and nameplate less than one hundred (100) kilowatts shall comply with the following requirements:
1. Communication And Electrical Lines: One hundred fifty percent (150%) of its total height plus the size of the rotor radius from the nearest aboveground public electric Clark line, telephone line or utility line of any kind.
 2. Property Line: One hundred fifty percent (150%) of its total height from the nearest property line
 3. Public Roads And Road Rights Of Way: One hundred fifty percent (150%) of its total height.
 4. Railroad Rights Of Way: One hundred fifty percent (150%) of its total height.
 5. Clearance: The minimum distance between the ground and any part of the rotor blade system shall be fifteen feet (15').
- L. Building Permit: A building permit is required and must comply with the International Building Code. Permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.
- M. Governmental Agency Approval: Upon proposal, and during development, construction and operation of a commercial turbine wind farm project, owner or operator shall have a continuing responsibility to obtain copies of all relevant and appropriate federal, state and local permits, and shall provide copies of such permits to the county building department within thirty (30) days of receiving the same.
- N. Appearance and Design: Turbines shall be painted a non-reflective, non-obtrusive color. The design of the buildings, tower(s) and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment. All turbines shall be monopole in nature and not lattice towers.
- O. Advertising: Shall not be used for displaying any advertising except for reasonable identification of the manufacturer, installer or operator. Any such identification shall not appear on the blades or other moving parts or exceed six (6) square feet.
- P. Lighting: Lighting to satisfy tower facility lighting requirements for the FAA shall be required.

- Q. **Underground Wiring:** Electrical controls, control wiring and wiring shall be wireless or underground where practical, unless otherwise approved by the planning and zoning commission. This applies to the wiring between the wind turbine and the on-site collector facility.
- R. **Construction Time Line:** A time line prior to the construction phase of the project shall be submitted to the planning and zoning administrator identifying the starting and completion date of all construction. If the project will be developed in phases, the phase lines must be identified on the detailed site plan. Each phase must be completed within a reasonable time line.
- S. **Climbable:** All wind turbines shall not be climbable up to 10 feet (10') above ground level.
- T. **Locked Access:** All access doors to the wind turbine towers and electrical equipment shall be lockable and locked when unattended.
- U. **Signage:** Appropriate warning signage shall be placed on all wind turbine towers, electrical equipment and facility entrances warning of high voltage and cautionary instructions to unauthorized persons to stay away from such structures.
- V. **Emergency Shutdown:** Procedures for emergency shutdown of Clark generation units shall be established and posted prominently and permanently within three feet (3') of the meter panel.
- W. **Documentation:** No experimental, home built, or prototype wind turbines shall be allowed without submitting documentation of their maximum probable blade throw distance and fall distance in the event of failure and set back an appropriate distance based on that documentation.
- X. **Removal Of Obsolete Personal Wind Turbine Facilities:** Obsolete or unused wind turbines and accessory structures shall be removed from any site within twenty four (24) months of discontinuance of the use thereof. Owner of the site shall notify the county in writing within thirty (30) days of the discontinuance of the use of such turbine tower or facility. Failure to notify and/or remove the obsolete or unused tower or facility or failure to restore their system to operating condition within six (6) months shall be a violation of this law. If the owner is not in compliance with this section he shall be required, at his expense, to remove the wind turbine from the tower.

If the owner fails to comply, the tower then would be subject to the dangerous building in the International Building Code. If the owner is in violation of this section the county may remove such facilities after the one hundred eighty (180) day period at the expense of the owner.

- Y. **Commencement of Construction:** Approved project construction must be started within twelve (12) months of approval.
- Z. **Braking System:** All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation creating excessive pressure on the tower structure, rotor blades, and turbine components.

AA. Wind Access Claims against Adjacent Parcels: Unless a prior wind access easement has been acquired, claims cannot be filed against neighbors for obstructing wind, based on either current or future improvements on their parcels.

4.0 Large or Commercial Wind Farms:

In addition to the above requirements, the following shall apply:

- A. Rural Living Zone: Wind farms, commercial and large turbines and associated structures; allowed by conditional use permit in rural living zones only. The conditional use permit shall be valid for two (2) years from the issuance of the permit, with extensions available in one year increments upon a showing of reasonable cause for the extension.
- B. Governmental Agency Consultation and Approval: Construction and operation must comply with all applicable federal aviation administration (FAA) standards. Applicant must also consult and comply with US Fish and Wildlife Service, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, and the appropriate fire department and proof of consultation and/or compliance must be submitted by the applicant to the planning and zoning department prior to the issuance of a building permit. Applicant shall consult with and follow the reasonable recommendations of the US Fish and Wildlife Service and the Idaho Department of Fish and Game concerning tower siting, location, and any wildlife studies to be conducted and followed prior to construction.
- C. Licenses, Approvals And Certifications: Prior to commencing operations, the owner/operator shall have in its possession all appropriate approvals, licenses, and certifications required by federal and state oversight agencies, and that copies of said approvals, licenses and certifications shall be filed with the county planning and zoning department.
- D. Setbacks From Property Line: Towers or other structures associated with the wind farm project shall be set back from the external boundaries of the project property a distance of not less than one and one-half ($1\frac{1}{2}$) times the total overall height of the tallest structure. For purposes of this calculation, overall height shall include total tower height plus total blade length. Alternatively, if the external boundary in question is not along a public road right of way, then the permittee may obtain an easement from the adjoining landowner, which shall, at minimum, be calculated and designated on an arc with the center point being the tower site and the distance being one and one-half ($1\frac{1}{2}$) times the total height of the tower plus the blade length and with arc end points being located on the boundary line between permittee and the adjoining landowner, such as to allow for a distance of one and one-half ($1\frac{1}{2}$) times the total height of the tower plus blade length to the distant boundary of the easement.

Towers shall be set back at least one (1) mile from any inhabited structure including schools, libraries, churches, hospitals, and places of business or industry. A siting permit shall be obtained from the county planning and zoning administrator ensuring compliance with this setback requirement.
- E. Minimum Ground Clearance: The tip of a blade shall, at its lowest point, have a ground clearance of no less than seventy five feet (75').

F. Use Of Public Roadways: Routes of public travel to be used during the construction phase shall be specified in the permitting process. The public travel route will be inspected prior to the commencement of construction by the county highway department, routinely inspected throughout the construction process to determine ongoing or intermittent damage, and re-inspected thirty (30) days after project completion. If any significant damage above normal wear and tear is found during or at the end of construction by county road and bridge department, they shall give written notice of said damage to the owner and operator of the facility. Any and all repairs must be completed within thirty (30) days of said notice and paid by the developer.

Note:

It is the intent of the Clark County Board of County Commissioner that all Large or Commercial Wind Farms provide a site plan following requirements similar to a platted subdivision. The following requirements are intended to meet that requirement.

G. Contents of Preliminary Site Plan: The preliminary site plan, together with all application forms, deeds, maps, and other documents reasonably required, shall constitute a complete a Large or Commercial Wind Farm application. The preliminary site plan shall show the following (unless otherwise indicated):

1. The site plan shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), and shall show the drafting date and north arrow.
2. Four (4) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, support structures, lay down areas, utility lines, and security fencing.
3. Two (2) electronic copies of the preliminary site plan and preliminary engineering plans.
4. The name of the proposed Wind Farm Project, which shall not be the same or confusing with the name of any other Wind Farm Project in Clark County, Idaho,
5. The name and address of the owner of record, the developer, and the engineer, surveyor, or other person preparing the site plan,
6. Legal description of the area(s) included in the site plan,
7. The names and the intersection boundary lines of adjoining parcels of property,
8. A contour map of the site with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data as requested by the Clark County Planning and Zoning Commission; the map should show soil types and wetlands, flood hazard areas, and potential geological hazards; the map will also depict the presence of any Threatened or Endangered species as recognized by the US Fish and Wildlife Service and any state sensitive species and wildlife corridors as recognized by the Idaho Department of Fish and Game,

9. The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways, and easements, public and private,
10. Boundary description and the area of the tract,
11. Existing zoning of the tract,
12. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and width of roads; the proposed location of each wind tower, easements, including all approximate dimensions and including all proposed road names,
13. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed tract,
14. The approximate location of proposed or existing buildings with approximate distances shown to proposed property lines, water bodies or courses,
15. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of 100 feet), water mains, and storage facilities, road improvements, and all proposed utilities (may be shown only on the engineering plans),
16. The direction of drainage, flow, and approximate grade of all roads (may be shown only on the engineering plans),
17. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed site, The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of 100 feet, to the proposed site (may be shown only on the engineering plans);
18. All percolation tests and/or exploratory pit excavations required by district health authorities for sanitary waste systems,
19. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application,
20. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed wind farm and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
 - a. A minimum distance of 600' beyond all boundaries of the proposed development.
 - b. A north point.
 - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.

- d. Clear identification of the boundary of the proposed wind farm and its proposed roadway alignments labeled with proposed road names.
 - e. Large and Commercial Wind Farms shall provide a digital elevation model based project visibility map showing the impact of topography upon visibility of the project from other locations throughout the region, to a distance of five (5) miles from the center of the project. The scale used shall depict a three (3) mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks. An engineering analysis of the tower showing compliance with the building code and certified by a licensed professional engineer shall be submitted with the application.
21. The boundaries of the floodplain, and floodway shall also be clearly delineated and marked on the site plan,
 22. Building envelopes shall be shown on the site plan, all or part of which is within a floodway and floodplain; or any lot that is adjacent to a waterway; or any lot a portion of which has a slope of twenty-five (25) percent or greater; or upon any lot which will be created adjacent to the intersection of two or more streets,
 23. Existing mature trees and established shrub masses,
 24. A current title report shall be provided at the time that the preliminary site plan is filed with the administrator together with a copy of the owner's recorded deed to said property,
 25. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed.
 26. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater.
 27. A plan that ensures that set back and splatter areas are adequately maintained.
 28. Any other information determined by the County to be necessary for review of the preliminary site plan application.
 29. A list of the owners of the properties within one (1) mile of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each.
 30. Ten copies of the preliminary site plan and all required information shall be filed with the administrator. Copies shall be 24" x 36".
 31. The location and turnout area for solid waste pickup meeting the approval of the county road and bridge superintendent.
- H. Commission Action on Preliminary Site Plan: Consideration by the commission of a Large or Commercial Wind Farm application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the developer and granted by the commission. At that meeting, the commission shall do the following:

1. Public Hearing. The commission shall hold a public hearing on all Large and Commercial Wind Farm applications.
 2. After the public hearing, the commission shall review the preliminary site and supporting data, recommendations of administrator, testimony of the developer, and the public. The commission shall recommend, recommend with specific conditions, or not recommend the preliminary site plan. If the preliminary site plan is not recommended, the reasons for such action shall be stated in writing, and a copy signed by the administrator attached to one copy of the preliminary site plan shall be returned to the applicant.
 3. Upon review by the commission of a preliminary site plan, the administrator shall transmit to the Board the Large or Commercial Wind Farm application, preliminary site plan and other data and a copy of the commission findings and report.
- I. Board Action on Preliminary Site Plan; Submission of a preliminary site plan upon review by the commission to the Board shall be mandatory. The Board shall consider the Large or Commercial Wind Farm application at its next available regular meeting. The developer, at his request, shall be entitled to at least one continuance. The Board shall consider the preliminary site plan, Large or Commercial Wind Farm application and data, the report and recommendations of the commission along with the commission's report of testimony from the developer, witnesses, interested citizens and representatives of the commission. At its discretion, the Board may hold an additional public hearing. If an additional hearing is held, procedure outlined in the land use ordinance shall be adhered to. Upon conclusion of its consideration of the preliminary site plan, the Board shall approve, conditionally approve, or disapprove the plat and make findings consistent with law and this Ordinance. Upon approval of the preliminary site plan by the Board, the developer shall prepare required improvement design plans in accordance with this ordinance and additional condition(s) imposed by the Board. Upon approval of the improvement designs by the Planning and Zoning Commission, the developer shall commence construction on the required improvements.
- J. Final Site Plan Procedures: After approval of the preliminary site plan, the developer shall cause the Wind Farm to be surveyed and a final site plan to be prepared in conformance with the preliminary site plan as approved, and Title 50, Ordinance 13, Idaho Code. Upon completion of said final site plan, the developer shall file same and all other documents required, with the administrator. Then the administrator shall place said final plat upon the Commissioner next available regular meeting agenda. In the event that the Board finds that final plat does not substantially conform to the approved preliminary site plan, the Board shall consider said site plan a revised preliminary site plan and remand the revised preliminary site plan to the commission for an additional public hearing and review.

The developer shall submit the final site plan and plan specifications of all required improvements together with a current title report showing proof of ownership in the land to be developed. When submitted to the administrator, the final site plan shall bear all required certificates, acknowledgments and signatures. Upon receipt of a final site plan in compliance with all requirements and all conditions placed upon the preliminary site

plan, the Board shall approve the final site plan and the Chairman of the Board shall affix the date of acceptance and his signature thereon.

- K. Contents of Final Site Plan: The final site plan shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen (18) inch by twenty-four (24) inch Mylar paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Title 50, Ordinance 13, Idaho Code.

The reverse side of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information.

The contents of the final plat shall include all items required under Title 50, Ordinance 13, Idaho Code and also shall include the following:

1. Point of beginning of Wind Farm description tied to at least two governmental survey corners,
2. Location and description of monuments set,
3. Tract boundary lines, property lines, tower locations, road right-of-way and center lines, other rights-of-way and easement lines, building envelopes as required on the preliminary site plan, boundaries of floodplain and floodway, all with bearings, accurate dimensions in feet and decimals thereof, in degrees and minutes and radii, arcs, central angles, tangents, and chord lengths of all curves to the above accuracy,
4. Names and locations of all adjoining properties,
5. Name and right-of-way width of each road and other public rights-of-way,
6. Location, dimension, and purpose of all easements, public or private,
7. The towers numbered consecutively throughout the entire site,
8. The outline of any property other than a road or easement which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the County of Clark for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated,
9. The title which shall include the name of the Wind Farm, the name of the county and state, and the location and description of the Wind Farm referenced to section, township, range,
10. Scale, north arrow and date,
11. Location, width, names of all existing or dedicated roadways, and other public ways within or adjacent to the proposed Wind Farm,
12. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying site plan,
13. A current title report of all property contained within the site plan,
14. Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property,

15. Certification and signature of reviewing surveyor verifying that the Wind Farm meets all County requirements,
 16. Certification and signature of the County Planning and Zoning Commission Chairman verifying that the Wind Farm and design standards meet all County requirements,
 17. Certification and signature of the County clerk of the County of Clark verifying that the Wind Farm has been approved by the Board,
 18. Certification and signature of the County treasurer of the County of Clark verifying that all County taxes are paid on the property.
 19. Notation of any additional restrictions imposed by the Board on the development of said Wind Farm to provide for the public health, safety, and welfare.
 20. Addresses shall be provided for each building on the final site plan, calculated per the Clark County Addressing System.
- L. Final Site Plan Copies: Ten copies of the final site plan shall be filed with the administrator prior to being placed upon the Board's agenda. Three copies shall be 24" x 36". The remaining copies may be 11" x 17". One copy of the final plat as approved by the Board and signed by the County clerk shall be filed with the administrator and retained by the County.
- M. Acceptance of Dedications: Approval of the final site plan by the Board shall constitute acceptance of all dedications for public roads, rights-of-way, easements, and other lands dedicated for public purpose or use as shown thereon. As a condition precedent to the acceptance of any roads or required improvements, the Board shall require that the developer install said improvements in accordance with the construction standards, and that condition shall be noted on the final site plan.
- The Site Plan shall also include all support structures, roadways, underground utility lines, wells, septic systems, maintenance lay down areas, and fencing. All Large Wind or Commercial Wind Project support facilities shall meet the requirements for industrial buffers set forth in this document and have security fencing installed.
- N. Liability Insurance: Prior to issuance of a building permit for a wind turbine tower and continuing after construction until such facility is removed from the site, the applicant shall provide documentation satisfactory to the county and at such reasonable intervals as determined by the county of the existence of liability insurance coverage with a minimum limit of one million dollars (\$1,000,000.00) covering property damage, injury or death resulting from the construction, placement, use, maintenance, operation of a wind generation facility.
- O. Decommissioning Bond Required:
1. Applicants are required to hold a performance bond, completion bond, decommissioning bond or other financial assurance with an A rated firm in the amount of five percent (5%) of the tower's value.
 2. A detailed decommissioning and reclamation plan in accordance with state and federal law. The owner/operator of commercial tower facilities is responsible for

removing the towers and related facilities when no longer useful. They must remove the towers and facilities within two (2) years of the end of use unless a new plan is proposed to reuse the towers. Reclamation shall be restored to its original state before tower facility site construction

3. Decommissioning requirements, transfer with ownership of the turbine or ownership of wind facility.

P. Compliance with Utility Transmission Requirements:

1. Wind farms requiring new or modified utility transmission systems shall comply with the requirements of this code governing utility transmission lines, structures and systems.

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CHAPTER 10 CONFINED ANIMAL FEEDING OPERATIONS

1.0 Existing Confined Animal Feeding Operations

- A. A copy of the CAFO Ordinance shall be given to all new applicants and any existing Animal Feeding Operations who choose to register.
- B. Any decision can be appealed through the appeal process of Clark County Development Code.
- C. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.
- D. Any ordinances or resolutions, which are in conflict with this ordinance, are hereby repealed, but only in so far as the conflict exists.
- E. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall remain in effect.

General

This ordinance does not relieve any non-registered confined animal feeding operation from any obligation or penalty for non-compliance with this ordinance.

- A. An animal feeding operation, which has previously received a special use permit from the County, need not re-apply under this ordinance.
- B. Any CAFO existing as of the effective date of this ordinance, which has not previously received a condition use permit from the County, shall have one (1) year after the effective date of this ordinance to register with the Administrator. The owner must provide proof that the operation has been active at some time in the last five (5) years and is in compliance with the requirement of any appropriate State or Federal Agencies. If the County has animal unit equivalency on file prior to the effective date of this ordinance, that number shall be transferred to an animal number. If the CAFO is under the jurisdiction of the Idaho State Department of Agriculture, it will have to provide a letter of compliance as to the conformity to ISDA regulations applicable to this type of CAFO (including compliance with their Nutrient Management Plan). CAFOs not registering during the allotted time will be listed as a non-conforming CAFO but will have the right to operate under the previous conditions of special use permit issued to it.
- C. Any existing CAFO as of the effective date of this ordinance which has not registered after the allotted time allowed and has not previously received a special use permit will not be recognized as a CAFO and will have no right which could be transferred to subsequent owners.
- D. All existing CAFOs in Clark County as of the effective date of this ordinance shall be granted a CAFO siting permit if requested, unless it is determined that they are not in compliance with State and Federal regulations at the time of the request. Issuance of a siting permit accepts the facilities in an "as is" condition in regards to setbacks.
 - 1. Pastured Animal Exemption: Pastured animals are not considered to be a confined livestock operation and, therefore, they do not need a permit, nor are they regulated as

to the number of animals that an owner can have on their property. (See the definition of “Pasture” in Chapter 12.)

2.0 Expansion of Existing or Non-Conforming CAFOs

- A. A non-registered CAFO shall not make improvements or increase in size or capacity prior to going through the new CAFO application process if they have failed to register during the time allotted.
- B. Existing CAFOs that have chosen to register for a CAFO siting permit shall be able to expand to the animal number able to be controlled under the Nutrient Management Plan specifically designed and approved for it or any amendment made thereafter to remain complaint with State and Federal regulations.
- C. Included in the application for an Animal Number or Non-Conforming Expansion Permit:
 - 1. The name, address, and telephone number of the applicant.
 - 2. Legal address and description of the existing CAFO.
 - 3. Total acreage owned by the CAFO and zoning district.
 - 4. Written notification from the governing agencies as to compliance to state and federal regulations.
 - 5. The existing animal number of the CAFO and type of animals.
 - 6. Proposed animal number (able to be reached within 10 years).
 - 7. Detailed site plan showing the following information which occurs within a one (1) mile radius (minimum size of 18” X 24” and minimum scale of 1” = 100 feet):
 - 4. Building locations (existing and proposed)
 - 5. Public water supply wells
 - 6. Irrigation wells
 - 7. Existing monitoring or injection wells
 - 8. Irrigation canals and laterals
 - 9. Rivers, streams, springs, reservoirs and wetlands
 - 10. Any proposed improvements, including but not limited to wells, corrals, roads, etc.
 - 11. Traffic access
 - 12. Location of residences not owned by the CAFO
 - 13. Outdoor lighting plan
 - 14. Setbacks of proposed improvements
 - 15. Approximate time frame to complete construction or stages construction will be completed.

16. All ISDA, DEQ, IDWR, EPA and SWDH public records for the operator, operator facility(s) and owners or owners of leased land for the existing CAFO including but not limited to:
 - a) Pending and past complaints, violations and fines
 - b) Water rights for wells and irrigation
 - c) Water test including nitrates, phosphorous and coliform.
 - d) Any fees necessary to furnish the above-mentioned records shall be paid by the applicant.
9. The applicant shall submit with the application a fee in the amount set by resolution of the Board.
10. The Administrator shall approve or disapprove the application within thirty (30) days of receiving the completed application. Written notification from the County shall be mailed to the applicant at that time.
11. All decisions made by the Administrator may be appealed to the Zoning Commission within twenty (20) days of notice of the Administrator's decision.
12. Landscaping, architectural and/or screening improvements may be made conditions of the approval.
13. Any major modifications made after the Administrator's decision will require the applicant to re-submit the application with the necessary changes made.

*All existing registered CAFOs applying for an Animal Number Expansion permit will adhere to the setbacks stated in this ordinance for new CAFOs for any new improvements made. However, variances can be approved by the Board if the existing facility cannot realistically accommodate these setbacks. The Administrator may seek the advice of any regulating state or federal agency as to their opinion on the matter and if compliance would still be possible with the proposed variance. Any application including a variance shall include an additional fee set by the Board to cover the additional time and costs incurred.

3.0 Areas Allowing Confined Animal Feeding Operations

Confined Animal Feeding Operations are permitted in the rural living zone. No CAFO's are allowed within a one mile of a Residential Zone as defined in the Clark County Comprehensive Plan.

4.0 Areas Prohibiting new CAFOs

No new CAFOs shall be permitted in the following zones or areas:

- A. Any Residential zone
- B. Any Commercial or Industrial Zone
- C. Historic sites, as defined by State and/or Federal regulation
- D. Wetlands, as defined by State and/or Federal regulation
- E. 100 year flood zone (Except existing CAFOs applying for Animal Number Expansion Permits)

- F. Within one (1) mile of the any Residential Zone as defined in the Clark County Comprehensive Plan.

5.0 Outdoor Lighting

All outdoor lighting systems and/or fixtures shall be installed in such a way that the light will be directed into the CAFO property boundaries.

6.0 CAFO Siting Permits

- A. A CAFO siting permit application is required for new CAFOs or those not in existence or registered within one (1) year of the effective date of this ordinance.
- B. A CAFO siting permit and required building permits are required prior to commencing any construction of the new CAFO facility, its waste treatment system, or any improvement made to the site to aid in the construction of the new facility (excepting land leveling).
- C. Application for a siting permit shall contain the following information:
 - 1. A site plan;
 - 2. A valid water right or a copy of an application to appropriate water or an application to change the point of diversion, place, or nature of use of an existing water right that has been filed with the Idaho Department of Water Resources, which, if approved, will provide an adequate supply for the operation; and
 - 3. A fee in the amount set by resolution of the Board.
- D. Upon receiving the application requirements set forth, the application will then be sent to the CAFO Site Advisory Team for their review and report.

Members of the CAFO Advisory Team

- 1. A representative from the Idaho State Department of Agriculture;
 - 2. A representative from the Idaho Department of Water Resources;
 - 3. A representative from the Idaho Department of Environmental Quality; and
 - 4. Administrator from Clark County.
- E. Within approximately thirty (30) working days from receiving the application, the CAFO Site Advisory Team will complete their report at which time the application may then proceed to the next stage of the application process.

*By law, the CAFO Site Advisory Team will review any application if it meets the definition of a CAFO, per this ordinance. However, if time allows they will also look at applications for lesser animal numbers at the request of the Board, per IDAPA 02.04.18.

Vacancy of Use:

If the CAFO is vacant for two (2) years or longer, the permittee or registrant of the CAFO Siting permit shall notify the County within thirty days of the two (2) year timeframe. The County may, by written request, require that the owner declare their intentions with respect to the continued non-use of the CAFO. If the permittee elects to continue non-use, they shall be required to follow

the process outlined in Idaho Code 67-6538. Failure to do so will render the CAFO in violation and subject to the revocation of their CAFO Siting permit. A CAFO will lose its permit if the operation is vacant for ten (10) years.

7.0 Application Process, Notice of Hearing, and Public Hearing Procedure

All new CAFOs as defined by this ordinance shall apply for and receive a siting permit prior to commencing construction or operation. All CAFOs shall require a public hearing.

- A. **Application review:** The Administrator shall review the application for completeness. (See application requirements in Chapter 9.) After receiving notice that the application is complete, it shall be sent to the CAFO Site Advisory Team for their report.
- B. Upon completion of the CAFO Site Advisory Team's report, the Administrator shall set the matter for public hearing before the Zoning Commission, who shall make a recommendation to approve or deny the application to the Board. After receipt of the recommendation, the Board shall hold a second public hearing on the application, who shall follow the same hearing procedures as the Commission.
- C. **Hearing notice:** Notice of time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the County at least (15) days prior to such hearing. The property shall be physically posted with a public hearing sign. The applicant shall provide the Administrator with such fee as may be set by the Board and shall provide the Administrator with the names and addresses of all landowners within one (1) mile of the affected site. The Administrator shall then send a notice of the public hearing by first class mail to all property owner(s) within one (1) mile of the proposed location. Proof of service shall be made public record.
- D. All Comprehensive Plan amendments, subdivision permits or rezone applications within one (1) mile of the proposed location shall send notice of the public hearing to the CAFO owner/operator by first class mail. Proof of service shall be made a part of the public record.
- E. **Idaho Law:** Per Idaho Code 67-6529(2), the Board shall hold at least one (1) public hearing affording the public an opportunity to comment on each proposed site before the final siting of such facility.
- F. **Public hearing-procedure:**
 - 1. The hearing shall be conducted in accordance with the provisions of the Clark County Development Code Chapter 2 or other appropriate county ordinances. The hearing shall be recorded.

8.0 Application Criteria for New CAFO Permit

Prior to approval of a siting permit for a new CAFO application, the applicant shall meet the following application requirements:

- A. **General Requirements:**
 - 1. The name, address, and telephone number of the applicant.
 - 2. Legal address and description of the CAFO including latitude and longitude coordinates.

3. Total acreage owned by the CAFO.
4. Zoning district.
5. Maximum number of proposed animals on site.
6. Detailed site plan showing the boundaries of the real property comprising the CAFO, including any real property within one mile of any external boundary of the CAFO. The plan, which must be drawn to a scale of not less than eight inches (8") to the mile, must show the following:
 - a) private and community domestic wells
 - b) irrigation wells
 - c) existing monitoring wells
 - d) injection wells (as documented by the IDWR)
 - e) irrigation canals and laterals
 - f) rivers, streams, springs, reservoirs and designated wetlands within one (1) mile radius of the proposed facility
7. The applicant's plan must be in compliance with and not be in violation of any federal, state or local law or ordinance.
8. The applicant must not have begun construction of new improvements for a CAFO at the proposed location other than land leveling.
9. Applicant's plan must meet the setback and lighting requirements of this ordinance. Variances may be requested if submitted with the application.

B. New CAFO Minimum Setbacks and Other Design Standards

1. The closest edge of lagoons or waste treatment systems shall be located at least five hundred (500) feet away from any residence not belonging to the permittee of the CAFO. Residences not belonging to the CAFO permittee shall be constructed at least five hundred (500) feet away from existing closest edge of lagoons or waste treatment systems.
2. The closest inside edge of the retaining wall of any lagoon storm runoff containment or waste treatment shall be at least two hundred (200) feet inside the property lines.
3. The closest inside edge of the retaining wall of any storm runoff containment or corral shall be located at least one hundred (100) feet from a domestic well.
4. The closest inside edge of the retaining wall of any lagoon, storm runoff containment or corral shall be located at least one thousand (1,000) feet from a public drinking water supply.
5. The closest edge of corrals and feed storage areas shall set back a minimum of fifty (50) feet from public road rights of way, including prescriptive right-of-way easements.
6. The closest edge of corrals shall be located at least five hundred (500) feet away from any residence not belonging to the permittee of the animal feed operation.

7. The closest edge of silage, haylage, potatoes or any other feed product resulting from the ensilage process which is stored in the open air shall be located at least five hundred (500) feet from any existing residence not belonging to the permittee of the CAFO and/or county/city impact area and/or residential zone.
8. All new residences shall adhere to the setbacks set forth as required by this ordinance.
9. All new CAFOs shall be located at least one (1) mile from platted and existing subdivisions prior to CAFO application.
10. Landscaping, screening and architectural improvements may be made conditions of approval.

9.0 Transfer of a Siting Permit

Siting permits may be transferred provided that:

- A. The new permittee shall file a transfer statement form with the Administrator within thirty (30) days from the date of purchase, lease or transfer. The transfer statement form shall include the date of transfer, names and mailing addresses of both the transferor and transferee.
- B. The previous permittee shall provide a signed statement, stating that the CAFO is in compliance with all terms of the original permit and all local, state and federal rules and regulations.

10.0 Building Permit

A building permit shall be required before construction shall commence on any new or expanding facility where applicable. A Certificate of Occupancy is required before the occupancy or use of expanded or new facilities.

A. Building Permit

1. Prior to commencing construction of a new facility or improvements to an expanding facility, the permittee shall obtain all building permits required by Clark County as applicable to the facility.

B. Change Orders

1. If the permittee desires to make major changes to the proposed facilities authorized under the permit, the permittee shall present a written change order request to the Planning and Zoning Administrator. The request shall clearly specify any of the proposed changes being requested; including an explanation and justification for such changes along with such other documentation as will be necessary for a decision. If the proposed change involves the relocation of major improvements such as but not limited to the waste treatment system, free-stall barns and corrals, the permittee will have to adhere to the setbacks found herein.
2. The Administrator shall then make a decision and provide written notification to the permittee of the decision.
3. Any appeals of the decision shall go through the available means for appeal as stated in Clark County Development Code.

C. Construction

Construction of the CAFO must be commenced within two (2) years of the issuance of the permit and completed within five (5) years, or it shall expire, unless other time frames were addressed in the original application and approved.

11.0 Nutrient Management Plans

All CAFOs who are required to have a Nutrient Management Plan per the Idaho Department of Agriculture shall follow and be in compliance with the approved Nutrient Management Plan. Nutrient Management Plans prepared utilizing the “Idaho One Plan” are to be kept confidential or as required per Idaho Code 22.2718.4f.

CHAPTER 11 CLARK COUNTY AND THE CITY OF DUBOIS, CITY OF SPENCER FLOODPLAIN ORDINANCE

1.0 Introduction:

A. Statutory Authority

The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

B. Findings of Fact

The flood hazard areas of Clark County and the City of Dubois are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
2. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Require that development that is vulnerable to floods, including residential, commercial, and industrial structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control non-agricultural filling, grading, dredging and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers in mapped floodplains that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

D. Objectives

The objectives of this ordinance are to:

1. Protect human life, health and property;
2. Minimize damage to public facilities and utilities such as water storage and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions.

E. Applicability

The floodplain ordinance is applicable to all newly constructed residential, commercial, industrial, or substantially improved structures located in the mapped floodplain in Clark County, Dubois, or Spencer, Idaho. The following are exempted from this ordinance

1. **Minor projects:** Projects too small to warrant an engineering study and the certification. Many of these can be determined with logic: a sign post or telephone pole will not block flood flows. A driveway, road or parking lot at grade (without any filling) won't cause a problem, either. Building additions, accessory buildings, and similar small projects can be located in the conveyance shadow. This is the area upstream and downstream of an existing building or other obstruction to flood flows. Flood water is already flowing around the larger obstruction, so the addition of a new structure will not change existing flood flow.
2. **Insignificant activities** such as planting a garden, farming, putting up a mailbox or erecting a flagpole. Routine maintenance of structures, such as painting or reroofing.
3. **Administration:** To ensure the application of the definition of minor projects either the Clark County Planning and Zoning Administrator or the Clark Floodplain Administrator will determine if a project is minor according to the principles stated above.

2.0 General Provisions:

A. Lands to Which This Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Clark County and the City of Dubois. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Area of Special Flood Hazard

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM) dated September 24, 1984, and other supporting data, are adopted by reference and declared a part of this ordinance. The FIRM is on file at the offices of the City of Dubois and Clark County Clerk respectively.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required prior to development activities in Special Flood Hazard Areas established in 3.0 (B).

D. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body, and;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Clark County, the City of Dubois, the City of Spencer or by any officer or thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

3.0 Administration:

A. Designation of Floodplain Ordinance Administrator

The Clark County Disaster Services Coordinator is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

B. Permit Procedures

Application for a Floodplain Development Permit shall be made to the Planning and Zoning Administrator on forms furnished by the administrator or the administrator's designee prior to starting development activities. Specifically, the following information is required:

1. Application Stage
 - a. Plans in duplicate **drawn to scale** with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.
 - b. Elevation in relation to the Flood Protection Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;
 - i. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
2. Construction Stage
 - a. For all new residential, commercial, or industrial structure construction and substantial improvements, the permit holder shall provide to the Floodplain

Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- b. Certificate deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.
3. Technical Review
 - a. If the community does not have the expertise to evaluate the technical data that is part of the application, the community may contract for an independent engineering review or require a review by FEMA through the Letter of Map Revision process. The applicant will pay the costs of an independent technical review.
 4. Expiration of Floodplain Development Permit
 - a. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

C. Duties and Responsibilities of the Administrator

Duties of the Floodplain Administrator shall include, but shall not be limited to:

1. Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.
2. Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law. Permits may include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Idaho Stream Channel Alteration permits, I.C. 42 Chapter 38 require that copies of such permits be provided and maintained on file.
3. When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.
4. When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

5. Obtain, and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.
6. Obtain, and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.
7. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.
8. Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. All records pertaining to the provisions of this ordinance shall be maintained in the respective office of the city/county clerk or his/her designee and shall be open for public inspection.

4.0 Provisions for Flood Protection:

A. Subdivision Standards

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
3. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
4. All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
5. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

B. Construction Standards

44 CFR 59.1: Definitions: *“Substantial improvement”* means any reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.

In all Areas of Special Flood Hazard the following provisions are required.

1. New construction and substantial improvements of an existing residential, commercial, or industrial structure, including a structure that has been substantially damaged, shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. New construction and substantial improvements of an existing residential, commercial, or industrial structure, including a structure that has been substantially damaged, shall be constructed with materials and utility equipment resistant to flood damage.
3. New construction or substantial improvements of an existing residential, commercial, or industrial structure, including a structure that has been substantially damaged, shall be constructed by methods and practices that minimize flood damage.
4. All new construction or substantial improvements of an existing residential, commercial, or industrial structure, including a structure that has been substantially damaged, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two openings with a total net area of not less
 - i. than one square inch for every square foot of enclosed area subject to flooding;
 - ii. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - iii. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
 - b. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - d. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:
 - i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;
 - ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);
 - iii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;
 - iv. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

5. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities shall be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.
6. New and replacement water supply systems shall be designed to minimize or to eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
9. Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is minimal in order to meet health and safety standards.

C. Manufactured Home Standards

In all Areas of Special Flood Hazard where the Flood Protection Elevation is established, these standards for manufactured homes that are an allowed use under the zoning ordinance shall apply:

1. Manufactured homes placed or substantially improved:
 - a. On individual lots or parcels
 - b. In new or substantially improved manufactured home parks or subdivisions
 - c. In expansions to existing manufactured home parks or sub-divisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred “substantial damage” as the result of a flood, must have the lowest floor, including basement, elevated to the Flood Protection Elevation.
2. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - a. The lowest floor of the manufactured home is elevated to the Flood Protection Elevation or one foot above the level of the base flood elevation, whichever is higher.
 - b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches above the highest adjacent grade.
3. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements.
4. Manufactured homes placed on solid perimeter walls shall meet the flood vent requirements in 4.0 (B) (4).

D. Accessory Structures

Relief from the elevation or dry flood-proofing standards may be granted for a non-agriculture accessory structure smaller than the primary uses structure in size by at least 25% of the residences “footprint”. Such a structure must meet the following standards:

1. It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
2. It shall be firmly anchored to prevent flotation;
3. Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation;
4. It shall meet the opening requirements of 4.0 (B) (4).

E. Floodway Standards

The following provisions shall apply in a floodway:

1. A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:
 - a. Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;
 - b. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;
 - c. Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;
 - d. The Administrator may make the encroachment determination for minor projects, such as projects that do not increase the natural grade (e.g., paving a driveway or parking lot at existing grade, open fences and small isolated obstructions such as a mailbox or telephone pole.
2. Upon demonstrating that there are no alternatives, the applicant may propose an encroachment in the floodway that will cause an increase in the base flood elevation in excess of the allowable level provided that the applicant obtain a Conditional Letter of Map Revision from FEMA before the development can be approved and permitted..

F. Standards for Areas of Shallow Flooding (AO Zones)

Shallow flooding areas designated AO Zones, are Areas of Special Flood Hazard that have base flood depths of one to three feet, with no clearly defined channel. The following provisions apply.

1. All new construction and substantial improvements of residential, commercial, or industrial structures shall have the lowest floor, including basement, elevated above the adjacent grade at least as high as the flood depth number specified in feet on the Flood Insurance Rate Map (FIRM). If no flood depth number is specified, the lowest

- floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in 4.0 (B) (4).
2. New construction or the substantial improvement of a non-residential structure, non-accessory structure, may be flood-proofed in lieu of elevation. The structure and attendant utility and sanitary facilities must be designed to be water tight to the specified base flood level or at least two (2) feet above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Floodplain Administrator.
 3. Drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

I. Alteration of a Watercourse

A water course is considered altered when any change occurs within its banks.

1. The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers and the Idaho Department of Water Resources Stream Channel Alteration program must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.
4. The applicant shall meet the requirements to submit technical data in Sections K (1) and K (2) when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

J. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

- b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area in accordance with 4.0 (A) (3);
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;
 - d. Subdivision or large-scale development proposals requiring establishment of base flood elevations according to 4.0 (A) (3).
2. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

CHAPTER 12 DEFINITIONS

ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to parcels, lots, areas or tracts of land from an adjoining public road. In determining practicality, the topography, drainage, potential for erosion, flooding and other factors shall be considered.

ACCESS MANAGEMENT: The control of public road (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

ACCESSORY USE: A use, which is customary, incidental, and subordinate to the primary use or structure on the same parcel of land.

ADT: Average Daily Traffic

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

AGRICULTURAL BUILDING: A structure designed and constructed to house farm equipment and implements, crops, poultry, and livestock. This structure shall not be a place of human habitation, nor shall it be a place used by the public.

AGRICULTURE: An operation intended for-profit which is devoted to horticulture and/or to the production of livestock, dairy animals, dairy products, fur bearing animals, fish, big game, crops, nursery stock, fruit, vegetables, forage, grains, bees, or apiary products.

AGRICULTURAL SUPPORT USE: A use that provides services that directly support agricultural uses on the same property or on adjacent agricultural lands

ALLEY: Any thoroughfare at least 12 feet wide and not more than 30 feet wide which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting properties.

ANIMAL, DOMESTIC: Animals customarily reared as pets, including dogs, cats, rabbits, fish, and farm animals.

ANIMAL, FARM: See “Livestock”

ANIMAL FEEDING OPERATIONS: AFOs are agricultural operations where animals are kept and raised in confined situations. AFOs generally congregate animals, feed, manure, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures.

ANTENNA: A whip (omni-directional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals.

ANTENNA ARRAY: An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs). The antenna array does not include the mount as defined herein.

ASSISTED LIVING CENTER: Housing for certain classes of people such as mentally or physically disabled, and elderly. Such housing does provide individual apartments with or without kitchens for the residents.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded each year.

BASE FLOOD ELEVATION (BFE): Means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

BASEMENT: Means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

BED AND BREAKFAST: The use of a dwelling as an inn, where the residence remains the primary use.

BILLBOARD: A sign advertising a facility, product or event not on the site occupied by the sign. Also called “outdoor advertising”.

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

BUILDING: Any structure, either temporary or permanent, having a roof supported by walls.

BUILDING, HEIGHT OF: The vertical distance as measured from the highest point of the roof or the building, not including chimney or vane, down to the point representative of the average finished grade of the land around the perimeter of the building.

BUILDING SITE: A recorded lot or parcel of land occupied or to be occupied by a main building and its accessory buildings, or a specified area within a lot as indicated on a recorded survey or plat.

CONFINED ANIMAL FEEDING OPERATION (CAFO): The use of a contiguous area, lot, facility or parcel of land, upon which there are confined or stabled livestock, swine, poultry or other animals defined as follows:

- a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) consecutive days or more in any twelve-month period on the same facility; and
- b. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
- c. The minimum number of animals at the facility to be defined as a CAFO shall be:
 - (1) 700 mature dairy cows, whether milked or dry;
 - (2) 1,000 veal calves;
 - (3) 1,000 beef cattle. Cattle includes, but are not limited to: heifers, steers, bulls and cow/calf pairs;
 - (4) 2,500 swine, each weighing 55 pounds or more;

- (5) 10,000 swine, each weighing less than 55 pounds;
- (6) 500 horses;
- (7) 10,000 sheep or lambs;
- (8) 55,000 turkeys;
- (9) 30,000 laying hens or broilers, if the CAFO uses a liquid manure handling system;
- (10) 125,000 chickens (other than laying hens), if the CAFO uses a liquid manure handling system;
- (11) 82,000 laying hens, if the CAFO uses a system other than a liquid manure handling system;
- (12) 30,000 ducks, if the CAFO uses a system other than a liquid manure handling system;
- (13) 5,000 ducks, if the CAFO uses a liquid manure handling system.

All acreage within the contiguous animal feeding operation is subject to the setback limitations as defined in this Development Code

CAFO SITING PERMIT: Permit required before a CAFO can be created, continued, developed, operated or transferred.

CAMOUFLAGE: To disguise, mask or alter the appearance of a WCF so as to obscure the identity or true nature of the facility.

CAMPGROUND: A place used for camping or parking of recreational vehicles or tents for short periods of time.

CARRIER: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder is not a carrier.

CELLULAR: A form of personal wireless services operating in the 800 MHz spectrum, or its successor technology.

CENTRAL SEWER: A sewage and effluent pre-treatment facility serving more than one structure, and owned privately or in common by other than a governmental entity.

CLEAR VISION TRIANGLE: The area, as specified by this Code, providing the visibility required for safe access to public roads.

CLINIC: Single or multiple offices for state licensed physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts. A clinic may also include a dispensary primarily to handle merchandise customarily prescribed by occupant in connection with their practice.

CLUSTER or CLUSTERED: A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

CO-LOCATION: The use of a common mount or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology as well as placement of two or more WCFs on adjacent properties.

COMMERCIAL FEEDLOT: An area where livestock which have been purchased from other ranches are grouped together for intensive feeding purposes prior to their sale for slaughter.

COMMERCIAL USES: Any profit making activity of sales or services as allowed by this ordinance.

COMMERCIAL WIND TURBINE: Total height exceeds one hundred fifty feet (150') or the nameplate capacity exceeds one hundred (100) kilowatts.

COMMON OPEN SPACE: A portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of twenty-five (25) feet around each structure or any impervious surface.

CONCEAL: To enclose a WCF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

CONVENIENCE ESTABLISHMENTS: Are establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry, beauty shops, barber shops or combination thereof, but do not include repair garages, automobile sales yards or clothing stores.

CROP PRODUCTION: The process of raising field, horticultural or garden crops or produce for the purpose of providing food production for the owner of the land upon which the crops or produce are raised or for someone designated by the landowner and intended for sale or personal use.

CROSS-ACCESS: A driveway providing vehicular access between two or more contiguous sites so motor vehicles do not need to enter the public street to drive between properties.

CORRAL: A confined area typically used actively for sorting, loading, unloading and similar activities associated with an operation.

CUL-DE-SAC: A "local" street (as that term is used in the Clark County Design Standards) having only one outlet with a turn-around at the opposite end, and which is not planned for future extension, or connection to other streets.

DAIRY PLANT: A commercial establishment set up for the purpose of manufacturing and/or processing of dairy products. This definition shall also include any accessory building related to dairy activities.

DAIRY FARM: The keeping of milk-producing animals, offspring and breeding stock primarily for the production of milk and/or the processing of milk products.

DAYCARE/NURSERY SCHOOL: The use of a building, home, or similar structure to provide care, with or without instruction, for two (2) or more children, unrelated to the provider, on a continuing basis whether for profit or not.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per acre of the total land to be developed including land dedicated to public use.

Density, Net: The number of dwelling units per acre of the land devoted to residential uses only and excluding land dedicated to public use.

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

DEVELOPMENT, NFIP DEFINITION: Means any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures, or accessory structures, or the construction of additions or substantial improvements to building, structures or accessory structures; the placement of mobile homes' mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specially including the construction of dikes, berms and levees,. The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. (I.C. 46-1021)

DISGUISE: See Camouflage.

DRIVEWAY: A non-dedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than four (4) dwelling units (excluding accessory dwelling units) and is constructed in conformance with the applicable adopted street standards and International Fire Code.

DUDE/ GUEST RANCH: A ranch that provides multi-night accommodations for guests, provides a recreational activity or immediate access to recreational activities, has dining facilities on-site, barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café or bar that caters to the general public, nor does it actively solicit nightly.

DWELLING, MULTIPLE: A building or portion thereof, containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A building or portion thereof, containing a single dwelling unit.

DWELLING, TWO-FAMILY OR DUPLEX: A building or portion thereof, containing two dwelling units.

DWELLING UNIT: A building or portion thereof, containing two or more rooms and used for independent living quarters by one family only, with bath and kitchen facilities permanently installed.

EASEMENT: A grant by a property owner to a specific person(s) or the public, to use land for specific purpose(s). Also, such a right acquired by prescription.

ELEVATION: The measurement of height above mean sea level.

EQUIPMENT CABINET/SHELTER: An enclosed structure at the base of the mount within which are housed the equipment for the WCF such as batteries and electrical equipment.

EXPANSION PERMITS: A permit obtained by a registered CAFO to expand Animal Numbers.

EXTRACTION: See Mining.

FALL ZONE: The area within a prescribed radius from the base of a WCF. The fall zone is the area within which there might be a potential hazard from falling debris or a collapsing mount

FAMILY: Two or more persons related by blood, marriage, adoption or custody, living together in a dwelling unit.

FEDERAL COMMUNICATION COMMISSION (FCC): An independent federal agency charged with licensing and regulating wireless communications at the national level.

FEEDLOT: Corrals or holding areas for the impoundment of livestock for market or production of milk, eggs, and the like, and not incidental to a farm or ranch livestock operation.

FLOOD or FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): Means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

FLOODPLAIN: Means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

FLOOD PROTECTION ELEVATION (FPE): Means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, {plus 1 foot of freeboard}. Therefore the Flood Protection Elevation for Clark County and the City of Dubois is equal to BFE plus floodway elevation (if present) plus (1 foot) freeboard.

FEEBOARD: Means a factor of safety usually expressed in feet above a flood level for the 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 a 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.

FRONTAGE ROAD: A road located parallel to an arterial street / highway for service to abutting properties for the purpose of controlling access to the arterial street / highway.

FUNCTIONAL AREA (INTERSECTION): That area beyond the physical intersection of two roads that comprises decision and maneuver distance, and required vehicle storage, if any.

FUNCTIONALLY EQUIVALENT SERVICES: Forms of personal wireless services including cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

GARDEN CENTER: A retail business or portion of a retail business devoted to the sale of outdoor plants, as well as garden equipment and tools.

GAS STATION, SERVICE STATION, OR FILLING STATION: An establishment where motor fuels are sold at retail. Incidental vehicle maintenance and repair is sometimes also conducted on the premises.

GREENHOUSE: A building primarily constructed of clear or translucent material for the purpose of growing plants.

HAZARDOUS MATERIALS: Any materials that are considered by the Health Department or Federal Environmental Protection Agency to be hazardous to public health or safety.

HEALTH AUTHORITY: The local district health department or State Department of Health and Welfare that has jurisdictional authority.

HEIGHT, TOTAL WIND TURBINE: Total height of a wind turbine shall be determined by using a measurement which includes the total height of the structure plus the maximum size of the rotor radius.

HEIGHT, WIRELESS COMMUNICATIONS FACILITY (WCF): The distance measured from above ground level to the highest point of a WCF, including the antenna array. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall combined height.

HIGHWAY: See Road.

HOBBYIST WIND TURBINE: Total height is less than sixty feet (60') and the nameplate under one kilowatt.

HOG OR PIG FARMING, COMMERCIAL: The keeping of more than six adult swine on the premises.

HOME OCCUPATION/BUSINESS: A home occupation is one that generates no additional traffic to the home than would be expected by residential use. Home business is an occupation that has grown to include additional impacts such as traffic and s.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients but distinguished from a nursing home by offering primarily short-term medical care.

IMPERVIOUS SURFACE: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt, compacted road base gravel or gravel driveways.

Large impervious area. An area of impervious surface including, but not limited to, a parking lot of any size, large building, street, cul-de-sac, large amenities complex and other similar impervious area.

Small impervious area. An area of impervious surface such as a small swimming pool, or one small basketball court, or one tennis court, or a small maintenance building, or an historic home site, or an existing or new trail system, or some other similar impervious area.

IMPORTANT WILDLIFE HABITAT: As determined by Idaho Fish and Game. Habitat values change with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time.

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

KENNEL: Any place on which more than three dogs (except for agricultural use by animal owner) or cats kept for the purpose of sale, placement, boarding, care, or breeding, for which any fee is exchanged.

LAGOON: A body of liquid waste.

LAND APPLICATION AREA: Parcels of land owned or controlled by the animal feeding operation used for land application of waste (liquid or solid) as authorized under an Idaho State Department of Agriculture approved nutrient management plan.

LANDSCAPING: Outdoor plants such as trees, grass, shrubs and flowering plants.

LICENSED CARRIER: Any party authorized by the FCC to operate in an assigned frequency.

LIVESTOCK: Animals maintained as a source of food, clothing, transportation, or power.

LIQUID WASTE: A liquid substance containing any of the following separately or in any combination: wastewater, waste, other waste products or effluent.

LOT: The contiguous land in the same ownership which is not divided by any public road right-of-way.

LOT, CORNER: A lot situated at the intersection of two roads.

LOT DEPTH: The distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, THROUGH: A lot with frontage on more than one street other than corner lot.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINE: The lines bounding a lot.

LOT, REVERSE CORNER: A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

LOT, SUBSTANDARD: A lot or tract of record by deed or plat that does not comply with minimum area, width, or depth requirements currently applicable to the district in which it is located, but which complied with applicable requirements when it was placed on record.

LOT WIDTH: The distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

LUMBER/SAWMILL: A place or building in which timber is sawed into dimensional lumber.

LUMBERYARD: An area where lumber is stored for sale.

MANUFACTURED HOUSE: A structure transportable in one or more modules which is built on a permanent chassis and designed to be used as a dwelling unit with a permanent foundation and footing when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The manufactured house may be permanently attached to an approved foundation and footing. Units manufactured prior to June 1976 not stamped approved by HUD (national mobile home construction and safety standards act of 1974) shall not be considered a "manufactured house" as defined herein. For clarification, this definition excluded mobile homes, trailers, campers, and other similar units as may be defined in this Ordinance and which are permitted in mobile home parks or mobile home subdivisions under the relevant regulations of this and other county ordinances. Manufactured house units shall be designed and constructed as required by the Department of Housing and Urban Development (HUD) and conform to the International Building Code (IBC) to satisfy the provisions of other mandated related codes by state and federal authority. The term "Manufactured Home" does not include a "Recreational Vehicle."

MINIMUM LANDSCAPED SPACE: The percentage of lot areas, which must be maintained in grass or other living vegetation.

MINING: The extraction of sand, gravel, rocks, soil, or other material from the land and the removal thereof from the site. For the purposes of this Ordinance, mining shall not include the removal of excess materials in accordance with approved plats, or utility and highway construction, normal farming practices, and sod removal.

MOBILE HOME PARK/ CAMPGROUND PARK: A parcel of land under single, unified ownership or control, within which spaces are rented or used by the subdivision ownership for occupancy by two (2) or more mobile homes and/or recreational vehicles developed following the provisions set forth in this ordinance and the subdivision ordinance.

MOBILE OR TRAILER HOME: A vehicle with or without motive power designed to be used for human habitation. Also, a vehicular portable structure built on a chassis and designed to be used with or without a permanent foundation for human habitation not taxed as real property by the county and state.

MONOPOLE: The shape of mount that is self-supporting with a single shaft of wood, steel or concrete.

MOTEL, HOTEL, INN: A building or group of buildings designed mainly to provide sleeping facilities to serve travelers and others on a short-term basis.

MOTOR VEHICLE REPAIR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body straightening or repair and overall painting of vehicles within an enclosed building.

MOUNT: The structure or surface upon which antennas are mounted, e.g.:

- A. Roof-mounted. Mounted on the roof of a building;
- B. Side-mounted. Mounted on the side of a building;
- C. Ground-mounted. Mounted on a monopole, mast, pole or tower;
- D. Structure-mounted. Mounted on a structure other than a building.

MUSEUM: A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.

NEIGHBORHOOD COMMERCIAL USES: Limited retail uses and personal services which primarily serve the neighborhood in which they are located, including convenience stores, dry cleaners, bakeries and day care centers.

NOISE PARK: An area, track, course, structure or structures, grading, and the like devoted to the use of off-road vehicles such as motorcycles, cars, snowmobiles, trucks, carts and the like, either for personal or commercial use.

NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE: Any natural or planted vegetation or other nonstructural component of the storm water management plan that provides for or enhances storm water quantity and/or quality control or other storm water management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depression, and vegetated channels.

NURSERY, WHOLESALE: A business, which grows and sells living plants primarily to other businesses.

NURSERY, RETAIL: A business, which grows and sells living plants primarily to individuals for use inside or outside a residence.

NURSING HOME: A form of institutional housing that is provided with facilities for the boarding and care of the aged and the infirm.

OBSTRUCTED STREET: A public or private street obstructed by a gate or other barrier that is designed to have, or has the effect of restricting access. Obstructed streets are not permitted.

OPEN SPACE: An area substantially open to the sky that may be on the same lot with a building. The area may include along with the natural landscape features, water areas,

agricultural lands, golf courses and other recreational facilities that the Commission deems permissible. Street, parking area, structures for habitation are not included. Lawns, yards, gardens, or similar outdoor features associated with homes, condominiums, apartments, or businesses when such features are held in common.

ORDINARY HIGH WATER LEVEL (OHW): The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTDOOR STORAGE: Storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

OVERLAY DISTRICT: A zone superimposed over another zone or zones allowing for additional uses or restrictions.

PASSIVE OPEN SPACE: Open space that is used for relaxation, such as sitting or strolling. Facilities may include the following: plazas or medians with seating, a percentage of beach areas (sunbathing), picnicking areas, greenways and esplanades (sitting, strolling), paths, accessible restricted use lawns, gardens, church yards or cemeteries with seating, and publicly accessible natural areas used, for example, for strolling, dog walking, and bird watching.

PASTURE: Land where crops, vegetation, or forage growth are sustained in the normal growing season.

PERFORMANCE STANDARDS: Regulations providing specific standards for design and/or construction.

PERSONAL WIND TURBINE: Total height is less than one hundred fifty feet (150') and the nameplate is less than one hundred (100) kilowatts.

PERSONAL WIRELESS SERVICE FACILITY: Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A personal wireless service facility is any un-staffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

PERSONAL WIRELESS SERVICES: Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including, but not limited to, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

PLANNED UNIT DEVELOPMENT (P.U.D): A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of stages of development. Subdivision and Zoning regulations are applied to the project as a whole rather than to individual lots with densities calculated for the entire development.

PRIMARY USE: The principal use to which the premises are devoted, and the principal purpose for which the premises exist.

PRINT SHOP: A shop where prints or graphics are sold and, where printing is done.

PRIVATE ROAD: See Road.

PUBLIC BUILDING: Any building, or group of buildings, constructed by a government entity and intended for use by the general public.

PUBLIC EMERGENCY SERVICE AGENCY: Any public agency directly responsible for providing police, fire, safety, ambulance, or emergency medical care services to the public.

PUBLIC ROAD: See Road.

PUBLIC SERVICE PROVIDERS: A potentially affected “public service provider” is any local, state or federal agency, including special districts, which provide any public facility or service or are responsible for the protection or management of natural resources that may be affected by a proposed development. Included are public agencies and private firms responsible for the provision or maintenance of domestic water, sewer, irrigation water, roads, public transportation, schools, electricity, cable, and natural gas services within the area affected by the development or that may be expected to utilize any of the above services. State law specifically states that school districts are potentially affected public service providers.

PUBLIC UTILITY AND PUBLIC SERVICE FACILITY: Structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, pumping stations, fire stations and police stations.

RADIO FREQUENCY (RF) ENGINEER: A professionally trained, licensed electrical or microwave engineer who specializes in the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR): The emissions from a WCF that can, in excessive amounts, be harmful to humans. RF emissions are part of the RF signal.

RADIO FREQUENCY (RF) SIGNAL: The actual beam or radio waves sent and received by a WCF. A signal contains RF emissions.

RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling, recreational or sporting purposes. The term “recreational vehicle” shall include, but not be limited to travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

A Recreation Vehicle is:

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

RECYCLING COLLECTION POINT: A container for the collection of recyclable materials, which are specified on the container

RECYCLING FACILITY: A building used for the collection, shipping and distributing of used materials, or for the re-manufacture of waste materials into another product or form. If materials are stored outside the building, the facility shall be deemed a junkyard.

REFERENCE ROAD: Any federal public road, state highway or road, or county road designated as graded and drained, or higher improvement designation, on the official County Highway Map, located within the County.

REGULATORY FLOODWAY: Means 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 more than a designated height.

RESIDENTIAL USE: Activities related to residential use, relating to or consisting of private housing rather than offices or factories, are allowed by this Ordinance.

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

ROAD: A right-of-way or easement providing for motor vehicular travel. If a public road, the dedication has been officially accepted by Clark County or Idaho Transportation Department. "Roads" are designed, improved, and maintained for use by motor vehicles but may also support other modes of travel including bicycling and walking. "Roads" include but are not limited to:

"Road" or "Roadway" includes the terms highway, thoroughfare, parkway, lane, avenue, boulevard, highways, alley, place or other such terms.

Related structures such as tunnels, culverts, or similar structures; and,

Structures that provide for continuity of the roadway such as bridges

The following are specific types of Roads:

State Highways: a public Road, including its entire right-of-way, under the jurisdiction of the State of Idaho.

Contact: Idaho Transportation Department,

County Roads: a public Road, including its entire right-of-way, under the jurisdiction of Clark County.

Contact: Clark County Road and Bridge Department.

Private: A Road that is not accepted for public use or maintenance that provides vehicular and pedestrian access to lots, parcels, areas or tracts of land, and has been approved by the County for use as a private road. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not repaired, plowed or otherwise maintained by the County nor can the County contract for its maintenance.

U.S. Forest Service Road: A federally owned easement or right-of-way which provides access to federally owned land.

ROAD CLASSIFICATION: (As shown in Figure 4.2 of the Clark County Transportation Plan). Roads are classified as “arterial,” “collector,” or “local.” Public streets not specifically classified as either arterial or collector streets, or lying outside of the incorporated cities are considered local.

RURAL CONSERVATION SUBDIVISION: A method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use storm water designs that emphasize onsite retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

SECURITY BARRIER: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SELF-SERVICE STORAGE FACILITIES: A structure containing separate individual and private storage spaces of varying sizes and used exclusively for storage of personal items belonging to each tenant.

SETBACK: The shortest distance from a building on a lot to any property line, lot line or public road right of way adjacent to said lot.

SCREENING: Earth mounds or berms, sight obscuring fence and walls, or landscaping used singly or in combination to block direct visual access to an object.

SHELTER HOUSING: Housing for certain classes of people such as mentally or physically disabled, and elderly. Such housing does not provide individual kitchens for the residents.

SHARED ACCESS (OR JOINT ACCESS): A driveway connecting two or more contiguous developments to the adjacent public street.

SIGN: Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. Specific types of signs are defined in Chapter 4, Section 11.0 of this Development Code.

SIGNIFICANT CHANGE IN TRIP GENERATION: An increase of twenty (20) or more total daily vehicle trips (ADT) generated by a development due to the change in the use of land, structures, or facilities, or an expansion of the structures or facilities. Estimates of existing and future ADT shall rely upon trip generation rates contained within the current edition of the Institute of Traffic Engineers, Trip Generation Manual.

SIGNIFICANT HISTORICAL SITE: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery.

SHOOTING PRESERVE: An area used for shooting for which a fee is charged.

SPECIALIZED MOBILE RADIO (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier, a form of personal wireless service. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

STABLE, COMMERCIAL: A facility where horses are boarded, bred, or raised by the occupants of the premises for a fee. Also includes facilities that rent horses for riding.

STAND, ROADSIDE: A structure used only for the display and sale of locally grown produce with no space for customers within the structure.

STORM RUN-OFF CONTAINMENT: The containment area that intercepts and holds precipitation runoff off from a corral or other confined animal enclosures. Sizing shall be based on the correct sizing the Idaho State Department of Agriculture has approved for this facility.

STREAM OR RIPARIAN CORRIDOR SETBACK: The distance from the outer riparian edge of a natural waterway on which structures are prohibited.

STREAM: A body of water flowing in a channel or watercourse, a steady current of water beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains stream flow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of less than 25 acres, the Idaho Department of Water Resources or the US Army Corp of Engineers may require field studies to verify the existence of a stream.

STREET: See Road.

STRUCTURE: Anything constructed which requires permanent location above or below the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, bridges or culverts across streams, tennis courts, swimming pools, garden sheds, etc. For the purpose of the Floodplain Ordinance a Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this ordinance. If the subdivider is not the owner of the property he shall be the agent of the owner as evidenced by a recorded power of attorney for said purpose.

SUBDIVISION: Land that is divided for the purposes of further development.

SUBSTANTIAL DAMAGE: Means 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 of its market value before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 market value of the structure should be (1) the appraised value of the structure

prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed. The term does not include either:

- (a) A 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
- (b) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

TOWER: A generic term used to describe a mount used for the attachment of antenna, microwave communication equipment, parabolic antennas, directional antennas and other types of equipment for the transmission or receipt of RF signals.

TRAVEL TRAILER: See Recreational Vehicle.

TREE SIZES: The height of evergreens and the diameter of the trunk at a height of 1 foot above the ground of deciduous trees.

"TWENTY FIVE (25%) PERCENT GRADE: One foot change in elevation for every four feet of land measured horizontally.

USABLE OPEN SPACE: Shall not include the area encompassed by streets, parking areas, slopes over fifty (50) percent unless the slope provides a specific beneficial use, or areas included within a required setback. Parking areas that support specific recreational uses such as trails may be counted as open space at the discretion of the Board.

UNLICENSED WIRELESS SERVICES: Commercial mobile services, a form of personal wireless services, that can operate on public domain frequencies and therefore need no FCC license for their sites.

UTILITY POLE: A telephone pole, utility distribution pole, streetlight or traffic signal stanchion, that is commonly used in Clark County to provide telephone service, cable television, electricity or light. A monopole is not a utility pole.

VARIANCE: A modification of the requirements of this Ordinance as to lot size, lot coverage, width, depth, height of structure, setbacks, parking space, or other Ordinance provisions affecting the size and shape of a structure or the placement of the structure upon lots, or the size of lots.

VISUAL OBSTRUCTION: A structure, object, or vegetation that hinders or otherwise limits the visibility of pedestrians or persons in motor vehicles approaching an intersection, within the limits of the clear vision triangle as described in this Ordinance, from observing other pedestrians or motor vehicles approaching the intersection from another direction. The following are not visual obstructions:

A public utility pole,

A tree trimmed (to the trunk) of all branches to a height of at least ten (10) feet above the curb (if present) or the height of the center of the adjacent roads,

Plant species with an open growth habit that do not form a hedge and are so planted and trimmed as to not diminish a clear and unobstructed cross-view at anytime or season of the year,

A supporting member or appurtenance to a permanent building lawfully existing on (date of adoption),

An official traffic sign or signal,

The natural contour of the ground when it limits cross-visibility at an intersection.

WASTE: A by-product normally associated with a confined animal feeding operation, which may include manure, sludge, sediment, mud, silt, dung, urine or feces, waste products, wastewater, feed residues, and effluent.

WASTE TREATMENT SYSTEM: The process, area, or mechanism employed for the retention, storage and treatment of liquid or solid wastes.

WASTEWATER: Water that has been used for washing, flushing, or in a manufacturing process, which may also contain waste products.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Identified and defined by Army Corps of Engineers or Natural Resource Conservation Service).

WILDLIFE CORRIDOR: The daily or seasonal migration patterns of native animal species.

WILDLIFE PRESERVE: A parcel of land whose primary purpose is a habitat for wild animals, indigenous to Idaho. Wildlife preserves are confined, private areas and do not include State of Idaho wildlife management areas or unconfined lands which are wildlife-habitat.

WIND FARM: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator. A system shall be deemed to be a "wind farm" or a "large" or "commercial" project if it consists of one or more wind turbines exceeding one hundred fifty feet (150') or one hundred (100) kilowatt nameplate capacity on the same or adjoining parcels. A "wind farm" or "large" project shall be required to meet the same criteria as a "commercial" project for the purposes of this chapter. Large or commercial wind conversion systems shall be required to follow the same criteria as set out herein for personal wind turbines as well as the commercial wind turbines. In the event of a conflict in regulations, the commercial section shall be the controlling section.

WIND TURBINE: Any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the entire turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power.

WIRELESS COMMUNICATION FACILITY (WCF): A facility that transmits and/or receives electromagnetic signals for voice, data, image, graphic and other information, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or receipt of such signals; towers or other structures supporting the equipment; equipment buildings, shelters, cabinets, parking area, and other accessory

development. WCFs include, but are not limited to, personal wireless services and facilities as defined by Section 704 of the Telecommunications Act of 1996, and broadcast service facilities.

YARD: The area between any lot line and the setback required therefrom.